

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-NINTH PARLIAMENT

FIRST SESSION

THURSDAY, 9 SEPTEMBER 2021

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By authority of the Victorian Government Printer

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The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

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Deputy Speaker

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Deputy Leader of the Parliamentary Labor Party and Deputy Premier

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The Hon. MJ GUY

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The Hon. DJ SOUTHWICK

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The Hon. PL WALSH

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Ms SM RYAN

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Ms JM ALLAN

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

Parliamentary Services: Secretary: Mr P Lochert

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FIFTY-NINTH PARLIAMENT—FIRST SESSION

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PARTY ABBREVIATIONS

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

Legislative Assembly committees

Economy and Infrastructure Standing Committee

Ms Addison, Mr Blackwood, Ms Couzens, Mr Eren, Ms Ryan, Ms Theophanous and Mr Wakeling.

Environment and Planning Standing Committee

Ms Connolly, Mr Fowles, Ms Green, Mr Hamer, Mr McCurdy, Mr Morris and Ms Vallenge.

Legal and Social Issues Standing Committee

Mr Battin, Ms Couzens, Ms Kealy, Ms Settle, Mr Southwick, Ms Suleyman and Mr Tak.

Privileges Committee

Ms Allan, Mr Carroll, Mr Guy, Ms Hennessy, Mr McGuire, Mr Morris, Mr Pakula, Ms Ryan and Mr Wells.

Standing Orders Committee

The Speaker, Ms Allan, Mr Cheeseman, Ms Edwards, Mr Fregon, Ms McLeish, Ms Sheed, Ms Staley and Mr Walsh.

Joint committees

Dispute Resolution Committee

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

Council: Mr Bourman, Ms Crozier, Mr Davis, Ms Mikakos, Ms Symes and Ms Wooldridge.

Electoral Matters Committee

Assembly: Mr Guy, Ms Hall and Dr Read.

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

House Committee

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

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

Integrity and Oversight Committee

Assembly: Mr Halse, Ms Hennessy, Mr Rowswell, Mr Taylor and Mr Wells.

Council: Mr Grimley and Ms Shing.

Public Accounts and Estimates Committee

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

Council: Mr Limbrick and Ms Taylor.

Scrutiny of Acts and Regulations Committee

Assembly: Mr Burgess, Ms Connolly and Mr R Smith.

Council: Mr Gepp, Ms Patten and Ms Watt.

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Thursday, 9 September 2021

The SPEAKER (Hon. Colin Brooks) took the chair at 2.32 pm and read the prayer.

Announcements

ACKNOWLEDGEMENT OF COUNTRY

The SPEAKER (14:32): We acknowledge the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future, and elders from other communities who may be here today.

Members

MINISTER FOR MULTICULTURAL AFFAIRS

MINISTER FOR ENERGY, ENVIRONMENT AND CLIMATE CHANGE

MINISTER FOR CHILD PROTECTION

MINISTER FOR PUBLIC TRANSPORT

Absence

Mr ANDREWS (Mulgrave—Premier) (14:32): I rise to advise the house that I will answer questions for the portfolios of multicultural affairs; community sport; youth; energy, environment and climate change; solar homes; child protection; disability, ageing and carers; public transport; and roads and road safety.

Questions without notice and ministers statements

COVID-19

Mr GUY (Bulleen—Leader of the Opposition) (14:33): My question is to the Minister for Health. Minister, both the federal and New South Wales governments are already ordering thousands of rapid antigen testing kits for delivery now and orders for delivery in the future. Why isn't Victoria?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:33): I thank the Leader of the Opposition for his question, and I am very happy to compare much of the activities in New South Wales with those in Victoria when it comes to the public health system in many, many ways. The honourable member specifically brought into the question the issue of ordering and rapid antigen testing. Rapid antigen testing is a part right now of how we go about our testing regime in Victoria. That has been the case, whether it is saliva testing or whether it is other arrangements in place in hotel quarantine, for many, many months. It has been part of the serial testing in industry settings in high-risk industries for quite some months as well. So the premise on which the honourable Leader of the Opposition asked his question is suitably flawed. In that respect, rapid antigen testing has been and will increasingly be a part of Victoria's and indeed the commonwealth's response to this global pandemic. It does need, in terms of how it is applied, particular approvals from the federal regulator, the TGA—the Therapeutic Goods Administration. Many are restricted through the processes whereby you have to have a clinician of some standard or another apply—not all of them, but a lot—and we are waiting through the Australian Health Protection Principal Committee and other engagements with the commonwealth for the approvals for that loosening of the system to allow that to happen.

In regard to how more broadly we are engaging with the commonwealth around all of the elements of the public health system and the ordering that the commonwealth has, the main thing that holds us back in that regard is not so much rapid antigen testing or testing more generally, given the great job that is being done by all of our pathology teams in turning around the many, many thousands of tests—over 50 000 in the most recent 24-hour reporting period—it is actually vaccines. And to hear today

that in fact Australia passed up the opportunity to be at the front of the queue when it comes to Pfizer in particular—just think where we would be if we had taken up not just rapid antigen testing but the Pfizer offer for mRNA—

Mr Guy: On a point of order, Speaker, my question was very specific and only went to rapid antigen testing—

Mr Merlino interjected.

The SPEAKER: Order! The Deputy Premier will come to order.

Mr Guy: and I wonder, on relevance, if the minister has finished answering that question, he might be able to conclude his answer, otherwise if he would prefer to answer the question that I asked.

Members interjecting.

The SPEAKER: Order! I will not have members talking over me when I am trying to rule on a point of order. The Minister for Health should come back to answering the question.

Mr Wells: On a further point of order, Speaker, I am sorry, but in the past when there have been people talking over you when you have been giving a ruling people on this side have been thrown out of the chamber. I would ask you to apply the rules fairly, especially when it comes to the Deputy Premier and his persistent talking over the top of you when you are giving a ruling.

Members interjecting.

The SPEAKER: Order! I warn all members of the house because as I was about to rule on that point of order members on both sides of the house were yelling across me. The Minister for Health to come back to answering the question.

Mr FOLEY: Thank you, honourable Speaker. Rapid antigen testing has been and will increasingly be part of the armoury the public health team bring to our public health response as we seek to deal with this particularly nasty outbreak of the delta variant, in the context of our main tool being a vaccination program. And just think how good it would have been if we had had millions more Pfizer doses.

Mr GUY (Bulleen—Leader of the Opposition) (14:38): The federal government is saying publicly they expect the Therapeutic Goods Administration to soon fully approve rapid antigen testing even for home use. What has the state government done to ensure there is adequate supply?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:38): Can I thank the member for his supplementary question. The whole issue of supply chain throughout this global pandemic has been an extraordinarily complex one in a global environment where pretty much everybody wanted everything all at the same time. Having said that, despite the promises of national stockpiles on many issues—be it PPE, ventilators, swabs, consumables, associated reagents and indeed vaccines, like mRNA vaccines from Pfizer for instance—the commonwealth has sought on many occasions to intimate to the states and territories that it is happy to coordinate that process. Twenty months in there has been no evidence of that coordination of supplies, especially when it comes to Pfizer mRNA technology. Each state has had to establish its own, and this state will when it comes to rapid antigen testing.

MINISTERS STATEMENTS: COVID-19 VACCINATIONS

Mr ANDREWS (Mulgrave—Premier) (14:39): I am delighted to rise to update the house and all Victorians on the performance of all those working in vaccination hubs across our state, whether they be state-run hubs, GP practices or pharmacies. We had our biggest-ever day yesterday, with 37 604 vaccines administered in our state-run hubs—55 of those hubs across the length and breadth of the state. To the nurses, to the clinical staff, to all the people across the board who are working to make those sites open and available and to see the record throughput through those state hubs, we say thank you, and of course we thank them for all of those now 2.7 million doses. That is 2.7 million

doses that have been administered through state hubs. That is literally millions of Victorians who have come forward to get a first and a second dose. We across the board, whether it be with Pfizer or with the AstraZeneca vaccine, have seen record doses delivered through our state hubs.

I remind all Victorians that we were to do just 25 or 26 per cent of the work. We are now doing 50 per cent of the work, and will do even more if we need to, given that nothing is more important than getting us to 70 per cent double dosed and 80 per cent double dosed. That is what the national plan has us all signed up for, that is what we contributed to in the development of the national plan and that is what will see us have many more options than we have now. It is important to acknowledge, though, that the equitable distribution of vaccines is not an unimportant matter. We would hope that when we get commitments to a pro rata or population-share distribution, that is exactly what happens—not a vial less, not a dose less or a dose more. All we want is our fair share, as I am sure every state across the commonwealth wants.

To all of those who have booked a vaccination appointment, thank you. To all of those who want to get vaccinated and play their part, there are more than 10 000 AstraZeneca appointments available right now as I speak. Go online, book one, get your first dose, get your second dose six weeks later and help us in our race to 80 per cent.

COVID-19

Mr GUY (Bulleen—Leader of the Opposition) (14:42): My question is again to the Minister for Health. Minister, with projections of a spike in COVID cases, why are only 574 of the 4000 promised ICU beds, in the minister's own words, 'ready to go' at this point in time?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:42): Can I thank the Leader of the Opposition for his question and suggest to the Leader of the Opposition that perhaps if he had have looked at the entire comment rather than selectively picking one particular set of words, he might have had the answer to his own question. Because of course whilst today there are that many, or when the comment was made there were that many, ICU beds up and running, the context in which those comments were made and continue to be made is that in the context of a response to the coronavirus pandemic we have in place a series of tiered or phased hospital responses which can go well beyond the number that we have up and running—the 500 figure the honourable Leader of the Opposition referred to.

In fact as we speak, in addition to the four main adult hospitals and in addition to the specialist Royal Children's Hospital, Royal Women's Hospital and the Monash, other hospitals that would take paediatric or elderly COVID virus patients, we are, on the basis of the increasing number of infections, scaling up substantially beyond that—breaking out from storage the 4000 ventilators, refurbishing and re-establishing wards, whether they be at the Austin, whether they be at Barwon, whether they be at the Monash or a range of others—all with a view or in the expectation that we will be, as we seek to progress in the new arrangements of managing the outbreaks as they develop whilst responding primarily with vaccination responses, managing those outbreaks and infections in the community and in our hospitals in the best way we can.

The ICUs and the fantastic work done by our staff in those areas are beyond compare, but they can be supported by making sure that we have every Victorian vaccinated as soon as we possibly can, and that requires us to have the adequate supply of vaccines. But it also means staying safe in our community to assist those ICU nurses by, if you are in the regions, following the different rules that now apply through the public health orders to keep you open and safe and, if you are in metropolitan Melbourne, following the rules that can get us to firstly 70 per cent single dose and then ultimately 70 per cent second and 80 per cent second dose as soon as we possibly can for that careful, graduated, sustainable, safe reopening. In terms of ICUs, every commitment that the government has made is there, scalable and deliverable, and I want to thank all those hardworking frontline healthcare workers for their important role in that effort.

Mr GUY (Bulleen—Leader of the Opposition) (14:45): I ask if the minister will guarantee that the public health system will be able to cope with the projected spike in COVID cases, given thousands of promised beds have still not been delivered and put in place as he said they would be.

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:46): I can reassure the house that this government will follow the public health advice every step of the way to make sure, as we respond to this delta outbreak—and at the same time the rollout is one of the key parts of the response to it, the commonwealth vaccination program—and in the expectation that as the coronavirus delta variant increases in its infectivity and impact on members of our community and we see a rise in infections and we see a rise in cases in hospitals, that we will respond as per the schedules and the responses that our public health teams and our health services have in place to give those people the best support we can. But what we do need to do is to manage that in a way that is based on the public health advice, not for the three-card trick of throwing everything open at once.

MINISTERS STATEMENTS: COVID-19 VACCINATIONS

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:47): As it happens, I too would like to rise to pass a few comments on the great work being done by our frontline healthcare workers in their efforts to go about the vaccination of our community. I want to thank all of those people involved in those efforts, drawn overwhelmingly from our healthcare services, and I want to acknowledge the fact that overwhelmingly those people, as they are frontline healthcare workers themselves, have been vaccinated to extraordinarily high levels. I want to acknowledge, as the honourable minister for disability did yesterday, the fact that our public aged-care workers have exceeded the industry standards when it comes to their now requirement to be vaccinated. I want to acknowledge that private residential aged-care staff have also now come on board in increasing numbers for vaccinations. I want to acknowledge that our Ambulance Victoria staff are up at around 86 per cent of their vaccination target. I want to acknowledge that all of our healthcare workers have taken extraordinary steps to keep themselves safe. The least the Victorian community can do in ensuring that we play our part of that bargain is to come forward as soon as possible to get your vaccination from one of those 55 state-run hubs, or increasingly the number of GPs, pharmacists and other locations, to make sure that you do your part in helping those healthcare workers achieve the goal of a safe sustainable reopening by being protected as far as you can be by your vaccination program.

I will use this opportunity to call on the federal government and insist that we at least get our fair and proportionate share of vaccines from our commonwealth government.

MENTAL HEALTH IN SCHOOLS PROGRAM

Ms KEALY (Lowan) (14:49): My question is to the Minister for Mental Health. Does the government support the Australian Counselling Association's calls to change the definition of a mental health practitioner under the Mental Health Act 2014 to ensure the right mental health support is available in every Victorian school?

Mr MERLINO (Monbulk—Minister for Education, Minister for Mental Health) (14:49): I thank the member for Lowan for her question, an important question about mental health and support within our school system. It is important what you actually do in response to a broken mental health system, and the most significant commitment in terms of social policy reform of the last election—that is, a mental health royal commission—is implementing every single recommendation of the mental health royal commission. I remind members it was opposed by those opposite, to the shame of the Leader of the Opposition. So the most significant social policy reform of our generation, exacerbated by the impacts of COVID not only in Victoria but across the country and indeed across the globe, needs to see real change and real investment.

In terms of the definition of mental health practitioners, the approach that we have in our schools is that the full suite of supports be available for our kids. From social workers, youth workers and

psychologists to GPs in schools, we are rolling out the full suite of opportunity right now. Every single government secondary school has a mental health practitioner; every single specialist school has a mental health practitioner. In our primary schools—

Ms Kealy: On a point of order, Speaker, the Australian Counselling Association have been calling for a long time to be classified under the—

The SPEAKER: Order! I need to know what the point of order is.

Ms Kealy: On relevance, sorry, Speaker. I ask you to direct the minister to refer to the question that was put around counsellors within schools to provide additional support to kids who are really struggling.

The SPEAKER: Order! I do not uphold the point of order. The Deputy Premier is being relevant to the question that has been asked.

Mr MERLINO: I was speaking, as you say, Speaker, directly to the question that the member was asking in terms of definitions of practitioners, and I was saying the full suite of professionals is the best way to support our kids. On top of a mental health practitioner in every single government school we have expanded that to every single specialist school. As I mentioned earlier this week, in our primary schools we have got an exciting and nation-leading partnership with the Murdoch Children's Research Institute in regard to what more we can do in our primary schools. We are training 1500 staff. And this is the important thing: when it comes to the approach of our wellbeing teams in our schools, schools understand that this is a whole-of-school approach. We need teachers who understand and are trained in terms of early identification and support for young people and then a professional team of dedicated workers. Whether they are psychologists, GPs, school nurses, counsellors, social workers or youth workers, all of those are part of a team within our schools. In addition to that and in direct response to a recommendation of the royal commission we have got a \$200 million fund, the first of its kind in Australia, which will be rolled out first to schools in rural and regional Victoria—all primary and all secondary schools in rural and regional Victoria—and then to metro schools, where schools will have that additional support.

Ms KEALY (Lowan) (14:53): Why would the government at this critical time for so many children's mental health oppose the policy of simply changing legal definitions to bring in up to 2000 extra professionals to help with the mental health crisis in our schools?

Mr MERLINO (Monbulk—Minister for Education, Minister for Mental Health) (14:54): I thank the member for Lowan for her supplementary question. The problem with the opposition is they never have a plan B. Their supplementary questions are always the ones that they wrote before question time. They never, ever, ever listen to the substantive answer—

Ms Kealy: On a point of order, Speaker, question time is not an opportunity for the minister to attack the opposition. This is around the mental health of children. I ask the minister to respond to the question and make sure we have got the right people in place to support our kids.

The SPEAKER: I uphold the point of order. The Deputy Premier to come back to answering the question.

Mr MERLINO: Thanks, Speaker. What we are doing was, again, voted against by those opposite. When we had a bill in this place to fund our mental health reforms and deliver on a key recommendation of the royal commission, they voted against it. That is their record. \$3.8 billion: the first year of a 10-year reform. \$3.8 billion: that is equivalent to around 3000 additional workers in our mental health system. That is what we are delivering, and that is what you have opposed.

Ms Kealy: On a point of order, Speaker, on relevance, my question is directly around an immediate supply of 2000 counsellors if they are defined as mental health practitioners to support kids in schools. It is not about anything else.

The SPEAKER: Order! The supplementary question was a broader question than the substantive question. The minister is being relevant to the question that has been asked.

Mr MERLINO: Our investment is delivering immediate support, whether it is in our schools, whether it is in a blitz to support the waiting list in the federally funded and federally responsible Headspace program, hundreds of millions of dollars supported by this side, opposed by those opposite.

MINISTERS STATEMENTS: COVID-19 VACCINATIONS

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (14:56): I am pleased to update the house on the actions that the Andrews Labor government is taking to help our helpers—the people who have helped secure the safety of our state during the difficult times that we have endured—by helping teachers, firefighters, nurses, ambos, public servants and of course our police to get vaccinated sooner because by getting vaccinated sooner they make us all safer. As the government announced recently, public sector employees can now access up to half a day's paid time to get each dose of vaccine. These arrangements apply to full-time and part-time staff and long-term and regular casuals at departments, statutory authorities, government schools, TAFEs, our emergency services and other public entities. Importantly, it is in addition to accrued sick leave, so nobody need worry that they will be worse off by doing the right thing by the community.

This is just one way that the government is making it easier for Victorians to get vaccinated and put the state back on the path to the prosperity and wellbeing that we have all become accustomed to. I know many businesses are out there doing the right thing by Victorians. They are making sure that they support their workers to get vaccinated because this is vitally important for the safety of the community. As we move to opening up, as we meet the agreed national cabinet time lines and levels of implementation, we need to be assured also that everybody is doing their bit, and vaccination is a pathway to ensuring that. This is just another way that the government is supporting workers through the pandemic. We have already put in place those test isolation payments, pandemic leave, disaster payments and we are supporting the commonwealth to deliver the COVID-19 disaster payments.

CLIMATE CHANGE

Ms SANDELL (Melbourne) (14:58): My question is to the Premier. Just a few weeks ago the world's climate scientists, the IPCC, released their latest report, sounding the alarm about the worsening climate crisis and how it will affect all of us, with more bushfires, heat, floods and extreme weather events. One of the key messages from these thousands of climate scientists was very clear: the world needs to stop burning fossil fuels and should not start any new fossil fuel projects. Given this, why has the Victorian Labor government giving consent to a gas company, Beach Energy, to start gas drilling beneath one of our national parks and close to the Twelve Apostles marine sanctuary?

Mr ANDREWS (Mulgrave—Premier) (14:58): I thank the member for Melbourne for her question. I will refer the specifics of the member's question to the Minister for Resources in the other place and ask her to provide a fulsome written response in relation to any approvals that have or have not been granted by our government, or any other government for that matter. What I would say, though, is that I agree with the member for Melbourne when she quotes an enormous number—the vast, vast majority—of climate scientists who know and understand, as this government does, that there is no time to waste. We need real action and we need a government with a policy that is driven by urgency and a real sense of purpose. And that is what we have been proud to take to the last two elections and to receive and be humbled by the very considerable support of the Victorian community, to be given that precious gift, the greatest of gifts in many ways, not only the opportunity but the obligation to govern and lead our state. In doing that we have taken a positive and optimistic plan to be the centre of renewable energy in our nation. That is what we have done and that is what we will continue to do for so long as we have the support—that precious gift—from the Victorian community. Some talk; others get on and get it done. We have been criticised for it by many, but we have pushed on with an ambitious and optimistic agenda to make our state the centre of renewable energy generation and storage in our nation.

That of course can be seen through many different things. We had the biggest ever reverse auction in the country's history. The bid pool was some 3000 megawatts. We thought we would get about 600 megawatts away out of that auction. We got considerably more than that. We have of course our legislated targets. Not everybody necessarily supported those legislated targets. Others can account for their own fairly patchy record when it comes to these things. But what I would say is that we have seen more—

Members interjecting.

Mr ANDREWS: See, shouting does not work against climate change—or much else actually. But the key point here is you can talk, you can even make a bit of noise, you can even laugh about climate change if you want, but the best thing to do is to get on and do something about it. That is what this government has proudly done every day that we have been in office.

I could of course go on to talk about solar homes—essentially putting power stations on 750 000-plus roofs with no up-front costs. It is not only a great cost-of-living measure, giving people control over their power bills for the first time in a long time, perhaps ever, but also doing good work by the planet and by our kids and grandkids.

I would, however, say this: the Greens do often think that this is literally a switch and you just flick from one system to the new, from a flawed system to a perfect one. If only the world and public policy and public administration worked that way. They sadly do not, but we will push on regardless to do the hard work to keep— *(Time expired)*

Ms SANDELL (Melbourne) (15:02): Premier, the community supports the government's actions in supporting and encouraging renewable energy, but they are also rightly disappointed that on the other hand it is this Labor government's policy to support and open up gas drilling right across Victoria's land and in our oceans. Given that the IPCC made it very clear that new fossil fuel developments should simply not go ahead, why is it the Victorian government's policy to still support new gas drilling right across Victoria?

Mr ANDREWS (Mulgrave—Premier) (15:02): That is a very important question. We have been criticised for not doing enough to limit gas. We have been criticised as having done far too much. If I might say, I think that the position we have arrived at is a very balanced one. It also happens to be 100 per cent in accordance with the commitments we made at the last election. 'Say what you do and do what you say'—that is how we govern, and no amount of reinterpretation by those opposite, no matter what colour you might attribute to them, will change that. We said we would have the nation's most ambitious renewable energy program. We are delivering it. We said we would reduce emissions and have legislated targets to keep us and future governments accountable. We are doing that. The member for Melbourne essentially asked me to apologise for having delivered on all the commitments we made and having the most ambitious and optimistic plan in the country for renewable energy. I shall not apologise for that. We are proud of it.

MINISTERS STATEMENTS: COVID-19 VACCINATIONS

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing) (15:03): I rise to update the house on the Andrews Labor government's rollout of vaccinations to Victorians at risk of homelessness. People without stable accommodation are particularly vulnerable to coronavirus, so we have taken steps to remove barriers to accessing the vaccines. In July this year we established pop-up clinics running in the Melbourne CBD, Collingwood and Footscray, and since July we have set up dozens more pop-up sites across Melbourne's inner north and the west, as well as in regional areas such as Geelong and Ballarat.

We have also set up mobile vaccination teams that are going to sites with large numbers of people experiencing homelessness, such as drop-in centres, crisis accommodation facilities, rooming houses

and the like. Some of these sites have already completed the second vaccine dose for their clients, with the remaining sites scheduled to do so over the next two months.

In addition to this program, we are also rolling out onsite vaccination services to public housing high-rise towers. From early June of this year we have had onsite vaccinations offered at high-rises, initially prioritising estates where we have had exposures such as at Fitzroy, Collingwood, North Melbourne and Flemington. The program has been now expanded to all 57 high-rises across Melbourne so that all residents are given a chance to get vaccinated to help protect themselves, their families and their community. We will continue with the rollout of these programs to ensure some of the most vulnerable members of our community have easy access to these vaccines, keeping themselves, their families and indeed all Victorians safe. I commend the work that has been done by the department in this respect.

COVID-19

Ms KEALY (Lowan) (15:05): My question is to the Minister for Mental Health. Today is R U OK? Day. Small social outdoor gatherings are currently permitted in New South Wales, the ACT and Queensland. To counter the mental health crisis being felt by so many Victorians, will the government allow COVID-safe outdoor gatherings of up to five people?

Mr MERLINO (Monbulk—Minister for Education, Minister for Mental Health) (15:06): I thank the member for Lowan for her question and for her reference to R U OK? Day. Particularly in the midst of a global pandemic, the lockdown, we know that this has a mental health impact on all Victorians, all Australians and people around the globe, so today is an important day to do exactly that: take a moment and ask someone—your loved ones, friends, colleagues at work—‘Are you okay?’. I just want to acknowledge that at the start.

In terms of the question that the member asked, the pertinent part of the question was ‘COVID safe’, and when we have advice from our public health experts that we can do things in a COVID-safe manner, whether that is gathering outside, whether it is indeed visits to your own home from people outside, whether it is gathering in numbers at hospitality venues, at churches, at synagogues, whatever it may be—we know all of this is vitally important for the community’s mental health and wellbeing and for the economic recovery of our state and our nation. All of these things are important.

