

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-NINTH PARLIAMENT

FIRST SESSION

THURSDAY, 10 MARCH 2022

hansard.parliament.vic.gov.au

By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU AC

The Lieutenant-Governor

The Honourable JAMES ANGUS AO

The ministry

Premier	The Hon. DM Andrews MP
Deputy Premier, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop and Minister for Commonwealth Games Delivery	The Hon. JM Allan MP
Attorney-General and Minister for Emergency Services	The Hon. J Symes MLC
Minister for Training and Skills, Minister for Higher Education and Minister for Agriculture	The Hon. GA Tierney MLC
Treasurer, Minister for Economic Development, Minister for Industrial Relations and Minister for Trade	The Hon. TH Pallas MP
Minister for Planning	The Hon. EA Blandthorn MP
Minister for Child Protection and Family Services and Minister for Disability, Ageing and Carers	The Hon. CW Brooks MP
Minister for Police, Minister for Crime Prevention and Minister for Racing	The Hon. AR Carbines MP
Minister for Public Transport, Minister for Roads and Road Safety, Minister for Industry Support and Recovery and Minister for Business Precincts	The Hon. BA Carroll MP
Minister for Energy, Minister for Environment and Climate Action and Minister for Solar Homes	The Hon. L D'Ambrosio MP
Minister for Tourism, Sport and Major Events and Minister for Creative Industries	The Hon. S Dimopoulos MP
Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Local Government and Minister for Suburban Development	The Hon. MM Horne MP
Minister for Education and Minister for Women	The Hon. NM Hutchins MP
Minister for Corrections, Minister for Youth Justice, Minister for Victim Support and Minister for Fishing and Boating	The Hon. S Kilkenny MP
Minister for Commonwealth Games Legacy and Minister for Veterans	The Hon. SL Leane MLC
Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services and Minister for Housing	The Hon. DJ Pearson MP
Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business and Minister for Resources	The Hon. JL Pulford MLC
Minister for Water, Minister for Regional Development and Minister for Equality	The Hon. H Shing MLC
Minister for Multicultural Affairs, Minister for Prevention of Family Violence, Minister for Community Sport and Minister for Youth	The Hon. RL Spence MP
Minister for Workplace Safety and Minister for Early Childhood and Pre-Prep	The Hon. I Stitt MLC
Minister for Health and Minister for Ambulance Services	The Hon. M Thomas MP
Minister for Mental Health and Minister for Treaty and First Peoples	The Hon. G Williams MP
Cabinet Secretary	Mr SJ McGhie MP

Legislative Council committees

Economy and Infrastructure Standing Committee

Mr Finn, Mr Gepp, Dr Kieu, Mrs McArthur, Mr Quilty and Mr Tarlamis.

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

Participating members: Ms Burnett-Wake, Ms Crozier, Mr Davis, Dr Kieu, Mrs McArthur, Mr Quilty and Mr Rich-Phillips.

Legal and Social Issues Standing Committee

Ms Burnett-Wake, Mr Erdogan, Dr Kieu, Ms Maxwell, Mr Ondarchie, Ms Patten and Ms Taylor.

Participating members: Dr Bach, Ms Bath, Ms Crozier, Dr Cumming, Mr Gepp, Mr Grimley, Ms Lovell, Mr Quilty, Dr Ratnam, Mr Tarlamis, Ms Terpstra, Ms Vaghela and Ms Watt.

Privileges Committee

Mr Atkinson, Mr Bourman, Mr Davis, 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 and Mr R Smith.

Electoral Matters Committee

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

Assembly: Ms Hall, Dr Read and Mr Rowswell.

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, Mr Fregon, Ms Sandell, Ms Staley and Ms Suleyman.

Integrity and Oversight Committee

Council: Mr Grimley.

Assembly: Mr Halse, Mr Maas, Mr Rowswell, Mr Taylor, Ms Ward and Mr Wells.

Pandemic Declaration Accountability and Oversight Committee

Council: Ms Crozier and Mr Erdogan.

Assembly: Mr J Bull, Mr Eren, Ms Kealy, Mr Sheed, Ms Ward and Mr Wells.

Public Accounts and Estimates Committee

Council: Mrs McArthur and Ms Taylor.

Assembly: Ms Connolly, Mr Hibbins, Mr Maas, Mr Newbury, Mr D O'Brien, Ms Richards and Mr Richardson.

Scrutiny of Acts and Regulations Committee

Council: Mr Gepp, Ms Patten, Ms Terpstra and Ms Watt.

Assembly: Mr Burgess, Ms Connolly and Mr Morris.

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: Ms T Burrows

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	McIntosh, Mr Thomas Andrew ⁹	Eastern Victoria	ALP
Bach, Dr Matthew ¹	Eastern Metropolitan	LP	Maxwell, Ms Tania Maree	Northern Victoria	DHJP
Barton, Mr Rodney Brian	Eastern Metropolitan	TMP	Meddick, Mr Andy	Western Victoria	AJP
Bath, Ms Melina Gaye	Eastern Victoria	Nats	Melhem, Mr Cesar	Western Metropolitan	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	Mikakos, Ms Jenny ¹⁰	Northern Metropolitan	ALP
Burnett-Wake, Ms Cathrine ²	Eastern Victoria	LP	O'Donohue, Mr Edward John ¹¹	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 ³	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 ⁴	Southern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas Christopher ⁵	Western Metropolitan	DLP	Shing, Ms Harriet	Eastern Victoria	ALP
Garrett, Ms Jane Furneaux ⁶	Eastern Victoria	ALP	Somyurek, Mr Adem ¹²	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 ¹³	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne ⁷	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 ⁸	South Eastern Metropolitan	LDP	Vaghela, Ms Kaushaliya Virjibhai ¹⁴	Western Metropolitan	Ind
Lovell, Ms Wendy Ann	Northern Victoria	LP	Watt, Ms Sheena ¹⁵	Northern Metropolitan	ALP
McArthur, Mrs Beverley	Western Victoria	LP	Wooldridge, Ms Mary Louise Newling ¹⁶	Eastern Metropolitan	LP

¹ Appointed 5 March 2020

² Appointed 2 December 2021

³ Resigned 17 June 2019

⁴ Appointed 15 August 2019

⁵ LP until 24 May 2022

Ind 24 May–2 June 2022

⁶ Died 2 July 2022

⁷ Resigned 23 March 2020

⁸ Resigned 11 April 2022

Appointed 23 June 2022

⁹ Appointed 18 August 2022

¹⁰ Resigned 26 September 2020

¹¹ Resigned 1 December 2021

¹² ALP until 15 June 2020

¹³ Appointed 23 April 2020

¹⁴ ALP until 7 March 2022

¹⁵ Appointed 13 October 2020

¹⁶ Resigned 28 February 2020

Party abbreviations

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

DLP—Democratic Labour 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	767
MEMBERS	
Government Whip	767
Absence	767
PAPERS	
Papers	767
BUSINESS OF THE HOUSE	
Notices	767
Adjournment	767
MEMBERS STATEMENTS	
Sikh community	767
Malcolm Cameron	768
Girls in Charge	768
Anam Cara House Colac	768
Rotary Storm Recovery Festival	768
March 4 Justice	769
Foster and District Agricultural and Pastoral Society Show	769
Duck hunting	769
Western suburbs	770
Emergency Services Telecommunications Authority	770
Government performance	770
BUSINESS OF THE HOUSE	
Notices of motion	771
BILLS	
Regulatory Legislation Amendment (Reform) Bill 2021	771
Second reading	771
QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS	
Emergency Services Telecommunications Authority	790
International students	790
Ministers statements: Melton kindergarten funding	791
Emergency Services Telecommunications Authority	792
Firearms licensing	792
Ministers statements: Rock for Reflection and Remembrance	793
Emergency Services Telecommunications Authority	793
Western suburbs tourism	794
Ministers statements: Queensland and New South Wales floods	795
Fire services funding	795
Child sex offenders	796
Ministers statements: TAFE funding	797
Written responses	797
CONSTITUENCY QUESTIONS	
Western Victoria Region	797
Northern Victoria Region	797
Northern Metropolitan Region	798
Northern Metropolitan Region	798
Western Metropolitan Region	798
Southern Metropolitan Region	798
Northern Victoria Region	799
Eastern Metropolitan Region	799
Eastern Victoria Region	799
Eastern Victoria Region	799
Western Metropolitan Region	800
Southern Metropolitan Region	800
Southern Metropolitan Region	800
BILLS	
Regulatory Legislation Amendment (Reform) Bill 2021	800
Second reading	800
Instruction to committee	812
Committee	813
Third reading	825
Livestock Management Amendment (Animal Activism) Bill 2021	826

Second reading.....	826
Justice Legislation Amendment (Trial by Judge Alone and Other Matters) Bill 2022	834
Introduction and first reading	834
Statement of compatibility.....	834
Second reading.....	837
Conservation, Forests and Lands Amendment Bill 2022.....	840
Introduction and first reading	840
Statement of compatibility.....	840
Second reading.....	841
ADJOURNMENT	
Swimming and water safety education.....	843
Family violence services.....	844
Plant-based food industry	844
Fox control	845
Greater Shepparton Secondary College	845
Vermont Football Club	846
Responses	847

Thursday, 10 March 2022

The PRESIDENT (Hon. N Elasmir) took the chair at 10.05 am and read the prayer.

Announcements

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT (10:06): On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the First People of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past, 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.

Members

GOVERNMENT WHIP

Absence

The PRESIDENT (10:06): Just for the benefit of the house, the Government Whip will not be in today. Mr Tarlamis will be the acting whip, and he will contribute from the whip's chair.

Papers

PAPERS

Tabled by Clerk:

Safe Drinking Water Act 2003—Drinking water quality in Victoria—Report, 2020–21.

Business of the house

NOTICES

Notice of intention to make a statement given.

ADJOURNMENT

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (10:07): I move:

That the Council, at its rising, adjourn until Tuesday, 22 March 2022.

Motion agreed to.

Members statements

SIKH COMMUNITY

Mr ONDARCHIE (Northern Metropolitan) (10:08): I love multicultural Victoria, and this morning I rise to pay tribute to the Sikh community, who just do a wonderful job in helping Victorians. They helped with the delivery of meals through the bushfire period that Victoria suffered through, during COVID they were out and about, and today they are in New South Wales, particularly in Sydney and the lower New South Wales area, helping with the floods as well, and doing a great job.

On Sunday, 2 March, I was privileged to join the president, Gurinder Kaur, of Sikh Community Connections in Bundoora to celebrate International Women's Day with many of the Sikh women there for that occasion, and also to launch the women's badminton group, a very important group that brings Sikh women together for a sense of belonging, socially, and also to talk about the things that are important to them. We had lots of discussion during that International Women's Day celebration about what is important to our multicultural women—how they challenge the current dilemmas they have with family violence, and that came off the back of a family violence forum we had recently with the

Honourable Georgie Crozier. So I pay tribute to the Sikh community for the wonderful work they do in our community. In fact they are a very important part of the fabric of multicultural Victoria.

MALCOLM CAMERON

Mrs McARTHUR (Western Victoria) (10:09): Today I rise to pay tribute to an amazing man. Malcolm Cameron was 16 when he turned up at the Connewarre fire brigade, and in 2020, to mark his 70th year of contribution as a volunteer to the fire brigade, he was awarded his medal for that service—an incredible contribution to volunteering in this state. I was very pleased to join Malcolm at the fire brigade. We want to celebrate people who work so hard as volunteers, putting their lives on the line, making sure that people are safe, making sure that as many properties as can be helped are not burnt out. He has done an extraordinary job looking after people in fire-prone areas. He fought in the Ash Wednesday fires. He has put his life on the line on numerous occasions. We have to celebrate people like Malcolm Cameron because there are not many of them around, and to give 70 years service to a fire brigade is quite extraordinary. What a wonderful man. He is still turning up at the fire brigade to support the CFA.

GIRLS IN CHARGE

Mr GRIMLEY (Western Victoria) (10:11): I would like to rise to commend one of Victoria's finest police members, Detective Senior Constable Kylie Roberts, on her and her team's incredible initiative and time dedicated to the Girls in Charge program. This program runs for nine weeks out at Surf Coast Secondary College, where girls can learn a skill, in this case netball umpiring, and further develop and strengthen relationships with local police. In speaking to Kylie about this wonderful program she said, and I quote:

... the girls themselves told us their confidence grew, they learnt how to have a better mind-set and they felt they could do anything if they tried. This resulted in wonderful trust and great relationships formed with the police involved.

This was a project I assisted with funding from my pollie pay rise, and I feel very privileged to be able to help get projects like this off the ground.

ANAM CARA HOUSE COLAC

Mr GRIMLEY: Lastly, I just want to say congratulations to Anam Cara House Colac, who received over \$250 000 in funding to keep the doors open. I first spoke with founder and president Diane Wright in July last year to hear about their community-owned hospice established to provide respite, palliative care and end-of-life care for the people of the south-west. From that meeting I wrote a letter of advocacy to Minister Foley for continued funding for the hospice. I met again with Diane more recently in December and was very worried to hear that the future continued to look bleak without additional funding. I was so very pleased to hear about the funding announcement from the government for this vital service. And a big thank you to Anam Cara House for all that you do.

ROTARY STORM RECOVERY FESTIVAL

Ms BURNETT-WAKE (Eastern Victoria) (10:12): Today I want to acknowledge all the groups in Rotary's district 9810 for coming together and hosting a storm recovery festival in Monbulk on Sunday, 27 February. The storm that hit the Dandenong Ranges in June last year was the worst in living memory. The levels of devastation that came from the night of 9 June were unlike anything we locals have ever experienced. For many the last nine months have been full of stress and uncertainty, but thanks to Rotary volunteers the storm recovery festival gave so many people in the hills a reason to smile. The day was held at St George's Anglican Church in Monbulk, where locals enjoyed food stalls, crafts, amusements, local SES and CFA displays and live music.

These devoted Rotary groups know firsthand how difficult the last nine months have been. Most of them are locals themselves who witnessed the storm and had their properties damaged. To top off the day Rotary announced it had raised approximately \$102 000 for local community groups. All of the

recipients were incredibly deserving. One of the recipients was Mount Dandenong Preschool, which was completely flattened during the storm. The preschool is still operating out of Olinda Primary School while it awaits an insurance report. Another recipient was Emerald SES, who responded to a record number of call-outs in the weeks following the storm. Funds will also go to the Monbulk Emergency Management Group, Habitat for Humanity, Treasuring Our Trees and Rescue Logs group, who are all doing incredible work towards recovering and remembering the storm. Thank you to all the Rotary volunteers of district 9810 for hosting this event and for the money donated to local groups. I know it will go a long way towards recovering and healing.

MARCH 4 JUSTICE

Ms MAXWELL (Northern Victoria) (10:14): On 27 February I joined with victim-survivors and supporters for a society free from violence at the March 4 Justice rally in Albury-Wodonga. A few days earlier Derryn Hinch's Justice Party lodged our submission in response to the federal draft national plan to end violence against women and children. Our vision is one of fair, just and safe communities. In our submission we noted that any plan can only be as good as the actions that follow. Our state and national response to violence must be victim centred, provide appropriate interventions to address the cause of violence and ensure offenders are held to account for their actions. The process of challenging and changing societal norms which reinforce violent behaviours must be reflected by changes in our public institutions, including the response to and support of victim-survivors. We advocate for greater recognition and understanding of the seriousness of conduct offences, a strong response to the ever-increasing use of technology to perpetrate abuse and the opportunities technology presents to keep perpetrators accountable. We should elevate the rights and voices of children, older persons and those with a disability. I pay tribute to the inspiring speakers at the March 4 Justice, including Pat Catteo, Jen Tate, Liz Marmo, Tammy Campbell and Judy Langridge for standing strong against violence.

FOSTER AND DISTRICT AGRICULTURAL AND PASTORAL SOCIETY SHOW

Ms BATH (Eastern Victoria) (10:15): On 26 February I had the absolute pleasure of attending the Foster show. The Foster show has been an institution in Gippsland, but naturally it had been in hiatus during COVID. Congratulations and well done to Noel Afflitto, secretary Denia Gilheany, Bruce Standfield, life member Jan Best and all of the crew that walked around wearing their green shirts the other day. Special mention to junior exhibitor Campbell Allman, whose duck won the grumpiest bird and had a lot to say for itself. Special mention also to Phillipsons, which sponsored the dog high jump that is so popular with everybody; Paul Macphail from the Beloka kelpie stud, who organised the yard dog trials; and also Darren McAinsh, who oversaw that really fantastic event that coordinates man and dog, or woman and dog as it was. It was just so fantastic. I had the absolute pleasure of meeting Alison Hilli from Jalaway beef and had a caress of her lovely champion belted Jalaway. Congratulations to everybody, including for the woodchop and the young farmers challenge, and including the donkeys, which were fantastic. It was so good. There were thousands of country people out enjoying all that is good in regional Victoria.

DUCK HUNTING

Mr RICH-PHILLIPS (South Eastern Metropolitan) (10:17): Labor has again shown its contempt for Victorian hunters with a last-minute intervention designed to strangle the 2022 duck season. An abundance of water birds identified in the Game Management Authority's own helicopter survey meant hunters could have expected a full season with a full bag as laid down in the game regulations. Instead the Labor government intervened at the last minute to override the regulations and impose a bag limit of just four birds per day. Labor's undermining of duck season undermines the regional communities that rely on the economic boost hunting delivers and undermines the thousands of Victorian families, the majority of whom live in suburban Melbourne, for whom hunting is a multigenerational cultural tradition.

Labor is quick to preach tolerance, inclusion and diversity yet happy to demonise those who enjoy traditional Australian cultural pursuits. It is happy to feed a myth that near-instant death through hunting is somehow cruel while a natural death through disease or starvation or injury or predation—that is, being eaten by other animals—is somehow kind. In 2019 the Labor Party state conference voted to ban duck hunting. Since then the Labor government has worked to ban hunting by stealth by strangling the season with unjustified restrictions. Hunting families throughout Melbourne’s suburbs should be in no doubt that if Labor wins the November election duck season will be banned and another traditional Australian cultural pursuit destroyed.

WESTERN SUBURBS

Dr CUMMING (Western Metropolitan) (10:18): Next Tuesday, 15 March, I will be celebrating 25 years of service to my community in the western suburbs of Melbourne. My love of the western suburbs runs deep. I am a true born and bred westie, proud of my wonderful community. My community is vibrant, enriched by the people who have come from around the world to make here home. Their culture, their festivals and their cuisine have all been embraced and added to the colour of the area. The people of the west are the hardest working people you will ever meet. They are resilient—they just get on with the job. They are generous—they give their time and resources to help others. They believe in giving back to their community and have in so many ways. I have learned so much from my community, and they have continued to inspire me. It has been an absolute privilege to serve the western suburbs and to be their voice, and I hope to continue on representing the west for a long time to come.

EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY

Ms CROZIER (Southern Metropolitan) (10:19): Since October over a dozen Victorians have tragically and sadly died due to a failure in ESTA’s response. After the thunderstorm asthma event in 2016 the inspector-general for emergency management undertook a significant review, and in his final report made recommendations including:

- surge capacity strategies for emergency response
- sharing of operational communication and information
- provision of public information, warnings and health advice
- effectiveness of Triple Zero (000) and ambulance response.

So this issue is not new. Victorians were told by the Victorian government, by Daniel Andrews, that we needed to go into lockdown time and time again to prepare Victoria’s health system in response to COVID-19. Yet the government has failed to prepare one very vital element of our health response, and that is 000. They have had years of warnings, years of time to get preparations in place. This week we saw a response by the Minister for Emergency Services of some funding, which will not be undertaken immediately to solve this problem. This is years of neglect and incompetence that has tragically led to the deaths of too many Victorians.

GOVERNMENT PERFORMANCE

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (10:21): I want to again today bring the chamber’s attention and the community’s attention to the developing level of debt in Victoria. The Standard & Poor’s material released yesterday makes it very clear that Victoria is not in a good position. We have actually seen a serious deterioration in our position. Victoria’s debt, the *Australian Financial Review* says today, drawing on that Standard & Poor’s material, ‘is on track to quadruple to more than \$200 billion between 2019 and 2025’.

Victoria is the stand-out failure in this, and relative to the gross state product of the state a very significant debt is being ratcheted up by this government. It is not true to blame this entirely on COVID. This debt began well before COVID. The state was in significant deficit by the end of 2019. Standard & Poor’s makes it absolutely clear that the huge projects that have been mismanaged by this

state, the massive failure to control debt, the massive failure to control the cost blowouts, is a significant cause of this problem.

Ms Shing interjected.

Mr DAVIS: Victoria is in a worse position than New South Wales, and in New South Wales the debt is not as great compared to GSP as it is here. The track of the debt here is actually much more serious too, and the ratings agency Standard & Poor's make that clear, and you should be very concerned.

Business of the house

NOTICES OF MOTION

Mr TARLAMIS (South Eastern Metropolitan) (10:23): I move:

That consideration of notices of motion, government business, 683 and 691, be postponed until later this day.

Motion agreed to.

Bills

REGULATORY LEGISLATION AMENDMENT (REFORM) BILL 2021

Second reading

Debate resumed on motion of Ms SYMES:

That the bill be now read a second time.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (10:23): I am pleased to rise to make a contribution to the Regulatory Legislation Amendment (Reform) Bill 2021. This is an omnibus bill—another one of these omnibus bills. Some bits we agree with and many bits we do not. It is a bill that claims to increase flexibility for regulators and agencies to provide fee relief; claims to modernise public notices, and I will have more to say about that; claims to implement the government's response to recommendations of the Electoral Matters Committee; claims to streamline reporting for registered housing agencies; claims to make permanent the ability of certain bodies to meet electronically; claims to allow for the ability of the Victorian Institute of Teaching to extend the registration of certain teachers by amending the Education and Training Reform Act 2006; claims to allow the Secretary of the Department of Health to appoint inspectors from a wide range of eligible persons to enforce the Tobacco Act 1987; and it also has some matters around virtual or electronic activities under the pharmacy regulation arrangements.

The changes in respect to the pandemic that are part of this bill—online meetings, AGMs and so forth, fee relief to accommodate loss of earnings and other similar matters—are not opposed by the opposition. The bill also makes a number of changes around digital points, but we disagree with the government's attack on print media outlets in country Victoria and will for that reason circulate amendments. I suspect it is probably a good time to formally circulate those amendments if that is possible.

Opposition amendments circulated by Mr DAVIS pursuant to standing orders.

Mr DAVIS: The teaching crisis—there are a number of responses to that. The bill reacts to the crisis caused by the government's COVID-19 response. A significant number of teachers have relocated interstate or overseas to avoid another stint of online learning here, I note, and a significant number of teachers have left the profession due to the strain of the past two years. I can well understand the pressures that have been put on teachers. Student teachers have not been able to graduate as many were not able to complete their compulsory rounds in schools during the lockdowns. Some schools allowed student teachers to teach online, but many did not, effectively meaning their placements were

cancelled. VIT, the Victorian Institute of Teaching, requires student teachers to complete 80 days of placement to gain their provisional registration as teachers.

I say that this is a significant negative legacy of COVID and the mismanagement of COVID here, with the huge number of lockdown days—263—the damage done to our children, the damage done to teachers and the damage done to the learning position of our kids. I can vouch for that being a topic of conversation across the metropolitan area and even amongst groups of friends. One of the early conversations that one has these days is about the impact of the online learning period on kids. Their maths has slipped, their literacy has been impacted and their social skills have been impacted by—

Ms Shing interjected.

Mr DAVIS: They have, and it is a serious matter. You may not like the fact that this occurring, Ms Shing, but the truth of the matter is that teachers struggled in that environment. It is very hard for them. They did the best they could, but with the best will in the world a less satisfactory—

Ms Shing: Our results were the best in the country.

Mr DAVIS: I have got to say our results are not up to scratch, Ms Shing, and you know the maths and literacy results are not up to scratch. You know the impact on kids has been severe, and I know that. I have talked to so many parents, and I think everywhere you go parents talk about this and their concern for their kids is very great.

Another aspect of this bill relates to so-called electoral changes, and we oppose the changes to postal vote application arrangements. We will seek to move an amendment to deal with this. The truth is that Labor has always hated the postal vote arrangements. They have hated them since the 1990s and the late 1980s when we introduced many of these arrangements. It is a longstanding practice of parties, particularly the Liberal Party, to send out postal vote applications. This will be blocked. The reason for this, pure and simple, is attempted voter suppression. The reason Labor does not want these postal vote applications to go out is that they have been exercised more often by Liberal voters, who Labor would prefer did not vote at all. That is the truth.

There could not be a bigger contrast between where Labor is in Victoria and where the Democrats are in the United States. Nancy Pelosi and Joe Biden have been very clear:

House Speaker Nancy Pelosi said Sunday that mail-in voting in the upcoming election will be an essential option for America's safety and well-being ...

Joe Biden said in April 2020, when attacking Donald Trump and others:

He's already trying to undermine the election with false claims of voter fraud and threatening to block essential COVID assistance if any extra funds go to the US Postal Service ...

What in God's name was that about other than trying to let the word out that he's going to do all that he can to make it ... hard for people to vote.

This is what this Labor Party is doing here: they are trying to make it hard for people to vote. Now, obviously we have many differences with America, not least voluntary voting as opposed to compulsory voting, but the principle of Labor's approach here is the same—make it harder for those who may not vote for you to get their vote in. I would have thought true democracy demands the opposite; it actually demands making it easier for people to vote in a range of ways, and postal voting is one of those.

Early voting will suit some, but postal voting suits many, with 294 571 Victorians voting by post in 2014—before Labor started tampering—and 281 823 Victorians postal voting in 2018. Whilst it is possible to become a registered postal voter—97 851 Victorians are currently registered postal voters—most people are unaware of their circumstances ahead of time and are unlikely to bother. The option of postal voting is much more likely to be exercised where postal vote applications are widely distributed by parties, making the option accessible. Postal voters were more satisfied, at 83 per cent,

than ordinary voters, 81 per cent, at the 2018 state election. It is also important to note that convenience is a key factor. Perhaps that can be through postal voting, but not with this government's approach and aims. And it would reduce the rate of informal votes, currently running at over 5 per cent.

The fact is hundreds of thousands of Victorians will be travelling, working, engaged as carers, infirm or in some cases for religious reasons or through some other factor—such as, in some cases, COVID hesitancy—and will want access to a postal vote. Why should this not remain easy and accessible? That is a reasonable question. Why on earth is the government doing this? The truth of the matter is it is voter suppression, pure and simple.

Whatever the deficiencies of Australia Post—and we all know the post is not what it used to be—the option should be available, especially given the social distancing and queueing challenges that will be imposed under COVID. Who knows what Brett Sutton will do? Who knows what rules he will seek to introduce near the time? Who knows what rules the Minister for Health, who will have a partisan focus in the decision-making here, and the risk is that he will use the current powers—

Ms Shing: On a point of order, President, it would appear that Mr Davis in his contribution and remarks just now has sought to impugn the reputation of the chief health officer, and on that basis, if he has substantive allegations to put, he should do so by way of separate motion.

The PRESIDENT: Ms Shing, I was listening very carefully. I do not think he went as deep as you said. I will allow Mr Davis to continue but ask him to please stick to the bill.

Mr DAVIS: I am sticking to the bill. Postal voting is an important way of dealing with COVID, President, and I make the central point that there is a serious risk that government authorities, with the power now residing with the health minister, will make partisan and political decisions to limit—

Ms Shing: You have just contradicted yourself.

Mr DAVIS: No, I did not. I have not. I am making the point that—

Ms Shing: First it was the chief health officer; now it is the health minister.

Mr DAVIS: Well, he gives certain advice, as you know, but the health minister now under the pandemic rules, as you well understand, actually has powers to make decisions and make rules, and you know that to be the case—

Ms Shing interjected.

Mr DAVIS: I actually do. I completely get it, and I am concerned that the health minister will use some of his pandemic powers to make decisions that are partisan and that are not made on health grounds alone, and that would concern me greatly.

Labor have always hated postal voting. Let us be clear. They fought against it first in 1911, so for more than 100 years they have fought against postal voting. The simple truth is Andrews wants to tweak and rig—

The PRESIDENT: Order! Can you address the Premier as 'the Premier', please.

Mr DAVIS: Daniel Andrews will certainly seek to rig the election. He will certainly seek to take steps to make postal votes as hard as possible—

Ms Shing: On a point of order, President, again, Mr Davis has just made an allegation in relation to the Premier that should be done, if he wishes to pursue it, by substantive motion.

The PRESIDENT: Mr Davis, I have to agree with Ms Shing on the point of order.

Mr DAVIS: I am happy to withdraw that the Premier will do these things. Let me be clear, though: there is a serious risk that the Premier and the health minister will seek to use these rules for their own partisan political purposes.

I also want to point out that Labor have hated postal voting since the very early days, first beginning to fight against it in 1911. That is the earliest situation I can find, but it is a long time ago. The simple truth is that 3300 Victorians voted on average in each lower house seat by postal vote in the last electoral period. That will certainly fall under the arrangements that are proposed in this bill, even though it is clear that that number of votes could easily impact the outcome in some seats. It could easily be that seats are decided where postal votes have not been freely available in the way that they traditionally have been, and that that could impact directly on the outcome of some seats and potentially the election itself. This is why Labor is doing it. They want to suppress the number of people getting postal vote applications because more often than not those people vote Liberal than Labor. That is the simple truth of the matter. They feel that this is a way of manipulating the election outcomes, rigging the election outcomes, and that is what Labor are seeking to do with this bill.

The Liberals and Nationals have a simple amendment which would enable postal vote applications to be distributed by parties after they have been pre-vetted by the Victorian Electoral Commission. The key point in the amendment that will make the change is:

It is not an offence under subsection (3A) for a person to make available or distribute an application to vote by post if the application to vote by post is approved by the Commission ...

It is a very sensible, balanced and reasonable amendment. This would enable the distribution of postal vote applications to continue, consistent with federal rules that will apply in the forthcoming federal election. You only need to think about the enormous inconsistency here. Postal vote applications will be distributed by parties in the federal election in May, but when it comes to November they will not, under these changes the government is proposing, be allowed to be distributed here. It is an absolute outrage. It is an absolutely naked attempt at voter suppression, it is a naked attempt to change the electoral outcomes in key seats and it is a naked attempt to ensure that the government is returned by hook or by crook—by fair means or, in this case, foul—and I say that it is an absolute disgrace.

I would urge the crossbench members to think closely about this, because they are either on the side of allowing the maximum opportunity for people to vote and making voting as accessible as possible or they are on the side of those who wish to control and crimp and narrow the opportunities for people to vote. Making it harder to get access to a postal vote application or a postal vote form is in fact very much in that mode. So this is an important amendment, and we would seek the chamber's support on it.

I should also say on the simple amendment that we have proposed to strengthen the position of small country papers that I do not know what the government was thinking when it thought it would cut them out of government advertising. I think it is an outrageous targeting of these small country papers, and I note that within two days of us circulating the amendments the government had an about face in the lower house. I heard the Premier start to talk about the fact that they would amend the bill. He said, 'We'll amend it when it gets to the upper house'. No, Premier, it was already here, and it was listed for debate last sitting week. We know why it was held over; it was held over because the government had to do a backflip. They had to change their position. They had to put a house amendment forward that would actually clean up the unfortunate plan that they had put in place.

