

PROOF

PARLIAMENT OF VICTORIA

LEGISLATIVE COUNCIL
DAILY HANSARD

TUESDAY, 16 FEBRUARY 2021

**SUGGESTED CHANGES TO THE FINAL EDITION MUST BE SUBMITTED BY
4.30 PM ON THE MONDAY AFTER THE SITTING WEEK.**

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

| | |
|---|---------------------------|
| Premier. | The Hon. DM Andrews, MP |
| Deputy Premier, Minister for Education and Minister for Mental Health.. | The Hon. JA Merlino, MP |
| Attorney-General and Minister for Resources | The Hon. J Symes, MLC |
| Minister for Transport Infrastructure and Minister for the Suburban Rail Loop | The Hon. JM Allan, MP |
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| Minister for Local Government, Minister for Suburban Development and Minister for Veterans | The Hon. SL Leane, MLC |
| Minister for Water and Minister for Police and Emergency Services.... | The Hon. LM Neville, MP |
| Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events and Minister for Racing | The Hon. MP Pakula, MP |
| Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services and Minister for Creative Industries | The Hon. DJ Pearson, MP |
| Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy and Minister for Small Business | The Hon. JL Pulford, MLC |
| Minister for Multicultural Affairs, Minister for Community Sport and Minister for Youth | The Hon. RL Spence, MP |
| Minister for Workplace Safety and Minister for Early Childhood | The Hon. I Stitt, MLC |
| Minister for Agriculture and Minister for Regional Development | The Hon. M Thomas, MP |
| Minister for Prevention of Family Violence, Minister for Women and Minister for Aboriginal Affairs | The Hon. G Williams, MP |
| Minister for Planning and Minister for Housing | The Hon. RW Wynne, MP |
| Cabinet Secretary | Ms S Kilkenny, MP |

Legislative Council committees

Economy and Infrastructure Standing Committee

Mr Barton, Mr Erdogan, Mr Finn, Mr Gepp, Mrs McArthur, Mr Quilty and Mr Tarlamis.

Participating members: Dr Bach, Ms Bath, Dr Cumming, Mr Davis, Mr Limbrick, Mr Meddick, Mr Ondarchie, Mr Rich-Phillips and Ms Watt.

Environment and Planning Standing Committee

Dr Bach, Ms Bath, Dr Cumming, Mr Grimley, Mr Hayes, Mr Meddick, Mr Melhem, Dr Ratnam, Ms Taylor and Ms Terpstra.

Participating members: Ms Crozier, Mr Davis, Dr Kieu, Mrs McArthur and Mr Quilty.

Legal and Social Issues Standing Committee

Ms Garrett, Dr Kieu, Ms Lovell, Ms Maxwell, Mr Ondarchie, Ms Patten, Dr Ratnam and Ms Vaghela.

Participating members: Dr Bach, Mr Barton, Ms Bath, Ms Crozier, Dr Cumming, Mr Erdogan, Mr Grimley, Mr Limbrick, Mr O'Donohue, Mr Quilty, Ms Shing, Mr Tarlamis and Ms Watt.

Privileges Committee

Mr Atkinson, Mr Bourman, Ms Crozier, Mr Grimley, Mr Leane, Mr Rich-Phillips, Ms Shing, Ms Symes and Ms Tierney.

Procedure Committee

The President, the Deputy President, Ms Crozier, Mr Davis, Mr Grimley, Dr Kieu, Ms Patten, Ms Pulford and Ms Symes.

Joint committees

Dispute Resolution Committee

Council: Mr Bourman, Ms Crozier, Mr Davis, Ms Symes and Ms Tierney.

Assembly: Ms Allan, Ms Hennessy, Mr Merlino, Mr Pakula, Mr R Smith, Mr Walsh and Mr Wells.

Electoral Matters Committee

Council: Mrs McArthur, Mr Meddick, Mr Melhem, Ms Lovell, Mr Quilty and Mr Tarlamis.

Assembly: Ms Blandthorn, Mr Guy, Ms Hall and Dr Read.

House Committee

Council: The President (*ex officio*), Mr Bourman, Mr Davis, Mr Leane, Ms Lovell and Ms Stitt.

Assembly: The Speaker (*ex officio*), Mr T Bull, Ms Crugnale, Ms Edwards, Mr Fregon, Ms Sandell and Ms Staley.

Integrity and Oversight Committee

Council: Mr Grimley and Ms Shing.

Assembly: Mr Halse, Mr McGhie, Mr Rowswell, Mr Taylor and Mr Wells.

Public Accounts and Estimates Committee

Council: Mr Limbrick and Ms Taylor.

Assembly: Ms Blandthorn, Mr Hibbins, Mr Maas, Mr D O'Brien, Ms Richards, Mr Richardson, Mr Riordan and Ms Vallence.

Scrutiny of Acts and Regulations Committee

Council: Mr Gepp, Mrs McArthur, Ms Patten and Ms Terpstra.

Assembly: Mr Burgess, Ms Connolly and Ms Kilkenny.

Heads of parliamentary departments

Assembly: Clerk of the Legislative Assembly: Ms B Noonan

Council: Clerk of the Parliaments and Clerk of the Legislative Council: Mr A Young

Parliamentary Services: Secretary: Mr P Lochert

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

President

The Hon. N ELASMAR (from 18 June 2020)

The Hon. SL LEANE (to 18 June 2020)

Deputy President

The Hon. WA LOVELL

Acting Presidents

Mr Bourman, Mr Gepp, Mr Melhem and Ms Patten

Leader of the Government

The Hon. J SYMES

Deputy Leader of the Government

The Hon. GA TIERNEY

Leader of the Opposition

The Hon. DM DAVIS

Deputy Leader of the Opposition

Ms G CROZIER

| Member | Region | Party | Member | Region | Party |
|---------------------------------------|----------------------------|-------|---|----------------------------|--------|
| Atkinson, Mr Bruce Norman | Eastern Metropolitan | LP | Maxwell, Ms Tania Maree | Northern Victoria | DHJP |
| Bach, Dr Matthew ¹ | Eastern Metropolitan | LP | Meddick, Mr Andy | Western Victoria | AJP |
| Barton, Mr Rodney Brian | Eastern Metropolitan | TMP | Melhem, Mr Cesar | Western Metropolitan | ALP |
| Bath, Ms Melina Gaye | Eastern Victoria | Nats | Mikakos, Ms Jenny ⁵ | Northern Metropolitan | ALP |
| Bourman, Mr Jeffrey | Eastern Victoria | SFFP | O'Donohue, Mr Edward John | Eastern Victoria | LP |
| Crozier, Ms Georgina Mary | Southern Metropolitan | LP | Ondarchie, Mr Craig Philip | Northern Metropolitan | LP |
| Cumming, Dr Catherine Rebecca | Western Metropolitan | Ind | Patten, Ms Fiona Heather | Northern Metropolitan | FPRP |
| Dalidakis, Mr Philip ² | Southern Metropolitan | ALP | Pulford, Ms Jaala Lee | Western Victoria | ALP |
| Davis, Mr David McLean | Southern Metropolitan | LP | Quilty, Mr Timothy | Northern Victoria | LDP |
| Elasmar, Mr Nazih | Northern Metropolitan | ALP | Ratnam, Dr Samantha Shantini | Northern Metropolitan | Greens |
| Erdogan, Mr Enver ³ | Southern Metropolitan | ALP | Rich-Phillips, Mr Gordon Kenneth | South Eastern Metropolitan | LP |
| Finn, Mr Bernard Thomas Christopher | Western Metropolitan | LP | Shing, Ms Harriet | Eastern Victoria | ALP |
| Garrett, Ms Jane Furneaux | Eastern Victoria | ALP | Somyurek, Mr Adem ⁶ | South Eastern Metropolitan | Ind |
| Gepp, Mr Mark | Northern Victoria | ALP | Stitt, Ms Ingrid | Western Metropolitan | ALP |
| Grimley, Mr Stuart James | Western Victoria | DHJP | Symes, Ms Jaclyn | Northern Victoria | ALP |
| Hayes, Mr Clifford | Southern Metropolitan | SAP | Tarlamis, Mr Lee ⁷ | South Eastern Metropolitan | ALP |
| Jennings, Mr Gavin Wayne ⁴ | South Eastern Metropolitan | ALP | Taylor, Ms Nina | Southern Metropolitan | ALP |
| Kieu, Dr Tien Dung | South Eastern Metropolitan | ALP | Terpstra, Ms Sonja | Eastern Metropolitan | ALP |
| Leane, Mr Shaun Leo | Eastern Metropolitan | ALP | Tierney, Ms Gayle Anne | Western Victoria | ALP |
| Limbrick, Mr David | South Eastern Metropolitan | LDP | Vaghela, Ms Kaushaliya Virjibhai | Western Metropolitan | ALP |
| Lovell, Ms Wendy Ann | Northern Victoria | LP | Watt, Ms Sheena ⁸ | Northern Metropolitan | ALP |
| McArthur, Mrs Beverley | Western Victoria | LP | Wooldridge, Ms Mary Louise Newling ⁹ | Eastern Metropolitan | LP |

¹ Appointed 5 March 2020

² Resigned 17 June 2019

³ Appointed 15 August 2019

⁴ Resigned 23 March 2020

⁵ Resigned 26 September 2020

⁶ ALP until 15 June 2020

⁷ Appointed 23 April 2020

⁸ Appointed 13 October 2020

⁹ Resigned 28 February 2020

Party abbreviations

AJP—Animal Justice Party; ALP—Labor Party; DHJP—Derryn Hinch's Justice Party;

FPRP—Fiona Patten's Reason Party; Greens—Australian Greens; Ind—Independent;

LDP—Liberal Democratic Party; LP—Liberal Party; Nats—The Nationals;

SAP—Sustainable Australia Party; SFFP—Shooters, Fishers and Farmers Party; TMP—Transport Matters Party

CONTENTS

| | |
|---|----|
| ANNOUNCEMENTS | |
| Acknowledgement of country | 1 |
| COVID-19 | 1 |
| BUSINESS OF THE HOUSE | |
| Standing and sessional orders | 1 |
| BILLS | |
| Consumer and Other Acts Miscellaneous Amendments Bill 2020 | 2 |
| Public Health and Wellbeing Amendment Bill 2020 | 2 |
| Royal assent | 2 |
| Change or Suppression (Conversion) Practices Prohibition Bill 2020 | 2 |
| Royal assent | 2 |
| QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS | |
| COVID-19 | 3 |
| Commercial Passenger Vehicles Victoria | 3 |
| Ministers statements: assistance dogs | 4 |
| COVID-19 | 4 |
| COVID-19 | 5 |
| Ministers statements: Victorian Aboriginal Employment and Economic Council | 7 |
| Small business support | 7 |
| Stalking | 8 |
| Ministers statements: Victorian Hydrogen Hub | 9 |
| Small business support | 9 |
| COVID-19 | 11 |
| Ministers statements: local government gender equality | 12 |
| QUESTIONS ON NOTICE | |
| Answers | 13 |
| QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS | |
| Written responses | 13 |
| CONSTITUENCY QUESTIONS | |
| Eastern Metropolitan Region | 13 |
| Western Metropolitan Region | 13 |
| Western Victoria Region | 14 |
| Northern Victoria Region | 14 |
| Northern Victoria Region | 14 |
| Southern Metropolitan Region | 14 |
| Western Metropolitan Region | 15 |
| Southern Metropolitan Region | 15 |
| South Eastern Metropolitan Region | 15 |
| Northern Metropolitan Region | 15 |
| Eastern Victoria Region | 16 |
| Eastern Victoria Region | 16 |
| Western Victoria Region | 16 |
| Northern Victoria Region | 16 |
| Western Metropolitan Region | 16 |
| PETITIONS | |
| Change or Suppression (Conversion) Practices Prohibition Bill 2020 | 17 |
| Change or Suppression (Conversion) Practices Prohibition Bill 2020 | 17 |
| Seymour ambulance services | 18 |
| COMMITTEES | |
| Scrutiny of Acts and Regulations Committee | 18 |
| Alert Digest No. 2 | 18 |
| PAPERS | |
| Ombudsman | 18 |
| Investigation of Protected Disclosure Complaints Regarding the Former Principal of a Victorian Public School | 18 |
| Papers | 18 |
| BUSINESS OF THE HOUSE | |
| Notices | 19 |
| General business | 19 |
| MEMBERS STATEMENTS | |
| COVID-19 | 19 |
| Leidos Australia | 19 |

| | |
|---|----|
| Great Ocean Road, Marengo, speed limit | 20 |
| COVID-19 | 20 |
| National apology anniversary | 21 |
| Chinese New Year | 21 |
| COVID-19 | 21 |
| Member conduct | 21 |
| Mooroopna Primary School | 22 |
| Sailors Grave Brewing | 22 |
| COVID-19 | 22 |
| COVID-19 | 23 |
| Petrol supply | 23 |
| Assistance dogs | 23 |
| COVID-19 | 24 |
| COVID-19 | 24 |
| COVID-19 | 24 |
| BUSINESS OF THE HOUSE | |
| Notices of motion | 25 |
| BILLS | |
| Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020 | 25 |
| Second reading | 25 |
| Committee | 41 |
| Third reading | 50 |
| Owners Corporations and Other Acts Amendment Bill 2019 | 50 |
| Second reading | 50 |
| Committee | 61 |
| Third reading | 67 |
| ADJOURNMENT | |
| Public housing | 67 |
| Forest Road, Anglesea | 68 |
| Elective surgery waiting lists | 68 |
| Commercial Passenger Vehicles Victoria | 68 |
| Breast reconstruction surgery | 69 |
| Guardianship administration | 70 |
| Shepparton breast screening services | 70 |
| Western Metropolitan Region environmental issues | 71 |
| Police resources | 71 |
| Hanson Australia quarry, Lysterfield | 72 |
| Scrap metal industry | 72 |
| Regional mental health services | 73 |
| North East Link | 73 |
| Environment Protection Authority Victoria | 74 |
| Small business support | 74 |
| Suburban Rail Loop | 75 |
| Responses | 75 |

Tuesday, 16 February 2021

The PRESIDENT (Hon. N Elasmr) took the chair at 11.05 am and read the prayer.

Announcements

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT (11:05): On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the First People of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past, present and emerging and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament.

COVID-19

The PRESIDENT (11:06): Members, I would like to update that the special arrangements for the operation of the chamber that we had in place for many sitting weeks last year allowing members and staff to observe social distancing will be in place again this week. It is mandatory to wear masks in all indoor and outdoor spaces, and a member should only remove their mask when they have the call to speak. The two doors at the front of the chamber behind me are the entry points into the chamber, and the doors at the back are the exits. Please remember to limit the number of people in the chamber at any given time. Members should not meet in small huddles in the chamber and where possible should observe proceedings from their office. Physical distancing of at least 1.5 metres between persons should be maintained at all times. Regular cleaning of the chamber will occur during meal breaks, and the sitting will be suspended where additional cleaning breaks are required.

The temporary orders agreed to on 15 September 2020 in relation to submitting material for incorporation in *Hansard* remain in place. Only the number of matters permitted in the standing orders for each item may be raised, be that in the house or via incorporation, each sitting day. Members should note that matters raised in the house will take precedence over those submitted for incorporation. Divisions will continue to operate under the temporary orders agreed to by the house on 23 April 2020, with members being asked to stand in their place during a division.

Business of the house

STANDING AND SESSIONAL ORDERS

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (11:07): I move, by leave:

That standing, sessional and temporary orders be suspended to the extent necessary to allow the following to occur this week:

1. Sitting of the House this week

The Council will meet on the following days and at the following times this week—

- (a) Tuesday at 11.00 a.m.;
- (b) Thursday at 9.45 a.m.; and
- (c) Friday at 9.15 a.m..

2. Order of Business

- (1) The Order of Business on Thursday will be that outlined in Sessional Order 4 and is as follows—

Messages

Formal Business

Members' Statements (up to 15 Members)

General Business

At 12 noon Questions

Answers to Questions on Notice

General Business (until 5.15 p.m.)

At 5.15 p.m. Statements on reports, papers and petitions (30 minutes)

Government Business (maximum 60 minutes)

At 6.45 p.m. Adjournment (up to 20 Members).

- (2) The Order of Business on Friday will be that outlined in Standing Order 5.02(4) and is as follows—

Messages

Formal Business

Members' Statements (up to 15 Members)

Government Business

At 12 noon Questions

Answers to Questions on Notice

Government Business (continues)

At 10.00 p.m. Adjournment (up to 20 Members).

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (11:08): I just want to make a couple of points about the motion and say the opposition will support that. We remain troubled about the risk of further lockdowns, and I have conveyed this to the crossbenchers and the government—longer lockdowns and further future lockdowns. We have circulated some temporary orders, as people will understand, which relate to the proceedings in this place and would ensure that the chamber can continue sitting in a modified form if a further sharp or harsh lockdown does occur. I would also, in terms of these temporary orders that have been moved here, make the point that if we do come out of lockdown on Wednesday night at midnight, the arrangements around the chamber should revert to something similar to what they were in the earlier sitting week that we had.

Motion agreed to.

Bills**CONSUMER AND OTHER ACTS MISCELLANEOUS AMENDMENTS BILL 2020****PUBLIC HEALTH AND WELLBEING AMENDMENT BILL 2020***Royal assent*

The PRESIDENT (11:10): I have a message from the Governor, dated 9 February:

The Governor informs the Legislative Council that she has, on this day, given the Royal Assent to the undermentioned Act of the present Session presented to her by the Clerk of the Legislative Assembly for and in the absence of the Clerk of the Parliaments:

1/2021 Consumer and Other Acts Miscellaneous Amendments Act 2021

2/2021 Public Health and Wellbeing Amendment Act 2021

CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020*Royal assent*

The PRESIDENT (11:10): I have a message from the Governor, dated 16 February:

The Governor informs the Legislative Council that she has, on this day, given the Royal Assent to the undermentioned Act of the present Session presented to her by the Clerk of the Legislative Assembly for and in the absence of the Clerk of the Parliaments:

3/2021 Change or Suppression (Conversion) Practices Prohibition Act 2021

Questions without notice and ministers statements

COVID-19

Ms CROZIER (Southern Metropolitan) (11:11): My question is to the Leader of the Government. The Andrews Labor government claims that it has a world-class, gold standard testing and contact-tracing system. Minister, in these circumstances will you explain to the chamber why one person who had a test last Tuesday had to wait until yesterday to be told, after a six-day wait, that they were negative and even then had to call the department to find out?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (11:11): I thank Ms Crozier for her question. As we know, throughout this pandemic the government have ensured that our public health team have been resourced and supported to perform the important role they do in protecting the community, and our contact-tracing team are out there on the ground every day ensuring people are afforded the opportunity to have all of the information provided to them, know what they have to do if they are a close contact and the like. Ms Crozier, in relation to the specific example that you raised, I am obviously not aware of this individual. They have not contacted me. I will have to take that on notice, if you could perhaps provide some further detail in relation to the specific timing of that person's test results. I am not in a position to give you any details.

Ms CROZIER (Southern Metropolitan) (11:12): Thank you, Minister. A member for Western Metropolitan Region, Mr Finn, was told he would be informed by text or phone call depending on what the result of his COVID test was within one or two days but had to call himself after six days, so it is Mr Finn you can directly speak with. He is in the chamber. But my question is: is this gold standard?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (11:13): Thank you—

Members interjecting.

The PRESIDENT: Thank you. Members, I am on my feet. Thank you very much.

Ms SYMES: Thank you, President. And I thank Ms Crozier for Mr Finn's question. It is great that you are here today, Mr Finn. We are all very pleased that you could make the sitting week this week. In relation to the specifics of Mr Finn's case, I am not in a position to give any information on the advice that was provided to Mr Finn or when it was provided or indeed which area of the region we are dealing with in that particular case. But what I would say is that giving people advice to remain home until they get their result is good practice and is protecting our community, and I thank those hardworking contact tracers and testers and pathology staff for the work that they do in challenging situations.

COMMERCIAL PASSENGER VEHICLES VICTORIA

Mr BARTON (Eastern Metropolitan) (11:14): My question is for Minister Pulford, representing the minister for transport, Minister Carroll. I have met with the information commissioner and the privacy and data protection deputy commissioner to raise issues regarding Commercial Passenger Vehicles Victoria's data collection requirements. The issues have been communicated with the minister's office, and we have had no response. The data includes such things as kilometres travelled, the amount charged for the trip, time of booking request, the date, GPS coordinates and where the trip started and ended.

The industry has concerns over how the wholesale collection of such data will be used and protected and how a passenger's identity could potentially be exposed. These requests are not safety or COVID related, so I ask the minister: what is the justification supporting CPVV's demands for this quantity and type of data from booking service providers in the commercial passenger vehicle industry?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (11:15): I thank Mr Barton for his question and his ongoing interest and advocacy for people in the commercial passenger vehicle sector. The question relates to data collection and is directed at Minister Carroll, and I will seek a response from the minister in accordance with our standing orders for Mr Barton.

Mr BARTON (Eastern Metropolitan) (11:16): Thank you, Minister. CPVV is threatening taxi operators with fines of \$99 000 for failing to submit the required data. Many in the commercial passenger vehicle industry do not understand why the regulator needs this data, nor do they have the technological capacity to upload this data in the required format. Given that Uber has recently been phoning those in the multipurpose taxi program, soliciting, is it reasonable to question how Uber got these phone numbers? The advice I have received from the privacy commissioner is that there exist some red flags regarding CPVV's data collection that require further investigation. Given the current lack of clarity, why has CPVV not ceased its threats to operators and fines attributed for non-compliance?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (11:16): I thank Mr Barton for his supplementary question, and I will seek a written response from Minister Carroll to the matters that have been raised.

MINISTERS STATEMENTS: ASSISTANCE DOGS

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (11:17): I wish to update the house on the expansion of a very important program supporting victims of crime in our courts and justice system. I touched on it briefly last sitting week, but it is such a great initiative that I thought more detail would be appropriate to bring to the house's attention. It was certainly a delight to introduce our new court dog, Kiki, to Victorians at the Office of Public Prosecutions (OPP). Kiki is a two-year-old black labrador and joins fellow labrador Lucy, who happens to be brown, as the second dog in the program and will focus on supporting child witnesses.

For victims of crime, especially children, giving evidence can be very confronting, isolating and daunting. Kiki and Lucy make the process easier by accompanying the victim or witness while they testify. They are specially trained to comfort the person by lying at their feet and being there for them. When I went to meet the dogs, I was fortunate enough to meet Gabby, a victim of crime who experienced this support firsthand. Gabby told me how Lucy was her second strength while she told her story on the stand, bringing her calm and even licking her hand when she could sense Gabby was anxious.

The court dog program and Lucy have provided support to hundreds of witnesses, and having Kiki on board will mean that they can help even more. The court dog program is a joint initiative with the OPP and the Child Witness Service. Their victim support specialists work hard every day to make sure victims have a voice and their experience is no more traumatic than it absolutely needs to be. Kiki and Lucy are yet another way of helping to make sure that victims can be prioritised and we have a criminal justice system that is victim centred. I can confirm to the house that Kiki is a very good girl.

COVID-19

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (11:18): My question is for the Minister for Small Business. Minister, on 16 September 2020 a letter from Brad Rowswell, the member for Sandringham, was conveyed to you on behalf of Ms Leigh Anoos, whose company Easy Monitor Pty Ltd has consistently employed staff but is not eligible for JobKeeper because it is a start-up and pre-revenue. The losses made do not count as loss of revenue, and hence her company is ineligible. Staff have also lost jobs as a result, and because of your eligibility criteria Leigh is ineligible for state assistance. On 24 September a member of Brad Rowswell's staff telephoned you to follow up the 16 September correspondence. On 12 October a staff member followed up again and

reconveyed the earlier correspondence. On 17 September in a letter addressed to Mr Rowswell you said you were aware of cases still waiting resolution. There were follow-ups on 7 January and 1 February. I ask: what will it actually take to get you to respond to the legitimate concerns of this Victorian small business?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (11:19): I thank Mr Davis for his question on behalf of Mr Rowswell and Easy Monitor and their concerns, I gather from the way Mr Davis asked the question, around eligibility for perhaps the Business Support Fund.

Mr Davis: Any fund.

Ms PULFORD: Any fund. The practice that we have put in place to ensure rapid response to businesses that are seeking clarification around their eligibility for what was at their peak, I think, 14 or so different funds and different programs, each with their own eligibility and rules—there are four that are still open and being administered each and every day, plus, as members would well be aware, the government intends soon to provide some further details of support to businesses that have been impacted by the circuit-breaker shutdown that Victorians are living through at the moment—has been to respond directly to the business and provide them with this information so that they receive it in the quickest period of time that they possibly can. That will have been the practice here, though I am happy to undertake to further follow up if that is perhaps not the case for some reason.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (11:21): Minister, whatever the response, there have been seven separate approaches to you over nearly six months on behalf of this small business. And they have not met with rapid response, they have met with no response. So I say: isn't it a fact that your office is completely dysfunctional, incompetent and not working in the interests of small businesses?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (11:21): I would completely reject that suggestion. We receive, as everyone here would expect—indeed many members have facilitated the expression of different issues and queries to us—a very large volume of queries. My department has processed over the last 10 months or so a number of grants, equivalent, when compared with times prior to the pandemic, to something like 60 years worth of grants at the usual rate.

COVID-19

Mr QUILTY (Northern Victoria) (11:22): My question is for the minister representing the Premier. On New Year's Eve you announced a snap closure of the border, throwing tens of thousands of Victorian lives into chaos for no tangible benefits. But it seems the government learns nothing from its mistakes, perhaps because you are incapable of admitting you have made mistakes. On Friday you announced a snap lockdown of the whole state because of a handful of cases escaping quarantine. This variant of the virus is apparently wicked, intelligent, moving at hyperspeed and—we cannot possibly forget—hyperinfectious. We have seen little scientific evidence for these extreme claims. You have done hyperinfectious to death; where do you go next time you need to stoke fear in the minds of the public? We have had enough hyperbole and enough government overreach to cover up failures. New South Wales has shown us how contact tracing works, but because you have no faith in Victorian contact tracers we are all locked up again. Premier, given you are only allowed to use these powers in a way that is proportionate and the least restrictive of rights of Victorians, how can you justify locking down Victoria for a handful of cases?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (11:23): Mr Quilty's question—

Members interjecting.

The PRESIDENT: Thank you! The Leader of the Government is on her feet. Please, I want to listen to her answer.

Ms SYMES: Thank you, President. Mr Quilty's question, as directed to the Premier, obviously covered a lot of issues that we have all been confronted with throughout the pandemic, and the decisions that the government has made have always been based on health advice. I certainly acknowledge—

Members interjecting.

The PRESIDENT: Done? Thank you.

Ms SYMES: Mr Quilty, I certainly acknowledge the impact that restrictions have on Victorians. I particularly acknowledge in your part of the world both the border closure from the New South Wales government and then the advice for us to close our border to New South Wales. Indeed in working on bubble arrangements and the like it was really important to try and lessen the impact on the daily lives of people that work and live in that area of the region.

As I can confirm, the hardworking health officials that provide advice to the government got us through the second lockdown. We are—

Members interjecting.

Ms SYMES: Mr Quilty is listening. As you know, we are in a five-day circuit-breaker. We know that this is certainly an impost on communities, particularly those that have not had cases and have not had these restrictions placed on them before. We will continue to follow the health advice in any decisions that we make in the next couple of days.

Members interjecting.

The PRESIDENT: Before I ask Mr Quilty to ask his supplementary, this is unbelievable. I ask members, please! Mr Quilty asked a question. He deserves and is entitled to an answer, and he needs to concentrate on the answer so he can ask a supplementary. Unfortunately, on both sides, no-one is helping the Leader of the Government or the person who asked the question. So before I call Mr Quilty, members, please!

Mr QUILTY (Northern Victoria) (11:26): Thank you, President. I thank the minister for the response. It is good to get an actual response in the chamber, even though I could not hear very much of it. You probably touched on some of the bits that I am going to go to in my supplementary, but anyway. As a result of the lockdown from a handful of cases, businesses have been shut across the state. Restaurants fully prepped for Valentine's Day were left with fridges full of food. They have no clarity for reopening this week either. Schools are closed, with education disrupted again on both sides of the border as teachers and students from Victoria are unable to attend New South Wales schools. Sports tournaments were cancelled—basketball in Bendigo, tennis in Swan Hill, which is ironic given that tennis is essential, apparently. We have been told you have only locked down regional Victoria to prevent Melbourne people travelling to the regions because you are unable to enforce the lockdown in the city. In almost all of regional Victoria we have no COVID and have never had COVID. With a much lower risk of infection in smaller towns, if we ever do get a case, it will be much easier to contain and eliminate. Premier, how on earth can the lockdown of all of regional Victoria be proportionate and the least restrictive of our rights?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (11:27): I thank Mr Quilty for his supplementary question. Indeed they are important issues that he raised, and I did touch on them in my substantive answer about acknowledging the impact on country Victoria, in particular those areas that have not had cases for some time and particularly small country towns, as he has identified. The decision to enforce or bring in a circuit-breaker for five days, based on health advice, applied to the whole state because it is only five days.

The Premier is on record saying that, if the health advice had been to bring in restrictions for a longer period, we would have been in the position to consider potentially different settings, as we have in the past. I know that five days is harsh on all Victorians and on country Victorians in particular, and we will inform our next decisions based on the health advice in coming days.