But my message to the member for Lowan and to all those opposite is: at no stage will I as the Minister for Education responsible for schools, the Minister for Mental Health responsible for our COVID-safe arrangements based on the advice from public health or anyone in government act contrary to public health advice. We will not do that. We have not done that for the last 19 months. We will not do that. The moment, member for Lowan, that we can have more kids at school, the moment that we can have gatherings outside and the moment that we can have visits to the home, we will do so. But we will act in accordance with public health advice and the national plan. I will not take up the opportunity, the advocacy of those opposite, to work against the advice of public health experts. We will not do it.

The SPEAKER: On a supplementary question, the member for Lowan.

Ms KEALY (Lowan) (15:08): Thank you very much, Speaker, and I hope that you are okay as well, having had to deal with us in this place over the past week.

A member interjected.

Ms KEALY: Yes, that is true. Knowing the damage social isolation is causing, will the government release the full written health advice, including the mental health advice, explaining why small groups, particularly Victorian families, are still banned from meeting outdoors?

Mr MERLINO (Monbulk—Minister for Education, Minister for Mental Health) (15:09): I just reiterate an answer I gave earlier in the week. It is the public health orders. It is the detailed advice provided to this Parliament every single month. It is the detailed answers that a range of public health experts respond to a range of questions—

Ms Kealy: On a point of order, Speaker, my question was specific to seeking the health advice and the mental health advice, not the public health orders. This is quite a different thing that we are asking for, and I ask you to bring the minister to be relevant to the question put.

The SPEAKER: Order! Thank you for raising the point of order, but the minister is being relevant to the question that was put to him.

Mr MERLINO: We have public health advice. We have orders signed off by Victoria's chief health officer. And as our chief psychiatrist indicated when he stood up before the public last week, on mental health considerations there is constant input, constant engagement across a range of public health and other health experts, including mental health, including the chief psychiatrist, in terms of the advice, the recommendations and the public health orders that are made—keeping our communities safe. If we follow the advice of those opposite and just open up, our ICU beds will be absolutely run over. That is the reckless attitude of the opposition.

MINISTERS STATEMENTS: BUSINESS SUPPORT

Mr PAKULA (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (15:10): I rise to update the house on the continued support that the Andrews Labor government is providing to business throughout the COVID-19 pandemic. Last Saturday I announced a further \$2.34 billion of support, co-funded by the commonwealth—and we thank the commonwealth for that co-funding—to assist some 175 000 businesses through to the end of September. The business costs assistance program (BCAP) will support over 130 000 businesses, with the payments now being tiered between \$2800 a week and up to \$8400 per week. The Licensed Hospitality Venue Fund (LHVF) supports over 9000 businesses and will continue to provide payments of between \$5000 and \$20 000 per week. The Small Business COVID Hardship Fund will now support up to 35 000 businesses not otherwise eligible for support, with one-off payments of \$20 000. And we will provide one more crucial round of support to our alpine businesses, with payments of between \$10 000 and \$40 000.

Our support programs over the course of the pandemic now run at over \$10 billion, and since the May–June lockdown more than \$3 billion in business support has landed in the bank accounts of Victorian businesses. Importantly the BCAP and LHVF payments will be made fortnightly and will, like previous payments, be automatic. That means that in regional Victoria, despite restrictions easing, the first fortnight of payments will be unaffected. As I indicated yesterday, we will next week have more to say regarding those sectors which remain severely impacted by restrictions in regional Victoria.

I can also indicate to the house that the government will continue to fund commonwealth disaster payments of \$750 and \$450 for eligible workers and businesses in non-hotspot-declared parts of the state, and that is an important recognition that many individuals will still have their income severely constrained despite those restrictions easing in regional Victoria.

Bills

MENTAL HEALTH (COUNSELLORS) AMENDMENT BILL 2021

Introduction

Ms KEALY (Lowan) (15:13): I move:

That I introduce a bill for an act to amend the Mental Health Act 2014 to provide that counsellors are mental health practitioners for the purposes of the act and for other purposes.

House divided on motion:

Ayes, 9

Angus, Mr
Britnell, Ms

Kealy, Ms
Sandell, Ms

Southwick, Mr
Walsh, Mr

DOCUMENTS

3048

Legislative Assembly

Thursday, 9 September 2021

Guy, Mr

Sheed, Ms

Wells, Mr

Noes, 13

Allan, Ms

Connolly, Ms

Halfpenny, Ms

Brayne, Mr

Crugnale, Ms

Halse, Mr

Bull, Mr J

Dimopoulos, Mr

Hamer, Mr

Carbines, Mr

Edbrooke, Mr

Spence, Ms

Cheeseman, Mr

Motion defeated.

Register of opinion on motion

Ayes

Mr Battin, Mr Blackwood, Mr Burgess, Mr Hodgett, Ms McLeish, Mr Morris, Mr Newbury, Mr Northe, Mr D O'Brien, Mr M O'Brien, Mr Riordan, Mr Rowswell, Ms Ryan, Mr Smith, Ms Staley, Mr Tilley, Ms Vallenge, Mr Wakeling

Noes

Ms Addison, Mr Andrews, Ms Blandthorn, Mr Carroll, Ms Couzens, Ms D'Ambrosio, Mr Donnellan, Ms Edwards, Mr Eren, Mr Foley, Mr Fowles, Mr Fregon, Ms Hall, Ms Hennessy, Ms Horne, Ms Hutchins, Mr Kennedy, Ms Kilkenny, Mr Maas, Mr McGhie, Mr McGuire, Mr Merlino, Ms Neville, Mr Pakula, Mr Pallas, Mr Pearson, Ms Richards, Mr Richardson, Mr Scott, Ms Settle, Mr Staikos, Ms Suleyman, Mr Tak, Mr Taylor, Ms Theophanous, Ms Thomas, Ms Ward, Ms Williams, Mr Wynne

Documents

DOCUMENTS

Incorporated list as follows:

DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT—The Clerk tabled the following documents under Acts of Parliament:

Subordinate Legislation Act 1994—Documents under s 15 in relation to Statutory Rule 114.

Bills

EDUCATION AND TRAINING REFORM AMENDMENT (VICTORIAN ACADEMY OF TEACHING AND LEADERSHIP) BILL 2021

ENERGY LEGISLATION AMENDMENT BILL 2021

POLICE INFORMANTS ROYAL COMMISSION IMPLEMENTATION MONITOR BILL 2021

Council's agreement

The SPEAKER (15:19): I wish to advise the house that I have received messages from Legislative Council agreeing to the following bills without amendment: the Education and Training Reform Amendment (Victorian Academy of Teaching and Leadership) Bill 2021, the Energy Legislation Amendment Bill 2021 and the Police Informants Royal Commission Implementation Monitor Bill 2021.

Business of the house**ADJOURNMENT**

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (15:19): I move:

That:

- (1) the house, at its rising, adjourns until Tuesday, 14 September 2021, at 2.30 pm, or an earlier day and hour to be fixed by the Speaker;
- (2) if, in the opinion of the Speaker, the date of the next scheduled sitting or a rescheduled sitting should be changed on the basis of health advice, the Speaker will consult with the Leader of the House and the Manager of Opposition Business to set a new day and hour to meet;
- (3) the Speaker will notify members of any changes to the next sitting date.

If I could just take a quick few seconds on this motion and just note that following discussions that we have had with the Presiding Officers, the Manager of Opposition Business and our respective numbers in the other place, the arrangements that have been in place this week for the successful, can I say, sitting of the house this week are the arrangements that will be in place for next week, which is why the motion identifies the resumption of this place as 2.30 pm next Tuesday.

Motion agreed to.

Bills**FIREARMS AND OTHER ACTS AMENDMENT BILL 2021***Statement of compatibility*

Ms NEVILLE (Bellarine—Minister for Water, Minister for Police) (15:22): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Firearms and Other Acts Amendment Bill 2021.

Opening paragraphs

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (Charter), I make this Statement of Compatibility with respect to the Firearms and Other Acts Amendment Bill 2021 (Bill).

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

Overview

The Bill makes amendment to a range of Acts, including to the:

1. *Control of Weapons Act 1990*
2. *Criminal Procedure Act 2009*
3. *Evidence (Miscellaneous Provisions) Act 1958*
4. *Firearms Act 1996*
5. *Sex Offenders Registration Act*
6. *Victoria Police Act 2013*

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

In my opinion, the human rights protected by the Charter that are relevant to the Bill are—

- a. the right to recognition and equality before the law (section 8);
- b. the right to freedom of movement (section 12);
- c. the right to privacy and reputation (section 13);
- d. protection of families and children (section 17);
- e. protection of property rights (section 20)

- f. the rights of children in the criminal process (section 23);
- g. the right to a fair hearing (section 24);
- h. minimum guarantees in criminal proceedings (section 25(2));
- i. the right not to be tried or punished more than once (section 26); and
- j. protection from retrospective criminal laws (section 27(1)).

For the reasons outlined below, I am of the view that the Bill is compatible with each of these human rights.

Recognition and equality before the law

Section 8(3) of the Charter provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination. Discrimination in relation to a person means discrimination within the meaning of the *Equal Opportunity Act 2010* on the basis of an attribute protected by that Act.

Under section 8 of that *Equal Opportunity Act 2010*, direct discrimination occurs if a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. Section 9 of the *Equal Opportunity Act 2010* provides that indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging a person on the basis of a protected attribute, and that is not reasonable.

Enabling the court to order appearance by audio visual link at first remand hearings

Part 4 of the Bill enables the Magistrates' Court to direct an adult accused to appear at a first remand hearing in the Magistrates' Court by audio visual link, where the court is satisfied that appearance is in the interests of justice, and either the accused consents or the court is satisfied that exceptional circumstances exist.

The 'interests of justice' safeguard promotes the right to equal and effective protection against discrimination in section 8(3) of the Charter. The court will consider the personal circumstances and characteristics of the accused person in deciding whether it is in the interests of justice. This would include considering whether vulnerable accused persons, including those with disabilities, may have difficulty following the proceedings by audio visual link and should therefore appear 'in person'.

In my opinion these amendments are consistent with the right to recognition and equality before the law.

The right to freedom of movement

Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely within Victoria.

Person subject to Firearms Prohibition Order—duty to notify Chief Commissioner of change of address

Clause 21 of the Bill inserts in the *Firearms Act 1996* a new duty on a person who is subject to a Firearms Prohibition Order (FPO). This duty requires the person to notify the Chief Commissioner of a change of residential address within 24 hours after the change.

Victorian courts have regarded measures that place a restriction on a person's place of residence as engaging the right to freedom of movement. This amendment does not have the effect of limiting a person's place of residence, instead, the amendment requires a person to notify the Chief Commissioner after a change in residential address.

In my opinion this amendment is consistent with the right to freedom of movement.

Registrable offender to report their return to Victoria after interstate travel

Part 7 of the Bill will make amendments to the *Sex Offenders Registration Act 2004* to require a registrable offender to report their return to Victoria after interstate travel within seven consecutive days of remaining in Victoria. The *Sex Offenders Registration Act 2004* currently requires registrable offenders to report their return to Victoria after interstate travel within 14 consecutive days of remaining in Victoria—it does not limit that travel.

In my opinion these amendments are consistent with the right to freedom of movement.

The right to privacy and reputation

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Section 13(b) provides that a person has the right not to have their reputation unlawfully attacked.

An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

Extension of expanded phased trial of Digitally Recorded Evidence in Chief

Part 3 of the Bill amends Division 7B of Chapter 8 of the *Criminal Procedure Act 2009* (CP Act) to extend the expanded phased trial of Digitally Recorded Evidence in Chief (DREC) statements across Victoria for a further two years. The enabling provisions currently sunset on 3 October 2022.

The enabling provisions in Division 7B of the CP Act came into operation on 1 September 2018 and provide for the use of DREC in certain matters. The enabling provisions provided for an initial 12-month trial of DREC at two trial sites by Victoria Police, and were supported by safeguards codified in the legislation. The relevant matters are a criminal proceeding for family violence offences, a proceeding for a Family Violence Intervention Order (FVIO), or by order of a court or tribunal.

DREC was trialled as part of the Government's response to recommendation 58 of the Royal Commission into Family Violence. Recommendation 58 was acquitted by the Government in September 2020 with the tabling of an independent evaluation report of the DREC trial in the Parliament.

Extending the period of operation of the CP Act enabling provisions will enable an expanded phased trial of DREC. These amendments will not limit a complainant's right to privacy because the use of DREC is voluntary and made available to a complainant after giving informed consent as an alternative to a traditional written statement.

When obtaining informed consent, section 387G(3)(a) of the CP Act requires a trained police officer to inform the complainant that the recorded statement may be used in evidence in a criminal proceeding, a proceeding for a FVIO or, if a court or tribunal orders, another proceeding, that they may be required to give further evidence in the proceeding, including further evidence-in-chief and evidence on cross-examination and re-examination and that they may refuse consent to the making of the recorded statement.

Additionally, consistent with procedural requirements in criminal matters, the decision to use or not use a DREC in a proceeding is a matter of prosecutorial discretion. The CP Act also requires that this prosecutorial decision be informed by the views of the complainant. Another layer of safeguard to protect against privacy concerns, is the prescribed offences in section 387L of the CP Act for unlawful possession, publication, copying or supply of a recorded statement.

In my opinion these amendments are consistent with the right to privacy and reputation.

Person subject to Firearms Prohibition Order—duty to notify Chief Commissioner of change of address

Clause 21 of the Bill has the effect of requiring a person subject to a Firearms Prohibition Order (FPO) to notify the Chief Commissioner of a change of residential address within 24 hours after the change.

This amendment will increase the operational effectiveness of the FPO scheme by enabling law enforcement to more easily locate FPO subjects. Whilst this amendment imposes additional reporting obligations on a person subject to an FPO, these obligations do not arbitrarily or unlawfully limit the right to privacy protected by the Charter.

In my opinion these amendments are consistent with the right to privacy and reputation.

Registrable offender to report their return to Victoria after interstate travel

Part 7 of the Bill amends the *Sex Offenders Registration Act 2004* to require a registrable offender to report their return to Victoria after interstate travel within 7 consecutive days of remaining in Victoria. The SORA currently requires registrable offenders to report their return to Victoria after interstate travel within 14 consecutive days of remaining in Victoria.

Under the *Sex Offenders Registration Act 2004*, failing to comply with a reporting obligation without reasonable excuse is an offence punishable by imprisonment. A discrepancy in reporting periods has led to cases where registrable offenders have breached their obligations by accident or out of a misunderstanding of their obligations. The amendment will promote consistency, compliance, and advance the protective purposes of the Sex Offenders Registration scheme by setting reporting obligations at a uniform seven-day period.

In my opinion this amendment is consistent with the right to privacy and reputation as it imposes lawful and consistent reporting obligations.

Protection of families and children and rights of children in the criminal process

Section 17(1) of the Charter recognises that families are the fundamental group unit of society and are entitled to be protected by society and by the state. Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being

a child. Section 23(3) provides that a child who has been convicted of an offence must be treated in a way that is appropriate for his or her age.

Extension of expanded phased trial of Digitally Recorded Evidence in Chief

Part 3 of the Bill extends the operation of the expanded phased trial of DREC. Complainants who are children or who are cognitively impaired are excluded from the DREC phased trial by operational direction by Victoria Police as an existing evidentiary scheme already applies to children and cognitively impaired persons in proceedings for family violence offences.

As child complainants are excluded from the expanded phased DREC trial, the extension of the enabling provisions do not affect children's rights in criminal proceedings.

In my opinion these amendments are consistent with the duty to protect families and children and the rights of children in the criminal process set out in the Charter.

Property rights

Section 20 of the Charter provides that a person must not be deprived of his or her property other than in accordance with law.

Validation of the use etc. of oleoresin capsicum spray by protective services officers engaged in official duties

Part 2 of the Bill will validate the conduct of protective services officers (PSO) engaged in official duties with a specified prohibited weapon on or after 17 September 1995 and before 22 September 2020. During this period PSOs were not covered by a valid exemption issued under the *Control of Weapons Act 1990* in relation to a prohibited weapon that is used to discharge oleoresin capsicum spray (OC Spray).

The Bill provides that a PSO engaged in official duties does not commit certain offences against the *Control of Weapons Act 1990* simply for doing their job with the safety equipment issued to them.

The retrospective validation of a PSO using or discharging OC Spray could potentially abrogate a plaintiff's ability to pursue a civil legal claim against the State for injury occasioned by the discharge of OC Spray without an exemption or approval. As an accrued cause of action may constitute a proprietary interest, the amendment may have the effect of depriving a plaintiff of their property.

However, section 20 only protects against the deprivation of property where that deprivation is not in accordance with law. Accordingly, to the extent that this Bill may deprive a person of their property, that deprivation would be authorised by, and in accordance with, the amended legislation. The provisions of the Bill which amend the *Control of Weapons Act 1990* therefore do not limit the property right protected by section 20 of the Charter.

The right to a fair hearing

Section 24 of the charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent, and impartial court or tribunal after a fair and public hearing. The right to a fair hearing is concerned with the procedural fairness of a decision, which broadly ensures a party has a reasonable opportunity to present their case in conditions that do not place them at a substantial disadvantage compared to their opponent.

Validation of the use etc. of oleoresin capsicum spray by protective services officers engaged in official duties

The provisions of the Bill which amend the *Control of Weapons Act 1990* do not affect the right to a fair hearing protected by the Charter. The Bill rather has the effect that a PSO cannot be subject to criminal prosecution for the discharge of OC Spray in the course of their official duties.

Enabling the court to order appearance by audio visual link at first remand hearings

Part 4 of the Bill enables the Magistrates' Court to direct an adult accused to appear at a first remand hearing in the Magistrates' Court by audio visual link, where the court is satisfied that audio visual link appearance is in the interests of justice, and either the accused consents or the court is satisfied that exceptional circumstances exist.

In my opinion these amendments engage but do not limit the right to a fair hearing. The rights and ability of an accused person to participate in a hearing are not diminished when appearing by audio visual link at a first remand hearing because the person can present their case and will not be disadvantaged compared to the other side.

Part 4 of the Bill will promote the fairness of the hearing by ensuring that a court may only order appearance by audio visual link in a first remand hearing if it is in the interests of justice to do so. In making this assessment, the court will consider the ability of an accused to comprehend proceedings and to communicate with, and give instructions or express wishes to, their legal representative.

In my opinion, these amendments are consistent with the right to a fair hearing.

Expansion of FPO delegation list to who can approve an FPO

Clause 22 of the Bill expands the list of individuals to whom the Chief Commissioner may delegate the discretion to approve a Firearms Prohibition Order (FPO) under section 112E of the *Firearms Act 1996*.

The right to a fair hearing extends to civil proceedings. While the meaning of civil proceeding is broadly interpreted, it does not extend to include administrative decision-making of the type performed under section 112E of the *Firearms Act 1996*.

The decision to approve an FPO is an administrative decision and is therefore governed by the duty in section 38 of the Charter to act compatibly with human rights.

In my opinion these amendments are consistent with the right to a fair hearing.

Minimum guarantees in criminal proceedings

Section 25(2) of the Charter provides that a person charged with a criminal offence is entitled to:

- a. be informed promptly and in detail of the nature and reason for the charge;
- b. have adequate time and facilities to prepare his or her defence and to communicate with a lawyer or advisor chosen by him or her;
- c. be tried without unreasonable delay;
- d. be 'tried in person' and to defend themselves personally or through legal assistance;
- e. to examine, or have examined, witnesses against him or her, unless otherwise provided for by law.

Validation of the use etc. of oleoresin capsicum spray by protective services officers engaged in official duties

The provisions of the Bill which amend the *Control of Weapons Act 1990* do not affect the rights of a person charged with a criminal offence. The Bill rather provides that a PSO will not be taken to have committed an offence by engaging in official duties with the safety equipment issued to them.

Extension of expanded phased trial of Digitally Recorded Evidence in Chief

Part 3 of the Bill extends the operational period of the relevant provisions in Division 7B of the CP Act. In my opinion Part 3 does not limit the rights of an accused in criminal proceedings because the existing safeguards in Division 7B of the CP Act, which preserve these rights, will also continue to operate.

Enabling the court to order appearance by audio visual link at first remand hearings

Part 4 of the Bill makes amendments to enable the Magistrates' Court to direct an adult accused to appear at a first remand hearing in the Magistrates' Court by audio visual link, where the court is satisfied that audio visual link appearance is in the interests of justice, and either the accused consents or the court is satisfied that exceptional circumstances exist.

The purpose of section 25(2)(d) of the Charter is to ensure an accused is 'present' at their trial and has the right to fully participate in that trial and their defence and is not tried in their absence. It should be noted that these reforms apply to first remand hearings, and not to the trial of an accused person. Regardless of this distinction, in my opinion, this aspect of the rights in criminal proceedings is engaged, but not limited, by the reforms. An accused person still participates in their hearing 'in person' when they attend by AVL, so although they are not physically present, the hearing is not being held in absentia. In addition, a court may only direct that the accused appear at a first remand hearing by audio visual link if satisfied that attendance by audio visual link is consistent with the interests of justice and, if the accused does not consent, that exceptional circumstances exist.

'Exceptional circumstances' under Part IIA of the EMP Act includes a state of emergency declared under section 198 of the *Public Health and Wellbeing Act 2008* or a state of disaster declared under section 23 of the *Emergency Management Act 1986* in an area where an accused is required to appear before a court or to transit through to appear before a court. These reforms will enable courts to continue to use audio visual links for first remand hearings while an emergency declaration is in place and where there is concern about the spread of infectious disease. By facilitating an accused's trial without unreasonable delay these amendments also promote the rights in criminal proceedings protected by section 25(2)(c) of the Charter.

These amendments provide for first remand hearings to safely continue during the ongoing pandemic or another emergency event. In my opinion, these amendments are consistent with the right to minimum guarantees in criminal proceedings protected by the Charter.

Right not to be tried or punished more than once

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence in respect of which he or she has already been finally convicted or acquitted in accordance with law.

Validation of the use etc. of oleoresin capsicum spray by protective services officers engaged in official duties

The provisions of the Bill which amend the *Control of Weapons Act 1990* do not affect the right not to be tried or punished more than once. The Bill rather exempts a PSO from potential criminal liability for certain conduct that may have constituted an offence against the *Control of Weapons Act 2006*.

In my opinion, these amendments do not limit the right not to be tried or punished more than once.

Protection from retrospective criminal laws

Section 27(1) of the Charter requires the criminal law to be sufficiently accessible and precise to enable a person to know in advance whether his or her conduct is criminal.

Validation of the use etc. of oleoresin capsicum spray by protective services officers engaged in official duties

Part 2 of the Bill will validate the conduct of PSOs engaged in official duties with a specified prohibited weapon (oleoresin capsicum spray) on or after 17 September 1995 and before 22 September 2020. During this period PSOs were not covered by a valid exemption issued under the *Control of Weapons Act 1990* in relation to a prohibited weapon that is used to discharge OC Spray.

The Bill provides that a PSO engaged in official duties does not commit certain offences against the *Control of Weapons Act 1990* simply for doing their job with the safety equipment issued to them.

In my opinion, these amendments do not limit the protection from retrospective criminal laws in the Charter.

Conclusion

I consider that the Bill is compatible with the Charter because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

The Hon Lisa Neville, MP

Minister for Police

Second reading

Ms NEVILLE (Bellarine—Minister for Water, Minister for Police) (15:23): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

Incorporated speech as follows:

The Victorian Government is unwavering in its commitment to ensuring the firearms industry operates safely and only those who are licensed and have a legitimate reason can access a firearm. The Firearms and Other Acts Amendment Bill 2021 (the Bill) continues this focus on improving firearm safety, whilst at the same time balancing the interests of legitimate firearms users including our recreational hunters, sports shooters and primary producers.

Sports shooting and recreational hunting have many positive economic and social benefits, particularly for our regional communities. As seen at the recent Tokyo Olympics 2021, our sports shooters are amongst the best in the world and fine ambassadors on the world stage. A firearms industry which is well regulated and keeps firearms out of the hands of unlicensed individuals and criminals, protects the image and reputation of all firearms users and keeps our community safe. This is why the Bill makes targeted amendments to improve firearms safety and to enhance regulatory practice across the firearms industry.

There are also a number of other reforms in this Bill to continue improvements across our justice system and to deal with the ongoing pressures of the COVID-19 global pandemic. This requires amendments to a range of Acts, including the *Sex Offenders Registration Act 2004* (SORA), *Victoria Police Act 2013* (VP Act), *Control of Weapons Act 1990* (CW Act), *Evidence (Miscellaneous Provisions) Act 1958* (EMP Act), and *Criminal Procedure Act 2009* (CP Act). I will outline each of these amendments progressively.

Amendments to the Firearms Act 1996

Amendments to improve firearm safety in the community

Firearm theft has adverse social and community impacts as firearms leave the regulated market and fall into the possession of organised crime groups where they may potentially be used in violent offences.

A major factor in firearm theft is inadequate storage of firearms. Victoria Police advises that firearms licence holders are not always adequately securing their firearms and that some are using inappropriate firearms storage receptacles such as clothing lockers or toolboxes.