The other amendment is a very simple one that we propose, and that is an amendment to highlight the hardship provisions when it comes to council rates. It does not change the actual rights that people have to access hardship provisions—it does not change them in any way. All it does is make them more visible to people, and it requires councils to make them more visible to people. Ratepayers are doing it very tough under this government as they face rising bills and rising living costs everywhere. The truth of the matter is that those rising bills and rising living costs are hurting families—they are hurting people very severely—and these hardship provisions should be known and able to be accessed. Many families need them at this point. Again, it is a very, very modest amendment. It does not change the essence of people's rights here, but what it does do is require councils to be a bit more transparent

about the availability of those hardship provisions, because there is a growing percentage of people who will need to access them.

That is the essence of our points about this bill. If our amendments are not carried, we will oppose the bill, and we are very concerned in particular about the voting changes, which I believe are simply voter suppression through and through. I think the attempt here is to make it harder to get access to postal vote applications. The only reason Labor wants to do that is that traditionally postal votes have favoured the coalition strongly, and there are a number of reasons for that. But the fact is by making postal vote applications harder to get hold of and suppressing the ability to obtain them we will no doubt see a significant fall in the number of postal votes. We have already seen that in 2018, when the government required knowledge of that to be shared with other parties. That chilled a number of people—and that is of course what it was intended to do; it was intended to chill the voting system in that regard—and Labor were successful in reducing the number of postal vote applications in the last election. But still, if you think of the registered postal voters—about 97 000, 98 000, 99 000—it is a far cry from the number who voted at the height of postal vote applications in 2014, when almost 300 000 voted through that mechanism. The truth is a lower number like this will favour Labor. It is an attempt to use these machinery provisions to influence the election outcome.

Ms SHING (Eastern Victoria) (10:42): Well, what a rabbit hole we have just been down with Mr Davis's contribution. It has been filled with fanciful claims, and it has been filled with a lot of misinformation, which I would like to take the time I have this morning to go into in some detail, because when we are looking at the public record in relation to these matters, it is about not just the bill that is before the house today and the omnibus components of its operation in a way which will reflect its passage but also the systems and the processes which sit alongside the development of this bill and the way in which it is intended to operate.

I will get to the electoral matters reform discussion which Mr Davis has just spent a long time on, including in creating and ventilating some strange conspiracy about what I think he referred to as a naked—he used that term many times, Mr Davis—attempt by the government to secure its own return. In fact this is a curious interpretation for Mr Davis to take, because one of the things that strikes me is that when I look at the work associated with the reforms that are set out in this particular bill and which are part of the package of improvements which are intended to reduce the regulatory burden, to increase access to and ease of services and indeed to make sure that there is an equitable opportunity for people to receive information and to participate in democratic processes I am taken to the way in which these matters have been canvassed and discussed and indeed voted on by members of a committee which has been charged, amongst other things, with looking at this very matter as it relates to the conduct of the 2018 state election. The Electoral Matters Committee, which Mr Davis has forgotten the history of—it was an interesting selective recollection of matters—has a minority of government members. Of those government members, I am pleased to see the acting whip, Mr Tarlamis, here today. He is a participating member—sorry, is a member of that committee—

Mr Davis interjected.

Ms SHING: No, that is why, Mr Davis, I have in fact corrected that. It is nice that you are taking an interest in factual matters now rather than the claims that you made earlier when you were on your feet. Mrs McArthur is on that committee as well, as is Ms Lovell. I am hoping that they will both make contributions about the way in which these matters were discussed. And—it is unfortunate that Mr Davis does not appear to be listening to this—his own leader, Matthew Guy, was a member of this committee. His own leader, Mr Atkinson, also in this place, was a member of this committee. The government does not have the majority on this particular committee. There were representatives of all parties, including Mr Quilty, including Mr Meddick and others.

What we have seen from the work of this committee on the very issue that Mr Davis has just spent a long part of his contribution discussing, with a view to underpinning and shoring up a strange conspiracy theory, is a unanimous report on these issues—a unanimous report on the very issues that

Mr Davis is now seeking to put forward as being a conspiracy of the government's making. Mr Davis, your leader signed off on this. Your leader has agreed to and endorsed the position taken in this bill, and that is a really uncomfortable truth for you to have to face in arguing that the situation is of the government's making. What an own goal there. Mrs McArthur, who sits directly behind you, also backed it in.

Mr Tarlamis: Who is the deputy chair.

Ms SHING: The deputy chair of this committee indeed. When we think about how Mr Atkinson also backed it in and how Ms Lovell also backed it in, you are surrounded by people whose actions speak volumes to the inaccuracy of the position you are now taking. It does not surprise me that you sought to recreate some narrative when getting to your feet here in relation to why it is that you are going to say that holus-bolus you will oppose the passage of the bill if your amendments are not accepted. I note that the Greens were the only ones who put forward a minority report, and that related to group voting tickets, but where were you? Where were you, Mr Davis, and your colleagues in even bothering to put pen to paper on a minority report which sought to ventilate the position that you are now taking in this house? What I would suggest is that you might be well equipped and well advised to take counsel from your colleagues before getting to your feet and undermining the position that they took in a committee set up by this Parliament, the Electoral Matters Committee, which looks into matters like these.

We have a situation here—with the time I have left on this omnibus bill—where we can make significant improvements to the way in which regulation occurs. It is about creating more efficient, faster and more accessible decision-making which nonetheless complies with regulatory frameworks and is in a position to reflect the nature of the various ways that people access information. We are in a position now as a Parliament to continue the work that this government has done to reduce the volume of regulations left by the former coalition government. Since we were elected in 2014, since we began sitting on these government benches, we have seen regulation drop by a quarter. That is a 25 per cent reduction. And the work goes on, including in relation to providing access to virtual means by which to make decisions and have discussions and meetings, which I think reflects how we have come a long way and identified opportunities in the course of the pandemic to connect in other ways where face-to-face connection, in situ connection, has not been possible.

Mr Davis has made claims in his contributions that in fact the results of students suffered. Yes, they did; I am not going to disagree. I am not going to cavil with Mr Davis's contribution in that regard, but when he talks about results he ignores the fact that Victorian students recorded the best results in the nation as we were emerging from the pandemic. Notwithstanding the challenges to wellbeing, the challenges to connection and the challenges to the support and the collegiate capacity for teachers and staff to come together and to share in situ the challenges that they were facing, the work that they did to innovate and to connect their students with each other, to connect families in a remote learning environment with each other and to make sure that there was that pastoral care and support throughout the pandemic has played an enormous role in making sure that our results here in Victoria have led the way. It is very easy for those opposite to try to pour cold water on the work that we have done since we were elected to invest in an Education State. It is their constant refrain that we have not done enough, that we have not done well enough. The recent results on a national level speak for themselves.

When Mr Davis makes claims about debt he ignores the nature of debt and of financial fiscal policy and management that has in fact enabled governments all around Australia to engage in prudent debt, as the Treasurer has often spoken about, and to engage in investment, in infrastructure and in jobs creation for short-, medium- and long-term benefit to all parts of the state. It is very convenient for those opposite to recraft a narrative—because this is what the coalition always does—that speaks to a desire to undermine our economic credentials. Our economic credentials speak for themselves. They speak for themselves in the way in which our credit rating has withstood some of the most disastrous equivalent challenges that any other jurisdiction in the world has faced.

It is very easy for Mr Davis and for others to stand up and to say that this is not in fact all because of the pandemic. No, it is not. It is because of our record investment in infrastructure. It is because of the job creation opportunities that we have led that mean that we have been the engine room for job creation in the nation. It is because of this fact that we see record low unemployment across the board in regional Victoria. There are still areas where work needs to be done, and in that regard I note that long-term transition and development in the Latrobe Valley forms a key part of this work, with entrenched historical and intergenerational issues that need attention. We do not shy away from that. We have never once hidden our head in the sand and sought to retreat behind a screen and to throw invective into the ether that says that we do not care about economic management or about the way in which people can access support, decision-making, recovery and investment.

We have asked a lot of Victorians through the course of the pandemic. We have asked people to accommodate restrictions that have changed inexorably the way in which they live their lives, from our littlest Victorians—children born during the pandemic, who are used to seeing only the top half of people's faces—right through to the elderly and people in aged care who have been affected and impacted by changes to visitation. These have been hard, hard changes, but what we have also seen in the process is that we have demonstrated a commitment to public safety. We have demonstrated a commitment to understanding the regulatory environment and how it can be made better. We have demonstrated through our actions and indeed through the omnibus bill which is here today the importance of making sure that there are adequate frameworks and powers in place to waive, defer, refund or reduce fees or other charges. This is about making sure that Victorian citizens and businesses are in a position to avoid financial hardship in the next emergency.

We have an opportunity to learn from and to incorporate continuous improvement into the way in which we respond to the challenges faced by Victorians in some of the hardest circumstances we could have imagined—fires, floods, droughts, earthquakes, storms, a pandemic. It has been a tough, tough number of years, and that is why bills like this are so important. They are not the bills that will make the front pages of newspapers, they are not the bills that will encourage people to stand up at press conferences and talk about ease of regulatory burden, but they are important because they will make a fundamental difference, a beneficial difference, to the way in which Victorians can access services, programs and decision-making. It is about ensuring that flexibility at the levels at which decisions are taken is able to be incorporated and is not then subject to an onerous and counterproductive review or revocation process.

We need to make sure that we continue to use technology where that is available to us but also make sure that gazettal, public notices and other required and important considerations go to print media as well. Gazettal takes up about 10 per cent of the total advertising. When I think about regional papers and I think about the exchanges that I have had in particular with the *Latrobe Valley Express* and with other newspapers across Gippsland, I think about the fact that dexterity has been something which they have needed, as others have needed, to implement in the course of the pandemic. But it is also important, it is crucial, to continue to invest in print media. And that is what we have done on a number of occasions throughout the pandemic. That is what we have done in response to the need which has been expressed to us for consistency and equity around communication. And to that end we want to make sure that we can reduce administrative burdens whilst also ensuring that print and online media remain accessible. We also want to make sure that we are generating savings, and this is where we will see, with the over 400 requirements across Victorian acts and regulations for public notices, that the change will save Victorian businesses and citizens up to \$1 700 in print advertising costs per notice.

We have got an amendment that we will be moving in relation to part of this bill in response to changes as they have been ventilated. I look forward to further discussion on this, but I look forward to it being based on fact and not on the conspiracy that others might wish to carry on in the lead-up to an election.

Dr RATNAM (Northern Metropolitan) (10:58): I rise to speak on the Regulatory Legislation Amendment (Reform) Bill 2021. This is an omnibus bill covering a range of regulatory and administrative reforms, many necessitated by the pandemic, that should now become permanent

arrangements. The Greens support these measures, including allowing local government, councils and parliamentary committees to meet online and allowing regulatory agencies to waive or reduce fees during emergencies. Speaking of the online provisions, I note the glaring gap in this Parliament's own processes, where the ability to participate online or in a hybrid way has been removed, despite still being in a pandemic. Too often bureaucratic conventions still stifle common sense, so we are glad to see that some of the more pointless obstacles will not impede people from getting on with their jobs.

But today I will largely focus on the extent to which the bill implements the recommendations of the Electoral Matters Committee's inquiry into the 2018 state election. That EMC report recommended that political parties no longer be allowed to send out postal vote application forms. We know that this has generally been done as a means of misleading and confusing voters, so the Greens support the government's move to ban the practice with this bill. However, we need to talk about the elephant in the committee room, and that is the upper house voting reform, because this was the issue that the overwhelming majority of organisations and individuals who submitted to that inquiry spent an overwhelming volume of their submissions seeking to highlight to the committee. It is unsurprising that Victorian people cared most about the upper house voting system in the 2018 election, after members had been elected with microscopic vote tallies by paying a preference whisperer tens of thousands of dollars to manipulate preferences in a way that was unclear to voters and inconsistent with their voting intentions. Indeed the whole system was such a sham that even its architect and major financial beneficiary, Mr Glenn Druery, after declaring the manipulation he orchestrated his 'single best election ever', also foretold it would likely be the last time he would get away with it. But all this was largely ignored by the Electoral Matters Committee.

Further, as if in a show trial, before each of the 13 witnesses appearing before the committee could even open their mouths to give oral testimony, they were pre-emptively warned by the government chair that they were forbidden from mentioning upper house voting in their evidence. It was almost comic—a re-creation of the 'Don't mention the war' skit—as bemused witnesses were told they could not give the evidence they most wanted to give. Instead they were reassured not to worry, that the all-important evidence they really wanted to give about the war—I mean, group voting—would certainly be taken by the committee at another time. This is where it gets really serious, though, because the committee chair was not being up-front with the witnesses, it seems. There was no other time when their evidence would be heard, and the committee's recommendations to hold another inquiry into the matter in hindsight seem to have been a facade, as we now know that the government had no intention of supporting this further inquiry on group voting.

Suffice to say it is a really dark day when our democracy is trodden upon not once but twice: a parliamentary staffer manipulating a system so as to blatantly disenfranchise Victorian voters of their choices, followed by Andrews government committee members banning expert witnesses from even mentioning evidence of the fact, because doing so would force them to confront the problem.

No-one disagrees that it was the Electoral Matters Committee's job to make recommendations regarding changes to the upper house voting system based on evidence they received and that recommendations should have been implemented in this bill. The committee has not done its job, but we in this place must do our jobs, and that means making legislation better and strengthening our democracy at every opportunity we get. Today we have that chance, so today I will be moving amendments to amend the upper house voting system. I would like those amendments to be circulated now, please.

Greens amendments circulated by Dr RATNAM pursuant to standing orders.

Dr RATNAM: Thankfully the other jurisdictions in Australia have done their jobs, have responded to the evidence and have all now abolished upper house group voting systems for exactly the same reason Victoria should have done. I will speak more on the details in committee, but the amendments I propose will implement an upper house voting system almost identical to the optional preferential system of voting used in the Australian Senate. This has a number of advantages. First, the system is

well understood and has already been used multiple times by Victorian voters when voting for the Senate in the last two federal elections. Secondly, we know the system works. It is unsurprisingly proven that the complex backroom preference deals have no correlation to voters' intentions and that the new system will more closely reflect voters' choices in the final outcome. Antony Green summarised this effect in his analysis of the 2013 Senate election, in which he said that this system 'hands the power over preferences back to the voters'. If you too believe that voters should be the ones with the power to choose who represents them in an election, you should support my amendments today.

These amendments have been tried and tested, and they work for Victorian democracy. It really is that simple. There is no credible argument for our current group voting system, just as all the independent experts and submissions pointed out and all the other Australian jurisdictions have realised. Just like Mr Druey anticipated after the 2018 election, we all know that the system is so bad it has to change; it is a matter of when. It is apparent that even the few people who stand to benefit are treating group voting like a dying Ponzi scheme, hastily trying to extract every last drop of money and power from the practice while they can before the whole thing blows up and the broader public realise they have been duped. So what we have before us is an opportunity to do the right thing by Victorians before they get duded again, because if we do not reform this undemocratic system now there is a lot at stake for the future of Victoria.

As you all know, the Greens are increasingly concerned about the rise of far-right extremism in Victoria. It is the reason we now have a parliamentary inquiry into the rise of these dangerous groups, who threaten the safety and cohesion of our state. But we give those groups a chance to get a foothold into Victorian politics if we leave our system open to manipulation in the way that it is. I do not know about you, but I do not want right-wing extremists elected to the next Victorian Parliament. Before you accuse me of hyperbole, just remember that under this system people with fewer than 100 votes can get elected. We have evidence that they are getting organised and ready to try. It is up to us to stop them.

Democracy matters. We all have different ideas, perspectives and policies as members here—that is a great thing. But what is supposedly meant to unite us is that ultimately we are all accountable to voters—that we answer to people, plural. We all must answer to voters at an election to seek their support and mandate, not simply elicit the support of a single kingmaker who is paid to elect us. Because MPs who do not need votes to be elected, who do not rely on the support of voters, are also unaccountable to voters for their policies and their decisions. Rather than answering to the people—the body politic—they effectively have a constituency of one. They only answer to the man who secured their election. That is not democratic accountability; that is potentially dangerous.

I understand that diversity representation is important; believe me, I do. The argument often used by my crossbench colleagues is that if we reform the system we lose the unique voice that they bring to Parliament. But in a democracy diversity and representation go hand in hand. You cannot defend diversity by undermining democracy and representation, because we are here because of the will of the voters, or rather that is why we should be here, because that is what democracy is. I simply ask that we respect our voters and give back to them the power to elect, or to not elect, their own representatives by supporting this bill with my amendments.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (11:07): I am pleased to make some remarks this morning on the regulatory legislation amendment bill, particularly as it relates to a regulatory reform agenda. We all know that the future prosperity of this state and this nation is really driven by one thing, and that is productivity growth. If we are going to improve the standard of living for the Victorian population, if we are going to improve the standard of living for the Australian population, we need to drive productivity growth. We saw through reforms that took place in the 1980s and into the 1990s that Australia had very positive, very strong growth in productivity through the 1990s. In the first decade of the 2000s we saw that productivity growth fall away, and of course in the last decade, from 2010 up to the present day or thereabouts, productivity growth has been negligible. We

have seen the Australian economy and the Victorian economy grow on the back of population growth, but we have not seen real growth, which will only come by driving productivity, by making things more efficient, by getting more bang for the buck—working smarter not harder, to use the vernacular.

It is therefore very promising that the Productivity Commission has now launched a new inquiry into productivity performance, which it does on a five-year basis with a reference from the federal Treasurer. That Productivity Commission inquiry is looking to identify the next wave of reforms which will drive productivity growth, drive efficiency, across the Australian economy. There are opportunities to do that in the private sector with the way in which the private sector operates and invests, and there are opportunities to do that in the public sector.

One of the areas where we see great opportunities for improvement, for productivity, for efficiency is in the way in which workplace practices operate. I was recently talking to an HR manager of a large manufacturing business who through the summer heatwave—that period in January when I think we had a week or 10 days of temperatures above 30 and in the mid-30s—had a very frustrating situation where the rostered staff in that manufacturing business wanted to start their rostered shift early. They start at around 9 o'clock and work through most of the day, and to avoid the heat that was forecast for that week they wanted to start their shift early—to start 2 or 3 hours early by agreement. The full work shift had agreed that they would start several hours early and therefore finish several hours early and avoid the heat of the day.

Unfortunately, to the great frustration of this HR manager, she actually had to decline that, because although those workers were happy to start early and finish early to avoid the heat of the day, the industrial environment, the industrial instruments under which they operated, meant they could not do that without the business having to pay a range of penalty rates and engage a range of penalty provisions because they were working hours other than the standard hours for their shift. So the workers were frustrated, they could not do what they wanted, and the business was frustrated, they could not accommodate the needs and the desires of that work crew because of the inflexibility in the arrangements which applied to that workplace. Of course we see that across workplaces all across Australia, all across Victoria. It is not about earnings, it is not about wages, it is not about salary rates; it is about the ability for workers to work in the environment they want to and for business operators to manage that as well. That is no doubt one of the areas where the Productivity Commission will be able to make some recommendations and perhaps improve some flexibility for Victoria and for Australia.

Of course another area for reform is the government regulatory burden. I was fascinated to hear the government lead speaker make a very bold claim that this government has delivered a 25 per cent reduction in regulation over its life. I have to say that is utter nonsense. Frankly, if that claim was true, the minister would have said it in his second-reading speech, and there is not a suggestion in the minister's second-reading speech that the government has delivered a 25 per cent reduction in the regulatory burden. I would challenge the lead speaker for the government, I would challenge the government, to produce an example of any business in this state that thinks it has had a 25 per cent reduction in the regulatory burden over the life of this government. In fact it might be something we explore in committee as to whether the minister at the table has evidence that the government has reduced the regulatory burden by 25 per cent.

We have in fact seen proposals from the government. The week before last we saw the bizarre announcement by the Treasurer of his planning reform package, where he indicated that the Victorian government had been working on a package of reforms designed to cut red tape, to slash approval times by speeding up planning processes, to support local councils, to create jobs and to bolster construction. The Treasurer claimed the proposed package would have delivered \$7 billion in benefits and created tens of thousands of jobs over the next 10 years. So we had the government claiming it had a reform package that would deliver reforms, would deliver productivity growth, would deliver \$7 billion in economic benefits and tens of thousands of jobs, and then the government announced, 'We're taking it off the table', in a dummy spit because the property industry would not agree to

support the introduction of a new tax. We had a dummy spit from the Treasurer, and they have taken this reform package off the table, which really highlights this government's understanding of the need for reform and commitment to reform.

We have got a Minister for Regulatory Reform, ostensibly a commitment from the government for regulatory reform, yet with major reforms like that planning package apparently is, the Treasurer spits the dummy and it is taken off the table, notwithstanding the government claiming it would deliver \$7 billion in benefits and tens of thousands of jobs.

What we consistently see with government with so-called regulatory reform, or regulation generally, is incoherent and contradictory regulation. Each silo of government has no idea what the other siloes are doing, and there is no-one within government—even the Minister for Regulatory Reform—who would understand the regulatory burden that is imposed on business by different siloes of government. There is no coordination. There is no coherent understanding across government as to the regulatory burdens that are imposed on different businesses—no understanding of that whole burden that adds up. As I said, some of it is contradictory, yet the impact on business is profound.

We have got a Minister for Regulatory Reform, and Mr Pearson is a very capable person. I have high regard for his capability. But we are seeing this government impose regulatory burden, and the most recent example of that is the suite of COVID restrictions which are now imposed on Victorian businesses. Many Victorians would think COVID restrictions have largely been lifted in Victoria. The reality is, as of last week when I had a look, that there are still 255 pages of COVID restrictions. The reason I had a look last week is that I was contacted by a constituent who wanted some advice about running a small event in Victoria in a month's time—a small private event that would attract a couple of hundred people. They wanted to understand what their obligations would be in hosting that event in Victoria. So I was staggered to discover that as of last week there are still 255 pages of COVID regulations which apply to all businesses, covering a raft of mandates—check-in requirements, masks in some environments, vaccination in other environments. Those 255 pages are contradictory, not easy to follow, not easy for businesses to understand and written in legalese for the convenience of prosecutions—not written in plain English for the understanding of businesses that have to apply them—and that is the type of thing we are seeing day in and day out from this government.

So it is fine to have a Minister for Regulatory Reform who is saying, 'We're delivering reform', but in reality it is not happening. In reality the regulatory burden continues to grow unabated with no appreciation from the government as to the actual impact. There are 255 pages of directions on how to manage the COVID environment, and every business has to be across them to know whether they apply. That is not the sort of regulatory reform that we need in this state, and that is the type of thing that you would hope a regulatory reform portfolio and a regulatory reform minister would be all over—in minimising that burden on businesses.

Now, this bill does do some good things. There are some changes it makes with respect to allowing virtual meetings for councils and regional libraries. On the face of it, that is a good reform. However, it is one that needs to be used sensibly. I can envisage scenarios in which councils would seek to avoid face-to-face meetings when they are dealing with controversial issues and want to have less attention than they would otherwise get with a face-to-face meeting. So the capacity to hold virtual meetings is useful and helpful, but care will need to be taken to ensure that that is not abused in execution by councils who seek to avoid public scrutiny and seek to avoid public attention on issues which are contentious.

Another matter which has been raised is reform around public notice requirements for entities that are required to give notice—I think there are 400 notice requirements under acts on the state's statute book. I think this is actually a worthwhile reform. There have been issues raised, and Mr Davis has amendments to address issues with what it is going to mean for local regional newspapers, but having a single repository where public notices are together and easily searchable is actually a good thing. You see government notices now in the daily newspapers. The *Herald Sun*, I think on Thursdays,

tends to carry a lot of government notices. Other government notices are published in other places. To have them in one location where everyone can access them and where all those notices are made available—obviously a lot cheaper than the current mandatory requirement for things to be published in newspapers—I think is a very useful reform, provided the portal that is set up actually works properly.

This is where there is another opportunity for reform—with the *Government Gazette*. For a long time now the *Victoria Government Gazette* has been available online. However, access to that is somewhat clunky. The search facility for the *Victoria Government Gazette* through the PDFs is clunky and frankly not as good for searching notices that are in the gazette as should be available in 2022.

One of the other provisions the bill makes is with respect to delegation of powers of the Essential Services Commission. Now, the ESC does some great work. It is one of the key economic regulators of the state, and it has done a lot of good work over a long period of time. I was very pleased to work with the ESC in government and have them undertake some inquiries for me into various economic matters. What the bill seeks to do is extend the delegation of their information-gathering powers down to senior Victorian public service staff. Ostensibly that is convenient for the ESC. It is not necessarily in the interests of accountability and democracy. We see this sort of creep continually in government, where changes of that nature—extending delegations, extending powers to demand documents et cetera—are done for the convenience of government agencies. They are not necessarily done with appropriate oversight and not necessarily done with regard to principles of democracy. It is no doubt convenient for the ESC to have that delegation extended to executives and senior VPS staff, but the way in which that information-gathering power is used is something which would need a careful check to ensure that it is being used appropriately and continues to be used appropriately.

There are some worthwhile reforms in this bill, but they are minor. There is so much more that can be done in terms of regulatory reform in this state. While minor reforms are being done, and they are welcome, the regulatory burden continues to increase—255 pages of COVID regulations, which are a burden on every business, is an example of that. This bill does do some good things. There are certainly some issues with it, as Mr Davis highlighted, but there is so much more that government should be doing in the regulatory reform space to drive productivity in this state.

Mr TARLAMIS (South Eastern Metropolitan) (11:21): I am happy to make a contribution today on the Regulatory Legislation Amendment (Reform) Bill 2021. It is a pleasure to be speaking on this bill, which deals with the regulatory reform agenda of this government, especially when you consider what we inherited when we came to government in 2014—that is, a whole lot of problems, with the regulatory system in crisis as a result of the actions of those opposite. The previous government had slashed indiscriminately at regulations which were created to protect Victorians and Victorian businesses. They did this under the catchcry of cutting red tape, but what they actually did was irresponsible, without a plan and without any goals or overarching narrative about what they were attempting to achieve.

In contrast the Andrews Labor government did have a plan, a comprehensive plan, to make regulations fairer and more efficient for all Victorians and Victorian businesses whilst guaranteeing the protections that regulations deliver for them. Over the last eight years we have reviewed and reformed regulations in liquor, environmental protection, essential services, electricity, building and construction, planning, consumer affairs, fee pricing, owners corporations and much more. We have legislated regulatory improvements through automatic mutual recognition, cladding safety, wage theft, gender equality, casino and gambling, worker screening, professional engineering and registration, to name but a few—and that is just in this term of government.

While those opposite talked a big game about cutting red tape, the Andrews Labor government, like always, did what they said they would do. We got on with the job and reduced Victoria's regulatory burden, and we are not done yet. We have invested in regulatory reform projects, we have streamlined screening checks for NDIS workers and we have partnered with local government to streamline and

digitise approval processes, and the list goes on and on. We were even the first government in Victorian history to appoint a dedicated Minister for Regulatory Reform to coordinate the reform agenda across government. That is because, unlike those opposite, we have a plan and we back that plan up with actual investment in regulatory reform, because we know that good reform needs a kickstart and a helping hand to get savings for the Victorian community both now and into the future.

In terms of this bill before us today, it contains a number of elements, some of which came about as a result of the COVID-19 pandemic. Can I say we are all immensely proud of how the Victorian community has risen to the challenges posed by this pandemic and the way in which businesses and citizens have pivoted their work and gotten on with what they need to do. It has been a big ask of them, and not without economic and social impacts. All parts of government have been touched by it too, requiring strict responses to ensure the provision of services and the protection of all Victorians. This has included many temporary changes to regulations which have been shown to be effective in creating a more efficient and fairer regulatory system.

This bill before us today will look towards locking in many of those emergency responses to the COVID-19 pandemic and further strengthen Victoria's regulatory landscape. It will also make the regulatory system more responsive to the current pandemic and other future emergencies. The bill will also look at modernising changes to electoral matters by implementing every legislative recommendation the cross-party Electoral Matters Committee made in its inquiry into the conduct of the 2018 Victorian state election.

I intend to focus in the remainder of my contribution on talking about those elements in this bill, because there has been a lot of commentary around that. I think it is important that I spend a bit of time talking about this, because the opposition have gone to great lengths publicly, and in the other place when this bill was being debated, talking about these elements, spreading misinformation, running scare campaigns and making unfounded accusations about disenfranchising voters and making accusations about taking away people's right to vote which just simply are untrue—and saying these changes are somehow being secretly snuck in without anyone knowing about them. These are all accusations which, you know, are fanciful but not unsurprising, given that basically it is what we have come to expect from the opposition, who have been reduced to nothing but misinformation campaigns and basically nothing of substance whatsoever.

With regard to the claim that somehow we have secretly snuck these changes in without anyone knowing, in particular the changes around prohibiting a person or organisation other than the Victorian Electoral Commission (VEC) from distributing postal votes, I simply point out that these were all recommendations that were made by the Electoral Matters Committee, in which the government is a minority. We have four out of 10 members. Ms Shing pointed that out as well, but I think it is important we make that point again for the benefit of members like Mr McCurdy, who in the other place during his contribution claimed that:

... the Electoral Matters Committee is stacked in favour of sitting Labor MPs, so the outcome was always predetermined.

I am not sure how you stack a committee with Labor MPs when you have got four out of 10. The maths does not work on that. The recommendations were not opposed by any member of the committee, which had representatives from nearly all parties—a committee, I might add, that had the Leader of the Opposition amongst those members—all of whom signed off on the recommendations. And now they are seeking to oppose these very recommendations that they helped recommend. The Leader of the Opposition failed to explain why he has had such a change of heart in the other chamber; in fact he has not made any public comment about this whatsoever. There was no minority report. He has not explained himself.

I note that no other members in this chamber who served on the committee are here today to speak on the bill. So far they have not spoken on the bill as to why they have changed their position on this. Maybe they could come in and have a bit of a chat. Maybe the shadow minister, Mr Newbury, should

have checked with his leader before claiming incorrectly that they had been blindsided by these changes. Maybe he could have done a little bit of research himself, because these changes were not just first talked about in the 2018 report; they have actually been around a lot longer than that. In fact I am personally aware of the VEC's consistent advocacy and recommendations around legislative changes with regard to political parties' involvement in postal votes as far back as 2010—as Mr Finn would be well aware of, because he chaired the Electoral Matters Committee in 2010, when I was a member on that as a member of Parliament as well. The VEC actually made submissions to the committee at that time around political parties not being involved in postal votes, so this is hardly a new issue.

We actually attempted to resolve this very issue by amending the Electoral Act 2002 ahead of the 2018 election with the change that prohibited postal vote applications that were physically attached to or part of material issued by anybody other than the VEC. That was a change we made in legislation, to the Electoral Act, in 2018. In introducing this legislation the then Special Minister of State, Gavin Jennings, said the effect of this amendment would be:

... that political parties, candidates and persons other than the VEC will no longer be able to distribute postal vote application forms as part of their own campaign materials to voters.

So the intent was very clear; however, the Liberal Party modified how they designed their postal votes so that they could still distribute them despite this change. I would point out that the Labor Party did not distribute postal votes or process any at the last election, honouring the spirit of that change. The Liberal Party did—and we have heard what happened. There was an increase in the complaints that were received regarding postal votes at the last election, when the Liberal Party were the only party that was distributing postal votes. The VEC heard that many voters thought that the practice of parties distributing postal votes was misleading and offensive and that some even took the practice to mean that the VEC were endorsing a particular candidate. So this change is far from something that has been snuck in; rather it is a long-overdue change that should have been made a long time ago.