MINISTERS STATEMENTS: VICTORIAN ABORIGINAL EMPLOYMENT AND ECONOMIC COUNCIL

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (11:28): Last week I had the pleasure of attending the second Victorian Aboriginal Employment and Economic Council, held on Dja Dja Wurrung country in Bendigo. I was joined by my colleague Sheena Watt, a member for Northern Metropolitan, who gave a tremendous address to the council. The council brings together my department's executive board members, across different areas of intervention and support for both economic development and jobs creation and support, and 20 prominent Aboriginal leaders from across the state. I would also like to thank Raylene Harradine and Rodney Carter of the Bendigo Aboriginal and Dja Dja Wurrung communities respectively for hosting. I also acknowledge all the members of the council and their significant contribution to supporting self-determination and improving outcomes for Aboriginal people and communities across the state.

Our government is committed to supporting Aboriginal self-determination, and it was a privilege to discuss opportunities to advance the economic prosperity of Aboriginal Victorians, including the development of a new Victorian Aboriginal employment and economic strategy. Last year's state budget included \$7.3 million to drive opportunity and economic prosperity for Victorian Aboriginal communities, including support for Kinaway Chamber of Commerce and for Aboriginal community-controlled organisations and traditional owner groups, and investments into Aboriginal tourism initiatives. The Victorian Aboriginal business sector is continuing to grow and contribute to our state's economy. They have managed the very challenging circumstances of the last year with considerable success. The government's \$3 million First Peoples' COVID-19 Business Support Fund is currently open for applications and will be until March, and it supports Aboriginal businesses impacted by the pandemic to survive, recover and thrive. There is much more to do, we know, and I look forward to working with the council to advance the economic prosperity of Aboriginal Victorians into the future.

SMALL BUSINESS SUPPORT

Ms LOVELL (Northern Victoria) (11:30): My question is for the Minister for Small Business. Minister, small businesses across the state have been devastated by the third lockdown your government has imposed on Victorians. Industry leaders estimate the cost of the five-day lockdown to be around \$1 billion, and the loss of trade over the Valentine's weekend is estimated to cost the hospitality sector around \$100 million and florists around \$36 million. I have spoken to Cellar 47 restaurant in Shepparton, who have advised me that they were down 70 per cent, and Renato's Florist, who were down by 75 per cent over the Valentine's weekend. But in addition to their loss of trade, both of these businesses have had to throw away thousands of dollars worth of fresh produce due to the last-minute announcement of the lockdown. Minister, what is your policy to support small business through lockdown 3, and will your government offer financial compensation to businesses who were forced to close due to your government's failure to manage hotel quarantine, which led to the five-day lockdown?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (11:31): I thank Ms Lovell for her question. As members will be aware, the Premier has indicated in a number of media appearances in recent days that the government is developing a package of support for businesses that have been impacted by the circuit-breaker lockdown and will be in a position to make further announcements about that in coming days. We are incredibly cognisant of the impact on our business community and small businesses and that this is particularly the case for those in some sectors, including the sectors

that Ms Lovell indicated. There were, I think, plans for many, many Victorians on a glorious February weekend to be out and about and doing things that they love. I think we have all seen reports of weddings cancelled or brought forward and many, many other activities, and of course the very significant occasions for some sectors that are Valentine's Day and also Lunar New Year. So we are acutely conscious that there are some businesses that have been more profoundly impacted by this than others, and as I indicated, the government will have more to say about this in coming days.

Ms LOVELL (Northern Victoria) (11:33): Minister, you have now held the small business portfolio for over nine months, throughout the majority of the pandemic period. You have had time to consider the impact of Victoria's first and second wave of COVID-19 on the small business sector and also time to consider the need for future support for the sector. Minister, what are your plans to support small businesses should Victoria suffer future waves of COVID-19 throughout 2021?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (11:33): I thank Ms Lovell for her question. This is of course something that we are acutely aware of. As I indicated, we will have more to say in coming days. There has been—

Ms Lovell interjected.

Ms PULFORD: No. That is completely untrue, and if you cared for the answer—

Ms Lovell interjected.

Ms PULFORD: The government has provided more than \$6 billion of direct economic support to our Victorian business community. There are a number of programs that are still running. There are programs that people are accessing each and every day, and as I indicated, the government's response to the business community—

Ms Lovell interjected.

Ms PULFORD: I do not think she actually wants to hear what I have to say. It is just this yappity, yappity, yap, yap, yap—very annoying. I am happy to answer the question if you would just shut up for a second.

Members interjecting.

The PRESIDENT: I have warned members before. I was listening to the minister and I am listening to the interjections, and I agree with the minister. You put the question, and then you interject. Minister, your time has finished. Do you want to add 3 or 4 seconds, or are you happy to end?

Ms PULFORD: I think I am done.

STALKING

Ms MAXWELL (Northern Victoria) (11:35): My question is to the Attorney-General, Ms Symes. On 9 December last year I was humbled to bring to Parliament the family of 23-year-old Celeste Manno following her horrific stalking-related murder the previous month at her home in Mernda. I was also greatly moved that day by the very thoughtful response and statements from the Premier and the Attorney-General to the issues raised with the government by Celeste's family. That response included an announcement that a comprehensive Victorian Law Reform Commission (VLRC) inquiry into stalking laws and the use of intervention orders would urgently be undertaken. Attorney, bearing in mind that this point still remains unclear, I ask if you could outline when the many people who would like to make submissions to this inquiry will be able to begin doing so.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (11:35): I thank Ms Maxwell for her question and her deep involvement with victims of crime and indeed the family of Celeste Manno. My sympathies for and horror at their experiences are certainly noted. This is of course a matter that the former Attorney-General has met with the family

on and, as articulated in your question, has led to the commencement of a review. In relation to the opening of submissions, I will seek some advice on a particular date, but these are well advanced and my answer to you would be ‘imminent’. But I will get you a specific date and also give my commitment that I will be following this closely, and I am certainly happy to provide regular updates on the milestones as the review is underway.

Ms MAXWELL (Northern Victoria) (11:36): Thank you, Attorney. In their meeting in December, Ms Hennessy, her office and her department indicated to Celeste’s family that the VLRC inquiry would be concluded before the end of 2021. In Derryn Hinch’s Justice Party we agree that it is really important that this work be completed as soon as possible. We say this especially because thousands of Victorians are already under very serious threat and living in fear of stalkers and because many more will endure the same horror in the future unless significant and urgent changes are made to the ways in which these cases are handled. So could you please indicate whether that is still the time line for the completion of the inquiry?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (11:37): I thank Ms Maxwell for her supplementary question. The VLRC are well advanced in preparing for the commencement of this review, and there will be certain information available on the website shortly. Stalking is a particularly insidious crime and, as we know, can lead to particularly fatal, horrible consequences if we are not able to identify and intervene at an appropriate time. It is certainly my expectation that this review will be done comprehensively but in a timely manner, because it is important for government to be able to respond to any recommendations that are made. I would hope that it would be completed this year. It is a broad inquiry. I will again, when I have a catch-up with the VLRC, get confirmation on their time lines and be able to report back to you appropriately. But I think what is important is that we do engage comprehensively, and although you want things to be done quickly, you do not want to rush the result either. But this year would be ideal because any legislative responses could be next year.

MINISTERS STATEMENTS: VICTORIAN HYDROGEN HUB

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (11:39): Two weeks ago I joined Minister D’Ambrosio and Steve Dimopoulos in Clayton to announce the Andrews government’s \$10 million investment in the Victorian Hydrogen Hub. This grant, which was awarded to Swinburne University of Technology, is the government’s latest investment in the university sector under our \$350 million Victorian Higher Education State Investment Fund. In partnership with a twin hub in Germany and the CSIRO, this facility will position Victoria as a leader in hydrogen development and education in Australia. The hub will establish a major national precinct to test, trial and demonstrate new technologies such as clean energy vehicles and hydrogen storage containers. In addition to the 300 jobs this investment will generate, it will provide fantastic opportunities for students and researchers. With 50 per cent of the PhD places allocated to female students, it will offer a much-needed boost to female representation in STEM research and development. The hub will also be a place where the community can learn about hydrogen as a sustainable energy source.

This is exactly the kind of project the Andrews Labor government wanted to invest in when we announced our unprecedented university support package late last year. We are investing in jobs, research opportunities and a future-focused university sector with international connections, and in the process we are creating a stronger, smarter and more highly skilled state.

SMALL BUSINESS SUPPORT

Ms BATH (Eastern Victoria) (11:40): My question is to the Minister for Small Business. Minister, 400 kilometres away from Melbourne’s hotel quarantine an Orbost commercial and domestic lawn-

mowing and maintenance business is unable to operate under your government's lockdown restrictions. The business co-owner, Megan Humphreys, spoke to me, and I quote what she stated:

Victoria is an almost impossible state to run a business and we have no faith in its systems or processes any more.

Minister, 200 kilometres away a Morwell clothing and gift shop proprietor's takings are so down she is stressed that she will not be able to pay her rent. Will the Andrews government provide real financial support to regional and rural businesses like these to compensate for your government's failure in hotel quarantine and contact tracing, and will you speak to these people today, not, as you said, in coming days? They deserve an answer today.

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (11:41): I thank Ms Bath for her question, which was similar to Ms Lovell's in many respects. The answer to the question 'Will the government be making an announcement around support for our business community?' is clearly yes, and the Premier has said that pretty much every day this week.

Ms Bath: On a point of order, President, the minister has misled the house by rephrasing my question. That was particularly not my question. It was: will you provide compensation, and then will you share today what that compensation is?

Ms PULFORD: As Ms Bath well knows, it is a one-question question time where you have to pick one out of half a dozen questions you may wish to rattle off. But I have indicated that the government will have more to say about this in coming days. That is very similar to the answer that I provided to Ms Lovell, and indeed I indicated that in my answer to the substantive question from Mr Davis. I understand the deep frustration of people in our business community, and—

Members interjecting.

Ms PULFORD: Oh, my God. Which one of you is having a go right now? The government is acutely aware of the impacts of this shutdown on the business community, as our business community knows and as the opposition knows.

Members interjecting.

The PRESIDENT: Order! Again, if you ask a question and you want an answer, you have to listen.

Ms PULFORD: Thank you, President. As I was saying, the government has provided in excess of \$6 billion of support to the business community. We have provided a response to a second wave that is unlike any other in any jurisdiction in the world. That our business community was operating at a sustainable level for the overwhelming majority and in a way that was a COVID normal that would satisfy the trading needs of so many businesses, of most businesses—not all businesses, I acknowledge that—until as recently as Friday demonstrates the value to our business community of following the public health advice.

I know the opposition have gone away on their retreat and kind of doubled down on this idea of chipping away and chipping away and chipping away at the public health advice. But I talk to people in our business community each and every day and they do not want a third wave, so we will continue to be guided by the public health advice. We will continue to support our business community through what is an incredibly difficult set of circumstances.

It is regrettable that the opposition continue to try and undermine the public health advice. They want to tell everybody—

Members interjecting.

Ms PULFORD: Of course we all want the pandemic to be over, right? We can all agree that we would very much like the pandemic to be over. But it is not yet over, so we continue to be guided by

the public health advice. We continue to provide support to businesses that are impacted, and as I have indicated half a dozen times this question time, we will have more to say about this in coming days. We have a number of programs to support our small business community that can currently be accessed and a great many that have been providing significant support through cash flow on the way through. The opposition can carry on and keep undermining the public health message, but we will be guided by the experts.

Ms BATH (Eastern Victoria) (11:46): I move:

That the minister's answer to my question be taken into consideration on the next day of meeting.

Motion agreed to.

Ms BATH (Eastern Victoria) (11:46): My supplementary is: Minister, in the same towns, government employees have been paid to stay home for months and months, and now it is reported that they have received four weeks paid pandemic leave. Why should Andrews government employees be paid pandemic leave while your government will not pay compensation to small business for the losses that they have incurred due to your contact-tracing failures and hotel quarantine failures?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (11:47): The Victorian public servants that have supported me in my roles through the pandemic, both in the roads and fishing and boating portfolios and in the roles that I have now, have been working unbelievably hard. It is not in any way uncommon to be receiving emails or calls or texts from our public servants right through the night, and the pressures that have been brought to bear on people in all kinds of different workplaces are significant. The suggestion that public servants are somehow sitting around on banana lounges not doing any work is frankly pretty offensive, I think. On the question of public sector remuneration, I will take that on notice and seek a written response from the responsible minister, who I imagine is Minister Pallas.

COVID-19

Mr HAYES (Southern Metropolitan) (11:48): My question is to the minister representing the Premier. On Monday, 8 February 2021, Professor Marylouise McLaws, epidemiologist, said in an interview on ABC radio that:

... the more travellers that we get coming into Australia, be they Australian or residents returning or associated with sporting events, the greater the likelihood that one of these—

circulating strains of coronavirus—

may escape, and once they do escape, in England the B.1.1.7 took just four weeks to take over the background ... wild strain ... and this strain is somewhere 30 and 70 per cent more infectious.

My question is: if we are accepting such large numbers of overseas arrivals into hotel quarantine when it has been stated that most hotels do not meet engineering airflow control standards for effective quarantine, should we not lower the cap on arrivals rather than raise it?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (11:49): I thank Mr Hayes for his question for the Premier. They are important issues that he raises, and I know that this is occupying a lot of conversation in the community, for sure. As you will be aware, Mr Hayes, with the advice from the public health team to implement a five-day circuit-breaker, that coincided with the ceasing of international arrivals through our airports. I would point to the national cabinet process that is responsible for agreeing to the international arrival caps. The federal government have very firm views that they want to actually increase the caps, and the states obviously have been attempting to comply with those requests and meeting those requests so that Australians can get home.

I would note that the Premier has been out today making similar observations to you in relation to the ability of a hotel which is not designed to be a quarantine facility—how it is able to house returned arrivals—

Mr Meddick: On a point of order, President, I know you have mentioned this before, and we all engage in a little bit of to and fro in this chamber all the time, but I am heartily sick and tired of not being able to hear (a) a question and (b) an answer. The voices that I hear coming from all around are drowning absolutely every single thing out. This is a really vexed issue, and there are a lot of people out in the community who want to hear this question and want to hear this answer. I would like to see some action taken on those who refuse to comply with your requests.

The PRESIDENT: I agree with Mr Meddick. Again, please, members, just control yourselves. It is lucky we have the masks on.

Ms SYMES: Thank you, President. I think where I was up to, Mr Hayes, was that the Premier has been out today confirming to the media that we are looking at not only our hotel quarantine system—obviously it was not purpose built—but whether there is a particular other model that might be more appropriate in the future. Avalon Airport, for example, has been identified as a particular site that we could look at in implementing our own facility, similar to something like Howard Springs, which is in the Northern Territory, which is more about purpose-fit cabins with families or individuals not in the same area relying on the same reticulated air and the like. It is another way that could deal with the risks that we know are present in any sort of quarantine system and about whether we can come up with a model that is even safer than what we already have.

Mr HAYES (Southern Metropolitan) (11:52): I thank the minister, and I thank Mr Meddick for his intervention. Minister, while the existing cap of 1120 overseas arrivals has been confirmed, can the government reassure the public that this weekly number is made up of returning Australian citizens, as they believe, by quoting the proportion of this number arriving last week which are in fact returning Australian citizens and, if any, what proportion of overseas arrivals during this period fall into other categories? That is, what proportion of overseas arrivals fall into other categories?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (11:52): I thank Mr Hayes for his question. I can confirm that this is a question that the Victorian government has sought an answer to from the federal government—the federal government are responsible for border security and the issuing of visas and the like—and the specific information that the community have been asking for. People want to know who is coming home, the types of cohorts of people and where they are coming from. That information has been sought, and we are hoping that it is forthcoming.

MINISTERS STATEMENTS: LOCAL GOVERNMENT GENDER EQUALITY

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (11:53): Today I would like to update the house on the local government Gender Equality Advisory Committee. This committee will draw on the experience of women across the sector to provide me and Minister Williams with advice on how to achieve gender equality in local government and also advice on any culture change that may be needed for there to be a completely safe place in the local government sector for women to operate and also to be employed in. There are 10 places open for mayors, councillors, chief executives and senior council officers, because they are the people across the spectrum that we need advice from and need to hear from.

Can I congratulate my colleagues Juliana Addison and Kat Theophanous, who have been appointed by the cabinet as co-chairs to this Gender Equality Advisory Committee. I spoke about Juliana Addison last week on another issue, how impressive she is and what a great asset she is to the government. The work that Kat Theophanous did with Fiona Richardson over previous years puts her in a great place to actually co-chair this committee with Juliana.

It is an area that both I and Minister Williams are pretty keen to work on. When you read some of the monitors reports that came to this chamber in previous times, when councils were put into administration, there has been some really poor behaviour, particularly some sexist behaviour, in the sector. It is only in certain small parts of the sector, but the goal should be that it is completely stamped out.

We push for equality, and we will push at the next election to have an even better result in the gender mix than we had in the local government elections last year, which was actually a record amount of women that were elected to council and also a record amount of women that were elevated to be mayors.

Questions on notice

ANSWERS

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (11:55): There are 73 answers to questions: 1994, 1996–8, 2001, 2003–5, 2007–9, 2011, 2013, 2016–17, 2023–5, 2029, 2032, 2034–7, 2040–3, 2298–300, 2369, 2629, 2899, 2912, 2936, 2944–5, 2947–50, 2952–3, 2956–8, 2960, 2962–3, 3109, 3114, 3133–4, 3138, 3150, 3153, 3157, 3159–63, 3192–7, 3201, 3212–14.

Questions without notice and ministers statements

WRITTEN RESPONSES

The PRESIDENT (11:55): Regarding questions today, for Ms Crozier's question, one day, Ms Symes to provide some more information; Mr Barton to Ms Pulford, two days, question and supplementary.

Ms Pulford: Which one?

The PRESIDENT: Transport. Ms Maxwell to the Attorney-General, one day for the question; and Ms Bath to Ms Pulford, two days, supplementary, to the Treasurer.

Constituency questions

EASTERN METROPOLITAN REGION

Dr BACH (Eastern Metropolitan) (11:56): My constituency question is for the Minister for Local Government. What are you doing to ensure the integrity of Banyule council under corrupt Labor mayor Rick Garotti? I have spoken in this place before about the nefarious antics of Mr Rick Garotti, a factional ally of the minister. It has become plain over recent weeks that when I spoke about Mr Garotti last year cancelling Christmas I was on to a good thing. It is not just my view that Mr Garotti is as crooked as a coathanger, as dodgy as a \$9 note; that is the view of Steve Bracks and Jenny Macklin. But now Mr Garotti has jumped before he was pushed, resigning from the ALP before he had to face the music. This has also been highlighted by that organ of right-wingery, the ABC. I would like to know: what is the minister doing to ensure the integrity of this really important council under this crook, Mr Garotti?

WESTERN METROPOLITAN REGION

Ms VAGHELA (Western Metropolitan) (11:57): My constituency question is directed to the Minister for Employment, Minister for Small Business and Minister for Innovation, Medical Research and the Digital Economy, the Honourable Jaala Pulford. The small business digital adaptation program launched by the Andrews Labor government is a significant leap in boosting the small- and medium-sized enterprises sector in the state with its staggering \$20 million package. Eligible businesses will be able to access a \$1200 rebate for selected digital products. Some of the products that are available to businesses through this program include e-commerce, finance, website and digital business management tools. My question to the minister is: can the minister update me on how the small

business digital adaptation program benefits the residents of the Western Metropolitan Region? The proposed program is designed to aid small businesses to adapt to the online retail ecosystem and is an impetus for the digital journey of a business. Registrations for the digital adaptation program are open until 28 February 2021.

WESTERN VICTORIA REGION

Mr GRIMLEY (Western Victoria) (11:58): My question is to the Minister for Roads and Road Safety. Christian College Geelong has built a new campus on Great Ocean Road in Torquay. During school pick-up and drop-off times the traffic in the area becomes quite heavy and potentially dangerous. Traffic heading east along Great Ocean Road has an 80-kilometre speed limit that drops to 60 kilometres an hour on a blind corner very close to the front of the school. Christian College students and those that ride their bikes to and from nearby Bellbrae Primary School also cross the road near this point. To make things more dangerous for students, there is a T-intersection out the front of the school, and let us not forget this is on the very busy Great Ocean Road. Christian College is situated on a service road. However, many students cross Great Ocean Road to get to and from school. Currently there is no 'Slow down, school' sign ahead, no 40-kilometre school speed limit and no other pedestrian crossing. Can the minister, as a matter of urgency, direct VicRoads to look into the installation of the necessary infrastructure to ensure that the children who attend Christian College and Bellbrae Primary School are safe when travelling to and from school?

NORTHERN VICTORIA REGION

Ms LOVELL (Northern Victoria) (11:59): My constituency question is for the Minister for Health, and it concerns the continued lack of funding for the completion of the redevelopment of Goulburn Valley Health. I have raised this issue many times, the last time being in November last year, calling on the minister to release the GV Health master plan and commit immediate funding to complete the full redevelopment of the hospital, but true to form, I am yet to receive a response from the minister to my question. The master plan was due to be finalised in June 2018, and nearly three years on there is no sign of it. It is imperative that stage 2 completes the redevelopment and also includes the construction of a mother and baby unit. With the 2021–22 state budget to be delivered in May, it is time the Andrews Labor government committed the necessary investment in the health needs of the Goulburn Valley community. Will the minister release the reviewed GV Health master plan and provide a commitment that funding to complete the full redevelopment of GV Health, including the construction of a mother and baby unit, will be included in the upcoming 2021–22 state budget?

NORTHERN VICTORIA REGION

Ms MAXWELL (Northern Victoria) (12:00): My constituency question is for the Attorney-General, regarding the need for a drug court in Mildura. Drug courts are helping to improve community safety and reduce the burden on our corrections system by addressing the underlying cause of serious drug-related crime and breaking the cycle of offending. Drug treatment orders combine the health support for someone dealing with addiction with the necessary accountability on offenders by operating within the court system. The establishment of a drug court in Shepparton was very welcome. Given the level of drug addiction and related crime in Mildura, also in my electorate, there is evidence to support the need for a drug court in this region. With this in mind, my question is to ask the government to detail its time line for establishing a drug court in Mildura.

SOUTHERN METROPOLITAN REGION

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:01): My constituency question is for the attention of the Minister for Transport Infrastructure, and it relates to the Mont Albert and Surrey Hills level crossing program, which is supported in general, although many are concerned about the loss of Mont Albert station. But I have had correspondence from the Surrey Hills Cricket Club and the Surrey Park Football Club, and there is a severe impact that will occur with this, with the government using this as a staging post to take over Surrey Park, all three ovals, and use it as

an equipment and machinery storage area and possibly an overflow car park for Surrey Hills and Mont Albert stations. This will be for a period of two to three years. Canterbury Sports Ground is also impacted. These two important facilities are an underpinning for local football, cricket and more in the area, and it must be possible to find an alternative. I ask the minister to release the analysis and find an alternative for staging and associated works that protects Surrey Park and the Canterbury oval.

WESTERN METROPOLITAN REGION

Dr CUMMING (Western Metropolitan) (12:02): My question is to the Premier, and it is from a constituent in Keilor Downs. Her question is in regard to the snap lockdown. Do the community and especially the vulnerable and the working class have to keep bearing the cost of hotel quarantine mismanagement, and how many more times can we expect this to happen? She demands more from hotel quarantine and for the safety of the workers and their families. There are 20 active cases in the whole of the state, and she believes that we need to consider more around the mental health of our community and other health problems such as homelessness and addiction. She also has stated that she cannot understand, with 20 active cases in the whole state, why we are still wearing masks outside. She is not a scientist, but she also feels that it does not make sense. She is losing faith in what she is hearing.

SOUTHERN METROPOLITAN REGION

Ms CROZIER (Southern Metropolitan) (12:04): My question is to that Minister for Health. The entire state is in lockdown due to the ongoing incompetence and failures of the Andrews government. Contact tracing is a shambles, and the issues in that are still not fixed. The systems and processes in hotel quarantine are hopelessly inadequate. Other states are doing this far better than we are. Look at New South Wales. Premier Daniel Andrews should be following their lead, instead he arrogantly refuses to. It should be actually led by a doctor with infectious diseases experience, not somebody coming from corrections. Businesses in my electorate are on their knees. I have got a notification again today of another one in Glenferrie Road closed. This is just becoming a daily occurrence, and it is incredibly, incredibly distressing and sad for those businesses involved. Many people in my electorate of Southern Metro are asking me, 'Where are these cases? In what local government areas are they?'. There is no data on the Department of Health website. The last data was up on 30 January. My question is: why is this omitted from the current DH website?

SOUTH EASTERN METROPOLITAN REGION

Mr LIMBRICK (South Eastern Metropolitan) (12:05): My question is for the Minister for Small Business. I was recently contacted by a member of my electorate who owns a small business. He, like many other small business owners, has been struggling as a result of the restrictions imposed by the government's response to COVID-19. Many are worried about the approaching end to commercial rental relief and the moratorium on evictions, set to expire on 28 March. They are uncertain what will happen next. My question to the minister is: what is the plan for these businesses once the protections cease next month?

NORTHERN METROPOLITAN REGION

Mr ONDARCHIE (Northern Metropolitan) (12:05): My constituency question this afternoon is for the Minister for Police and Emergency Services. Many Glenroy residents in my electorate of Northern Metropolitan Region are concerned about their safety at night, theft from motor vehicles and dangerous hoon driving. A Glenroy disability pensioner has been left without his car, his only way to get around, after his vehicle was written off in a dramatic hit-and-run. He said that the collision was so forceful that it pushed his car out 6 to 7 metres away from the gutter into the middle of the road, where he woke up to find it. Can the minister advise me, so that I can advise my constituents: will the government committed to extra police patrols in Morell Street in Glenroy and surrounds to better deter theft from cars, antisocial behaviour, hoon driving and all those bad behaviours out there so Glenroy residents can have a safer street and a more peaceful life?

EASTERN VICTORIA REGION

Mr O'DONOHUE (Eastern Victoria) (12:06): My question is to the Minister for Mental Health. President, it is been reported that Lifeline received a record number of calls on Saturday, 3306 calls in one day, the third-highest number in Lifeline's almost 60-year history. Lifeline say the spike was driven by the government's five-day lockdown that was announced on Friday and came into effect on Saturday. The question I have for the minister, noting the significant mental health impact for constituents and small business owners throughout the Eastern Victoria Region, is: what additional resources will be provided to assist those with mental health issues so that they can be helped as quickly as possible? The Premier and the Deputy Premier, the Minister for Mental Health, should apologise to all Victorians, including my constituents, for their failings that have led to this lockdown that would not have been necessary if we had the systems in place to manage hotel quarantine and contact tracing.

EASTERN VICTORIA REGION

Ms BATH (Eastern Victoria) (12:07): My question is for the Minister for Agriculture. Unjustified delays, a wet year—the Game Management Authority has declared that there will be a reduced duck season, and it has been met with huge frustration from many of my constituents—three weeks rather than 12 and a bag limit of only two per day. The evidence to support a full season was provided to the GMA by the Victorian Duck Hunters Association, Field and Game, the Sporting Shooters Association of Australia and many others. There has been ideal rainfall across the state, and it has meant that Gippsland particularly has really good populations of game birds. By contrast to GMA, Tasmania has announced a full 14-week season and a bag limit of 10 birds. My constituents want to know: will you release the full evidence and data used by GMA to base its decision to only allow a drastically modified duck season for 2021?

WESTERN VICTORIA REGION

Mrs McARTHUR (Western Victoria) (12:08): My question is to the Minister for Police and Emergency Services and quarantine organisation. The shocking failings of the hotel quarantine system were revealed again by recent infection control lapses and the latest statewide lockdown. The lockdown will not be the last unless we stop patching up a failed model. Nor can we pull our weight in receiving returning Australians and farm workers. We need a long term, high-capacity solution fit for purpose for the months international quarantine is likely to continue. Avalon Airport is a secure, segregated environment large enough to operate a safe and isolated quarantine facility. It could receive international arrivals, with guests walking to outside cabins on the site, which is 10 kilometres distance from the nearest housing but in easy reach of Melbourne and necessary medical facilities, and using fly-in fly-out staff on shift patterns that could prevent new community infection even where transmission occurs in the facility. So my question for the minister is: will you commit to investigating and implementing this serious quarantine solution immediately?

NORTHERN VICTORIA REGION

Mr QUILTY (Northern Victoria) (12:10): My constituency question is for the Premier. Given that the regions are apparently only locked down to keep people in Melbourne, there is no reason why border residents should not be allowed to cross the river to attend education or work. People fleeing Melbourne are unlikely to be going to jobs or school in Albury or Moama or Mulwala. For border residents, attending school or work in New South Wales should be a reason to leave home, even if they are not considered as essential as tennis players. If they cannot go to work, can you guarantee they will be protected from dismissal by their employers for following circuit-breaker orders that you have imposed on regional Victorians?

WESTERN METROPOLITAN REGION

Mr FINN (Western Metropolitan) (12:10): My constituency question is to the Minister for Transport Infrastructure. Minister, as we all know, Victoria is currently subject to the third lockdown by the Andrews government in less than a year. Walking my dog yesterday in Bulla, in one of the rare

moments of freedom we are allowed, I could not help but notice two things: firstly, the lack of cars and smaller vehicles on Bulla Road; and secondly—and maybe the first point accentuated the second—the number of dirty great trucks carrying massive quantities of soil, presumably to be dumped in Sunbury Road and presumably from the West Gate Tunnel Project. Minister, was the soil in the trucks roaring through Bulla yesterday from the West Gate Tunnel, and if so, how does it fit in with the government's lockdown?