Category A longarm firearms and Category B longarm firearms (Category A and B firearms) are the most reported stolen firearms. This can be attributed to their prevalence, and their current storage requirements which are insufficiently stringent. The Bill will make critical amendments to the *Firearms Act 1996* to improve the storage requirements for Category A and B firearms. This includes prohibiting Category A and B firearms from being stored in hard wood receptacles. Furthermore, Category A and B firearms will be required to be stored in a steel safe which is of a thickness of at least 1.6 mm and where the steel safe weighs less than 150 kilograms when empty, it must be bolted to the structure of the premises where the firearm is authorised to be kept. These amendments will enhance firearms storage requirements for Category A and B firearms and align them with the current storage requirements prescribed for the higher classified Category C and D firearms.

I recognise that this amendment will have direct costs for existing Category A and Category A&B licence holders who may need to upgrade their storage receptacles. However, I believe the initial outlay to upgrade storage receptacles will be offset by a reduction in firearm thefts and this will have direct financial savings for licensees and indirect savings for the entire community through fewer firearms circulating in the unregulated market and potentially being used in serious and violent crimes. The Bill provides a transition period of 12 months for the introduction of the new storage requirements to ensure licence holders have adequate time to upgrade their storage receptacles. I congratulate my firearms advisory body, the Victorian Firearms Consultative Committee (VFCC), for developing this proposal and their ongoing commitment to firearm safety.

The Bill makes further practical and targeted amendments to improve firearm safety in the community, including strengthening how licensed firearms dealers send firearms and firearm parts through the postal service to other licensed dealers. The Bill creates a new section requiring licensed firearms dealers to comply with minimum packaging and service requirements when sending firearms and parts by post. Relevant parcels must not be labelled to indicate their contents, must be electronically tracked, and must be personally received by the licensed firearms dealer.

Conditions will also be imposed on the hire and loan of firearms by licensed dealers to limit the hire and loan of firearms for a period of no greater than 30 days, with the opportunity to apply in writing to renew the hire or loan agreement for one additional 30-day period. This will prevent the hire and loan of firearms for indefinite periods, and ensure licensed firearms dealers maintain oversight of firearms they hire or loan. To ensure an important security check occurs before a firearm is disposed, the Bill will also require licensed dealers to sight a valid firearms licence before they can dispose of a firearm.

The Bill also makes amendments to the Firearms Prohibition Order (FPO) scheme to enhance its functioning. This includes requiring a person, subject to an FPO, to provide notification of their change of address to the Chief Commissioner of Police within 24 hours and creating an offence for the failure to notify. This acquits a recommendation from the Legislative Council Legal and Social Issues Committee of the Victorian Parliament Inquiry into Firearms Prohibition Legislation which identified that the ability of the FPO scheme to fulfil its intent is undermined if law enforcement is unable to locate an FPO subject.

To address a backlog in processing FPOs and workload pressures, the Bill expands the class of individuals to whom the Chief Commissioner may delegate the power to make an FPO. The Bill broadens the power of the Chief Commissioner to delegate the making of a FPO to include all Superintendents, and certain Inspectors with operational responsibility over specified portfolios. Including all Superintendents, as well as certain Inspectors, will reduce the pressure on existing delegates and enable the processing of FPO applications to be shared across a broader delegate cohort. This supports the efficient use of police resources and provides the Chief Commissioner with the flexibility to ensure an appropriate level of agility in administering the FPO scheme.

I am confident that the high standard set by Victoria Police in the administration of the FPO scheme will be maintained with the inclusion of additional delegates. Victoria Police has robust training and guidelines in place to ensure all FPO delegates are aware of their responsibilities. Furthermore, I do not expect there to be a dramatic increase in the number of FPOs issued following this amendment as all FPOs must still only be made if it is in the public interest to do so.

The Bill also makes administrative amendments to the *Firearms Act 1996* to improve firearms licensing processes and Victoria Police's oversight of approved handgun clubs. The Bill removes references to the *Financial Transactions Report Act 1988* (Cth) in the *Firearms Act 1996* and instead, where proof of identity is required, includes a requirement that documents to prove identity be provided in the form approved by the Chief Commissioner. The Bill will also enable the Chief Commissioner to require annual reports from handgun clubs on the participation of their members to be submitted in a format which corresponds with the Licensing and Regulation Division's data management and review processes.

Finally, the Bill inserts a 'grandfathering' provision to provide for existing licence holders to retain and renew a reclassified firearm on their current licence, following any declaration of a temporary or permanent firearms reclassification. Currently, an existing licence holder of a firearm which is reclassified to a higher category is

required to obtain a higher category firearms licence or dispose of the reclassified firearm to a licensed dealer or Victoria Police. Firearms licensees have long expressed dissatisfaction with the inability of the Chief Commissioner to grandfather firearms following a reclassification and the Bill addresses this concern.

Amendments to the SORA

The Bill will make amendments to create consistency between the SORA and recently amended Commonwealth legislation. The SORA sets out the offences which make a person eligible for a SORA registration, and certain classes of offences dictate the length of time for which the person will remain on the Register. The offences are referenced from various legislative instruments, including Commonwealth legislation. The recently commenced Commonwealth legislation requiring this SORA update are: *Combating Child Sexual Exploitation Legislation Amendment Act 2019* (Cth) and the *Crimes Legislation Amendment (Sexual Crimes Against Children and Other Measures) Act 2020* (Cth) (Commonwealth Amendments). The Bill amends the SORA to refer to new Commonwealth child sex offences mainly focussed on possession and control of child abuse material obtained using a carriage service and grooming offences to facilitate offences against a child outside Australia. This will ensure that persons convicted of the new Commonwealth child sex offences in Victoria will be added to the Victorian Register of Sex Offenders.

The Bill also makes miscellaneous amendments to the SORA to reclassify two offences from the Commonwealth Criminal Code to bring them into line with other jurisdictions. This is important because they are Commonwealth, rather than Victorian offences, and consistency promotes fairness. For example, the Bill provides that if a person is convicted of 'grooming a child to engage in sexual activity outside Australia' they will be subject to a Class 2 registration rather than class one. This means that a person convicted of exactly the same Commonwealth offence will be guilty of a class two offence regardless of which State or Territory they were convicted, bringing the provision into line with New South Wales, Tasmania, Western Australia, the Australian Capital Territory and the Northern Territory.

The Bill will classify the offence of 'using a carriage service for child abuse material' as a specified offence (Schedule 5) in the SORA as the offence may occur in the context of a consenting relationship between a young adult and a child under 16 or may capture 'sexting' type conduct. The offence contained in section 474.22 of the Criminal Code aligns with the type of conduct that was envisaged would be captured under the Registration Exemption Order Scheme. The proposed amendment will enable an eligible offender to apply to the court for a Registration Exemption Order. It will still be a decision for the Court, and those who should be registered still will be registered, however, it allows for those cases of 'sexting', which were not intended to place a young person on the Register, to be considered for exemption.

The SORA requires a registrable offender who intends to travel interstate for two or more consecutive days to inform Victoria Police either in person or by telephone about the dates and destinations of the travel, where they will be living, and the approximate date of their return to Victoria (if applicable). A travel report must be provided by the registrable offender at least 7 days before leaving Victoria and any subsequent changes to the details must be reported as soon as practicable.

To provide greater oversight of the movement of registrable offenders, the Bill will reduce the current timeframe provided in section 20(2), which requires registrable offenders to report their return from interstate travel into Victoria within 14 days (that is, 7 days after entering and remaining in Victoria for 7 or more consecutive days) to within 7 consecutive days. This will reduce the opportunity for reportable offenders to travel outside of Victoria for short periods of time undetected. This is about risk minimisation and ensuring Reportable Offenders keep police informed of their whereabouts to reduce the likelihood of re-offending.

It is an indictable offence punishable up to a period of five years imprisonment for a registrable offender to fail to comply with any of their reporting obligations unless they have a 'reasonable excuse.' In determining whether a person has a 'reasonable excuse' for failing to comply with their reporting obligations, a court will consider: the person's age, whether they have a disability affecting their ability to understand or comply with their obligations, whether the form of the notification the person received was adequate to inform them of their obligations, having regard to their circumstances, and any other matter the court considers appropriate.

Finally, the Bill also makes several other smaller and technical amendments to the SORA to reflect machinery of government changes and to remove transitional provisions that are no longer operational.

This suite of reforms to the SORA reflects the government's commitment to taking a robust approach to the management of those who need to continue to be monitored by Police, with checks and balances to ensure that young people charged with sexting offences have the option to argue their case for not being placed on the register in Court.

Amendments to the VP Act

To implement commitments arising from the Victoria Police (Police Officers, Protective Services Officers, Police Reservists and Police Recruits) Enterprise Agreement 2019 (EBA) which came into operation on 1

April 2020, the Bill amends the *Victoria Police Act 2013* to validate in situ promotions of Protective Services Officers (PSO) to the rank of PSO Senior. This ensures full implementation of the commitments in the EBA and that all promotions are adequately recognised.

Amendments to the CW Act

Part 2 of the Bill will amend the *Control of Weapons Act 1990* (CW Act) to validate certain conduct of PSOs engaged in official duties with the prohibited weapon that is used to discharge oleoresin capsicum spray (OC Spray).

It is an offence against the CW Act to engage in certain conduct with a prohibited weapon without a Governor in Council exemption or a Chief Commissioner approval under the CW Act.

There has been a long-standing and careful rollout of OC Spray to PSOs in Victoria having regard to the effectiveness and necessity of this prohibited weapon for law enforcement purposes. Records indicate that the prohibited weapon that is used to discharge OC Spray may have been first made available to PSOs as far back as 17 September 1995. Today, all State and Territory police forces and the Australian Federal Police are equipped with OC Spray.

On 18 September 2020, the Chief Commissioner of Police advised the then Minister for Police and Emergency Services that PSOs were not covered by an exemption or an approval under the CW Act for the prohibited weapon that is used to discharge OC Spray. The Government took swift action to rectify this oversight and on 22 September 2020, an exemption order covering PSOs equipped with OC Spray was made by the Governor in Council.

The deployment of OC Spray is subject to extensive training and guidelines with the intention of officers' deploying OC Spray in good faith when discharging their official duties.

The amendments proposed in the Bill will provide comfort and legal certainty to PSOs by affirming that the State has always intended PSOs to be lawfully equipped with OC Spray when engaged in official duties and protecting the Victorian community.

Amendments to the CP Act

The Bill will amend Division 7B of the *Criminal Procedure Act 2009* (CP Act) to extend the operational period (for a further two years) of legislation enabling the Digitally Recorded Evidence in Chief (DREC) trial. Enabling provisions in Division 7B of the CP Act commenced on 1 September 2018 and currently provide for the use of a DREC in a criminal proceeding for family violence offences, a proceeding for a Family Violence Intervention Order or, if a court or tribunal orders.

Enabling legislation was trialled as part of the Government's response to recommendation 58 of the Royal Commission into Family Violence. Recommendation 58 was acquitted by the Government in September 2020 with the tabling of an independent evaluation report of the DREC trial in the Parliament. These provisions enabled the delivery of an initial 12-month trial of DREC at two trial sites by Victoria Police supported by safeguards codified in the legislation.

Following the tabling of the evaluation report in September 2020, a commitment was made for a state-wide phased expansion of DREC to be supported by a developmental evaluation focused on capturing the experience of victim survivors and continuous improvement. A phased state-wide roll out of DREC will provide more victim survivors with an alternative option to written statements and potentially earlier resolution of matters. It is important for the voices of victim survivors to be heard so that decisions about the on-going availability of DREC can be informed by their views.

Amendments to the EMP Act

Victoria's courts and police are working hard to support the justice system to recover from the impacts of the COVID-19 pandemic, while keeping those who must attend court safe. This continues to present challenges. This Bill will address one of those challenges by ensuring Audio Visual Links (AVL) are available in all appropriate cases.

Currently, the *Evidence (Miscellaneous Provisions) Act 1958* (EMP Act) does not allow a court to direct an adult accused to appear at a first remand hearing by AVL, without the accused person's consent. It is generally appropriate that an accused attend their first remand hearing in person, because this is the court's first opportunity to engage with the accused. However, where an accused has, or is suspected of having, COVID-19 and refuses to appear by AVL, transporting them to court raises significant risks to police, court staff, and ultimately the Victorian community.

To address those risks, the Bill will allow the Magistrates' Court to direct an adult accused person to appear by AVL at a first remand hearing without their consent, if the court is satisfied that the AVL appearance is in the interests of justice and that exceptional circumstances exist.

The EMP Act already confirms that ‘exceptional circumstances’ includes where a state of emergency or a state of disaster has been declared, in an area where an accused is required to appear before a court or required to transit through in order to appear before a court. This means ‘exceptional circumstances’ will be satisfied whenever such a public health declaration is in force in Victoria. Throughout the pandemic, Victorian courts have effectively and appropriately used AVL in hearings to manage the risk presented by COVID-19, in line with public health advice and public health orders from the Victorian Government.

The court may also be satisfied of ‘exceptional circumstances’ in situations where transporting an accused person to court would present a significant risk to public health or safety for other reasons. For example, where an accused has a different highly contagious illness or is very agitated and violent. This is consistent with the intent of the 1997 reforms which first introduced the use of AVL by an accused in criminal proceedings. These reforms envisaged that exceptional circumstances might include, for example, where it is considered that the physical appearance of the accused would be a threat to the safety of members of the public.

When making a direction for an accused person to appear by AVL, the court will need to consider whether it is in the interests of justice to do so. This significant safeguard reflects the importance of first remand hearings and the physical appearance of certain accused persons. For example, the court may find that appearance by AVL is not in the interests of justice if it considers physical appearance is necessary to ensure the accused person adequately understands and is engaged with the court process.

The reforms in the Bill improve firearm safety, promote the efficient and effective administration of justice, and continue to deal with the ongoing pressures caused by the COVID-19 global pandemic.

I commend the Bill to the house.

Mr SOUTHWICK (Caulfield) (15:23): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Thursday, 23 September.

RACING AMENDMENT BILL 2021

Second reading

Debate resumed on motion of Ms THOMAS:

That this bill be now read a second time.

Mr T BULL (Gippsland East) (15:24): It is a pleasure to rise and say a few words on the Racing Amendment Bill 2021. It is probably best to describe this bill as a bit of a racing omnibus bill that covers a very broad spectrum of issues within the racing industry. The opposition will not be opposing this bill because we know of the importance of the racing industry to this state and we know that many of the changes that are being made to legislation via this bill are changes that have been requested by the industry.

Racing in Victoria generates \$4.3 billion for the Victorian economy. Racing has some naysayers in this chamber, but it is a very, very important industry for our entire state, and it sustains more than 33 000 full-time equivalent jobs. Sometimes that small little pocket that we have that wants to talk down racing in the chamber—not the government, not the opposition, but others—needs to recognise the great importance of this sector not only to our state but also to our nation, and not only to the city but also to the multitude of country areas where racing certainly thrives. We have more than 121 000 people directly employed, volunteering or participating in the various aspects of the sector.

This bill addresses several areas, and I will just touch on them briefly before I go into some more detail. The first of those is to enable racing on Good Friday; the second is to remove the requirement for thoroughbred racing clubs to obtain ministerial approval to race on Anzac Day, and I will get into that in more detail a bit later; to enable the minister to appoint an acting racing integrity commissioner—there is currently not that provision there now; to enable the board of Harness Racing Victoria to appoint administrators to harness racing clubs, and that actually tidies up, I guess, a confusing aspect of the existing legislation at the present time; and also to improve the operations of

the Victorian Racing Integrity Board (VRIB). There are some other incidental and minor changes in this bill, but they are the areas where I will focus some attention.

The first is racing on Good Friday, and this is something that we need to recognise already occurs in other jurisdictions within Australia as it also does across a number of other sporting codes. We have some significant events on Good Friday. Obviously the football is the one that immediately springs to mind, but we do have an increasing number of events being held on Good Friday. And I was pleased that when we had the bill briefing on this bill, the undertaking that I sought on behalf of the opposition was that, as a matter of courtesy and respect, racing does not commence before 1.00 pm and that any racing is scheduled after that time. I was very, very pleased that that was confirmed in the bill briefing, and I was advised that members from the government who will stand up to speak on this after me will in fact confirm that in their second-reading speeches. So if any of you are listening, if you could work into your speeches that commitment, that would be terrific. This is the situation—after 1.00 pm—that exists on Anzac Day as a matter of respect to our fallen, and it is highly applicable that we transfer that obviously to Good Friday as well.

Now, from my previous contributions in this chamber it is no secret that I am a very strong advocate and supporter of country racing, and what I am very, very pleased about, member for Forest Hill, is that these Good Friday meetings will be held in country areas. That is fantastic. They will be held in country areas on a rotational basis, and that will provide a terrific opportunity to boost tourism and boost the economy of a lot of our country towns. It will be on a rotational basis, so different parts of Victoria will get a bite of the pie over the advent of the next few years. But I was very, very pleased to hear, as was my colleague the member for Gippsland South, that the Sale Turf Club will be the beneficiary of the first Good Friday meeting.

I was hoping that in the redistribution of the electoral boundaries Gippsland East would move by one road and I would have the Sale Turf Club in my electorate, but unfortunately the boundaries stayed the same and it is still about 200 metres out of my patch—so you certainly do not win them all. I have got Bairnsdale Racing Club and some fantastic picnic clubs, but I certainly would not have knocked back the opportunity to have Sale. I have had the opportunity to have a chat with the chief executive of the Sale Turf Club, Brad Evans, and Brad has indicated to me—and Brad has done a great job since he has taken over there at the club—that the turf club activities on the day will reflect the Christian perspective of Good Friday. He certainly acknowledged that there is a need to do that, and he also indicated, very pleasingly I might add, that the club is very keen to participate in the Good Friday Appeal aspect of the day. We know that the famous Royal Children's Hospital appeal on Good Friday does an enormous amount of good in raising funds and bringing communities together for a common cause. We can go to any corner of this state and find beneficiaries of the Royal Children's Hospital, who just do extraordinary work. So the fact that that will be a focus of this Good Friday race day at Sale, and I am sure a focus of the Good Friday race days at other venues in the future, I think is very, very important.

Apart from that, the great aspect of being able to race on Good Friday is that Easter is considered, amongst other things, a holiday weekend. A lot of people travel to areas of rural and regional Victoria to take in the local attractions and the local events, and this will provide a great opportunity for different regions and different clubs to showcase this meeting as an added attraction. So if you are coming to East Gippsland, for instance, Easter is a hive of activity.

Mr Angus interjected.

Mr T BULL: I think you have spent an Easter in East Gippsland, member for Forest Hill. We have got fish tastings, we have got speedways, we have got rodeos, we have got picnic races—we have got all sorts of things going on down there—and having another race meeting in the Gippsland region that will be a significant meeting on that day will certainly add to that list of events.

I want for a few moments to get onto other elements and other aspects of the bill. The first one relates to Anzac Day. Now, we already race on Anzac Day. We race at Flemington, and there are other country tracks where meetings are held. At present, clubs have to apply for ministerial approval to race on Anzac Day. Considering that race program scheduling sits with Racing Victoria and we know we are going to race on Anzac Day every year, we do not need ministerial approval applied for every time that scheduling comes up. So it goes without saying that permission is always granted by the racing minister of the day, no matter which side is in government or which political persuasion. It has become a very accepted part of our racing landscape, and it has become a day that has been modelled on acknowledging the service men and women from our country, and particularly those who made the ultimate sacrifice. Interestingly, Harness Racing Victoria and Greyhound Racing Victoria also race on Anzac Day, but they do not need ministerial approval to do that. So removing the need for ministerial approval brings Racing Victoria in line with the other two codes in not having to seek ministerial approval, and that is obviously a commonsense amendment.

The bill before us also provides the ability to appoint an acting racing integrity commissioner. At present we have one racing integrity commissioner, and it has been problematic when our commissioner wants a holiday or our commissioner is on sick leave. There is actually not provision to appoint an acting replacement when this occurs. This was probably a little bit of an oversight in the original bill—that there was not provision to appoint an acting integrity commissioner—but we know that racing integrity is so important; we cannot press a pause button when it comes to racing integrity. We need to maintain the confidence of the racing public and the racing community. This anomaly does need to be reflected. This is another measure of course that is a commonsense step in probably rectifying an oversight, but it certainly plugs a hole.

While I am talking about racing integrity, I want to make a few comments on a recent case, and in doing so I just want to state my views and the views that have been shared by many others in the sector in relation to racing integrity. We recently had a case involving a pretty well-known trainer in Victoria, a fellow by the name of Richard Laming, where Racing Victoria stewards pretty much stuffed up their investigation big time. That has been the finding. It happens—humans make mistakes. The point that I want to make here today is that when a trainer makes a mistake we throw the book at them. Whether that mistake was made in honesty or in human error, we throw the book at them—no leniency, no understanding, is generally applied.

And I have had a look at the case of Peter Moody, who lost his income. He was banned for a number of years for what I think everybody in the industry ultimately agrees was an error. He made a mistake, but to the judge and jury in that case, it did not matter. They were presented a horse that had a substance in it: ‘We’re not sure how it got there, but you’re out; your career’s over’. Now, he made a mistake. We had the recent case where stewards made mistakes and we had a much more sympathetic outlook. I think that as a racing industry we need to have a look at that human element—that people do make mistakes. I note Judge Bowman, when he described the scenario relating to those stewards, said the situation was poorly handled by Racing Victoria and the stewards. I think that is probably putting it fairly mildly.

So we need to uphold integrity. We need to maintain confidence in the racing industry—absolutely we do—but we also need to have some scope and understanding in relation to what has been done deliberately and what has been done accidentally, because humans make mistakes. There are always going to be some elements of human error. Yes, it is a little bit of a tightrope to walk, I do not deny that, and I understand that there are other complexities. We need to punish those who deliberately flout the laws and do the wrong thing, but we need to have different thresholds for those who make honest mistakes, and I would like to see some more discretion applied by authorities in these areas.

Moving on from that commentary to the next part of the bill, that caters for the appointment of an administrator of a harness racing club. This clarifies an area where it is fair to say a great level of confusion has reigned previously. On a matter in relation to a particular harness racing club in this state where some concerns were raised, I got correspondence from Harness Racing Victoria saying

that they could not act on this matter without ministerial consent. I then had correspondence from the minister saying HRV could act without his consent. So there is certainly some ambiguity and some difference of opinion on the interpretation of the act in that regard. Now, I would have hoped that a phone call maybe could have resolved whether HRV needed ministerial consent to act or they could have acted on their own, but this amendment does clarify the matter and removes ministerial consent, if there is any conjecture or debate over that, being required. So HRV can take action in relation to individual harness racing clubs, and that is a good thing. As an auspicing body they need to be able to step in and do what they need to do when it is required.

The bill also relates to disclosure of integrity information to the Victorian Racing Integrity Board. At present the act lists bodies to which the racing integrity commissioner may disclose pertinent or relevant information, and this bill amends the act to give the racing integrity commissioner the authority to disclose integrity-related information to the Victorian Racing Integrity Board—it gets confusing with all these names and acronyms. So this addresses another anomaly, and clearly there is a need in this regard. That is certainly a positive. We need this information sharing to be able to get to the bottom of issues which invariably arise within the racing sector. It seems again to be perhaps an oversight with previous legislation and should have been included, but pleasingly it is being addressed now.

Delegation of Victorian Racing Integrity Board functions and powers—now, currently there is no power of delegation in relation to the statutory functions of the board. When I read this I wondered whether that would need to be written into the act, these delegation powers, but it seems that it does. This bill amends the act to allow the board to delegate certain functions to its chairperson or one of the three deputy chairpersons. Members who paid attention to the original legislation when it came in would know that the three deputy chairpersons are representatives from each of the three racing codes in Victoria. So the delegation of those functions is to those deputy chairpersons. Obviously you would envisage if it is a matter that relates to greyhounds, it would go to the Greyhound Racing Victoria deputy chairperson—and so forth with harness racing and so forth with thoroughbred racing. So we certainly support that delegation of functions and powers. It makes sense that for a variety of matters that would need to occur. Clearly, just before I move on from that one, the deputy chairpersons, because of their knowledge and expertise across the three codes, are well equipped to deal with those issues that arise. I am surprised that that needed to be put into the bill, but anyway it seems that it did.

Protections from liability for VRIB members—now, I understand that there are some provisions in the act that protect members of the racing integrity board from personal liability for anything done or omitted to be done while carrying out their functions, but this is clearly another omission that was perhaps an oversight in the original bill, the government not including this in their original legislation. So we have an amendment again here to correct an oversight. Whilst it does highlight perhaps the fact that the first bill was missing a few things, we are finally getting to plugging up these holes and what should have been done earlier. This will provide immunity for things done or omitted to be done in good faith while exercising powers or performing legislative functions under the act.