I will go into more detail about that shortly, but I want to firstly address the accusations of the disenfranchising of voters and taking away people's rights by pointing out some actual facts in relation to the changes regarding postal votes. There is no change to the eligibility of who can vote at any election or who can apply for a postal vote. That is a fact. To be clear: anyone who was eligible to apply for a postal vote at the last election will still be eligible at the 2022 election—no change. Political parties will still be able to provide information about how people can access and request postal vote application forms with their campaign materials. Voters will be able to obtain a postal vote application from the VEC office in person, by calling the VEC and requesting one be posted or emailed to them or by completing an online application. Alternatively, eligible voters can apply to become a general postal voter, meaning they will be able to automatically be sent a ballot paper by the VEC before each election and not have to apply each election. The eligibility criteria include if you are aged 70 or above, unable to vote on election day or attend a voting centre for religious reasons, are living 20 kilometres or more from a voting centre, are registered overseas, are seriously ill and unable to travel or are caring for a person who is, are a silent elector or are in prison, detention or custody.

I put these facts on the record because if you listened to the ill-informed contributions in the other place when this bill was debated there or here today, you might be confused and think otherwise or that in some way we had reduced the ability of people to access postal votes, which is just not true. It is false. It is incorrect. When Mr Newbury claims, as he did in the other place, that these changes 'are designed to create an obstacle to postal voting in Victoria ... They are aimed at squeezing the life out of postal voting', he is simply wrong and being alarmist. When he claims that 'under these reforms there will be significant restrictions on the way people can receive postal vote application information', again he is completely wrong. Information can be sent out by political parties, just not applications, and rightly so. The VEC is the independent body who processes applications and issues ballot papers. They are the only ones that should be handling applications, not political parties. There is no business for political parties being in that space. And when Mr Newbury attempts to link this reform to changes

in voting rights in the US and claims it is ‘suppressing the right to vote’, as was repeated today by Mr Davis, he is in la-la land and he has just lost the plot altogether.

The misinformation campaign continued with a contribution from Mr Southwick where he claimed that the change was part of a:

... political agenda to actually disenfranchise the elderly and disenfranchise those with a religious perspective.

And further, that:

... your postal vote rights have ... been taken away ...

Again, I made point clear earlier: this is completely untrue. There is no change to the eligibility of who can apply for a postal vote, and there are specific longstanding provisions within the Electoral Act which assist and accommodate voters in these circumstances, which MPs can continue to assist voters to access. So rather than those opposite engaging in scare campaigns, spin and the spreading of mistruths, why don’t they actually just do their jobs and assist their constituents in becoming general postal voters or advise them on the many options they have available to them to access postal vote application forms?

But you see the crux of the real issue, the elephant in the room, is that the opposition do not like these changes and are rallying hard against them because they want to go back to the past and the way that it used to be done. It is not about this being an attack on the democratic process or an attempt to discriminate against voters, as they suggest; it is about removing the competitive advantage that the major political parties have long enjoyed by getting that data about who was applying for postal votes and keeping it amongst themselves and not sharing it with other political parties. It was a system where parties inserted themselves in the postal vote process that they ought never to have been involved in by processing these applications when it should always have been the independent body that manages elections, the VEC, and them alone.

What used to happen with the postal voting process was you would apply through a political party and the application would be taken out of the postal process and go to the party. They would tag you and keep your data. They would put it back in the post and then it would go to the electoral commission. Mr Davis has spoken about how the postal system is not working efficiently and all this sort of stuff. The opposition would actually risk voters not getting their ballot paper in time so that they could derive a benefit from having that data from you, risking the voters’ ability to be able to cast a vote, for their own personal gain. That should never have been allowed. We have made that change, which should have been made a long time ago. The fact they want to go back to the way that it was says more about them than it does about anything else, because it is not about the voters’ rights, it is about those opposite trying to maintain a competitive advantage over anyone else. Now, with the system that is currently in place, all candidates have access to information about who has cast a ballot so they can have the opportunity to send a how-to-vote card to people as if they were voting on election day, and voters can make an informed choice for themselves who they want to vote for or who they do not want to vote for, as it should be. We get this from a party that wants to continuously disenfranchise voters by bringing in voter ID—to disenfranchise some of the most vulnerable. It is nothing but rhetoric from this lot over here. Basically we should not listen to any of the rubbish they say because they are all spin and no substance. I commend the bill to the house.

Ms MAXWELL (Northern Victoria) (11:36): I rise to speak on the Regulatory Legislation Amendment (Reform) Bill 2021. This omnibus bill makes changes to around 16 different acts as well as consequential changes. Some of them are quite procedural, and there are substantial changes in this bill to the Electoral Act 2002. I would like to focus my contribution today to this debate on two parts. One is the provision for public health inspectors to be appointed in alpine resort areas to enforce the Tobacco Act 1987. Because alpine resorts are not councils, this is designed to fill that gap. I have raised numerous times my concerns that environmental health officers having remit for enforcement

of this act is inappropriate where it relates to the search and seizure of illicit tobacco. In reality, councils do not undertake this work because their staff are not appropriately trained and there are concerns about their safety. Instead they focus on the more appropriate elements of enforcement, such as non-smoking areas, signage and so on. I brought a motion to this Parliament last year to review these matters, including exploring a licensing scheme. The government subsequently commissioned a review by Better Regulation Victoria, and this review is now well advanced. It includes consideration of how to combat the illicit trade of tobacco, which we know has strong links to organised crime and undermines the health efforts towards reducing smoking.

I will now turn to part 11 of this bill, which changes the interpretation of the publication of public notices. When we examine legislation one of the first things we do is determine what consultation we should undertake across the electorate to ensure we have the views of residents and stakeholders and understand what the day-to-day effect of these changes might be in practice. New clauses in the bill introduced to the Legislative Assembly propose changes to the Interpretation of Legislation Act 1984 so that if a notice is required to be published in a print newspaper this could be fulfilled instead by publication on an approved centralised website. We sought clarification on this in the very first bill briefing and recognised immediately that this would not only affect a substantial number of notices but also affect regional communities and media. There are more than 40 local and regional newspapers in northern Victoria, so we are talking about a lot of public notices in a lot of newspapers. We have been in touch with a number of print media organisations since the legislation was introduced. I have spoken with councils and have had some feedback from members of the public, and I would like to thank them all for their input. I would also like to thank the minister's office, with whom we have had numerous back-and-forth discussions on this issue.

We were very direct with the government about our concerns, and they were accepting of the importance of local news to regional communities and the need to protect the pathways of information for people who do not access digital platforms or who live in areas where there is poor internet—and we know that there are many of those places. We can talk about how and where the print media relationship has declined compared to years gone by as digital media has developed, but that does not diminish the importance of regional media in regional communities. Thousands upon thousands of papers are distributed in regional areas every day in print and digital form, and thousands upon thousands of people rely on local newspapers for that information.

I am of the understanding that this change affects the publication of around 410 different types of notices. My concern naturally was that while you can still publish a notice in the paper by your own free will, it is likely that agencies or individuals will do the bare minimum in order to comply, particularly if it is a topic that might generate some debate or complaints. Most people do not have the time or perhaps the understanding either to plough through a single website full of public notices for the whole state and work out which ones may affect them and then understand what the contents of the notice mean.

Regional Victoria is still littered with areas where internet connections are poor or non-existent, and there are large numbers of elderly people who have no idea how to even access the internet. So what does this mean for them? The recent Connecting Victoria engagement report highlights the long road ahead to achieve basic internet access in many regional areas. More than 50 per cent of the 11 000 survey responses were from rural and regional Victoria. Forty-four per cent of them said mobile and broadband were a challenge. This report highlights concern that some Victorians are unfamiliar with using digital technologies, that affordability is a concern and that access to high-speed and reliable internet remains a dream for many.

If local newspapers do not have the revenue generated from the advertising of notices, this affects their capacity to employ journalists. The impact on participation of communities is a risk if information is obscured, even if that is not the intent. What is clear is that a balance needs to be found that retains publication in local newspapers. We have had multiple discussions with the government about this,

and I am very pleased that they have brought an amendment to this chamber to retain publication of notices in local newspapers where that requirement already exists.

We continue to talk in this place about the importance of transparency, genuine engagement, the value of consultation and participation. I guess as media and technology continue to evolve the time may come when we fully transition away from print media. I hope that will not come at the cost of regional media outlets or the jobs and experience they provide for journalists and the valuable service they provide to our community. I am sure there will be numerous questions raised in the committee stage of this bill as well as debate on other amendments, so I will leave my contribution there. I thank the house.

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (11:43): Can I ask at the start of my contribution that the government's house amendments be distributed, please.

Government amendments circulated by Mr LEANE pursuant to standing orders.

Mr LEANE: I just want to speak on this particular bill in line with Mr Davis's instruction motion—that contingent upon the Regulatory Legislation Amendment (Reform) Bill 2021 being committed, it be an instruction to the committee that they have the power to consider amendments to the Local Government Act 1989 to provide for advertising of hardship provisions under the Local Government Act 1989. I am never one to pretend that I can imagine Mr Davis's thoughts, but I will have a go now. There was an Ombudsman's report around hardship policies in local government that was not too complimentary to some of the sector around the way they handled hardship as far as ratepayers in hardship go in paying their rates. That report went a lot further on the advertising of hardship provisions, which some councils do a great job of—it is easy to find their hardship policy—and which some councils are not as good at, as reported by that particular report. Just to alert the chamber—and I have alerted the Municipal Association of Victoria and the ASU to this in recent days—I have been through a cabinet process to be able to say to stakeholders that I do intend to introduce a bill to the Parliament that picks up all those recommendations as far as the hardship provisions go and that makes sure there is a uniform approach. I have got to say some councils, to their credit, have fantastic policies on this in that they actually have people at the council talking to ratepayers in difficulty directly.

Members interjecting.

Mr LEANE: Acting President, this is the peril you get into when you talk about the sector as a whole and other members of the chamber like to mention their favourite or not-so-favourite council themselves—but I am talking of the sector itself. There are some councils that do some great work where they have employees talk to people in hardship and work through it. They have kind of gone away from the red notices and the different-coloured notices and are working with ratepayers and finding a way to help them.

Dr Cumming: Particularly during COVID.

Mr LEANE: Particularly during COVID—thanks, Dr Cumming, for that interjection. And I cannot believe I thanked you for an interjection, but this is a red-letter day for all of us. I think it would probably be an easy process just to continue the practices they have picked up during COVID, and they would probably be in line with the bill that will be introduced around hardship. The bill will also pick up some of the recommendations in the rates review as well around hardship. I am just offering to the chamber that of course my department and my office will, for anyone who wants a briefing on what that looks like, reach out to you, or if you reach out to us we will make sure you have got an understanding of where that is all at.

This is a process that the water corporations went through a number of years ago for water rates. I have had good conversations, particularly with Yarra Valley Water management. They went away from the red notices, the debt collectors and all that going to court. They got some people to work for their

corporation. They would ring people directly and say, 'Listen, you haven't paid your water rates bill'. Sometimes we can all just think we are going to pay that and we forget. They might say, 'Sorry, I forgot. Here's my credit card', and it is paid. If it is someone that is struggling and they believe them, they tell them they will ring them later on and see what they can work out, even to the point where they have identified people in domestic violence situations and have found ways for them to get the appropriate people to help them and help them out of that situation. So I just thought I would take that opportunity. I actually appreciate where I think Mr Davis is probably coming from on this, but I just want to put on the record that there is work being done.

Ms BURNETT-WAKE (Eastern Victoria) (11:50): I rise to speak on the Regulatory Legislation Amendment (Reform) Bill 2021. This bill has been presented as an omnibus way of making run-of-the-mill changes to numerous pieces of legislation in response to the pandemic. Some of these proposed amendments seek to make life easier through making permanent some of the temporary changes we have adapted to over the last few years. However, other legislative changes slipped into this bill, if passed, could have a substantial impact on our electoral process and democratic society.

Mr Leane did hand around an amendment which may sort out one of the issues that I have; however, I will still speak to it, because that amendment he passed around has not been agreed to. One of the changes proposed in this bill is an amendment to section 60 of the Local Government Act 2020 that would require local councils to set governance rules for meetings conducted via electronic means. There are also changes allowing regional libraries to do the same. Over the past two years many Victorians have resorted to online means of communicating for both work and social interaction, some more easily than others. This amendment in itself is uncontentious; however, I am concerned that other amendments proposed by this bill place an emphasis on the new digital normal that would effectively leave many groups of our society without access to essential information, including elderly people, people with disabilities and those from culturally and linguistically diverse groups.

The amendment I am speaking about is the proposition for the publication of certain notices to move online and out of regional newspapers. Again, this relates to the amendment that I believe Mr Leane passed around before. Despite him passing that around, the bill as it stands at the moment can be read to say that basically the modernisation requirements are for notices to be published in print newspapers while mandating that all notices be published electronically. If passed as is, this would mean any requirement for a notice to be printed in a newspaper will be taken to have been met by uploading an electronic notice to a central government website. It is said that the change will be balanced by an enforceable guideline that ensures government agencies must choose which medium is most equitable for their target audience.

As just one example, planning notices are currently required to be advertised in papers, as they impact people on residential streets all the time. These papers often have both printed and online versions available. On any given street in any electorate we may have some first home buyers in their twenties, an elderly couple, members of the CALD community or some residents with disabilities. How then will these government agencies determine the most equitable medium for their target audience?

The reforms will dispense with the legislative requirement for local councils to place public notices and community classifieds in our regional newspapers. The *Warragul and Drouin Gazette*, the *South Gippsland Sentinel-Times* and the *Mornington Peninsula News* are just a few impacted regional newspapers that come to mind in my region.

It has been said by the member for Bentleigh in the other place that less than 10 per cent of spending by the government on regional newspapers is made up of public notices. The justification that 10 per cent is insignificant is misguided. Ten per cent of an income pool is a substantial amount, particularly given many regional newspapers are already struggling to keep afloat. According to the Public Interest Journalism Initiative, 60 regional Australian newspapers have folded since the pandemic began, one of those losses being Leongatha's *Great Southern Star*, which closed in 2020 after serving the local community since 1890.

The loss of local papers is something that we as a Parliament should be deeply concerned about. These papers fill a special role in building community and social cohesion and act as a check and balance for the various agencies affecting local townships. The notion of people picking up a newspaper and reading it front to back to learn of local issues may be declining, but it is not dead. I personally know of many people who rely on local newspapers. Although they are no longer delivered to people's homes, they are readily available at local newsagents and shops.

To summarise my first point: I am deeply concerned about the impact this would have on regional newspapers in our state, and I am also concerned that this change will effectively leave certain groups, especially the elderly, without access to information if everything is moved online. To me the possibility that certain groups may not have access to online notices does not meet the intention of the legislation, as it effectively excludes them. This is not providing accessible information to our community.

Secondly, I wish to speak to my deep concerns over the proposed changes to postal voting under this bill. Around 1 million Victorians receive information about postal voting through the parties. The proposed change to the Electoral Act 2002 seeks to prohibit political parties or anyone other than the Victorian Electoral Commission from distributing postal vote applications. With these changes, those 1 million people who have relied on receiving forms from political parties will be disadvantaged, as they will not be able to do a postal vote as they have done in the past. And that is the thing: it has been done for years. Why are we changing it now, in an election year? What is even more confusing here is the fact that we have been told for two years now to stay home and avoid contact with others to stop the spread of COVID. Why are we removing an option for people to vote remotely in a time when almost everything is being done remotely?

People are used to receiving their forms. They will be waiting to receive them, and they will not. The elderly and those in the CALD community will not know where to get them from, and for many voting on election day will simply not be possible. We have been told for the last two years to avoid gatherings and crowds to limit unnecessary exposure to COVID. People have been conditioned to conduct their affairs remotely where possible. Because of this conditioning many people will not want to line up on election day to vote. It can only be assumed that this will result in less people voting, particularly those who are elderly and vulnerable. Is that the intention here, I ask. To me the intention appears to be voter suppression in an election year, targeting anyone who does not vote for the incumbent government.

Mr ERDOGAN (Southern Metropolitan) (11:57): I rise to speak on the Regulatory Legislation Amendment (Reform) Bill 2021. I want to begin by thanking some of the previous speakers. It has been a very interesting discussion. It touched on a number of matters that I have personally had involvement and engagement with.

Some of the previous speakers spoke about the work of the Electoral Matters Committee, which I currently am a member of. I want to give a thankyou to our chair, who works tirelessly to make the committee function, and to the other committee members that are present, who worked quite collegially to investigate matters of importance to our electoral system. Most recently we had an investigation into the effects of social media. I see Mrs McArthur waving across the chamber. Yes, she was part of that inquiry, as was Mr Meddick, so there were a number of members of this committee. We worked quite collaboratively to address issues of great concern on that committee. That is why it is pleasing to see that some of the work that that committee has done in the past—before my time—has been incorporated into this bill before the house today. We are working on a number of matters on the committee at this point.

Also that was a fantastic contribution by Minister Leane, talking about the work that he is doing and foreshadowing a bill to this chamber about hardship handling processes at the local government level. I want to thank Minister Leane for sharing that with the chamber in such a forthright and transparent manner.

Before I get into the detail of this bill, it is important to understand the objectives and why this bill is needed. The Regulatory Legislation Amendment (Reform) Bill 2021 has four main objectives: firstly, to ensure that regulators are prepared for the next emergency; secondly, to embed regulatory changes that were made temporarily in response to the COVID-19 pandemic; thirdly, to support technology-neutral legislation that does not impede the use of digital and other technologies by businesses, government or citizens—

Dr Bach: What's the fourth one?

Mr ERDOGAN: Yes, Dr Bach, the fourth one is to make simple, uncontroversial amendments to acts to ensure efficient and effective regulatory systems. This includes simple changes to reduce regulatory burden without compromising effective management of harms. They are very important objectives that this bill seeks to achieve. There are a number of details that I will go into in due course. As the clock is approaching 12, I will continue my contribution a bit later.

Business interrupted pursuant to sessional orders.

Questions without notice and ministers statements

EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY

Ms CROZIER (Southern Metropolitan) (12:00): My question is to the Minister for Emergency Services. Minister, it has recently been reported that the inspector-general for emergency management (IGEM), Mr Pearce, has written to the widow of Nick Panagiotopoulos and admits her husband's death is 'not an isolated incident'. Mr Pearce's letter describes 'the real and terrible consequences caused by delayed answering of 000 emergency calls'. Minister, doesn't what Mr Pearce describes as 'real and terrible consequences' actually mean deaths caused by delayed answering of 000 emergency calls?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:01): I thank Ms Crozier for her question and indeed for highlighting the tragic case involving Belinda and Nick Panagiotopoulos. My condolences to that family and the experience of a delay in ESTA for them. The IGEM is responsible for receiving referrals from ESTA for a range of incidents that warrant further investigation, and certainly it is no indication that it is always related to a death at all. But it is appropriate to have these oversight bodies that ensure that the system can be improved and provide advice back to the organisation in relation to ongoing improvements. In relation to matters that have resulted in deaths, he looks at all of those, but he looks at other incidents as well.

Ms CROZIER (Southern Metropolitan) (12:02): It is pretty obvious that there have been far too many deaths, as we all know. Minister, Mr Pearce has said he would report his findings to you. Will you ensure that the report that Mr Pearce does provide to you is made public, and when will that be?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:02): I am advised that I will receive that report by June. In relation to these matters, it is not my intention to provide a commitment to making things public that I have not yet seen. However, I want to be absolutely accountable and open and transparent in this space, and I hope I am bringing that to the chamber as much as possible in answering the several questions that I get in relation to this important matter. But what is important to note is that, as you have identified, some of these matters may be subject to coronial investigations, so it would be inappropriate for me to provide a commitment to make a report that I have not seen yet public. It may undermine that process. However, it would be my intention to bring to this house as much information as possible.

INTERNATIONAL STUDENTS

Ms PATTEN (Northern Metropolitan) (12:03): My question is for the Minister for Higher Education. Last week I met with the Victorian Chamber of Commerce and Industry in relation to their

state budget submission. One of their policy ideas that they presented to me was to provide financial support to international students so that they can pick Victoria over other states and countries. We know that international students are vital to hold up our education sector but, as we have also seen, vital to our hospitality sector, vital for an injection of spending and vital to tourism. So my question is: what steps has the minister taken to incentivise international students to choose Victoria?

Ms Tierney: On a point of order, President, I thank the member for her ongoing interest in international students, but in terms of this particular question, I think it would be more of a question to Minister Pakula. As you know, he is responsible in the trade portfolio for international students, and I think that that would be a better fit.

The PRESIDENT: Ms Patten, on the question itself, do you want to divert it to Minister Pakula?

Ms PATTEN: Thank you, President. Could the appropriate minister pass that on.

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:04): I thank Ms Patten for her question and for her interest in this important area, in terms of both the educational opportunity it provides to so many people from around the world but also the very, very important role it plays in both the culture and the economic prospects and wellbeing of the state. We certainly look forward to having our international students return, and I look forward to providing you with a written response from Minister Pakula.

Ms PATTEN (Northern Metropolitan) (12:05): Thank you, Minister. If you could also pass on my supplementary: will the minister consider financial incentives to ensure that Victoria comes out on top as we emerge from COVID?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:05): Yes, I will certainly seek a written response to that supplementary from Minister Pakula. He may take the opportunity to outline some of the things that we have done over the last couple of years to support international students and some of the work that is underway to make sure that they return, they have a terrific experience and it continues to be a very important part of life here in Victoria.

MINISTERS STATEMENTS: MELTON KINDERGARTEN FUNDING

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:06): I am very pleased that the Andrews Labor government is giving families in the Melton LGA more kindergarten options with a new partnership with Melton City Council to deliver better kinder facilities and more places for kids in the city's booming outer west. We are proudly co-contributing up to \$17.3 million towards five new and expanded kindergartens across Melton City Council, providing more than 1120 funded kindergarten places right across the region.

Some of the projects we are funding in this partnership include the Deanside community centre and neighbourhood house, which I know the member for Sydenham, the Honourable Natalie Hutchins in the other place, is really thrilled about. We are also delivering the Toolern community centre hub in Weir Views, with four kinder rooms, which the member for Melton, Mr Steve McGhie, knows is a fantastic investment for his local electorate and the growing community in that area.

We have also given in-principle support for a further contribution of up to \$20 million for another five early childhood infrastructure projects in the City of Melton between 2027 and 2029, because we know that planning for the future growth out west is incredibly important. This is the second Building Blocks partnership we have signed, and it is all part of our \$1.68 billion investment in infrastructure to deliver what we need to deliver three-year-old kinder right across Victoria.

EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY

Ms CROZIER (Southern Metropolitan) (12:07): My question is again to the Minister for Emergency Services. Minister, in a letter to you dated 8 October last year the federal communications minister, Mr Fletcher, requested your urgent advice on what the Victorian government was doing to alleviate issues that he highlighted in 000 calls, and he gave an example of 6 October when two calls were held for over 30 minutes, 20 calls were held for between 20 and 30 minutes, 37 calls were held for between 15 and 20 minutes and 53 calls were held for between 10 and 15 minutes. Minister, you responded three weeks later to that urgent request. Mr Fletcher further wrote to you on 17 December, saying that:

ESTA advised the Department of Communications on 7 December 2021 that 43 additional call-taking, dispatch and mental health support roles will be filled by the end of December 2021.

We know that did not occur, so I ask: of the 43 additional staff, how many are call takers or dispatch, and how many of the 43 have a role with mental health support?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:08): I thank Ms Crozier for her question. I would just like to say that I have had engagements with Mr Fletcher. It is fair to say that I read his correspondence in the *Australian* before I get it, so I do find that slightly unprofessional. Nonetheless, the information that gets provided back to Mr Fletcher is through a number of means, whether it is directly from me, through public comment or indeed through our agencies. Regarding the advice I have in relation to the 43, I think I have already provided that information previously to you. We have got 13 call takers and 19 dispatch out of the 43, and then there is some mental health support as well. So 32 of them are ambulance call taking and dispatch.

Ms CROZIER (Southern Metropolitan) (12:09): Minister, I note that you did not mention the mental health support in that answer. Noting ESTA calls are required to be answered in 5 seconds, can you guarantee that with the new recruitment no Victorian will be on hold to 000 for over 5 minutes?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:10): Ms Crozier, it is an incorrect statement that you make that calls are required or mandated to be answered within 5 seconds. It is a suggested benchmark by the inspector-general for emergency management that 90 per cent of calls be answered within 5 seconds for ambulance. It is 80 per cent in 5 seconds for police. These are benchmarks that the agency strives to achieve. What I can say is that the more call takers we have, the more ability there is to answer the unprecedented increase in calls. Before the pandemic the benchmark was the same—90 per cent of calls within 5 seconds—and now we are seeing about 1000 calls more a day than when that benchmark was set. It is still something that the hardworking call takers are striving to achieve.

Mr Davis: On a point of order, President, the actual substance of that question was very clear: could the minister guarantee that calls will not be on hold for more than 5 minutes?

The PRESIDENT: The minister answered and finished her answer.

FIREARMS LICENSING

Mr QUILTY (Northern Victoria) (12:11): My question is for the minister representing the Minister for Police. Jenny is a 74-year-old resident of the Bellarine Peninsula, in the police minister's own electorate. She has legally held firearms since 1970 and boasts an unblemished police record. She was recently involved in a minor dispute with a neighbour. Jenny scolded her neighbour's kids when she noticed them fighting, and presumably the neighbour was not pleased with her unsolicited assistance. Shortly after the dispute, police arrived at the 74-year-old's home. They did not gather any additional information or ask Jenny what happened; they just seized her firearms and suspended her licence. Police claim Jenny is no longer a fit and proper person, and without due process her property was taken from her. Police are required to provide a summary of the grounds for a licence suspension, but

in Jenny's case this section of the paperwork was left blank. Minister, why are Victoria Police suspending firearm licences without providing reasons, even when police procedures require a reason to be given?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:12): Thank you, Mr Quilty, for your question. It will be directed to the Minister for Police. But I have got to say that is a very specific individual case that you have provided, and I would imagine that the minister will need to be furnished with more information than what was contained in that question, so I would suggest that you forward that to the minister's office.

Mr QUILTY (Northern Victoria) (12:13): Thank you, Minister. It seems unlikely that this is an isolated incident. People who have their firearms licences suspended and their firearms seized are often given little or no explanation. Police have sweeping powers to confiscate firearms, and the owners have few avenues to protest. Firearms are not cheap. These seizures often mean the police are taking thousands of dollars worth of property seemingly at random and without explanation. We know that police record keeping and storage practices are substandard and that firearms have disappeared from storage while others have been wrongly sent for destruction due to administrative error. When property is seized wrongly, there is no guarantee that it will be returned on appeal. Minister, how many firearms licence suspensions and firearms confiscations have been overturned on appeal in the last decade?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:13): I thank Mr Quilty for his supplementary question, which was really a preamble of a lot of allegations. But we got to the question right at the end, and that question will be provided to the minister for her response.

MINISTERS STATEMENTS: ROCK FOR REFLECTION AND REMEMBRANCE

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:14): Today I am pleased to draw the house's attention to the first rock concert at the Shrine of Remembrance, on Sunday, 13 March, which will be led by veterans: Rock for Reflection and Remembrance. There will be entertainment and art which will showcase the creative talent of our veterans community. Rock 4 R'n'R is being supported by the Victorian government through Creative Victoria and Minister Danny Pearson, the veterans team at Fairer Victoria, RSL Victoria, the City of Melbourne and Open Arms. This is a free event at the shrine between 2.00 pm and 8.00 pm on Sunday, and it is a great way for Victorians to show their support to veterans and their families for all they have done for us.

Rock for Reflection and Remembrance will kick-off the Australian National Veterans Art Museum's annual March to Art program. Included in the concert line-up are rock legend John 'Swanee' Swan; Wiggles star Anthony Field, performing as part of the Riflemen; Melbourne songstress Stella Anning; and Liam Haven, all performing tracks from the *Rock for R'n'R* album, which was released last year. I congratulate the organisers, including Harry Moffitt, an SAS veteran, and ANVAM, a veteran-led charity whose mission is to promote the wellbeing of the veteran community through facilitated arts programs. There will also be veteran-owned food vans and kids activities, along with self-guided walking tours of Melbourne's veteran public art trail, which is part of the ANVAM *March to Art: Voice* exhibition. This exhibition highlights new, innovative works and projects across the veteran community through various creative mediums. I once again want to congratulate all of the organisers of what I am sure will be a fantastic event.

EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:16): My question is for the Minister for Emergency Services. I refer to the government's package which has a recruitment campaign which the government says is already underway to fill new positions. I direct the minister to the ESTA website, which currently has only 14 jobs listed, and I ask: if these new call taker jobs are already subject to a recruitment campaign, why are they not advertised on the ESTA website?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:16): Mr Davis, the recruitment campaign is aimed at encouraging people to consider working for ESTA at any juncture of their life. We have a really close relationship with universities, in particular tapping into the rich resource of paramedic students, who are supplementing the workforce as we speak. We want to attract people that are new to the field and therefore would require intensive training, so ‘Come and have a look and see if you would like to be trained’. But indeed, if you are a nurse, if you are a retired paramedic, if you are wanting to come from a hospital setting, please come and have a look at ESTA. We do recognise prior training.

The recruitment campaign is aimed at attracting anybody and anyone who is interested, including if you have experience in health. Obviously with the issues that have come to light it is our ambulance section that we are really wanting to bolster, and I would really encourage anybody to have a look at the recruitment campaigns that are available and come and chat to ESTA about the opportunities that are there. Indeed if anybody comes through my office I can surely connect them to someone who can give them some information about a fantastic, rewarding career at ESTA.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:18): I refer to the report being prepared by Graham Ashton into the disasters and mismanagement of the ESTA 000 call-taking system, including its staffing, and I ask: when will the report be completed, and will it be made public in full?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:18): Mr Davis, you have incorrectly constructed the purpose of Mr Ashton’s inquiries. He is conducting a review on predominantly the performance and structural considerations of ESTA, which is a welcome review that he is undertaking. That review is due to me in the next few weeks. In relation to, again, whether I would make a report public that I have not seen yet, that is not a commitment that I would be prepared to give. Again, I give my commitment to be as transparent and accountable as possible. This is a report that would be considered by cabinet, and we would then consider an implementation plan for his recommendations. I will certainly be updating the house as we work through the recommendations in his report.

WESTERN SUBURBS TOURISM

Dr CUMMING (Western Metropolitan) (12:19): My question is for the Minister for Tourism, Sport and Major Events in the other place. What is the minister doing to help promote tourism and international travellers to the west and other urban areas? My region has been hit the hardest by COVID. We have had the highest number of cases. Businesses are struggling. Last month we opened our borders to international travellers. But independent consultants are saying that the western region will struggle to rebound at the rate of other parts of the state. Unlike the CBD and other parts of Victoria, the west relies on people coming to visit family and friends, domestic businesses and international students, rather than traditional holiday tourism. We need free access for everyone. We need to drop all the barriers and make it easier—equality for everyone.

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:20): I thank Dr Cumming for her important question about a return of international visitors and the really important observation that she makes about the role of people visiting family and friends as part of that very, very big source of economic activity in the state. I am sure Minister Pakula will be very happy to provide her with advice about what the government has been doing and is doing for both interstate and intrastate visitors and of course, as Dr Cumming was particularly focused on, the return of international visitors.

Dr CUMMING (Western Metropolitan) (12:21): I thank the minister for their response. The executive officer of Western Melbourne Tourism, Mr Richard Ponsford, said:

We're sort of in a no-man's-land, we haven't enjoyed ... the same levels of support that the CBD and regional Victoria has.