Petitions

Following petitions presented to house:

CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020

To the Legislative Council of Victoria

The Petition of certain citizens of the State of Victoria draws the attention of the Legislative Council to the Change or Suppression (Conversion) Practices Prohibition Bill 2020. This Bill:

1. Will potentially make parents into criminals or domestic abusers, at risk of 10 years in prison, if they do anything less than fully support their young gender-questioning children in undertaking irreversible hormone replacement therapy.
2. Specifically names prayer as a criminal offence, also punishable by up to 10 years in prison.
3. Prevents same-sex attracted people asking for counsel to live faithfully according to their orthodox religious identity. Anyone counselling or providing pastoral support to help achieve this will be committing an offence and facing a potential jail term.

The Petitioners therefore request that the Legislative Council vote against the *Change or Suppression (Conversion) Practices Prohibition Bill 2020*.

By Mr FINN (Western Metropolitan) (21 signatures).

Laid on table.

CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION BILL 2020

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that the Change or Suppression (Conversion) Practices Prohibition Bill 2020 is a gross government overreach and an intrusion on the rights and freedoms of Victorians who do not share the views and ideological constructs imposed by the Bill on identity, gender and sexuality.

These gender and sexuality constructs go against mainstream Islamic teachings and hinders Victorian Muslims from freely practicing their religion. If the Bill is passed to become law, Muslims and other Victorians who don't adhere to its enforced identity constructs will be subjected to direct and serious harm.

Victorian Muslims including parents, teachers, counsellors, medical professionals and others who don't affirm to the identity constructs of the Bill could be subjected to jail sentences and hefty fines.

The Bill does not strike a balance between protecting same sex attracted people from coercion and aversion practices and giving faith communities (including same sex attracted individuals) the freedom of consciousness to practice religion. All Victorians should have a right to autonomously adhere to religious constructs of sexuality, gender identity and religiously sanctioned sexual conduct.

The petitioners therefore request that the Legislative Council immediately halt the Change or Suppression (Conversion) Practices Prohibition Bill 2020 and that faith communities be consulted.

By Mr FINN (Western Metropolitan) (2931 signatures).

Laid on table.

Mr FINN: I move:

That the petition be taken into consideration on the next day of meeting.

Motion agreed to.

SEYMOUR AMBULANCE SERVICES

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the need for equitable services to respond to the health needs of regional Victorians, regardless of where they live.

There are four ambulances at Seymour station, but only one crew is rostered on overnight. There is also no on-call service in cases where the Seymour crew are deployed to another area, including Melbourne. The impact of this practice leaves residents vulnerable and without an available ambulance response within the 15-minute Code 1 response target.

The petitioners therefore request that the Legislative Council calls on the Government to restore on-call ambulance services in Seymour, in addition to their current resourcing.

By Ms MAXWELL (Northern Victoria) (63 signatures).

Laid on table.

Committees**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**

Alert Digest No. 2

Ms TERPSTRA (Eastern Metropolitan) (12:13): Pursuant to section 35 of the Parliamentary Committees Act 2003, I lay on the table *Alert Digest* No. 2 of 2021 from the Scrutiny of Acts and Regulations Committee, including appendices. I move:

That the report be published.

Motion agreed to.

Papers**OMBUDSMAN**

Investigation of Protected Disclosure Complaints Regarding the Former Principal of a Victorian Public School

The Clerk: Pursuant to section 25AA(4)(c) of the Ombudsman Act 1973, I lay on the table a copy of the Ombudsman's report titled *Investigation of Protected Disclosure Complaints Regarding the Former Principal of a Victorian Public School*.

PAPERS

Tabled by Acting Clerk:

Interpretation of Legislation Act 1984—

Notices pursuant to section 32(3) in relation to Statutory Rule Nos. 140/2020 and 141/2020.

Notice pursuant to section 32(4) in relation to Statutory Rule No. 135/2020.

Judicial College of Victoria—Minister's report of receipt of the 2019–20 report.

Parliamentary Committees Act 2003—Government response to the Electoral Matters Committee's Report on the Inquiry into the conduct of the 2018 Victorian State election.

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

Bayside Planning Scheme—Amendments C168 and C178.

Brimbank Planning Scheme—Amendment C213.

Buloke Planning Scheme—Amendment C39.

Corangamite Planning Scheme—Amendment C48.

Greater Bendigo Planning Scheme—Amendment C257.

Greater Geelong Planning Scheme—Amendment C401.

Melton Planning Scheme—Amendment C207.

Moreland Planning Scheme—Amendment C199.

Mount Alexander Planning Scheme—Amendment C92.

Queenscliffe Planning Scheme—Amendment C30.

Southern Grampians Planning Scheme—Amendment C55.

Stonnington Planning Scheme—Amendment C272.

Wyndham Planning Scheme—Amendment C254.

Yarra Planning Scheme—Amendment C245.

Statutory Rules under the following Acts of Parliament—

Conservation, Forests and Lands Act 1987—No. 6/2021.

Owner Drivers and Forestry Contractors Act 2005—No. 4/2021.

Professional Engineers Registration Act 2019—No. 5/2021.

Subordinate Legislation Act 1994—Documents under section 15 in respect of Statutory Rule Nos. 144/2020, 3/2021, 4/2021 and 6/2021.

Business of the house

NOTICES

Notices of motion given.

Notices of intention to make a statement given.

GENERAL BUSINESS

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:32): I move, by leave:

That precedence be given to the following general business on Thursday, 18 February 2021:

- (1) the notice of motion given this day by Mr Davis referring a matter to the Economy and Infrastructure Committee relating to the impact of the COVID-19 pandemic on the tourism and events sectors;
- (2) the notice of motion given this day by Mr Barton referring a matter to the Economy and Infrastructure Committee relating to the multipurpose taxi program;
- (3) the notice of motion given this day by Ms Crozier on the production of documents relating to the auditing of hotels used in the current hotel quarantine program; and
- (4) the notice of motion given this day by Mr Davis on support for licensed small businesses.

Motion agreed to.

Members statements

COVID-19

Mr FINN (Western Metropolitan) (12:32): Victorians have had enough. They have had enough of Labor's lockdowns. They have had enough of wondering why the Premier of New South Wales can effectively control the Wuhan virus without shutting down her state while Daniel Andrews cannot. Victorians have had enough of being told our testing and contact tracing is gold standard, when we all know it is really a deeper shade of brown. They are sick of the lies, the spin and the bulltish they are being fed by a government that just will not tell the truth. They are sick of the incompetence. They are sick of the false bravado of a Premier who would be hard-pressed to run a bath. They call him Captain Stuff-up. They are sick of his arrogance and contempt for the people of this state. They are sick of his refusal to apologise for his mistakes. They are sick of Daniel Andrews and his circus of a government destroying their future. Victorians have not just had enough; they have had a gutful.

LEIDOS AUSTRALIA

Dr KIEU (South Eastern Metropolitan) (12:34): Last week I had the opportunity to tour the Leidos facility with Treasurer Tim Pallas, who announced the establishment of Leidos's first software factory

outside of the United States. I was pleased to learn that this global science and technology firm will help to support workers in the field of STEM in Melbourne's south-east through the creation of up to 100 highly skilled jobs in the field. It was a privilege to witness the beginning stages of such a promising project. As we look towards a brighter and more economically stable future the Leidos software factory will support the development of highly skilled jobs and new technological capabilities in the south-east and across Victoria.

In fact in their Australasian and Asia-Pacific headquarters in Victoria Leidos employs more than 550 highly skilled workers, who are part of their workforce of more than 1400 across Australia.

I am delighted that the Leidos facility's investment in Melbourne's south-east will see an increase in highly skilled jobs and technical specialists in our region. Indeed this project is a further boost to the thriving Victorian tech sector, which as a whole contributes \$38.4 billion to the state economy and supports over 139 000 workers across around 20 000 businesses in the state. This is a testament to our innovative and highly skilled workforce at the forefront of advancements in science and technology.

GREAT OCEAN ROAD, MARENGO, SPEED LIMIT

Mr MEDDICK (Western Victoria) (12:35): I was pleased recently to have confirmed after meeting with the Minister for Roads and Road Safety that my direct request to him to have the speed limit lowered on a deadly stretch for wildlife along the Great Ocean Road at Marengo was agreed to, and the signs have officially been installed. I was pleased to make this request on behalf of wildlife shelters, rescuers and carers in the Otways. But in particular I want to thank Willie Bedford, who spearheaded this decade-long campaign and never gave up. Willie and other wildlife rescuers were attending hundreds of call-outs each year to dead or injured kangaroos, wallabies, koalas, wombats, echidnas and more.

This change from 100 kilometres per hour to 80 kilometres per hour might seem small, but it will be literally life saving for our precious native wildlife. There are a number of bus stops on that section of road, and this change will also help keep children and adults safer. The change could not have come at a more important time, with a strong focus on holidaying in regional Victoria and an increase in traffic along the Great Ocean Road. This is another example of having a party in the Parliament that knows and truly cares about the issues facing our wildlife, and I want to thank the government and in particular Minister Carroll for working with me to make this happen.

COVID-19

Dr BACH (Eastern Metropolitan) (12:37): I rise this afternoon to condemn the Andrews Labor government for the devastating impact that its ineptitude in running hotel quarantine and also contact tracing is having on the learning of Victorian students. 'Devastating' is the word used by the World Health Organization for school closures. We continually hear from those opposite that all they ever do is follow the health advice. Well, that is a lie. Early on in this pandemic, members of the government said they would rely on the advice of the World Health Organization. The World Health Organization says, and I quote:

... the devastating consequences—

of—

... the decision to close schools should be a last resort, temporary and only at a local level and in areas with intense transmission.

This lockdown and the school closures are across the whole state, in direct contravention of the edicts of the World Health Organization. They are of course not in areas with intense transmission.

Those opposite—two in number today, Dr Kieu and also Minister Tierney—have been spruiking the importance of instilling in young Victorians STEM skills—skills in science, technology, engineering and maths. Well, it might surprise those to learn that the Productivity Commission told us just earlier

this month that Victorian kids last year, before the first months-long lockdown, received their worst ever results in science and in maths. After near 20 years of Labor ineptitude and mismanagement of our education system, the government must finally listen to the best health advice and never again close schools in areas of Victoria that do not have intense transmission.

NATIONAL APOLOGY ANNIVERSARY

Ms SHING (Eastern Victoria) (12:38): Yesterday, 15 February, was the 13th anniversary of the historic apology to the stolen generations. It was given at the time by Prime Minister Kevin Rudd, and those messages were endorsed and further backed in by members of the federal opposition, at least, yesterday. We have so far to go in achieving voice and treaty and truth, and we have so far to go in encouraging and doing all that we can as governments around Australia to facilitate reconciliation. This requires painful conversations and a recognition of intergenerational trauma that continues to be such a cause of heartache and distress for First Nations communities around Australia. My thoughts are with them and in particular with members of our First Nations communities in Eastern Victoria as we continue to work toward the process of treaty in this state through our First Nations assembly and through the work associated with real, tangible, long-term and beneficial change.

CHINESE NEW YEAR

Ms SHING: I would like to wish well and send my best thoughts to everyone from Asian communities who are celebrating the Lunar New Year. This is the Year of the Metal Ox. It is supposed to provide us with better resilience and stability, and that will be sorely tested after a difficult Year of the Rat last year. To those people who have not been able to make it home for that all-important family time, my thoughts are with you and I hope that you get to celebrate in ways that provide respect to you and to your ancestors and communities.

COVID-19

Dr RATNAM (Northern Metropolitan) (12:40): As Victoria experiences another lockdown in an effort to curb the spread of COVID-19, I want to thank the community for all their efforts and sacrifices to keep us all safe. The restrictions we are experiencing are never easy. It may just be five days, but we are all experiencing this lockdown in the memory of 2020, and even with a short lockdown some in our community are impacted more than others. One of those groups of people are casual workers. We know that they have been hit particularly hard by the pandemic and they have been largely left out of the support that governments have offered. Casuals were not eligible for JobKeeper, and JobSeeker is being slashed back to poverty levels. While the government is rightly considering support for businesses who have lost a lot with the snap lockdown over what was to be a busy weekend, casual workers have also suffered. Lots of shifts were no longer needed, and many casuals would have lost significant income over this period. The Greens are urging the government to provide support for casual workers who have lost shifts due to the current restrictions. Financial support can be the difference between someone being able to put food on the table and paying their bills and rent or not.

I also want to acknowledge that we have an important role in this place both to provide oversight and scrutiny of government but also to be constructive in what is an unprecedented time. On that note I want to say how deplorable it is that we are once again seeing a campaign of misinformation by the Liberal Party in response to the latest restrictions. We saw this tactic of exploiting people's fears being used just a few months ago, and it did nothing but divide our community. The Leader of the Opposition, Mr O'Brien, needs to reconsider this approach if he is to have any credibility in the future, and I urge any members who are encouraging these campaigns to do the same.

MEMBER CONDUCT

Ms LOVELL (Northern Victoria) (12:42): I would like to raise what I think is a concerning rise in bullying behaviour by members of Parliament towards the people of Victoria. We all understand that MPs may have a dig at each other on social media, but we are all thick-skinned enough to take it. What concerns me is MPs publishing or liking derogatory comments towards the general public. Last week

I was disappointed to see Harriet Shing like a post that referred to farmers as ‘elderly, pufferfish-faced farmers’. This may be what Labor MPs think of their rural constituents, but I find it offensive.

MOOROOPNA PRIMARY SCHOOL

Ms LOVELL: It was my great pleasure to recently join principal Steve Rogers at the Mooroopna Primary School to present leadership badges to the 2021 school leaders. This year’s ceremony was slightly different as it was held under strict COVID-19 protocols, but as always the presentation was a celebration of leadership and achievement as well as hope for the coming school year. It is always a privilege to be invited to the school to present the badges, and it was great to see the 2021 cohort embracing their new roles within the school community. I would like to congratulate new school captains Zehra Ay and Cody Leahy; house captains Jasmyn Garnsworthy, Dylan Child, Liam Wright, Jack Mahoney, Emma Adams, Cooper Giles, Georja Poole and Blake D’Urso; and leaders Macayan Tuaopepe and Hayden Hodgson-Brook. I wish everyone at Mooroopna Primary School a very happy and successful school year for 2021.

SAILORS GRAVE BREWING

Ms GARRETT (Eastern Victoria) (12:43): I rise to congratulate Gabrielle and Chris Moore, the owners of Sailors Grave Brewing in Orbost, for their successful application to the bushfire regional economic stimulus and resilience fund. This funding will assist Gab and Chris to relocate and expand their business to a greenfield site that is located on the coastal touring route via Cape Conran. It will allow the business to partner up with local farmers, establish a craft malting facility that will utilise locally grown grain, promote collaboration with Indigenous business on alternative methods of grain production and create a tourism and hospitality hub that links in with already funded initiatives between Orbost and Cape Conran. These plans have been more than two years in the making, with feasibility and stakeholder consultation completed with all levels of government, local farmers and businesses, tertiary education institutions, the Latrobe Valley Authority, Gippsland Smart Specialisation, Landcare and Food & Fibre Gippsland. It is absolutely delightful to see the Victorian government supporting this innovative and amazing business as part of not just the bushfire recovery but also the pandemic response to attract visitors back to regional Victoria and to deal with other challenges that shifts in the Gippsland economy have presented. So congratulations once again to Gab and Chris. I look forward to seeing you soon in your new digs.

COVID-19

Mr QUILTY (Northern Victoria) (12:45): Every week I come here this government gives northern Victorians a new reason for Rexit. This five-day lockdown is another dazzling display of our Premier’s disregard for regional Victorians. This lockdown is an admission of the failure of our quarantine system. It is an admission that we certainly do not have either gold standard quarantine or contact tracing, and it is an admission that this government has no interest in a proportional response. This Premier has relied on fear and sensationalism to sell this kneejerk reaction. The new strain of COVID moves at ‘hyperspeed’. It is ‘smarter’, ‘faster’ and ‘hyperinfectious’—‘smarter’, as though it was some cartoon villain planning to take over the world. Where most states are able to contain outbreaks with three-day lockdowns, Victoria needs at least five. This is another admission that our contact-tracing system is not up to scratch.

The most shameful thing about this lockdown is the complete disregard for regional Victorians. This small cluster in Melbourne has caused Victorians hundreds of kilometres away to be stuck in circles of 5 kilometres around their homes. When asked why regional Victorians have been forced into lockdown, the Premier responded that they would be unable to create the ring of steel around Melbourne at such short notice. Instead he has created a ring of steel around every single Victorian’s home. There is no good reason for the broadness or severity of this lockdown. We have asked the government to share the human rights assessments and cite evidence and expert opinions supporting lockdowns, but they refuse. There is no regard for human rights. There is no evidence, and there is no

evidence being presented that experts back this plan. This government has contempt for regional Victoria. When we make our new state, you should not be surprised.

COVID-19

Mr O'DONOHUE (Eastern Victoria) (12:46): I was contacted by numerous constituents over the weekend talking about the lax procedures at Melbourne Airport compared to other airports around Australia when it comes to COVID-19 sanitisation et cetera. An email from a constituent that I know well, and respect very much, summarises it. He says:

The issues I raise may highlight why the Victorian Health Department response by authorities is anything but Gold Standard in my humble opinion

... I am not sure whether most Victorians have experience as to what is happening in other states, particularly NSW, where they seem to be taking things far more seriously. Attested by the stark differences in the health and vibrancy of the comparative CBD's.

He gives several examples:

Example 1

Prior to Christmas I attended my Sydney office and attended a number of client meetings. I travelled with 2 other Melbourne based colleagues.

We departed Sydney shortly after the Northern Beaches outbreak at Avalon RSL

Whilst we travelled on the same airline only two of the three received messages from Health Department officials requesting COVID testing.

All three did go on to have a COVID test nonetheless. He cites another example. He departed Tullamarine for Sydney. In Sydney the pilot advised passengers they would only be able to deplane 10 people at a time so they could be met and vetted at Sydney airport. Sydney staff were in full PPE gear, whereas when returning to Melbourne there was no requirement to show a permit and no requirement to sanitise and Department of Health staff were not in PPE gear. The examples are numerous, and it is time Daniel Andrews picked up the phone to Gladys Berejiklian.

PETROL SUPPLY

Mr BOURMAN (Eastern Victoria) (12:48): Firstly, I would just mark that it is now 38 years since Ash Wednesday, which was 16 February 1983, where we lost 75 people. Unfortunately that has not been the worst bushfire disaster we have had. My main statement is about the ExxonMobil impending shutdown. There are a number of reasons I am not fond of this. Part of it is because there is a loss of a lot of jobs, not just the jobs there but a lot of the downstream jobs. But there is also a national security implication in this. We as a country hold our petrol reserves overseas, and that is rubbish. Because the whole idea, if there are reserves, is that if there is a need for them, we have them. If we get cut off from overseas, we have them. Unfortunately we are just lining ourselves up for a disaster because now the Exxon terminal in Altona will be a shipping terminal, not a production terminal. So at some point in time if we ever need our petrol reserves, we will be lucky if we have got half an hour.

ASSISTANCE DOGS

Mr GRIMLEY (Western Victoria) (12:49): I rise today to congratulate the Office of Public Prosecutions again for pursuing an amazing program which I spoke to the house about in December last year: Lucy the court program labrador and the amazing assistance she provides to young witnesses, helping them to deal with what at times can be confronting court experiences.

As mentioned previously by the Attorney-General in her ministers statement, this program provides vulnerable witnesses giving evidence in court with extra support by having a fur friend by their side and there is now a new addition to this program in Kiki, a new partner and sister to Lucy. Kiki is a two-year-old black labrador who has now joined her labrador friend Lucy, who was the very first dog in Australia to be allowed on the witness stand as witnesses gave their evidence. Kiki will be based at the Child Witness Service to provide support to children and minors who are required to give evidence.

The program commenced in 2017, and since then the dogs have supported nearly 300 witnesses, of which nearly half have been children.

Provided by Assistance Dogs Australia, Kiki and Lucy are trained to accompany their young witnesses and lie quietly next to their feet. Both Kiki and Lucy provide calming support and assist in reducing further traumatisation. Having spoken to many young survivors of sex abuse and family violence, this program has been pivotal in providing these survivors an experience in court that would otherwise petrify them. Victoria is currently the only state running a full-time program with accredited dogs working in witness rooms and on the witness stand. I applaud the government for providing funding for Kiki, and I ask that this program continues to receive funding in order to continually expand it, as these dogs have literally changed lives.

COVID-19

Ms BATH (Eastern Victoria) (12:51): Victoria is hurting under Daniel Andrews, and not from a shocking, wildly virulent, Victoria-only UK strain. It is from an inept government that cannot organise its way out of a paper bag. Magnificent Melbourne is a ghost town, and it breaks my heart to see. Regional Victoria is absolutely suffering due to this man's misconduct and ineptitude. Gippsland businesses are shut down for the third time. Sole traders in Orbost, pubs in Metung, florists in Traralgon, hospitality, tourism and retail are at a standstill—and all without one active coronavirus case. Schools are closed, and families and teachers have to juggle start-stop education. That has a significant impact on their mental health and wellbeing. Regional families—why are we in lockdown again? It is because Daniel Andrews is not prepared to do the hard work to create a gold standard contact-tracing team to protect Victorians. New South Wales can do it. They have done it, and they have done it without shutting down an entire state. New South Wales has processed 1225 returned travellers. We cannot get through with under a quarter of that. And what do we do? We are going to be \$155 billion in debt, and we are transferring people wearing bin liners.

COVID-19

Dr CUMMING (Western Metropolitan) (12:52): I received an email this morning. The writer's daughter travelled to Sydney last Monday, 8 February, and upon arrival they were only allowed to leave the plane 20 passengers at a time. Arriving passengers were separated from departing passengers, and they were met by officials who checked their entry permits, asked them where they had been, showed them the list of hotspots in Melbourne and then asked if they had been in any of those areas. They had their temperatures taken, and then they were asked where they were staying. There were police present, and all workers were wearing full PPE. While in Sydney, NSW Health called her and asked her to take a COVID test and isolate until a negative result was received. She had the test later that afternoon and received a negative result by 7.00 the next morning. She flew back to Melbourne last night and was greeted by no-one—no permit check, no temperature check, nothing. She walked off the plane and straight out of terminal 4. A family friend also experienced that a week ago, and I experienced that three weeks ago. Why is Victoria not like every other state in Australia?

COVID-19

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:54): I think we all know that this government is inept and incompetent, and we have seen a massive impact from the harsh lockdown that started on Friday night—the massive impact on our businesses, on the mental health of so many people across the community, on our schools. The impacts are wide and they are also very deep. It is all caused by an incompetent Premier and an incompetent government, who have not been able to operate contact tracing properly and have not been able to operate our hotel quarantine system properly. They have allowed it to escape for a third time. They have allowed incompetent contact tracing. We heard the examples in the chamber today of incompetent contact tracing.

That has meant the Premier has gone for these harsh, vicious and cruel lockdowns that are not necessary. He only needs to look over the border to see the alternative; the alternative is a properly

functioning system, a system that is able to manage considerable outbreaks, including the recent Northern Beaches one.

So our government is not up to it, and it is hurting businesses; it is hurting the mental health of so many people. And I say that our Premier needs to really get a grip on this. He needs to step back and admit his failures. He has real trouble doing that, and this government has real trouble doing that. I say that we actually need to get in place a proper system. He needs to make a visit to New South Wales to learn how to run things. We cannot have these harsh lockdowns. We cannot have the damage to businesses. We cannot have the bad outcomes because of incompetent governance.

Business of the house

NOTICES OF MOTION

Ms TAYLOR (Southern Metropolitan) (12:55): I move:

That the consideration of notices of motion, government business, 403 to 447, be postponed until later this day.

Motion agreed to.

Bills

WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (PROVISIONAL PAYMENTS) BILL 2020

Second reading

Debate resumed on motion of Ms STITT:

That the bill be now read a second time.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:56): I am pleased to rise this afternoon to make some remarks on the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. The bill before the house this afternoon seeks to make amendments to the act that establishes Victoria's workplace accident compensation scheme. This bill seeks to implement changes which are described by the government as giving effect to an election commitment the government made leading up to the 2018 election with respect to introducing provisional payments for WorkCover claims.

I will go through in some detail in this speech and in the committee stage those provisions, but in essence the Labor Party made a commitment to provide for a person who makes a WorkCover claim or who submits a WorkCover claim to start receiving support, financial support, basically from the time that claim is submitted—that is to say before the outcome on that claim is determined. Now, there is a big gap between what Labor said it was going to do and what it is actually doing with this bill. We will come to that with the minister in the committee stage. What this bill does is actually seek to introduce a provisional payment scheme in respect of mental injury claims for medical and like costs. So it is not income support, it is in respect of medical and like costs.

The provisions of the bill basically provide that if a person submits a WorkCover claim in respect of a mental injury, their employer is obliged to submit that to their insurer within three days and then the claimant will be entitled to receive up to 13 weeks of medical and like expenses. That is irrespective of whether the claim is ultimately rejected; the worker submitting that claim is entitled to receive that medical and like support. The bill goes on to provide the structures for that. It is actually a relatively straightforward bill, a relatively short bill, but the implications of this are significant. In fact the implications of any change to the Victorian WorkCover scheme are very, very significant.

In 2008 the Brumby government commissioned Peter Hanks, QC, to undertake a review of the Victorian accident compensation system, which is a system that had been in place in Victoria since the 1950s in various iterations. There were a number of different iterations of the workplace accident compensation scheme put in place between the 1950s through to the end of the first decade of the

2000s—different types of compensation, different trigger points, different levels of evidentiary proof and different triggers of culpability for determining a workplace injury claim.

Of course each time the scheme was changed and modified, the existing scheme needed to be preserved, because a person who incurred a workplace injury in the 1950s has their claim assessed against the scheme of the 1950s and each new claim is assessed against the scheme of the day. But because many of the claims in workplace accident compensation are long-tailed, it is necessary for those old schemes to be preserved as the scheme is modified.

One of the key recommendations that came out of that review by Peter Hanks was that the workplace injury legislation be consolidated and updated, and that was a recommendation that the previous Brumby government refused to do. Having received the Hanks report, having considered a number of recommendations with changing the scheme and changing access to the scheme, the key recommendation that government balked at was recommendation number one, which was to consolidate and update the Accident Compensation Act 1985.

When the Liberal-National coalition came to government in 2010, the role fell to us as government and to me as minister to implement that first recommendation of the Hanks report, which led to the development of the Workplace Injury Rehabilitation and Compensation Act 2013, which is now the primary piece of accident compensation legislation in Victoria. The development of that legislation took an enormous amount of work by the Victorian WorkCover Authority, it required an enormous amount of work from the Department of Treasury and Finance in developing a bill which delivered on the recommendations of Peter Hanks in that it be a consolidated and updated piece of legislation, but it also took a great deal of work on behalf of the agencies and the government to ensure that there were no unintended consequences. Because the WorkCover scheme is very large, it is very complex and it is a long-tail insurance scheme, what may seem to be minor changes made today can have very significant consequences down the track in five, 10, 15, 20 years time. As I said, the scheme we have in Victoria first started in the 1950s, and there are claimants in certain circumstances who will be in the system for decades, depending on the nature of their injury claim.

Changes you make today—seemingly small changes you make today—can have very significant impacts downstream, so one of the key requirements in drafting the work bill was to ensure there were no unintended consequences. One of the things we needed to ensure in preparing that legislation, for example, was that where the courts had made interpretations of the existing Accident Compensation Act and its predecessors, which were still in place, and had defined and determined the way in which existing provisions operated, we needed to ensure in drafting the new legislation that those provisions were preserved. What we wanted to avoid in the new act was changing a word and therefore opening things up for existing established principles to be re-litigated, because it is very much the nature of the WorkCover scheme and very much the nature of the transport accident road injury scheme that they are seen as honey pots by plaintiff lawyers, and the pressure on those schemes through constant litigation to change the definition to open schemes in ways that were never intended by the Parliament is constant. So any legislative change opens the prospect of a plaintiff lawyer litigating the scheme and trying to seek a new interpretation with a very different outcome to what was intended by Parliament.

So in drafting the work bill we had to be very, very careful to ensure that existing understood litigator provisions were carried forward into the new legislation so that we did not open up a whole lot of fronts for litigation which would have a detrimental impact on the long-term interests of the WorkCover scheme. It was a massive piece of work to develop that new legislation, which subsequently was passed by this Parliament in 2013 and has become the basis of the Victorian WorkCover compensation system.

Now, having put in place that work act, it was incumbent on government to monitor the way in which the act worked and to constantly monitor the way in which the scheme worked. As I said, it is a long-tail scheme. In some cases there are injury claimants who are in the system for a very long period of time, and there can be long-term consequences from short-term decisions around the scope of the

scheme and around access to benefits, the nature of benefits and the way in which benefits are accessed. It is the objective of the scheme, scheme managers and government to ensure that that scheme is managed in a sustainable way, to ensure that the premiums paid today will provide the compensation that is required over the long term and to also ensure that the premiums paid today by employers are competitive and that Victoria remains a competitive jurisdiction in which to do business, and to do that we need to keep our WorkCover premiums low. Under the previous coalition government we had the lowest WorkCover premiums in Australia and we had the best workers compensation scheme in Australia.