In winding up, and just going back to the, I guess, major point of this bill, which is the ability to race on Good Friday, I just want to make a few comments about a terrific conversation that I recently had with the Racing Victoria chair, Brian Kruger, on country race dates and race days in Victoria in general. One of the points that I highlighted to Brian was the shift that we have had. Whilst the country racing meeting figures remain pretty stagnant, over the last three decades we have had a massive shift from what I call the true country clubs—Bairnsdale, Horsham, Hamilton, Stony Creek, Echuca, Wangaratta, Benalla, all of those—to what we call the major provincial clubs: Cranbourne, Pakenham, Bendigo, Ballarat and Geelong. And the smaller country clubs have lost meetings more generally—I think over the last 30 years it is about 80 or 90—to the provincial clubs.

Now, there had to be some adjustment there. I understand that those provincial clubs get better turnover, and I understand that there needed to be an adjustment in a competitive market, but every time a meeting gets moved out of a small country community it impacts on the economy of that town. We have owners that come into the town, we have spectators, we have trainers, we have strappers and

we have stablehands. They come into that town and provide a mini economic boost every time a country town has a race meeting. It was good to have that chat to Brian about that shift, and it was good to be able to explain the importance of racing to, I guess, our smaller country townships—our smaller rural areas. It was very, very pleasing that shortly after that chat—and I am not saying this chat was the reason—we had the announcement that the Good Friday meeting will be held in rural and regional Victoria each year. Whilst we need to stop that shift, I think we have had the shift and it has gone as far as it needs to go. We do not want to lose any more meetings at our smaller country clubs. It is terrific that Racing Victoria has made the determination to hold the Good Friday meetings on a rotational basis around the country.

We need to look after our really small country racing clubs. We need to look after our very small training facilities in rural and regional areas. That is where a lot of our trainers and jockeys and people who progress on to greater heights in the industry cut their teeth, in a lot of these smaller clubs around the regions. So I am absolutely delighted that that first meeting is going to be held at Sale. I know the member for Ripon is very keen to stick up her hand to have the next Good Friday meeting in her electorate and there has been a bit of good-humoured banter around that, but the reality of it is it will be visiting a number of areas of rural and regional Victoria. It is a meeting that we are going to embrace and look forward to, and I certainly look forward to, hopefully after COVID, being on course at Sale for the first Good Friday meeting in Victoria.

Mr McGHIE (Melton) (15:45): I rise to contribute to the debate on the Racing Amendment Bill 2021. This bill seeks to amend the Racing Act 1958 to remove the prohibition of racing on Good Friday, bringing racing into line with other professional sports in Australia such as the AFL and the NRL, which conduct events on Good Friday and have done so for some years. It has been so successful, those football codes having conducted sport on Good Friday, and guess what—the sky has not fallen in.

Firstly, I want to acknowledge the recent passing of a horse trainer, Geoff Cousins, who was a trainer out at Cranbourne. Geoff was a real character. He was formerly a paramedic but had been training for a number of years. When he was a paramedic on the job, he would always give you a bit of a tip. Not many of his horses won, but he was a great character.

Sport is an integral part of our Australian culture, and racing has a strong history in Victoria, racing's natural home turf. North Melbourne playing their Good Friday games here in Victoria and the NRL having had a Good Friday fixture since 2012 mean that many families can spend time off together enjoying a shared passion. Often the enjoyment and festive atmosphere with these games flows together with a sense of community support in helping to raise funds for the Good Friday Appeal, another Victorian institution. The ability for racing to occur in regional Victoria on Good Friday adds yet another fantastic event for Victoria whilst promoting our regional areas and creating local economic benefits on a long weekend. Out of respect for the day Racing Victoria and Country Racing Victoria have committed to these race meetings not commencing before 1.00 pm, and that is the same as what happens on Anzac Day. I also believe that Greyhound Racing Victoria and Harness Racing Victoria have made the same commitment. I want to thank the Minister for Racing for achieving that commitment from all the racing codes, and I acknowledge the member for Gippsland East and his efforts in assisting to achieve that 1.00 pm start.

The benefits of helping to promote local tourism and support our regional communities are another way that the Andrews Labor government supports our Victorian economy. I have had the privilege to represent the Minister for Racing at an event in my own electorate at Melton Tabcorp Park for the ANZGOG annual Team Teal fundraising gala. The Australia New Zealand Gynaecological Oncology Group does incredible work for ovarian cancer research through its Team Teal campaign, and I want to give a shout-out to those amazing women who have survived this insidious disease and are now educating medical professionals about it. The Team Teal campaign has become an integral part of harness racing in Victoria and New Zealand. It has become a highlight seeing the colour teal splashed across Victorian harness racing tracks during the campaign every year. The Team Teal campaign is a great example of how Harness Racing Victoria contributes to the community, important social issues

and improving health outcomes. It is another fantastic event that is held in my seat of Melton at Tabcorp Park and provides employment opportunity and investment in the Melton community. This Andrews Labor government has provided over \$503 000 for 12 infrastructure projects and \$756 000 for 24 race day attraction projects at Tabcorp Park. This is a total of \$1.25 million in funding and a total of 36 projects to the value of \$3.41 million.

This bill makes other technical amendments to improve the operation of the Racing Act, including removing the requirement for thoroughbred clubs to seek ministerial approval to conduct a race meeting on Anzac Day. It enables the appointment of an acting racing integrity commissioner for a period of up to three months by the minister. It amends the act to remove the ministerial power to suspend a committee and appoint an administrator of a harness racing club based upon the recommendation of the board of Harness Racing Victoria. It enables certain powers and functions of the Victorian Racing Integrity Board to be delegated to its chairperson or deputy chairperson of the board.

Racing Victoria, along with Country Racing Victoria, have publicly announced that following the passage of the bill the Good Friday meeting will in the first year be conducted at the Sale Turf Club and then be rotated annually to regional venues. I am sure that the member for Gippsland East and the Shadow Minister for Racing would be pleased about this, and I am pleased the opposition is not opposing this bill. By rotating the Good Friday meeting to regional clubs, this new feature race day will support local businesses and communities across Victoria through increased visitation on the Easter long weekend. It will be another attraction for these regional towns.

While it has been an extremely difficult number of years for regional tourism operations, especially those in the Gippsland region off the back of the 2020 bushfires, it is hoped that events such as these can assist and encourage race fans to travel to regional Victoria for next year's long weekend. Victorian regional racing clubs host some of the most iconic regional events, showcasing stunning locations. Events such as the Dunkeld cup at the southern tip of the Grampians or the Buchan Cup in East Gippsland are highlights of the racing calendar and an important positive economic impact for the local tourist sector.

Ms Kealy interjected.

Mr McGHIE: I have attended the Dunkeld cup and it is a great day in a beautiful location with normally beautiful weather—

Ms Kealy interjected.

Mr McGHIE: It is one of the good locations in the state, one of the good locations. And it was a very good day the day that we went and a very warm day the day that we went, and it was very much a festive feeling around the cup. And it is a beautiful backdrop when you see those horses run down the straight at Dunkeld.

With the support of Racing Victoria and Country Racing Victoria there is no doubt that regional clubs who host future Good Friday races will be a significant drawcard for visitors to the regions across the Easter long weekend.

The racing industry is one of the state's most significant industries, delivering more than \$4.3 billion in economic value each year and supporting over 34 000 full-time equivalent jobs. During COVID this is an industry that has continued with little COVID infection, and I congratulate them on all their efforts to maintain this industry to continue and to also continue with the race meetings right around the state. A strong and vibrant racing industry is particularly key for regional Victoria, where more than 100 clubs are supported by more than 80 000 individuals who are involved in this industry either as a participant, an employee or a volunteer. The government recognises the critical importance that our regional racing clubs have for local communities. From a 2018 report there are almost 30 000 racing club members across regional Victoria, with more than 980 000 attendances annually to our tracks in regional Victoria alone. Not only is this sector a key employer in regional Victoria,

employing more than 20 000 full-time jobs, but also it is a key community hub for regional towns and centres. This can be either through the social occasion of the annual country cup or through clubs providing key infrastructure for their local communities.

The Andrews Labor government has been a strong supporter for regional racing through the \$72 million Victorian Racing Industry Fund. This fund has provided critical funding over a number of years and was extended for a further four years as an election commitment in 2018. Since 2014 the government has provided more than \$70 million in funding to support almost 900 projects across all three codes to assist with both race day attraction and infrastructure in regional Victoria.

The funding support for infrastructure projects provided by the government has been key not only to supporting training and animal welfare initiatives but also in delivering club infrastructure that is of significant community benefit to surrounding towns and regions. What that means is that we have facilities at some of these racing clubs and local groups outside of the racing industry can use those facilities for their own benefits. The government has provided more than \$41 million since 2014 to support more than \$132 million worth of infrastructure projects to regionally based thoroughbred clubs.

Of course some of those examples are \$300 000 to support the \$4.9 million Matilda Room extension at the Warrnambool Racing Club, which is an important community asset and a centrepiece for the May Warrnambool carnival—a significant driver for the local economy and a renowned three-day event in the south-western district—that attracts Victorians and interstateers to this great event. There is \$57 000 to support the refurbishment and upgrade of facilities at the Manangatang Racing Club, which hosts an iconic meeting once a year in north-western Victoria; and also \$41 000 to support irrigation upgrades at another of Victoria's iconic once-a-year racetracks, and that is at the Gunbower Racing Club in northern Victoria.

In my years I have attended many regional racetracks, such as at Echuca, Burrumbeet, Avoca, Warrnambool, Colac, Camperdown, Wangaratta and Benalla, just to name a few. I have also attended many harness racing tracks and also quite a few greyhound racing tracks throughout the state. Yes, I do love my punting. These were very social days, and it was great to be out and contributing to regional communities. And it is more than just race meetings; it is a really festive atmosphere and it is great to see the local communities attend these race meetings. I am excited to see another fantastic event added to Victoria's long list. I think regional racing on Good Friday will be successful, as have been the football and rugby. I support the bill and commend the bill to the house.

Mr CARBINES (Ivanhoe) (15:55): On the Racing Amendment Bill 2021, I am pleased to make a contribution, to follow the member for Melton and also to note that the opposition are not opposing the bill. The member for Gippsland East made many comments and also reflected on his experience and advocacy for the racing industry, and I want to add my support for the industry. I have had the opportunity, not so much for the racing, of being at the Bairnsdale Racing Club with the member for Gippsland East when it was used for other community activities that we were engaged in, particularly our volunteer consultations, which the member for Gippsland East also touched on, in relation to the volunteer effort in communities far and wide across Victoria that support the racing industry.

But also, as the member for Melton touched on, there is the very significant investment in infrastructure at turf clubs and racing clubs right across the state, particularly in regional Victoria, because that infrastructure is used not just in the racing industry but for so many other community organisations and events that are held right across the state. So investment in those facilities not only supports the industry, tourism and the very big and significant racing events that happen across the state but also provides the opportunity to ensure those facilities are available for a wide set of community priorities.

There are 33 000 full-time equivalent jobs in the racing industry, which is really significant and touches very many people right across the community. Can I say overall in relation to the bill that it is in very many ways almost an omnibus bill that touches on a range of tidy-up provisions, but the crux

of the bill is the removal of the prohibition on racing on Good Friday. I can reiterate and confirm, as was requested by the member for Gippsland East, racing on Good Friday, under the provisions that will follow through the bill and the regulations. Of course those public commitments have been given in relation to racing—and greyhounds and trots to follow this arrangement—whereby 1.00 pm on Good Friday will be when the racing will begin. That is out of deference to perhaps other sports that are able to have these provisions on Good Friday, such as the AFL and other sporting events, which begin from 1 o'clock. As the member for Gippsland East picked up, it touches on the fact that these are also provisions that apply in relation to Anzac Day and other arrangements.

A couple of the other changes proposed in the bill will remove the requirement for thoroughbred racing clubs to seek ministerial approval to conduct a race meeting on Anzac Day, provide simpler processes for the appointment of an acting racing integrity commissioner, provide the board of Harness Racing Victoria with the power to suspend a committee and appoint an administrator of a harness racing club, approve the operation of the Victorian Racing Integrity Board and make other and minor technical amendments.

Can I say also, as a journalist in the past at the *Geelong Advertiser*, the Geelong Cup is a big event in a big provincial city, just one of very many events you have the opportunity when you are a journalist to cover in the community. A lot hangs off these significant race day events in regional Victoria in particular. I note that it will be in regional Victoria where the first Good Friday racing calendar events will be able to occur, and that is really significant. As you would know, Deputy Speaker, the Bendigo Cup is still one to cover off on my list. I have not been able to work a Bendigo Cup day with a non-sitting day yet—I think you might be aware of that—so I have not been able to pick up on that one just yet. But the Geelong Cup for very many years I was able to attend not only as a spectator but to report on the event, not just on the horseracing but on so many community activities and the engagement of people who invest in their working lives, their passions and their careers—as apprentices, as businesspeople, as trainers, as jockeys. And there are all the hospitality and other supports that fall off the back and hang off the racing industry in Victoria. I have seen that from before the crack of dawn right through to the end of the day, they are huge events and provide great opportunities in regional Victoria, not just here in metropolitan Melbourne.

Kerang races are usually—and I am happy to be corrected—I think around Easter Monday. That is another opportunity that I have had—to attend those sorts of race meetings—and they are all different. They all reflect local communities, and they reflect the priorities, the cultures and the activities that local communities would highlight. It is important that it is an industry that has seen a lot of investment in community infrastructure from our government investing in facilities that are used by many other organisations.

Of course the provisions around integrity are critical, and it is important that the matters have come out, really, of the experience and opportunities to tighten and place a greater emphasis around racing integrity as we have seen some of those provisions in past legislation put into practice. Stakeholders and the industry in particular have made some requests around further work that we could do around integrity to improve some of those aspects around the acting racing integrity commissioner appointment process.

Some of these other elements that are picked up in the bill are really critical for the work that we need to do, and I welcome those amendments and the feedback and consultation—that hand-in-glove approach, really, of stakeholders in the racing industry, who know that racing integrity is critical not only to community respect and engagement and support for the industry and its advocacy but really to the way in which it functions. I think we have seen a lot of change over the course of our time in government around racing integrity and also around animal welfare. We have also seen a lot of work done that I think had been left to drift till the Andrews government was elected, and we have seen a much greater focus on reforms around racing integrity, welfare measures and support for an industry that needs to grow and be able to respond to community expectations into the 21st century.

Can I say also that there have been some other elements that I think are really important to note. Sale Turf Club of course will be where the first Good Friday meeting will be held. That is really exciting for that community. I notice also that right across Victoria there have been a lot of constraints on communities through the global pandemic in playing their role, in the way that we often have significant community events marked in the calendar every year. They have not been what they might have been in past years. That has placed a lot of pressures on the community, but I know the Minister for Racing has also been able to ensure in the various roles that he has for businesses as well as in the tourism and major events portfolios in that broader sense that there is support for the racing industry. That has been critical as well, because it has left a real hole and a challenge for communities and local economies, particularly in regional and rural Victoria, where these events draw people in.

They are a great boost to local hospitality and tourism industries and local economies, so we are really keen to see their support there in the interim and to see as we come out of the pandemic the opportunity for those race meetings and for those community, sporting and cultural events to be picked up again into the latter part of this year and into the new year. So that is exciting as well—this opportunity to make sure that we are respecting cultural sensitivities around Good Friday racing but also reflecting, I think, that broader opportunity that already exists in communities, in community sport and in commercial and more professional sporting organisations where there is already activity on Good Friday. I reflect that we have picked up on that 1.00 pm start time that also reflects what we do around Anzac Day, providing a level of engagement, empathy and respect to cultural sensitivities and priorities in sports that some in the community have around Good Friday and of course all of us do in relation to cultural and very respectful and sombre days like Anzac Day.

So in a lot of ways we are really reflecting in this Racing Amendment Bill what already occurs in other professional sports and other significant events in the community. It is good that we are providing that alignment with this industry, an industry that really is so significant—something like \$4.3 billion it is worth to the Victorian economy. It is really significant not only for the economic drivers but for the cultural opportunities and the events that bring people together in regional and rural communities. There has been so much that hangs off the racing industry that is so important.

The amendments in this bill, while they may sound minor, that relate to racing integrity measures really build on some very significant work from our government to restore, I think, in many ways a greater level of credibility and with support from stakeholders and the industry itself to ensure that racing integrity matters continue to evolve and reflect community expectations. But also these changes that provide racing opportunities on Good Friday in the right circumstances are to be commended. We look forward to getting back to the track very soon.

Mr FREGON (Mount Waverley) (16:05): I rise also to speak on the Racing Amendment Bill 2021 this afternoon. This is a sensible bill, like, I would say, all the bills that we present in this house. As others have stated, our Victorian racing industry is a large part of the economy of our state, and a much loved one at that. From owners to strappers to catering staff to event staff, they have seen over the last 18 months, like many, many Victorians, a very hard time. To have a little bit of hope that on Good Friday next year there will be a race meeting as we follow the national plan to open up at 70, 80 per cent, I think we can all see a brighter summer ahead of us, and we are all looking forward to that.

Victorians love their sport. We have watched it with empty crowds—or empty stadiums, rather; I do not know that the crowds are empty, but we have watched it. I have watched the Hawks; I have said goodbye to Alastair Clarkson—I was a bit sad about that. Clarko, thank you. Our racing is in our cultural psyche. It is part of Melbourne; it is part of Victoria. We are, as far as I am aware, the only country—maybe the only state—that has a public holiday for a horse race, and I think we are pretty proud of it. It is one of the idiosyncrasies of Melbourne—that is the Melbourne that we love—and the sooner that we get back to those things the better. I appreciate that our Spring Racing Carnival will be affected as we still work our way through this pandemic, but we will get there.

Currently racing is prohibited on Good Friday, as others have said, and on Christmas Day. And that makes sense. In the past a lot of things were restricted on many days. AFL only in the last few years has been played on Good Friday. I can remember back in the old days Dad ran the chemist shop, and the chemist shop was the only thing open on a Sunday morning. There was nothing open. Now times have somewhat changed; our economy is a bit different. We rely more on our supermarkets being open until nine at night—some open more. This brings racing into line with other sporting codes—as I said, AFL, rugby, basketball—to allow the conduct of events on Good Friday.

This bill also amends the act to remove the requirement for thoroughbred clubs to seek ministerial approval to conduct a meeting on Anzac Day. I think when thinking of Anzac Day a lot of us will think of two-up, so it is not like betting or gambling is something that is far away from what we would accept on Anzac Day. I would say also that there may be some in our community, especially some of the Christian members of the community, and I would consider myself one of those—for whom Good Friday is probably one of the days where the family would be at church, and presumably we will still do that. I am more likely to be at church than at racing myself. I am not an avid racing follower. But I do not think this bill does anything to affect that in the detriment. I do not think this puts any fervour against the importance of that religious holiday. Commercial activities, as I said, used to be limited. They are now not. Restaurants, bars, cinemas, festivals and professional sport are all open for business.

While I think of racing, I also think about the things that you race for, and at the moment we are in a race for vaccines, and we have been in a race for vaccines. I will take this opportunity to thank all of our racing fraternity of Victorians that are doing the right thing to get the jab in their arms. I have had my AstraZeneca. My wife has had her Pfizer. My daughter will get her Pfizer very soon, as soon as it opens up to the 12 to 15 group. We understand that sense of racing and winning, but in the sense of vaccines the race is more than just winning; the race is to get back to the normality that we all crave and the importance of choosing things on the fly again. I think that us seeing those vaccines roll out is a bit like watching the tote when you go to Flemington—we are all watching the daily numbers of 61.5 per cent, 62.7 per cent, 64 per cent. We are all watching that because we can see when we get to 70, things will be a bit better; when we get to 80 things will be a bit better; and when we get to double dosed, things will be a bit better.

We all understand the culture of racing, and we have taken it to our hearts. If you go back to the time when Good Friday was a closed shop for business and Sundays were a closed shop for business, if you go back far enough—probably before my time—there was the 6 o'clock swill, or something, when they closed the pubs at 6.

Mr Fowles interjected.

Mr FREGON: Thank you, member for Burwood, for confirming that.

Mr Fowles: Not in Mount Waverley, though.

Mr FREGON: Not in Mount Waverley, though, no. But I think that is another bill, and it is a little bit later today that we will be talking about drinking in Mount Waverley and Ashwood and Burwood and Camberwell—I will go off on a tangent to *The Sullivans* if I am not careful. So we have changed a lot, and yet we have still kept the culture that is Melbourne, and we have built on it. We are a different state, a different city, but we are a better city. We are more than we were, and so changes like this do not necessarily take away from things. If there are people who are concerned about what this may mean, I would try and reassure them and say, 'No, this doesn't mean we're taking away'. All of the sensibilities and the importance, as I said, of Good Friday stay, and it is still a holy day. And I think this is a very sensible move.

I was thinking about, I guess, growing up in the Gully. On Friday nights, I can remember, we would come back from Dad's shop, because Dad used to work late, because again pharmacists were open late when nobody else was. We would get home, and usually Friday nights would involve, if I can remember, probably Monty Python on TV, and then you would have *Pot Black*, a favourite—the old

Pot Black on the ABC. Yes, I am getting some nods in the house from people of a similar age to me. And then you would have the trots. We are talking the early 1980s, and it reminds me of Fine Cotton. Now, our racing fraternity are a fantastic group of people, and our regulators are fantastic, so none of this would ever happen here. But I remember Fine Cotton. I was thinking about Fine Cotton this week, because what happened with the Fine Cotton affair was you had an underperforming bay gelding, from memory, who, because it was underperforming and in the second or third tier, or whatever race it was, was replaced by another horse that was a better horse, a better performing horse. But unfortunately the brainiacs who chose this better performing horse did not quite work out that the colour did not match, and there were other problems. I think the better horse was named Bold Personality, from memory. So this Bold Personality came in to replace Fine Cotton, but what became apparent is the brainiacs decided, because they got this horse at the last minute that did not match colours, actually to paint the horse's legs, I remember, with white paint.

Now, how they ever thought that bringing in this supposed better performer was going to trick the people judging—you know, the stewards and others judging—and how they ever thought that would work, I do not know, because it was pretty obvious to those stewards that this was a fake. This was not the horse that they were pretending it was; this was an imposter. And I do not know why I thought about it this week, but I think, in the end, be who you are, stand up for racing, for Victoria, and just believe in who you are enough that you just act like who you are. And when you get a horse that really knows what they are doing and they are on fire, back them in. (*Time expired*)

Dr READ (Brunswick) (16:15): Can I just start by thanking the member for Mount Waverley for taking us back to the Fine Cotton affair. I think a little bit of history, of kind of bar-room racetrack history, is fantastic and absolutely relevant to this bill, which is about expanding the racing industry in our state, presumably in a slightly more ethical manner than the Fine Cotton affair, but that remains to be seen. This bill allows thoroughbred, harness and greyhound racing to take place on Good Friday and removes the restrictions on thoroughbred racing on Anzac Day so that Victorian clubs will no longer need ministerial permission to hold a race on that day.

Now, racing is allowed on 362 days of the year already, and this major, consequential and earth-shattering bill brings that up to 364—at first glance, barely worth a mention. But it does tell us a few things that deserve comment. It tells us that while we are in the grip of a pandemic and worrying about whether our hospital system will survive the onslaught of COVID patients next month, we are legislating to boost the profits of the racing industry, although it is almost worth it if you get to hear about Fine Cotton. We could be legislating better support for renters and casual workers, for example, or working out how to better support our hospitals. Instead we are smoothing the path for the racing industry and the gambling that goes with it. Now, let us face it, an extra two days a year does not mean much, but if we are going to bring MPs together, even in this socially distanced manner—I have never been so far from the member for Burwood—to deliberate on a bill drafted with great care, it should do something good. And surely the top priority in any bill on horse racing in this era should be to outlaw whipping.

That was recommended by a federal Senate committee 30 years ago. Several aspects of horseracing are cruel, but it is hard to imagine anything more blatant in its disregard for the welfare of animals than whipping. Whipping of horses has been claimed to be necessary for the control of the horse and the safety of jockeys. I am not sure I really buy that, but let us just assume that is true; then we could still allow jockeys to carry the whips in case their safety is at risk, and if they lose control of the horse to the extent that whipping is actually necessary to preserve life and limb, then they could just wear a disqualification. Abolition of whipping would demonstrate a sincere intention to reduce cruelty, and allowing whipping in the final 100 metres, which I think is what is currently allowed, demonstrates the priorities and values of our racing industry at the moment. Ending whipping is surely the simplest and easiest step that racing could take to make their entertainment more acceptable.

We would also like to see some improvements in the safety of horses and greyhounds in racing. We frequently hear of the many deaths and injuries that occur on Victorian tracks. The Victorian

greyhound racing industry is the deadliest and most dangerous in the entire country. Last year there were 72 deaths and 3716 injuries on greyhound racing tracks in this state. Little aths does not get that dangerous. It is also pretty standard for a racehorse to be put down behind the green curtain after a race—31 racehorses either were put down or died in Victoria last year—and maybe we should do more to prevent horses being ridden to death.