He also said that the funnelling of funds to regional areas and the CBD was unfair. An independent analyst from Decisive Consulting, Mr Flowers, said:

The worst affected Australian industry by COVID has been the visitor economy and the worst affected area in Australia of this worst affected industry is central and western Melbourne.

Minister, are you able to use your influence to drop all mandates locally to encourage maximum patronage at sports events, local businesses and tourist destinations?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:22): I thank Dr Cumming for her question. The question of public health measures falls outside of the responsibilities of the Minister for Tourism, Sport and Major Events, so I would perhaps suggest Dr Cumming could pursue that with Minister Foley. But certainly, on the point that Dr Cumming made about the uneven nature of the impact of the pandemic for particular industries and indeed particular communities, I would reassure Dr Cumming that the government is absolutely cognisant of that. Just to give one example, Melbourne Money, which was a CBD initiative, is now being expanded statewide, and that is underway at the moment. But I will provide Dr Cumming's interest and her question to Minister Pakula, and we will provide a written response.

MINISTERS STATEMENTS: QUEENSLAND AND NEW SOUTH WALES FLOODS

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:23): I would like to update the house on the massive effort of Victoria's emergency services personnel in Queensland and New South Wales. We have all seen the flooding crisis unfolding up north, with heartbreaking images and stories from Gympie and Brisbane down through Lismore and Sydney. I know the thoughts of all members of this place are with our neighbours during this ongoing, significant crisis, but I do want to highlight the strong support that is coming from Victorians and that continues to be provided in this difficult time.

I have worked closely with the emergency management commissioner, Andrew Crisp, as requests for assistance have come from other states. I have been blown away by the number of Victorians who have dropped everything and put their hands up to head up and help fulfil these requests, many of whom are volunteers. We have deployed a total of 173 personnel to the two northern states since 1 March, including 80 who are currently in New South Wales, and 21 more are on the way today. These amazing Victorians have been on boats, performing rescues, coordinating relief efforts and working with affected communities. These people are from SES, CFA, FRV, forest firefighters and Emergency Management Victoria and Victoria Police, and despite all the challenges of the last two years they have not hesitated to take up the challenge.

Last week I had the privilege of farewelling FRV swift water rescue teams at Tullamarine as they went to put their vital skills to work, saving lives and helping those in other states. I want to thank them again for their sacrifices—and their families, who said they could go—at such short notice. The disaster is by no means over, and I know many Victorians will have family and friends doing it tough with the conditions up north. Our emergency services work as one, and just as other states have been there for Victorians, we will continue to send support as needed to save lives and help our friends in Queensland and New South Wales.

FIRE SERVICES FUNDING

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:25): My question is again for the Minister for Emergency Services. Minister, according to a ministerial brief released under freedom

of information, in June 2020 the Treasurer approved the release of \$38.867 million in 2019–20 and \$46.502 million ongoing to the Metropolitan Fire Brigade, despite the ministerial brief noting the MFB had yet to provide the detailed information to justify the release. I therefore ask: has that information been subsequently provided, or is it the practice that \$85 million is released to the MFB without the evidence to justify it?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:26): Mr Davis, the construction of and innuendo in your question are unwarranted. This is a relatively straightforward matter. The money was held in contingency pending the details for fire service reform and was released to the MFB accordingly upon finalisation of these arrangements. Something quite similar happens in any type of MOG change, and it was provided in the same period that we provided an additional \$126 million to CFA to support them with their new set-up in relation to being a dedicated volunteer-only organisation.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:26): I ask, then: will the minister release the detailed information on which those allocations were made?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:27): I have answered the question. There is no more to say.

CHILD SEX OFFENDERS

Mr GRIMLEY (Western Victoria) (12:27): My question is for the Minister for Higher Education, representing the Minister for Police in the other place. The government's response to the management of sex offenders report has just been released. It was a little underwhelming in a number of respects, including that not accepting the full recommendations in my opinion was very contentious. Two of these are that the Victorian government ask the Victorian Law Reform Commission to explore a limited disclosure scheme similar to those in the UK and Western Australia and also that the Victorian government provide annual funding to access preventative education programs to ensure kids stay protected. The government's response was that they support these recommendations in principle, but the Victorian public disclosure scheme was introduced in 2017 and they tried to assimilate this to the WA and UK schemes, which are completely different. They also said in response to the education recommendation that Respectful Relationships essentially covers what the inquiry explored, and this at best is a stretch. Will the minister ask the Attorney-General to make this referral to the VLRC and commit to this annual funding?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:28): I thank Mr Grimley for his question and his ongoing interest in and commitment to the issue of dealing with sex offenders. This matter will be referred to the Minister for Police, and I am sure that she will respond to you according to the standing orders.

Mr GRIMLEY (Western Victoria) (12:28): Thanks, Minister. The timing of the release of the government's response to the recommendations was very interesting. On the day we received the news about the government's response to the recommendations, the South Australian Labor Party announced a suite of fantastic policies if they were to win the South Australian election. These include a commitment to a public child sex offender register, new laws to keep child sex offenders in prison until they prove they can control their instincts, lifetime electronic monitoring for serious child sex offenders when they are released from prison and strengthening penalties for child sexual offending, including online offences. Minister, can you explain the very stark difference in policies on a public child sex offender register between this government and the same party across the border in South Australia?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:29): I thank Mr Grimley for his question. Of course it is a bit of a stretch to compare a government to election commitments that are happening in another state. Regardless, I will refer the question to the Minister for Police for an answer.

MINISTERS STATEMENTS: TAFE FUNDING

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:30): One of the fastest growing sectors in Victoria is the healthcare and social services sector. It is Australia's largest employing industry, with nearly four in five workers being women. The COVID-19 pandemic has shone a light on this industry. We on this side of the chamber are so grateful for the commitment of these workers to keep us all safe and help us when we need it most. As more jobs become available in the industry, delivering the pipeline of skilled workers becomes even more important. That is why there are a range of courses on the free TAFE list—to build that pipeline. Free TAFE has been incredibly successful in delivering on what is needed.

In the three years prior to free TAFE starting, there were 5621 commencements in the diploma of nursing. Since free TAFE started, there have been 9127 commencements, which is a 62 per cent increase. In the certificate IV in mental health we have seen a 427 per cent increase in commencements in free TAFE. This is absolutely critical in delivering on the recommendations of the Royal Commission into Victoria's Mental Health System. In the certificate IV in youth work we have seen a 38 per cent increase in commencements compared to before free TAFE. What we are seeing through free TAFE is more students studying in priority areas. But more than that, we are also seeing a more diverse pipeline of workers ready to take on the jobs that need filling. Free TAFE is changing lives, it is supporting communities across the state and it is delivering the skilled workforce needed for the jobs that are being created.

WRITTEN RESPONSES

Dr Cumming: On a point of order, President, I have two questions without notice: one from 23 February, which was about air purification and advice to schools, to the Minister for Health, and one that goes as far back as 16 November. Obviously both of those were meant to be answered within 48 hours, and they are both unanswered. I also have 19 constituency questions and 19 adjournments that have not been answered, and they go back as far as August of 2021 and September of 2021.

The PRESIDENT (12:32): Thank you, Dr Cumming, for raising the issue. But, as you are aware, there is nothing I can do.

Regarding questions and answers today: Ms Patten to Mr Pakula, Ms Pulford, two days, question and supplementary; Mr Quilty to police, Ms Tierney, two days, question and supplementary; Dr Cumming, again to Mr Pakula, Ms Pulford, two days, question and supplementary; and Mr Grimley, two days, for police, Ms Tierney, question and supplementary.

Constituency questions

WESTERN VICTORIA REGION

Mrs McARTHUR (Western Victoria) (12:33): (1677) My question is for the Minister for Education and regards dubious education material being studied by students; some might call it political propaganda. I was alerted to this concern by a father at a school in my electorate. It refers to homework being given to a grade prep student. This homework consisted of a full page of images and questions involving Greens members of the Victorian Parliament, Dr Tim Read, the member for Brunswick, and member for Northern Metropolitan Region Dr Samantha Ratnam. It required students to recognise these two individuals and even questioned whether Tim was Sam or Sam was Tim. It borders on both gender and political indoctrination. I ask the minister if he is aware this material is in our schools and what involvement the education department has had, if any, in getting it into our classrooms. And can we expect to see Mr Andrews and Ms Allan promoted in the same way?

NORTHERN VICTORIA REGION

Mr QUILTY (Northern Victoria) (12:34): (1678) My constituency question is for the Minister for Health. My office has been approached by a small business bakery owner who has once again had to close the business due to limited staff. The baker has had to isolate due to his son testing positive for

COVID-19. His daughter works weekends for the bakery and is also isolating. However, the baker's wife works at the local hospital with vulnerable and sick people. Apparently she can still go to work and work with those most at risk from COVID. I am not going to make a judgement about whether or not she should be able to work, but there is a very obvious double standard here. Small businesses and hospitality have been hit again and again over the last two years. For this bakery this is the last straw. They are not holding on any longer; the doors are closing and the 'For sale' sign is going up. Minister, when will you stop this double standard and allow those who have not tested positive to work? We need to support small business to rebuild from the devastation of the past two years of COVID and crippling mandates.

NORTHERN METROPOLITAN REGION

Mr ONDARCHIE (Northern Metropolitan) (12:35): (1679) Good afternoon. My constituency question today is for the Minister for Roads and Road Safety. I was grateful recently to be invited by local Greenvale advocate Mennan Yelkenci and Cr Jim Overend to meet with Greenvale residents and hear their concerns. I am grateful to the residents who came and spoke to me about a range of things but most importantly about traffic. The minister is aware I have previously raised Mickleham and Somerton roads in this place on their behalf. Greenvale and Westmeadows residents have also raised with me their concerns about safety and congestion at the Broadmeadows Road–Mickleham Road roundabout. They tell me it is a nightmare to access Mickleham Road each day. Trying to get to work on time in peak hour and trying to get home at the end of the day has been very, very difficult for them with increased traffic. The question I have for the minister is: will the minister, by way of directing the Department of Transport, investigate the safety and traffic flow of the roundabout where Broadmeadows Road meets Mickleham Road so my Greenvale and Westmeadows residents can get home safely to their families?

NORTHERN METROPOLITAN REGION

Ms PATTEN (Northern Metropolitan) (12:36): (1680) My question is for the Minister for Multicultural Affairs. After the terrifying fall of Kabul to the Taliban thousands of Afghan refugees were welcomed into Victoria. Many have been staying in temporary accommodation in my electorate, including a group of journalists who fled the Taliban, to whom this question relates. These highly educated and hard-working refugees are proficient in multiple languages, including English. They have worked for media companies such as Al Jazeera and Deutsche Welle. It would be a mistake to waste their knowledge and skills when their communication proficiency would be an asset to our multicultural community, so my question is: can the minister provide information on any pathway programs that these journalists in my electorate can access to help them engage their skills here or to help assist in message delivery to our Afghan community?

WESTERN METROPOLITAN REGION

Mr FINN (Western Metropolitan) (12:37): (1681) My constituency question is directed to the Minister for Local Government. I am grateful to Cr Daria Kellander of Hobsons Bay City Council for bringing this matter to my attention. She is an outstanding representative of her local community, and I can only suggest that some of her council colleagues would do well to follow her example. There are significant drainage issues in the area bounded by Sugar Gum Drive, Civic Parade, Grieve Parade, Lugg Street and McIntyre Drive in Altona. I have seen the impact flooding has had on this area, and it is not a new problem. Hobsons Bay council says it does not have the money to fix it, yet it seems to have plenty for its latest PC stunt. It is sad that it is necessary for me to ask this question, but it is important that I do. Minister, will you counsel Hobsons Bay council on its responsibility to its residents to urgently get on with the fixing of this huge issue that impacts many local ratepayers?

SOUTHERN METROPOLITAN REGION

Mr HAYES (Southern Metropolitan) (12:38): (1682) My constituency question is to the Minister for Planning. Minister, residents in Windsor were shocked to see developers illegally demolish a

CONSTITUENCY QUESTIONS

Thursday, 10 March 2022

Legislative Council

799

heritage-listed historic cottage at 5 George Street, Windsor. These residents want action. Can the minister please advise if he will use the new provisions under the Planning and Environment Act 1987 introduced and passed last year to ban future development on the site and impose a specific planning permit for community benefit, such as a park or a reconstruction of the heritage building?

NORTHERN VICTORIA REGION

Ms LOVELL (Northern Victoria) (12:39): (1683) My constituency question is for the Minister for Roads and Road Safety and concerns the condition of Ross Street, Tatura. In late 2020 I was contacted by a constituent from Ross Street who raised concerns regarding the condition of the road surface on this street, specifically between Edgar and William streets. I raised the matter with the minister on 27 October 2020, seeking a funding commitment to repair and upgrade Ross Street. In his response the minister stated that the section of Ross Street in question would receive a full-width asphalt pavement treatment repair. No such repair has been conducted, with two Regional Roads Victoria workers spending a couple of hours late last year on the road completing minor repairs only. As such Ross Street has returned to its original poor condition, with the minor repairs destroyed by the constant use of the road by fully loaded vehicles. Will the minister commit funding to complete the full-width asphalt pavement treatment repair of Ross Street, Tatura, between Edgar and William streets as he previously promised?

EASTERN METROPOLITAN REGION

Mr BARTON (Eastern Metropolitan) (12:40): (1684) My constituency question is for the Minister for Transport Infrastructure. I have been contacted by a constituent who has concerns regarding the lack of development on Templestowe Road. The North East Link, once completed, will have 16 lanes, and when drivers take the Templestowe Road exit they will come into one lane. Simultaneously, Fitzsimons Lane is being upgraded to include additional lanes. Templestowe Road will act as a connection between these two roads, and it is expected that this will become a stagnant traffic roadblock. My constituent believes that there is a compelling argument for duplicating Templestowe Road so it can endure the increased traffic created by surrounding development. The information I seek is: has the government completed any projected traffic modelling for Templestowe Road and its surrounds after construction of the North East Link?

EASTERN VICTORIA REGION

Ms BURNETT-WAKE (Eastern Victoria) (12:41): (1685) My constituency question is for the Minister for Transport Infrastructure. I recently visited some constituents in Bald Hill and Five Mile roads in Pakenham. A landholder on Five Mile Road informed me that trucks go up and back at all hours of the day; one passes every couple of minutes. They are always the same type of truck. Whilst there I observed truck after truck driving down the road with tarps over the trailers. The gravel along Five Mile Road has had dust suppressant applied where these trucks pass so no dust is made. These constituents believe the trucks are carting toxic soil from the West Gate Tunnel Project and have expressed real concern over toxic soil being quietly dumped in their locality. They have attempted to find out, but have not received any information. My question to the minister is: is soil from the West Gate Tunnel Project being dumped in or around Pakenham, and, if so, what testing does this soil undergo to ensure it is safe to be dumped so close to people's homes?

EASTERN VICTORIA REGION

Ms BATH (Eastern Victoria) (12:42): (1686) My constituency question is to the Minister for Roads and Road Safety, and it relates to the terrible state of road surfaces in my electorate. On 10 February Mr Carroll said his government will be delivering 'smoother and safer journeys for motorists'. Well, my constituent, Dennis, who lives in the Latrobe Valley, is a truck driver who frequently travels along the Maffra-Traralgon road, and he has told me that the section between Frasers Lane and Guyatts Road is rough, patchy, unsafe and way too narrow for cars, let alone for trucks. This particular stretch of road was very tragically the site of a fatality last year. Minister, my colleague in the lower house Tim

Bull has asked you to come to our part of the state, his electorate of East Gippsland. Will you also include in your tour a visit to this road and commit to properly sealing it with proper edges instead of poor-quality patch-up jobs?

WESTERN METROPOLITAN REGION

Dr CUMMING (Western Metropolitan) (12:43): (1687) My question is to the Minister for Transport Infrastructure in the other place and is from residents in Sunshine. Can the minister please advise what community consultation will be done for the newly announced regional platform at Sunshine station and the time line for that consultation? This new platform will cater for Bendigo services, and construction is due to start next year. Residents are not happy with the consultation undertaken to date for the Melbourne Airport rail link and the *Western Rail Plan*. Even though some consultation has been undertaken, it has not been widely promoted, and the residents are hoping that a more robust and well-communicated engagement plan will be developed. Minister, please let us know.

SOUTHERN METROPOLITAN REGION

Ms CROZIER (Southern Metropolitan) (12:44): (1688) My matter is to the Minister for Small Business, and it relates to concerns around the vaccination status of single mothers. The government made an announcement this week that they want to provide businesses with an incentive of \$20 000 to employ single mothers. My office had a call from a business in Hawthorn yesterday, a fashion boutique. They stated that they had found the perfect candidate—a 48-year-old single mother—but unfortunately because of her vaccination status they could not employ her. In fact the business owner said the fine she would get for employing this woman would be greater than the incentive from the government. The question I ask of the minister is: can he advocate on behalf of many small businesses to the Premier and the Minister for Health regarding single mothers who are not fully vaccinated or are unvaccinated who desperately need to work?

SOUTHERN METROPOLITAN REGION

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:45): (1689) My constituency question is a reprise of an earlier matter that I have raised, and the fact that I have not had a satisfactory response is what prompts me to raise this matter again. The Mont Albert and Surrey Hills level crossing removal project is, as people in this chamber will understand, a travesty—

The ACTING PRESIDENT (Mr Bourman): Mr Davis, I might just interrupt. Are you able to tell us which minister this is for?

Mr DAVIS: I am. It is the Minister for Transport Infrastructure. I was about to describe her and her wilful behaviour in this matter and her failure to engage with the community. Many people in this chamber have asked her to come and visit and engage with the Friends of Lorne Parade Reserve, the Surrey Hills Progress Association and other groups. So my question is: Minister, will you finally relent and actually visit the community and thereby understand the damage that you are doing to the vegetation and the broader community through your wilful actions and failure to stick with your election promises?

Bills

REGULATORY LEGISLATION AMENDMENT (REFORM) BILL 2021

Second reading

Debate resumed.

Mr ERDOGAN (Southern Metropolitan) (12:46): I am pleased to rise again to speak on the Regulatory Legislation Amendment (Reform) Bill 2021. It is a very important bill because it makes significant regulatory improvements to a number of bills in this place and a number of regulatory improvements as well, which has been touched on by Ms Shing. Mr Tarlamis has also talked about

the changes we have made in the past to planning, to consumer affairs, to fee pricing, to owners corporations and more and the legislated regulatory improvements we have made for cladding safety, wage theft and gender equality. This is to name just some of the work that has already been done in terms of protecting Victorian consumers but also protecting the sector and the industries involved. Reputation is very important and consumer trust and confidence is very important, so we have already made a number of improvements to pieces of legislation.

This is an omnibus bill with many parts, and that is why I will touch on some of the details of what we are proposing today. The bill seeks to amend the Financial Management Act 1994 to increase flexibility for regulators to provide fee relief during emergencies. The bill also amends the following acts to make temporary changes permanent: the Education and Training Reform Act 2006 to reinstate the ability to extend the registration of teachers for provisional or non-practising registration; the Local Government Act 2020 to retain the ability to allow for virtual council and regional library meetings; and the Parliamentary Committees Act 2003 to make permanent the ability of joint investigatory committees of Parliament to meet by electronic means. This is very important. We have all seen the benefit of working remotely in terms of committee work; it can lead to considerable efficiencies. These were temporary changes initially of course in light of the COVID-19 pandemic, but it is quite sensible that we implement a permanent provision for them. Obviously the committee changes that we have experienced will apply to any joint investigatory committee established under the Parliamentary Committees Act. These include the Integrity and Oversight Committee, the Electoral Matters Committee, the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee. The measures also apply to any subcommittees of committees established under the Parliamentary Committees Act.

Parliamentary committees that do not fall under those acts can already meet remotely under the relevant standing orders and practices of the Legislative Assembly and Legislative Council. The proposed amendments bring the operation of joint investigatory committees in line with the practice of these other parliamentary committees. I am the chair of the Economy and Infrastructure Committee, the standing committee. We have already been meeting remotely and conducting our business in that manner. That is already allowed as per the standing orders.

Have the measures been effective? The temporary measures have been a very important tool to facilitate both public hearings and delivery of meetings of joint investigatory committees during the COVID-19 pandemic, particularly for regional members of Parliament and stakeholders more broadly. We have as the Parliament of Victoria stakeholders across the state, and I think the travelling of large distances was not possible, but I think during the pandemic we have also learned the value of not needing to travel those large distances in many instances and still being able to make just as important a contribution remotely via online software packages that are available. So I am pleased that those changes are being brought forward by this reform.

The bill also amends acts to support technology-neutral legislation, such as the Pharmacy Regulation Act 2010 to remove impediments to a range of virtual or electronic activities, the Interpretation of Legislation Act 1984 to modernise requirements for public notices in newspaper publications and the Electoral Boundaries Commission Act 1982 to remove physical publication requirements and replace them with online publication requirements and remove redundant provisions of that act—so a very important change that has been reflected on by a number of members in this chamber, but it is important that we move ahead.

The bill seeks to amend acts to support an efficient and effective regulatory system in terms of the Electoral Act 2002, to implement the government's response to the recommendations of the Electoral Matters Committee inquiry into the conduct of the 2018 state election; the Pharmacy Regulation Act 2010, to allow for late fees and late applications for the annual renewal of licences and registration; the Housing Act 1983, to streamline reporting arrangements for registered agencies and ensure oversight by their boards over the registered agencies' reporting against performance standards; the Tobacco Act 1987, to allow for the Secretary of the Department of Health to appoint inspectors from

a wider range of eligible persons and to allow for an infringement enforcement of an existing offence for smoking in an outdoor drinking area that is not separated from an outdoor dining area; and the Essential Services Commission Act 2001, to expand the classes of persons to whom the information-gathering powers of the Essential Services Commission may be delegated.

It makes a consequential change to the Education and Training Reform Act 2006, with minor amendments to correct inaccurate or outdated references to the Education and Care Services National Law Act 2010, the Children's Services Act 1996, the Child Wellbeing and Safety Act 2005, the Public Health and Wellbeing Act 2008 and the Industrial Relations Legislation Amendment Act 2021. All identified Victorian laws will replace references to the Council of Australian Governments, COAG, and related intergovernmental bodies in response to the disbandment of COAG in 2020 and the establishment of the national cabinet.

So it is quite an extensive omnibus bill before us. Most of the reforms, like I said, are sensible, needed and overdue, and they do make improvements in terms of efficiency of these agencies and regulations. The context of this bill is very important to understand too. The bill forms part of the 2020–21 budget's regulatory reform package to support Victoria's economy during the recovery phase of the COVID-19 pandemic and build regulatory resilience to prepare for emergencies. It also supports Victoria's commitment to the commonwealth Council on Federal Financial Relations to prioritise making temporary regulation changes made in response to the COVID-19 pandemic permanent.

It also supports technology-neutral legislation that does not impede the use of digital communications and technologies by business. I think this is common sense. This is an approach that many in the private sector have already adopted. Some had actually adopted this kind of technology-neutral approach before the pandemic. I worked at a national law firm, and we had moved towards a paperless office structure pre-pandemic, and it is amazing to see that in some regards governments lag behind innovative business practices out there in the private sector, where individuals have taken on that responsibility and have changed their practices and ways of working to adjust to the globalised world we live in and, online, the World Wide Web. The COVID-19 pandemic taught us the usefulness of these tools and adapting to the way people are gathering information and seeking information and the way they are conducting business. So it is appropriate that the regulations support that innovation and support the ability for organisations to adapt to those technologies in a changing world.

Obviously a time frame is important with any introduction of new legislation. I know many people are probably wondering why the bill is needed right now, and I think that is an important question. It is needed for a number of reasons. If the bill is passed today, the provisions will commence the day after the day of royal assent, other than a number of minor amendments to the Industrial Relations Legislation Amendment Act 2021 which will commence retrospectively from 31 December 2021. This is because they amend sections 62(1) and (2) of that act which came into effect on 1 January 2022 and need to be rectified to address an error and ensure that the amendments operate properly. The amendments to the Parliamentary Committees Act 2003 to enable virtual meetings of joint parliamentary committees will commence on 25 April 2022, after the temporary amendments lapse. A couple of temporary amendments are already in place to facilitate that; this will just make sure that there is a seamless continuation. The amendments to the Local Government Act 2020 to create governance rules and allow virtual meetings into the future will commence on 2 September 2022. Reforms to the Electoral Act 2002 will commence by 1 June 2022 if not proclaimed earlier. Reforms to the Interpretation of Legislation Act 1984 and public notices will commence by 31 July this year if not proclaimed earlier.

An important aspect of this omnibus bill is the electoral reforms aspect. It has received quite a bit of publicity, and it is a matter that probably concerns all of us. Obviously we are elected through the democratic electoral process, and even if we are not on the Electoral Matters Committee like me or Mr Tarlamis or Mrs McArthur or Mr Meddick and many others, changes to the Electoral Act impact us all. The changes and the amendments to the Electoral Act prohibit persons or organisations from distributing postal vote applications; clarify the requirements related to the use of political signage at

early voting centres; allow early votes to be processed earlier, being 8.00 am on election day—the same time as postal votes; and improve the process for notification of recounts of votes to candidates and political parties.

It is important to understand that there was wide consultation before the bill was brought to this house. The government consulted extensively with the Victorian Electoral Commission, which is supportive of the reforms, but also a number of other sectors, the local government sector and many others that are broadly affected. The VEC's position is broadly supportive in relation to both the Electoral Act and Electoral Boundaries Commission Act changes, and we are responding to the Electoral Matters Committee recommendations from 2018, as I stated earlier.

I guess some may ask: why the changes to the postal vote applications? Registered political parties, candidates and persons other than the VEC will no longer be able to distribute postal vote application forms as part of their own campaign materials to voters. This will ensure voters are not confused or misled as to the source of these application forms, as many electors were mistaking these materials as communications from the VEC. The bill provides that it is not an offence for a person to make available at a post office an application to vote by post, which is provided by the Victorian Electoral Commission to allow for the collection of applications at post offices. This is very important. People can be misguided at times and may believe that material is coming from the official electoral body in instances where it is coming from a candidate. This provides greater clarity.

Another clarity measure that we have introduced is about the rules regarding political signage at voting centres, which I was pleased about. It just clarifies the exact specification of how many we can have. I note my time is running out, but I think it is a good bill overall and improves regulation in our state and is much needed, so I commend the bill to the house.

Sitting suspended 12.59 pm until 2.03 pm.

Ms BATH (Eastern Victoria) (14:03): I am pleased to rise this afternoon to say a few brief words on the Regulatory Legislation Amendment (Reform) Bill 2021. In doing so I would just like to concur with the lead speakers from the Liberals and The Nationals, my colleagues Mr David Davis and Mr Rich-Phillips, who eloquently outlined some of our concerns around this very complex omnibus bill. I will not prosecute blow by blow their contributions, but I will state that quite clearly I support the amendments that have been foreshadowed and circulated by Mr Davis on our behalf. The reason for my jumping up and wanting to make some comments on this bill predominantly relates to our country newspapers and the importance of our country newspapers not only as a way of providing all the local sporting information and news but as a way of disseminating really important goings-on in our region. That also certainly includes what is happening at a council level.

We note that in part 11 of this bill there are over 400 requirements in Victoria for public notices to be published in print newspapers. This bill would seek to change those notices and require them or enable them to go online on a to-be-determined digital platform. We need to embrace digital platforms. We all have our various forms of communication. Our phone is attached to our hip pocket if we are in this place. Other people embrace laptops, iPads et cetera. They are a great way to communicate. But this bill should not remove a very valued source of information from our local newspapers. When you think about country papers—I go into a few homes; certainly before the pandemic many homes—they are often sitting at the end of the kitchen table. People buy them as a trusted source of local information with comprehensive coverage of what is going on in our regions and in our towns. Often the articles are written by the journalists, without doubt, but they also come from press releases supplied, and in those instances the local shire council will supply a press release and that will be published alongside the ad of the day, whatever that might be. That provides some additional information. It fills the papers, yes, but it provides that thorough information.

What we know is that grandparents often buy, as do parents, the paper to see little X or little Y, little A or little B kicking a soccer ball, playing great cricket at the moment or in the tennis team. We love to

see our young people and our children in the newspapers. But by osmosis, sometimes in flicking through the paper you actually get to see and understand some of the issues that council is facing and also some of the adverts, which is really important.

During COVID we know that many of our country papers went to the wall or almost went to the wall. I know I, like many other members with a rural constituency, poured a lot of my electorate office budget into helping support our local regional newspapers, predominantly because shops in all of our great local towns—the shoe shops that would normally advertise in our local papers—were closed. The pubs were closed. They could not offer special deals because they were shut during the pandemic lockdowns under the Andrews government. So I felt that I should do whatever I could in that small way, and I am sure others did the same.

Our print media is incredibly important. We are now glad that people are opening up and the pubs are advertising their specials et cetera, but it is a very vital service that our local newspapers provide. We know that during the course of the pandemic the *Great Southern Star*, which is one of my local papers and which had been in operation for decades upon decades—and the Yarram associated paper as well—closed. It was really sad to see that those papers had closed. We do not want to see any more close, and that is why, no matter how small this operation is of providing funding through the shire councils, we need to keep that.

I would also like to thank the Victorian Country Press Association for writing a very passionate and heartfelt letter, and I am sure others received the same letter, again outlining the negative outcomes if this bill is passed in its existing form.

The Nationals and the Liberals were very clear in identifying that they were going to move amendments to alter this particular part of the bill—to change it, to improve it, to take that requirement for a digital platform away. That was very clearly forecast. The member for Shepparton also, if I can say, got on the bandwagon about it, and then all of a sudden we see the Premier in the lower house kowtowing to her and pumping up her tyres and the government saying, ‘Look, we’ll change this. We’ve made an error’. We need to see our local councils advertising in our local papers.

The other thing that is really concerning is that if we only have a digital platform we know that there are black spots in regional Victoria in communications. Quite often one of us has to go and stand on the roof and turn southwards to pick up the internet if we are all wanting to use it. There are black spots. If we just rely on those connectivities it is going to disenfranchise a lot of people but also cut people out of getting good information. Also, many older people have not embraced or have not had the opportunity to learn about the digital platforms, and therefore having our local papers is very important. As I said before, other members of the Liberals in my team have certainly covered off on some of those other concerns that we have about the bill, and we look forward to putting those amendments to the committee and having them successfully passed through.

Mr BOURMAN (Eastern Victoria) (14:10): I am going to make a short contribution about the amendments, in this case the ones circulated by the government. Originally the issue of advertising in regional newspapers was raised by Ms Sheed in the other place, who subsequently tried to pass a reasoned amendment, I do believe. That obviously failed, being in the Assembly, and she came to me and asked me to push this through. I am not claiming a win in this—the government did what the government did.

Mr Barton interjected.

Mr BOURMAN: It is not my win to have, Mr Barton. But it is clear that other people have a different perspective, and I think that it is a good thing regardless of who did it, because I think it is very easy for people in the suburban and urban areas to forget that not everyone uses a device, not everyone has connectivity everywhere they go. There are some people that just have to or just want to go and sit with their newspaper and read it, and there are a lot of people that are not actually that fond

of electronic gadgets and refuse to use them. We will call it an oversight that it was not done in the first place, but I am glad to see it has been done. With those few words I will take a seat.