What we have seen, though, since the change of government in 2014, and as the annual report of the Victorian WorkCover Authority attests, is a continuing deterioration in the operation of the WorkCover scheme in Victoria. We have seen the premium level in Victoria remain static at 1.272 per cent of payroll. The premium is paid by employers across the board, and it varies wildly among different industries. It varies widely among large employers, whose premiums are sensitive to their direct performance, and smaller employers, whose premiums are sensitive to their industry performance. Industry premiums vary very, very widely, but the statewide average is 1.272 per cent of payroll—and it has been 1.272 per cent of payroll since 2014, so there has been no improvement in premiums over the last six years, which means Victoria no longer has the lowest WorkCover premiums in Australia. In fact we are now middle of the road. The current Victorian government has not generated any efficiencies or any improvements in the scheme which have allowed it to reduce premiums while continuing to pay benefits. So where we saw efficiencies and improvements under the previous government—we saw improvements in the scheme for workers under the previous government and we saw a reduction in premiums—premiums have not reduced in Victoria under this government and Victoria has fallen behind the pack on WorkCover premiums as a consequence.

More concerning, though, we have seen the deterioration, year on year, in the way in which the scheme operates. There are really two key measures of the viability and sustainability of a WorkCover scheme. It is a very large scheme. It has a \$20 billion balance sheet. It turns over, depending on the year, \$3 billion to \$4 billion a year, and it looks after, certainly in the current year, around 85 000 WorkCover claims. Some of those are new and some of those are longer term claimants over multiple years.

A big part of the business of the WorkCover authority—running the insurance scheme, the compensation scheme of the WorkCover authority—is ensuring that it has assets invested to meet long-term claimant liabilities. Most of those assets are invested through the Victorian Funds Management Corporation and are typically invested in international and domestic equities, so as share markets go up and down, investment performance goes up and down and the bottom-line performance of WorkCover goes up and down. So in order to look at how WorkCover is actually performing you need to take out those investment outcomes and look just at the insurance business—just look at the way in which the authority is actually running the claims management part of the business, setting aside the performance of investment markets—and that is done really with two metrics, one of which is actuarial release, which is basically the assessment by the scheme's actuaries as to how the long-term liabilities of the scheme are tracking.

Management is doing a good job if it is, for example, investing money now to ensure that claims are lower in the future. A good example of that would be if there is a cohort of claimants with a particular injury and it is possible to give them a certain type of treatment this year, it might be expensive treatment but if you give them the treatment this year, it means the cost of looking after those people in five, 10 or 15 years time is lower. You look to get sensible investments like that, and that would be reflected in the actuarial release. If you had an intervention today which meant that the long-term cost of looking after a cohort of injured people was lower, you would see a positive actuarial release: the long-term liabilities would reduce in the scheme.

What we have seen under this government, though, since it came to office is that each and every year the actuarial release has been negative, which means claims liability is going backwards. Things are

not going better, they are getting worse. It has happened in a substantial way, particularly in the last year but going back to 2014–15. For the period of the previous government, which is shown in the last annual report, from 2010 through to 2014 actuarial release was positive. It ranged from \$136 million to \$303 million a year. Under this government, in its first year actuarial release was negative \$60 million. Then it declined \$135 million, then it declined \$169 million, then a slight improvement to only negative \$141 million and then back to negative \$190 million. In the financial year most recently reported, 2019–20, actuarial release was negative \$2.9 billion, which I would say would be the worst outcome on actuarial release in the WorkCover scheme in its history. That is a direct reflection on the way in which the scheme is being managed and the way in which the actuaries believe the long-term liabilities are going to track.

The other key metric on how the scheme is going, as apart from how its investments are going, is the performance from insurance operations, which is the bottom line of the insurance business, and it is driven in part by the direction that liabilities and claims costs are going. We see again under this government a dramatic deterioration in performance from insurance operations, and this is a key metric. This is a key bottom line outcome of how well the government, how well the board and how well the management of the WorkCover authority are running the scheme for the long term. We see that for the life of the government PFIO has been declining. For 2019–20 it was negative \$3.5 billion. Neither the trend nor those outcomes are sustainable.

Now, everyone wants a WorkCover scheme which can do a lot of things, which can provide compensation in a lot of ways, which can provide medical and like support to injured workers in a lot of ways and which can ensure that the occupational health and safety framework is upheld strongly in Victorian workplaces. Those things can only be achieved if you have a viable and sustainable WorkCover system, and under this government we do not have that. The trajectory the VWA is on and has been on for the last six years is not sustainable, is not viable and cannot continue.

That is why the bill we are dealing with today raises concerns insofar as it seeks to change the framework for the provision of support to people making mental injury claims. It is notable that mental injury claims are the growth area of the WorkCover scheme. In 2007 around 9 per cent of WorkCover claims were for mental injury. By 2020 that had jumped to 14 per cent, so it was roughly a 50 per cent increase in 13 years. The government, in the second-reading speech, forecasts that will increase to 33 per cent by 2030. So in less than 10 years the government sees that more than doubling, from 14 per cent of claims to 33 per cent of claims.

We are seeing exponential growth in the proportion of WorkCover claims which are mental injury, and that is a very significant challenge to the scheme. It is a very significant challenge to the long-term viability of the scheme. And that is why any decision to make changes to entitlements, such as this bill is doing, needs to be very carefully considered and very carefully implemented—because the long-term consequences can be dramatic. What we do not need to see is a scheme which after four or five years becomes unviable because it was not properly managed when changes were made.

As I said, this bill ostensibly is a response or delivery of a government election promise—even though it does not do what the government said it would do—and it contains some peculiar elements. As I said at the outset, it seeks to provide an entitlement for people who are making mental injury claims to receive up to 13 weeks support by way of medical and like services before their claim is accepted. It gets the medical assistance underway straightaway, before a claim is accepted, but bizarrely it leaves that support in place even if a claim is not accepted. So even if someone is deemed not to have a workplace injury, they will continue to receive financial support from the workplace injury scheme. The scheme is already under pressure. It has been mismanaged for six years, and that is showing dramatically in the most recent financial results. And now people who are not, by definition, the subject of workplace injuries will be receiving workplace injury support for 13 weeks, even with rejected claims. That raises a number of concerns. That has a number of implications for the scheme long term and for the viability of the scheme long term.

It is notable that the minister in her second-reading speech referred to the cost of this change as \$6.1 million. And you might think, 'Now, the scheme is turning over \$3 billion or \$4 billion, depending on investment returns, so \$6 million out of \$3 billion or \$4 billion is insignificant'. But it is very significant when you look at the compound effect, when you look at the way in which that additional cost impacts the long-term performance of the scheme, the long-term liability of the scheme, and where we are seeing some very significant negative outcomes with the performance of the scheme. And also of course that is a first-year cost. That is a short-term, first-year cost; it does not reflect the growth in mental injury claims as a proportion of the total scheme and it does not reflect the growth and the cost of those claims as well. So there are a number of implications arising from this decision. On the face of it the government has made an election promise and has had to deliver something—even though this bill does not match what the government said, and we will come to that in the committee stage—but what it is delivering does have risks.

While the coalition are not opposing this change, we note that there are substantial concerns with the viability of the Victorian WorkCover scheme as it has been run over the last six years. We know that this is a substantial change which will have longer term financial impacts on the scheme. As I said earlier, critical to everything WorkCover does—whether it is providing income support, whether it is providing medical and like services to injured workers or whether it is running the occupational health and safety side of the operation to prevent workplace injuries—none of that can be achieved and none of it can be rolled out widespread and long term if the scheme is not viable, if the sustainability and viability of the scheme are not protected. We are seeing that is now at risk, so as we seek to increase and broaden the base of entitlements, as this bill does, we need to be very mindful of what the long-term consequences will be.

The coalition does not oppose the scheme. It does not oppose this bill and this amendment. But I will look in the committee stage to get a number of questions addressed by the minister as to how this change will work in practice and what the long-term implications for the scheme will be, noting the perilous situation it is now in as a consequence of six years of this Labor government.

Mr ERDOGAN (Southern Metropolitan) (13:20): I am pleased to also rise in support of the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. The Workplace Injury Rehabilitation and Compensation Act 2013—or the work act—is legislation which I became very familiar with in my previous career as a plaintiff lawyer. It is an important piece of legislation in this state for a number of reasons, because it is also part of Labor's legacy of fighting to protect working people. It is the successor legislation to the Accident Compensation Act 1985, which was implemented by Mr John Cain. This current act, the work act, was renumeralated with almost no substantive changes at a cost of millions of dollars by the previous Baillieu-Napthine governments. As a lawyer in the jurisdiction at the time I questioned why the whole act needed to be renumeralated if there were no substantive changes and why incur those significant costs at that time. Nonetheless this is a legacy of the Accident Compensation Act, which was a reform introduced by the Cain government—but again, when Jeff Kennett and the coalition stripped common-law rights out of this scheme it was again the Labor governments, the Bracks government this time, that restored rights for working Victorians.

This Andrews government, as pointed out by the previous speaker, is delivering on an election commitment to introducing a provisional payments scheme into the work act covering medical and life expenses for workers with mental injuries. The provisional payments scheme will provide early access to treatment and support to workers for work-related mental injury. This support is in the form of medical and life expenses for a period of 13 weeks, regardless of if their WorkCover claim is eventually accepted or rejected. It is probably an acknowledgement of the changing nature of workplace injuries and following a trend.

Early access to medical treatment for mental injuries will provide long-term health and productivity benefits for the worker, the employer and the broader Victorian community. Currently the average time frame for a mental injury claim being determined by the WorkCover insurer is 27 days.

Remember, the WorkCover insurer has 28 days—so on average they are taking 27 days to process these forms of claims. Those familiar with the scheme will understand that this may mean that a worker waits a total of 38 days before they get a determination on whether their claim is accepted or rejected. This in my experience occurs more frequently than one would expect. The employer has 10 days to forward on the WorkCover claim and the insurer an additional 28 days to make their assessment. During this time the worker may be left without any support. The bill ensures that workers no longer need to wait that long to access this support. It builds on the government's successful provisional payments pilot program for emergency services workers and volunteers, which was launched in June 2019. So, this is a tried and tested method, and now we are going to put it into practice.

The pilot program taught us how important it is for frontline workers to be able to access support for medical expenses as soon as they need it. It will provide them that much-needed assistance for their recovery and facilitate a smoother return to work. The mental health and wellbeing of Victorians has always been this government's priority, and that is why we have demonstrated this through delivering additional mental health supports to help match demand and ensure Victorians get the care they need when they need it.

The bill further demonstrates the government's commitment to improving the mental health and wellbeing of Victorians on top of its record investment—almost \$1 billion last time I checked—into mental health services. It is designed to help injured workers get support sooner and get back to work quicker. Mental health injury claims have grown significantly in recent years and are expected to account for one-third of all workers compensation claims by 2030. The nature of mental health claims can be more complex and can take longer to determine than physical injury claims. As I mentioned earlier, it can take 38 days for a worker's mental injury claim to be determined, limiting the ability of some workers with mental health injuries to get access to treatment quickly. This interval, along with the possibility of steep out-of-pocket expenses, also discourages injured workers from seeking prompt medical treatment and negatively impacts their wellbeing during a time of difficulty.

By covering costs such as GP visits, psychiatrist and psychologist appointments and medication, the provisional payment scheme will remove financial barriers that hamper workers from getting the care they deserve.

The provisional payments scheme introduced by the government will provide workers and eligible volunteers who lodge a workers compensation claim for a mental injury with access to payment for reasonable medical and like expenses whilst their claim is being determined. In the event a claim is rejected, the worker will still receive 13 weeks of transitional support for medical expenses to assist them in returning to work.

There is significant evidence about why providing transitional support to those struggling with mental injuries is vital. The Productivity Commission's *Mental Health* report found that timely provision of support for a worker suffering a mental injury increases the likelihood of them returning to work earlier. Similarly, the *Royal Commission into Victoria's Mental Health System: Interim Report* found that early intervention is effective in reducing the impact of mental illness.

This transitional support is also important to allow workers to access support services while they are awaiting dispute resolution or transitioning to other services. I might add, for those of you not so familiar with the scheme, the dispute resolution process can take over 12 months, as after an initial rejection the claim proceeds to the conciliation authority, and if there is no resolution from that process, it proceeds to the Magistrates Court. I have even experienced in my career that mental health claims are the most contested area, so they are usually the ones most affected by these rejections and can take up to 18 to 24 months to resolve through the court process. This initial assistance in the first 13 weeks, or approximately three months, will help people to hopefully recover and return to work.

Under this bill the WorkCover insurers will have only two days to assess a worker's eligibility for provisional medical and like expenses for this type of claim. This is obviously coupled together with

the new requirement for the employer to notify the insurer of the claim within three business days to ensure early access. To be clear, for those suffering a mental injury this means a reduction in maximum wait time from 38 days to five days to receive the treatment they need, further reducing any anxiety or stress caused by this wait. These short time frames are critical in accessing early support while striking the right balance by providing the employer adequate time to make the notification.

The provisional payments scheme will be available to volunteers entitled to compensation through the work act, recognising their invaluable contribution to the community. That means volunteers such as those supporting our Victoria State Emergency Service, surf lifesavers, jurors and certain volunteer school workers will also be covered by this scheme. Ultimately, this bill is an up-front investment in early intervention to assist workers and volunteers with mental injuries to receive treatment as soon as possible, increase return-to-work prospects and ultimately prevent longer term claims. As the previous speaker, Mr Rich-Phillips, stated, this is a long-tail scheme. It provides support for people that are on the scheme for a short period and return to work but also those that are long-term injured.

This scheme needs to be fit for purpose. When I say fit for purpose I mean it needs to allow for and follow the trends and what is needed. I think we have seen a trend that there is an increase in the number of psychological or mental illness or injury claims, and the current scheme was falling short in some instances. What a good government does is respond to those challenges, to those trends. That is why the implementation of this, what is effectively a no-fault entitlement to medical and like expenses for 13 weeks, is going to help in getting people back to work sooner.

We do have a good system. I believe it is the best system in the nation, but it is a scheme that must be financially sustainable. Without financial sustainability the scheme will blow out and may lead to poor results, or we will need to find other funding sources. The challenges for the scheme are broader than just legislative; I think the changing nature of work may also have an impact.

I am also proud to report that the estimated cost of this important reform is relatively minor. It is expected to represent only a 0.003 per cent change to the average premium. This is in the context of Victoria already having one of the lowest WorkCover premium rates of any Australian jurisdiction. The average premium rate for 2020–21 was 1.272 per cent of remuneration or payroll. This is lower than New South Wales, a state that a lot of people in this chamber like to compare Victoria to. Our WorkCover premiums are much lower than New South Wales, but they are significantly lower than those of other jurisdictions such as Tasmania and South Australia, where we are 30 or 40 per cent below their premiums.

The PRESIDENT: May I have an indication of how long you are going to speak for?

Mr ERDOGAN: I will be three more minutes, if that is okay. I will lead to my conclusion. I am aware of the time.

The PRESIDENT: No, I am not putting you under pressure.

Mr ERDOGAN: Yes, okay. I am aware of the time. I will get to my conclusion because I know there are a number of speakers on this bill, and I know my colleagues Harriet Shing and Mr Melhem will also have a contribution.

In my previous career I did witness firsthand the difficulty workers with mental injuries undergo in accessing timely medical care. I recall a tram conductor who was bullied in the workplace. Her claim was rejected. During that period she was not provided with any support in terms of accessing her GP visits or paying for medication or psychiatric visits, and as a result she relied on her partner's income. There was an added, I guess, socio-economic factor there to the troublesome situation she was in. The claim was rejected initially. It went through the conciliation process. It went through the courts. Ultimately we had a respectful and, I must admit, very professional defendant on the other side who picked up this file and said, 'I don't know why this was rejected in the first instance' and the matter was able to be resolved, but by this stage it had already been over six months. If we had have had

provisions such as these proposed today, that person would not have been thousands of dollars out of pocket, would not have had that additional strain on the relationship at home and would have got the care they needed. So I think the intention of the provisional scheme is to remove financial barriers to getting support and connect workers with access to services and treatment during the early stages. These reforms support a return to work while ensuring workers are not arbitrarily cut off from receiving treatment and support during times of mental injury. They have been framed following extensive consultation with workers, employers, unions, industry groups and experts from the legal and medical fields.

I would like to acknowledge the work of Minister Stitt in bringing this important reform before us today and also the previous minister in the other place. Mental illness can affect all of us, and it is important that help is accessible when such an illness or injury occurs. Guaranteeing transitional support for workers with mental injuries provides them with the certainty of immediate support and encourages them to make a claim and get the support they need. This bill is devised to bring that support forward, irrespective of whether or not the WorkCover insurer then accepts or rejects the claim. The reforms contained in this bill will make a real difference to the lives of Victorian workers who experience a mental illness or injury. No worker should ever have to suffer in silence. I am pleased to support this bill, and I commend the bill to the house.

Sitting suspended 1.33 pm until 2.10 pm.

Mr MELHEM (Western Metropolitan) (14:10): I also rise to speak on the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. In doing so, I think it is important to note that this is a very important bill before the house to amend the current legislation, the Workplace Injury Rehabilitation and Compensation Act 2013, to make sure that Victorian workers who suffer from mental health issues receive appropriate compensation and support. Particularly in recent times we all know that mental health has become a very real issue. In our current environment the number of cases of mental health issues is skyrocketing. I suppose people will attribute that to 21st century symptoms—how life has changed and the demands on people, whether it is in the workplace or at home—which have put on a lot of pressure and increased the number of people with mental health issues.

We all know about the Royal Commission into Victoria's Mental Health System, which was established by the Andrews Labor government. Its report is due to be tabled shortly. This has highlighted the problems we are facing in Victoria and the nation in relation to mental health, and that is why I think the timing of this legislation is very important. It was a commitment by the Andrews Labor government as part of the 2018 election campaign to make sure we put in legislation to look after injured workers who suffer from mental health issues.

The bill talks about what sort of support we can provide for injured workers who suffer from mental health issues, particularly in the early days, because early intervention is vital, as various studies around the world have proved. Looking at what the royal commission into mental health has established, early intervention is very important to make sure we give people support. At the moment it takes a fair bit of time for insurance companies to basically determine whether or not a claim should be accepted. I think from memory it takes around 38 days for an insurance company to determine whether a claim from a worker in relation to mental health issues is accepted or not. With different injuries it takes less time to determine that. In the meantime that worker is left out in the cold. Even when the insurance company, let us say, accepts the claim, the particular worker is not getting the necessary assistance. Sometimes cost comes into it, and it can be a barrier to workers getting help. If two months pass, then the problem gets worse and worse. That is why we are amending the current act to make sure that insurance companies are able to determine the matter within days, not weeks or months. In the meantime they should at least be able to accept liability in relation to expenses for medical treatment et cetera while the actual matter is determined.

Some people will argue—and I believe the coalition is looking at putting up an amendment to make sure of this—that until a claim is accepted expenses should not be accepted or paid.

I think that is a bit cold-hearted, I will say, because at the end of the day, if a worker puts in a claim or raises a mental health claim, I think the first thing that should come to the mind of any employer or insurance company is basically, ‘What support can we provide to that person whilst we are actually determining whether or not there is a claim?’.

I will wind the clock back to the Hanks review, which I was involved in as the state secretary of the Australian Workers Union. Back then I was part of that small group who actually worked through with WorkSafe what was known to be the Hanks review, and mental health was one of the big issues. There was a lengthy debate within the reference group about whether or not we should include mental health issues as work-related injuries. There was a great deal of debate about that. Some people were arguing for it and some people were arguing against it. The issue that came to mind was that, some argued, an employee might be facing disciplinary action, for example, and then they might say, ‘Well, if we have an open slather, then that person will go and put in a claim for mental health problems; therefore it is a WorkCover claim, and we want to stop that. We want to differentiate from someone who is not performing their job, so the employer is able to take disciplinary action against that individual and the person does not go and turn it into a WorkCover claim’. Maybe there was some sort of relevance back then or concerns in relation to that point, but I think time has moved on. Ten years on I think there is a clear distinction now.

Over the last 10 years there have been a few systems put in place to be able to differentiate where someone has a genuine mental health issue. Whether it is a sexual harassment claim, a bullying claim or the employer putting unnecessary stress on that particular worker, I think we have got enough cases now that have been tested since that time. I think we should be able to say that if someone puts in a claim because of mental health issues, that claim should be accepted unless, obviously, there is evidence that that mental health claim is not work related. But I think we should take the conservative approach in the initial stages to basically say, ‘Yes, you have got a claim. You’ve got an issue. We are going to approve the payment of expenses for your medical treatment. We are going to provide you with that support’. I think it is the right thing to do. During that period, if the claim is accepted, that is great, and hopefully by having the early intervention and by supporting the worker in that particular instance that will improve the situation and enhance their chance of recovery and make sure that we give that particular person the best chance of recovery and to continue to participate fully in the workplace. Now, at the end of that process, should the claim after a lengthy investigation be deemed not to be a work-related claim, then other things can be put in place to transition that worker to other services which are available to that particular person under state and federal legislation, and then all these other supports can be put in place.

Simply, with this bill we are looking at how we can provide the support for people with mental health issues, especially where it is actually work related. I want to take that approach, and basically the default position, of assuming it is work related, and then we will work through putting in the early support to make sure these workers are supported, but again reserving everyone’s rights, including those of employers and the insurance companies, to conduct a proper investigation. If that claim is not found to be work related, then other support mechanisms can be put in place to deal with it, but I strongly support what has been proposed for the simple reason that we owe it to workers who suffer from mental health issues where work may have contributed to their situation. They should be supported.

Various studies—and I think it was part of the royal commission as well—say that we should expect a dramatic increase in mental health claims in the near future. I think there were some suggestions that probably about a third of WorkCover injury claims will be mental health related issues and claims. That goes back now to the work demands in the 21st century that we are living in. There are a lot of stresses being put on workers that probably were not there—I am talking about mental stress—10 years ago, 20 years ago or 40 years ago, and I do not see that changing. I agree with that assessment,

that it is going to be a bigger issue, and I look forward to the royal commission into mental health's report being handed down. I think that is going to shed some light on this issue. This legislation, I think, hopefully will serve as part of a suite of things the Andrews Labor government will be implementing to support people who suffer from mental health issues, because I think these workers that suffer from mental health issues do deserve our support. The early intervention hopefully will help them to a quick recovery and, getting back to what I said earlier, to a productive life.

With these few comments I strongly recommend or encourage members of the house to support this bill, and I am looking forward to its safe passage. I want to congratulate the Minister for Workplace Safety, who we are lucky to have in this house, Ms Stitt, who is in charge of this legislation, and I want to thank her for bringing that to the house. So with these comments I commend the bill to the house.

Mr MEDDICK (Western Victoria) (14:22): I rise to speak in support of this important bill. As someone who worked in the construction industry for a number of decades before coming to this place, I know too well the impact that mental injuries can have on workers, yet we still have a long way to go for them to be viewed with the same seriousness as physical injuries. This bill takes an important step towards that by providing Victorian workers with medical and financial support for work-related mental illness. The existing system of having to wait for a claim to be accepted before accessing support is outdated and inefficient, and I am pleased to see it go. By providing these payments to workers who need them it will get them back to work sooner by ensuring proper processes are in place for the best opportunity for recovery. We know that early access to treatment is vital in ensuring the best possible chances of successful recovery.

It is an aspect of this bill to be commended that it recognises that the worry over expenses is a factor on its own, as well as being a contributory factor further compounding the stresses these vulnerable people find themselves experiencing. It is also extremely pleasing that the coverage includes not just GPs but psychologists and medication. Another very important provision is that this bill will not just apply to workers but to volunteers as well. It is important to note that provisional payments were a recommendation from the Productivity Commission's inquiry report *Mental Health* and the Royal Commission into Victoria's Mental Health System.

I know that many of my comrades in the construction industry and more broadly in the union movement will be relieved to see the passage of this bill, and I am pleased to give it my support. I commend the bill to the house.

Dr BACH (Eastern Metropolitan) (14:24): I am also pleased to rise to speak on the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. The key purpose of this bill, the government informs us, is to amend the Workplace Injury Rehabilitation and Compensation Act 2013 to provide for a provisional payments scheme for workplace mental injuries and to consequently amend the Accident Compensation Act 1985 and certain acts that provide for personal injury compensation also for volunteers, as Mr Meddick noted.

The bill also amends various other pieces of legislation in order to extend provisional payments to volunteers entitled to personal injury compensation under those acts, and exactly those acts have been noted in the course of this debate.

The government tells us that it has introduced this bill in order to deliver upon a 2018 election promise to explore introducing provisional payments on claim lodgement to ensure workers receive an income while their claim is progressed. However, again, as we have already noted in this debate, at best the provisions of this bill would represent a partial delivery on that promise, as the proposed scheme only applies to mental injury claims and excludes weekly payments.

There are numerous concerns that I have with this bill, the main concern being that in its current form the bill extends the liability period for payments for a worker's medical and like expenses out to a total period of 13 weeks for rejected claims for injuries that have occurred outside the workplace. Now, in my view, this flies in the face of the original purpose of the WorkCover regime, which is to provide

workers compensation for injuries that occur within the workplace. It will also stretch the deficit of WorkCover, which is a further concern for me, and will place additional burdens on Victorian small businesses, who have, of course, been smashed at this time as a result of the failure of the current government to manage both hotel quarantine and contact tracing.

The bill comes off the back of the government's provisional payments pilot for emergency workers. The pilot, just like the present bill, offered provisional payments to emergency workers, including volunteers, for medical and like expenses. But if the worker suffered a work-related mental injury and made a claim for compensation under WorkCover or another relevant insurance scheme, if the claim was rejected, this pilot also provided payments for a period of 13 weeks from the point of the lodgement of the claim. The WorkSafe Victoria 2019–20 annual report reported that a \$3.5 billion deficit existed in the Victorian WorkCover Authority's insurance operations, with WorkSafe reporting an overall \$3 billion deficit. WorkSafe itself has attributed this deficit to the COVID-19 impact on premium revenues and investment returns and, importantly, to the growth in mental injury claims, which is something that we heard a little bit about earlier in this debate from my friend Mr Melhem.

The need for measures to counteract the impact of mental injury claims on the scheme's financial viability is, in my view, pressing. In the previous financial year mental injury claims accounted for 14.3 per cent of all new claims, and the minister has confirmed that mental injury claims are projected to account for 33 per cent of new claims by 2030. We heard today about the very direct link between the government's catastrophic failures when it comes to managing both hotel quarantine and contact tracing and the mental health of Victorians. Lifeline, it was reported just today, received the third-highest volume of calls it has ever received in its 60-year history on Saturday, and Lifeline itself said that that jump in its normal volume of calls was related to the hard lockdown imposed by this government. Under this scheme the minister has estimated that premiums will increase in the 2020–21 financial year by 0.003 per cent at a cost of \$6.1 million and there will be, I quote, 'a growth of 1.8 percent assumed in future years'. This is in part the impact of clause 11 of this bill that lays on the table today, which provides provisional payments—not a payment for compensation—except for the purposes of, among other things, calculating employer premiums. Simply put, this will have the effect of increasing premiums for employers at the industry level via the premiums order. Nonetheless, the reliability of these estimates needs to be questioned. The scheme has not yet been enacted by the government. Whilst it has claimed to have conducted extensive financial modelling, that has not been provided.

The bill is also expected to impose additional notification burdens on employers. Concerns have been raised that the three business days time frame may be unreasonably short for many employers. A failure to meet these obligations will attract significant penalties. While the government has committed to delaying the introduction of penalties attached to these additional notification obligations and to conducting education and awareness activities to inform employers of their new obligations, there are concerns—and legitimate concerns—about added confusion and unwitting employer non-compliance. In this current economic climate, this current dire economic climate, we should not be penalising businesses further. Undue burdens on business always mean fewer jobs.

Now, as has been said, we in the coalition are also concerned that the bill in its present form is inconsistent with the Parliament's original intention of the WorkCover scheme, which was to provide compensation for workers injured in the course of their employment, not outside. The effect of this bill is that the scheme will be liable to pay workers provisional payments for 13 weeks if their claim is rejected as non-work related. Now, to me, that does not sound like a reasonable proposition. There are already free mental health treatment options available through Medicare, and importantly so, which raises the question of why employers should be required to fund short-term medical and like expenses for mental injury claims before the claim is determined—especially when the claim is rejected.

We are in a third lockdown, which is hurting the already strained—indeed ravaged—business community. It has hit small business hardest. The past weekend was meant to see, with the Lunar New Year, Valentine's Day and the Australian Open, our small business sector thriving, coming back from

its knees, but with the snap decision made by the government to lock us down once more right across the state, even in areas with not only no transmission of COVID but no COVID cases full stop, businesses once more are hanging by a thread. Mental health and the treatment for injury are incredibly important. Efforts to better assist workers and to reduce the mental health injury claim duration are also incredibly important. I am concerned that this bill may not have its intended impact and may further negatively impact Victorian businesses and Victorian jobs.

Ms PATTEN (Northern Metropolitan) (14:32): I am pleased to rise to speak on the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. Let me say from the outset that the Reason Party will support this legislation. I think it goes to the idea of early intervention on mental health issues. It goes, hopefully, to the notion that help is immediate, which I think actually goes a long way to helping prevent people from going down a more serious path of mental ill health or unwellness. As previous speakers have mentioned, this bill amends the Workplace Injury Rehabilitation and Compensation Act 2013 as well as the Accident Compensation Act 1985, and the effect of this is to provide workers who claim a mental injury access to provisional payments to cover the costs of their medical bills. This is incredibly sensible, and as I say, this is actually about early intervention. It also ensures that the employer notifies the authority of the claim within three business days. I take the point that my colleague Dr Bach made about the fact that this is being delayed, so this hopefully will allow time for employers to prepare for any changes that they need to undertake in their systems.