It was not all that long ago that I was speaking about handouts and special treatment from this government to the racing industry, and it has not been, let us face it, such a tough lockdown for the racing industry compared to many other industries, with horse and greyhound racing still open for business and a great many other industries closed. I understand one of the motivations for the changes in this bill is to boost regional tourism by creating more major racing events on public holidays, specifically in the country. Obviously the Greens could think of better ways to promote travel to country Victoria: we could encourage people to visit our national parks, to go camping in the Grampians or to visit our beautiful coastline and take in the Twelve Apostles—just do not look at the gas drilling while you are there.

We do not need to kill horses and greyhounds to encourage people to visit our regions. In fact now is a good time to be thinking about how we promote economic recovery all over Victoria, since we are back in the middle of a significant lockdown with many jobs lost or furloughed and many industries on hold. So instead of continuing to promote economic recovery through harmful industries, like gambling and racing, or fossil fuel extraction for that matter, we should invest in something akin to a Green New Deal where we create jobs and new businesses by looking after each other and the environment—jobs in caring, in renewables and in building new public housing. But this week the government has prioritised expanding the racing industry. It is not the most forward-thinking decision when our state desperately needs long-term vision, so the Greens think this bill should go back to the drawing board and will not be supporting it.

Mr FOWLES (Burwood) (16:21): I had hoped that my friend the member for Brunswick was going to wax a little bit more lyrical there, but I am very grateful for the opportunity to make a contribution around this bill, the Racing Amendment Bill 2021, which of course amends the Racing Act 1958. It amends it to remove the prohibition on racing on Good Friday and makes a number of other technical amendments and governance amendments which are I think largely uncontroversial, and I note with thanks that the opposition is not opposing this bill.

The racing industry is an industry that contributes so much to the great state of Victoria, and it does it in a number of ways. There is of course the core of the industry itself—the raising, the breeding, the training and then the riding and the racing of racehorses—but there is so much that attaches to that activity. Whether you are in the bush, whether you are in a regional centre or whether you are at Flemington on Melbourne Cup Day, there is so much about the racing industry that provides excitement and a terrific recreational pastime for so many Victorians over the course of the year. Whether your connection to racing is incidental, recreational or professional, there is something about the magic of the thundering of hooves that elicits a thrill for so many Victorians. I think it is just an absolutely terrific industry and ought to be supported at every turn.

I am very pleased that we are using this amendment as an opportunity to bring a marquee race day to the bush on Good Friday. Good Friday has of course special significance for Christians, and I acknowledge that. But I think we are gladly moving towards a more formal separation of church and state in the state of Victoria. There are a few other things on the list of things I would see further to that cause in an ideal world. I still find it somewhat anachronistic, for example, that we have a daily prayer in this place that is from a particular subset of Christianity that is represented in the choice of words. I think it is more appropriate for Victorians to be embraced more broadly than that and to not have one particular religious grouping dominate in any of our discussions. But I am very pleased that racing is following the good work of the AFL and the NRL and by deed of this bill will be able to schedule race meets for Good Friday, albeit of course in the afternoon, and that is consistent with other public holidays like Anzac Day, when the scheduling of race meetings in the afternoon also occurs.

As the member for Mount Waverley noted, it is a terrific thing that Melbourne is, we think, the only jurisdiction in the world that has a public holiday for a horse race. It says something about the culture of Victoria, as being the hub of major events, major sporting events, which are a key part of the culture of the city, that we honour that race in that way. It is of course the race that stops the nation, and so it should—and so it will continue to do. Despite the somewhat try-hard efforts of those north of the Murray to rain on the parade of the Victorian racing industry, it remains the pre-eminent racing jurisdiction in Australia, and long may it be so.

It is important to note that we are not seeking to be prescriptive about the scheduling of race meetings in Victoria under this bill, nor should we be. It is not the role of the minister, it is not the role of government, to be dictating exactly which meetings are occurring on which day and where. That would only slow down, would only clog up, the administrative wheels of scheduling racing across all the three codes in the state of Victoria, and I am very pleased to see that the requirement for ministerial approval to schedule a meeting on Anzac Day is being removed by this bill as well.

I think there has been resistance in some quarters around the important symbolism of Good Friday for those who are Christians and the importance of that day in the Christian calendar, and I absolutely acknowledge that. I do find it curious, though, that some of those who profess to have very strong views about those matters are the same people who were involved in an extraordinary rebuttal of the pairing conventions of this place just some three years ago—that those who might seek to hold very strong views about the importance of Good Friday on the Christian calendar are the same people who, on the orders of the newly recycled Leader of the Opposition, would come and vote on Good Friday, on Good Friday morning no less, as directed by the Leader of the Opposition in circumstances that were odious at best. It is absolutely incredible that the coalition find themselves led again by someone who is prepared to trash the norms of the Parliament with little or no thought for the consequences.

Ms Kealy: On a point of order, Deputy Speaker, I just ask you to bring the member back to the bill that is before us today. He is using this as an opportunity to attack the opposition, particularly around matters in the other chamber. I ask you to bring him back to the bill, please.

The DEPUTY SPEAKER: The member should be speaking to the bill. I did not actually hear what the member was saying—my apologies—but I do ask you to speak to the bill. There have been other members who have spoken quite broadly on this bill.

Mr FOWLES: Well, thank you, Deputy Speaker. I shall, but I stand by the comments I made regarding the perceived importance of Good Friday and perhaps the actual importance in the eyes of some.

There are plenty of us who like a punt. I have got the great misfortune of being in a punters club with my idiot cousins, and we make a pretty concerted effort to drop our 20 bucks each and every week pretty consistently. We have got some amazing personalities. One of my cousins in fact works in the racing universe, and, to the surprise of exactly no-one, he is far and away the worst tipper of the lot of us. His tips are complete rubbish. They continue to be complete rubbish, and much to the chagrin of the more sensible of us cousins he continues to tear up our dosh on rotation once every eight weeks. It is a great shame and a source of great derision for him because his professed professional expertise lies in this particular domain, and it turns out, notwithstanding that, he is complete rubbish when it comes to selecting horses for the punters club. We have had a bit more success on matters AFL of late. I think that has been assisted by the fine efforts of the mighty Melbourne Football Club in recent times, which have been a source of some joy in amongst all of the challenges that attach to a protracted lockdown, and I take this opportunity to wish the mighty Demons all the very best for their preliminary final on Friday night—unbelievably, to be held in Perth.

This bill is not particularly complicated. It is a bill that, whilst it traverses a number of technical matters, really just has at its heart the ability to take more racing events to more Victorians more often. It is an incremental increase. It is not a dramatic increase by any stretch of the imagination, but it is an

important one, because we know that so many Victorians use the Easter break not so much—and I am talking historically of course—for international travel or those sorts of further afield events. So many Victorians particularly use the Easter break to enjoy the regions, and they enjoy them in great numbers. And I hope come Easter next year they enjoy them in fantastic numbers again.

The racing industry will have the opportunity to capitalise on some of that tourism, to give people an event to attach to their holidays and give them the ability to celebrate with family and friends at a race meet, the atmosphere of which simply cannot be compared to many other of those sporting events across the calendar. There is something special about racing and, as I have said already in this contribution, long may it continue.

I have some sympathy for the matters the member for Brunswick raised, particularly in relation to animal welfare. I think animal welfare issues are very important and they will continue to be a matter of some debate, both inside this chamber and inside various groupings within the chamber. But I think the focus of this bill is one that we all ought to embrace: a chance for more Victorians to get together with family at Easter and enjoy a fantastic racing day.

The ACTING SPEAKER (Mr McGuire): Melbourne supporters were given some leniency because it is R U OK? day. That is the acknowledgement.

Following speeches incorporated in accordance with resolution of house of 7 September:

Ms ADDISON (Wendouree)

Introduction

I am pleased to support the Racing Amendment Bill 2021 and welcome that it is being supported by the opposition.

As the member for Wendouree, my electorate is home to the Ballarat and District Trotting Club and the Ballarat Greyhound Racing Club in Redan, and the Ballarat Turf Club is just out of my electorate in Miners Rest. I am a proud member and supporter of the Ballarat Turf Club and the Ballarat and District Trotting Club.

I am pleased to contribute following great speeches from the member for Melton and the member for Ivanhoe. I have commented on it before, but it is remarkable how many times I am speaking on the same legislation as these two—I am definitely in good company!

I would like to thank the Minister for Racing, his ministerial office and the department for the work they have done to bring this bill to the house. Thank you to Simon Shiell, senior racing adviser, and I would also like to recognise the hard work of the minister's senior adviser, Charlotte Gray, and thank her for the outstanding support she provides to the Wendouree office.

I am pleased to see that the proposed legislation has gone through a process of stakeholder consultation and it has been welcomed and supported by Country Racing Victoria CEO Scott Whiteman and Racing Victoria CEO Giles Thompson.

This bill amends the Racing Act 1958. For those with an interest in thoroughbred racing, in the year the Racing Act was introduced, Baystone won the Melbourne Cup, finishing the race one and a half lengths in front of Monte Carlo. Baystone was certainly a lucky number 7 for many that day, with odds of 10 to one. Interestingly the 1958 Melbourne Cup was the first with automatic barrier stalls. And locally, the winner of the Ballarat Cup in 1958 was Royal Symbol, who won the race again in 1959.

This bill will make the following changes to the Racing Act 1958 to remove the prohibition on racing on Good Friday and make other minor and technical amendments. While the proposed legislation removes the prohibition of racing on Good Friday, it retains the prohibition on Christmas Day.

The bill will also remove the requirements for thoroughbred racing clubs to seek ministerial approval to conduct a racing meeting on Anzac Day, provide a simpler and more timely process for the appointment of an acting racing integrity commissioner; enable the board of Harness Racing Victoria to appoint an administrator of a harness racing club, and improve the operation of the Victorian Racing Integrity Board.

Racing Victoria have publicly committed that should the bill pass they will create a feature annual race meeting on Good Friday that would be shared amongst country clubs. It is proposed that the Good Friday race day would then rotate annually throughout regional Victoria promoting different regions of the state and encouraging tourism on the Easter long weekend. Greyhound Racing Victoria and Harness Racing Victoria

will also allocate race days to regional venues. This is great news for Ballarat and racing centres across regional Victoria.

The proposed changes to racing on Good Friday will take place from 2022. Racing in Australia is currently conducted on Good Friday in Western Australia and Tasmania.

The changes proposed will remove the prohibition on racing on Good Friday—bringing racing in Victoria into line with the sporting codes who currently conduct events on Good Friday, including the NRL and the AFL.

The AFL has played matches on Good Friday since 2017 whilst the NRL has played matches on Good Friday since 2012. The AFL game on Good Friday has become part of the Good Friday Appeal game, providing the Kick for the Kids match raising vital funds and awareness for the Good Friday Appeal. The Melbourne Storm also partnered with the Good Friday Appeal, helping to celebrate 90 years of giving for the kids at the Royal Children's Hospital.

It is reassuring to know that racing has a rich history with the Good Friday Appeal. I was interested to learn that Victorian racing's connection dates back to its inaugural fundraising event 90 years ago when a football match between Flemington and Caulfield jockeys was held and watched by a crowd of 20 000.

I am also pleased that the relationship continues, and that Racing Victoria will be ensuring that this feature country race day plays its part in assisting Victoria's important fundraising efforts on Good Friday for the Royal Children's Hospital.

It has been announced by Racing Victoria that if the bill passes, the inaugural Good Friday race day would be held at the Sale Turf Club, and that the meeting would not commence before 1.00 pm out of respect for the religious significance of the day.

Thoroughbred training in regional centres provides a valuable source of employment and economic activity. The racing industry is important for the Ballarat region, providing more than 1 300 full-time equivalent jobs, and including an economic impact of training expenditure in the region of \$48 million annually.

The Victorian government has supported some key infrastructure in regional Victoria that has supported the retention and growth of local jobs in training, such as \$4 million to support the construction of a synthetic track at the Ballarat Turf Club, a project worth \$10 million.

I wish to congratulate Ballarat Turf Club CEO Belinda Glass and the Ballarat Turf Club for the great work they are doing to build the club and the reputation of Dowling Forest as an excellent place to train and race thoroughbreds with the development of stables and training facilities.

It has been fantastic to have seen continued growth in the number of trainers choosing Dowling Forest's world-class facilities as a base. More and more horses are being trained at Ballarat, and this is great news for our reputation as well as creating more jobs and supporting our local economy.

Regional training centres like Ballarat are essential to the success of Victorian racing. The Ballarat Turf Club will welcome Rob Hickmott Racing to Ballarat at the end of September. Ballarat Turf Club is home to Melbourne Cup winning jockey and now trainer Michelle Payne and her equally famous strapper brother Stevie Payne, as well as some great trainers: Archie Alexander, Tony McEvoy and Matt Cumani. Rob Hickmott Racing will certainly be in good company at Dowling Forest. I strongly believe that the Ballarat Turf Club is the place to train thoroughbred horses.

I am also pleased that the Ballarat Turf Club will be working with local stables to partner with Racing Victoria and registered training organisations to deliver a pilot program to strengthen the workforce and fill skills gaps.

I would also like to recognise the outstanding effort of the Ballarat Turf Club to respond to the challenges of COVID. They have conducted over 50 COVID-safe race days. Well done.

At this point, I would like to acknowledge that gambling can be harmful, and I would encourage anyone struggling with it to reach out as there are services available. People can call 1800 858 858 for support. I would also encourage people to raise the issue with their healthcare professional and family and friends who could be supportive.

In concluding I wish to extend an invitation to all members of the house to attend the Ballarat Cup, which will be held Saturday, 20 November 2021, at Dowling Forest.

I commend the Racing Amendment Bill 2021 to house.

Ms BRITNELL (South-West Coast)

As the member for South-West Coast—the home of country racing's best and most famous event, the Grand Annual steeplechase—I am pleased to make a brief contribution on the Racing Amendment Bill 2021.

As the shadow minister, the member for East Gippsland, has indicated, we will not be opposing this bill, which makes various changes to the Racing Act to allow racing on Good Friday, streamline integrity processes and provide greater powers to Harness Racing Victoria to act on matters relating to club administration.

In terms of Good Friday, this brings Victoria into line with other states, and a Good Friday meeting will be held in country Victoria on a rotational basis—I am sure the Warrnambool Racing Club will be very keen to add a Good Friday race day to their already great annual program.

This bill also allows the ability to appoint an acting racing integrity commissioner to backfill that important position if the commissioner is sick or on leave. The ability to do that doesn't exist currently and this bill fixes that, which I think is extremely important because we want to ensure that the racing industry is always maintaining the highest levels of integrity.

As the shadow minister said, these are all changes that have been put forward by the racing industry participants and it's not something we oppose.

I do want to take a minute to talk about the incredible Warrnambool Racing Club in my electorate, which I know many members in this chamber are familiar with—especially over the days leading up to that first Thursday in May.

I of course talk about the May racing carnival—the premium country racing carnival in the nation.

It's hard to believe standing here in lockdown surrounded by perspex screens and wearing masks that in May this year we were at the Warrnambool racecourse with thousands of other racegoers.

After the carnival was scaled back to a two-day program in 2020 with no spectators it was brilliant to be back up on the hill to watch the Grand Annual and to catch up with friends in the fantastic new facilities the racing club worked so hard to have established.

CEO Tom O'Connor, his team and the committee led by Nick Rule need to be congratulated for the work they put in to pull that event off in a COVID-safe way.

I also want to pay special tribute to Nick, who has announced he will stand down as committee chair in October after four years. Nick has made a significant contribution to the racing club and leaves a lasting legacy, including a \$5.8 million upgrade of the Matilda Room and spending more than \$1 million to improve on-course training facilities at the course.

The new-look Matilda Room is an amazing facility and will be well utilised by the wider community when restrictions allow. It would be remiss of me not to acknowledge former CEO Peter Downs, who was an integral part of kicking off that redevelopment.

The May carnival isn't just a major support for racing, it creates a huge economic injection for the whole region—the 2019 carnival generated a total expenditure impact of \$13.9 million for the south-west region.

The 2021 carnival figure will be similar—so you can see that the event isn't just important for the racing industry, it's vital for the south-west community. It provides a financial boost to hospitality and accommodation providers ahead of the generally quiet winter period.

As we know, the tourism, events, accommodation and hospitality sectors have been the hardest hit by the continued shutdowns across Victoria, particularly in regional areas.

Even when regional Victoria is open, but Melbourne is closed, these sectors still really struggle in regional areas. They are going to need financial support to continue over the coming weeks while Melbourne remains in lockdown and unable to travel to regional areas.

Recently local caravan park operator Steve Moore told the Warrnambool *Standard* that he would struggle to stay afloat without visitors from Melbourne and without government support payments.

I again call on the government to provide some financial support for tourism businesses in regional Victoria for the duration of the Melbourne lockdown, because if you don't, we may be running the risk of not having a bed for our Melbourne friends when they are allowed to come back, because businesses will have closed.

So this bill is simply addressing issues that the industry has flagged with the government—they make sense and I am more than happy to support them.

Mr CHEESEMAN (South Barwon)

It is with some pleasure that I rise today to make a contribution on the Racing Amendment Bill 2021.

The bill amends the Racing Act 1958 to remove the prohibition on racing on Good Friday, bringing racing into line with other professional sports in Australia, such as AFL and NRL, which conduct events on Good

Friday. The bill also makes other technical amendments to improve the operation of the Racing Act, including:

- removing the requirement for thoroughbred clubs to seek ministerial approval to conduct a race meeting on Anzac Day, bringing the thoroughbred code with the harness and greyhound codes under the act;
- enabling the appointment of an acting racing integrity commissioner for a period of up to three months by the minister. Currently there is no provision for the appointment of an acting RIC where the incumbent is on leave or unable to perform the duties of the office for short periods of time;
- amend the act to remove the ministerial power to suspend a committee and appoint an administrator of a harness racing club based upon the recommendation of the board of Harness Racing Victoria. The power to remove a committee and appoint an administrator will now reside solely with the board of Harness Racing Victoria, bringing the code into line with the process currently prescribed in the act for the greyhound racing code;
- enable certain powers and functions of the Victorian Racing Integrity Board to be delegated to its chairperson or deputy chairperson of the board. This will improve efficiency for the VRIB to respond quickly to requests from controlling bodies, especially around urgent proposed rule amendments that may be required; and
- other technical amendments to improve the efficiency of the act.

Racing Victoria along with Country Racing Victoria have publicly announced that following the passage of this bill, the Good Friday meeting will in the first year be conducted at the Sale Turf Club, and then will be rotated annually to regional venues.

By rotating the Good Friday meet to regional clubs, this new feature race day will support local businesses and communities across Victoria through increased visitation on the Easter long weekend.

While it has been an extremely difficult number of years for regional tourism operators, especially those in the Gippsland region off the back of the 2020 bushfires, it is hoped that events such as these can assist in encouraging race fans to travel to regional Victoria for next year's long weekend.

Victorian regional racing clubs host some of our most iconic regional events, showcasing stunning locations.

Events such as the Dunkeld Cup at the southern tip of the Grampians or the Buchan Cup in East Gippsland are highlights of the racing calendar, and an important positive economic impact for the local tourist sector.

With the support of Racing Victoria and Country Racing Victoria, there is no doubt that regional clubs who host future Good Friday races will be a significant drawcard for visitors to the regions across the long Easter weekend.

The racing industry is one of the state's most significant industries, delivering more than \$4.3 billion in economic value each year and supporting over 34 000 full-time equivalent jobs.

A strong and vibrant racing industry is particularly key for regional Victoria, where more than 100 clubs are supported by more than 80 000 individuals who are involved in the industry either as a participant, employee or volunteer.

The government recognises the critical importance that our regional racing clubs have for local communities. From a 2018 report, there are almost 30 000 racing club members across regional Victoria, with more than 980 000 attendances annually to our tracks in regional Victoria alone.

Not only is the sector a key employer in regional Victoria, employing more than 20 000 FTE jobs, but also as a key community hub for regional towns and centres.

This can be either through the social occasion of the annual country cup, or with clubs providing key infrastructure for their local communities.

The Andrews Labor government has been a strong supporter of regional racing through the \$72 million Victorian Racing Industry Fund. This fund has provided critical funding over a number of years and was extended for a further four years as an election commitment in 2018.

Since 2014 the government has provided more than \$70 million in funding to support almost 900 projects across all three codes to assist with both race day attraction and infrastructure in regional Victoria.

The funding support for infrastructure projects provided by the government has not only been key to supporting training and animal welfare initiatives, but also in delivering club infrastructure that is of significant community benefit to surrounding towns and regions.

The government has provided more than \$41 million since 2014 to support more than \$132 million worth of infrastructure projects to regionally based thoroughbred clubs.

Just some of the key thoroughbred projects that the government has supported in regional Victoria include:

- \$300 000 to support the \$4.9 million Matilda Room extension at the Warrnambool Racing Club, which is an important community asset and a centrepiece for the May carnival, a significant driver for the local economy;
- \$57 000 to support the refurbishment and upgrade of facilities at the Manangatang Racing Club, which hosts an iconic meeting once a year in north-western Victoria;
- \$41 000 to support irrigation upgrades at another of Victoria's iconic once-a-year racetracks at the Gunbower Racing Club in northern Victoria;

Thoroughbred training in regional centres provides a valuable source of employment and economic activity. The government has supported some key infrastructure in regional Victoria that has supported the retention and growth of local jobs in training. These include:

- \$4 million to support the construction of a synthetic track at the Ballart Turf Club, a project worth \$10 million;
- more than \$600 000 to support a \$1.3 million project to upgrade training facilities at the Geelong Racing Club;
- \$550 000 to support the upgrade of a sand training track at the Bendigo Jockey Club worth \$1.1 million;
- \$175 000 to support a \$385 000 project at the Stony Creek Racing Club for upgraded tie-up stalls facilities.

Mr D O'BRIEN (Gippsland South)

I am pleased to make a brief contribution to this bill given the significance it will hold for my electorate in 2022, which I will come to shortly.

This bill is somewhat of an omnibus bill for the racing industry with a number of changes to harness racing, scheduling of race meets on Anzac Day and various other minor but important changes to the racing integrity framework and regulations under the principal act.

However, I want to particularly speak about the provision which will allow racing on Good Friday for the first time from next year.

I have to say, my broad view is that some days in our calendar should remain sacrosanct. In particular, I'm not in favour of extending major events to Christmas Day and in another time I might have objected to activities on Good Friday.

I take this view not so much from a Christian perspective, although that is a consideration, but more so that there should be some days on the calendar where we can focus, refresh and stay home with family.

Nonetheless, with respect to Good Friday, that horse has bolted, pun intended. Racing is already allowed to occur interstate and there are a number of other major sporting and other events that occur on Good Friday in Victoria, notably AFL football.

So at this point it would be churlish to oppose, and we will not be opposing this, or any other aspects of the bill.

The other reason I am supportive is the fact that Good Friday meets are to be scheduled at country clubs and the first will be at my own home club, Sale Turf Club.

As the member for Gippsland East has noted, there is agreement that as a mark of respect to Good Friday, no races will be scheduled before 1.00 pm.

I have been out recently to Greenwattle Racecourse as the Sale course is known and had a chat with turf club CEO Brad Evans, who does a great job looking after his club and the industry in our region.

Brad and the club, headed by president David Wilson, have some great ideas planned for their Good Friday meeting in 2022. They will of course place a big focus on the Royal Children's Hospital Good Friday Appeal and no doubt both lucky and unlucky punters will be harassed by tin-shaking volunteers on the day.

The club also has ideas it is developing further to promote the local visitor economy in Sale and central Gippsland—better known in marketing terms as the 'Middle of Everywhere'—to try and attract more tourists to our region for that Easter long weekend, and after bushfires, drought and COVID, heaven knows we need it.

They will be working with our local tourism organisations, the shire, local MPs and everyone else to ensure that the race meeting helps attract many more visitors who will stay and visit the region over a few days, not just for the race meeting.

I'm sure there will be many locals and people from across the wider Gippsland region who will also make a day of it.

That is a good thing and a reminder that our race clubs are generally, indeed exclusively in my experience, good corporate and community citizens.

I have a similar experience of the other club in my electorate, being Stony Creek, and remain a strong supporter of country racing.

I look forward to seeing what Sale can put together for the inaugural Good Friday race meeting. I invite all members of the house to come down at any time, but particularly next Easter to the region we're now marketing as the 'Middle of Everywhere'.

I commend the bill to the house.

Mr NORTHE (Morwell)

I welcome the opportunity to provide a contribution to the Racing Amendment Bill 2021. The purpose of the bill includes enabling racing to occur on Good Friday; to remove the requirement for thoroughbred racing clubs to obtain ministerial approval to conduct a race meeting on Anzac Day; to enable the minister to appoint a person to act as the racing integrity commissioner on a short-term basis; to enable the board of Harness Racing Victoria to appoint administrators of harness racing clubs; to improve the operation of the Victorian Racing Integrity Board; and to make minor and other technical amendments.