Ms WATT (Northern Metropolitan) (14:11): As I rise to speak on the Regulatory Legislation Amendment (Reform) Bill 2021, I would like to note that I am proud to be part of an Andrews Labor government that in less than two terms of government has worked tirelessly to deliver key regulatory reforms that have improved lives and made Victoria a fairer place. In this term alone we have legislated regulatory improvements through automatic mutual recognition, cladding safety, wage theft, gender equality, casino and gambling worker screening and professional engineer registration.

These reforms and improvements make such a large difference in the lives of so very many Victorians, and unlike those opposite, we invest in regulatory reform because we know that good reform needs a kickstart and a helping hand to get savings for the community of Victoria both now and into the future. That is why we have invested \$60 million in over 60 regulatory reform projects across local and state government through the Treasurer's incentive fund and the Regulation Reform Incentive Fund, which is estimated to grow Victoria's economy by almost \$400 million per year and give back Victorians 293 201 days per year in saved time. What an extraordinary number, 293 201—my goodness. We are investing \$100 million in reforms to Victoria's planning system, boosting the state's economy by \$775 million over five years, and creating new construction jobs and shortening permit approval times by an entire month. We have streamlined screening checks for NDIS workers, saving 2800 days per year for applicants, bringing these workers into jobs faster so they can get on with supporting disabled Victorians to live with dignity and respect.

The Andrews Labor government knows that some of the most onerous regulations for Victorians are at the local government level. That is why we have partnered with local governments across the state to streamline and digitise their approval systems, making it simpler and faster for local Victorian businesses to have their applications processed. I would like to run you through a few ways that this bill will assist local councils in my constituency of Northern Metropolitan Region with local government regulatory reforms.

The Andrews Labor government is supporting the Moreland City Council in my electorate of Northern Metropolitan to make planning processes simpler. Funding is being provided from the Regulatory Reform Incentive Fund to develop guidelines and fact sheets about planning scheme requirements. The project will save businesses time and money and lead to quicker approvals. The Victorian government is also supporting Moreland City Council to make it easier for businesses to navigate council approval processes. Funding is being provided to the council to consolidate a range of systems and develop an online business portal. Businesses will experience more streamlined interactions with council and will not have to provide the same information to council multiple times.

The Victorian government is supporting the City of Melbourne to speed up and digitise business permits. Funding is being provided to consolidate, transform and digitise 13 high-volume permits for construction and business and some on-street permits, affecting a total of 31 000 permits annually. This project, jointly funded with the City of Melbourne, will help city businesses in their recovery by reducing the time and costs associated with regulatory approvals.

The Victorian government and the City of Melbourne are also launching an as-of-right pilot program to allow personal trainers to conduct fitness training without a permit across parks in the Melbourne CBD. This program, which uses a notification system and provision of insurance, will boost fitness activities and bring foot traffic back into Melbourne's CBD.

The Victorian government is supporting businesses in the City of Yarra by providing funding to the council for two regulatory reform projects, simplifying council approval processes for planning, building, local laws and health, saving businesses time and money and leading to quicker approvals.

While I am at it, centralising information about high commercial vacancy rates in the City of Yarra activity centres is also being supported so that vacancy data can be more broadly available. The

information is expected to lead to more leasing opportunities for businesses, such as short-term leases and pop-ups. I love a pop-up, so this is great news.

Up in the north of Melbourne in the Northern Metropolitan Region the Victorian government is supporting the City of Whittlesea—there we go—to make it easier for businesses to obtain approvals from council. Funding will be provided to digitise and automate a range of application processes, including low-risk approvals for building permits. The project will save businesses time and money and lead to quicker approvals.

The Victorian government and the City of Hume are launching an as-of-right pilot program to speed up the permit process for local businesses, placing skip bins on job sites, undertaking fitness training in parks and trading on footpaths. This is extraordinary.

This omnibus bill contains a number of key provisions to help with Victorian regulations and prepare us for challenges our state might face in the future. This bill builds on every single one of the legislative recommendations made by the cross-party Electoral Matters Committee inquiry on the conduct of the 2018 state election. This will modernise our electoral system and ensure a fairer and more accessible democratic process. It is important to note, as was brought up by my colleague Mr Tarlamis, that the government held a minority on the Electoral Matters Committee. We had representation from nearly all parties, and it was a committee report which the now Leader of the Opposition, among other members of the opposition, contributed to and signed off on. This means the recommendations we are delivering today are recommendations that both houses and the major parties all agreed to.

A change that has been adamantly opposed is the prohibition of any person or organisation other than the Victorian Electoral Commission distributing postal vote applications. I know that my colleague Mr Tarlamis spoke about this in great depth, so I might take a moment to skip ahead to some other pieces of legislative reform that are proposed in this bill today.

It is true that this bill will also clarify political signage use, and I know that that has been hotly debated as of late. This will allow a candidate to have two signs at voting centres, and in addition to this, registered political parties can have two signs of a specified size at voting centres. The bill will ensure that billboards cannot be displayed while being transported by any means within 100 metres of voting centres. The bill also proposes measures to allow early voting to be processed earlier and at the same time as postal votes, helping election results to be announced sooner to the public. We all know what that means for interested parties in our democracy on election night, so this is indeed good news.

Lastly, the bill will make some small changes to regulation that can be effective at reducing regulatory burden while maintaining the protection the public expects. The bill will also promote an efficient regulatory system by allowing pharmacy businesses to lodge their registration renewal applications late, while requiring a late fee to be paid, and extend the registration period of certain teacher cohorts to help increase the supply of teachers, ensuring that Victorian kids can learn and schools can still stay open in emergencies.

There are also moves in this bill to strengthen the governance of registered housing agencies that provide social housing to people on low or very low incomes. There are also some minor amendments to the Tobacco Act 1987 to allow for better and more equitable enforcement of breaches. This is something that I remember with great interest from my time serving in the health sector.

Moving on from electoral matters and other matters, as just discussed, this omnibus bill will also increase the flexibility of regulators to provide fee relief during emergencies. The current pandemic and other emergencies, such as the 2019 bushfires, have shown that not all Victorian regulators and agencies have adequate powers to waive, defer, refund or reduce fees or other charges. Without these powers Victorian citizens and businesses could be at risk of financial hardship in the next emergency. Within the provisions of this bill we will be enabling all agencies who are paid fees to have the power to waive, defer, refund or reduce a fee declared, during an emergency, when a Victorian is suffering from financial hardship or special circumstances. The fee relief can have an effect for up to six months

after the end of an emergency—because we know lingering financial hardship does not stop just because a declared emergency does.

This bill will make amendments to lock in temporary regulatory changes that have been effective during the COVID-19 pandemic. This bill will give local councils, joint investigative committees, some regulators and regional libraries the flexibility to meet virtually—and I love the idea of supporting and strengthening regional libraries in our state. This means that in emergencies our institutions will be able to legally carry out their duties online. This flexibility will also be at the discretion of those bodies and will be subject to any other laws.

While many others might have Zoom fatigue—I know my eyes are certainly over Zoom and looking at people through a square—we should not forget that lack of accessibility to these forums hampers equitable participation. So it is important to highlight that this change also means that those forum members with accessibility challenges will be much more readily able to attend. This allows parents, carers, disabled persons and others to be able to participate in these forums from home. I think that is one of the silver linings, I suppose you could say, from COVID—that we have allowed much greater accessibility to some of our public services.

The bill will also modernise public notice requirements, bringing the practice into the 21st century. Any public notice that needs to be printed in print newspapers will also have its publishing requirements satisfied by being published online on a designated website. This change will significantly reduce costs and administrative burdens associated with print newspaper publication, while also consolidating information and increasing transparency for the Victorian public. With over 400 requirements across Victorian acts and regulations for public notices to be published, it is estimated that this change will save Victorian businesses and citizens up to \$1700 in print advertising costs per notice—what a very clear benefit to our community that will be. These measures will particularly help new businesses that need to issue public notices before trading as well as businesses pivoting their operations during emergency or other times of change.

We understand, though, how important these print notices are in the local newspaper and also how important these print notices can be for more diverse and vulnerable members of our community. I think particularly of the importance of the Aboriginal and Torres Strait Islander press knowing about what is going on with government—you know, I have found out about what is going on through reading my paper, the *Koori Mail*, on more than one occasion. So this is why these changes will be accompanied by an enforceable guideline that ensures public notices will be published in the medium which is most equitable for their target audience. I think that is a pretty critical change, which I know will be of benefit to many target groups and diverse communities. Public notices only make up around 10 per cent of the government's communication budget, and with the mandatory guidelines the effect on print newspapers should indeed be marginal. These changes build on our successful and uncontroversial change to the Local Government Act 2020, which allows councils to publish their notices online.

I understand that the topic of regulatory reform will not make the headlines in the news this evening. It is not the most exciting aspect of work for this government. But you know what? I am a little bit excited about it. This bill will have a real and tangible impact on the lives of Victorian people and businesses and the future of small businesses and businesses right across our state. This is indeed a good day for Victorian businesses. This is in stark contrast to what we inherited. The appointment of a dedicated Minister for Regulatory Reform will help coordinate our reform agenda across government, and I take this moment to acknowledge the Minister for Regulatory Reform for the work that he has been doing in transforming our state. You can see the depth of the efforts that he is going to to change regulation here in our state by this bill before us today, so thank you to the Minister for Regulatory Reform.

This bill not only saves time and energy for new investments, new jobs, new technology and new services; it also still protects against the risks that those regulations were created for in the first place.

And for all Victorians it can affect their access to services, their participation in our democracy, the way they spend their time and the costs they face to meet their obligations.

The Andrews Labor government believes in regulatory reform. We want to let Victorian people and businesses get on with the job, but we will do it without compromising the protection that regulations provide. Can I just say through this I am looking forward to more pop-ups, more shops and stronger small businesses across our state.

Ms LOVELL (Northern Victoria) (14:26): I rise to speak on the Regulatory Legislation Amendment (Reform) Bill 2021. To quote Mr Quilty, ‘I will be brief’, because I only want to speak about a couple of small points in this bill. The Liberal Party has quite significant concerns with this bill, but the speakers who have gone before me have outlined most of those.

I would like to speak about the government’s provision in the bill that public notices would no longer be printed in newspapers. This showed a true lack of understanding of country Victoria, and even suburban Victoria, by this government. They felt that everybody was connected to the internet and would be searching through a number of websites on a daily basis to see when public notices were issued. There are, as Ms Bath pointed out, over 400 requirements for public notices to be issued in print media, and certainly Victorians do not have time to be searching through all of those websites to see if notices have been published on a daily basis.

Certainly for country Victoria it showed a real lack of understanding of the importance of our community newspapers. Our newspapers are not just a source of information. They are a way of connecting our communities and making sure that we are connected to what each other is doing and what is going on in our communities. Important notices, like calls for nominations to hospital boards, for instance, could be very easily missed, and locals would be cut out of participating in that governance structure in our communities.

Also—and I think this is perhaps more a country issue than a city issue—not everyone is as computer literate as the government may think they are and not everyone has access to the internet, particularly in country Victoria where sometimes the connections are particularly bad. We saw this when the government had their silly requirement that those of us who lived in border communities would have to have border passes to pass into New South Wales during the COVID pandemic. What we saw was a lot of elderly people were not able to access those border passes because they did not have access to the internet and our neighbourhood houses were overrun with people coming in needing access to the internet and assistance in gaining those border passes—

Members interjecting.

The ACTING PRESIDENT (Mr Gepp): Members, it is getting increasingly difficult to hear, and it is probably distracting for Ms Lovell. If you need to have a conversation, could I ask you to move to the back of the chamber so we can have the contribution heard in silence.

Ms LOVELL: Thank you, Acting President. It was particularly distracting; there was quite a lot of chatter going on in the chamber. Now I have forgotten where I was at. I think I was talking about the number of people who presented to neighbourhood houses for border passes and the difficulties that people had with that. It does show that not everyone is connected to the internet, and it is very important that these notices continue to be published in our country newspapers. As Ms Bath also pointed out, our country newspapers are finding it tremendously difficult financially, and they do rely on a lot of advertising. But I think even more important than that—as important as it is for them to be financially stable—is that locals have access to that information via their newspaper rather than having to search through hundreds of websites on a daily basis to find the public notices that might relate to their area.

The other point that I wanted to make about the digital world or the requirement of the government not to publish in newspapers is that this is a change that was brought about to this legislation because

the Liberal Party flagged its intentions to move this amendment. As we know, in the lower house the government have tremendous numbers. They listen to nobody. They ignore the opposition and they ignore the crossbenchers in that house. And that happened in the lower house—yes, Suzanna Sheed put up a reasoned amendment, but the government voted against it. They did not listen to her. It was only days after this legislation had already come to the upper house—the Liberals had days before flagged our intention that we were going to move amendments in this house, and it looked like they were going to get support from a number of people in the crossbench—that the government actually got nervous about this. That was when they did their backflip on the advertising in newspapers and said that they would bring in their own amendments. I can say that the government's amendments are not as strong as the Liberal Party's amendments, which deal much more specifically with this particular problem in the legislation. I am glad there are a number of members of the crossbench here. I would encourage the crossbench to look closely at the difference between the Liberal Party's amendments and the government's amendments, because the Liberal Party's amendments are much more strong on this. I would encourage you to support our amendments rather than the government's.

The other part that I wanted to touch on in this legislation was the amendments involving electoral reforms, particularly the bit that prohibits anyone other than the Victorian Electoral Commission from providing a postal vote application. It has been a longstanding provision in this state that the parties have sent out postal vote applications, and many, many Victorians look for that each election. I think this amendment is actually going to be detrimental to postal voters, because they are used to getting their postal vote applications that way and they wait for the one that comes from the party rather than using something that comes as a generic thing from the VEC. I know I am on the Electoral Matters Committee and this was a recommendation of our report, but can I say: that is a committee that is dominated by the government and a couple of members of the crossbench. While I disagreed with this, there was strong support in other circles for this recommendation. It went through as part of the report, but it was never something that I particularly agreed with. As we all know, a committee report is a collective decision; it is not the individual's decision. That is something that I did not support that went through as part of the recommendations of that committee.

With those few words, I endorse the comments of particularly David Davis, who led the debate on this for the opposition and for the coalition. I hope that the crossbench will look closely at those amendments and support the Liberal Party's amendments.

Dr CUMMING (Western Metropolitan) (14:34): I rise to speak on the Regulatory Legislation Amendment (Reform) Bill 2021. Here we have yet another omnibus bill, a bill that amends—if I have counted correctly—32 different acts. The minister said in his second-reading speech that:

A key part of this is ensuring that our regulatory systems continue to be effective in managing harms, while being ... flexible in the face of this—and any future—emergency.

Now, that all sounds well and good. There are changes to allow fee relief during emergencies, the ability for councils and committees to meet online, measures to counteract the shortage of teachers—all these are welcomed. But I do have to say that it is a bit hypocritical that there are changes to allow councils to meet online and to vote on motions but the same privilege is not allowed for members of Parliament. In fact only the other week, when I suggested that the sessional orders regarding remote participation be extended, the ones that we had only a few months ago, there was no support from the government.

As I have seen with similar bills, the government take the opportunity to hide changes to other legislation—changes that they know that many of us would not support. They have just slipped them in, hoping to get them through. I cannot see how changes to the Electoral Act 2002 or the Electoral Boundaries Commission Act 1982 have anything to do with ensuring that our regulatory systems continue to be effective in managing harms.

The proposed changes to the electoral process are typical of this government's attitude to democracy and stripping away the choices of Victorians. As it stands 80 000 people are registered with the

Victorian Electoral Commission (VEC) for a permanent postal vote. Around another 1 million receive information and a postal vote application mainly through political parties. These are often older people and people from multicultural communities. Many of my constituents benefit from receiving this information. In Western Metropolitan over 100 000 of my constituents are over the age of 70 and nearly 80 000 were born overseas. So we know that the number of postal votes is increasing. The Australian Electoral Commission is expecting half of the voters at the federal election to place their votes before election day. My community love early voting—it is seen at council elections and it was seen at the last state election. There were an enormous amount in 2018 doing early voting when we were given the three-week opportunity. Election day was quiet by normal standards.

Normally what motivates this? We all know that constituents actually vote with their feet or want to vote from home. The community love to know they have the opportunity to actually vote from home. When you are disabled, when you are elderly, getting to a polling booth is quite difficult. Sometimes it is in extreme heat and weather or freezing cold. To have the opportunity to be able to do that at home is a most important feature for my most vulnerable residents in Western Metropolitan Region. So what is the government's motive behind this? It cannot be due to complaints, because the number of complaints received about postal voting is minimal—so, so small; tiny, absolutely tiny. Really we get applause for actually being allowed to have postal voting. We get applause for having that online ability to vote for councils from home and receiving their ballots at home as well as that information about each candidate and those kits. So it cannot be cost cutting, as it is paid for normally by the parties and it is not coming out of the government's purse. Could their motivation be that they feel it actually favours minor parties, that it actually favours independent candidates, who cannot afford mail-outs to older residents, to large multicultural communities? Maybe they feel this favours them, or could it be that it favours the opposition—protest voting? There is no good reason that the government can give for this proposed change.

The change regarding signage at polling booths also is not very well thought through. How many polling booths are located in church halls, in schools, in community centres—all located on main roads? Since billboards cannot go within 100 metres of a polling booth, are we meant to have billboards being driven around suburban streets? I see that some premises will be exempt under these regulations to be drawn up by the VEC, yet again we are asked to pass a bill before we know what these regs are.

The next major change that I have a problem with is the change to the publication of public notices. Now, others have raised the importance of these public notices to regional media and the effect this will have on them, our local papers. Now, the community relies on their local media or suburban or regional local news and information. I hear that the government believe they are going to save money. It is such a small cost. What about independent media?

For me, I feel that this actually is just adding another layer on a process that has been working to date, and you are burying the information. You are going to be burying that information in the VEC website, in a government website, and we all know how difficult that website is to actually navigate. If you have ever been a candidate, if you have ever tried to actually get any information on the VEC website, it is absolutely a minefield. It is not user friendly. So to think that you are not going to have public notices in public papers and to suggest that this is saving costs, I would say that you are just burying the information in the web and making it very difficult for voters and constituents to find it. There is an old saying: 'If it's not broken, you don't need to fix it'. For me, I feel that the current system runs quite well. We have not had the complaints around postal voting.

One of the other interesting aspects that I have heard about through this debate today, and I think the government mentioned this, is the push for voter ID. I have heard the debates federally around that. For me, I welcome the opportunity for this state government at some stage to actually go down the path of voter ID. Why do I say this? Because our electoral rolls are full of names—full of names. If you have ever witnessed, like me, a council election and the return-to-sender information sent back to the VEC, they have a room full of ballots that have gone out to the wrong address—ballots that have

gone out and the person has actually moved and the roll is not up to date. It is really a simple task to actually have people be able to go to the voting place and be able to show voter ID and to actually have their vote recorded. We also know that the political parties use this as a tactic. There are many times that there is multiple voting. So in other words—

A member: Vote early, vote often.

Dr CUMMING: That is exactly right. It is a party motto: ‘Vote early, vote often’. Why? Because you can actually go from booth to booth and go, ‘My name’s Catherine Cumming. I’m here to vote’. And then you go to the next booth: ‘My name’s Catherine Cumming. I wish to vote’. I will go to the next booth: ‘My name’s Catherine Cumming. I wish to vote’. There is no ID required. You get your name marked off, you vote and they stick it in a box. They do not know which vote is Catherine Cumming’s. All you receive is a letter from the VEC saying, ‘Excuse me, Catherine Cumming, I see from our records from all of these rolls that you have voted 20 times. Is that at all possible?’. And all you need to reply is, ‘No, I only voted once’. There is no CCTV to say otherwise at schools and at other places, and there are multiple votes. If you times that by the political parties, they have got their armies and teams going around doing that. Bussing—I have seen bussing. I have seen busloads going from booth to booth, jumping out and voting like this.

A member interjected.

Dr CUMMING: Yes, I have in my 25 years of experience. And you cannot do anything about it, because when they go into that voting centre voting is done secretly. There is no way of stopping this without actually providing ID, because if you show ID you cannot do multiple voting. I would love our electoral system to be cleaned up. I would love it not to be hidden under the pretence that somehow it is about your privacy—it is not. You should only be allowed to have one vote at one booth by showing your ID. But this current system, the system that I have witnessed all my life, is totally corruptible. I have witnessed firsthand people coming in with a different coloured T-shirt, with a different hat, and you cannot stop them. You can call the police; it does not stop them. If you bring it up with the VEC manager on the day, you cannot stop them, because they have got a list, these political parties, and they will go in with that list from the roll and they will go and vote multiple times.

I would love our system to be cleaned up, but I would also love this government to actually spend some money where they should, which is actually on teaching people how to vote properly—because that is another tactic. They do not want people, the general public, to come out and vote. They want to make sure that you are so angry that you will walk in there, tick your name off and throw an empty ballot into the bin, not marked, rather than educating the community on how to fill out the ballot properly and make their vote count and educating the community on how our system works in the Legislative Council, in the Senate, in the Assembly, in the lower house—or even at council elections—and on the difference between a preferential voting system or otherwise so that all of their votes actually count. This government would be doing the community a service to actually have voter ID. They would be doing the community a service by teaching them how to vote and making sure that their votes count.

But I must say that since this pandemic the only similar part of the world that I have seen is probably Germany. I think in these next elections, the next federal election and the next state election, there will be a major shift towards minor parties. No matter what kind of cheeky amendments that this government or other governments make to discourage constituents from voting, I believe come November this government is going to see an increase in formal voting. A formal vote is a correct vote. You put the numbers in the right boxes, in the right order, and your vote will count. I look forward to the next election. Even if it does not have voter ID this time around, I promise you that next time around, if I get re-elected, we will have voter ID. We will clean up the rolls. We will stop the unfair elections that I have seen in the past. I do not commend this bill at all.

Motion agreed to.**Read second time.***Instruction to committee*

The ACTING PRESIDENT (Mr Gepp) (14:51): I have considered the amendments proposed by Dr Ratnam on sheet SR91C, and in my view these amendments are not within the scope of the bill. Therefore an instruction motion pursuant to standing order 15.07 is required.

Dr RATNAM (Northern Metropolitan) (14:52): I move:

That it be an instruction to the committee that they have the power to consider an amendment and new clauses to amend the Electoral Act 2002 to implement optional preferential voting in relation to groups in Council elections and to make related amendments to that act.

House divided on motion:

Ayes, 1

Ratnam, Dr

Noes, 33

Atkinson, Mr
Bach, Dr
Barton, Mr
Bath, Ms
Bourman, Mr
Burnett-Wake, Ms
Cumming, Dr
Davis, Mr
Elasmar, Mr
Erdogan, Mr
Finn, Mr

Gepp, Mr
Grimley, Mr
Hayes, Mr
Kieu, Dr
Leane, Mr
Limbrick, Mr
Lovell, Ms
Maxwell, Ms
McArthur, Mrs
Meddick, Mr
Melhem, Mr

Ondarchie, Mr
Patten, Ms
Pulford, Ms
Quilty, Mr
Shing, Ms
Stitt, Ms
Symes, Ms
Tarlamis, Mr
Terpstra, Ms
Tierney, Ms
Watt, Ms

Motion negatived.

The PRESIDENT (14:59): I have considered the amendments proposed by Mr Davis on sheet DD94C, and in my view these amendments are not within the scope of the bill. Therefore an instruction motion pursuant to standing order 15.07 is required.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (14:59): I move:

That it be an instruction to the committee that they have the power to consider amendments to the Local Government Act 2020 to provide for advertising of hardship provisions under the Local Government Act 1989.

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (14:59): The government and I urge other members of the Council to oppose this motion. It is more than unnecessary. I put on the public record today that there will be a bill concerning hardship cases in the local government sector. I agree with you, President, that it is outside the scope. There will be plenty of time for conversation, debate and even a committee stage on these particular issues when I bring that bill to this chamber.

House divided on motion:

Ayes, 16

Atkinson, Mr
Bach, Dr
Bath, Ms
Bourman, Mr
Burnett-Wake, Ms
Cumming, Dr

Davis, Mr
Finn, Mr
Hayes, Mr
Limbrick, Mr
Lovell, Ms

McArthur, Mrs
Ondarchie, Mr
Patten, Ms
Quilty, Mr
Ratnam, Dr

Noes, 18

Barton, Mr
 Elasmr, Mr
 Erdogan, Mr
 Gepp, Mr
 Grimley, Mr
 Kieu, Dr

Leane, Mr
 Maxwell, Ms
 Meddick, Mr
 Melhem, Mr
 Pulford, Ms
 Shing, Ms

Stitt, Ms
 Symes, Ms
 Tarlamis, Mr
 Terpstra, Ms
 Tierney, Ms
 Watt, Ms

Motion negatived.

Committed.

*Committee***Clause 1 (15:10)**

Mr DAVIS: I have a number of questions for the minister in the first instance, and I might, for convenience reasons, seek to ask those questions on the purposes clause of the bill. I would draw the minister's attention to the changes to the electoral arrangements, and I would ask about the postal vote issue. I ask: how many postal votes were cast in the 2018 election?

Ms SYMES: I would not anticipate that that is a matter for the purposes of the legislation. My access to that information would be the same as yours, Mr Davis.

Mr DAVIS: As I understand it, the bill seeks to amend the Electoral Act 2002 and put in a series of rules to change the timing and the presence of scrutineers, require the Victorian Electoral Commission (VEC) to give notice, prohibit the distribution of applications to vote by post by persons other than the Victorian Electoral Commission, provide for the display of signs in the designated entrance of a voting centre and prohibit the display of mobile billboards within 100 metres of an entrance of an early voting centre. I go to clause 1(e)(iii) on page 2 amending the Electoral Act:

to prohibit the distribution of applications to vote by post by persons other than the Victorian Electoral Commission ...

I appreciate the difficulty that the minister may face with omnibus bills that cover a wide range of areas, but this is highly specific. It seeks to prohibit the distribution of applications, so the government must have some understanding of how many postal vote applications are distributed now and how many it imagines will be distributed later.

Ms SYMES: Mr Davis, it is not the quantum that is the motivation for the change.

Mr DAVIS: Well, whether it is the motivation or not, it is the effect. There will be less postal vote applications distributed, and that is likely to have an effect. So my simple question of how many postal votes were cast in the last election is a very simple starting point. The government must imagine that there will be some different number cast in the coming election.

Ms SYMES: Mr Davis, despite my earlier comments that it is not particularly relevant to the bill in terms of the number of postal votes, I do have some information that in the 2018 state election 250 403 electors voted by post compared to 294 571 in 2014. And you will note from the amendments that there is no change to the ability for people to apply for a postal vote. We are not in a position to predict how many people may be seeking to apply for a postal vote in the forthcoming state election.

Mr DAVIS: Minister, it is not strictly correct what you said. There is a change in the ability of people to apply for a postal vote. They can apply directly to the electoral commission, but they cannot apply by the other mechanisms that they can now. So there is actually a change in the opportunities and mechanisms by which you can apply for a postal vote.

Ms SYMES: Well, with that said, there is no change in the eligibility or the reasons that you might seek to obtain a postal vote. So if you want to have a postal vote, you can still apply for one. Nothing changes in terms of limiting people's access to it; it is just a different vehicle to—

Mr DAVIS: Well, it does limit it because there is a mechanism counted out.

Ms SYMES: But we would say that it is an available mechanism; it exists. If you want a postal vote, you can get one.

Mr DAVIS: I just make the point that there will be a reduction in the opportunities.

A member interjected.

Mr DAVIS: Yes, there will. Parties distribute them and have done for many years. Indeed in the federal election—in April or May, or whenever it is—postal vote applications will be distributed there. That is the normal process that has operated for many, many decades, and that will not be available any further. So it actually does restrict the options of people applying for a postal vote. They cannot apply through a party-distributed postal vote.

Ms SYMES: I really do not agree with where you are headed in this line of questioning. My information is that 84 per cent of people who obtained a postal vote went through the VEC, and there is nothing to stop political parties advertising to the public about how to obtain a postal vote through their campaign material. So we do not see that anybody who is seeking to cast a postal vote is in any way—there are no barriers for them to continue to do so or indeed to elect to do it for the first time.

Mr DAVIS: Well, we will have to agree to differ on that matter. How many registered postal voters are there at this point, Minister?

Ms SYMES: I am not sure I would have access to the data of the independent agency, but I will see if we have got anything that will assist with that.

Mr Davis, as I articulated before, we have got the stats for 2014–2018. It is something that becomes available after an election, so we do not currently have stats that would indicate to the house how many people are currently registered. Of course voters can apply for a postal vote from the issue of the writs, from Tuesday, 1 November 2022, until 6.00 pm on Wednesday, 23 November 2022. So in terms of people that are existing registrees, it may not be an accurate reflection or even an indication of how many are likely to be seeking a postal vote for the 2022 election.

Mr DAVIS: Could you just say those dates again for me, please?

Ms SYMES: Voters can apply for a postal vote from the issue of the writs, 6.00 pm on Tuesday, 1 November 2022, until 6.00 pm on Wednesday, 23 November 2022.

Mr DAVIS: So there is only a 22-day period, as I see from that, when you can apply specifically for a postal vote for that election as opposed to being a general postal voter.

Ms SYMES: Correct.

Mr DAVIS: That would seem to me to be just three weeks and one day, and that is quite a short period of time for people to be able to contact the electoral commission and ensure that the electoral commission sends the vote back and then be able to lodge the postal vote as well.

Ms SYMES: Sorry to interrupt, Mr Davis. That is not a new thing. The bill is not doing that. That is not a change.

Mr DAVIS: No, no. But it is closing off one mechanism by which they can obtain a postal vote and have it followed through for them.

Ms SYMES: You can apply to be a general postal voter at any time, and there is nothing to stop the Liberal Party advising people of that if they wish to. It is publicly available information. But in relation to voters that can apply for postal votes, particularly those that may be going overseas and the like, it is generally common practice to apply within the writ window.

Mr DAVIS: But with respect, Minister, the number of postal vote applications is much greater than the general postal vote numbers. My figures, the most recent figures—and these are just from a week or two ago—are actually 97 851. That is the number that are currently registered as of about a week ago. So it is a much smaller number than the 294 571 Victorians who postal voted in 2014 and a lesser number than postal voted in 2018. If you look at the registered group, it is just a bit more than a third of the total number that voted by post at the peak. I ask you another question here: for example, in 2014 where it was 294 000, how many of those postal vote applications came through a party system as opposed to general voter registration?

Ms SYMES: Of the postal votes cast in the 2018 state election, 63 per cent of the applications were made using the online form available on the VEC website, so that was 157 753; 16 per cent of applications appeared to use a form supplied by a political party, so around 40 000; and 5 per cent of the applications were sourced from the post office. The balance of 16 per cent refers to general postal voters and other special categories.

Mr DAVIS: So 16 per cent of 250 000 is the sort of number that you are suggesting.

Ms SYMES: 40 000.

Mr DAVIS: Of 240 000?

Ms SYMES: 40 000.

Mr DAVIS: 40 000 is the number of postal vote applications that came through political parties.

Ms SYMES: Appears to.

Mr DAVIS: Appears to; some may have been triggered by other forms. But my point here is that a significant number of people have chosen to use that system and may not have been able to avail themselves of postal vote applications otherwise—they may not have been aware of them, they may not have had the opportunity, they may not have known where to go. There are a whole range of reasons. People have busy lives. They are not necessarily thinking about how you go and obtain these matters. But if it is put in front of them, they have the option. I think that 40 000-odd number is a significant number. It is 400 or 500 per electorate if you think about a lower house electorate. It is a significant number if you spread it across the 88 electorates. So our concern is that this significant wedge of votes will not find it as easy to postal vote, and that will suppress the voting as it occurs.