We know that thousands of Victorians are injured at work every year and that the number of people claiming mental injury is on the rise. As previous speakers have said, we expect that to probably account for nearly 30 per cent, or one-third, of WorkSafe claims by 2030. So being a lot more cognisant of the reality of mental injuries is what we need to do, and I think this bill actually catches up to the reality that we all know—the impact that mental ill health and mental workplace injuries have on our constituents, the stories that we receive in our offices and via our emails on a weekly if not daily basis—because we know that physical and mental injuries are fundamentally different.

It is not that difficult to recognise a physical injury—that someone's leg is broken or that they have cut themselves deeply. But sometimes it can take a lot of people to accurately diagnose a mental injury, and so the purpose of this bill is to take some of the pressure off when people do claim that mental injury.

I was recently given the example of an ICU emergency nurse who works part-time in order to look after her son. As with many of our workers in the care industry, in our health industry, she is working two jobs and looking after a young child. Unfortunately last year while working in the two jobs and looking after the child, a culmination of bullying in one of the hospitals that she was working in resulted in a stress and anxiety WorkCover claim—I mean, not surprisingly when we are putting a lot of our healthcare workers under such extraordinary stress at the moment. Now, her prognosis was really good. Her GP was really helpful. But the cost of that psychology treatment that she needed, or that was recommended to her, was too much for her to cover. She was not working. She had a young child to be looking after. Her case eventually was actually rejected, but had she been able to get that access to that help at that point, at that acute point when she could not cope with work, she would have been able to get back to work a lot quicker, and I think that is what this bill does. So when people talk about the costs of it, I think about the savings that this actually will result in.

We saw that the Police Association Victoria was part of the pilot on this. I think one of the most poignant statements that I saw was that it meant that people were believed. When you have got a mental health injury, to have someone say 'I believe you', and these provisional payments go towards that—that 'I believe you'—will assist in providing treatment that is not delayed. Again, when someone actually is able to say that they have got a mental health injury and get immediate help, that will save us millions in the long run. That will save us having to deal with the acute aspects of mental health that would quite often be the end result when someone does not get help early. This will actually save lives, and it certainly will help people get back to work. I certainly think that the costs of this will be

offset. I think it is in line with what the community expects with our growing understanding of mental ill health, of mental health injuries, in the workplace.

On those short comments, I will commend the bill to the house to the house.

Mr BOURMAN (Eastern Victoria) (14:38): I too will be short. This is one of those things that as an ex-policeman I have been waiting to see for ages. For many years mental health has been a problem for emergency services. For many years getting help was difficult. In fact admitting there was a problem was the first issue because you did not want to be perceived as weak or whatever. Thankfully I think we have got mostly past that. But what happens now, from what I can gather—and thankfully I am well and truly out of there—is that the system is actually pushing back on the people that are trying to get help. It is not unheard of to hear stories of where a claim is rejected, and it seems like one of those old American movies—‘The claim is rejected to see if you’re serious’, would be a paraphrase of what I am reading. But this will help people move forward.

Also, rarely do Ms Patten and I agree, but I think early intervention will help. People will be able to get help earlier—not have one go at it and then call it a day, but they will be able to get through.

Should the claim ultimately be denied, then that will be what it will be. I am glad that the Police Association Victoria was part of the pilot, because emergency services will, I think, make up the bulk of the people that will benefit from the passage of this bill.

Dr RATNAM (Northern Metropolitan) (14:40): I am pleased to rise and put on the record the Greens support for the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. This bill creates a new provisional payments scheme as part of WorkCover Victoria, which will give workers who have suffered a mental injury at work access to payments while their claims are being processed.

In the current system workers have to wait until their claim is accepted before they can access payments for medical care, but whereas a physical injury is often turned around within a week, an applicant with a mental injury can be waiting up to five weeks for a decision to be made, leaving them unable to access help for treatment or support for over a month. This means that a worker who has experienced a mental injury may be unable to access treatment, putting them at risk of their condition deteriorating while they wait for a decision, or they may seek treatment themselves but fund it themselves, further adding to their own stress and exacerbating their condition. So we are pleased to see this reform in this bill today. Everybody should be able to access the health care they need when they need it, including those who have suffered an injury at work, regardless of whether that injury is mental or physical in nature, and nobody should be left to suffer in silence while waiting for a claim to be approved.

I understand that these reforms were in part a response to the workplace injuries suffered by our emergency workers, who particularly report high levels of distress in their jobs, and that this scheme follows a successful pilot where the provisional payments were trialled with emergency workers. The important reforms in this bill are taking this scheme and making it a permanent part of our WorkCover system for all workers.

While rates of mental injury at work are particularly high in our emergency workforce, there are many professions where workers also regularly experience high levels of stress and distress and are also at risk of injury. For example, social workers—which was my previous line of work—are often exposed to significant trauma and difficult cases in the course of their jobs and are also more likely to suffer high levels of distress or subsequent mental injury, and of course there are many other professions with similarly high rates of mental distress. Everyone who suffers a mental injury at work should be able to access support for treating that injury regardless of their profession.

We are also pleased to see that workers whose claims are rejected will still be able to access provisional payments for up to 13 weeks. The act of rejecting a claim does not make a worker’s mental injury

vanish. Many will still be in need of support and treatment after a decision has been made on their claim and withdrawing payments may cause many to abandon treatment and risk worsening their condition. We support the fact that the bill recognises this and gives workers access to additional help so they can focus on getting better before returning to work.

We are expecting the final report from the Royal Commission into Victoria's Mental Health System any day now, but while we do not know yet what recommendations the report will make, we do know that the government and indeed all of us need to do better at supporting Victorians with mental illness. We need to do better at treatment and care so that everyone is able to access mental health care when they need it, and we need to be better at prevention, so that fewer Victorians experience poor mental health. We know we need a whole-of-systems approach and significantly more funding to truly improve our mental health system, but these reforms today are a step in the right direction and the Greens are pleased to support this bill.

Ms SHING (Eastern Victoria) (14:44): In rising to speak to this bill here today I want to pick up on a number of the themes that others have made in their contributions in the course of this debate, not just in relation to mental illness and injury as it relates to employment but also in relation to the broader stigma that exists on this issue, not just in our workplaces but in our communities and in our governments and legislatures. Again, we have come some way, but we still have a long way to go.

To work backwards to the Cain government's efforts in creating a robust accident compensation and WorkCover system it is necessary to examine the nature of illness and injury as it was understood at that time and the evolving nature of these definitions over time as they were encapsulated and discussed in the course of the Hanks review.

What we have evolved our understanding of is the importance of non-physical injury and the way it can manifest in all sorts of ways which often lead to physical injury, ailment, self-harm and indeed suicide. For those who are taking an active interest in the subject matter of general mental health, we know that one in two Victorians will live with and manage a mental illness at some point in their lives and that one in five Victorians manages a mental illness over the course of their life.

This is an issue which ties in directly with the Andrews government's commitment to a royal commission, announced as part of the election commitments in the lead-up to the 2018 poll, which was also accompanied by Premier Daniel Andrews's unequivocal commitment to accept and indeed fund all recommendations of that commission. We have seen an interim report issued by the commission which sets out nine recommendations going very directly to the lived experience piece and to making sure that we have an adequate understanding—through research, through engagement and through specialist training and professional development—of the prevalence of mental illness and disease within our communities and the importance of prevention and early intervention.

This work is also well reflected in the work of the Productivity Commission and its interim and indeed final reports. We know that early intervention and prevention are recognised not just in the Victorian jurisdiction but also around Australia and internationally, and we are looking forward to partnerships with the commonwealth as they relate to significant investment in reducing harm occasioned by mental illness and injury.

We also know from the workplace compensation scheme that there needs to be a nexus between employment on the one hand and the injury on the other and that, as is the case with physical injuries, employment must have been a significant contributing factor to the occurrence, exacerbation or return of the specific injury. We also know that the modelling indicates very clearly that mental illness and injury, including specifically stress-related injuries, are anticipated to form up to one-third of all claims for workers compensation between now and 2030. This is, as much as anything, not about an increase in the nature of mental illness, mental injury and psychological injury. It is, I think, an important step in recognising the impact of psychological injury on the way in which people function and recognising that just because injury is invisible it does not mean that it is not worthy of consideration in the same

way that physical injuries which have a significant contributing link to employment have been addressed historically.

We also know that the changes to provisional approval of medical and like expenses have been a source of significant distress for claimants in the past and that the new notification requirements of three days and the assessment requirements for insurers of two days will make a material and positive difference in alleviating the concern and the anxiety that claimants have. We know that there is a high proportion of rejection at first instance of claims relating to psychological injury and distress but that the work that is undertaken by the Accident Compensation Conciliation Service often—frequently—involves a change to that decision, whether through settlement or through matters which are agreed to between the parties.

This is something which I think we need to commend the union movement for being behind and for championing in relation to the invisible nature of work-related injury. We want to make sure not just that we are addressing the need for a better scheme with emergency services workers, including police and paramedics, but also that we are recognising the nature of aggregate stress as we continue to move toward modernised workplaces where systems of work, where communication and where output are under significant and indeed increasing pressure as far as what we consider to be productivity goes.

We also need to make sure that there is good and clear communication with employers about the obligations that they have to establish and maintain safe systems of work, and this includes the amorphous but absolutely necessary concept of workplace culture.

Workplace culture can too often be a significant contributing factor to claims of psychological injury. We have seen that time and time again, and we have also seen in the case law and in publicly reported cases that a failure to create and indeed support and indeed require positive and constructive and good-faith communication between people in a workplace can often lead to the most horrific and enduring of psychological injuries.

Dr Bach raised a number of points about the increase in paperwork and the requirements for employers associated with these changes. Any change of this nature is going to necessitate further work from employers and from the sector more broadly. That is not, however, an adequate reason to oppose these particular changes, and indeed it is good to see that the opposition has indicated that it does in fact support these reforms. It is also good to note that the opposition's amendments in the lower house, which sought in fact not to allow the provisional approval of payments for a 13-week period for medical and like expenses, were defeated, and in fact they would have curtailed the opportunity for claimants to seek and to receive medical and like expenses where a claim had been rejected at first instance.

We have a lot of work to do in the psychological injury space, including, as Dr Bach raised and others have raised, around accessing and seeking support in the various avenues that exist within our community and also within specialist health provider service contexts. This is where I think it is important to note and to recognise the work done by the commonwealth government in increasing the number of appointments which are available under mental health care plans, announced last August, from 10 to 20 appointments, with those appointments being able to be accessed until 2022—or in the case of telehealth appointments, until March 2021. This is all part and parcel of making sure that we have a consolidated and collaborative approach to psychological injury and to stress and distress.

I think that also the royal commission's work associated with early intervention and prevention will have a really beneficial outcome, not just in the substance of recommendations which it releases and not just in Premier Andrews's commitment and this government's commitment to accept and implement all recommendations but also in the message that this sends to the community at large: that in fact it is vitally important that we have the systems in place that support and encourage frank discussion about invisible injury and that support and encourage better practice by colleagues, in workplaces and by employers; and that in fact we send a message that parliaments are prepared to take

action in relation to difficult subject matter, which is often very complex to discuss and to understand. We know that there may well be a delay in the understanding of a claim—I think 38 days is the figure that has been quoted in others' contributions today around the way in which preliminary outcomes may be determined—and we also know that claimants require as much certainty as possible where they have psychological injury, which makes them more dependent upon certainty of outcomes and accuracy and timeliness of communication, whether from their employer or indeed from insurers.

This is an important suite of changes. It builds further upon the work being done to accept the similar nature of psychological injury, the way in which it impacts upon our economic bottom line and the way in which it creates difficulty for employers in retaining staff if not acted upon early and—more broadly from an economic perspective, as the productivity commission has noted in its report—in the economic underpinning of a good system which takes positive action on early intervention and prevention of psychological injury.

So work is one subset of this broader subject matter as it relates to mental health. Again, we stand by our record, not just of this government, not just of the previous government but also going right back to the Cain government, in having these conversations about the importance of shared responsibility and of employers' responsibility when it comes down to employment as a significant contributing factor to injury.

I look forward to the speedy passage of this bill through the house. I am pleased that there is no attempt to relitigate the amendments that were proposed in the Assembly and defeated when it was put that provisional payments for medical and life expenses for rejected claims should not be upheld. I in fact wish this bill a speedy passage whilst also wanting to acknowledge while I am on my feet the tireless work that goes on in our system of response within government departments and agencies and also within unions who work so hard to understand the extent of psychological injury for members who are in certain sectors over-represented in terms of the scope and the type of injuries that are claimed.

We also know that there is more work to do in understanding the nature of rejections as they might relate to section 82(2A) of the act, for example, which refers to reasonable action taken in relation to certain conduct of an employer and that we need to understand that culture forms a part of that work as well. For those workers in high-stress industries—and Dr Ratnam referred to social work; I can add child protection to that mix as well as others in frontline and health worker response—I look forward to ongoing continuous improvement to provide better supports to the workers to further enhance cultures of disclosure, transparency and accuracy and to having the systems in place which not only require insurers to do the right thing but encourage best practice in discussion and communication with employers and with claimants, including as that relates to matters proceeding to the Accident Compensation Conciliation Service. With those few remarks I will leave it there, and I will commend the bill to the house.

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (14:57): I would like to thank members for their very thoughtful contributions today on this bill and also acknowledge the very broad support that these reforms have in the house, and I look forward to the committee stage, where I am sure there will be a number of questions in relation to the bill that I will be able to answer.

Just a couple of points that I wanted to touch on: this bill will deliver on the government's 2018 election commitment to introduce provisional payments for workers with mental injuries, covering medical expenses. The bill will ensure early access to mental health treatment and support for workers and eligible volunteers with a work-related mental injury, assisting with their recovery and return to work. It is very important to remember that this bill does not include weekly payments. It only goes to medical expenses and support, and it is a very deliberate policy on the part of the government to intervene early to improve injured workers' prospects of returning to work.

In terms of some of the issues that have been raised by members during the course of the debate around scheme viability and premiums, I am sure we will get into those in the committee stage, but I think it is important to make the point that there are very significant potential gains and savings where early intervention can improve return-to-work outcomes for workers with mental injury. We simply cannot ignore the fact that mental injuries are an increasing statistic in the scheme and the workers that the scheme needs to support, so bringing forward that support does not diminish the scheme's viability. In fact we would argue that it enhances the scheme's viability because it is about early intervention. We also need to increasingly recognise that we need to treat the whole person, not just the injury. So this policy is entirely consistent with the government's work. It will be complementary to the Productivity Commission's report into mental health, which did recommend a provisional payments scheme for workers with mental injury, and of course the very important work of the Royal Commission into Victoria's Mental Health System.

Finally, before we go into the committee stage I would just like to acknowledge and extend the government's thanks to members that were involved in the pilot steering committee. One of our election commitments was to have a pilot for workers in emergency services of this provisional payments scheme, and their insights into the kinds of issues they face in the course of their work has been instrumental in terms of how we framed this bill.

I would also like to acknowledge the work of the former minister, the Honourable Jill Hennessy, and extend my thanks to Paul Edbrooke, the member for Frankston, who chaired the provisional payments pilot steering committee. His insights into the emergency services workforce have been invaluable and ensured that workers recovering from mental injuries are really at the centre of this reform. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (15:02)

Mr RICH-PHILLIPS: Minister, I would like to start with some of the statements that are in your second-reading speech and that you have just reflected in your summing up comments, particularly with respect to the government's election commitment, which was referred to a couple of times, including:

Consistent with Government's election commitment, provisional payments will be available to all Victorian workers who have lodged a workers' compensation claim for mental injury.

The actual wording of the government's election commitment was:

Labor will:

explore introducing provisional payments on claim lodgement to ensure workers receive an income while their claim is progressed ...

So, Minister, does this provide an income to workers while their claim is progressed?

Ms STITT: Obviously the bill does not include weekly payments. The bill only goes to medical expenses and support. I would just like to read from the fact sheet in relation to the election commitment, which was very clear in what the commitment was:

Within two years of the re-election of an Andrews Labor Government, Labor will introduce legislation to put in place a provisional acceptance scheme for mental injuries for all workers in Victoria, in relation to medical and like expenses.

Mr RICH-PHILLIPS: Thank you, Minister. So, Minister, does that mean the government is no longer committed to provisional payments for income support?

Ms STITT: Thank you, Mr Rich-Phillips. I think what you are probably referring to is the election commitment in the platform. Subsequently these commitments were refined and more detail put around them. So the commitment was clearly a provisional payments scheme for medical and like expenses and does not, as you would be aware from your research of this bill, include weekly payments.

Mr RICH-PHILLIPS: Minister, I would like to go to one of the substance issues of the bill and how it is going to work with a threshold question. The question is: what is a mental injury? The reason I ask that question is that mental injury is not defined in the work act, it is not defined in this bill and it is also not referred to in the claim form that a worker fills in.

Ms STITT: Look, the way I think it is best to answer this is by saying that this bill does not seek to change the way in which a claim is assessed; this bill simply brings forward support for medical costs for any worker who indicates on their WorkCover claim that they have a mental injury. The assessment about whether that claim is ultimately successful is exactly the same process as it is now. You are right, the act does not specifically define what a mental health injury is, and that is because there needs to be that flexibility within the act and within the system when insurers are assessing whether or not there is indeed a mental injury claim associated with work.

Mr RICH-PHILLIPS: Thank you, Minister. Minister, I would disagree with your characterisation that this does not change the way mental injury claims are handled, because it in fact requires an employer to report a mental injury claim within three days of receiving it. Now, in order for an employer to do that they need to determine that it is a mental injury claim. So how does an employer determine something is a mental injury claim? You referred in your previous answer to when an injured worker states they have a mental injury. So is that the threshold? Does the injured worker need to state on their form that they have a mental injury?

Ms STITT: Yes, that is correct. The worker needs to state on their WorkCover claim form that it is a mental injury. It is not the role of the employer to assess whether or not that is the case, it is the role of the agent under the scheme to assess claims. I think you are trying to characterise this as a change to the way in which claims are accepted or rejected. There will be changes to the notification requirements, as you quite rightly point out, for employers in terms of the time frames in which they are required to lodge any worker's claim for mental injury with their insurer, their agent. But the assessment process for whether the claim is ultimately accepted or rejected does not change.

Mr RICH-PHILLIPS: Thank you, Minister. Are injured workers currently required to state, 'I have a mental injury', when they submit a claim if it is of that nature?

Ms STITT: There will be some redesigning of the claim form that will be required if this bill passes, and that is work that WorkSafe will undertake. I am sure that you are aware, Mr Rich-Phillips, that there is a period of time between the bill passing and the bill commencing which will allow for some consultation with and education of employers, insurers and self-insurers and the like around these changes.

Mr RICH-PHILLIPS: Thank you, Minister. I guess the issue, though, is not one of education for employers or insurance agents; it goes to the threshold question of what an injured worker needs to do, given employers are now going to have two classes of claims—mental injury claims and other claims. The other claims they will continue to process in the current fashion. Mental injury claims they will need to handle in a shorter time frame. Therefore they need to know that they are mental injury claims. Therefore the injured worker needs to trigger the mental injury claims. You suggested there will be changes to the form. Will this be in the form of ticking the box 'I have a mental injury'? In which case how is the injured worker to effectively self-diagnose a mental injury? Obviously mental health is one of the most complex areas of health and workplace injury—which, it has been pointed

out, is why the government is doing this—so how is an injured worker going to determine or self-diagnose their own mental injury?

Ms STITT: Look, I do think, Mr Rich-Phillips, that we have come a long way in terms of attitudes within the community and also within the workforce about how we treat and how we ought to support workers with a mental injury. As I am advised, there will be a change, as I indicated earlier, to the WorkCover claim form. The injured worker would need to make it clear on the WorkCover claim form that they are making a claim for a mental injury. The injured worker would then sign that claim form and give that to their employer. Under the new scheme, if there is a mental injury on any claim then the employer is obligated to notify the insurer within three days. Changes to the forms will be required to enact that, and I am not aware—I can certainly check with the box if you wish me to—whether that is a tick or a section of the form that must be filled out, but it will need to be very clear that there is a mental injury claim being made.

Mr RICH-PHILLIPS: Thank you, Minister. So it will come down to the worker at the time they lodge their form to determine they have a mental injury. That is the threshold thing that needs to happen for this process, for this provisional payment mechanism to be triggered. The worker needs to determine themselves they have the mental injury and put it down on the form, tick the box, fill in the box or whatever. They themselves, at the time they lodge their form, need to reach the decision that they have a mental injury?

Ms STITT: The WorkCover insurer has two days to determine whether the worker is eligible for the provisional payments, so it is not a case of, you know, self-diagnosis or self-declaration of eligibility. There is still the requirement that the WorkCover insurer would have to determine whether or not they are eligible for a payment.

Things that would be taken into consideration would be whether they are a worker for the purposes of the act and whether the injury was sustained in the workplace. The reason why the provisional payment scheme is important is that we want that early support regardless of the ultimate outcome of the claim. So in terms of the two days for the review to determine whether they are eligible, the worker will be eligible if they have indicated that they sustained a mental injury at work and they are a Victorian worker within the Victorian scheme and their claim has not previously been determined.

Mr RICH-PHILLIPS: Thank you, Minister. But again, the issue is not with the assessment of the claim by the insurer; it is the stage before it gets to the insurer because you are creating an obligation for employers to refer claims within three days. So the employer has to be in a position to determine something is a mental injury claim to therefore know that they have to meet the three-day time frame rather than the existing time frame. This occurs before we get to the insurer assessing the claim. So either the employer has to make the determination as to whether something is or is not a mental injury or the injured worker has to make the determination of whether it is or is not a mental injury. I would submit that the nature of mental injury claims is complex. There are a lot of variable factors in what is and is not a mental injury claim, and it is not particularly reasonable to expect an injured worker to determine they have a mental injury or to go as far as having to tick a box or fill in the line declaring they have a mental injury in order to start the process for provisional payments, in order to send the signal to the employer that the employer—under the new obligation you are imposing—needs to address this within three days.

Ms STITT: I think that the bill quite deliberately seeks to dramatically decrease the number of days in which such claims are processed. At the moment on average about 38 days are taken to assess whether or not somebody is eligible and has a mental injury claim.

Unashamedly we want to get in early and wrap that medical support around people. Ultimately the insurer will have 28 days to determine whether or not the claim ought to be accepted.

Mr RICH-PHILLIPS: Thank you, Minister. Doesn't it get beyond the point, though, that the injured workers themselves have to declare, 'I have a mental injury'?

Ms Stitt: Yes, you're right.

Mr RICH-PHILLIPS: They have to put their hand up and determine themselves they have a mental injury—is that a correct construction?

Ms STITT: That is right. They will need to identify that on their WorkCover claim form.

Mr RICH-PHILLIPS: Thank you, Minister. I will move on from that point. You made a decision with this legislation that obviously the mental injury claim goes in, the entitlement starts straightaway to medical and like support and subsequently if the claim is rejected the entitlement to medical and like support continues for a 13-week period. Why is that?

Ms STITT: Well, there are a number of reasons why, Mr Rich-Phillips. The government has taken a view that 13 weeks of support is appropriate regardless of whether a claim is accepted or rejected. Some of the reasoning here is that if somebody's claim is rejected, it does not take away the fact that they still have a mental injury claim and they still require that support. What this is about is trying to increase the likelihood that they will make a successful return to work. As I mentioned a little earlier, before we went into the committee stage, a recent Productivity Commission report from June last year did recommend that provisional payments ought to be enacted in each state and territory for a period of six months. We took the view that 13 weeks was the right balance. Given the high rates of mental injury are only forecast to increase, it is really in everybody's interest that we try and support workers as best we can, irrespective of their claim outcome, and cutting off provisional payments if a claim is rejected does not consider that some claims do get overturned through the dispute process of the scheme, so somebody may choose to go to the Accident Compensation Conciliation Service (ACCS) and have their matter conciliated. They may seek a medical panel determination around the nature of the injury. So we think that 13 weeks is the right balance when you take into account all of those scenarios, and at the end of the day it is an investment up-front in trying to get the best possible return-to-work outcomes for what can sometimes be very complex workplace injuries.

Mr RICH-PHILLIPS: Thank you, Minister. I guess the difficulty there, Minister, is you referred to the fact that although somebody has a claim rejected, they may still have the mental illness. But the issue here is that this is a workplace injury compensation scheme, and the fact that someone has had a claim rejected, putting aside any appeals from that decision, means by definition they do not have a workplace injury that meets the threshold requirements for the compensation scheme. So the question arises: why does someone who does not meet the threshold for a claim under the compensation scheme nonetheless get entitlements under that scheme?

Ms STITT: Well, the other thing to consider is that if it is ultimately determined that a worker's claim for mental injury is not as the result of something that has occurred in the course of their work, then rather than letting that person just fall through the cracks and get cut off from the support that they need, the government has taken the view that 13 weeks is the right amount of medical support costs, and it does enable a worker to transition to other services that are outside of WorkSafe's scheme.

Mr RICH-PHILLIPS: Thank you, Minister, but why is it that the WorkCover scheme's responsibility in the first instance when a claim has been rejected? I am putting aside any appeal at this stage. You said those people can transition to other mental health support outside. If a person incurs a mental injury at home, they are not entitled to get 13 weeks medical and like support from the WorkCover scheme because it is not a workplace injury. You cannot have people that are on the street, for example, lodging claims for 13 weeks of medical and like support through the WorkCover scheme, yet we are now creating a situation where people who do not have a workplace injury by definition, because it is a rejected claim, are receiving up to 13 weeks support for medical and like support. You are actually creating an inequitable situation where you have got a cohort of people who are not entitled to claim nonetheless receiving a benefit and another group of people, people who are not in the workplace who have mental injuries, who are not entitled to get that 13 weeks support other than through the mental health system.

Ms STITT: I can only repeat that mental injuries in the workplace can be quite complex, and we are trying to treat the person here and not just duckshove the person off to the public health system, bearing in mind of course that the government is doing a lot of work in respect to all of the things that we need to do to address the mental health system and the fact that it is obvious that it is not fit for purpose. I can only reiterate that after careful consideration and after the pilot with emergency services workers we consider this to be the best way to structure the provisional payments scheme, and that is why it forms part of the bill.

Mr RICH-PHILLIPS: Thank you, Minister. Minister, can you indicate to the committee please, in respect of mental injury claims to date or for a period where the data is available, what proportion of mental injury claims are rejected in the first instance?

Ms STITT: As at 13 February, 187 made a claim in relation to the pilot scheme, but I will just check with the box in relation to how many of them were ultimately accepted or rejected—if you want me to.

Mr RICH-PHILLIPS: Yes. The question, though, was not just about the pilot scheme, it was the whole population of mental injury claims generally. I am certainly interested in the data on the pilot scheme but also in the totality of mental injury claims and what proportion are rejected in the first instance. While you are at it there, the subsequent questions were going to be in relation to subsequent appeal through medical panels or ACCS and how many ultimately remain rejected.

Ms STITT: Thank you for your patience on that. In relation to the pilot, which commenced July 2019 and is still ongoing, we had 187 claims, and 50 of those were rejected. And I have some figures for the period 2014–2017, overall claims: 45 per cent of mental injury claims were rejected. But then for between 45 and 50 per cent of mental injury claims that went to either court or the ACCS the decisions were overturned.

Mr RICH-PHILLIPS: 45?

Ms STITT: 45 to 50 per cent of claims that went through that appeal process had their decisions overturned. So that is obviously a key consideration when you consider the 13 weeks of support for rejected claims.

Mr RICH-PHILLIPS: Thank you, Minister; that is very helpful. Minister, of the 45 per cent that were rejected in the first instance, are you able to indicate what proportion of those ultimately went to ACCS or to court to make up the 50 per cent that were overturned? Do most people who have a rejection subsequently appeal, or do most people accept the first decision?

Ms STITT: I will have to see whether we will need to take that on notice or whether we can get that information quickly. Just bear with me.

Approximately 50 per cent of that 45 per cent take it to appeal.

Mr RICH-PHILLIPS: Thank you, Minister. That fills in the picture. So 45 per cent are rejected, half appeal and half of the appeals succeed.

Ms STITT: Yes.

Mr RICH-PHILLIPS: Right. Thank you for filling in that detail. I would like to turn to the financial questions which arise from the bill and the general health of the scheme as well. The annual report last year revealed, as you know, an extraordinary actuarial release of minus \$2.9 billion and performance from insurance operations of minus \$3.5 billion. The text in the report attributes a substantial part of that to mental health claims. Are you able to outline exactly what proportion of that is mental health claims, and what is the nature of the issue that has arisen with mental health claims that led to the \$2.9 billion actuarial release reversal and the \$3.5 billion PFIO loss?

Ms STITT: There is no question that it was a very tough period of time for the scheme. COVID is the reason for some of that, but in terms of the impact of the increase of mental injury claims, the last financial year report stated that the increase in terms of mental injury claims had been 14 per cent the previous year and then in the last reporting period was 14.3 per cent. But I think that the rise—

Mr RICH-PHILLIPS: Sorry, the proportion of total claims?