In terms of the major provisions of the bill, the most contentious aspect probably relates to extending the ability to host racing in Victoria to Good Friday, or put in another way and as the bill suggests, removing the prohibition on racing on Good Friday. Essentially control of the scheduling of race meetings is set by Racing Victoria, Greyhound Racing Victoria and Harness Racing Victoria and therefore decisions in terms of conducting race meeting on Good Friday will be controlled by those entities. Whilst there will be various views and opinions on this specific clause of the bill the reality is racing on Good Friday does occur in some other states on this day. Other professional sports as we are well aware are already played on Good Friday in Victoria. It seems that Good Friday race events are likely to be scheduled in regional Victoria, which will be welcomed by many regional racing clubs, and of course, I support Gippsland communities being the destination for such race meetings into the future.

In terms of racing on Anzac Day, this already occurs in Victoria and as noted in the second-reading speech, it currently requires the Victoria Racing Club to obtain approval from the minister to host its Flemington thoroughbred race meeting on this day. Such approval is not currently required by Greyhound Racing Victoria and Harness Racing Victoria so it makes sense to tidy up the legislation in this regard. The necessity for the Victoria Racing Club to obtain approval from the minister to host Anzac Day events will be removed but importantly the proceeds from these race meetings will still be donated to the ANZAC Day Proceeds Fund or a similar veterans fund. In addition, the prohibition on race meetings being held prior to 1:00 pm on Anzac Day stays in place, which is entirely appropriate.

I will say that in terms of potentially expanding race meetings there are some who have been critical of the fact that racing has been allowed to continue whilst other liberties and freedoms have been constrained. And this is certainly not a criticism of the industry, but one can understand why some people say, 'How on earth can racing of all forms continue across the state yet I can't even go to visit my children or my parents in their own home?'. I do understand why people get frustrated and angry at such a comparison. The industry has shown it can operate in a COVID-safe manner, and personally, I believe the government needs to put similar faith and trust in Victorian people and other groups and organisations. The inconsistency of some of the COVID-related restrictions is creating division in many circles and that is very unfortunate. From my perspective, it is about the government giving people back some of their liberties consistent to what the racing industry has, but of course, that is an argument for another forum.

I wish to take the opportunity to pay tribute to the racing clubs in my electorate. In the Morwell electorate, we have the Traralgon Greyhound Racing Club, which has recently gone through a significant transformation with relatively new facilities, and a new track constructed. Greyhound Racing Victoria and the state government have been strong supporters of the club and that has enabled the club to modernise its precinct into one of the best tracks and assets in regional Victoria. In contrast, but on the same precinct, the Latrobe Valley Racing Club (LVRC) has struggled to receive the same support over a period of time. I know the loss of race meetings has been an ongoing issue for the LVRC. The club has gone from three meetings per season, then down to two, back up to three and now has only two scheduled meetings this season. Through the efforts of the likes of Frank Bezzina and Peter Walkley and other local volunteers, the LVRC has been kept alive and ironically, the precinct is currently operating as a state-run COVID-19 vaccination centre, which I think is fabulous, particularly given that despite enormous potential, the facilities at the LVRC have been well and truly underutilised. I want to place on the record my support of the LVRC, and it is imperative the state

government and Racing Victoria do all they can in their respective powers to likewise support the club, its members and our community. Having only two scheduled race meetings is not sustainable and the club has the scope, capacity and will to host additional trials and race day meetings. As other members in this house have noted, the economic impacts to local communities can be profound. This year the LVRC has two meetings, with the Derby Day meeting set down for 30 October and the iconic Traralgon Cup to be held on 28 November. One could write a book on the various challenges and horrible luck the LVRC has experienced in its hosting of racing events over the past few years but I wish the team every success with its two race days in 2021. Thank you for the opportunity to provide some feedback on the bill before us.

Ms HORNE (Williamstown—Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Fishing and Boating) (16:31): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until later this day.

SOCIAL SERVICES REGULATION BILL 2021

Second reading

Debate resumed on motion of Mr DONNELLAN:

That this bill be now read a second time.

Ms CRUGNALE (Bass) (16:32): I did start yesterday speaking on the Social Services Regulation Bill 2021, and I will continue on from that point. Families, children and their cultural rights will be promoted as informed consent, and this is an essential part of the new standards. The more efficient and improved regulatory system will give service users greater ability to make more informed and confident choices when accessing the services they need. Careful consideration has been given to other regulatory schemes, such as the national disability insurance scheme, to ensure that there is minimal duplication of regulatory requirements.

This bill has not been created in a vacuum either. Our Labor government has consulted widely, as we do, bringing the community with us on a shared journey. Roundtable discussions were held earlier this year by the Centre for Excellence in Child and Family Welfare. The Victorian Aboriginal Child Care Agency has also been involved, and service providers will be required to deliver culturally safe services that respect users and connect country to family and to community. The Commission for Children and Young People and the Foster Care Association of Victoria have also been part of the journey. We have consulted with National Disability Services Victoria, and peak bodies representing domestic violence and sexual assault services attended a meeting with Family Safety Victoria. Homelessness and supported residential services information sessions have also been held. I also want to thank in particular the Minister for Disability, Ageing and Carers and Ingrid Stitt—the Minister for Disability, Ageing and Carers for his work in the area of child protection and disability, ageing and carers. His parliamentary commitment to child safety spans over a decade. I thank Minister Stitt in the other house for her commitment to the area of early childhood, along with her passion for education and her work in the rollout of three-year-old kinder across the state.

The new regulator is due to be appointed mid-2022, well ahead of the scheme commencing. This will allow for a timely transition to the new scheme, and the regulatory impact scheme will provide a formal opportunity for the public to comment on the regulations and standards.

In closing, although I do have 1 minute and 40 seconds left, again I wish to thank the Andrews Labor government for making this state a better and safer place for our children; for being prepared to make change for the better and put the hard work into reviewing practices that had in some cases not been reviewed for a decade; for streamlining organisational requirements and for making the rules easier to understand and to follow; and, most importantly, for caring about all Victorians, be they in the city or in rural and regional areas. These changes will impact the lives of so many for the better, both service providers and service users, and will show that we care. I commend the bill to the house.

Mr McGuire (Broadmeadows) (16:35): Leadership driving change must overcome the silo mentality, turf wars, institutional ego, bureaucratic inertia and the political cycle. Extra emotional intelligence is required to address fatigue and the churn of personnel in a time of pandemic, so I want to highlight concerns for mental health as we acknowledge R U OK? Day.

Cultural, generational and systemic change has been a decades-long pursuit and studied endeavour, especially harnessing technology to help connect the disconnected to opportunity. I want to acknowledge the minister for improving systemic problems confronting vulnerable Victorians in this legislation. This is hard to do, and it takes time, it takes effort, it takes an enormous amount of coordination and collaboration, and that is deeply appreciated, particularly for people whose voices are rarely heard and who do not have much power. They are the people who need it the most, and they are quite often the hardest to get to, the hardest to organise in a system that, despite goodwill and good effort, has too many gaps or overlaps and inconsistencies and causes confusion, particularly, as I said, for the most vulnerable, who are quite often disconnected. They are not well organised. They do not know how to make change. So that is why this is important.

The minister defined the need for change in a pretty forthright way about the fragmentation and omissions in the system, and some social services, including family violence and homelessness services, are not even subject to a legislated regulatory framework, so there is no frame of reference to make sure that key performance indicators and the needs were being adequately met, people were being properly protected and the system could be enhanced, which I know we are all working for, but nevertheless this is what happens. It is not just in this case; this is what we have to be mindful of. We have to be forever looking at what are the reforms, what are the changes, and that is why I want to acknowledge that it addresses duplications, overlaps and confusion, and it will actually turn it around to get rid of some of these inefficiencies and make it more effective as well.

While each scheme seeks to protect people from abuse and harm, together, they fail to reflect the contemporary service delivery landscape.

That is how the minister put it. Stakeholders have repeatedly identified gaps, overlaps and duplication, and reported confusion, and recent reforms to social services delivery have revealed a growing problem rather than a decreasing problem. So that has required this bill.

The inadequacy of the underlying legislative framework has meant avoidable harms have continued within the comprehensive regulatory framework, and there has been little, if any, ability to intervene at an early preventative stage. So that is critical. You have got to have early intervention, as said by all the different inquiries that we have seen through the Parliament. The *Betrayal of Trust* report—an investigation that was a humbling experience to be part of—said that what was critical was: how do you actually have scrutiny, accountability and then compliance? I think that is another good direction this legislation is taking us in, and in particular the COVID-19 pandemic exposed shortcomings in Victoria's social services regulatory regime. So this is important regulation. It is timely, and it is trying to become more effective and deliver the services where they are needed most.

I do want to also just go to some of the key points in the bill and define who it is actually trying to take care of. The bill is aimed at providing increased assurance to family members and carers around the quality and safety of the services used by their loved ones. Family members and carers currently subject to the Victorian carer registers will be subject to the proposed worker and carer exclusion schemes, so they look at the interplay between kinship carers and the other carers, subject to the final regulations. So again, decisions to include roles in scope, as they are called, are based on the assessment of risk, the potential for harm caused to service users, the adequacy and other regulatory arrangements and other consultation with the sectors.

The intention of this bill is to reduce regulatory burden for most social service providers, and it is doing that through a strategy of streamlined regulation and a host of other measures that attempt to make sure the gaps are taken care of and duplication is sorted. The other part is there has been a lack of intelligence to inform regulatory action and identify risks early, so early signs of a problem are not

always able to be identified, which creates the risk that service providers continue to provide unsafe services until a significant event, or sometimes what is called a catastrophic event, occurs. So obviously we are trying to get to the problem first and address it before it becomes a significant or catastrophic event in anybody's life with the consequences that that delivers. If we can avoid that, that is a critical intervention.

Conflicts between regulating and funding services are also addressed, and the issue that the Department of Families, Fairness and Housing regulates the service system and is also responsible for ensuring adequate numbers of service providers to meet the community needs. Again, that is trying to get right that the provision of services is adequate, it goes to those most in need, it is targeted and it takes care of families and individuals. That is really what the government is doing, and I commend the approach that has been taken.

Collaboration, as we know, is critical, particularly during a pandemic, and I want to take this opportunity with the indulgence of the house to thank all the healthcare workers in my electorate. We have seen that it is a difficult time for Melbourne's north at the moment, and I want to thank the Victorian government. We have got a walk-in vaccination hub at the town hall in Broadmeadows and a drive-in one at the Ford site, and that is really important to make sure that people are getting the vaccine doses. We also have a new centre set up at the leisure centre where you can actually go and be tested. So get tested, get the jabs. I want to commend the Premier for his pursuit of the 340 000 extra doses of Pfizer vaccine to make sure that that occurs and that they go to Melbourne's north, particularly Broadmeadows where the need is at the highest, and to make sure that where the need is greatest that is taken care of.

Ironically, of course, Broadmeadows is where we are manufacturing more than 50 million AstraZeneca doses for home and abroad, and that is really important. But there has been some vaccine hesitancy because of what has happened, so particularly for these communities this is really important now. I am also voicing the view of the local representatives and healthcare workers as well, so I appreciate the indulgence of the house just to reference that.

In concluding, if I may as well, I would like to acknowledge the commitment of Ken Thompson for the help that he gave so many young people in our community to have better opportunities in life and say 'vale' to a true believer in lifelong learning and an inspiration to so many people with his support for the global learning village model, delivering lifelong learning.

So in conclusion, this is an important piece of legislation to advance the care and consideration and have it more targeted, and the protection for some of the most vulnerable Victorians. I want to acknowledge the minister and everybody who has been involved in putting this together, particularly at this time of incredible difficulty, to get these things done. I commend the bill to the house.

Ms HUTCHINS (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (16:45): I rise to speak on the Social Services Regulation Bill 2021. In this government we want to see social services in Victoria be amongst the finest in the world. Throughout the Australian Labor Party's time in government we have built up a meaningful social safety net for those who live here, helping Victorians get through some of the most challenging times that might lead them to needing these services. I want to start this speech by saying thank you to the workers who have delivered Victoria's indispensable social services in everyday life and particularly now during COVID, when the pressures are immense. On this side of the house we have made sure that these services have received the adequate funding and support needed for them to reflect the dignity of each individual with whom they interact. This is more than can be said for those on the other side, who say time and time again that they want to cut away taxes that fund our precious social services but without saying which of these they would actually gut. This government has introduced this bill as one of the many steps we need to take the development and support of our social services to a higher standard.

While I will move on to comment on some of the specifics of the bill in a moment, I want to reflect on the context in which this is being introduced. This government has worked tirelessly to improve the social services prized by our state and will continue to do so, particularly those changes that are recommended by the Royal Commission into Victoria's Mental Health System. This was a historic investigation into Victoria's mental health system, and I am proud that this government has committed to implementing each and every one of the recommendations.

In my ministerial portfolios I see organisations and services support people at their most vulnerable times—for example, when leaving custody—and support people to reduce the risk factors in their lives that can lead people to offending, getting to those root causes of crime. Those who have contact with the justice system, like many Victorians, access many services throughout their lives, often multiple simultaneously. Whether that is out-of-home care, support for living with a disability or accommodation for those who are homeless, we expect that those services are safe and well delivered and delivered to the highest standards—and rightly so.

This bill will address some gaps and overlaps and duplications in the regulation of social services, such as those covering organisations that work under the Disability Act 2006, the Supported Residential Services (Private Proprietors) Act 2010 and the Children, Youth and Families Act 2005, which all face different registration, reporting and regulatory requirements at this moment. This means that there are inconsistencies between how each service is regulated depending on which act it falls under or who they are registered with. For many service providers this does not reflect the reality of the work they do, which can mean that they are subject to overlapping regulatory schemes. They often duplicate much of the work in satisfying the requirements, having to undertake all of the work twice or more to make sure they are compliant with the legislation—or various pieces of legislation. This bill will replace this fragmented system with a simplified, improved social services standard. This will give every Victorian the confidence that those services they rely on are being delivered to the very highest standards. This will cover both non-government and government-delivered services, meaning both will be held to the same requirements and accountability mechanisms—a question that is being raised in my own community at the moment.

Specifically, this bill will introduce new foundational standards that will form part of all registered providers. The standards will help ensure that services are safely delivered based on assessed needs; that they respect the agency and dignity of those working at the service; that services are provided in a safe, secure and purpose-fit environment where users are supported to provide feedback, complaints or concerns about service safety if needed; and that services are delivered by a workforce with knowledge, capability and support to deliver with care and skill. These will be enforced by an independent Social Services Regulator, which will mitigate the risk of harm being caused by poor delivery of overseeing compliance as well as promoting the safe delivery of social services and promoting the rights of the service user—something that is sometimes unheard of.

One benefit of setting up an independent regulator is that it removes any conflict that arises for a funding department or someone who is delivering their own services and offers better monitoring of others. Currently the Department of Families, Fairness and Housing is the regulator for many of these services, and it funds many of them directly. While there is no suggestion that they have not been doing a great job, it is best practice, we know from international modelling, to make sure that any service regulator is independent from the body it has funded. This strong new regulatory framework will help improve the safety of those most vulnerable here in Victoria who interact with our social services. It is one of the many concrete steps we are taking to support and nurture social services and the Victorians who use them. I commend the bill to the house.

Ms SETTLE (Buninyong) (16:51): I am very happy to rise to speak on the Social Services Regulation Bill 2021. It is an honour to follow the Minister for Youth Justice and Minister for Crime Prevention, as I know how hard she has worked in this space to make sure that young people in our community do not end up in the corrections system but are supported by social justice and social services in our community. We were delighted recently to have a forum to discuss this very thing in

Ballarat: how we can help these children through social services to avoid the justice system. So I thank the minister for her very important work.

Victorians rely on social services across the board. Many of us have found a need to go to a social service for a variety of different reasons. Sadly, COVID in so many ways has impacted communities, and people are reaching out in a way that they perhaps have never done before. I know certainly when I was speaking with Foodbank recently, who are establishing a distribution outlet in Ballarat, they talked about the increase in people needing food support but also that they are people that have never come before. So it is very timely that this bill looks to tighten up the social services sector.

There are some absolutely wonderful organisations providing services throughout Ballarat. The Orange Door network, which was established by this government, is just an extraordinary service, and I take my hat off to Angie, who runs the service there. But of course there is CAFS, and CAFS—Child and Family Services—provide a lot of different services of keen importance to myself and the minister at the table, the Minister for Consumer Affairs, Gaming and Liquor Regulation, in that they are the providers of gambling support in Ballarat and provide a very good service through the Victorian Responsible Gambling Foundation support.

There is of course Centacare and there is UnitingCare providing housing, but one that is particularly dear to my heart and one that I think will be very happy about this bill is Ballarat Community Health. Ballarat Community Health has been around for a long, long time. Community healths were established under Labor governments many moons ago, and they grew into different organisations in different places and different areas. I am really proud to say that Ballarat Community Health has grown into an extraordinary organisation.

Before I came into Parliament I had the privilege of working at Ballarat Community Health; I was their communications manager. And what was wonderful about that job as a communications manager was you did sit above all the services, and that is why this bill is so pertinent to them. While I was at Ballarat Community Health it dealt with youth homelessness. They have this program of taking young homeless children to the dentist, you know, and those little moments of dignity are just extraordinary. But it was about everything from that through to how we discussed gambling a lot. It provides doctors services, there are housing services—it is just a huge range of services that Ballarat Community Health offer. And it is incredibly important that those organisations are supported. So with this bill we are establishing a new social services watchdog, which will have stronger enforcement powers to protect vulnerable members of the community.

I do not want for a second to suggest that there is anything missing in the services provided in Ballarat, really, really an extraordinary town and an extraordinary network of services. But, as I talk about Ballarat Community Health, they are particularly affected by this notion that so many different pieces of legislation might cover the services that they require and the amount of red tape that they have to go through to provide those services. So I think for me what I am most delighted about in this bill is that it will bring it all under the one statutory regulation. I just think it will make such a difference to those service providers like Ballarat Community Health who work so hard to make sure that they are providing a fantastic service but also within the regulations that are rightly set around that industry. But to bring them under one regulatory umbrella will make a huge difference to the way that they can deliver their services.

The inadequacy of the underlying legislative framework has meant avoidable harms have continued, with the regulator having little if any ability to intervene at a preventative stage. An example of that is the Supported Residential Services (Private Proprietors) Act 2010. It has insufficient powers to suspend the operation of facilities when there are unacceptable risks to residents and move them to a safer setting. So we are in a situation here where the red tape is preventing us from protecting the absolutely most vulnerable in our community, and so we need to take these steps now to address those gaps.

A key element of the reform has been to reduce the current unnecessary regulatory burden on social service providers. We know that some providers provide services across a number of different areas. As I say, Ballarat Community Health is one case in point. It has meant that they are subject to different regulatory schemes, and so trying to juggle all of those different regulatory schemes takes away really from the thing that they do so well, which is provide those services for people in our community. For me it is not just about cutting down on red tape; it is actually freeing up these people to be out there in the community and to provide the service that my community really needs and that they deliver so well.

There will be new social services standards, and the new reforms will replace the current human services standards with new and contemporary social services standards. It is interesting; I think a lot of the work in this house is about making sure that our legislation keeps up with a very fast-moving world. I am sure when those original human services standards were set in place it was a different world from the one we live in now. So while it might seem that a bill is just changing some standards, it is actually incredibly important work to make sure that our standards, our regulations and ergo our services are keeping up with a modern and constantly changing world.

The bill defines the social services standards to be safe service delivery, service user agency and dignity, safe service environment, feedback and complaints, accountable organisational governance and a safe workforce. Of course these standards are incredibly important. It is about the service delivery. It is also about the people who provide that service. I know my friends at Ballarat Community Health would often have people in an outreach worker situation going out into the community, and I want to know that they are safe as well. So for one of these standards to be around that is incredibly important, and of course, on feedback and complaints we all need to be open to discussion about new and better ways that we can do anything, but I think particularly in the social services realm it is incredibly important that we strive to hear feedback and to react to that feedback. Sometimes the people that are accessing these services are the most vulnerable and the people that do not really have a voice in our community—perhaps the homeless, who really are not able to engage as the rest of us are. So it is very, very important that they are listened to and that the standards that we require of these services include going out and listening.

Of course the other very important element of this is the new regulator. The new independent regulator replaces the human services regulator that is currently within the Department of Families, Fairness and Housing. I have a lot to do with the department in my own electorate, and they do an extraordinary job, so it is not for a second to suggest that anyone there is not doing a wonderful job. However, it does not seem right that a person who is providing a service regulates that service. It is just a separation that really has to be there. But, as I said, certainly in my electorate the department are just extraordinary people working very hard to look after people in my community, and I thank them very much for that.

There will of course be a transition period, and this government is very aware that it needs to be there to support these services through that transition. A lot of work has been done in this legislation to make sure that that support is there as we transition. There has been a lot of engagement with the sector, which is incredibly important to make sure that we are getting this right. They are the people on the front line. They are the people that know how we need to legislate and what those standards should be. Finally, I would just like to send a huge thankyou to all those in Ballarat.

Mr TAK (Clarinda) (17:01): I am delighted to follow the hardworking member for Buninyong and make a contribution on the Social Services Regulation Bill 2021. This is an important bill, and I thank the honourable Minister for Child Protection and Minister for Disability, Ageing and Carers for bringing this bill forward today. I was also very happy to see the honourable minister, along with the Premier, announcing some really important support for vulnerable Victorians over the weekend. The \$27 million for food and financial relief for our most vulnerable, a boost to family violence services and more support for our culturally diverse communities was an announcement that was very well received in the Clarinda electorate. It builds on the \$30 million announced in June and will help to support more Victorians affected by COVID-19 restrictions, the delay in the vaccine rollout and the

continued risk of a coronavirus outbreak. It is an amazing package, and I would just like to quickly revisit a few of the elements here.

We remember that there is \$6 million to the food relief financial reserve to ensure that Victorians facing financial stress can continue to access healthy food; \$3.7 million allocated to local governments and the Red Cross to support thousands of families required to isolate in their homes and to keep others safe; and \$5.9 million to extend the extreme hardship support program to 31 December 2021—a program that has been so very much appreciated in the Clarinda electorate, providing support to people on temporary and provisional visas and undocumented migrants facing extreme financial hardship who are ineligible for commonwealth payments. There is a \$2 million boost for basic needs and casework support for people seeking asylum, \$7.2 million for the CALD community task force to provide tailored local support to promote vaccine uptake and deliver more emergency food relief for culturally diverse communities and \$2.25 million for specialised family violence services to help more survivors access safe accommodation, put food on the table and provide immediate aid, as well as a further \$850 000 to support casework for single mothers and deliver women’s mental health projects. So it is brilliant, and I would like to commend and support that announcement and commend and support this bill. Both aim to support vulnerable members of our community.

For the purposes of the bill, the social services in scope assist Victorians when they may be experiencing difficulty to do with housing instability, family instability, family violence, sexual assault and access to non-NDIS or supported residential services—all vulnerable members of our community. Specifically, the new registration scheme, as we have heard from previous speakers, is intended to cover social services delivered to service users that are of the kinds currently subject to the existing registration schemes under the following acts: the Children, Youth and Families Act 2005, the Disability Act 2006 and the Supported Residential Services (Private Proprietors) Act 2010.

The objective of the bill is to strengthen the regulatory framework for social services by establishing an independent Social Services Regulator to monitor and enforce compliance, promote the safety of the delivery of social services and protect the rights of service users to minimise the risk of avoidable harm caused by abuse or neglect in connection with the delivery of social services. It is also a very important development and one that will keep people who use social services safe from harms such as abuse and neglect, like I said before.

I would just like to look at the initiatives, which support safe service delivery through the application of a common set of social services standards to service types sharing common risks, promote the human rights of service users by requiring providers to understand their role in protecting the human rights of service users, operate efficiently, provide the regulator with the tools and enforcement powers that allow the regulator to respond quickly and effectively to risks of harm, and improve information sharing between different agencies and compliance agencies. These are all really important purposes and ones that I am happy to support here today.

I am also happy to support the establishment of the new Social Services Regulator. The new regulator proposed here, and its regulations, will seek to recognise the diversity of service users and their needs. One of the ways we intend to support this is the involvement of service users in the development of the regulations. This inclusion seeks to elevate the voice of service users to reflect their diversity and to provide opportunities for input into how services are regulated, which is very important. To this point, service users were involved in the high-level development of the social services standards in 2019, and the standards are outcome focused and will be further detailed in the regulation-making process.

I would just like to look at some important changes. The bill also will go further. I have touched on those points that I have already outlined, but I would like to run through the details again quickly. The bill will replace a range of existing fragmented regulatory arrangements currently set out in the various regulatory instruments and the contractual mechanisms relating to the department. It creates an obligation for in-scope service providers to be registered and comply with the enhanced outcomes-focused set of social services standards, and it also establishes a contemporary regulatory framework

with a full suite of compliance and enforcement tools, mutual recognition and broad information sharing to reduce regulatory duplication and the administrative burden on the service providers.