I should also note our concern that in fact postal voters were more satisfied than ordinary voters—83 to 81 per cent at the 2018 election—and in that sense we think the decision of the government to put this in the bill is a mistake. We think it will operate undemocratically.

I did point to a lot of commentary in America. There is actually an enormous amount of commentary in America about postal voting. I accept that in America the situation is different, with voluntary voting as opposed to compulsory voting here, and I accept that there are different geographic characteristics in some respects. Nonetheless, Nancy Pelosi said that mail-in voting in the upcoming election would be an essential option for Americans' safety and wellbeing—she said that in 2020. And I could go on. I could read a hundred or a thousand of these from Democrats particularly all around the United States worried about blocking of postal voting and reduced opportunities for postal voting. In that context, Minister, particularly in America, they are keen to see as many people vote as possible, and I think that is a general principle that we would all support. At least I certainly would support it, and I imagine most in this chamber would as a general matter support that.

But the Americans have been particularly worried with respect to COVID, and the fact is that postal vote systems enable people who may be hesitant to attend a polling station, correctly or incorrectly, to vote by another means. I perhaps wonder whether the government has considered the risk that COVID will be back, the risk that there will be another strain, the risk that there may be public health orders

that seek to enforce distancing and other matters. If the minister has had a briefing on this, it would be interesting to hear the government's position about whether COVID could impact on this election.

Ms SYMES: I will take up a few of your points, Mr Davis, although an analogy with America is probably not something I was expecting to spend too much time on. Of course we would anticipate that there would be people in any election year that do not wish to attend voting centres, and that is one of the reasons that we have postal votes available. There is no reduction in the ability for people to access a postal vote. What we are preventing is political parties from being able to effectively pollute ballot papers with their campaign material when people are seeking this information.

There is absolutely nothing to stop political parties directing people where to get or register for a postal vote. The VEC have a very active education component in their role and I am sure will be well placed to provide advice to people about where to access postal votes as well as, I understand, post offices. It is just about ensuring that voters are not confused or misled as to the source of the application forms. A lot of electors mistake the material that comes through from political parties as material from the VEC, and that is a problem, particularly people with English as a second language. So to ensure that it is a fair and transparent process, this is good reform that in no way diminishes people's ability to access a postal vote if they are so inclined.

Mr DAVIS: The minister might answer a further question about COVID. Does the government have any advice on whether there will be any COVID restrictions—distancing, hand hygiene, masks and other matters that we have become very familiar with with COVID? Will there be any of those aspects in place at election time?

Ms SYMES: Mr Davis, it is certainly not a matter for this bill, but in terms of COVID-safe practices, I suspect that they will be in place for some time, as will any practices or measures that protect people's health and safety against any illness or safety concern. But it is not a matter for this bill, and I am not going to speculate.

Mr DAVIS: With respect, Minister, the importance of it is if you are closing off one mechanism for people to vote—

Ms SYMES: We are not.

Mr DAVIS: Well, you in effect are clipping, narrowing, the opportunities for postal votes to be distributed and to be accessed by people. The truth of the matter is COVID will potentially be a risk at the time, and COVID-hesitant voters should have the maximum opportunities, I think you would agree, to vote. In that circumstance it may well be quite misplaced to restrict the opportunities for the distribution of postal vote applications. So we are concerned that if there were further rules and controls put in place, there would actually be a significant risk that COVID-hesitant voters may not have the full suite of options that they have got currently or that they will have at the federal election.

I might leave that as a comment and just ask the minister whether the government has considered the matter of confusion between the state and the federal rules. I appreciate they are not always the same, but with electoral matters and the electoral roll and matters around elections we have tried to keep them roughly consistent. In that circumstance has the government considered whether introducing an inconsistency is actually wise?

Ms SYMES: Mr Davis, there are a lot of comments in there that I do not necessarily agree with. We do not believe that there is any reduction in access to postal votes. The VEC is well placed to give information to voters about where they can obtain postal votes, and in relation to any confusion between federal and state, I think you are selling voters a little short. There have been inconsistencies among many things between state and federal issues connected to elections, and otherwise people have generally worked out how to navigate it. There will be plenty of opportunities for people to access postal votes if they so choose, plenty of avenues to obtain information about how to obtain one and indeed plenty of places to vote on election day or indeed in the period before election day.

Mr DAVIS: Well, again, this might just have to be one of those areas where I record our different views on this matter. We think it does introduce an unnecessary inconsistency and an unnecessary break with traditional practice here. But in terms of the electoral commission's intentions with postal votes, what are the intentions of the electoral commission to advertise postal vote options? Will they—given that there is no distribution by political parties—redouble their efforts? Will they advertise further the options? Will they circulate postal vote applications to every voter in any event via the VEC?

Ms SYMES: Mr Davis, these are matters particularly for the VEC, not for government, but as I indicated earlier in our exchanges, the vast majority of people who access postal votes already get them through the VEC. Particularly at the last election 63 per cent of applications were made using the online form available at the VEC website. We would anticipate that that would increase. Particularly I guess we talk about COVID and having to plan for those contingencies. I think that many Victorians have indeed become quite IT proficient. I am much better than I was pre COVID in terms of being able to access information for these types of matters. The VEC will use all available channels to ensure that voters are aware of their options, and we anticipate that, again, anybody who requires a postal vote will have no trouble in accessing one.

Mr DAVIS: That is a partial answer, and I thank you for that answer, but does that actually mean there will be more availability through the electoral commission of postal vote applications? Will they be distributed widely? Will there be an advertising campaign? Will there be an online campaign? I do not think it is unreasonable where we are restricting access in this way through this bill to be asking what remedial steps, what alternate steps, are being put in place to ensure that people have access to those postal votes if that is what they choose to exercise.

Ms SYMES: Mr Davis, these are matters for the VEC, but, as indicated, the data would indicate that most people are seeking the information directly from them already.

Mr DAVIS: I thank the minister for the response, but if this is passed in this way, the VEC needs to step up and make sure that there is sufficient knowledge and sufficient opportunities. I do not think it has always been very good at getting that message about postal votes out, which is one reason that the parties over the years have stepped in, because it has been an important set of steps.

Ms SYMES: Look, I know that you are fond of tradition, but the amount of people that would be accessing information not through the mail in 2022 but who obtain their information online is bearing out in the data. We anticipate that people will be able to access postal vote information and indeed applications more easily than they ever have before.

Mr DAVIS: I certainly accept the minister's general principle that the shift to online activity will be borne out in part through these sorts of processes. I do not doubt that for one moment. But there are segments of the community that are not so online proficient, older people in particular. You can take a stroll through some areas of the nursing homes in my electorate, and certainly in those areas people are not necessarily online proficient. I think the significance of postal vote applications for them is greater, especially where they are COVID hesitant, as you would expect. Those are, I think, key points.

The other point I wanted to make on these matters is around the prohibition on distribution. Why could the government not have looked at a way of preregistration for postal vote applications? That is in our amendment, and you will have seen that. Why could the government and the VEC not have had a system of preregistration of a particular form?

Ms SYMES: The VEC has a direct relationship and the ability to have people apply to be a general postal voter or you can apply within the window. So what gap are you talking about?

Mr DAVIS: It is the distribution by parties, which has traditionally happened. But if there were some difficulty with a particular application form, surely that could be dealt with by a preregistration

arrangement where the party would put that in front of the VEC and the VEC would authorise it or not.

Ms SYMES: A party preregistration process?

Mr DAVIS: Well, a registration for a postal vote application form. The party would produce a postal vote application form and would put that to the VEC.

Ms SYMES: No, that is not government policy.

Mr DAVIS: Did the government investigate such an option?

Ms SYMES: I am not the relevant minister in relation to those considerations, but it does not sound like a very good idea to me considering our proposed amendments are to prevent political interference with the democratic process of voting. We are of the view that direct contact between the voter and the VEC is more appropriate than political parties attempting to intervene in the process between application and voting.

Mr DAVIS: Can I just indicate that I have circulated my amendments, so when we get to the relevant point I will move them.

Mr LIMBRICK: I have just got one question around clause 60, if I may just do it in clause 1—if that is convenient. It is around the changes in subclause (2). It changes the reference to an offence and updates the offence, and the offence is around a tobacco or e-cigarette company intentionally or recklessly contravening or causing another person to contravene the act. It is my understanding that e-cigarette premises are responsible for the signage and display and these sorts of things, but I cannot understand how an e-cigarette company could cause an e-cigarette retailer to contravene this and trigger this offence. Could the minister provide some clarification on what type of activity this is actually trying to prevent?

Ms SYMES: I will just seek some advice. Because we have jumped to a different section we have different people, so give us a second to catch up. I might get you to repeat the question, if that is okay.

Mr LIMBRICK: I will repeat the question for the benefit of the advisers. Clause 60(2) updates an offence of a tobacco company or an e-cigarette company intentionally or recklessly contravening or causing another person to contravene. This is unclear to me because in an e-cigarette retailer premises the owner of the store is responsible for the signage and display of products, and I am unsure how an e-cigarette company could cause a retailer to trigger that offence. My question is: what type of activity is this offence actually trying to prevent?

Ms SYMES: Mr Limbrick, I am advised that it is actually not the creation of a new offence there, it is just aligning the legislation within it. That is not referring to a new offence. It is an existing offence.

Mr LIMBRICK: Yes, I am aware it is an existing offence. I am just asking what it is trying to do. I realise we are just updating the references, but with this offence I cannot understand how an e-cigarette company could cause an e-cigarette retailer to trigger that offence and therefore what the offence would actually be seeking to prevent.

Ms SYMES: Mr Limbrick, I will come back to you on that. We are just going to get some advice from the advisers for the health part of the omnibus bill who are in the vicinity. I will come back to you with a bit more detail in relation to that.

Mr DAVIS: I move:

1. Clause 1, page 2, line 32, after “Commission” insert “or as approved by the Commission”.

As I said earlier, there is much in this bill that we agree with, and its omnibus nature means there are many different parts. But the other part that I would draw the minister’s attention to relates to the requirements on notices in newspapers. I notice the government’s amendments that have been

distributed. The first amendment says they will omit ‘whether circulating generally in Victoria or in a particular locality’ and insert ‘circulating generally in Victoria’. There is an amendment to clause 38 which adds ‘approved’, and another to clause 38 which inserts:

“(2A) For the avoidance of doubt, subsections (1) and (2) do not apply to any requirement under an Act, a statutory rule or any other subordinate instrument to provide for the publication of a notice published in a print newspaper in a particular locality.”.

I note the explanation made by Minister Leane earlier. I have no doubt the minister will make a further comment on this as she moves towards moving the amendments. We are obviously concerned with the government’s original intent here, which would have stripped away the scale of advertising in many country publications, and small city publications I should say too. That obviously concerned us a great deal. Consequently our amendments that were circulated seek to ensure that where:

... a statutory rule or any other subordinate instrument for notice (however described) to be published in a print newspaper applies in respect of any locality or part of Victoria which is regional Victoria, publication—

(a) must be in published in a print newspaper circulating in that part of regional Victoria; and ...

It goes on, but the point I wanted to make here, and I think it is worth having the discussion now and then I will ask some broader questions, is our view is that the government’s amendment is a positive step but does not go far enough. Our view is that our amendment overlaps in part but is more precise than the government’s amendment and consequently provides greater certainty and greater security for those smaller country papers in particular, where our concern was greatest.

We certainly felt that the change the government was making, and I accept that the amendment is a sort of partial step in a useful direction, was very likely to impact directly on those country newspapers. It is clear that their subscription bases in many cases are relatively small. Their advertising has in some cases diminished. COVID has had an effect more recently too, and I think it is worth putting that on record. In those circumstances we think those country papers in particular provide a very important service, a very important protection for their community, a vehicle by which local issues and discussions are ventilated, local issues and discussions are focused upon. Without that support of government through the notices, and similarly advertisements, there was a risk that there would be a diminution in the position of those papers, a risk to the viability of some papers, and we were very concerned indeed to see what would occur there.

If those papers were diminished in that way, I think it would be a terrible loss for those country communities. The failure to have a paper circulating affects democracy, it affects the ability for communities to act cohesively, because they have shared understandings that come through their newspapers in this case. Now, I accept of course that there has been significant change with respect to electronic means and electronic advertising and the place of Facebook and the internet more broadly. There is no question of that, but still in many country communities the small newspaper plays a very important role. It plays a role that would see the position of those country papers put at risk if the government pulled its advertising, as was certainly proposed in the original version of this.

Now, I do note that I heard the Premier’s—let me choose my words carefully—intemperate approach in the lower house on this matter, and whilst I welcomed his decision to reverse the government’s position, I thought some of it was a little disingenuous too. It was on the Wednesday. The opposition had directly flagged its amendments, and then the Premier had something of a conversion experience where he then stepped back from the government’s earlier position and said, ‘We will put in some protections for those country papers’. I do not want to be churlish about it, but I do not think the amendment quite goes far enough. It does not provide quite the clarity and security and certainty that I think some of those smaller country papers deserve and should have.

I might start with the first question to the minister, just to understand the context on this matter, and just ask: does the government have a figure as to how much advertising was to be affected by its

original proposal? That is the bill that we have got here in front of us. And how much advertising would be diverted back to country papers by their own amendment?

Ms SYMES: Mr Davis, the way you have constructed that is just incorrect. The government's house amendment is to provide clarification and a guarantee against something that was never going to happen. To suggest that it was the government's original intent to strip advertising from local papers is a falsity, so let us just start there. This house amendment will guarantee the status quo. It will ensure there can be no scare campaigns and that we can give an absolutely clear message that cannot be tainted about our intention to continue to support our local papers. You gave a very long speech about the benefits of them; I do not intend to repeat that. But on those points we agree, so I would put that on the record.

The government's proposed house amendment clarifies that regional and local newspapers will be left no worse off by the government's changes to regional public notices. The original intention was that we were going to do this in regulations anyway, but this is sending a really clear message that cannot be scrambled by any political interference. The amendment will mean that any notice that is required by law to be published in a print newspaper circulating in a particular locality will remain unchanged after the bill is passed. In practice it will mean that all types of public notices that are currently required to be published in a regional or local print newspaper will continue to be required to be published in those papers. We are confident that our amendment is sound, it is neat and it will deliver that outcome, and we welcome members to support that.

Mr DAVIS: Just on the simple question, then, of how much advertising currently comes through those mechanisms into country papers, does the minister have figures to that effect?

Ms SYMES: No. I will see what I can get for you if you like, but that is not directly relevant to the bill.

Mr DAVIS: I appreciate that the minister might not have them to hand, but we would certainly appreciate those figures. I think it is relevant to the bill because the bill did tamper, at a minimum, with the likelihood of that advertising, and—

Ms SYMES: Actually I have got a sort of figure for you.

Mr DAVIS: Sure.

Ms SYMES: I have just been advised—it does not really give you an actual figure, but I guess it could give you a sense of the quantum—that 12 per cent of government spending goes through public notices. I think also I would draw your attention to the support and continuation through COVID. It was directly the aim of government to support local papers by continuing advertising through a period when perhaps others were not as well placed to do so.

Mr DAVIS: So 12 per cent of all government advertising, is that what you are saying? So that will be a figure that you can come back with relatively quickly. I think it is the case that the small country papers publish increasingly online these days too, and that is an important aspect. I wonder if the minister might outline the government's intention with respect to online advertising of that type?

Ms SYMES: Mr Davis, our commitment is in relation to the continuation of public notice advertising through local papers. We have not been specific in relation to the platform.

Mr DAVIS: So how will we get an understanding of the break-up between the different platforms? How will we understand that?

Ms SYMES: We can provide you with the overall figures, but we do not distinguish between the online and the print version for each paper. Sometimes you get a package and that includes both.

Mr DAVIS: Yes, I get that, but nonetheless there still should be some capacity to separate those out. There must be some. You may not be able to do it right now, I understand that. So, Minister, when

we talk about country papers I just want to also be clear that this includes the regional papers, the dailies, as well as the small weeklies, the small biweeklies and the less common still in some cases. The second question I would then ask is: will this apply to any of the small city papers as well?

Ms SYMES: Yes, Mr Davis, it includes all of the ones that you have mentioned, which is why we use the language ‘in a particular locality’.

The DEPUTY PRESIDENT: Mr Davis’s amendment 1 is a test for his amendments 3, 4 and 5.

Committee divided on amendment:

Ayes, 15

Atkinson, Mr
Bach, Dr
Bath, Ms
Burnett-Wake, Ms
Cumming, Dr

Davis, Mr
Finn, Mr
Grimley, Mr
Hayes, Mr
Limbrick, Mr

Lovell, Ms
Maxwell, Ms
McArthur, Mrs
Ondarchie, Mr
Quilty, Mr

Noes, 19

Barton, Mr
Bourman, Mr
Elasmar, Mr
Erdogan, Mr
Gepp, Mr
Kieu, Dr
Leane, Mr

Meddick, Mr
Melhem, Mr
Patten, Ms
Pulford, Ms
Ratnam, Dr
Shing, Ms

Stitt, Ms
Symes, Ms
Tarlamis, Mr
Terpstra, Ms
Tierney, Ms
Watt, Ms

Amendment negatived.

Clause agreed to; clauses 2 to 22 agreed to.

Sitting suspended 4.05 pm until 4.21 pm.

Clause 23 (16:21)

Mr DAVIS: I move:

3. Clause 23, line 4, after “(3B)” insert “and (3C)”.
4. Clause 23, line 11, omit ‘Commission.’ and insert ‘Commission.’.
5. Clause 23, after line 11 insert—

‘(3C) It is not an offence under subsection (3A) for a person to make available or distribute an application to vote by post if the application to vote by post is approved by the Commission.’.

These amendments arguably have already been tested; nonetheless, I think they are of great importance. We believe these are matters of huge principle. We have come up with what we think is a sensible and elegant solution to any concerns the government may have. Simply to read amendment 5:

5. Clause 23, after line 11 insert—

‘(3C) It is not an offence under subsection (3A) for a person to make available or distribute an application to vote by post if the application to vote by post is approved by the Commission.’.

It is a pre-vetting process. The commission can say yes or no. We think it is an eminently reasonable position.

Ms SYMES: This is in the category of Mr Davis and I agreeing to disagree.

Amendments negatived; clause agreed to; clauses 24 to 37 agreed to.

Clause 38 (16:23)

Ms SYMES: I move:

1. Clause 38, lines 17 to 19, omit “, whether circulating generally in Victoria or in a particular locality,” and insert “circulating generally in Victoria”.
2. Clause 38, line 22, before “approved” insert “an”.

We have articulated why I am moving these amendments. This is to ensure that the status quo for regional paper advertising remains unchanged. It was in the last parliamentary sitting that the Premier gave assurances that the government would amend this bill, and this is delivering on that commitment. The government’s proposed house amendments will clarify that regional and local newspapers—so suburban or even small city, depending on locality, papers—will be no worse off with the government changes to regional public notices. The amendment will mean that the requirements for any notice that is required by law to be published in a print newspaper circulating in a particular locality will remain unchanged after the bill has passed. In practice this is mainly about public notices that are currently required to be published in a regional or local print newspaper. They will continue to be required to be published in those papers.

This set of words that the government are proposing covers in particular regional papers and, as I said, particularly those suburban papers that many members would be familiar with. We have a competing set of words from Mr Davis. I will allow him to speak to his amendment, but I think we might just need to make sure we are very clear about what is being proposed to the house. He effectively proposes that the bill incorporate two sets of words, where we would say that our words cover the field and in fact are more precise and do not create ambiguity around a particular locality. We are concerned that Mr Davis’s wording in fact is a bit messy and could create confusion around particular localities, and although it calls out regional papers, it might do that to the exclusion of others.

What I am particularly concerned about is that if we are to pursue both amendments in this respect—of course we can do anything by agreement in the house—this would be a very unusual situation, where we would be sending a less than perfect bill to the Assembly. We would be asking them to consider a bill where we would have to renumber it and say, ‘Hey, we’ve got a guarantee written this way, and we’ve got a second guarantee written another way’. I do not think that that is professional. I think it would be an indictment on this house to agree to such a clunky bill. Of course there is no obligation to send a perfect bill to the Assembly, but it is something that I would strive to achieve in most instances. In this instance it is so obvious that this would be less than perfect that I would urge members to consider that.

We would say that our amendment is superior to your amendment and should cancel out your amendment, but I do understand, Mr Davis, that you still intend to put it and still intend to seek a division on that. Of course the will of the house will hold.

Mr DAVIS: It is worth stepping through the history of this just a little to understand what has occurred here. We did indicate in the last sitting week on the Monday that we would in fact be moving these amendments. We indicated the nature of those amendments, to protect country papers in particular. The Office of the Chief Parliamentary Counsel I think have done quite an elegant job, contrary to the minister’s view, in turning my intentions into a very smooth piece of amendment to the legislation, so I pay tribute to the new parliamentary counsel team.

But leaving that aside, I do accept that there is overlap. I just think that ours is more clear and more certain than the government’s position. There is doubt and, indeed I might say, ambiguity about what the government will do with their approach. It is also the case that whilst there is overlap there is not a point of tension that we cannot accommodate. It is one of those—you know the old-fashioned expression—belt-and-braces approaches. You have a solution that actually provides greater assurance rather than lesser assurance—so the sum of the parts may be greater than the individual bits. I think in this circumstance the clarity that is provided to country newspapers in particular is important. We will

support the government's amendment, and we would urge the government to likewise support our amendment to add, as I would say, to a belt-and-braces approach.

Mr GRIMLEY: Derryn Hinch's Justice Party believe that the government has the smoother of the two amendments, I suppose, if I can put it that way. We strongly support the continued publication of notices in regional and local newspapers. We have worked closely with the government also on this issue since the bill was introduced and on the amendment that was needed to ensure that publication of notices in print media could continue in regional areas. The government's house amendment deals with this issue we believe sufficiently, so we feel that the amendment proposed by the opposition is not required.

Mr BOURMAN: I am in concurrence with Mr Davis in that I think it is a little smoother, and I am happy enough to go with that because we all need a smooth way out of this place this afternoon.

Mr MEDDICK: There is nothing smooth about me. Like Mr Grimley and like many of my colleagues whose areas have large regional representation, the matter was raised with me several times about this continuation of advertising in regional newspapers. I know that Mr Bourman was going to bring in an amendment, which he has since dropped since the government have looked at this, have corrected it where they thought it needed correcting and have brought the house amendment, which actually covers this off very well. I concur with Mr Grimley on that, so I will be supporting the amendment.

Ms SYMES: I just want to put on record that I think we are all in furious agreement here. I have articulated that there was never any intention to deprive country or suburban newspapers of this advertising. It was going to be picked up in regulations by government, but of course when you do not legislate something, some people get a little bit worried about that so we wanted to make sure that we had a house amendment that covered the field. Indeed, Mr Davis, your amendment has an identical intention, but it is our view that ours does cover the field. Yours is unnecessary, but I do commend you for having the exact same intent as ours, and our opposition to your amendment is not opposition to its intention.

Amendments agreed to.

Mr DAVIS: My amendment 6, as we have outlined, is a belt-and-braces approach in this context, but we think that it is important and we think that the clarity is important. In that sense I agree with the Attorney about the intent now, but we were concerned where the government began. It is not clear why they began in that position in the first place, but we are moving in the right direction. I move:

6. Clause 38, page 25, line 2, after "subsection (1)" insert "or, if subsection (2A) applies, by complying with the requirements set out in subsection (2A)".

Committee divided on amendment:

Ayes, 12

Atkinson, Mr
Bach, Dr
Bath, Ms
Bourman, Mr

Burnett-Wake, Ms
Davis, Mr
Finn, Mr
Limbrick, Mr

Lovell, Ms
McArthur, Mrs
Ondarchie, Mr
Quilty, Mr

Noes, 21

Barton, Mr
Elasmar, Mr
Erdogan, Mr
Gepp, Mr
Grimley, Mr
Hayes, Mr
Kieu, Dr

Leane, Mr
Maxwell, Ms
Meddick, Mr
Melhem, Mr
Patten, Ms
Pulford, Ms
Ratnam, Dr

Shing, Ms
Stitt, Ms
Symes, Ms
Tarlamis, Mr
Terpstra, Ms
Tierney, Ms
Watt, Ms

Amendment negatived.

Ms SYMES: I move:

3. Clause 38, page 25, after line 2 insert—

“(2A) For the avoidance of doubt, subsections (1) and (2) do not apply to any requirement under an Act, a statutory rule or any other subordinate instrument to provide for the publication of a notice published in a print newspaper in a particular locality.”.

These issues have been well canvassed, but these amendments are intended to clarify that regional and local newspapers will be left no worse off by the government’s changes to regional public notices. The amendment here will insert a requirement for notices to be published in newspapers in particular localities if there is a requirement under an act, statutory rule or subordinate instrument.

Mr DAVIS: In line with the discussion we have had, we will support this amendment.

Amendment agreed to.

Mr DAVIS: I move:

7. Clause 38, page 25, after line 2 insert—

“(2A) Despite subsection (1), if a requirement in an Act, a statutory rule or any other subordinate instrument for notice (however described) to be published in a print newspaper applies in respect of any locality or part of Victoria which is regional Victoria, publication—

(a) must be in published in a print newspaper circulating in that part of regional Victoria; and

(b) in addition, may otherwise be published in a manner specified in subsection (1)(a) to (c).”.

Again, this is belts and braces. We want to be quite clear. It is an important amendment. It is not inconsistent with the government’s position; in fact it makes it sharp and clear.

Ms SYMES: The government is not in a position to support this amendment because I disagree with Mr Davis that it provides belts and braces. It is just another set of words saying the same thing and in fact will create confusion for people because we will be sending a bill to the Legislative Assembly effectively asking them to agree to two separate clauses that say the same thing in a slightly different way. I cannot see how that is in any way a reflection of what this house should strive to do, and that is to provide simple laws for people to follow.

Committee divided on amendment:

Ayes, 11

Atkinson, Mr
Bach, Dr
Bath, Ms
Bourman, Mr

Burnett-Wake, Ms
Cumming, Dr
Davis, Mr
Finn, Mr

Lovell, Ms
McArthur, Mrs
Ondarchie, Mr

Noes, 23

Barton, Mr
Elasmar, Mr
Erdogan, Mr
Gepp, Mr
Grimley, Mr
Hayes, Mr
Kieu, Dr
Leane, Mr

Limbrick, Mr
Maxwell, Ms
Meddick, Mr
Melhem, Mr
Patten, Ms
Pulford, Ms
Quilty, Mr
Ratnam, Dr

Shing, Ms
Stitt, Ms
Symes, Ms
Tarlamis, Mr
Terpstra, Ms
Tierney, Ms
Watt, Ms

Amendment negatived.

Amended clause agreed to; clauses 39 to 59 agreed to.

Clause 60 (16:48)

Ms SYMES: I am just following up on a question on notice for Mr Limbrick. He asked about the offence in relation to the Tobacco Act 1987, particularly in relation to e-cigarette retailing premises and the obligations or even the situations where a company may cause them to be in breach of the act. I am advised that it may be that a company supplied certain advertising material and asked the retailer to put it up, and that might be a contravention of the act. Another example could be that the company supplies a product knowing that it is banned under a ban order in the Tobacco Act.

Clause agreed to; clauses 61 to 78 agreed to.**Reported to house with amendments.**

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (16:49): I move:

That the report be adopted.

Motion agreed to.**Report adopted.***Third reading*

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (16:50): I move:

That the bill be now read a third time.

The PRESIDENT: The question is:

That the bill be now read a third time and do pass.

House divided on question:*Ayes, 24*

Barton, Mr
Bourman, Mr
Elasmar, Mr
Erdogan, Mr
Gepp, Mr
Grimley, Mr
Hayes, Mr
Kieu, Dr

Leane, Mr
Limbrick, Mr
Maxwell, Ms
Meddick, Mr
Melhem, Mr
Patten, Ms
Pulford, Ms
Quilty, Mr

Ratnam, Dr
Shing, Ms
Stitt, Ms
Symes, Ms
Tarlamis, Mr
Terpstra, Ms
Tierney, Ms
Watt, Ms

Noes, 10

Atkinson, Mr
Bach, Dr
Bath, Ms
Burnett-Wake, Ms

Cumming, Dr
Davis, Mr
Finn, Mr

Lovell, Ms
McArthur, Mrs
Ondarchie, Mr

Question 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.

LIVESTOCK MANAGEMENT AMENDMENT (ANIMAL ACTIVISM) BILL 2021*Second reading***Debate resumed on motion of Ms SYMES:**

That the bill be now read a second time.

Ms BATH (Eastern Victoria) (16:57): I rise late today to make my contribution on behalf of the Liberals and The Nationals as lead speaker on the Livestock Management Amendment (Animal Activism) Bill 2021. This bill started three years ago. Victorian farmers have waited for two years for this legislation to come into the house, and it appears to me that they are going to have to wait longer if the government shuts down debate on this bill this evening—a further delay in having vital protections for our law-abiding farmers in terms of their property, their stock, their farms and their families. The Nationals and the Liberals will not be opposing this bill. However, we feel that there could be far greater strengthening in it, and I will be circulating amendments to that effect in the coming few moments.

Before I start, put your hands up if you have had some breakfast, lunch or afternoon tea today. A farmer was the one, or multiple farmers were the ones, who created your nourishment. If you are wearing clothes of cotton or wool, a farmer was the one who developed that, processed that and created that for us. I pay tribute to our Victorian farmers, to Australian farmers. Food, fibre—they clothe, they feed, they shelter us, paddock to plate. Primary producers deserve our respect, and this bill is part of a long road to gain more of that respect and value them. The value that the Victorian agricultural industry as a whole contributed to Australia's wealth was 30 per cent of Australia's gross value in the year 2019–20, around the \$18 billion mark—a significant amount. There is the livestock component—beef, sheep, wool, goats, turkeys, rabbits, chickens, eggs, the whole range. These people do enormous amounts of work every day to feed and clothe us.

But they have been subject to animal activism—invasion of their homes, invasion of their privacy, fear for their safety and fear for their animals—as we discovered in an inquiry that I established back in 2019. The government has had two years to look at those recommendations from that inquiry, and it has been very, very tardy in not treating those farmers with respect. It has been three years since I sat at the table of Penny and John Gommans with their manager, Paul, to discuss and go through those harrowing experiences that they and their staff experienced on the early morning just before Christmas when 70 activists stormed onto their property at daylight, created havoc, created fear, stole animals and subsequently over time harassed and intimidated their Gippy Goat Cafe and in effect through a targeted campaign harassed also via social media families who visited that fantastic establishment, to the point where their business with a turnover of \$800 000 a year was closed. This was a targeted, exacting, army-style invasion, and it has had shocking repercussions ever since.

Now, how did this happen? Was it unplanned? Did it just randomly occur? No, it was a highly planned strategy. Aussie Farms was Chris Delforce's baby, in effect. It was the animal activist's guide to farm invasion, the how-to of unlawful activism. You could go online and see thousands upon thousands of farms, which were also people's homes. Thousands of people were able to be assessed and to be targeted by activists. Now, very clearly and thankfully, the Australian Charities and Not-for-profits Commission removed Aussie Farms from registered charity status in 2019.

After speaking with John Gommans, it was amazing that other people came out. Other people brought forward their information, their concerns and their cases of harassment, and so I moved a motion in this house. The government tinkered with the words, but the inquiry was born. Many people contributed to that. We had 500 submissions, hearing from the department, community members, animal activists themselves, and importantly also the ag sector, the Victorian Farmers Federation, Meat and Livestock Australia and farmers. We went east into Gippsland, to Warrnambool, to Horsham and to Wangaratta, and we provided a forum for people to speak the truth and for us to learn.