Ms STITT: Correct. But the rise of mental injury claims has really been on a trajectory for about seven or eight years. It has been sort of gradual but it is certainly something that I know the board are very focused on, and this is just one of a number of measures that they want to take and the government wants to take in terms of addressing the increase in mental injury claims and getting those people back to meaningful work and improving the return-to-work rate significantly.

Mr RICH-PHILLIPS: Thank you, Minister. I certainly accept the increase in the proportion of mental injury claims to total claims. What was the driver though of that \$2.9 billion actuarial release number, which is an extraordinary outlier compared to other actuarial releases? It has been attributed at least I think largely in part to mental injury. What was the factor that led to the actuaries deciding on a turnaround or downgrade of that magnitude in that year?

Ms STITT: It was a combination of factors. I think that certainly mental injury is part of the picture, but also the impact of the global pandemic had a significant impact on WorkSafe's performance financially. Look, they are not challenges that I am not confident that the board can overcome and weather, but it is important to note that there was premium relief given to employers during COVID, and that certainly had an impact on the bottom line.

Really what we are looking at here is—as you have identified as well in the course of the second-reading debate—the long-tail nature of some of these complex claims, which is what I think has to be the focus for WorkSafe, for the board and for the management, and it is certainly a focus that I want to see get some results in terms of increasing the numbers of workers that are successfully returning to work after injury but also looking at measures at the front end in terms of prevention of injury in the first place. There is not one thing that is the panacea to turn the ship around. It is going to be a combination of policies and levers, but I am determined to keep working with WorkSafe on what the solutions are.

Mr RICH-PHILLIPS: Thank you, Minister. Minister, you referred to a couple of things—the COVID impact on performance. Can you explain how that flows into the actuarial release we were talking about? I mean, obviously, yes, there are investment returns—which is the broader picture—which are not within actuarial release and not within performance from insurance operations. So it is deliberately stripped out of those. We know that hits the bottom line, but it does not hit those other two things. How has that impacted specifically actuarial release and performance from insurance operations? You referred to a premium relief which, yes, will flow through to the bottom line, but again that is not a factor in actuarial release.

Ms STITT: Well, in response to that I can only reiterate that it was a very difficult operating environment for many organisations in the last 12 to 18 months, and WorkSafe is no exception to that.

Mr RICH-PHILLIPS: Minister, can I go specifically to the statements around costs for this scheme—

Ms STITT: Around what, sorry?

Mr RICH-PHILLIPS: Around costs, which are set out in your second-reading speech. The second-reading speech states:

Extensive financial modelling has been undertaken ...

It goes on:

... in its first year of operation, an additional \$6.1 million is estimated would need to be collected for the 2020–21 financial year represented an impact of 0.003% on the premium rate. Financial modelling highlighted that there will be a growth of 1.8 per cent assumed in future years.

Can we firstly unpack that \$6.1 million? What exactly is that made up of?

Ms STITT: That is a combination of claims costs, transitional services, return to work and the removal of medical excess. They are the key costs in relation to that \$6.1 million per annum for administering the provisional payments scheme. There are obviously some other implementation costs that are one-off related to systems upgrades, redesigning the claim form, staff training within WorkSafe, guidance materials, updates and that sort of administrative work.

Mr RICH-PHILLIPS: Thank you, Minister. Given this is additional cost, is it reasonable to assume these are costs associated with people who will obviously make a mental injury claim and ultimately have those claims rejected, because ordinarily if a person made a mental injury claim that was accepted, they would get medical and like expenses anyway, so there would not be an additional cost to the scheme? So is it correct to say this cost is for people who will now be able to make a claim and have it rejected but still get 13 weeks medical and the like?

Ms STITT: No, I would not characterise it as only costs in respect to rejected claims. Of course the thing to remember about the costings is that it does not take into consideration the gains that could be made to the scheme—in addressing that long tail that you refer to—if the early intervention and support for medical costs result in improved and early return to work.

Mr RICH-PHILLIPS: Thank you, Minister. I will come to that, because your second-reading speech does refer to the work the actuaries have done on liability impacts. Just on the \$6.1 million, the second-reading speech refers to ‘would need to be collected for the 2020–21 financial year’.

Now, this scheme does not actually start until the 2021–22 financial year, so can you just clarify that reference, please? The scheme does not start until 1 July, so is that an error or is there a cost being incurred in the current financial year?

Ms STITT: Well, it is not an error. There is a pilot scheme that is current and will continue until this bill commences, and there are some costs associated with implementation that obviously will occur before the next financial year. But I can get a little bit of guidance from the box if you give me a minute.

Can I clarify that, Mr Rich-Phillips, there are some one-off implementation costs of \$1.6 million, and the figure of \$6.1 million is from the time that the bill commences.

Mr RICH-PHILLIPS: So, contrary to what the second-reading speech says, it is actually not in the 2020–21 financial year?

Ms STITT: Well, that is the advice that I have.

Mr RICH-PHILLIPS: Thanks, Minister, but we need to clarify this, because your speech says \$6.1 million is estimated to be collected in the 2020–21 financial year, which is the current financial year. You have just said that the cost, the \$6.1 million, is actually from when the scheme starts, which is not until the next financial year. So can you clarify the apparent contradiction between what your speech says and what you have just said?

Ms STITT: I certainly will seek to do that. If you want to go on, I will come back to that, okay?

Mr RICH-PHILLIPS: Thank you, Minister. Leading on from that, I guess the further question that has arisen from your answers is whether the \$6 million is actually the steady-state cost of the provisional payments scheme, given you refer to implementation costs. You also refer to the cost of the pilot scheme. So can we actually find out for the first year of operation, being 2021–22, what the

estimated cost of the actual operating scheme will be. And associated with that, what is the actuarial impact on the liability of the scheme? You said in your speech that the actuaries have made an assessment. What is the impact on actuarial release, which I assume will be negative as a consequence of this? What is going to be the ultimate liability impact?

Ms STITT: Okay. Mr Rich-Phillips, the pilot was the subject of a separate budget allocation of \$2.5 million, and that will take the pilot through to the end of this financial year. My apologies; I gave you the wrong information earlier. In terms of the \$6.1 million per annum for the estimated annual cost of administering the provisional payments scheme, obviously the financial model chose a point in time to model the costs, and that was based on the 2019–20 assumptions. They have costed that over the next 10 years in terms of the financial modelling.

Mr RICH-PHILLIPS: Thank you for that clarification, Minister. On the question of liability impact—the actuarial release impact?

Ms STITT: We think that the impact on the scheme will be very modest, and the estimated annual costs would be minimal in terms of any impact on premiums, for example. But on your specific question, I will just get some instructions.

Mr Rich-Phillips, this would represent a claim liability impact of \$2.948 million, which WorkSafe would have to include on its balance sheet as a liability. So in the scheme of the scheme—in the scheme of things—we think that that is quite a modest amount, particularly when you factor in the improvements that can come from early intervention in terms of return to work and claims resolving quicker.

Mr RICH-PHILLIPS: Thank you, Minister. Presumably that is already factored in, if that is an actuarial assessment.

Ms STITT: Yes, that is right.

Mr RICH-PHILLIPS: Thank you, Minister. Minister, there were a couple of other things in your second-reading speech. You referred to how the costs would represent an impact on the premium of 0.003 per cent. The average premium now is 1.272 per cent of payroll. Does that mean the premium will increase to 1.275 per cent, that there will be an additional 0.003 on top of the current average premium?

Ms STITT: As you know, Mr Rich-Phillips, there are a range of factors that are used to determine premium rates, and it is pretty pleasing that our premium rate remains very competitive compared to the rest of the country; it is actually a rate that remains the lowest rate in the scheme's history.

As you know, the premium rates are not something that are due to be considered now. That is a process that will happen later in the year. But whilst the premiums are calculated currently at 1.272 per cent, premiums are calculated with reference to a number of factors, including, for larger employers, things like their industry, the level of remuneration, their claims history and experience and so on. We think that the impact of the cost of a provisional payments scheme is extremely small when you factor in those other considerations that have to occur when the board considers whether or not an increase is appropriate.

Mr RICH-PHILLIPS: Thank you, Minister. Given the performance of the scheme last year and how things are tracking to date, are you expecting a recommendation for an increase in average premium?

Ms STITT: Look, that is not something that I am in position to talk about here in relation to this bill. That is a completely separate process, and I am not in a position to give you anything further on that today.

Mr RICH-PHILLIPS: Well, I will rephrase it another way, Minister. Can you rule out an increase in premiums as a consequence of the cost of your scheme that is going through now?

Ms STITT: Look, it is not helpful to speculate about the future of premiums. We all understand that the state has been through a particularly difficult time, and the economic impacts of the pandemic have been widely felt. As I said, I have got nothing further to add about premiums today.

Mr RICH-PHILLIPS: Thank you, Minister. It may not be helpful to you, Minister, but it would be very helpful to Victorian businesses to know—suffering as they are under the weight of your government’s incompetence—if their premiums are going to increase. But I will move on.

Minister, your second-reading speech also refers to financial modelling that highlighted that there will be a growth of 1.8 per cent assumed in future years. What exactly does that refer to—a 1.8 per cent growth in what, exactly?

Ms STITT: That was the assumption that was made when the financial model was built, and that is over a 10-year period. That 1.8 per cent increase is in relation to provisional claims.

Mr RICH-PHILLIPS: That is the volume of claims or the cost of claims?

Ms STITT: It is the expected growth in claims.

Mr RICH-PHILLIPS: The number of claims or how much they cost? There is a difference.

Ms STITT: The expected growth in the number of claims for provisional payments. It is the expected cost in claims, but that directly relates to the number of claims anyway.

Mr RICH-PHILLIPS: Well, Minister, not really, because a big determinant there is claims cost. You can have a massive increase in claims cost and cost per claim without a change in the number of claims. But thank you for clarifying its cost. How does that reconcile, then? 1.8 per cent, you said, per annum over the 10-year forecast period, yet at the same time you are saying mental injury claims are going to more than double. The forecast is that by 2030, I think it was, mental injury claims will be a third of the total number of claims; they will go from around 15 per cent now to 33 per cent by 2030. You are only saying the cost of provisional payments are going to go up by 1.8 per cent a year, which is barely 20 per cent in 10 years, yet the volume of mental injury claims is going up by more than 100 per cent. How does that reconcile?

Ms STITT: Well, the financial modelling has been undertaken to ensure that the costs of the provisional payments bill that is before the house are understood.

Mr RICH-PHILLIPS: What does that mean?

Ms STITT: What it means is we have been very clear and up-front about what we say are the costs and also the pressures of the increases in mental injury claims, and this is one of a number of measures that the government is taking to address mental injury claims.

Mr RICH-PHILLIPS: Thank you, Minister. But, Minister, how do you reconcile? You have said the number of mental injury claims is going to more than double in the next 10 years, from 14 per cent of total claims to 33 per cent of total claims, so it is more than doubling between 2020 and 2030, but at the same time you are saying the cost of provisional payments for mental injury claims is only going to go up at 1.8 per cent per year. How does that reconcile? Are a lower proportion of people going to get provisional payments for mental injury than you are modelling in the first year? How do you reconcile those two numbers? What am I missing that makes those numbers add up? On the face of it they do not seem to add up.

Ms STITT: I think it is important to remember that the provisional payments are only in respect of medical costs and like support. They do not include weekly payments. That in itself means that we need to ensure that early intervention. It does not actually mean that those numbers are going to all be accepted ultimately. So the provisional payments scheme is for a 13-week period for claims that are rejected. All of the modelling takes that into consideration. The modelling also takes into consideration

the expected increase in the number of claims based on the modelling and the profile of claims from the 2019–20 year.

Mr RICH-PHILLIPS: Thank you, Minister. I am not sure that really clarifies those two competing numbers, but I am not sure that we are going to get very far this afternoon so I might leave it there, thanks, Deputy President.

Clause agreed to; clauses 2 to 57 agreed to.

Reported to house without amendment.

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (16:01): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (16:01): I move:

That the bill be now read a third time.

The DEPUTY PRESIDENT: I am of the opinion that the third reading of this bill is required to be passed by an absolute majority, so I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT: In order to determine whether an absolute majority can be obtained, I ask those members who are in favour of the question to stand where they are.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

The PRESIDENT: Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill without amendment.

Sitting suspended 4.07 pm until 4.24 pm.

OWNERS CORPORATIONS AND OTHER ACTS AMENDMENT BILL 2019

Second reading

Debate resumed on motion of Mr JENNINGS:

That the bill be now read a second time.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (16:24): I am pleased to rise this afternoon to make some brief comments on the Owners Corporations and Other Acts Amendment Bill 2019, and it is notable that this bill is dated 2019. It has been in the Parliament for some 15 months now, so it has not been a priority for the government, and I believe in fact the government will need to amend this bill to give effect to changing the operative date, which was to be 1 January this year, some six or seven weeks ago, and also to fix up errors with respect to the way in which certain owners corporation provisions relating to new developments are handled.

The principal act, the Owners Corporations Act 2006, has now been in place for 15 years. It replaced the previous framework which existed in relation to bodies corporate. An owners corporation (OC) is essentially the legal structure which is used to provide ownership and management of common property in multi-unit developments, and I use unit in the broader sense because while many owners corporations do relate to residential and property developments—unit developments, buildings with office towers and residential towers with individual titles within them—owners corporations are also used in respect of industrial and commercial developments, such as factory developments and the like.

Basically the owners corporation, as I said, is a legal entity whose purpose is to manage common property. So in the case of residential units that might be a garden area, a common driveway and common car parking. In the case of residential towers, like we see in Melbourne's CBD, it includes things such as foyer areas as well as operating plant, such as lifts and swimming pools and the like. The size and complexity of the role of owners corporations varies enormously, from very small owners corporations which might have responsibility for a common drive between two or three units to owners corporations which are responsible for the management of large and complex buildings, such as you might find in the CBD.

So the Owners Corporations Act was put in place in 2006 as a replacement for the previous framework of, as I said, what were known as bodies corporate. The bill finally before the house this afternoon is intended to make a number of changes to that existing owners corporation framework. To run through those in turn, the bill actually separates them into roughly five separate suites of reforms.

The first is described as proposals to rationalise the regulation of owners corporations. This includes introducing a five-tiered system for owners corporations, regulating requirements for committees, professional managers, external audits et cetera based on size. The second is to increase the required public liability insurance for an owners corporation from \$10 million to \$20 million. The third is to require contributions by owners into maintenance funds to achieve the maintenance plan, where a maintenance plan is required to be in place, as well as administrative changes such as removing the requirement for a common seal.

The second tranche includes proposals to improve the quality of owners corporation managers and enhance protection for owners corporations. This includes various administrative amendments—for example, prohibiting owners corporation managers from pooling funds from separate owners corporations that they may manage into a common bank account and providing that the funds of different owners corporations must be kept separate.

The third provision proposes to expand and improve developers' duties to the owners corporations that they create and to enhance protections for owners corporations. This includes, as I said, expanding the obligation of developers to owners corporations and enhancing equity between lot owners.

The fourth tranche of provisions is to improve the governance and financial administration of internal relations in owners corporations. There are 22 changes in this area, including in relation to the use of proxies, in relation to the disposal of abandoned goods and in relation to dispute resolution mechanisms within the owners corporations and the unit holders they represent.

The final set of changes, provisions, is to improve and rationalise regulation of owners corporations in retirement villages. That is to provide for clearer separation between owners corporation meetings, retirement village meetings and village resident committees.

Now, as I said, the use of owners corporations does span a very wide range of property structures. As a consequence, the requirements and the demands made on owners corporations vary greatly. Indeed the governance requirements—the need for good governance, the nature of good governance—varies widely between owners corporations. Some owners corporations at the smaller end are very, very simple, particularly where it is only two or three lot owners and the common property is minimal. Beyond ensuring that there is the mandated public liability insurance in place, in those instances there is often very little for owners corporations to do. More often than not they will comprise simply of the

members or the individuals who own the particular lots, and they may meet once a year because they need to renew the insurance policy. At the other end of course, with the residential towers you might find in the CBD, which can have hundreds of separate landowners owning apartments throughout the building, more often than not you will see that the owners corporation is actually run by a professional manager, who may run a number of owners corporations in different buildings as a professional manager, and the requirements on a professional manager are different and are more onerous and the professional standards that are required of the professional manager of an owners corporation at that scale are considerably different.

This bill seeks to provide for those differences in the level of capability that is required of owners corporations managers and indeed in the level of complexity that is imposed on different owners corporations. The way in which this bill seeks to do that is through creating the tiered structure I mentioned earlier, which creates five separate tiers based on the number of units within a particular owners corporation. I note that that can be a blunt instrument, because the number of units in an owners corporation does not necessarily dictate how complex an owners corporation is. Some owners corporations can relate to something as simple as a car park, where individual lots can be car parking spaces. So the number of lots in an owners corporation is not necessarily a determinant of how complex that owners corporation is. While the intent of the tiered system, I think, is useful, basing it purely on the number of lots is not necessarily the most reflective of how complex the owners corporation may be, and perhaps value thresholds may have been useful in that regard as well.

One of the other requirements or changes the bill makes is in respect of public liability insurance. The act requires all owners corporations to hold public liability insurance in respect of the common areas, common property, they manage. It is currently set in statute at \$10 million, and this bill will require that to increase to \$20 million. Again, that does not necessarily take into account the complexity or the nature of common property that OCs manage, and in some instances there may be very little common property, and a requirement for even \$10 million of public liability insurance may be excessive, whereas in other instances the new requirement of \$20 million may be deficient.

So while there is a current statutory minimum, and this bill proposes to double that statutory minimum, it is not necessarily the best, most appropriate basis for determining the level of owners corporation insurance that is required, and indeed the mere act of mandating public liability insurance has an effect of distorting the availability of public liability insurance. There may well be some owners corporations who would be more than capable of underwriting that level of risk themselves without having this statutory obligation to take out an insurance policy. So while the intent is recognised, again, it is a blunt instrument that may or may not be suitable for all owners corporations.

One of the other areas, and perhaps a contentious area which has arisen with this legislation with the bill as drafted, is the obligations that are to be created with respect to new owners corporations and developers establishing new owners corporations, particularly in respect of developments of the nature of Quest hotels and Mantra hotels, where often the developer will need to put in place long-term management arrangements as part of that development.

Quest developments and Mantra developments are probably the most obvious examples and the examples that members of the community perhaps might be most familiar with. Under the bill as drafted the capacity for a developer to put in place a long-term management agreement, by way of the owners corporation, was to be limited, and this caused considerable consternation in the industry, in the sector that undertakes developments of this nature. The concern was such that the view was the bill as drafted should not proceed. I understand, though, that the government has now recognised that problem with the drafting of the bill, and we expect that the government will address that issue when we get to the committee stage and the minister provides his house amendments.

With those comments, the coalition does not oppose this bill. We understand that that problem will be fixed by way of the minister's amendments and that the operative dates will be fixed also by way of

the minister's amendments. So after the 15-month delay in getting this bill to the house we look forward to its passage this afternoon.

Ms GARRETT (Eastern Victoria) (16:36): I am delighted to rise and make a contribution on the Owners Corporations and Other Acts Amendment Bill 2019. I want to commence my contribution by thanking all of the people—countless people—who contributed to this bill through the stakeholder contribution process and those who drafted the bill and redrafted the bill to ensure that all of the issues that had been raised were dealt with appropriately. This legislation is robust and it is fair and it is absolutely critical legislation for the some 1.5 million Victorians who currently own or rent a property operating under an owners corporation. This is a huge section of our community who are impacted by owners corporations. For some people touched by an owners corporation, it is a terrific experience and it simply enhances their enjoyment of the experience of living in these places. For others at the worse end of that spectrum, it has been a nightmare, and there are plenty of people who fall somewhere in between. So it was incumbent on the government, and the government stood up to act, to make sure that it is protecting people who are living within an owners corp structure and the people who will be living in an owners corp structure as we move to even more and more apartment living as our city grows.

I am delighted that this bill is now before the house. It is part of the sweeping review that the government introduced several years ago about renters, owners corporations and other property situations and consumer matters. It was undertaken as part of the consumer property law review. It examined owners corporations' conduct, including the people who were managing them, and the overarching functions that they were tasked with. As Mr Rich-Phillips identified, some people were very professional and knew exactly what they are doing. Others were perhaps either operating with a less than integrity lens over them or simply out of their depth. So it was really important that this review heard from everybody and everybody's life experience, with its focus being on protecting those residents—the people who are living within these structures.

A massive amount of people in our state are impacted, and to get it right was critical. We have got home owners and renters. We do not just have multilevel apartment buildings in the city. There are many housing options across our beautiful state that these structures apply to: housing developments; importantly, retirement villages, which I will come to; unit complexes; apartments; and gated communities.

Often, certainly in eastern Vic and other parts of the state, we see them linked into golf courses and resort-style accommodation, and for many people they are wonderful places to live and provide location and lifestyle options that simply are not available without these opportunities. But to touch on retirement villages, certainly during my time as the Minister for Consumer Affairs, Gaming and Liquor Regulation, when these reviews were commenced, and as a local member that has had so many interactions with people who have had terrific experiences and some terrible experiences within retirement villages—as we know these are the absolute places where our loved ones go at a time in their life when they can be incredibly vulnerable and increasingly so as they progress on the ageing journey—it was really important as part of all these sweeping reforms that those issues were looked at.

I am sure I am not the only MP in this room who has been contacted by residents who are really distressed over a sudden increase in a bill or a maintenance cost that seems to come out of left field, and often people on fixed incomes or moderate incomes simply cannot meet that cost or they then are going without other things. We are really clearly of the view, and I know this is shared by everyone in this chamber, that residents, particularly vulnerable residents and elderly residents who have worked hard all their lives and who are looking forward to enjoying their retirement, should not be having to foot the bill with their hard-earned savings or their much-needed payments for poor management. This bill takes a really important step in stopping that by requiring corporations to deposit some of their fees into a building and maintenance fund, so we are avoiding those lumpy shocks that can cause such huge distress and financial distress to people.

The bill makes a range of amendments to three acts, including the Owners Corporations Act 2006, the Subdivision Act 1988, part 5, and the Retirement Villages Act 1986, section 36. As a whole the bill seeks to and in fact delivers a more modern system that improves the current legislation and makes owners corporations buildings better governed, more financially responsible and more sustainable, and all of the above mean generally more livable. It does this in several key ways, including the introduction of a five-tier system that categorises owners corporations based on their size. They can be small, medium or large, and therefore the responsibilities, duties and standards that then attach to that size are determined by that category. This really does streamline and target where we need to be ensuring that the skill sets, the duties, the professionalism and the responsibility are consummate with the size and the number of people who are impacted. There will be an expansion of committee members' duties, which is reflected in the tier system, to ensure that they act in an owners corporation's best interests, some restricting of proxy farming and committee proxies, and prohibiting contractual limitations on lot owners' voting rights.

It will also enable owners corporations to make rules controlling smoke drift from private lots. This is all about helping clarify and reduce disputes in owners corporations, particularly in multistorey apartment buildings, by developing a smoke drift model that requires residents to ensure their smoke does not penetrate the common property or any other lot in the facility. Additionally, reforms will help improve decision-making powers of the managers by giving them authority to make interim decisions in certain circumstances and the ability to repair and maintain the common property, provided they do so clearly with reasonable notice and the best of intent.

For the maintenance fund the requirement to deposit fees will be a critical change that will bring significant benefits to the residents of these structures. The bill, I think significantly, also puts appointment requirements for managers in place so that people who have been convicted of certain criminal offences will no longer be able to hold certain positions in management and they will need to carry professional indemnity insurance, and developers will be prohibited in certain circumstances.

This is a much fairer system for residents, and it regulates the relationship between managers, developers and residents. Again, these are really significant and important changes. We know that those people who are managing particularly some of these large structures have a huge responsibility, and whether they acquit their job in good faith and with the appropriate skillset is often the absolute difference between a resident enjoying their life, getting the maximum they can out of their occupancy, and the alternative, having problem after problem, making their life a living hell in the place which they should be able to call their sanctuary.

The bill also includes a statutory review provision, so there will be an assessment of its amendments that will be undertaken within two to five years to make sure that they are achieving the things that they set out to achieve and will also give the opportunity to see whether there are any further amendments required.

Now, I know my colleague is very keen to speak on this legislation, and perhaps others in the house are too. I really do commend the bill. Again, I thank everybody who has participated, in particular those people who gave up their time and turned up to engage with the stakeholder consultation process. There was an exceptionally high volume of submissions. I think that reflects the impacts that this has had on people, and also these are reflected, most importantly, in the provisions of the bill that is before the chamber today. I commend the bill to the house.

Dr RATNAM (Northern Metropolitan) (16:47): I rise to speak on the Owners Corporations and Others Acts Amendment Bill 2019, which has been a long time coming to this house. I know that this bill is a result of a lengthy period of review and consultation and that many owners have been waiting for these reforms to become law for some time, so I am glad to see this bill before the house today.

This bill is effectively a modernisation of the Owners Corporations Act 2006. This act was enacted in 2006, and in the 14 years since, the way we have lived in Melbourne has changed a lot. Our city has

seen a huge boom in apartment and medium-density living, with more of us embracing high-rise or townhouse living. Apartments and townhouses are popping up all over my electorate, especially in the suburbs of Brunswick, Northcote and Richmond, and of course in the CBD and Docklands, where high-rise apartment living is the norm. There are so many great things about living in an apartment building or in a block of units or townhouses. There is the ability to form close bonds with your neighbours and be part of a community within your building or complex. In the inner city and suburbs it means you can step out of your front door and into the city or onto your high street.

I know that lots of us experienced this last year when COVID restrictions meant many of us in Melbourne spent most of the year at home. We got to know our neighbours in our buildings and became very acquainted with our local suburbs. But being at home so frequently also reminded us that there is still more to be done to improve our streets, neighbourhoods and homes in Melbourne. Our rules and regulations have not kept up with the realities of living in multi-unit buildings or complexes in 2021. There are still challenges associated with living in apartment towers and medium-density buildings, not helped by failures in regulation and outdated governance. There are too many buildings in Melbourne that have been built poorly, with developers cutting corners and doing things on the cheap to maximise their own profits at the expense of residents. Residents have accumulated huge debts while struggling to hold builders and developers accountable for these defects, and too many residents are still living with dangerous flammable cladding and are also facing the prospect of paying out of pocket for rectification.

We know that developers are constantly bending the rules, finding ways to game the system and twist the rules and the law to their favour. We see it in our planning system, where developers are exploiting loopholes in the system to maximise their own profits and get dodgy projects approved. We see it in our political donation system, where developers donate huge sums of money to parties and to councillors in exchange for special treatment.

We see it in our strata laws. Developers have been using failures in the regulatory framework to maximise their own profits for years, awarding themselves or their mates lucrative contracts, locking residents into 99-year overvalued and overpriced contracts or gathering up enough proxy votes to take control of an owners corporation and sway all decision-making. This bill, however, introduces a range of reforms aimed at cracking down on dodgy behaviour in owners corporations and at making life in our apartment buildings better. I will talk to some of these reforms the Greens are particularly glad to see in this bill first.

Firstly, we are pleased to see the creation of new tiers of owners corporations according to the size of the building. The needs of a building of more than 50 apartments in the middle of the city are very different to those of a block of five units, yet currently the act fails to distinguish between these different types of developments, with one set of rules for almost everyone. The new tiers mean that different rules will now apply to owners corporations depending on their size—a sensible change that means that more appropriate, specific rules will apply to different-sized complexes.

There are also restrictions on proxy voting. Proxy farming is a huge issue in big owners corporations, especially in large buildings where many owners are absent or reside overseas. Lax rules about how proxy voting would work meant that there was no limit on how many proxies one person could hold, meaning that an owner could use the proxy system to effectively take over a body corporate, allowing them to control the outcome of votes and sway decisions. We have seen this occur most noticeably in Melbourne's large apartment towers, where short-stay operators have been able to farm proxy votes to take over towers and turn them into de facto hotels. The Greens welcome the new restrictions on the number of proxies one person can hold so that the days of mass proxy farming are a thing of the past.

There are new governance rules about the role of an owners corporation manager, and we welcome the stronger protections that prevent managers from acting in their own interests at the expense of an owners corporation. We are also pleased to see new limits on unfair contract terms for owners

corporations and restriction on the length of the managerial contract to three years. There are also some new limits on what a developer can do in relation to an owners corporation. A developer will not be able to vote on any resolution that relates to building defects. This is a welcome reform and will stop developers blocking action against themselves. Developers will also not be able to appoint themselves or their associates as an owners corporation manager, and any managerial contract will expire at the first meeting.

However, the Greens feel that these reforms could go further. We know all too well how easy it is for powerful interest groups to manipulate our rules and regulations. We have seen this happen in body corporates, with developers and short-stay operators twisting the rules to their favour to benefit their own interests and prevent owners from being able to choose their own managers and suppliers. There are still loopholes in this bill. While it creates new rules about owners corporation managers, it is quiet on the other kinds of managers a body corporate might hire, like a building manager—contracts that are also frequently rorted—and it does not address the challenges many residents have in getting solar panels installed on their buildings. So while we support the reforms in this bill—it has taken years for these reforms to reach this place—we do not want to see another decade pass where developers are still finding and exploiting loopholes, or where owners are still struggling with unfair contracts or dodgy building managers or cannot get solar on their building. Now is the time to get this right, so we will be moving amendments to tighten restrictions on developers and improve outcomes for residents, and I will speak more to these in the committee stage. I would like to circulate the amendments now please.