I just would like to conclude by saying I am very happy to support this bill and to support the vulnerable members of our community. We have seen many of our social challenges amplified throughout the pandemic, so I am really proud to be part of a government that is supporting those who need it most, because nobody should be left behind. I encourage everybody in Clarinda, if you need help accessing social services, COVID-19 support or otherwise, please get in touch. As a government we will continue to provide support for all Victorians in need, including those who will continue to be among the hardest hit by the pandemic, and we will work together to get that support where it is needed most. I would like to commend the bill to the house.

Ms SULEYMAN (St Albans) (17:09): It is an absolute delight to speak after the member for Clarinda, and I echo the sentiments from my friend the member for Clarinda. I rise today to speak on the Social Services Regulation Bill 2021. I know that for my community in particular during this pandemic, just like all other communities across Victoria—and recognising it is a global pandemic—social services have played an integral role providing help and support to those who most need it and, as I said, in particular during this pandemic.

Our state has long prided itself on the strength of our social services sector with the strong support of the Andrews Labor government. Since we were elected in 2014 we have not wasted a day in investing in areas of social services, in particular in the sector, to make sure that those, as I said, that need it most are protected and are provided with the services that they need. The Social Services Regulation Bill 2021 seeks to replace a number of regulatory schemes with one, and this is about streamlining it into one independent body and creating a single set of standards, a single regulator and one registration process. This will reduce the red tape for hardworking service providers, and we all know that in times like this the last thing that service providers need is more red tape and more processes that just make it not only much more costly but a real resource strain on maintenance when they could be spending that on actually delivering the services.

This legislation will strengthen and standardise the regulatory framework for our social services sector. As I said previously, delivering accountability and ensuring safety is absolutely a priority, as is putting the proper measures in place for the sector's providers and users and the broader community. There has been much recognition that the current regulation of social services is a little bit fragmented, and the need for reform is overdue. Some services, including family violence and homelessness services, are not subject to the legislated framework, so instead they rely on funding arrangements to establish quality and safety benchmarks. While current regulations seek to protect people from abuse and harm, stakeholders have identified that there are gaps and overlaps and duplication, in addition to reporting confusion. These reforms use best practice that starts with clear objectives and expectations—and I think it is really important to have that clarity. They apply a risk-based approach to monitor whether they are meeting those objectives, and most importantly, they have access to comprehensive toolkits. This allows people to respond to risks in a timely, targeted manner. Using a risk-based approach, the regulator can focus its attention where the likelihood and consequences of harm are the greatest.

Of course we know, and I said this at the beginning of my contribution, that since we have been elected the Andrews Labor government has not wasted a moment in investing in our communities. I am very proud of the investment that we have made in the electorate of St Albans. Just in the last 12 months we have seen investments in the Big Housing Build, in family violence, in mental health and of course in ensuring and securing the Brimbank Orange Door, which will open in Brimbank. I am really pleased to see that it will open its doors in Sunshine, and this is the heart of the west. We know the benefits of bringing the Orange Door network to our local communities, in particular in a place like Sunshine, where it is close to service providers and the networks that it needs to be close to.

We will see more families and children being able to access family violence and child wellbeing services. This is all part of the \$448 million initiative, an Australian first. Also I have seen many

organisations in my electorate receive family violence prevention funding to support health and wellbeing in multicultural communities. I would like to thank IndianCare, who have done some super work around Sunshine and in particular in the west in their prevention of family violence programs in their community.

There have been many communities that have gone beyond during this pandemic, working very hard to not only provide support and services but also provide the care that is required during these tough times—there is no doubt. They have been doing such a tremendous job, including highlighting the urgency of getting vaccinated, the importance of getting vaccinated, in different languages in our multifaith groups across the west. I have been extremely pleased to see it. I get calls quite often from community groups saying, ‘What can we do to assist?’, and I think that is the spirit of our community groups, our multicultural groups and our places of worship. They are happy and ready to assist government when it comes to supporting our communities, and it is wonderful to be able to see government responding with the appropriate investment and support services for families and those that at this point are the most vulnerable in our community.

I also want to place on the record—I have said this on many occasions—my absolute gratitude to all the hardworking Western Health healthcare heroes. They are doing a tremendous job each and every day in protecting and caring for and supporting us. Alongside, I should say, our local GPs and pharmacists they are doing a tremendous job seven days a week of caring for our community and really spreading the message of the importance of getting vaccinated and making sure that if there are any symptoms, people get tested. Really, everyone is doing their bit to ensure that we remain as safe as possible and get vaccinated as soon as possible. This is the message that we continue to advocate to our communities across in particular my electorate of St Albans.

I want to acknowledge the great work, I should say, of the minister, his department and his office and particularly the social services sector. All those agencies in my electorate of St Albans do a fantastic job in caring, and most importantly, in circumstances like what we are facing at the moment you continue to provide the best service and the best care to our community members. Many of the workers, particularly in the caring economy, have been on the front lines of this pandemic. We acknowledge the work that you are doing each and every day.

As I keep saying, they are certainly our heroes who continue to support and care for everyone in our community, delivering and making sure. The importance of their work is critical at times. Without that support most people would find it very difficult to get through. Whether it is housing, family violence or disability services, these services are absolutely integral, and we need to today, as part of this reform, ease the red tape and make it less complicated and less burdensome on providers so they can continue providing the services that really matter—and those are one-on-one services—to the community. There is nothing better than streamlining the framework to make sure that this is absolutely delivered. The Andrews government is continuing our strong record of investing in the building sector.

Mr BRAYNE (Nepean) (17:19): I also rise today to speak on the Social Services Regulation Bill 2021, following some good contributions from people across the house. The Andrews government is committed to ensuring the safety and wellbeing of vulnerable Victorians, many of whom utilise our state’s social services. Social services users are some of the most vulnerable people in our state, and it is so important that Victoria’s regulatory framework is able to keep them safe from harm, such as abuse and neglect. The COVID-19 pandemic has of course made it particularly important to prioritise the regulation and delivery of social services, which so many people in our state have relied on in order to get through these difficult times.

I know that in my electorate of Nepean issues such as homelessness, domestic violence and disability services have become more prominent during the pandemic, with many of my constituents relying on these important social services. That is why I am so thankful to groups in my constituency such as the Southern Peninsula Community Support, who do such important work in regard to supporting people through crises and connecting them with government agencies. The Southern Peninsula Community

Support centre provides so many support services to the southern peninsula but particularly to the Dromana, Rosebud and Rye areas. One example of their many great programs is the SPLaSh program, which stands for the Southern Peninsula laundry and shower program, which enables those who are experiencing homelessness on our peninsula to have laundry done and have a shower. Additionally, it provides an opportunity to reach other support services, with staff often attending. In that way it really does act like a bridge to getting more support and making others aware of the support services that SPCS Inc. offers. Another of their programs is the fresh food program, which does as it says—offers fresh food to the southern Mornington Peninsula community. This is done in collaboration with SecondBite. I continue to be in awe of the work of Jeremy and his whole team at SPCS Inc.

These local groups do so much to help our vulnerable Victorians, and it is imperative that the government holds up its end of the bargain by ensuring that the safety and wellbeing of our social services users is being accounted for. As such the government is strengthening protections for vulnerable Victorians by establishing a new Social Services Regulator. This new regulator will help to improve the safety and wellbeing of the most vulnerable members of our community and will help to ensure that all social services users are treated with the dignity that they deserve. The current social service regulations are administered by the human services regulator, who is not supported by the necessary regulatory tools to enable them to intervene to prevent harm to vulnerable Victorians. As such the current regulatory regime is not up to the task of protecting the safety and wellbeing of the vulnerable people in our state, with there being significant gaps and inconsistencies that are exposing the social services users to avoidable harm. The current regulation also suffers from duplication and overly complex requirements, which has made the delivery of social services more inefficient for both providers and the government.

Finally, these fragmented regulatory bodies have also been provided with insufficient powers to act in a timely and proportionate manner, which has resulted in identified problems not being addressed. These deficiencies were identified through our consultations with social services stakeholders, and it is clear that regulatory failings have contributed to the neglect and abuse of some of the most vulnerable people in our state. That is why this bill is so important. That is why the reduction and prevention of harm to social services users is at the heart of this bill.

I will now turn to the initiatives that this legislation will implement. As the government has made clear, this bill intends to protect people who use social services from harm, such as abuse and neglect. In order to achieve this goal the initiatives in this bill will support safe service delivery by creating a common set of social services standards that identify common risks across the social services sector. The bill will also promote the human rights of service users by ensuring that service users receive culturally safe services that are focused on their agency and dignity. Ensuring that services are person centred is an important component of this bill and will help to ensure that the human rights of our most vulnerable Victorians are preserved and protected. In order to promote these person-centred outcomes the initiatives in this bill will improve the operating efficiency of the regime, with regulated entities facing minimal overlap and duplication when dealing with the government.

The bill will also provide the regulator with compliance monitoring and enforcement powers as well as improve information sharing between regulators. The combination of these initiatives will see the current regulation regime modernised and made fit for the purpose of protecting our vulnerable Victorians. This new Social Services Regulator will not only protect social services users but will help to reduce the regulatory burden for most social service providers. In particular this bill will streamline the registration process for providers by only requiring them to register once. The process of reporting to the government will also be streamlined, with providers no longer needing to report to the regulator on previously reported matters.

Finally, in implementing a common set of social service standards, providers will be required to comply with only one set of standards as opposed to the various standards upheld by the current regime. The combination of these initiatives will help to establish a modern and fit-for-purpose

regulatory framework that not only protects our state's most vulnerable people but assists service providers in delivering efficient outcomes.

I will turn to the specifics of this legislation—how those aforementioned initiatives will be achieved. As has been described, the bill will establish a Social Services Regulator that will improve the current human services regulator. This new statutory body will require social service providers to meet the new social services standards that will minimise risk to our social service users. The Social Services Regulator will be provided with a comprehensive set of tools to monitor and enforce compliance with these standards. These tools will bolster the ability of this new regulator to ensure that social services are not only being efficiently delivered but that people-focused outcomes that protect the safety and wellbeing of vulnerable Victorians are prioritised. In particular the bill will strengthen protections for vulnerable Victorians by establishing a registration framework for social service providers which will allow organisations to deliver various social services.

The bill will also incorporate the aforementioned social services standards into the obligations of registered service providers. These standards include principles such as the delivery of safe service, client agency and dignity, environments for safe service, mechanisms for feedback and complaints, accountable governance and a safe, knowledgeable and capable workforce that can deliver services with skill and care. The bill will also provide the Social Services Regulator with monitoring and enforcement powers to ensure that these standards are complied with. These reforms have been developed alongside key stakeholders, with this consultation process highlighting the support that these reforms have received from industry and community groups.

While these reforms are important, the government is also committed to a phased approach for this new regulatory framework. All new regulation takes time to implement, and social services providers should be given due time to adjust to these necessary changes. As such, this bill provides social service providers with the time to transition to the new regulatory framework before its commencement on 1 July 2023. Throughout this period consultation with the social services sector will continue in order to ensure that guidance is in place to support providers in complying with the standards. From the commencement of this scheme onwards the new standards will come into force and will begin to help our social services sector meet the needs of vulnerable Victorians.

The importance of a social services sector is underpinned by good governance, and that cannot be understated. The COVID-19 pandemic has demonstrated just how important these services are to vulnerable Victorians. Whether it is in my electorate of Nepean or anywhere else in the state, this bill and its initiatives will better regulate Victorian social services and in doing so will provide better protection to our social service users. These changes are another example of how the Andrews government continues to take the necessary steps to improve social policy and social service outcomes. I commend the minister for his work on this bill, and I commend it to the house.

Mr EDBROOKE (Frankston) (17:29): As many members on this side of the house have stated, I am also proud to be part of a government that in an ongoing sense is continually working to improve the lot of every Victorian, and that is by improving the safety and wellbeing of our most vulnerable as well. As some historian once said, we are judged on how our most vulnerable fare. So this bill will ensure that the regulatory framework within Victoria for social services is as strong as possible and promotes the safety of Victorians.

Now, as the Acting Speaker would know in his electorate of Broadmeadows, I too am proud to work with some very, very innovative and proactive agencies, and I would like to shout out to them now. I did a few stints with Sikh Volunteers Australia, who many on this side of the house are aware of. They are an amazing bunch of people. I did some food deliveries there for a few weeks; my staff are still doing that now. But seeing what they are doing for their community is amazing. We have also got the Brotherhood of St Laurence in Frankston and in many other places in Victoria, which provides an amazing service. We have got Whitelion and the Australian Red Cross. We have also got Community Support Frankston, which is our main referral service. It is basically administered through Frankston

council, who I will get onto in a second. They are one of the busiest referral services in the state, and it is to the shame of the federal government that their budget has once more been cut. It is an amazing thing to do at a time like this and still get out of bed in the morning and think that you are doing a good job.

Frankston council have just been tremendous in this time of COVID, a very challenging time. They have embraced the fact that they, at their level of government, have had to step up in an area that I guess is very difficult now. We have to do things differently, and we have to fund things differently as well. We have also got Anglicare Victoria. We have got Headspace. We have got Theodora's Cheerful Givers, whose founder won the Frankston Senior Citizen of the Year award. I was also very, very proud to be able to present them, via Donation Chain, with Helena, with a fridge to store their emergency food provisions in a few weeks ago. Speaking of Donation Chain, it is another wonderful charity, which provides showers and food and other forms of material relief to people in the Frankston area. We have heard a lot about this bill today, but I just wanted to put on record my thanks to them for what they do in our community, because they are at the coalface but also because this bill is basically trying to make their lives easier.

I listen every day to people at the coalface to hear what they say, because generally they are very honest people. Generally they are not backwards in coming forwards, and generally you will hear exactly how it is. They have told us some of the things we need to improve on. That is not in the context of the government not doing its job, it is in the context of social welfare and the fact that providing for communities is a movable feast. You have to move with the times, and when we have challenges like COVID we have to work out ways of adapting and overcoming these challenges as well. These stakeholders have identified repeated gaps in our system and overlaps, duplications and confusion amongst regulatory reporting requirements, and of course every minute spent on this confusion or bureaucracy means that there is someone in my community, in your community and in every community in the state that is going without some form of face-to-face, Zoom or Teams kind of assistance. It also means that material aid is not landing where it needs to land, and it is very critical at this time that it does.

The current regulatory arrangements at the coalface have been found to be wanting; I guess that is a good way of putting it. They are not supported by a comprehensive suite of tools enabling a proportionate response to people who are not working within the regulations, and the inadequacy of that underlying legislation has meant avoidable harms have continued to present themselves, with the regulator having little if any ability to intervene at an early preventative stage. As everybody I think would know and agree, it is common sense to deal with issues in their early stages, before they become a crisis stage. It is better to deal with issues with the carrot rather than the stick.

In particular the COVID-19 pandemic has uncovered and exposed some shortcomings in Victoria's social services regulatory regime. An example that has been well used today, but I will touch on it again, is the SRS act, or the Supported Residential Services (Private Proprietors Act) 2010, which has insufficient powers to suspend the operation of facilities with unacceptable risk to residents and move them to a safer setting. We need to take steps to address these known gaps. For anyone who is not aware of what an SRS is, it is a residence. It was not known to me before it was brought to my attention that if these residences are not up to scratch we still have people living in them, and we are not doing the right thing. We are possibly putting these people in harm's way. So, yes, there has been much done by many people to minimise these harms, but the regulator actually needs that power to put things right, and this bill does that.

There is a pressing need for reform in other areas as well. We have heard about gaps in regulatory coverage, as some social services are not subject to statutory regulation, and a high-profile example of that would be family violence and homelessness services. Safety oversight of these funded services relies entirely on contractual arrangements. And it was not long ago, Deputy Speaker, that we were actually on a committee, and I think you were as shocked as I was that the level of oversight in the sector that we were investigating just was not there, and it is much like this sector, where you assume when you go to

bed at night that these things are being done. To hear from local service providers that that is not actually the case is very concerning, and we need to jump on that, and that is what this bill does.

We are dealing with duplicate reporting requirements as well. That has been a real issue in an integrated service environment where many providers of social services deliver multiple arrangements and categories of services. And that has come about due to individual requirements of communities, and it is good, but these may be regulated under multiple different schemes, which makes it very confusing and takes up limited resources in compliance activities as well. There has also been a lack of intelligence around regulatory action and the ability to identify risks early, which is absolutely key in this portfolio. Early signs of a problem are not always able to be identified and are not always communicated as they should be, which creates a risk that that service will continue to provide unsafe services, including, sometimes, a catastrophic event that could have been avoided—not dissimilar to anything in the OHS realm, from where I am standing.

There has also been a continual conflict between regulating and funding services, as the Department of Families, Fairness and Housing regulates the system and is also responsible for ensuring adequate numbers of service providers to meet community needs. In some instances the department is also responsible for regulating services that it funds directly, so there has been some confusion about that. There certainly has been in Frankston, and it is great to be able to give the feedback, you know, that this is the bill that legislates those requirements changing and legislates that we will be able to look after people better than we ever have.

The new framework established by this bill is really significant. It is going to have a bunch of great outcomes for communities. The reforms establish a framework that is applicable across the whole of the social services sector, and it will be phased in into that new framework over the next few years up until 2023, I believe. The phasing in is necessary. We just cannot change everything overnight. We do not want to add to that confusion or add to those issues. We need to contain the breadth of the reforms to allow for a focus on those sectors. We need to ensure the changes are accommodated, and we need to ensure there is enough communication and feedback there that we avoid making changes that may be inconsistent with royal commission recommendations in the past and those in the future, hopefully, as well.

I am very proud to have given a shout-out to some of the social service agencies, I guess you would call them—but some of them are charities—in Frankston and our community. I am very proud to work with them, but this gives me a great sense of relief in that finally we have put in a bill some of the common issues that are told to me across a coffee table sometimes, across Zoom regularly at the moment, and it shows we are acting on these. I am very proud to be part of a government that, since we have been elected in 2014, has acted on these issues and continues to act on these issues and puts Victorians first.

Ms KILKENNY (Carrum) (17:39): I am delighted to rise today to contribute to the debate on the Social Services Regulation Bill 2021, and from the outset can I just acknowledge the work of the minister. This is really important, significant and quite comprehensive reform. What we are going to see from this bill is the creation of an entirely new regulatory framework, and it is to support some of the most vulnerable Victorians in our community. It is going to assist in the delivery of safe social services throughout Victoria and essentially protect the human rights of those social service users, including the freedom from harm, neglect and abuse.

This bill, along with many other things that this government does, has this directly in mind. It is about making sure that vulnerable Victorians, the service users, are better protected and that they are better supported. But it is also, as part of this, making sure that all the gaps in the system are identified, making sure that overlaps and duplications are dealt with, making sure that service providers are really clear about their obligations and about the requirements and about the regulations that are going to come into force and making sure of course that enforcement and compliance is available to respond to risks that are posed in a proportionate, efficient, effective and equitable way.

In essence, we know that this reform is about addressing what has really become a very fragmented system. That is not to say that each service delivery model and each component of the system is not really well-intentioned and doing some fabulous work, but they have been developed over many, many years—often in isolation without kind of a view of the bigger picture. So this reform is about really pulling that together and, as I said, identifying where the needs are, where the gaps are and where duplication is. And it is something that all of us should really be supporting, because at the end of the day this is about the outcomes for those people who rely on the support services which are going to be regulated by the new framework under this bill.

We are doing it obviously because we care about our most vulnerable Victorians, and I have to say the current pandemic has really brought this into sharp focus. We have seen this pandemic has identified significant gaps in the system. It has highlighted cracks. It has laid bare vulnerabilities and inequities in our system as well. So this is really good, smart legislation. It is timely as well, bringing it in now as we are in this pandemic. It is hard work. It is really hard work, but it is absolutely worth it because it is going to have a significant impact and make a profound difference in the lives of so many Victorians. I have to say I am really proud to be part of the Andrews Labor government that is so committed to ensuring that some of our most vulnerable members in the community are supported, they are listened to and their voices are heard.

So coming back to what the bill will do, we have heard that the bill will establish and create an entirely new independent Social Services Regulator. In essence it is a social services watchdog. It will introduce mandatory market entry registration for all in-scope providers of social services, and it will establish a set of social service standards. This is really important, because it will make clear what the obligations are on each of those providers, what the expectations are, and it will set up a system of enforcement and compliance of penalties to make sure that those service providers are doing everything that they have to do in the interests of the people that they are there to support. So it will provide that comprehensive toolkit to support early intervention and response which is proportionate to the risk at hand. It will—actually, this is important—provide for the collection and disclosure of information for the purposes of the bill. Often we find that that is where gaps in the system also appear: where different agencies might be working with the same clients, the same people, but they are unable to share what is really important information. In a very constrained and confined and confidential manner it is important that that information is shared for the benefit of that user. And ultimately it will streamline reporting requirements.

In terms of the services that it will cover, there will be in-scope services, and to start with those will be the services that might be supporting Victorians who are experiencing family instability, family violence, sexual assault or accessing non-NDIS or supported residential services. The intention is that the new regulatory framework will cover services that are identified as having a common risk to start with and then allow additional service types to be brought into scope over time. To begin with, the initial priority will cover services that might already be subject to existing registration schemes under the Children, Youth and Families Act 2005, the Disability Act 2006 and the Supported Residential Services (Private Proprietors) Act 2010. Then it will cover disability and connection with the Transport Accident Commission, WorkSafe and other services that have not transitioned to the national disability insurance scheme.

The transition, as we have heard, is actually going to occur over a number of phases, and the framework will not be fully rolled out until December 2023. That is important because, as we know, this is really significant, major reform, and obviously adequate lead time is captured in the rollout phasing of all of this. We need to make sure that we are setting it up for success, so we need to make sure that service providers are brought along on the journey and that they are made aware of what their obligations and requirements will be. Time is needed to prepare the regulations, and the regulator will obviously need to work very closely with the sector in the transition.

In setting up this new regulator it is a marked change from the current position. Importantly, I think, this is an acknowledgement that we are going to elevate the voices of those who receive these support

services, those who rely on the support services. Those users are going to be involved in the development of regulations. That will give them direct opportunities to provide valuable input into the way the support services in Victoria are regulated, and I think that is a really important component of all of this as well. It is important that we hear from the very users who access those services. But consultation more broadly with the sector and with the stakeholders is going to be a really critical part of the development of the regulations, and I understand that there will be the establishment of a social services regulation task force, which will support and guide the regulation development process over the next 12 months ahead of that scheme commencing in 2023.

As we know, the regulations are going to play a really critical part in all of this regulatory framework. They will articulate the key reforms that are driving all of this, they will put into more granular detail the principles that are sitting atop the new regulatory framework, they will identify and detail the various categories that this will apply to. In essence the regulations will help to operationalise the social service standards and also contain more specific details on what the objective outcomes and service requirements will be.

As I said, this is significant reform. It is reform that we should be really proud of. It is really difficult work, and I appreciate that it is difficult work, particularly in times of a pandemic as well when so many agencies are working so incredibly hard to support vulnerable Victorians throughout our community right now—many Victorians, for the first time perhaps, are finding themselves in positions of vulnerability. I want to thank the minister for all of the work done in bringing this bill to Parliament. We should be proud of this work, and I look forward to continuing to work with him and others on this. I commend the bill.

Mr McGHIE (Melton) (17:49): I rise today to also contribute to the Social Services Regulation Bill 2021. I would like to start by acknowledging the Minister for Disability, Ageing and Carers and his staff who developed this legislation. The work they do in this critically important portfolio is to be commended. They ensure the safe delivery of services for some of the most vulnerable in our society. Providing a voice and showing dignity to those who are in susceptible situations in their lives is at the heart of Labor Party values. It is the reason so many of the Andrews Labor government members have entered public service—standing up for the rights and dignity of workers, families and individuals. Those who traditionally have not had a voice have been heard and represented by the international labour movement.

The support and solutions to many of our societal changes cannot be solved by just throwing money at the problem and hoping it will go away. Providing support and acknowledging the dignity of the human being must be the start of every solution. We have already heard from many speakers about the reforms outlined in this bill, and I commend those contributions. The overwhelming majority of services providing support to Victorians when they need it do so with these same principles of human dignity at their core; likewise the people who enter into the sector to provide the support.

One of the truly privileged experiences that I have had, and I am sure that many of my colleagues would agree, is meeting the many charities, individuals and groups in their electorates—and in particular in mine—and beyond and seeing the wonderful work that they do. I am reminded of constituents of mine, like Ravinder Kaur, who created the Rehmat Sandhu Foundation in memory of her son, who passed away in December 2014. Ravinder, who was a 2019 Premier's volunteer champions award recipient, has dedicated her foundation to helping the vulnerable in her community. Her foundation is now providing support services for people living with a disability and mental illness.

Combined Churches Caring Melton and its manager, Denise Morris, have worked with my office in a fantastic relationship to help many vulnerable people who need access to support. That might come through services like Hope Street Youth and Family Services, which provide a first response youth service in Melton along with other needed homelessness support. I have worked with the CEO, Donna Bennett, to help support their valuable outreach. Numerous constituents have been helped in my office through SASHS, the Salvation Army Social Housing and Support Network. There are veterans

services like the Melton and districts RSL, the Bacchus Marsh RSL—with all the support that they provide to their community members—and the numerous disability support organisations in Melton. I thank them for all of their efforts.