I am pleased to see that this bill incorporates recommendations 4 and 5 of that inquiry report. However, the report was largely taken over by Labor and Labor-aligned members, who dragged it—rather than an important look at animal welfare and the response of activists on farms, biosecurity issues and the way people were and were not fined—over to the corner, which gave a platform for animal activists to sing in the committee. There will be people here who will be patting themselves on the back in that case, but the farmers lose out in this case.

Let me also be very clear. I support law-abiding, registered farms. No-one should support the back-market black market, where people do not do the right thing. That is very clear. But the people I speak with, the people that presented to us, are law-abiding citizens who want to make a buck and want to contribute to the community.

Our minority report—and I thank the Liberals, who along with me contributed to this report—says:

The Committee Report is biased in that it gives undue attention to the motivations of animal activists, conveying an impression of support towards the illegal actions of animal activists;

The Committee Report does not acknowledge that the ultimate goal of most animal activist ... is not about improving animal welfare outcomes in livestock farming but to end livestock farming altogether ...

and on it goes. These are some of the concerns that we had that were our motivation for writing a minority report.

I go to Mr Gommans and his story. I have said often the farm is the home and a farm invasion represents a home invasion. We see in John Gommans's case a \$1 fine for breaking a biosecurity law. We see that three people were arrested for the theft of three goats and a lamb. Facing court in March of that year one of the activists received a \$1 fine for removing an eartag stolen from a goat and another fine for housing livestock without a property identification code—a PIC. Both offences actually carry up to a \$10 000 penalty under the Livestock Disease Control Act 1994, but they got a \$1 fine. The other issue was the person who was charged was asked to pay, on theft charges, \$250 in compensation, despite the owner clearly stating that the stock was worth up to \$2000 an animal. To date Mr Gommans has not received anything in terms of compensation, and as I have said, he lost his cafe and stopped jobs in our region because of this targeted campaign. Mr Gommans reiterated to us in our inquiry the need for stronger penalties. I am going to read some of the words of the farmers into *Hansard*, because their voices are important. They feel that they have been overlooked for a long time. Let me put some of their words in:

On biosecurity, those laws are there for good reason. In 2019 our farms spent—across the goat farms—\$115 000 on animal health costs, and the majority of that was on vaccinations, prevention and blood testing for disease. So we have an elimination strategy for disease.

He said:

Disease control is a key part of animal husbandry, and it is done to protect the welfare of the animals and humans and the security of our nation's food.

One of the really shocking events that I heard about and we in the committee heard about was from a Mornington Peninsula and Tyabb chicken farmer. This really goes to the heart of why this legislation is so important and why it should be going further. The chicken farmer said that in the early hours on the morning:

These people had dark clothes. They had hoodies on. They did not want to be easily recognised. I did not know who they were. To all intents and purposes they were terrorists. They presented like terrorists. They could have had baseball bats, they could have had knives, they could have had guns. I do not know. All I know is that there were 70 people in one of our sheds, which is a horrifying thing to confront. In their manner they are confrontational, they are abusive, and they wanted us to engage them to cause a scene, which we did not. So we were frightened. The image was one of terrorism, and we were very fearful for our safety. They called us killers, they called us animal abusers and they called us criminals. They said that they would return and they did, one week later. That is when they spray-painted the side of one of our sheds with the graffiti.

The Tyabb farmer went on:

... lack of sleep, the fear, the anxiety, the depression and the constant surveillance just took its toll on us, and we decided that we just had to sell up and get the hell out—so we did.

And on he went about the blatant disregard for biosecurity:

On approaching one of the protesters before the police asked us to return to the house—
their house was on the site—

I asked them why they were there and what they hoped to achieve, and I said to the policeman who was beside me, ‘I hope you’re going to arrest these people’. And this gentleman said to me, ‘I’ve been arrested 17 times. I’ve never been charged’—and excuse my language—

and I will not repeat it, but he was quoting this person, who said—

... go ... yourself’. And that was the attitude.

We manage our farm under strict biosecurity. Our farm is biosecure, with locks on all gates and appropriate legal signage. We have footbaths to sanitise all footwear. We have a visitors declaration for contact with any avian species or pigs before they are allowed to enter our farm, and that is for disease control ...

and on he went. He finished:

So to have 70 people in our sheds was an enormous risk to the biosecurity of our farm.

Et cetera. This person, this farmer, also went on to inform the committee that as a result of those people rushing into the sheds, in effect there was the suffocation of those 300 birds. So for people who purport to be able to support and nurture life, they ended up killing these birds through suffocation. They also ruptured a water system, and the costs were borne by the farmer.

Luv-a-Duck also contributed. Luv-a-Duck we know is a really positive example of bringing people into our community and into regional communities, and creating income and creating a positive life for people. Daryl Bussell, CEO of Luv-a-Duck, said:

I think the most disturbing thing is the mental state of the people that witnessed it—

He went on to explain about how in an invasion they:

... have this ongoing fear that it is going to come back again. As CEO I have been asked, ‘What are you doing to stop it happening again?’. We have got a number of things that we can do. We have improved our defensive fences, we have done a number of things, but I have no ability to guarantee that these people will not use wire-cutters to get through the fence, that they will not still come in the middle of the night et cetera.

These are the genuine experiences of farmers who are registered and law-abiding and going about their business—providing food, employing people and paying taxes. These are the targets of animal activists.

I will read from Leonard Vallance, who is from the livestock group at the Victorian Farmers Federation:

Currently, Victorian farmers are offered little protection against deliberate acts of lawbreaking; trespassing and livestock theft during a farm invasion are not covered appropriately under Victoria’s trespass and biosecurity laws. Both New South Wales and Queensland State Governments have introduced stronger penalties for trespassing, strengthening their state’s biosecurity defence and security for their farmers.

Our amendments—those of The Nationals and the Liberals—today will bring this legislation in line with New South Wales, and we think that is most appropriate.

The last one I would like to cover off on is Mr Timothy Kingma. He impressed very much on us the fact that he felt that the family could not leave their home altogether—that they had to leave someone home on every occasion to safeguard their own property, their own legal property. He said:

... I just want the ability to grow food and contribute to the economy.

The Greens in the other house were I just think ludicrous in their comments. We heard the member for Melbourne say, and this is hard to swallow in itself:

... Labor, Liberal and The Nationals, in lockstep on this and supporting big industry and big business over animal welfare ...

Well, where did they come down from? Victorian farms are family farms. There are 20 000 family-owned farms in Victoria.

Mr Finn: Ultimate in small business.

Ms BATH: They are absolutely the ultimate in small business. She also said:

I think also one of the concerns that we have is that it could be a step down a pretty slippery slope towards criminalising very specific forms of activism.

If you want to be an activist in this country, you are free to protest and to complain. There are a multitude of actions that you can take: on the steps of Parliament, putting in a petition, writing to members of Parliament—and we frequently get letters from many and varied people—or standing for Parliament. But invading a farm, breaking biosecurity protocols, harassing farmers' families and staff and stealing and sabotaging is not on. It is not acceptable in any form.

Mr Meddick will be making some comments, I am sure, on this bill in the future. It was really distressing a little while ago when we had the pandemic bill. People in our community were quite outraged by various opinions and various stances, and he was targeted in his home. I find that an abomination. Everybody's home should be safe from anybody coming in and attacking or vilifying. He said in the *Age* on 14 November:

It shouldn't come to this, it just shouldn't ... I understand why people disagree. People disagree in a vibrant democracy. But you don't have the right to come to someone's house and make their family feel physically in danger.

I agree 100 per cent with Mr Meddick. I also agree that what is good for the goose should be good for the gander. Activists are not whistleblowers; they should not come onto farms and intimidate and harass and steal. This bill goes part way to addressing that. I go back to the farmer from Tyabb. He felt totally, completely vulnerable, and that is not fair.

So what does this bill propose? It amends the Livestock Management Act 2010, it provides biosecurity management plans, it provides for offences relating to the contravening of a prescribed biosecurity measure and certain other measures in response to growing animal activism and it makes other miscellaneous consequential amendments. It creates on-the-spot fines of \$1272 for an individual and \$18 178 for an organisation, and that is what members of that community, the farming community, called for in our hearings and throughout the inquiry. So the government has come forth—two years too late. But it is on the table tonight, and we should be finishing this debate on it.

However, The Nationals and the Liberals do not agree with parts of this bill. We want to strengthen penalties for the individual, and we want to include licensed riverfrontages in biosecurity plans. I thank Mr Peter Walsh, the member for Murray Plains and Shadow Minister for Agriculture. He has always been a strong advocate for the entire agricultural sector—he has worked it and lived it—and he moved the same amendments in the lower house, but they were blocked by the government.

So the issues with the current bill: as per clause 6, properties that have licensed water frontages will be carved out from protections from breaches to biosecurity. Even in the most serious of breaches the water frontages, the licensed water frontages, will be carved out. In clause 10 of the bill the maximum fine for breaching a management plan will be around the \$11 000 mark—half that of other jurisdictions. If I might be able to circulate the amendments.

Opposition amendments circulated by Ms BATH pursuant to standing orders.

Ms BATH: There are two amendments that The Nationals and the Liberals are putting forward. Clause 6, page 7, lines 3 to 13 will be omitted. Why? Because we believe that if a farmer takes on licensed riverfrontage, holds that licence, they should have protections equal to if they own their freehold land or if they have leased land from their next-door neighbour. Creating this division—I understand the politics of it, but it actually does not make sense as it is a biosecurity risk to the farmer. Riverfront properties must be included and afforded the same protections as other farms and parts of the farms. The second part is in relation to harsher penalties. If we look to clause 10, page 9, what I want to do is omit 60 penalty units and double that to 120.

Just finishing off on the waterfront: we had steps full of people concerned about the biosecurity risks when the government in its wisdom or otherwise opened up camping on riverfrontages. There are thousands of kilometres of land on licensed riverfrontages that are used by farmers or landholders. But farms are contiguous, so very often it is impossible to know where the farm finishes and that waterfront starts. Will we be having to put fences up across all of those? Will farmers be paying for that? Will the government be subsidising farmers to do that? How are they going to ensure that their biosecurity is safe on the freehold land if the government is not going to uphold this part? So that is why we are including this in our amendments.

In terms of the harsher fines, we just want to bring in fines for the individual for serious offences in line with Queensland and New South Wales. We want to make sure that this is a deterrent. This is not about ‘You cannot activate, you cannot protest’. This is for going onto somebody’s land. And when they have a biosecurity plan, this is saying, ‘This is unacceptable’. So maximum on-the-spot fines, yes, but also increase those penalty units so that they are up around the \$22 000 mark, so that this will be much more of a deterrent. If you do not have cause and effect, people will just ignore you and act with impunity.

I may just circle around and finish my contribution there. It is really important that farmers have the right to conduct their business in a lawful manner. If people feel that there are issues relating to animal welfare, there are channels wide open for people to make those comments. Agriculture Victoria has a channel that people can go to and make a complaint, and those complaints are followed up. Police can follow up and local councils can. We know that the Prevention of Cruelty to Animals Act 1986 is being reviewed and updated. There are avenues for people who have concerns.

Overwhelmingly farmers absolutely care for their stock, and they care because it makes good economic sense—it makes good sense because a healthy animal presents and produces at its maximum. But also they are not going to do this type of work unless they have an affinity with, an enjoyment of and a respect for animals. I know; my father was a dairy farmer all his life. He started when he was a boy and worked till basically the day he died. He would be out in the middle of the night looking after those animals, making sure that they were given whatever they needed in calving season. Their welfare was his paramount concern.

So with those few words, this government has delayed. The bill is two years too late. I call on the government to support our amendments. I call on the crossbench to support our amendments—and indeed earlier on this week I provided those amendments with the rationale behind them. And with that contribution, The Nationals and the Liberals will not be opposing this bill, but we seek to have those amendments passed through this house.

Mr GEPP (Northern Victoria) (17:24): I rise to speak on the Livestock Management Amendment (Animal Activism) Bill 2021. Can I say from the outset that the Labor government absolutely supports our primary producers, absolutely supports our farmers. I think we have got a very strong record of doing that, and I will cover some of that ground. As a Labor member that lives and works in the biggest electorate in this state, which probably has more farming land than any other electorate, along with my friend and colleague the Leader of the Government, I am acutely aware of the issues that confront farmers in this state, and I am very pleased and proud of the work that we have done.

I was also a part of the inquiry that Ms Bath referred to, and I am not sure I would agree with all of the characterisations that she made of that inquiry or some of the people who presented. But what I do agree with is that everybody who came before that inquiry felt very passionately about this issue. They were very committed to concepts of animal safety, animal welfare and biosecurity, just to name a few. And it is very true, like for most inquiries that this place holds, that people came at it from varying perspectives and often from opposite ends of the spectrum. That does not make anyone right or wrong. They have some beliefs and some views. I am a bit uncomfortable with this tag of ‘animal activist’ because I am not sure precisely what it means, but certainly the people that we got the opportunity to speak with in the inquiry were very, very passionate about their views. It is true to say that there are some who, using that term, animal activism, do not support the farming of animals in any way, shape or form, and they did not hide those views. They put them on the table squarely, and I respect them for doing so.

I was joined on that inquiry by Mr Meddick, Mrs McArthur, Ms Bath, Mr Erdogan and others, and I have got to say that everyone was respectful during the course of that inquiry despite the fact that there were some very, very varied and different views coming from polar opposites. But I was delighted at the end of the day that people were able to conduct themselves in a way that enabled us to get a lot of information from people who are very interested in this issue.

What we found were a number of different things. I will not go through all of them, but of course what we did find—and I do not think that anybody would dispute this—was that where you have biosecurity plans in place and a person attends those facilities and does not follow those protocols, yes, there is a risk of the compromising of that biosecurity. But equally what we also heard was that there were many places, many farms, for example, that did not have established biosecurity plans in place. So again, that just illustrates that people come at it from different perspectives. But nonetheless, at its core, if you follow those arguments logically, what you are left with is a very real need for some very detailed plans where we are talking about the farming of animals—accepting that there will be some in this debate who will never support the farming of animals. I respect that view. I do not agree with it, but I absolutely respect it. I respect their right to put those views and argue for them, as they did through the inquiry with great respect, I have got to say, and with a great degree of passion.

There were 15 recommendations—and I will not read them all out—through the course of that inquiry, and the government have supported 13 of those in full. I want to come to a couple of things that Ms Bath said. I want to correct the record, because what was placed on the record was not accurate in terms of what this legislation will do and in terms of the comparison, in particular of the fines, with other states. In fact the fines being proposed by our government today leave the fines in places like New South Wales and Queensland in our wake, in our dust, so it is not true. You cannot just get up and make stuff up. You cannot just come in here and fabricate things because it suits your political argument. If you cannot do it on fact then do not say it, or at least be honest about it. At least be honest about the proposition that you are putting forward, because it is absolutely incorrect for anyone opposite to suggest that the individual fines that are being proposed in this bill are less than what is imposed in New South Wales and Queensland. It is just not true. In fact the proposed penalties for unlawful entry onto a livestock farm are \$1272 for an individual or \$8178 for a corporation, and where the offence is deemed to be of a serious nature and proceeds to the Magistrates Court the court has the capacity to increase those fines to \$10 904 for an individual and \$54 522 for a corporation. They are based on any transgression of any biosecurity plan that is in place. So there is incentive for the farmers, of course, those that do not have detailed and proper biosecurity plans in place, and I understand that many do, and they should—they should have a biosecurity plan in place for the welfare of the animal. That is the important thing in every step of this process, that the changes in this legislation are about making sure that our animals where they are farmed are done so in a manner which is considered safe and protects the welfare of the animal.

The importance of this biosecurity thing is because we know that the introduction of diseases onto farms can have devastating effects. We have heard this week alone in my electorate in the Shire of

Gannawarra on a pig farm there has been a case of somebody suffering from Japanese encephalitis. So we understand completely that not having a biosecurity plan in place puts these things in jeopardy—puts the animal in jeopardy, and of course that then flows through to other parts of our economy, including people. We have all heard the stories about the avian influenza outbreak—bird flu—and I think one small farm alone lost over 5000 birds to this terrible thing. So wherever we are handling animals there have got to be proper plans in place across the board.

I want to come in the remaining few minutes that I have to a couple of our views on things. This was a matter that came out in the inquiry: we were talking about electronic identification tags, and there was some criticism that came our way for that. But I just wanted to place on record that evaluations of that system have found that 99.6 per cent of sheep with electronic tags were successfully traceable, compared to only 70 per cent of sheep with the old visual tags. I know I digress from what I was talking about, but I wanted to put that on the record because I think it is important evidence for us to consider, and it is an example of how we are tackling the treatment of animals so that we can properly trace them, we can properly track them and ensure their safety and welfare the best that we can.

Ms Bath talked about some of the work that is continuing to develop for the Prevention of Cruelty to Animals Act 1986—POCTAA, as it is known. I know that is a very important act for many people in this place. It is very, very important for Mr Meddick and very important for the people who presented at the inquiry, and that work will continue as time goes on.

I want to quickly deal, if I can, with a couple of the amendments that are being put forward by those opposite. I want to come back to a couple of the arguments that Ms Bath advanced during her contribution on the debate. She thanked the member for Murray Plains, Mr Walsh, during her contribution for the work that he has done in this space. On 8 February this year in the other place, in *Hansard*, this is Mr Walsh:

... having a maximum fine is one thing; the more important thing is to have minimum fines ...

So on the one hand we want to thank Mr Walsh, but then we want to contradict what he has previously said on the record, when he has been saying something different in the Parliament because it suits better. In fact the member for Ovens Valley, Mr McCurdy, on the same day said, in response to the fines:

Ultimately, the livestock management amendment bill will introduce some of Australia's heaviest fines ...

And yet we hear from Ms Bath, and what she says is that they are weak, the fines are weak, that they are less than New South Wales and less than Queensland. Well, that is just not true. It is not true. It is factually incorrect, and it is mendacious to suggest otherwise. I quote the president of the Victorian Farmers Federation, who on 1 December 2021, as part of the consultation for the development of these laws, said:

They are meaningful fines—

Emma Germano, I am talking about, the president of the Victorian Farmers Federation—

and not only a deterrent, but they demonstrate we value farmers and it's not an appropriate form of protest to trespass onto farmers' property.

And I agree with the president of the VFF. I agree with her that these fines will be a deterrent to people who will go on farm where they should not. They are not free to take the law into their own hands. If they think that there is something untoward that is occurring, then they should go to the proper authorities. They should report any concerns to the authorities and the authorities will take care of it. If they take matters into their own hands, they will suffer the harshest penalties in this country.

Finally, I want to very quickly deal with this nonsense about licensed Crown land. There has been no evidence whatsoever that animal activism is somehow linked to some form of trespass through licensed Crown waterfrontages. It is just an abomination for people to come in here and, again, make

things up when there is no evidence to support the claim. Every citizen should be entitled to use licensed Crown waterfrontages—campers, whoever it might be. This amendment being advanced by The Nationals and the Liberals has absolutely nothing to do with the bill at hand. I reject their amendments on both occasions, and I support the bill.

Dr RATNAM (Northern Metropolitan) (17:39): I rise to speak to the Livestock Management Amendment (Animal Activism) Bill 2021, and I indicate the Greens will not be supporting this bill. My colleague Ellen Sandell detailed in the other place our reasons, but I wish to make some brief comments about this here.

Obviously biosecurity is extremely important and must be taken incredibly seriously, but this bill is not actually about biosecurity; it is about singling out one particular group of activists for special penalties. Progressive change in Australia often comes from years of work from campaigners, who risk their own safety or security, and on occasion break the law to expose some truly immoral and unacceptable behaviour, whether it is communities coming together to protect our coast from gas drilling, residents protesting the destruction and sale of their public homes, volunteers who enter wetlands to rescue injured birds, workers leaking footage from live exports or whistleblowers revealing the truth of puppy farms. I am really proud to represent a party that supports our activists and has its own roots in protest. They are not the enemy, but this bill tries to paint them as one.

This bill is part of the government's response to the parliamentary inquiry into the impacts of animal rights activism on Victorian agriculture. This inquiry ended up making some really important recommendations about improving animal welfare in agriculture, like introducing CCTV in abattoirs and incorporating really high animal welfare standards into codes of practice. While the government has indicated support for all the recommendations, this is the first set of recommendations that the government has chosen to fully implement. It is not surprising to see the government default to its preferred law and order approach.

The bill is supposedly responding to the perceived threat of biosecurity breaches from activists who enter farms and agricultural facilities, but the inquiry found that there had been no reported outbreaks of disease caused by animal activists. And while the bill is creating a new offence of breaching a biosecurity management plan, the type of behaviour it is trying to penalise is the unlawful entering of a private farm and agricultural property—in other words, trespass, which is already its own offence. The act of trespass can lead to other associated offences like breaches of privacy or perhaps the illegal use of a listening or surveillance device. There is already potential for hundreds of thousands of dollars in fines for illegal trespass onto a farm, and this bill is just adding a few thousand more for good measure. Our opposition to this bill is not to condone any specific behaviour or activities, but the offences already exist so this bill is unnecessary.

It is hard to see this bill as being about anything more than singling out one particular type of activist group for special penalties. This is a dangerous path to walk down. If with this bill we set a precedent that we can slap extra fines on some activists and protesters just because the government of the day disagrees with them, it is not hard to imagine what kinds of targeted bills we could be debating in the future. The Greens would prefer to see the government abandon these penalties and prioritise implementing the animal welfare recommendations from the inquiry instead, especially as these reforms are much more likely to deter activists from the type of illegal trespass this bill is so worried about, because if our animal rights campaigners can have confidence that all animals are being treated with kindness and care, their motivations for trespassing onto agricultural property vanish.

On that note, we Greens will be supporting the amendments that I understand Mr Meddick will be proposing, as we agree that these offences should be not prioritised and implemented before the animal welfare recommendations from the inquiry are addressed. We will not be supporting The Nationals' amendments—when these fines are already among the toughest in the country, increasing them further is just twisting the knife.

Mr MELHEM (Western Metropolitan) (17:43): I move:

That the debate on this bill be adjourned until the next day of meeting.

Motion agreed to and debate adjourned until next day of meeting.

JUSTICE LEGISLATION AMENDMENT (TRIAL BY JUDGE ALONE AND OTHER MATTERS) BILL 2022

Introduction and first reading

The PRESIDENT (17:44): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to amend the **Criminal Procedure Act 2009** to provide temporary arrangements for trial by judge alone on an order made or applied for while a pandemic declaration is in force and to amend the **Children, Youth and Families Act 2005**, the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**, the **Evidence (Miscellaneous Provisions) Act 1958**, the **Justice Legislation Amendment (Criminal Appeals) Act 2019** and the **Occupational Health and Safety Act 2004** and for other purposes’.

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (17:44): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms TIERNEY: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (17:45): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this Statement of Compatibility with respect to the Justice Legislation Amendment (Trial by Judge Alone and Other Matters) Bill 2022 (the Bill).

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

Overview

This Bill makes amendments to assist the justice system to manage the ongoing impacts of the pandemic. The Bill will:

- amend the *Criminal Procedure Act 2009* and the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (CMLA) to allow courts to order judge-alone criminal trials and special hearings on a temporary basis;
- delay the commencement of the *de novo* reforms under the *Justice Legislation Amendment (Criminal Appeals) Act 2019*;
- extend the operation of Part 16 of the *Occupational Health and Safety Act 2004* (OHS Act);
- extend the operation of section 42JA(2A) of the *Evidence (Miscellaneous Provisions) Act 1958* (EMPA); and
- extend the operation of sections 600S and 600T of the *Children, Youth and Families Act 2005*.

For the following reasons, I am satisfied that the Bill is compatible with the Charter and, to the extent that any rights are limited, those limitations are reasonable and justified.

Human Rights Issues

Judge alone criminal trials

Part 2 of the Bill will temporarily reintroduce provisions allowing trials for Victorian indictable offences to be heard by judge alone in certain circumstances. The reforms will allow courts to order trials by judge alone when a pandemic declaration under the *Public Health and Wellbeing Act 2008* (PHWA) is in effect. These reforms recognise the continued impacts of COVID-19 on the courts conducting jury trials and the resulting delays in the justice system, particularly for people on remand facing indictable charges. The reforms will be temporary and will be repealed 12 months after commencement.

The reforms will allow the Supreme and County Courts to order that a trial be heard by judge alone if it is in the interests of justice to do so and if the accused consents. Jury trials will continue to be available, but these reforms will give parties another option in appropriate cases.

Human rights protected by the Charter that are relevant to these reforms are:

- the right to life (section 9)
- the right to a fair hearing (section 24), and
- the rights of accused persons in criminal proceedings (section 25)

Right to life (section 9)

This reform promotes the right to life (section 9 of the Charter). The government is obliged to use all means necessary to protect the health and life of all persons in Victoria, including those in closed environments, such as those who work in or use Victoria's courts. Current public health advice includes maintaining physical distancing to reduce the risk of transmission of COVID-19, which is a potentially fatal virus, and to ensure that health services are not overwhelmed. Allowing trials to proceed without a jury, where appropriate, will reduce the number of people attending court buildings, consistent with this advice.

Right to a fair hearing (section 24) and rights in criminal proceedings (section 25)

The Bill will also engage the right to a fair hearing in section 24 of the Charter and rights in criminal proceedings in section 25 of the Charter. I consider that any limitations on these rights are reasonable and justified in the circumstances and given other procedures and protections are included in the Bill.

First, the Bill does not remove jury trials from the criminal justice system. Rather, it will give the Courts another option to hear indictable matters, while a pandemic declaration is in effect in Victoria, and while the temporary amendments are in place.

Second, the Bill will permit the courts to order a judge alone trial only if it is in the interests of justice to do so and if all the accused persons consent to their trial being heard by judge alone. This will ensure that accused persons retain their ability to have their case heard by jury, should they wish to do so. The interests of justice requirement also ensures that trials only proceed by judge alone in appropriate cases. As with any other trial, the court will have broad discretion to conduct the trial in a manner that is fair to the parties.

The Bill also includes key safeguards, such as rights of appeal against conviction, sentence, or a decision to order, or refuse to order, a judge alone trial, and requiring accused persons to obtain legal advice on whether to consent to a judge alone trial.

For these reasons, I consider that any limitations to the right to a fair hearing and rights in criminal proceedings occasioned by provisions allowing for judge alone trials are reasonable and justified.

Judge alone special hearings under the CMIA

The Bill will make changes to the CMIA to allow a special hearing to be heard by a judge alone if it is in the interests of justice to do so. These amendments are necessary to ensure CMIA proceedings can be conducted with greater flexibility throughout the COVID-19 pandemic, and in a timely way. A special hearing is a modified form of trial, and it is important to avoid unreasonable delay to these hearings for the same reasons as trials. Further, accused persons who are dealt with under the CMIA will be either severely mentally impaired or mentally ill and are therefore particularly vulnerable.

As with amendments to allow judge alone criminal trials, these amendments engage the right to a fair hearing in section 24 of the Charter and rights in criminal proceedings in section 25 of the Charter.

The Bill will allow a judge alone special hearing only if the court considers that it is in the interests of justice to do so. The Bill will also allow the court to consider the views of both the prosecution and the accused when the court is determining whether to order that a special hearing be conducted by judge alone. In alignment with the judge alone trial model, these changes will be time limited, and will be repealed 12 months after they commence. In addition, an order for a judge alone special hearing may only be made when a pandemic

declaration is in force. This is appropriate given these reforms are aimed at responding to the COVID-19 crisis and its continuing effect on the court system.

In addition, the Bill will also make amendments to address concerns raised by stakeholders that the three-month timeframe in section 12(5) of the CMIA is presenting considerable challenges as the pandemic continues.

This reform promotes the right to life under section 9 of the Charter, by reducing the risk that those who work in and attend Victoria's courts will contract the potentially fatal COVID-19 virus. The amendments to the three-month timeframe will enable the judiciary to consider the individual facts of each case thoroughly, and fully consider the interests of justice in deciding whether a jury or judge alone special hearing would be the most appropriate in the circumstances of the case. This will promote the right to a fair hearing under section 24 of the Charter.

For these reasons, I consider that any limitations on these rights are reasonable and justified in the circumstances given the procedures and protections included in the Bill.

Extension of COVID-19 temporary measures in the OHS Act

Part 3 of the Bill extends Part 16 of the OHS Act, introduced through the *COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Act 2020* and further extended in the *Justice Legislation Amendment (System Enhancements and Other Matters) Act 2021*. Part 16 was also further extended and amended by the *Public Health and Wellbeing Amendment (Pandemic Management) Act 2021*.

These reforms engage the right not to be tried or punished more than once (section 26).

Part 16 explicitly states that a breach of a pandemic order or public health direction relating to the COVID-19 Pandemic under the PHWA is presumed to be an immediate risk to health and safety under that Act, and is currently due to expire on 26 April 2022.

To ensure that WorkSafe inspectors can continue taking decisive enforcement action under the OHS Act in response to non-compliance with COVID-19 directions under the PHWA, the Bill will extend Part 16 of the OHS Act to apply until 26 October 2022.

This will mean that a breach of a pandemic order or public health direction will continue to be taken to be an immediate risk to the health or safety of a person for the purposes of s 112 (Prohibition Notices) and s 120 (Directions) of the OHS Act. Section 112 allows an inspector to issue a person who has control over an activity in a workplace with a notice prohibiting the carrying on of that activity, if it involves an 'immediate risk to the health or safety of a person'. Section 120 allows an inspector to give a direction to a person at a workplace if necessary, because of an 'immediate risk to the health or safety of a person'.

The extension of these provisions means that WorkSafe inspectors can continue to take expedited enforcement action to prevent, reduce or mitigate workplace exposure to COVID-19, on the basis that the direction under the PHWA (which can only be made where the officer making the direction has determined under the PHWA that there is a risk to public health) is a sufficient basis for making a direction or issuing a notice under these provisions. This allows for WorkSafe inspectors to rely on the assessment made under the PHWA without having to undertake that consideration again (which may be a consideration they are less qualified to undertake than the person issuing the direction under the PHWA, given it will be based on public health considerations).

The amendment is necessary to ensure that WorkSafe Inspectors are able to take action to support compliance with the PHWA directions in workplaces, under the OHS Act (because the OHS Act is tailored to the legal obligations arising in that environment) rather than utilising the offence provisions aimed at individuals in ss 193 and 203 of the PHWA.

Given that ss 112 and 120 create indictable offences for failures within workplaces in relation to conduct that is also likely to be a breach of ss 193 or 203 of the PHWA, it is possible that a person could be charged with two different offences relating to the same wrongful act. This does not mean that a person will be tried or punished more than once for the same offence contrary to s 26 of the Charter.

The rule against double jeopardy does not prevent more than one penal consequence flowing from the same act, where that act constitutes more than one offence. The double jeopardy principle generally applies where a person is charged with exactly the same offence for which they have been previously acquitted or convicted, or an offence that is substantially and practically the same (*Carroll v The Queen* (2002) 213 CLR 635). A court may choose to stay a proceeding as an abuse of process if it involves re-litigation of a previously decided factual issue and in particular will not allow the prosecution to question or call into question a previous acquittal. In addition, the prosecution is generally required to include all related offences on the one indictment and the use of subsequent indictments for related offences may be found to be vexatious (*Carroll v R* (2002) 213 CLR 635).