Greens amendments circulated by Dr RATNAM pursuant to standing orders.

Dr RATNAM: I want to conclude by speaking about one aspect of life in apartment buildings that has not been addressed by this bill but is in urgent need of reform—the short-stay industry. So many apartment residents bought into what they expected would be a thriving high-rise community and instead found themselves living in an unregulated hotel. Instead of a community where they could make a home or raise a family, they have a revolving door of strangers, unsociable behaviour and additional wear and tear on a building that was not designed to be a hotel. The short-stay industry has largely been left to set its own rules, with the government only intervening to implement a complaints process and avoiding implementing any real regulation of the industry.

With this bill today the government has once again missed the opportunity to take action on that industry. Now we are facing the need to reinvent our cities in light of the havoc wreaked by COVID, this is a perfect time to be looking at how we make our cities more livable. Other cities around the world have been grappling with the impacts of the short-stay industry not just on residents who share their buildings but on the cost of housing and on the culture and livability of cities. The Greens want to see further restrictions on short stays so that there is a cap on the number of days a place can be rented out as a short stay when it is not your place of residence.

When the Parliament passed a previous piece of short-stay legislation in 2018, the government indicated there would be a two-year post-implementation review, but in early 2021 we have heard little about this. I will be asking the minister some questions during the committee stage about the status of that review and the government's intentions for future reforms of the short-stay industry so that it receives effective regulation and so that we are looking out for the people who want to live here and enjoy contributing to making our city such a great place.

Mr ONDARCHIE (Northern Metropolitan) (16:56): Thank you for the opportunity to speak today to the Owners Corporations and Other Acts Amendment Bill 2019. Hang on a flash—did I say 2019? Well, this is clearly an urgent matter for the government if we are introducing in 2021 a bill that was first introduced in the lower house in 2019. You know, they are pretty quick to lock down Victoria on a whim, but when they get a bill that is very important, around owners corporations and around people living in rental properties and retirement villages, it takes them two years to get to it. It is a statement about the government's priorities.

The bill amends the Owners Corporations Act 2006, the Retirement Villages Act 1986 and the Subdivision Act 1988 and goes on to do a number of things associated with the regulation of owners corporations around improving the quality of owners corporations managers and protection for owners corporations, to expand and improve developers' duties to the owners corporations they create, to enhance the protection for owners corporations and to improve the governance and financial administration of, and internal relations in, owners corporations.

There is a proposal to improve and rationalise the regulation of owners corporations in retirement villages, and that is what I choose to go to today, that bit around retirement villages, because whilst the government are claiming they are putting in more certainty and separation for those elderly Victorians that my learned colleague Ms Garrett referred to as vulnerable today, I do not think this bill goes far enough. I think there was a real opportunity for the government today to add into this mix a retirement village ombudsman. As members would be aware, about 84 per cent of retirement village units are on a lease licence basis, not freeholds; 72 per cent of villages are owned by commercial, for-profit operators; and in the order of 40 to 50 per cent of residents receive zero per cent of any capital growth for the unit they occupy, and often when it is sold they do not realise anything other than the base value which they went into it with.

Last year I called and again today I call on the government, through the minister, to establish an ombudsman for retirement housing to ensure there is a low-cost, timely and binding way to resolve serious housing disputes between our elderly Victorians and those villages without having to go to expensive courts and tribunals. I tabled a petition last year with 300 names on it calling for that exact action, and so far nothing has been done. The only way residents can actually deal with these issues right now is by going to VCAT. That process is daunting, it is expensive and it is time consuming, and then they are in an uncertain area, so there was a real opportunity with this bill, albeit dated two years ago. I note the government were making amendments to the bill today; maybe there is a chance they could amend the bill to put in a retirement village ombudsman as well to protect our elderly Victorians.

I do note Dr Ratnam's amendments have just been circulated, and I have only just got to see them. I can indicate on behalf of the Liberal-Nationals coalition that we will not be supporting those amendments. But I do say to the government: as part of this bill you missed an opportunity. You missed an opportunity to protect and support those older Victorians or, as Ms Garrett called them, those vulnerable Victorians by establishing a retirement village ombudsman. I implore the government to consider very carefully how we might enhance this bill, make it better, either now or soon—perhaps not in two years time—by establishing a retirement village ombudsman.

Ms VAGHELA (Western Metropolitan) (17:00): I rise to speak on the Owners Corporations and Other Acts Amendment Bill 2019. There are over 1.5 million Victorians who live in or own property in an owners corporation. That is almost 25 per cent of us. This bill has gone through a long process. This bill reforms several key aspects. It rationalises the regulation of owners corporations, it improves the quality of owners corporation managers and it enhances protection for owners corporations. It expands and improves developers' duties to the owners corporations they create and it enhances protection for owners corporations. It improves the governance and financial administration of and the internal relations in owners corporations, and it improves and rationalises the regulation of owners corporations in retirement villages. These reforms will help improve the governance of the owners corporation buildings and make them more financially responsible and sustainable.

I thank each and every person involved in working on this important piece of legislation. This legislation is much needed. It will protect renters, retirees, property owners and families. This bill changes the definitions of owners corporations to a more tiered approach. This will bring more clarity and transparency. The bill creates five different tiers of owners corporations. These tiers are based on the size of the lots that they manage. I believe that this is a prudent way of regulating owners corporations. Not all owners corporations are the same. Larger owners corporations should be subjected to a greater number of requirements than smaller ones. Larger owners corporations will be subject to a greater number of requirements with regard to committees, annual financial statements

and such, whilst smaller ones will be subjected to less stringent regulation. Most owners corporations are small. Only a few qualify for tier one, which is 100 lots or more. This is a more rational and responsible way of regulating the owners corporations, and is a consistent way to maintain standards of reporting and accountability.

This bill will help in protecting property owners through a maintenance fund. Owners corporations will be required to deposit sufficient fees into their maintenance fund to implement the approved maintenance fund. This will reduce the need for significant and unexpected fee increases, which can cause financial hardship for some lot owners. Most lot owners come from modest backgrounds. They have mortgages to repay, families to feed and bills to pay. Sudden, unexpected or black swan events can completely disorientate the budgets of some lot owners. The maintenance fund will provide protection against such shocks.

This bill will also bring protections against abuse from managers. People should not face detriment due to poor management or bad behaviour on the part of a manager. The management is in place to aid the people, not to harm them or to put them at a disadvantage. This bill will strengthen the disqualification and insurance provisions of the current registration scheme for professional owners corporation managers. This bill will also protect people from unfair contract terms. It will prohibit certain unfair terms in owners corporation management contracts and give VCAT the power to rule generally whether other terms in management contracts are unfair. This reform is critical to making sure that the fiduciary duties of the managers are upheld.

This bill also prohibits owners corporation managers from pooling the funds of separate owners corporations under their management into one bank account. This pooling of funds reduces transparency and creates opportunities for bad behaviour. Equity between lot owners will also be enhanced. The ability of a majority lot owner to prevent an application to VCAT for changes to the settings will also be removed where all other lot owners have consented to the change. This bill will also implement several reforms to improve the governance and financial administration of owners corporations, which include restricting proxy farming and committee proxies and prohibiting contractual limitations on lot owners' voting rights.

It includes enabling owners corporations to make rules controlling smoke drift from private lots, and it also includes enabling owners corporations to separately levy lot owners for a range of costs directly attributable to the particular use of certain lots.

This bill will further improve decision-making within inactive owners corporations by giving owners corporation managers authority to make interim decisions in certain circumstances. This bill will also make sure that the owners corporation rules are not oppressive or unfairly prejudicial to lot owners or residents. It also stops unfair discrimination against a lot owner or resident. Additionally, this bill will expand the duties of owners corporation committee members to include a duty to act in the owners corporation's best interests. Expansion of these duties will help the owners corporations committee members do the right thing for owners corporations and stakeholders. This bill will also clarify relationships and reduce disputes in owners corporations in multistorey apartment buildings.

The bill will support owners corporations' duty to repair and maintain common property by permitting them to enter private lots on reasonable notice where necessary to enable repairs to common property. It will reduce the maximum size of owners corporation committees from 12 to seven members and allow the chair or secretary of the committee to arrange committee ballots. It will exempt owners corporations from the need to engage the internal dispute resolution process for matters they initiate. The bill will improve dispute resolution in owners corporations by enhancing the internal dispute resolution process set out in the model rules, including provision for a grievance subcommittee. It will enhance compliance with owners corporation rules by increasing the maximum penalty for breaches to \$1100 and allowing owners corporations to retain penalties. It will enhance owners corporations' ability to initiate legal actions by applying different voting thresholds for actions in different courts.

The bill will reduce inequities for non-defaulting lot owners by permitting owners corporations to recover reasonable prelitigation costs from defaulting lot owners and to adopt payment plans in hardship cases. The bill expands the obligations of developers to owners corporations in line with the New South Wales approach but including other obligations and prohibitions and extending the duration of developers' obligations from five to 10 years.

The bill also brings changes to improve and rationalise the regulation of owners corporations in retirement villages. Retirement villages are a very important part of Victoria, including the Western Metropolitan Region. They are a place to create strong, tight-knit communities. They are a great place for retirees to be a part of community with ease. These seem like minor changes, but they are extremely vital. They will make the lives of thousands of retirees easy. They will keep retirees protected from dodgy developers or hostile managers. This bill provides a clearer separation between owners corporation meetings, retirement village meetings and village resident committees. It also aligns the power of village operators who control owners corporations in retirement villages with the aims of the Retirement Villages Act 1986.

This is an astoundingly all-inclusive bill which implements critical reforms. This bill is an outcome of a massive review process which took several years. Many people have given their input to make this bill what it is. It is backed by people from all walks of life. Owners corporations will benefit from these reforms, as will those that reside in places managed by them. I fully support this bill. I commend the bill to the house.

Mr HAYES (Southern Metropolitan) (17:09): I rise to welcome this bill and the reforms it brings to this important part of everyday life in Victoria. Many people own apartments, and the abuse of power by developers in the apartment sector is something that has needed attention for some time.

It is good, therefore, that this bill restores some power to apartment owners. There have been many stories of humble apartment owners caught up in unfair situations and powerless to act because the balance of power between developers and apartment owners was so tilted towards the developers and their interests—adept and skilled at playing the system. Similarly this bill begins to address the problem of developers locking apartment buildings into long service contracts at the completion of the building. So overall this bill is an important first step in restoring balance between these two groups—apartment owners and the developers of such buildings.

I also welcome reforms in this bill that improve the governance of owners corporations and improve the standards that apply to owners corporation managers. The measures to improve governance issues around retirement villages are also to be welcomed.

Now, I note that in the other place some remarks were made about this bill and Airbnb parties. It does appear to let off the hook the apartment owners who let out their apartments to these parties where damage to common property is caused. This is an area of concern to many apartment owners and residents, and I urge the government not to put the interests of big tech start-up companies like Airbnb before the interests of apartment owners and residents. This is an area that does need close scrutiny by government to respond to the concerns of the community.

I acknowledge that the government undertook wideranging consultation in developing this bill, and that is to be welcomed. The bill is an important first step in improving governance and outcomes for owners corporations, and I look forward to further reforms and improvements in this important area, hopefully, in the not-too-distant future. However, I do support Dr Ratnam's amendments. These amendments make it easier for owners corporations to take legal action in the difficult area of building defects and especially cladding rectification.

Importantly, they make it easier for owners corporations to install solar panels and battery storage in the common areas of buildings, including rooftops. These amendments also protect building occupants from bearing the unfair burden of sometimes multidecade contracts which are entered into by developers at the completion of a building's construction. Holding builders and developers

accountable for cladding rectification through legal action is something that I strongly support. Any amendment that makes it easier for owners corporations to pursue such legal action is in my opinion a good amendment. I have previously spoken in this place of the disaster that has befallen many apartment owners from the installation of dangerous and flammable cladding on buildings in Victoria, not to mention the many occurrences of building defects. It is a very unfair situation for owners, and I hope this amendment will make it easier for affected people to obtain justice.

These amendments also make it easier for owners corporations to pass resolutions to install solar and battery equipment on buildings. Clearly any amendments that make it easier for owners corporations to take up and install renewable energy options by a simple majority vote is something I can support. I note with approval the increasing trend of using industrial rooftops as sites for renewable energy. If an amendment such as this makes it easier for more apartments and other similar forms of accommodation to serve as sites for renewable energy collection, I urge that it be supported.

The third of the Greens amendments I also speak in support of. It seeks to impose a three-year cap on all contracts entered into by a building developer other than a contract for an owners corporation manager. This is a good amendment because instances of abuse by developers in this area of contracts have been drawn to my attention. Unfortunately locking future building occupants into contracts that go on sometimes for 20 or 25 years becomes a boon for developers and a tax on occupants. We need to end it in the name of consumer rights, and I hope this will happen. I believe these amendments all go to improving the government's bill, and I commend them and the bill to the house.

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:15): This bill delivers a package of 36 substantive reforms that streamline and modernise the regulation of the Victorian owners corporations while enhancing protections for lot owners. This is done by improving the quality of owners corporation managers, expanding and improving developers' duties to the owners corporations they create, improving governance and financial administration and internal relations of owners corporations, and improving the regulations of owners corporations in retirement villages.

The actual extent of the bill and what it does I think have been really well covered by a number of speakers, including Mr Rich-Phillips, Ms Garrett, Dr Ratnam, Ms Vaghela and Mr Hayes, and Mr Ondarchie I think as well, so I will not go any further into the complete scope of it. But I will flag that, as Mr Rich-Phillips did mention, the government will have house amendments, particularly the first one around the commencement date, which will be pushed out to 1 December 2021, if this amendment is agreed to, for further consultation with the sector, for some advice and assistance to be able to implement what this bill actually does in the owners corporations area.

There is also another amendment. In saying that, there is some despair about how long this bill took to get to this house; we did not waste any time because we did go to further consultation. Out of that consultation there is another amendment around exemption from certain contracts under the three-year cap. These amendments are required to ensure that the restrictions placed on long-term contracts do not adversely affect the tourism industry by preventing them from entering into contracts essential for hotel and resort businesses that operate with strata buildings, and I think Mr Rich-Phillips gave a perfect example around the Quest hotel arrangement. This amendment is balanced by providing safeguards for lot owners through regulations to constrain the exemption scope, for example, for prohibiting certain terms and conditions in contracts limiting fees, limiting fee increases and restricting the duration of the contract. Can I have those house amendments distributed before I go on?

Government amendments circulated by Mr LEANE pursuant to standing orders.

Mr LEANE: So far as Dr Ratnam's amendments go, the government is in no position to support her proposed amendments. One amendment would limit any contracts signed by a developer other than the owners corporation manager to three years. This would cap all contracts between owners corporations and service providers at three years. The consequence could be severe, particularly for

utility providers, who require certainty beyond three years for the viability of their businesses. It could result in owners corporations struggling to find businesses willing to provide the most basic services—that is, water and electricity—given that the contracts would be for a maximum of three years.

So far as other amendments allowing owners corporations to commence any legal proceedings by an ordinary resolution, for a majority of disputes there tends to be a lower cost at VCAT and the Magistrates Court. This bill reduces the voting threshold for an ordinary resolution to at least 50 per cent of the total votes. But when you are talking about actions in the County Court and the Supreme Court, they are significantly more costly and have higher risk for everyone, which is why we are retaining the requirement for a special resolution, which is 75 per cent.

This is a similar position, Dr Ratnam, in terms of the amendment introducing a clause to specify that the installation of sustainability items may be approved by ordinary resolution. Alterations to common properties have a significant cost and impact to the building, so we are retaining the requirement for a special resolution, which is 75 per cent of the vote, compared to 50 per cent of the vote, for these to be made. However, an individual owner may seek to make an alteration, and if it is only an ordinary resolution, 50 per cent is required. So if an individual wants to make a certain alteration—that may be a sustainability item for themselves—they just need 50 per cent of the owners corporation to agree that it is okay. With those words and that response to the amendments, I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1(17:23)

Mr ONDARCHIE: Minister, at the time that this bill was introduced into the Legislative Assembly there was lots of commentary about how important it was to the government with their media et cetera. Why has it taken this long to get to the upper house?

Mr LEANE: I think, Mr Ondarchie, when it was introduced the world was in a different place and there were a number of other things that had to take precedence. We have had issues with actually getting houses sitting. But what I said in my summary is not to despair because it gave time for further consultation, and that has delivered a house amendment today and more consultation and people being more comfortable with the bill.

Dr RATNAM: This bill makes a series of important reforms around owners corporations, which have been broadly welcomed by members of owners corporations, including owners and residents. But there is one issue that has been consistently raised with me and my colleagues, particularly by owners and residents of high-rise and high-density apartments who are also members of owners corporations, and that is the ongoing unregulated nature of short stays.

While the COVID pandemic has put a dent in short-stay accommodation and the business model has been put under pressure, with indeed many opting for longer term rental arrangements instead, we do not want to see a return to the prepandemic days of apartment buildings becoming de facto hotels. Other cities have demonstrated that there are ways to manage short stays better for residents, such as a cap on the number of days a place can be rented as a short stay when it is not your residence. Minister, can I ask, given this bill has taken years to get here and the issues around short stays have been well canvassed, why wasn't the opportunity taken with this bill to introduce much-needed regulation for this industry?

Mr LEANE: I will just go and get some advice. Sorry for the delay. Dr Ratnam, there were some issues around this particular concern that you rightly brought up for the Owners Corporations Amendment (Short-stay Accommodation) Act 2018. There is a review that was triggered by that act,

which will start this year, and the actual scope of reference will be made public in coming months. In saying that, the concern that this bill could have maybe gone further, there is a provision in this bill that gives owners corps the ability to penalise certain owners if they are breaching the short-stay rules. I think the main concern is hiring out your place for people having big parties when other people are trying to live their lives around it.

Dr RATNAM: Thank you, Minister. I note in your response you have indicated that the review that was flagged—I think it was meant to be in 2020—is starting this year, and it is welcome that it is going to begin. I was wondering if you had any more specificity about which month. You mentioned that it is going to start in the coming months or that the terms of reference might be available. Is there any more detail you could provide, because I know a lot of residents are quite concerned that this happen sooner rather than later. The first question is: is there any more certainty about that specific timing, and secondly, will your government commit to future regulation of the short-stay industry, given the gaps with both the previous legislation and now with this piece of legislation as well?

Mr LEANE: I cannot be more descriptive about the actual timing around the release of the public terms of reference, but I will get some more advice about any further regulation.

I probably could have given a response without checking, but I wanted to make sure. There is a possibility of further regulations, but that will be born out of the conversations and what comes out of the review.

Clause agreed to.

Clause 2 (17:31)

Mr LEANE: I move:

1. Clause 2, line 26, omit “January” and insert “December”.

Amendment agreed to; amended clause agreed to.

Clause 3 (17:31)

Mr LEANE: I move:

2. Clause 3, after line 8 insert—

“*hotel and resort management contract* means, in relation to a hotel, resort or serviced apartment complex on land affected by an owners corporation—

- (a) a letting agreement to provide an on-site letting manager (being a manager who lives at the hotel, resort or serviced apartment complex who manages letting of accommodation at the hotel, resort or complex); or
- (b) a common property agreement (including but not limited to a lease or a licence) to use common property for the purposes of—
 - (i) operating an on-site letting business at the hotel, resort or serviced apartment complex; or

Example

Office, storage area or reception area.

- (ii) providing caretaking services at the hotel, resort or serviced apartment complex; or
- (c) a building maintenance or facilities management agreement to provide caretaking services at the hotel, resort or serviced apartment complex; or
- (d) any prescribed agreement or prescribed class of agreement relating to the management of a hotel, resort or serviced apartment complex by a third party;”.

Dr RATNAM: Regarding the second government amendment, the Greens are not prepared to support it. Once again, we believe it takes power away from residents. You just have to look at the changing nature of what are traditionally considered hotels or resorts. You have a number of people

who actually use them for their long-term homes and long-term residences, and therefore we do not think this gets the balance right by excising them from a number of the improvements that this bill actually goes on to make. So we will oppose this amendment.

Amendment agreed to; amended clause agreed to; clauses 4 to 8 agreed to.

Clause 9 (17:33)

Dr RATNAM: I move:

1. Clause 9, lines 10 to 23, omit all words and expressions on these lines and insert—
‘An owners corporation may commence any legal proceeding if authorised to do so by ordinary resolution.’.’.

This amendment is about improving access to justice. We have heard from owners that the current requirement of a special resolution to bring legal proceedings—so that means 75 per cent of owners—is too high a barrier for many owners corporations, and while this bill does try to make it easier to bring smaller claims, we have heard that there will still be many matters that will need a special resolution. For example, if an owners corporation is trying to sue a builder for building defects or go after the company responsible for installing dangerous cladding on their building, the claim is likely to be higher than \$100 000 and will not be captured by the changes in the bill. Our amendment will bring Victoria into line with other states like New South Wales and ensure that any legal proceeding can be commenced with an ordinary resolution only.

Mr LEANE: I just stand by my summary remarks as far as Dr Ratnam’s amendment goes and say that some forms of legal action can be very costly, and I think it should be a special resolution for those to go ahead.

Committee divided on amendment:

Ayes, 6

Barton, Mr
Cumming, Dr

Hayes, Mr
Meddick, Mr

Patten, Ms
Ratnam, Dr

Noes, 32

Atkinson, Mr
Bach, Dr
Bath, Ms
Bourman, Mr
Crozier, Ms
Davis, Mr
Elasmar, Mr
Erdogan, Mr
Finn, Mr
Garrett, Ms
Grimley, Mr

Kieu, Dr
Leane, Mr
Limbrick, Mr
Lovell, Ms
Maxwell, Ms
McArthur, Mrs
Melhem, Mr
O’Donohue, Mr
Ondarchie, Mr
Pulford, Ms
Quilty, Mr

Rich-Phillips, Mr
Shing, Ms
Stitt, Ms
Symes, Ms
Tarlamis, Mr
Taylor, Ms
Terpstra, Ms
Tierney, Ms
Vaghela, Ms
Watt, Ms

Amendment negatived.

Clause agreed to; clauses 10 to 28 agreed to.

New clause (17:42)**Dr RATNAM:** I move:

2. Insert the following New Clause to follow clause 28—

‘28A New section 52A inserted

After section 52 of the **Owners Corporations Act 2006** insert—

“52A Alteration to common property in relation to sustainability items only requires ordinary resolution

- (1) Despite section 52 and any other provision of this Act, an owners corporation may by ordinary resolution approve the purchase and installation of sustainability items on the common property and the levying of fees on lot owners for that purpose.
- (2) Subject to subsection (3), the fees must be based on lot liability.
- (3) Fees for the purchase and installation of sustainability items carried out wholly or substantially for the benefit of some or one, but not all, of the lots affected by the owners corporation must be levied on the basis that the lot owner of the lot that benefits more pays more.
- (4) In this section—

sustainability item means any thing that eliminates or reduces a reliance on non-sustainable energy sources and includes—

- (a) a solar hot water system; and
- (b) solar energy panels; and
- (c) a roof with colours having a particular solar absorption value and
- (d) a battery energy storage system.”’.

This new clause is about making it easier for residents in apartment buildings to have solar and other sustainable infrastructure installed on their building. Currently if an owners corporation wants to install solar panels on their roof, they need to pass a special resolution, as it uses the common property. We have heard this is too high a bar and is making it difficult for many buildings to improve the installation of solar panels.

In 2021 we should be making it easier and simpler for residents to access solar energy for their homes, not creating unnecessary barriers such as this one. So our amendment allows the purchase and installation of sustainability items like solar or battery storage to be approved by ordinary resolution only.

Mr LEANE: I will just make the comment that the government will not be supporting this amendment, and I think I have put the reasons why in the summary speech that I made.

Committee divided on new clause:*Ayes, 6*

Barton, Mr
Cumming, Dr

Hayes, Mr
Meddick, Mr

Patten, Ms
Ratnam, Dr

Noes, 32

Atkinson, Mr
Bach, Dr
Bath, Ms
Bourman, Mr
Crozier, Ms
Davis, Mr
Elasmar, Mr
Erdogan, Mr
Finn, Mr
Garrett, Ms

Kieu, Dr
Leane, Mr
Limbrick, Mr
Lovell, Ms
Maxwell, Ms
McArthur, Mrs
Melhem, Mr
O'Donohue, Mr
Ondarchie, Mr
Pulford, Ms

Rich-Phillips, Mr
Shing, Ms
Stitt, Ms
Symes, Ms
Tarlamis, Mr
Taylor, Ms
Terpstra, Ms
Tierney, Ms
Vaghela, Ms
Watt, Ms

Grimley, Mr

Quilty, Mr

New clause negatived.

Clauses 29 to 34 agreed to.

Clause 35 (17:47)

Dr RATNAM: I move:

3. Clause 35, line 30, after “appointment” insert “of a third party manager”.
4. Clause 35, lines 31 and 32, omit “and benefits the applicant for registration”.

We have heard stories from many residents frustrated with the behaviour of developers, locking them into decade-long overpriced contracts that they have no way of getting out of. While residents welcome the new restrictions in new section 67B inserted by this bill, we also heard that the wording of the bill means that there is still a risk that developers could exploit this provision. We know developers are very good at finding ways to rort the system and that currently many of the unfair contracts that owners corporations find themselves stuck in show that the developer and the contracted company are well known to each other but legally unrelated. This amendment removes the phrase ‘and benefits the applicant for registration’ in new section 67B so that it becomes a blanket three-year limit for all contracts. This is about ensuring that owners can choose their managers and suppliers themselves and reduce the ability of developers to exploit this provision by entering into contracts that technically do not benefit themselves.

We have also clarified that in the context of this clause a contract of appointment refers to the appointment of the third-party manager—that is, the manager of the owners corporation. This is to ensure that other kinds of managerial contracts a developer might sign, like with a building manager, are captured by the three-year limit as well.

Mr LEANE: The government will not be supporting this amendment, as I outlined in the summing-up speech in the second-reading debate.

Committee divided on amendments:

Ayes, 5

Barton, Mr
Cumming, Dr

Hayes, Mr
Meddick, Mr

Ratnam, Dr

Noes, 33

Atkinson, Mr
Bach, Dr
Bath, Ms
Bourman, Mr
Crozier, Ms
Davis, Mr
Elasmar, Mr
Erdogan, Mr
Finn, Mr
Garrett, Ms
Grimley, Mr

Kieu, Dr
Leane, Mr
Limbrick, Mr
Lovell, Ms
Maxwell, Ms
McArthur, Mrs
Melhem, Mr
O'Donohue, Mr
Ondarchie, Mr
Patten, Ms
Pulford, Ms

Quilty, Mr
Rich-Phillips, Mr
Shing, Ms
Stitt, Ms
Symes, Ms
Tarlamis, Mr
Taylor, Ms
Terpstra, Ms
Tierney, Ms
Vaghela, Ms
Watt, Ms

Amendments negatived.

Mr LEANE: I move:

3. Clause 35, line 34, after “duration” insert “, unless the term is in a contract that is a hotel and resort management contract that complies with the prescribed requirements (if any)”.

Amendment agreed to; amended clause agreed to; clauses 36 to 57 agreed to.

Clause 58 (17:54)

Dr RATNAM: I move:

5. Clause 58, page 49, line 23, omit ‘value.’ and insert “value; and”.
6. Clause 58, page 49, after line 23 insert—
‘(d) a battery energy storage system.’.

These amendments relate to new section 138B, which includes a provision stopping an owners corporation from making rules that unreasonably prohibit the installation of sustainability items on the exterior of a lot. This clause includes a new definition of ‘sustainability items’, covering solar hot water systems, solar energy panels and a roof with colours having a particular solar absorption value. Our amendments add in battery energy storage systems to the list of sustainability items. As the use of battery storage increases across Victoria, we want to ensure that there are no unnecessary restrictions on who can access battery storage. Battery storage should explicitly be included in this list of sustainability items to ensure they are captured by this provision, which is what our amendment does.

Mr LEANE: The government will not be supporting Dr Ratnam’s amendments.

Amendments negated.

Clause agreed to; clauses 59 to 83 agreed to.

New clause (17:55)

Mr LEANE: I move:

4. After clause 83 insert the following New Clause:

‘83A Regulations

After section 204(1)(db) of the **Owners Corporations Act 2006** insert—

- “(dc) prescribing for the purposes of section 67B(2) requirements for or in relation to hotel and resort management contracts or classes of hotel and resort management contracts, including but not limited to—
- (i) restricting the duration of those contracts;
 - (ii) limiting or placing parameters on fees and charges under those contracts or increases on those fees and charges;
 - (iii) prohibiting or regulating the inclusion of specified terms or conditions in those contracts;”.

New clause agreed to.

Clause 84 (17:56)

Mr LEANE: I move my amendment 5:

5. Clause 84, page 71, line 1, omit “January” and insert “December”.

Amendment agreed to; amended clause agreed to; clauses 85 to 92 agreed to.

Clause 93 (17:57)

Mr LEANE: I move my amendment 6:

6. Clause 93, line 3, omit “January” and insert “December”.

Amendment agreed to; amended clause agreed to.

Reported to house with amendments.

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:58): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (17:58): I move:

That the bill be now read a third time.

In saying that, I thank everyone for their contributions in the committee stage and in the second-reading debate.

Motion agreed to.

Read third time.

The PRESIDENT: Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill with amendments.

Adjournment

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (17:58): I move:

That the house do now adjourn.