A court is likely to expect all related charges under the OHS Act and the PHWA to be included on the one indictment and the common law prohibition on double jeopardy will continue to operate to protect people from a breach of s 26 of the Charter. I therefore conclude that these amendments do not limit s 26 of the Charter and are not likely to give rise to such limits in the courts.

Extension of COVID-19 temporary measures in the EMPA

Part 3 of the Bill will extend the operation of section 24JA(2A) of the EMPA, so that adult accused who are in custody will continue to be required to attend a summary contested hearing or a committal hearing by AVL by default. This extension is necessary to protect the safety of prisoners, staff and visitors in a prison environment where COVID-19 can quickly spread.

Human rights protected by the Charter that are relevant to these reforms in this Bill are:

- the right to a fair hearing (section 24), and
- the rights of accused persons in criminal proceedings (section 25).

Rights to a fair hearing and equality before the law (section 24)

Section 24(1) of the Charter provides that a person charged with a criminal offence has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

The Bill upholds this right by ensuring that a court may order physical attendance for these hearings if it is in the interests of justice to do so. A fair hearing will always be in the interests of justice. Further, in making this assessment, the court must consider the ability of an accused to comprehend proceedings and to communicate with, and give instructions or express wishes to, their legal representative. In addition to upholding the right to a fair hearing, this safeguard ensures that the right to equal and effective protection against discrimination in section 8(3) of the Charter is not limited, by supporting vulnerable accused persons who may have difficulty following the proceedings by AVL, including those with disabilities.

In addition, the legislation contains minimum requirements for an AVL or audio link to ensure that the transmission quality is fit for purpose. These minimum requirements mean that if a hearing proceeds by AVL or audio link, an accused person can fully participate in the proceedings, be heard by the court and give necessary instructions to their legal representative.

For these reasons, I consider that the reform is compatible with the rights in section 24 of the Charter.

Rights in criminal proceedings (section 25)

Section 25(2)(d) of the Charter provides that an accused has the right to be ‘tried in person’ and to defend himself or herself personally or through legal assistance. The purpose of this provision is to ensure an accused is not tried in their absence and has the right to fully participate in their trial and defence.

An accused still participates in their hearing ‘in person’ when they attend by AVL. The accused is not being tried in absentia. It will remain possible for courts to order physical attendance for such hearings when the interests of justice require it. The court will be able to consider the accused’s capacity to participate in the trial via AVL, as well as other relevant matters, when applying the interests of justice test.

For these reasons, I consider that the reform is compatible with the right in section 25 of the Charter.

Jaelyn Symes MP
Attorney General
Minister for Emergency Services

Second reading

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (17:45): I move:

That the second-reading speech be incorporated into *Hansard*.

Motion agreed to.

Ms TIERNEY: I move:

That the bill be now read a second time.

Incorporated speech as follows:

In April 2020, the Government introduced reforms aimed at ensuring the justice system could respond effectively to the challenges that COVID-19 posed, including the introduction of judge alone trials and special hearings. These reforms were time-limited and operated effectively until April 2021.

We all hoped that specific COVID-19 related provisions would no longer be required in 2022. However, the continued impacts of COVID-19, including the significantly increased prevalence of COVID-19 in the Victorian community compared with earlier stages of the pandemic, have changed the public health context. Even with high levels of vaccination and continuing public health measures, it is very likely that disruptions to jury trials and hearings caused by COVID-19 will continue for some time.

To provide the courts with an additional tool to respond to these potential disruptions and allow more criminal cases to proceed, the Bill will reintroduce these judge alone provisions on a temporary basis. The Bill will also make other reforms to ensure the justice system can manage the ongoing impacts of the pandemic, including extending temporary provisions due to expire in April 2022.

I now turn to specific aspects of the Bill.

Judge-alone criminal trials

Currently, criminal trials in Victoria must be heard by a jury, reflecting the longstanding and fundamental role of juries in the criminal justice system.

Jury trials are running in both the Supreme Court and the County Court, and the courts are implementing measures to ensure these trials run as safely as possible, for example by establishing testing facilities for jurors and other trial participants (including legal practitioners) in Melbourne, the use of rapid antigen tests on circuit and re-purposing trial and jury rooms to allow for appropriate social distancing. The courts are also conducting most non-jury work remotely, to reduce the number of users physically present at court.

Despite these efforts, the courts continue to face significant trial backlog and disruptions, which continue to be exacerbated by the ongoing impacts of the COVID-19 pandemic. Many jury trials have been adjourned due to COVID-19 since the pandemic started, and juries have been discharged due to COVID-19. Concerns about COVID-19 also appear to be affecting the available pool of jurors, with more potential jurors asking to be excused.

Delays in criminal proceedings can adversely impact complainants and victims, due to uncertainty about when matters will be heard, and lack of closure. Delays can also significantly impact accused persons, particularly those being held on remand while awaiting trial.

Accordingly, with the support of key stakeholders including the courts, this Bill will reintroduce the temporary judge alone trial model, which operated between April 2020 and April 2021 (the 2020 model). This scheme operated effectively and is already known to the courts and legal profession.

Like the 2020 model, these reforms will be time limited, and will be repealed 12 months after they commence. The key substantive difference from the 2020 model will be to provide that an order for a judge alone trial may only be made when a pandemic declaration under the *Public Health and Wellbeing Act 2008* is in force. This reflects the new pandemic management legislative framework and is appropriate given these reforms are aimed at responding to the COVID-19 crisis and its continuing effect on the court system.

In addition, the Bill will allow applications for judge alone trials that have been lodged (but not yet considered by the court) while a pandemic declaration is in force or before the sunset date to continue and, if an order is made, will allow these trials to proceed by judge alone. The 2020 reforms required the order for trial by judge alone to be made before the sunset date. This change will give the courts appropriate flexibility in the event that numerous applications are filed close to the expiry date of a pandemic declaration or the sunset date.

These reforms will enable the Supreme and County Courts to order an accused person to be tried by a judge alone in certain circumstances. These trials will be available for any Victorian indictable offence, but only if the court considers it in the interests of justice to hear the trial by judge alone and the accused person consents and has obtained legal advice on whether to give consent. While the prosecution's consent will not be required, the court must consider any prosecution submissions before deciding whether to order that a matter be heard by a judge alone.

Allowing the courts to order trials by judge alone will give the courts and parties an alternative to jury trials in appropriate cases and allow more criminal trials to run. This will minimise delays in the court system and benefit parties.

As with the 2020 model, parties will be able to appeal verdicts made by a judge sitting alone in the same way as a jury verdict. Parties will also be able to appeal a decision of a court to order, or not order, a trial by judge alone.

In 2020, the government committed to significant consultation with stakeholders and the broader community before considering any permanent judge alone trial scheme. The government stands by that commitment. These are temporary reforms that are being reintroduced only to assist the justice system to safely continue to determine more criminal trials while COVID-19 continues to affect jury trials. The new requirement for a pandemic declaration is an additional safeguard and reinforces the temporary nature of these reforms.

The government is hopeful that these provisions will no longer be required as the pandemic progresses, and we learn to live with COVID-19. In the interim, however, they will ensure the continued effective and efficient functioning of the justice system and assist its recovery from COVID-19, while protecting the health and safety of Victorians, including jurors, court users and court staff.

Judge alone special hearings under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (CMIA)

The Bill will amend the CMIA to allow proceedings to be conducted with greater flexibility during the COVID-19 pandemic, by allowing a special hearing under the CMIA to be heard by a judge alone if it is in the interests of justice to do so. In determining whether to make an order that a special hearing be heard by judge alone, the Bill will require the court to take into account the views of the accused as well as the prosecution.

These amendments are necessary to ensure that certain CMIA proceedings can continue throughout the COVID-19 pandemic in a timely way. Avoiding unreasonable delay is important in CMIA matters, as proceedings generally involve vulnerable accused persons with severe mental impairments or mental illness. Allowing judge alone special hearings will avoid further disruptions and backlogs in the court system and will reduce the risk that those who work in and attend Victoria's courts will contract the potentially fatal COVID-19 virus.

In addition, the Bill will make amendments to address concerns raised by key stakeholders that the three-month timeframe for special hearings is presenting considerable challenges as the pandemic continues. The CMIA provides that if the accused is found not fit to stand trial and the judge determines that the accused is not likely to become fit within the next 12 months, the court must proceed to hold a special hearing within three months. The Bill will allow for one extension to the three-month period to be granted, if it is in the interests of justice. The court may extend the time for a period that is reasonable, taking into account all the circumstances of the case and submissions from the prosecution and defence. This will ensure the extension will only be for the minimum period necessary to allow for the matter to be prepared, considering the individual circumstances of the case.

In alignment with the judge alone trial model, these changes will be time limited, and will be repealed 12 months after they commence. In addition, the variations noted above in relation to the judge alone trial model will apply to these reforms.

Delaying the commencement of de novo appeals reforms

In 2019, Parliament passed laws to modernise Victoria's summary criminal appeal system. The *Justice Legislation Amendment (Criminal Appeals) Act 2019* will abolish de novo appeals of criminal cases to the County Court and replace them with new processes that will enhance efficiency and transparency and reduce the burden on witnesses and victims.

These are important objectives, but they can only be achieved if courts and the legal profession have sufficient time to prepare for this significant change in practice. The commencement date for these reforms was postponed to 1 January 2023 by the *Justice Legislation Amendment (System Enhancements and Other Matters) Act 2021* (System Enhancements Act) to allow courts and the legal profession more to prepare, due to the COVID-19 pandemic. However, the ongoing effects of COVID-19 on the court system and the significant time and resources required to implement the reforms make it necessary to further delay the commencement of the de novo appeal reforms until July 2025. This delay will ensure that efforts can remain focused on managing the impacts of COVID-19 and addressing the backlog of cases in the court system.

Extension of COVID-19 temporary measures

The Bill will extend Part 16 of the *Occupational Health and Safety Act 2004* (OHS Act), which is a temporary Part introduced by the *COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Act 2020* and extended by the System Enhancements Act and the *Public Health and Wellbeing Amendment (Pandemic Management) Act 2021*.

The extension of this Part for a further six months will maintain the ability of WorkSafe inspectors to take enforcement action in relation to the occupational health and safety risks posed by COVID-19. Importantly, the extension will also ensure that employers and other duty holders under the OHS Act are providing a safe place of work and continuing to mitigate COVID-19 exposure risks in the workplace.

The Bill also extends section 42JA(2A) of the *Evidence (Miscellaneous Provisions) Act 1958*, which requires adult accused in custody to attend a summary contested hearing or a committal hearing by AVL by default.

This temporary provision was introduced by the System Enhancements Act to address risks posed to the accused and other court users and staff by COVID-19 and is currently due to lapse on 26 April 2022.

Due to the risks presented by the ongoing pandemic, the Bill will extend the operation of this provision for a further 12 months. This will support Corrections Victoria to manage infection risk in custodial settings and mean fewer accused are required to undertake quarantine processes after attending these court hearings. However, as is appropriate, the Magistrates' Court will retain the ability to order an accused to physically attend court when the interests of justice require it.

The Bill also extends Part 8.5A, sections 600S and 600T of the *Children, Youth and Families Act 2005* for a further 12 months. These powers allow for the use of AVL or audio-link to satisfy young people's attendance and reporting requirements under the Act. This was introduced as part of the *COVID-19 Omnibus (Emergency Measures) Act 2020* and further extended for 12 months by the *Justice Legislation (System Enhancement and Other Matters) Act 2021* and is currently due to also lapse on 26 April 2022.

Due to the current number of COVID-19 transmissions in the community, the requirement to attend a youth justice unit or report may not be feasible in some locations where staff or young people are isolating due to suspected or confirmed COVID-19 transmissions or cases. These extensions will ensure that Youth Justice can flexibly and appropriately manage the safety and wellbeing of young people under youth justice community supervision by allowing young people a remote means to safely suffice the requirements of their community order.

I commend the Bill to the house.

Mr ONDARCHIE (Northern Metropolitan) (17:45): I move, on behalf of my colleague Dr Bach:

That debate on this matter be adjourned for one week.

Motion agreed to and debate adjourned for one week.

CONSERVATION, FORESTS AND LANDS AMENDMENT BILL 2022

Introduction and first reading

The PRESIDENT (17:45): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Conservation, Forests and Lands Act 1987** in relation to Codes of Practice and for other purposes'.

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (17:46): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms TIERNEY: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (17:46): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the 'Charter'), I make this Statement of Compatibility with respect to the Conservation, Forests and Lands Amendment Bill 2022 (the Bill).

In my opinion, the Conservation, Forests and Lands Amendment Bill 2022, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill amends the *Conservation, Forests and Lands Act 1987* to expand the head of power to make a Code of Practice under section 31. The expanded head of power will enable a Code of Practice to incorporate documents, as amended from time to time, and to confer a discretionary authority on the Minister or the Secretary, and leave any matter or thing to be from time to time, approved, determined, dispensed with or regulated by the Minister or the Secretary.

Human Rights Issues***Human rights protected by the Charter that are relevant to the Bill***

The Bill does not engage any human rights protected by the Charter.

Consideration of reasonable limitations—section 7(2)

As the Bill does not engage any human rights protected by the Charter, it does not limit any human rights and therefore it is not necessary to consider section 7(2) of the Charter.

Conclusion

Accordingly, it is my view that the Bill is compatible with the human rights as set out in the Charter.

The Hon Shaun Leane MLC

Minister for Local Government, Suburban Development and Veterans

Second reading

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (17:46): I move:

That the second-reading speech be incorporated into *Hansard*.

Motion agreed to.

Ms TIERNEY: I move:

That the bill be now read a second time.

Incorporated speech as follows:**Introduction**

The management of Victoria's 7.8 million hectares of public native forests and parks is important to all Victorians. Victoria has approximately 3.1 million hectares of State forests on public land. Forests provide vital ecosystem services, support biodiversity and create a diverse range of jobs and economic, recreational and social opportunities for all Victorians. The connection that Victoria's Traditional Owners and Aboriginal communities have with Country—including Victoria's forests—is core to their culture and wellbeing. Effective regulatory frameworks are essential to ensure that we balance the range of values and uses of our forests. This Bill will enable us to provide much clearer direction on what is required to protect our forests—particularly in the wake of natural disasters, such as fires, that change the context for management—to ensure continued use and enjoyment of our forests well into the future.

Implementing the Code of Practice for Timber Production 2014

Where timber harvesting operations in State forests are permitted in Victoria, they must be undertaken in accordance with the legislative framework for timber harvesting. Key to this is the *Code of Practice for Timber Production 2014* and the Management Standards and Procedures for timber harvesting operations in Victoria's State forests 2021. These legislative instruments contain specific rules that protect threatened species and other forest values - including the precautionary principle.

The precautionary principle is a foundation principle in environmental law, adopted by the 1992 Rio Declaration of the United Nations Conference on Environment and Development. Victoria's *Code of Practice for Timber Production 2014* includes a mandatory action to apply the precautionary principle to timber harvesting activities.

The precautionary principle provides that, if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. That is, if there are threats of severe or irreversible damage, but the science is not yet settled, the precautionary principle requires us to put in place protective measures to ensure we don't have regrets in the future.

Most recently, the precautionary principle was triggered by the 2019/20 Victorian bushfires, which dramatically impacted forest ecosystems, threatened the survival of endangered species and limited timber production, particularly in Gippsland and East Gippsland. There remains scientific uncertainty about the ability of species to recover from these impacts and therefore consideration needed to be given to what additional protective actions would be required in timber harvesting operations. The precautionary principle is important because it means our framework for protecting our forests can be adaptable and responsive to changing circumstances or environmental shocks such as major fires. However, its broad application and requirement for expert evaluative judgement means there are opportunities to provide greater certainty for all in ensuring the timber industry is meeting its obligations.

These reforms will enable practical guidance to be given to timber harvesters on the actions they will need to take to meet the requirements of the precautionary principle, particularly in the event of natural disasters that rapidly change the context for management of our forests.

Greater clarity for timber harvesting through the Bill

This Bill will:

- a) enable a Code of Practice to apply, adopt or incorporate any matter contained in any document, standard, rule, specification or method as amended from time to time.
- b) Enable a Code to confer a discretionary authority on the Minister or the Secretary, and leave any matter or thing to be from time to time, approved, determined, dispensed with or regulated by the Minister or the Secretary.

This Bill provides these heads of power within the *Conservation, Forests and Lands Act 1987* (CFL Act), which will apply to all Codes of Practice.

Importantly, these powers will enable a ‘compliance standards’ framework to be established under the *Code of Practice for Timber Production 2014*, to provide alternative mechanisms for satisfying general obligations or duties in the Code that would otherwise be open to interpretation or dispute, such as the precautionary principle.

A Code may already incorporate matters from other documents. The Bill enables the Code to incorporate matters from other documents *as they are amended from time to time*. It is intended, for example, to enable the Code to incorporate ‘compliance standards’, as published and maintained by the Minister or the Secretary. The Code may provide that complying with measures from the compliance standards will discharge a particular duty or obligation in the Code such as, for example, to apply the precautionary principle. Being able to amend the document from time to time enables the standards to be kept up to date with changing circumstances.

Similarly, providing a clearer power, in express and broad terms, to enable a Code to specify matters that will be left to the discretion of the Minister or the Secretary will enable the Code to authorise discretionary approvals as a means of establishing greater regulatory certainty. The Code may provide, for example, that the Secretary may approve certain measures or plans, compliance with which will be sufficient to discharge the duty or obligation in the Code to apply the precautionary principle, in the particular circumstances to which those measures apply.

These reforms are not about changing any obligations that regulated entities have to comply with. Obligations to comply with a Code are fixed by or under other relevant laws, which are not amended by this Bill.

These reforms are instead to enable the Code to provide greater regulatory certainty about how generally described obligations or duties in the Code can be satisfied, whether generally or in a particular case. Enabling clear and specific guidance that can respond to events that change the context of forest management is absolutely critical to ensuring certainty for the timber industry while maintaining the high standards of conservation we must continue to provide our native forests.

Maintaining Parliamentary oversight of threatened species protections

The Code currently includes an incorporated document, which is the *Management standards and procedures for timber harvesting operations in Victoria’s State Forests 2021* (the MSPs). The MSPs contain many of the Code’s prescriptive environmental protections. I want to be clear that I am not proposing increased flexibility for changes to the MSPs.

It is critical that this reform enables incorporated documents to be amended from time to time to allow the new compliance standard guidance for meeting Code clauses to be responsive. However, I do not consider it suitable for the MSPs to be subject to such flexibility—both the timber industry and community environment groups need to be involved in any changes to these rules.

It is my intent to move the MSPs into the Code so that they are part of the Code itself and no longer an incorporated document. If the proposed amendment is adopted, future changes to the MSPs will be subject to

the same process as amendments to the Code itself, which involves a statutory consultation period and is open to parliamentary disallowance.

Conclusion

The Bill will improve timber harvesting regulation in Victoria by enabling the regulator to clarify the intended operation of the Code, providing greater certainty to the Victorian timber industry while maintaining environmental standards. A clear and enforceable regulatory framework is vital for our environment, Victoria's timber industry and forestry workers as we transition away from native timber harvesting by 2030.

I commend the Bill to the house.

Mr ONDARCHIE (Northern Metropolitan) (17:46): I move, on behalf of my colleague Mr Davis:

That debate on this matter be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (17:47): I move:

That the house do now adjourn.

SWIMMING AND WATER SAFETY EDUCATION

Mr ONDARCHIE (Northern Metropolitan) (17:47): (1809) My adjournment matter is for the Minister for Education. Families in Melbourne's north are concerned about children's safety around water. For two years the lockdowns have led to a greater proportion of children who cannot swim or who are classed as weak swimmers. Families will be aware that February and March are months for school swim carnivals in Melbourne's north. It has been reported to me that staff are seeing an increase in near drownings and an increase in rescues at local pools in Melbourne's north.

According to Life Saving Victoria, in the period 2020–21 there were about 61 deaths. That is an increase of 40 per cent on the 10-year average. The nation has so far reported many deaths by drowning this summer, and one life is too many. This is not helped by two years of Victoria's lockdowns meaning private swimming lessons were cancelled or postponed. The consequences of swim school closures are potentially very, very tragic. After 262 days of lockdowns over 8 million vital learn-to-swim lessons have been missed in Victoria, with tens of thousands of kids missing out on critical classes and seeing their skills and their confidence in the water deteriorate. Following the lockdowns of 2020, 25 children aged zero to four died from drowning as restrictions eased—a 108 per cent increase from the previous year.

In October 2021 the Leader of the Opposition, Matthew Guy, said:

Swimming pool closures have real consequences for children's confidence and safety in the water.

He went on to say:

For children, their families, adults learning to swim, swim schools and the jobs they support—our—the Liberals' and Nationals'—

plan would get indoor pools open safely and sooner.

The call for action I have for the minister is for the minister to direct the department to help primary school-age children, local schools and school communities in Melbourne's north to participate more in swimming safety lessons at school. Swimming ability and confidence is an essential life skill. Getting our school swimming lessons programs back up and running must be a priority.

FAMILY VIOLENCE SERVICES

Dr CUMMING (Western Metropolitan) (17:49): (1810) My adjournment matter is for the Minister for Prevention of Family Violence in the other place, and the action I seek is the provision of ongoing funding and support to address provisional gaps, especially in growth areas. This is vital in addressing family violence and must include physical and mental health services, prevention and behaviour change programs, crisis and long-term accommodation assistance and funding for legal access centres. Family violence is against the law. There is no excuse for abusing a loved one.

Unfortunately within Hume city in the 12 months ending on 31 March 2021 there were over 4100 incidents of family violence reported to Victoria Police. Family violence tears lives apart. One in three women experience physical or sexual violence, or both, caused by someone known to them. It affects men, women, children, families and the community, and it has big personal, social and economic effects. Now, while no woman or man will experience family violence in the same way, there are common effects of living with violence and living in fear. The obvious physical effects of family violence on women, children and men are physical injuries and death, yet there are also other effects on men's, women's and children's physical health, such as insomnia, chronic pain, physical exhaustion and other health problems. They are not necessarily always the result of physical injuries but are normally psychological.

Family violence has short- and long-term physical, emotional, psychological, financial and other effects on the family. Every man, woman and child is different, and the impact of each act of violence depends on many complex factors. Everyone should feel safe in their own home. As Melbourne has been subject to lockdowns—the longest in the world—the protections that can be offered for families through connections with their friends were broken, as were other family supports. We know that there was an increase in family violence during those lockdowns. We need additional funding to the agencies required to offer these supports for families so that all in our community can feel protected and know that they can be safe, especially in the one place that they should feel safe—their homes.

PLANT-BASED FOOD INDUSTRY

Mrs McARTHUR (Western Victoria) (17:52): (1811) My adjournment matter is for the Minister for Agriculture, and it relates to the efforts currently underway to achieve truth in food labelling. I note the work being done by a Senate inquiry into meat definitions. With the rise and rise of veganism, and even its social precursor vegetarianism, Australia is witnessing movement within the food industry. Indeed it is a whole new segment of the market. That is a good thing. We celebrate choice. But new plant-based products need to find their own names and marketing strategies. Piggybacking off meat-based names and descriptors is hardly fair or respectful.

The red meat industry has spent many, many millions of dollars across the decades building its brand, building its market and educating consumers about its products. The naming and branding of these products have not happened by chance. Meat and dairy farmers are right to feel cranky that the new kids on the supermarket block, so to speak, have usurped much of that work and investment for the branding of their own vegan or plant-based products. But let us be straight: chickpeas are not chicken, soybeans are not sausages and legumes are not lamb. As Queensland senator Susan McDonald so aptly put it recently in an article in *Stock & Land*:

All we're suggesting is that, like margarine makers did by choosing a name that didn't contain butter, plant protein marketers come up with ways to promote their products without trading on animal names and imagery.

I am sure if the reverse argument was put, legume growers would be cranky for lamb farmers and marketers to be calling lamb chops 'legumes'. In this way it is quite nonsensical. My question then to the minister is: what efforts has she made to support Victorian farmers of animal products and their argument for truth in food labelling? Equally what support is she giving farmers of plant-based products to help grow that important market and establish for itself its own product descriptors that do not trade off the parallel meat product they are trying to replicate in plant form?

The PRESIDENT: Thank you, Mrs McArthur. I noticed last night and tonight that in your adjournment you asked a question. It should be an action.

Mrs McARTHUR: Would you like me to reword it?

The PRESIDENT: No, the minister will accept that.

Ms Tierney: I am all for talking to the animals, but I think it would be helpful to the minister if you did seek a specific action.

Mrs McARTHUR: The action I seek, then, is for the minister to establish what effort she has made to support Victorian farmers of animal products and their argument for truth in food labelling. The further action I seek is what support she is giving farmers of plant-based products to help grow that important market so it can establish for itself its own product descriptors that do not trade off the parallel meat product they are trying to replicate in plant form.

FOX CONTROL

Mr QUILTY (Northern Victoria) (17:56): (1812) I probably cannot top that. It is not meat; it is a sparkling meat substitute. Anyway, my adjournment matter is for the Minister for Agriculture. Many city people have a far too rosy view of foxes, but in Victoria foxes are a pest species. They are a prolific feral threat that kills livestock and native wildlife. Farmers are acutely aware of the danger foxes pose. They have seen foxes tear up the faces of calves and rip open the udders of live cows. They have seen them eating sheep alive when they are down. They see foxes stalking lambs and picking off the stragglers or the twins.

To encourage communities to control fox numbers the government has placed a bounty on foxes since 2003. That bounty is \$10 per fox and mostly helps to cover the cost of hunting them. We have recently heard that Mr Meddick from the Animal Justice Party has called on you to scrap this fox bounty. I am yet to hear his solution to the harm the foxes cause. Why is it better for animal justice that we leave foxes to brutalise and slaughter other animals? Foxes do not discriminate. They will kill endangered species just as readily as any others. Why is it better to allow this species to proliferate and to destroy whatever it likes? Controlling fox populations is in the best interests of farmers, livestock, wildlife and the broader ecosystem. From an economics perspective farmers will find the lowest cost solution to foxes and will incorporate those costs into the price of their products. The environmental question is different. Foxes left uncontrolled will destroy native populations.

Over the past two decades the fox bounty has slowly been eroded away by inflation. If the bounty had been indexed, it would be at least \$15 now instead \$10. Once upon a time a fox skin was worth enough money to motivate hunters, but animal activists have destroyed this value by campaigning against wearing fur, in the process unleashing devastation on small native animals.

Minister, the action I seek is for you to raise the fox bounty to \$15 per fox and then to index it against inflation. The bounty increase would cost the government around \$500 000 to \$600 000, but I am certain the minister can find more than enough wasted cash floating around the Department of Environment, Land, Water and Planning portfolio that could be better used for feral animal control.

GREATER SHEPPARTON SECONDARY COLLEGE

Ms LOVELL (Northern Victoria) (17:58): (1813) My adjournment matter is for the Minister for Education, and the action that I seek from the minister is for him to publicly acknowledge the many and varied problems that have arisen since the opening of the Greater Shepparton Secondary College and also for him to inform the Greater Shepparton community what action he will take to resolve these issues.

The new Greater Shepparton Secondary College was the brainchild of Minister Merlino and the Labor-voting independent member for Shepparton, Suzanna Sheed. Many reasonable concerns raised by the community about the new school prior to its opening were simply dismissed by Ms Sheed and her

Labor mates. Since its opening at the start of 2022 numerous issues and incidents have occurred at the college that the minister needs to acknowledge and address immediately.

Incidents of student violence are a regular occurrence, with incidents occurring from the very first day all students attended the new campus, including nine police units responding to an incident and reports of a student being arrested. Despite the minister and Ms Sheed promising a small-school experience for students, using the 300-students-per-neighbourhood model, this has been impossible to implement because of the class timetable, meaning students are engulfed in a large-school situation.

Staffing issues have arisen, with families reporting that no permanent teachers have been appointed for some English and Italian classes in years 7 and 8 and reports of teachers giving students work and then leaving the classroom for the remainder of the period. I have been informed that twice in one week up to 40 teachers took stress leave at the same time and that on one day this week 69 teachers were absent—an indication of the enormous pressure being experienced by staff at the school.

Despite government reassurances the school was not completed, with families reporting that woodwork and metalwork rooms are not operational as they have not passed occupational health and safety inspection. There is a lack of shade for the students, the student lockers are too small and the school oval could not be used because the grass had to be re-sown. The school does not have a functioning canteen, and vending machines have been installed instead. There are reports that year 8 PE classes are being bussed to the old Wanganui campus so as to not damage the new gym floor. The lack of student welfare services at the school is a major concern, with year 12 students forced to mentor younger students and each of the school counsellors assigned 300 students.

Vehicle traffic around the school is a nightmare, with the lack of appropriate parking forcing parents to stop in the middle of the road to drop off their children. The disabled parking spots are quite a distance from the main office of the school, and the residents surrounding the school are unable to park outside their homes because of staff parking.

The minister will claim these are teething problems, but they are much more serious than that, and he needs to finally acknowledge these issues and take action to make the Greater Shepparton Secondary College a safer and more improved environment for students and staff.

VERMONT FOOTBALL CLUB

Dr BACH (Eastern Metropolitan) (18:01): (1814) My adjournment matter tonight is not for the Minister for Tourism, Sport and Major Events; it is for the Minister for Community Sport, and the action that I seek is for her to provide \$130 000 to Vermont Football Club.

Members might recall that some time ago now I directed an adjournment matter to the Minister for Tourism, Sport and Major Events regarding the Vermont Football Club, and eventually I received a terse and puerile one-line response saying that I should simply redirect my matter to the Minister for Community Sport. Minister Pakula could have walked down the corridor and given this to Minister Spence; however, he decided to play politics, as normal, and instead asked me to redirect my matter. At the same time Vermont footy club has now planned for the start of the season. As I explained to the house last time I raised this matter, it is vital for the Vermont Football Club to receive an upgrade to its lighting. Some time ago now the council provided new lights to Vermont Football Club, but they stuffed it up and they got the wrong lights. The lights do not enable Vermont Football Club to play at night. That is the point of having lights at your football ground.

Vermont footy club is the premier suburban footy club in the country. Have a look at their record—an incredibly successful club now with a burgeoning program not just of young people but, really importantly now, of female teams. What the leadership of Vermont Football Club wants to do, and I support them in their aim unreservedly and entirely, is to make sure that their fantastic female players get just as good a run as their male players, and yet at the moment because of fixturing issues on their main ground the female teams are having to play away from the main ground, away from the

wonderful facilities there and from the huge crowds that week in, week out, come to watch games at the Vermont footy club. Now, I was advised by senior members of the club just this morning that two women's games scheduled already for the start of the season have now had to be cancelled because of this really significant issue.

This is loose change that we are talking about. We need some LED globes to go into the existing light towers this season to allow for the women's teams to play on the main ground after the blokes. Wouldn't it be fantastic? There are oftentimes thousands of people who go to Vermont footy club. If the minister has not been, if Labor members have not been, they need to go. It is a wonderful club, and the ask here of \$130 000 is minuscule. The council should have got this right the first time, but mistakes occur. The government should step in, help the club and in the process of doing so help the expansion of the women's game in the eastern suburbs. I will be crystal clear before I finish: the action I seek is for \$130 000 to be given to Vermont Football Club for new lights, and I direct this clearly to the Minister for Community Sport.

RESPONSES

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (18:04): There were six adjournment matters this evening. They will be referred to the relevant ministers for a response.

The PRESIDENT: The house stands adjourned.

House adjourned 6.04 pm until Tuesday, 22 March.