PUBLIC HOUSING

Ms BATH (Eastern Victoria) (17:58): My adjournment matter this evening is directed to the Minister for Housing and it relates to a critical shortage of public housing across Gippsland. There has been a swell of demand from constituents who are desperate to access affordable accommodation and a roof over their heads and a safe place to call home. This demand stems from a variety of reasons—financial difficulties, accommodation issues, transfer from care, lack of support, mental health and health issues, and some had to flee their current arrangement because of domestic violence—all pressurised due to the current COVID situation. At a recent conference of Leongatha's St Vincent de Paul Society the issues of homelessness and how the problem has been multiplied since the COVID-19 pandemic were deemed to be the most critical of issues. The reasons for public demand included interstate travellers who would otherwise travel overseas taking over camp sites where disadvantaged people have traditionally had options to live. The sea and tree changers' exodus from metropolitan Melbourne to regional Victoria, such as Gippsland, also was a strong indicator that demand is there, and also the lack of private sector housing and rental prices going up and up for people on low incomes.

In recent times a number of my constituents have informed me that they have been on the public waiting list for months and even years. Some are couch surfing. Some are sleeping rough. Others, including young families, have been allocated emergency crisis accommodation while they desperately wait for more permanent arrangements. One mother who speaks with my office regularly—and we have advocated for her on many occasions—has two small children living in a motel room and is cooking meals in a microwave, and that is her only home. Demand is growing in Gippsland: as at 31 December 2019 there were 1378 households awaiting priority access in Gippsland on the housing register. We also understand that the housing register does not identify all those other—hidden—homeless people who just do not even make it onto the housing register.

While the Andrews government has committed to some funding in relation to affordable homes, what we need to see is direct action now in Gippsland, and we need to make sure that Gippsland and regional

Victoria certainly get their fair share. So I ask the minister to provide a plan to deliver this affordable housing for my constituents now and not in 2025.

FOREST ROAD, ANGLESEA

Mr MEDDICK (Western Victoria) (18:01): My adjournment matter this evening is for the Minister for Roads and Road Safety in the other place, Minister Carroll. The action I seek is for him to approve a virtual fencing trial on Forest Road, Anglesea. I have been working for a long period of time—indeed years—with Surf Coast wildlife rescue groups, in particular Jason Cichocki, to have the government implement this vital project to protect wildlife along this stretch of road. Prior to the change in portfolios I presented the then Minister for Road Safety and the TAC, Minister Pulford, with a comprehensive and costed plan, the need for which was backed up by even more comprehensive data detailing crash and strike rates, injury types and frequency as well as vehicle speeds, types and frequency. This same dataset is in the hands of Minister Carroll and has been now for some time. Inquiries have been met with assurances that the matter is under consideration and indeed looks favourable, but even though I was able to secure a speed reduction on Forest Road the need for the trial remains strongly. I hope the minister will now finalise any inquiries he needs to make and expedite the trial virtual fencing on Forest Road.

ELECTIVE SURGERY WAITING LISTS

Dr BACH (Eastern Metropolitan) (18:02): My adjournment today concerns the unacceptable deterioration of our health services under the Andrews Labor government. All of us in this house know full well the importance of a well-funded and effective health system. Last year, of course, was such a tough year—beyond a tough year for our health services and our frontline workers in particular, who have put themselves and their families at great personal risk to care for the rest of us. We owe them a debt of gratitude, but right now they are being let down by a failing system and indeed by this Minister for Health.

The Labor government has promised time and time again to make our health system the envy of the world, and that is a laudable goal. But why don't we look at the facts? In doing so, I am happy to put contact tracing and the appalling failures we have seen in contact tracing entirely to one side. Waiting times for elective surgeries have exploded under this government. There are now over 65 000 Victorians on the waitlist. More and more patients are being forced to wait longer than the clinically recommended time for their operations. In the last three months almost a quarter of Victorians on waiting lists were not treated quickly enough.

Now, elective surgery cannot simply be brushed aside as non-urgent. Many of the people in my electorate on these waiting lists are in chronic pain, and longer and longer waiting lists mean more pain for older Victorians waiting, for example, on operations as important, as critical, as hip replacements. It means more pain for Victorians who, through no fault of their own, are in such dire straits that they cannot go to work, cannot perform tasks around the home, cannot care for their families.

There are several fantastic public hospitals in my electorate that are now really feeling the pressure. Hospitals like the Austin in Heidelberg and Box Hill Hospital are wonderful facilities full of fantastic staff that serve big catchments in my electorate. However, they are feeling the pinch as they have not before. The Austin, for example, has seen a 41 per cent increase in the number of patients on its waiting list for elective surgery. I want to be clear: it is not the responsibility of our hardworking nurses, doctors and other healthcare professionals to just work harder to clear this backlog. This calamity falls squarely at the feet of the Andrews Labor government. The action that I seek is for the Minister for Health to take concrete steps to reduce the waiting list for people in my electorate who desperately need surgery.

COMMERCIAL PASSENGER VEHICLES VICTORIA

Mr BARTON (Eastern Metropolitan) (18:05): My adjournment tonight is for the Minister for Government Services, Minister Danny Pearson. I have deep concerns regarding Commercial

Passenger Vehicles Victoria's (CPVV) data collection requirements for booking service providers in the commercial passenger vehicle industry. Under the current regulations all booking service providers are required to keep and submit records of trip data that include things such as kilometres travelled and the fee charged as well as the date, time and GPS coordinates of where the trip started and ended. One may think that this data would only be called for when it is relevant to specified incidents or complaints. Instead the CPVV is demanding all of this data be submitted.

There exists little clarity about why this data is being collected, who will protect it and how it will be used. While the names of passengers are not required, given the demand for GPS coordinates or addresses, as well as other data, it is very easy to see how this data could be linked to an individual, their address and their movements. As you can imagine, this has led to booking service providers experiencing anxiety over their clients' consent and privacy and who is accountable. The CPVV has an obligation to inform the industry and the passengers of what it plans to do with that personal information it collects. I am also concerned about the strict and specified format of the reporting data requirements. Smaller industry operators do not have the technological know-how or the capacity to record, maintain and submit this information. This is especially true when operators are expected to report within a short time frame.

It is clear that the taxi industry is suffering. Where can we draw the line between immense data requests and threatening to cripple operators who simply cannot afford the technology required to meet these data demands? What makes these concerns all the more serious is the threat of the fines if they do not report the data within the due date and in the required format. These fines are up to \$99 000 for body corporates and \$19 000 for individuals.

I have recently met with the Victorian information commissioner and the privacy and data protection deputy commissioner, who advised me that these data requirements have some clear red flags that will require further investigation. Therefore the action I am asking the minister to take is: will the government instruct the CPVV to cease its threats to operators of fines for non-compliance until there is further clarity on this matter?

BREAST RECONSTRUCTION SURGERY

Ms CROZIER (Southern Metropolitan) (18:08): My adjournment matter this evening is for the Minister for Health, and it specifically relates to breast reconstruction surgery. It is a really important issue for many women who have faced the need for reconstruction after breast cancer surgery and treatment, and as we know, it is not only women that get breast cancer, it is also men. The recent release, however, of Victoria's health services performance data paints a dire picture for the thousands of Victorians who are yet to receive vital elective surgery such as what I have mentioned for breast reconstruction. Victoria has an elective surgery waitlist that is at record levels. It was at record levels prior to the restrictions that were put in place last April. There are tens and tens of thousands of Victorians who are on these waitlists who are becoming increasingly anxious about when they will be getting their surgery and the cancellations that keep occurring, and this latest lockdown has added to that anxiety. It is affecting tens and tens of thousands of Victorians and their families, and I have been talking to surgeons this afternoon who are absolutely beside themselves. They say you cannot just snap your fingers and start surgery on Thursday; you have to prep patients, and you have to get them into hospital and get them prepped before you can operate on them. This government has got no ability to understand what it is doing.

There are tens of thousands of people that are absolutely devastated by this current lockdown. But I digress. The last quarter's data for October to December shows that 44 per cent of category 2 elective surgery patients are not being treated within the recommended time of 90 days. Plainly speaking, the 8217 category 2 patients facing overdue wait times indicate that the current approach by the Andrews Labor government is not working and is jeopardising the health and wellbeing of those thousands of Victorians that I have spoken about. These lengthy wait times are causing undue stress and anxiety, as I have already mentioned. The mental health aspects are real. A woman who needs surgery, who has

got cancer cells in her body and who has had her surgery cancelled not once but twice is not scared of dying of COVID, she is scared of dying of cancer.

The action I seek from the minister is specifically around those who are wanting their breast reconstruction surgery post-cancer treatments for breast cancer, a very insidious disease that many of us have friends and family that have died of. I ask the minister specifically: what is he going to do to address that issue for those women who are seeking breast reconstruction in this very dire situation that we have currently in Victoria's health services under this government?

GUARDIANSHIP ADMINISTRATION

Ms MAXWELL (Northern Victoria) (18:11): My matter is for the Attorney-General. It follows an exchange I had with the former Attorney-General, Ms Hennessy—a very cordial and well-meaning exchange I might add—on the subject of guardianship arrangements for hospital patients. As the first part of that, in an adjournment matter in August 2019 I raised quite a number of points on this topic. In particular I spoke of the extraordinary delays, sometimes months worth of delays, associated with quite a large number of cases, where patients were ready for discharge from hospital but also needed to have a guardian appointed to help oversee their future care and wellbeing. These delays also then have many compounding effects, including creating many logistical and financial pressures for the hospital, considerable frustration and despair for the patient and adverse ramifications for incoming patients also requiring a hospital bed. In Ms Hennessy's reply she noted that the government had recently made various funding announcements and changes that she believed were helping to resolve these issues. These included new funding to the Office of the Public Advocate, the passage of the Guardianship and Administration Act 2019 and the introduction of VCAT's guardianship hub.

Unfortunately however, I now need to raise some similar issues again and request the new Attorney-General's advice and assistance on them. I say 'unfortunately', because in Northern Victoria it seems that as well-intentioned as those actions reinforced by Ms Hennessy appeared to be there are broadly the same range of problems still being experienced on the ground nearly 18 months later. It has repeatedly been brought to my attention recently, especially by one major hospital, that there has really been no change to these longstanding difficulties.

It may be that the Victorian medical system has been so impacted by the advent of COVID over the past year that this has adversely affected the progress of potential improvements to guardianship arrangements. I would have thought, however, that if anything, expediting the departures from hospital of this class of patients might have become an even more urgent concern, especially in the early COVID months when the talk was of a preoccupation with flattening the curve and overwhelmingly prioritising the use of hospital beds for COVID patients.

The action I therefore seek is an outline of what actions are being or will be taken by the government to address the ongoing difficulties that are continuing to be experienced in respect of patients needing guardians, especially to reduce the average time between VCAT guardianship lodgements and their allocations.

SHEPPARTON BREAST SCREENING SERVICES

Ms LOVELL (Northern Victoria) (18:14): My adjournment matter is directed to the Minister for Health, and it concerns the unfair and unnecessary costs imposed on women seeking breast screening services in Shepparton. The action that I seek from the minister is to provide recurrent funding to private health provider I-Med Radiology in order to ensure that any woman in the Goulburn Valley who undertakes a mammogram at the service will be able to access any required follow-up diagnostic testing, such as an ultrasound or biopsy test in Shepparton at I-Med free of charge.

Breast cancer is the second most common newly detected cancer in Victoria and accounts for 29 per cent of all cancers diagnosed for women. In 2019 alone there were 4658 diagnoses of breast cancer made in Victoria, and tragically 766 Victorian women lost their lives to this insidious disease.

Of course a breast cancer diagnosis is not a death sentence, and early detection offers women the best chance of successful treatment and recovery. Thankfully there is a great awareness amongst Victorian women of the absolute importance of regular breast self-examination and undergoing a mammogram every two years. Programs like BreastScreen Victoria are vital to ensuring eligible Victorian women have access to mammogram services as well as follow-up tests, such as ultrasound and biopsy tests, if they are required.

Recently I was contacted by a Shepparton woman who attended the I-Med Radiology service to undergo a mammogram at no out-of-pocket cost. Irregularities were detected in her initial test, and she then underwent an ultrasound, also conducted by I-Med Radiology at no cost. But when she was advised to undergo a biopsy test, she was forced to pay I-Med Radiology \$150 for the test to be completed. If the woman had wanted to incur no out-of-pocket costs, she would have had to travel to the Royal Women's Hospital breast service in Melbourne to get her biopsy. It is unfair that women in Shepparton and the Goulburn Valley are forced to travel or to pay for the essential, sometimes life-saving testing that women in metropolitan Melbourne get for free locally. This can be changed if the Andrews Labor government works with I-Med and provides funding that will cover the cost of any follow-up testing that patients may require.

WESTERN METROPOLITAN REGION ENVIRONMENTAL ISSUES

Dr CUMMING (Western Metropolitan) (18:16): My adjournment matter is for the Minister for Energy, Environment and Climate Change, and the action that I seek is for the minister to immediately establish an environmental equity task force and a response package in response to the historic and ongoing environmental, landfill, waste, air pollution and associated safety issues Melbourne's west has and continues to absorb.

Last month about 80 firefighters fought a blaze in a large pile of metal and debris in Laverton North. A week later Norstar Steel Recyclers in Laverton North went up in smoke, forcing residents across the west indoors amidst concerns about potential health impacts. These are far from isolated incidents, and they are just examples of the unfair and dangerous environmental issues that residents and emergency services workers across the west have had to put up with for far too long. Almost weekly we see notices and reports of suspected environmental breaches across the west. The 2018 industrial fire in Tottenham was arguably the catalyst that put these environmental issues on the map and has since been followed by numerous other incidents, including more waste and chemical stockpiles being uncovered across the region.

The state government's ongoing insistence on sending to and storing in Ravenhall contaminated West Gate Tunnel soil, their reluctance to provide a meaningful whole-of-government response towards the former Sunshine landfill contamination issues, as well as issues associated with the Kealba landfill are just some of the examples that continue to compound environmental and pollution issues for people across the west. Rather than the piecemeal approach the state has been taking, Brimbank City Council is calling for a joint and coordinated approach through the establishment of an environmental equity task force and a response package for Melbourne's west. This approach could replicate the state's approach to addressing the dangerous cladding issue, which recognises the roles that federal, state and local government and industry play in contributing to and responding to an issue associated with cladding material in the construction sector. Now it is time for a genuine joint approach to considering and responding to these issues in a way that can create a safer, healthier and more prosperous future for the region as part of Victoria's recovery and rebuilding efforts.

POLICE RESOURCES

Mr ONDARCHIE (Northern Metropolitan) (18:19): My adjournment matter tonight is for the Minister for Police and Emergency Services in the other place, and we do wish her well with her recovery. We need more police resources in Fawkner and the Hume council area of Melbourne's north. I would like to thank the residents of those areas who have recently returned my community survey. Fawkner residents have told me they are concerned about their safety at night, theft from motor

vehicles, the unlawful dumping of rubbish and antisocial behaviour around the Merri Creek reserves in Fawkner. According to Crimes Statistics Agency Victoria data of 2020, crimes against the person have risen 11 per cent and nearly 60 per cent since Labor came to power in 2014. The action I seek from the minister is for the government to commit to extra police patrols on the side streets coming off the Merri Creek reserve in Fawkner to better deter theft from cars, to better deter antisocial behaviour and to manage and deal with the unlawful dumping of rubbish so the residents of Fawkner can have a safer, cleaner and more prosperous lifestyle.

HANSON AUSTRALIA QUARRY, LYSTERFIELD

Mr LIMBRICK (South Eastern Metropolitan) (18:21): My adjournment debate matter is for the attention of the Minister for Resources. My team has recently been engaging with members of the Lysterfield and Rowville communities regarding concerns they have about the nearby Hanson quarry, specifically the blasting vibrations, which they believe are causing damage to their properties. The residents in the area believe that the blasting is over the compliance limit, and the quarry believes that they are under the limit. The only problem is that the two parties seem to be following two different limits. The residents believe that the limit for blasting vibrations is 5 millimetres per second, and that Hanson has been operating to the limit of 10 millimetres per second. The residents have been in contact with the regulator, Earth Resources Regulation, who has also not been able to provide them with a clear answer. Furthermore, the residents have also requested from ERR the compliance documentation from Hanson which outlines the framework that they are operating to. They have been informed by the regulator that they cannot have access to these documents. My request to the minister is to (a) confirm whether the blasting vibration limit is 5 millilitres per second or 10 millimetres per second and provide a reference to where this is outlined, and (b) make the blasting compliance documents available through ERR to ensure the residents can be sure there is compliance.

SCRAP METAL INDUSTRY

Mr O'DONOHUE (Eastern Victoria) (18:22): I raise a matter for the Minister for Consumer Affairs, Gaming and Liquor Regulation, and it relates to the issue of banning cash for scrap. This is an issue that has got a long history to it. It is something which the Liberal-Nationals opposition had a policy on in the 2014 election and for which there was bipartisan support in the Parliament to legislate to ban the payment of cash for scrap metal. On 30 May 2018, the Minister for Police and the then Minister for Consumer Affairs, Gaming and Liquor Regulation, Ms Kairouz, issued a media release in which Ms Kairouz said that:

New offences, detailed record-keeping requirements, stronger penalties and compulsory registration will give the community confidence the government is taking action to clean up the scrap metal trade.

That is something on which I think we can all agree, because as Ms Neville says in her commentary and in the media release, the scrap metal trade with cash transactions allowed can be an area where organised crime can flourish and can be active. That is an issue which the opposition supported at the time.

Concerningly, I have recently had representations from several scrap metal recyclers—legitimate businesses in my electorate—who are concerned that whilst there was a significant change following the 2018 reforms, which were initially well enforced, well patrolled and saw the smaller on-the-margins black-market operators disappear, slowly but steadily they have come back, particularly in the last sort of six to 12 months. I am advised by some of these operators that despite calls to Crime Stoppers or consumer affairs, some of these complaints have not been followed up, or where they have been the consequence has not been a deterrent. These black-market operators are making more money from illegal trading than the fine that is imposed upon them. Mr Walter Scapin of Bass Coast Metal Recyclers has been involved in the industry for 35 years, and he said to me that whilst the initial reforms were very good, he is now losing long-term customers every week to these cash businesses and if this continues his business may not be viable.

The action I seek from the minister is that she convene leaders in this industry to get a handle on the problem and then devise an action plan to ensure the enforcement mechanisms are activated, that police make it a focus and that Consumer Affairs makes it a focus so that these illegal operations are again forced to exit the industry.

REGIONAL MENTAL HEALTH SERVICES

Mr QUILTY (Northern Victoria) (18:25): My adjournment matter is for the Minister for Health. Urgency was placed upon the mental health bed expansion program due to the acute mental health risk caused by lockdowns, isolation and uncertainty. However, this project will not benefit all Victorians. The program is supposed to support 144 new acute mental health beds located in Melbourne and Geelong. In regional and rural Victoria the suicide rate is 40 per cent higher than that of metro areas. Think about that: 40 per cent. This program funnels mental health care to areas that need it less—Melbourne and the greater metropolitan area. It costs an enormous \$3.14 million per bed, and it appears this government could not find a single cent for the mental health of regional Victorians. We pay our taxes just like everyone else. Decisions like this betray regional Victorians yet again.

We have struggled through a year of excessive border restrictions and COVID lockdowns, and this snap lockdown is yet another gut punch from the Victorian government. Many businesses and communities have only now started to pick themselves up in the wake of the totally unnecessary border closure. The regions have been pushed to breaking point, and yet we are here talking about another lockdown which is totally unnecessary in regional Victoria. Because of this circuit-breaker which you have forced onto all of Victoria, you can expect to see a jump in mental health issues in regional Victoria.

It is hardly surprising that we are paying a heavy price for metropolitan bureaucratic incompetence. It is hardly surprising that regional Victorians are reaching breaking point. Every time I tell myself I am being too harsh on the government, that I am exaggerating the government's complete neglect of the regions, you roll out something else like this that just reinforces it. I call on the minister to redirect funds from the mental health bed expansion program to people living in regional Victoria—Wodonga, Wangaratta, Mildura, Swan Hill and Shepparton. We need these beds and facilities. Regional Victorians are dying at a disproportionate rate because our votes are not as important as votes in the city. We are losing out on mental health beds because we have a lower population density and fewer votes to win over. We are quite literally sick of being overlooked.

NORTH EAST LINK

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (18:27): My matter is for the attention of the Minister for Transport Infrastructure, and it concerns a listing on the contract website, the tenders website, for North East Link projects—contract 574902, the North East Link Project electricity connection works contract. And this is for preliminary works on that important road. It lists in the electricity connections works contract:

[QUOTE AWAITING VERIFICATION]

Please disregard the contract value published as this has been redacted for confidentiality purposes.

It lists a value of the contract as \$1—presumably they just needed to fill that in to fill the field—a starting date of 28 October 2020, and it is awarded to Jemena for connection works and contract 17122002, final redacted details. This is unusual. This should be in the public domain. It is taxpayers money, after all, that is being provided for these preliminary works. Jemena is a large firm. It is a substantial entity. It is a foreign-owned private company with 2600 employees in Australia. It is 60 per cent owned by the State Grid Corporation of China, a Chinese state-owned utility company. In fact it is, according to some, the largest utility company in the world, reported as having 928 000 employees, 1.1 billion customers and revenue equivalent to US\$363 billion.

The North East Link of course is a very important road. It is a road where the transparency has not been great in this process and a road that is now behind time and likely massively over budget. There is Chinese state government—as in Communist Party—involvement in a number of the consortia, including the Spark consortium, in this project. And as I understand it there is a likelihood of some shandy, or mixed, bid being put in place for the North East Link Project between the different groups that had bid. But, either way, why has the government—why have Daniel Andrews and the Minister for Transport Infrastructure—chosen to suppress the value of this contract with a very large firm? It is simply unnecessary and not transparent, and indeed we need to more broadly see these costs published.

So my request for action from the minister is that she intervene and publish the cost of this tender that has been awarded to Jemena, a project supplier, a substantial entity, as I say, that is 60 per cent owned by the State Grid Corporation of China. Is this another case of the Belt and Road Initiative not delivering for Victoria? Is this a case of Victorians coming second and the Chinese Belt and Road Initiative coming first?

ENVIRONMENT PROTECTION AUTHORITY VICTORIA

Mrs McARTHUR (Western Victoria) (18:30): My adjournment matter is for the Minister for Energy, Environment and Climate Change. A recent EPA determinations paper has revealed that the government intends on redefining animal manure as industrial waste and demanding that anyone who deposits, transports or receives more than 20 cubic metres of manure on their property must complete a declaration of use document. That document must then be supplied to anyone else involved in the transport of manure.

This is classic Andrews government over-regulation emanating from inside the tram tracks of Melbourne with no understanding of how the agriculture sector actually operates. Manure is a valuable fertiliser for rural businesses, who with such a regulation are now expected to partake in onerous bureaucracy, having to fill out paperwork for no justifiable reason. On top of that, the reclassification means that farmers could be subjected to significant penalties if manure inadvertently falls into a waterway.

The great irony is of course that while on the one hand the EPA claims that they are broadening the definition of 'industrial waste' to prevent potential harm to human health and the environment, on the other they are facilitating the dumping of real toxic waste into waterways that will actually risk poisoning produce on farms around Bacchus Marsh.

Manure has reportedly been used as a fertiliser on farms since ancient Babylon and probably before, but now, only now, do bureaucrats in Victoria Street seem to see it as a grave danger. I call on the minister to ensure that the EPA ditches this nonsensical idea and ceases placing more rules and regulations on farmers during this very difficult economic time as they, the farmers, endeavour to feed the nation while also having their exports restricted due to rules put on them by people in Beijing who do not want Australian produce sent over there. Now they are even suggesting that Australian beef, a large amount from my electorate, has caused the coronavirus. So the minister needs to ditch this proposal ridiculously saying that animal manure is some form of industrial waste.

SMALL BUSINESS SUPPORT

Mr FINN (Western Metropolitan) (18:33): I wish to raise a matter this evening for the Premier. I have to say it has been a pretty tough weekend for a lot of people out my way—not just out my way but I am thinking right around the state. From pretty early on Friday afternoon I started receiving phone calls from constituents. Unfortunately I could not go and visit them, because of course I was isolating as I spent almost a week waiting for a phone call or a text that never came. Nonetheless I was taking phone calls from constituents, many of them small business operators and some of them in tears because they had been expecting this last weekend to be one of the biggest weekends that they had ever had. They were really looking forward to it. They thought, 'This is going to get us back on our feet'. So they had gone out and they bought many thousands of dollars of food, of drink and of

decorations—a whole range of things—predominantly in the hospitality industry. And of course they were ready. They had the staff ready, they had the food ready, they had everything ready to go, and then the Premier stood up on Friday afternoon and pulled the plug—pulled everything from under them.

There they were, left with thousands and thousands and thousands of dollars of produce and no way to pay for it. As a result, there are a number who are at this point in time facing bankruptcy, and that to my way of thinking is just so incredibly wrong—so very, very wrong.

Now, I notice that the Premier has promised financial assistance. I noticed that the Minister for Small Business in question time today promised financial assistance. What I am asking the Premier tonight to do is to provide that assistance, because there are small business operators right across this state who are hanging on by their fingernails. Some have actually let go as a result of what happened on Friday, but there are others who are just hanging on by the skin of their teeth, and they need help. They need support. The Premier says it is coming. I am asking him to provide it.

The other thing I am asking him to do the next time he decides to shut this state down—and I have no doubt there will be other times that he will, because that seems to be his wont—is to think ahead of the impact that this will have on so many people. I ask the Premier to take that into consideration before he shuts us down the next time.

SUBURBAN RAIL LOOP

Mr RICH-PHILLIPS (South Eastern Metropolitan) (18:36): I raise a matter tonight for the attention of the Minister for Transport Infrastructure regarding the Suburban Rail Loop and the proposed stabling site in Heatherton in the middle of my electorate. In December last year residents in the vicinity of this proposed stabling site received, two weeks before Christmas, a letter telling them that the area in the vicinity of their homes had been chosen and was likely to be the location of train stabling for the Suburban Rail Loop. Now, this site that has been chosen, or identified, by the government is in fact a parcel of land which has been long reserved for what has been known as the chain of parks, a ring of green parks—green wedge land—through the central south-eastern suburbs to provide a reservation for recreational activities, for nature activities, which this government had previously committed to. Yet two weeks before Christmas the residents in Heatherton received letters saying, ‘Well, no, we’ve changed our mind. You’re not going to have a chain of parks anymore. You’re going to have a train stabling yard’.

This has caused great concern to the residents immediately affected in the Heatherton area, but it has also caused considerable concern to the broader community in the south-eastern and eastern suburbs. One of the great needs in that part of Melbourne is increased availability of recreational facilities, particularly increased availability of sporting fields, and the chain of parks was going to be the source of that. So this does not just affect the residents of Heatherton, it affects hundreds of thousands, if not millions, of people in the eastern and south-eastern suburbs more broadly who all expected that area would be available for recreation and for playing fields.

So I raise this with the Minister for Transport Infrastructure to highlight the need for the government to identify an alternative site for the suburban rail link train stabling. We are told this link will connect all the major rail lines, so there are numerous locations on this line where train stabling could be identified and established—not in an area which has already been set aside for recreation, not in an area that is in the middle of the green wedge and not in an area which this government had previously already committed to maintaining as part of the chain of parks.

RESPONSES

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (18:39): There have been 16 matters raised for ministers this evening from members. Two of them are mine that I would seek to dispatch briefly, even though the people are not here.

Ms Maxwell raised a matter for me in my capacity as Attorney-General in relation to guardianship appointments for hospital leavers. I am soon to be meeting with the Office of the Public Advocate, Colleen Pearce, who has been long term in that role, and I will be sure to put that on my agenda and seek an update in relation to the concerns that Ms Maxwell raised.

Mr Limbrick raised an issue about community concerns in relation to a quarry in his electorate. This is a quarry that is well known to me not only because it has been operating for 30 years and produces some of the most critical extractive resources in Victoria. It is a matter that has been brought to my attention directly from residents but also from the local member, Kim Wells, in relation to concerns that the community have raised, such as noise and traffic. I can confirm that last year I asked the department to work with other regulatory bodies, including VicRoads and the EPA, on these matters as well as the Knox City Council, which they have been doing for the last several months. There will be a community consultation process and meeting to further consult with the community. In the coming weeks we will be announcing that.

I have 11 answers to adjournment matters.

Mr ONDARCHIE (Northern Metropolitan) (18:41): This is a government that purports to be transparent and open with the people of Victoria. My point relates to the standing orders. I draw your attention to them in terms of timely responses to adjournment matters. I have at least two adjournment matters. One is 112 days old—that was to the Minister for Health—and another one, to the Minister for Disability, Ageing and Carers, is 96 days old. I am hopeful that I will get those responses tonight, but should I not get those responses and they are not in the list that the minister is looking to provide today, I ask her for an explanation as to where those matters are.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (18:41): Mr Ondarchie, there are three responses to questions that you have raised. Unfortunately I do not have which minister they have been provided by. If that does not acquit—

Mr Ondarchie interjected.

Ms SYMES: October, November and February. How about we pick this up again on Thursday in the event that this does not acquit your questions. Between the Whip and me, we will seek some advice from those officers of health and disability, just in anticipation in case this does not cover it off.

The PRESIDENT: A reminder that we are not sitting tomorrow, but Thursday. The house stands adjourned.

House adjourned 6.43 pm until Thursday, 18 February.