I am also thrilled with the announcement from the Minister for Prevention of Family Violence that Melton will receive access to the Orange Door network and that more quality social services are being delivered to the Melton community. These and many other individuals, groups and organisations provide so much support for our Victorians in need, and I am constantly amazed at the services that are available in the Melton electorate that you just would not know about otherwise. Of course all these individuals and organisations have their clients' and families' dignity and wellbeing as a priority. They need our support so that they can continue their fantastic work. It is important that there are clear and understandable regulations and expectations that do not duplicate red tape to be managed. We in this house have a duty to support all of those who help others.

Unfortunately there are at times individuals and organisations that do not have their clients' wellbeing as a priority. They do not respect their dignity. For some of these unscrupulous providers it is clear to me that their only priority is a financial benefit to themselves, to the detriment of their clients. Their concern is to provide as little as possible to others to gain as much as possible for themselves.

During my short time representing the constituents of Melton my office has been contacted dozens of times about a particular facility. The multiple individuals who have reached out to me are good, decent people—people who have had solid track records of helping the less fortunate in our community over many, many years. The particular facility that comes to mind has been reported to me regularly. The key concern is that it is profit centric to the detriment of clients' wellbeing and dignity. They have had deaths in their facility in tragic, but I believe preventable, circumstances. My office has heard complaints of this facility not providing adequate nutrition to people with complex dietary requirements, including diabetes. There have been allegations of them dangerously withholding food from clients for perceived disciplinary reasons. There have been allegations of residents being both physically and emotionally abused, prevented from leaving and having family prevented from visiting, and there are allegations of NDIS fraud, while their facility can only be described as filthy, with the provisions in the rooms being clearly unfit for purpose. Multiple charitable organisations have told me that they have stopped referring clients to this facility. Some have prevented their volunteers and workers from entering, as it is deemed unsanitary. My office has helped one of these residents who was absolutely desperate to leave this facility and reported to us that they were prevented from leaving. This to me is a clear example of where the changes outlined in this bill would clearly benefit the client in this circumstance, whose dignity and welfare had been endangered.

A high-quality regulatory framework for social services as suggested would provide the foundation for improved responses to risk of harm to people who use social services, like the situation that I have described. If the allegations made about this facility are substantiated, then clearly there is a need for the exclusion of people who perpetrate such appalling behaviour. They must be excluded from replicating their dangerous behaviour in other facilities or subjecting other vulnerable clients to such degradation.

Reading the minister's second-reading speech, it stood out to me that there are relevant reforms contained in this bill that would be applicable in the mentioned example. The minister highlighted that the inadequacy of the underlying legislative framework has meant avoidable harms have continued, with the regulator having little if any ability to intervene at any early preventable stage. Having the many complaints about this facility being highlighted at any earlier period rather than relying on a cyclic review could prevent harm.

This bill will establish a new independent Social Services Regulator. It will create obligations for in-scope service providers to be registered and comply with an enhanced outcomes-focused set of standards. It will establish a worker and carer exclusion scheme that removes workers and carers who pose an unjustifiable risk to service users from high-risk roles, and it also establishes a contemporary

regulatory framework with the full suite of compliance and enforcement tools, mutual recognition and broad information-sharing powers, to reduce regulatory duplication and administrative burden on service providers. While the current regulation seeks to protect people from abuse and harm, stakeholders have repeatedly identified gaps, overlaps and duplication and reported confusion about regulatory requirements. As part of these reforms, we are using best practice regulation that starts with clear objectives and expectation, and it applies a risk-based approach to monitoring whether they are being met. Best practice regulation also involves the regulator having access to a comprehensive toolkit. This allows it to respond to risks in a timely, targeted and proportionate manner, and using a risk-based approach the regulator can focus its attention where the likelihood and consequences of harm are greatest. This reduces the compliance burden by managing regulatory activity where these risks are relatively low.

The creation of an independent regulator is a key feature of this bill and I think a sensible reform. The need is for a regulator separate from the department that also provides essential oversight. Shining light on concerns early and putting clients' needs at the forefront is essential for the outcome of a client. The new independent regulator replaces the human services regulator that is currently within the Department of Families, Fairness and Housing, and the independence of that regulator provides decision-making separation between the regulator and the department, which is particularly important where the department is delivering the service, and this has been welcomed by the sector itself.

In regard to the exclusion provisions I mentioned earlier, I note that the bill will establish a worker and carer exclusion scheme that removes workers and carers who pose an unjustifiable risk to service users from high-risk roles. The new worker and carer exclusion scheme will replace the current carers register and will be administered by the new Social Services Regulator. When the scheme has commenced, service providers who are engaging workers and carers to care for children and young people within the child protection system will need to confirm the worker or carer is not listed on the exclusion register.

I am encouraged to see the reforms highlighted by the minister in this bill and I feel that the reforms will provide safety and better quality of care for Victorians, and I commend this bill to the house.

Mr HAMER (Box Hill) (17:59): I too rise to speak on the Social Services Regulation Bill 2021, as mentioned, a bill that is being introduced to keep people who use social services safe from harm such as abuse and neglect. It is another bill which is seeing the Andrews government continue to protect our most vulnerable Victorians who use and need social services. The initial scope of the regulatory coverage will encompass social services subject to schemes that are currently captured by the human services regulator and some department-funded services that presently lack regulatory coverage but comply with the human services standards through other means, including as a condition of funding agreements.

It will include disability services registered under the Disability Act 2006, supported residential services registered under the Supported Residential Services (Private Proprietors) Act 2010, services provided in the community to support children and families subject to registration under the Children, Youth and Families Act 2005, family violence services, homelessness services and department-delivered services such as child protection, welfare services and forensic disability services.

Overall the key elements of the bill are to establish a new independent Social Services Regulator, create obligations for in-scope service regulators and providers to be registered and comply with an enhanced, outcomes-focused set of standards, establish a worker and carer exclusion scheme that removes workers and carers who pose an unjustifiable risk to service users and establish a contemporary regulatory framework with a full suite of compliance and enforcement tools.

In my electorate of Box Hill this bill will cover many of the hardworking organisations that provide social services not just within my constituency but really throughout the eastern suburbs. Box Hill is really a hub for the east in terms of the provision of social services, and I do want to acknowledge

some of the services and particularly the workers who have put in so much time and effort. It is a really thankless task, the job that they do. I should not say thankless; it is very rewarding, but it is incredibly difficult. I know the passion that they have for their jobs and dealing with some of the most vulnerable people in our community.

This week we were fortunate that the new site for the Orange Door network opened in Box Hill, just a few hundred metres from my office. I had the pleasure of having the minister come out a few months ago to meet the team and see how that site was being delivered in the process of their startup. It is really such an important function that that service provides for our community and for the whole inner east community which it is going to provide for. Already I think we see the results of the Orange Door network throughout where it has been provided in other parts of the state, really helping thousands of Victorians experiencing family violence to receive the specialist support and advice that they need to recover and rebuild their lives.

There are a couple of other social service providers that I do really want to highlight that operate in the electorate and the wonderful work they do, particularly the Alkira centre, which has for many years—I think it is more than 50 years they have been in operation—helped clients with disabilities, particularly providing them with meaningful roles and outcomes in their lives. Again, it was a few months ago that I had the privilege of going to their new centre, which is just on the boundary of my electorate, their Springfield centre, and they have been in the process for many, many years of seeking funding for this development. They have run an enormous amount of community fundraising to get this centre off the ground and really provide something that was not able to be provided in their current centre, which is in the centre of Box Hill. The new centre has a lot of different experiences, a lot of different sensory experiences, that are really catering to the needs of their clients. I really want to pay tribute to the CEO, Lisa Sawatzky, and all her team for the fantastic work that they do and the tremendous dedication that they show.

The other one I want to give a shout-out to is Burke and Beyond. Again, this is an organisation that works with young people, particularly young people with a disability, generally of the age of 15 to 25, really giving them the confidence to take on the world independently. I have managed to go and visit their onsite facility and have a chat to some of the fantastic young people who have been assisted through Burke and Beyond. They are really doing some amazing work there, and I do want to pay tribute to everyone—to all the workers and all the team involved—at Burke and Beyond.

The purpose of this bill is really to improve this range of social services—the social services that I talked about—to make these services more streamlined and to improve them for both the workers and also the individuals who are seeking the support. I know from speaking to the management and the workers there and the participants in the program how much these programs are valued. But then I have also heard the stories from the member for Melton, who indicated that there are some locations where unfortunately not all the procedures and rules are followed, and sometimes this does have really terrible outcomes. The bill will strengthen the regulatory framework for the social services and through this help protect the right of service users and minimise the risk of avoidable harm. It will close the gaps, inconsistencies and fragmentation which create the barriers to effective risk management; it will fix the duplication and overly complex requirements which create inefficiencies for both the providers and government; and it will address the insufficient powers of the services to act in a timely way, such as when the regulator identifies a problem with a service provider and they do not have the tools or the powers to address the risks of harm.

In the short time that I have left I just want to touch on the worker and carer exclusion scheme as well. As has been documented in this place, there are sometimes cases of harm, neglect or abuse of our workers, our carers and our service users. They do an incredible amount of work, and as any worker does, they do have the right to be safe at their workplace. You should always feel safe and secure going to work. The risks of harm this scheme intends to address will be managed by regulating the providers and the standards, and in particular service providers will need to ensure that their staff are working within the new requirements in the standards, including that of a defined safe workplace. It will mean

that investigations and interventions will be managed through the worker and carer exclusion scheme, and it will ensure safer workplaces for our service users and other workers and carers. It is another bill that shows our commitment to workers and to the most vulnerable Victorians. I commend the bill to the house.

Mr SCOTT (Preston) (18:09): It gives me great pleasure to rise to speak on the Social Services Regulation Bill 2021, which seeks to replace a number of regulatory schemes with a single scheme, including sets of standards, a single regulator and one registration process. This will have benefits in streamlining the requirements that social service providers face and replacing audit processes, which can be costly, through independent review bodies.

The bill seeks to establish the new independent Social Services Regulator to create obligations for in-scope service providers to be registered and comply with enhanced outcome-focused sets of standards, establish a workers and carers exclusion scheme that removes workers and carers who pose an unjustifiable risk to service users from high-risk roles, and establish a contemporary regulatory framework with a full suite of compliance and enforcement tools and mutual recognition and broad information-sharing powers to reduce regulatory duplication and administrative burden on service providers.

Before getting into some of the detail of the bill I just wanted to indicate on behalf of, I am sure, not just myself but other members of this house the deep gratitude that I have and we all owe to those service providers who seek to help others who require assistance in their life. It is a really important area of human endeavour, because many members of our community require assistance, and they require that assistance to be timely, professional and safe. It is important that we do so in a way that minimises the regulatory burden, and I note the minister at the table, the Minister for Regulatory Reform, has areas of responsibility for regulatory burden. It is important to ensure that the regulatory burden is small, because often service provider organisations are run by voluntary committees. In terms of their committees of management, these are often not large organisations. With the regulatory burden, while appropriate in ensuring the safety of both employees and the people that they are seeking to serve as their clients, it is important that that meets the dual function, and it is important that that dual function is performed. Removing unnecessary duplication is an important part of the regulatory reforms that this bill represents.

I also wanted to touch upon the replacement of the current human service standards with a new and contemporary system of social service standards, where social service standards are defined as safe service delivery, service user agency and dignity, safe service environment, feedback and complaints, accountable organisational governance, and safe workforce. Ensuring that standards meet these needs concurrently is utterly critical, because when you are dealing with social service providers you are dealing with organisations which deal with people who are often particularly vulnerable. I know from my previous experience as a minister responsible for the Transport Accident Commission we would have injured persons who were receiving services from social service providers. You would be dealing in that context with people with brain injury, with people with physical injuries or with people who are often extremely vulnerable and be ensuring that the environment is particularly safe.

I do note the other provisions of the bill, which establish a worker and carer exclusion scheme to remove workers and carers who pose an unjustifiable risk to service users from high-risk roles. This is an important part of the reforms embodied in this bill. In particular, in detailing that, once the scheme has commenced, service providers who are engaging workers and carers to care for children and young people in the child protection system will need to confirm the worker or carer is not listed on the exclusion register prior to engagement.

Young children particularly are at risk, and young children who are in vulnerable situations and often in out-of-home care and other such precarious arrangements are at particular risk. I have in this Parliament—and I note other members who have been here for some time—participated in and listened to debates about the great failings in the past that we have had with young children that are in

care. So a scheme of exclusion that removes workers and carers who pose an unjustifiable risk to service users from roles, particularly, as I noted, dealing with at-risk children, is an important and worthwhile reform.

I will just touch upon a couple of other aspects of the bill. The bill contains mutual recognition aspects, and that is important, because service providers often have complex roles where they deal with different jurisdictions, including particularly the national disability insurance scheme. Social service providers that are providing services within the framework of the state regulatory system also, in many cases, provide services in the context of the national disability insurance scheme. While the National Disability Insurance Agency is happily nationally based here in Victoria, in Geelong—and it is welcome that it is based here—of course the regulatory framework relates to federal rules and legislation. So it is important to ensure that there is an interoperability between those jurisdictions to ensure that there is mutual recognition and a seamless ability for service providers to navigate the different regulatory environments.

I have not heard the opposition's position, but I would be amazed if there was a controversy in relation to this bill, because it enacts a series of what are sensible arrangements to ensure not just a safer regulatory framework but also one that removes unnecessary burden on social service providers. Replacing the human services regulator that currently sits within the Department of Families, Fairness and Housing with an independent regulator will ensure that the regulator is able to act independently and that there is a separation between the regulator and the department. This is important because of course the department is a very significant deliverer of services in this area. I note the role of the minister at the table, the Assistant Treasurer, in relation to the Essential Services Commission—there is real benefit to having independent regulators that step into a space where there is government service provision, or in fact government-regulated service provision, to ensure an effective regulatory standard.

I think also it is important to note that in terms of our social service providers they come in different sizes, come in different scales, but the workforce and the people that you meet—I am sure members of this house, like myself, have had many engagements with local service providers within their electorates and perhaps more broadly depending on their responsibilities—are dedicated people. These are people who are not seeking dollars, who have a higher purpose in their life, who seek to change the world by changing the lives of those who are in positions of peril or in positions of relative disadvantage, and they do so in a way that is truly inspiring. In contributing to this debate I would like to put on the record my deep appreciation for the work that is undertaken, for those who serve as employees, for those who serve as volunteers, often on committees of management, for those who dedicate their lives to the wellbeing of those in vulnerable situations. It is important to ensure that we recognise that many, many, many Victorians dedicate their lives to those who face significant difficulties and adverse situations. Through their lives and through their professionalism, their dedication and their care they change those lives and ensure that more people in Victoria can undertake lives full of the sort of agency that we too often take for granted and ensure that lives are given a dignity and respect that is too often taken for granted by many of us who do not face that adversity.

I will keep my comments relatively brief, but this is a sensible piece of legislation. It provides changes that will improve regulation, provide suitable protections, establish an independent regulator and ensure that the regulatory framework responds to the needs of vulnerable Victorians. I commend the bill to the house.

Mr PEARSON (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (18:18): What a great privilege it is to be able to rise in this august chamber on this magnificent spring evening. I never get disappointed whenever I rise in this place. This is just such an amazing workplace, and such an incredible privilege it is, an honour it is, to be able to come into this place and talk about issues that mean a great deal to me as a legislator, me as a minister of the Crown and me as a member of the Australian Labor Party. This is such a historic place to be able to come and discuss ideas, to ideate, to think about what motivates us, what brings us to this place, and to talk about these issues. And it is a particularly great honour to be

able to occupy the Treasury bench and to talk about bills that mean so much to you individually, the community that has sent you here and, in our case, the party that we represent.

The reason why I wanted to speak on this bill today is that it is just so fundamental for many of us in the Labor Party to what has brought us to our party and brought us to this place. We all have different experiences, we all have a different lived experience, but for many of us on this side of the house we have seen what happens when there is inadequate protection, when there is an inadequate safety net to support people, because invariably it is people who are poor, people who are isolated, people who are vulnerable, people who are migrants or people who do not necessarily have the wealth, the power or the privilege to be able to address those weaknesses and those failings. So a bill like this is important. It speaks to me as to why I took this path, why I chose this journey. It is why I chose to join a union at the first chance I could, it is why I chose to join the Labor Party when I was a teenager and it is why I have taken this path to be here now. It is always such a great privilege to be reminded of why you are here and to be able to be in this place, in this chamber—this place where there have been so many great debates over generations.

In many respects the notion of a safety net really started I think to come into its own at different points in time in history, but I do recall a debate in this place in the last Parliament when I talked about Publius Clodius Pulcher and the *Leges Clodiae*, which were a series of reforms that Pulcher instituted when he was a tribune of the plebs in 59 BC.

Mr Cheeseman: I remember that.

Mr PEARSON: Do you remember that?

Mr Cheeseman: I can remember that.

Mr PEARSON: It was insightful because it was in that first tenure as a tribune of the plebs—and bear in mind he was a patrician by birth and was sought to be adopted by a plebeian family in order to hold this office—that he instituted the bread dole. It was a monthly allowance provided to all the people of Rome. As a legislative initiative it lasted for 500 years—it really lasted until the fall of Rome—the notion that the state would provide free bread to every citizen of Rome who needed it. I think the notion that as a legislator you have the ability to put something on the statute book that will last long after you are gone—and in this case lasted 500 years—is something that I have always been incredibly drawn to, and I have always thought it is a really wonderful initiative.

But as time has gone on we have had to look at making improvements and we have had to try and be better. I am thoroughly enjoying a wonderful book at the moment called *The Toyota Way* by Jeffrey K Liker, who talks about kaizen. This is about what Toyota did after the Second World War. Toyota recognised the fact that they could not compete with the big American auto manufacturers who had that huge scale—massive markets and the ability to use their big, big factories to drive innovation and improvements. The Japanese did not have that. What the Japanese recognised though is that they would have smaller production cycles and they would need to constantly innovate and constantly improve. *The Toyota Way* talks about continual improvement: fine-tuning, refining, testing, constantly getting better, constantly improving. They were laggards and they were weak when they started immediately after the Second World War, but as we saw over decades, through their focus on continual improvement and making sure that management did not stay up in the offices but went down to the factory floor to look at the way in which they manufactured vehicles, they saw how they could improve, they saw how they could be better.

A bill like this is about that. We have got fragmented systems. We have got to try and get better, and we can use and harness the power of data in a way in which we can improve our efficiencies and our performance. And we can do this in a really positive way. We can pull together disparate datasets to try and find ways of being better. There is a fantastic term I love called ‘positive deviants’, and positive deviants refers to an individual who by any set of circumstances should not excel, should not succeed. So they might be, for example, a person who has grown up in a dysfunctional home where there has

been family violence, where they have left school early, where they have been abused, but somehow some of those people, and small though the chance may be, end up coming through and leading well-adjusted, satisfying, dignified lives. You know, they might go to university; they might enter a profession. They end up doing really well. Now, you can turn around and say, ‘Well that might just be the individual set of circumstances’, but by harnessing data and harnessing big data you can start to pick trends. And I think that if you look at it, it might only be a small handful of people, but over a longitudinal period you can start to identify and pick the trends. Why is it that that is the case? Why is it that that person had so much lead in their saddlebags but managed to win the race? What can we do? What can we learn? How can we bring together disparate datasets to try and get a better understanding?

You think about how the first thousand days of a child’s life makes such a huge difference in the sorts of lives that they lead. And as a state, if you think about it for a moment, we have all these datasets we create, from the moment a child is conceived, through the prenatal care that they get, going through the hospital system when they are born, going through the maternal and child health service, going through child care, through kindergarten and on to when they go through the school gate for that first time. For those first five years we have all these disparate datasets that are created—finding ways where we can try and really link up those datasets, finding ways we can drive those levels of improvement. Again, coming back to kaizen, that notion of continual improvement, about: how can we try and be better? How can we identify what is going on with positive deviants and how can we be better? How can we improve? So a bill like this I find is really important. It is also important for reasons around equality and equity.

You know, there is a great book called *Why Nations Fail*, and nations fail where you have got exclusive political institutions and/or you have got exclusive economic institutions. Nations will fail where they turn around and say, ‘Look, I don’t care how smart you are. I don’t care how hard you work. I condemn you to not be able to experience economic prosperity. We don’t want you. We work to exclude you from that’. Nations like that invariably fail, because people will turn around and say, ‘Look, this is manifestly inadequate, and it’s grossly unfair’.

A really strong social safety net, making sure that people have the opportunity to reach a privileged position—are able to apply themselves, lead an abstemious life, be focused, disciplined, hardworking and intelligent—and making sure that they have got the capacity to get an education, they have got a capacity to have a well-paying job, are really good things, and that is something we should all be proud of. Indeed in many respects one of the great stories, one of the great Australian stories, has been the fact that people can actually come from a disadvantaged background, come from a poorer background, and do well.

I was the first person in my family to go to university. My parents left school at 15. They married young so Dad was not conscripted to go to Vietnam, and it is an enormous amount of pride for me that I am here. In so many other societies or at different times I would not be here. This place was not for people like me. We were not allowed into a place like this. But through a strong social safety net, through a progressive society, through the fact that I have worked hard, I have been disciplined, I have applied myself and I have had this great passion for progressive politics and the Australian Labor Party, I find myself here. So it is a privilege, and I am so grateful to be here. I am grateful to be here to talk on a bill like this, to be in this wonderful chamber on this amazing spring day. These are challenging times and difficult times, but how lucky are we to be here.

Following speeches incorporated in accordance with resolution of house of 7 September:

Ms ADDISON (Wendouree)

I am very pleased, and also very proud, to support the Social Services Regulation Bill 2021.

I would like to begin by thanking the Minister for Disability, Ageing and Carers for introducing this bill, as well as his hardworking ministerial office. Additionally, and perhaps most of all, I would like to acknowledge

some very special people at the newly formed Department of Families, Fairness and Housing, for their work in crafting the legislation we have here today.

And as always, this legislation has not been developed in isolation. There has been extensive consultation with sector-specific peak bodies, regulatory and oversight bodies, and senior departmental subject matter experts. Furthermore, over the past two years the department has engaged both service providers and service users, through directed communication and public updates, as well as through a range of information sessions and forums across the relevant sectors. Through this consultation, these stakeholders have told us of the gaps and the overlaps in the existing regulatory framework, who have told us about its complexity and the confusion that results.

This extensive consultation has proved extremely valuable, and has revealed widespread agreement on the need to prioritise the safety of people experiencing vulnerability. Input from, and support for, stakeholders will continue as these reforms are phased in. What this consultation has underscored is that the existing regulatory environment for social services providers is far from ideal.

The fragmented legislative landscape regulating social service delivery, which has developed in isolation and over time, certainly requires both clarification and streamlining. The current regulation includes burdensome overlaps, where providers working in multiple areas must stay abreast of duplicative regulatory requirements. There are also troubling gaps, where certain services—including some in the hugely important areas of family violence and homelessness—are not guided by regulatory frameworks. Service providers in these areas deserve more clarity and they deserve more support. Also of concern is the ability of a regulator to separate out the funding and the regulation of services organisations, and to intervene early when necessary to forestall unsafe outcomes.

We've listened to those in the sector who have spoken out about these difficulties, and this government recognises the need for a robust regulatory framework. We need to strengthen safeguards and simplify processes to better facilitate the work of our excellent social service providers, and to ensure the quality and safety of services provided to vulnerable Victorians.

We need to modernise and to simplify this regulation. We need a streamlined set of standards and a streamlined registration process. And this is what this bill will deliver.

The Social Services Regulation Bill 2021 creates a unified regulatory framework to support the safe delivery of social services, and to protect the rights of social service users. These are vitally important services, and we must ensure that they are safeguarded in a manner that reflects this.

Firstly, and primarily, the bill introduces the Social Services Regulator, a new independent authority which will take the place of the human services regulator. This new regulator will oversee the services delivered by more than 1200 organisations, in areas including child and youth out-of-home care, disability services outside of the NDIS, supported residential services, family violence services, sexual assault services, and homelessness services.

This is a broader remit than the previous human services regulator, and also ensures a larger degree of separation from the department. This remit will also cover both government and non-government services, providing accountability and consistency of standards across the sector, and to ensure that service users can expect the same fundamental protections regardless of an organisation's public or private status.

The Social Services Regulator will be able to identify shortcomings in service delivery and will be empowered to work with service providers to improve standards across the board. They will also recognise other regulatory schemes of relevance, ensuring that the regulatory environment remains coordinated and simplified, and benefiting those providing a broad range of essential social services.

They will also be empowered to monitor and investigate relevant providers, with the flexibility to enforce compliance in a manner appropriate to each given situation. Less serious non-compliance will be met with measured responses such as warnings and infringement notices, which will allow the regulator to step in early and reform concerning practices. More serious breaches may be met with further compliance notices and court-based civil and criminal remedies. And in limited situations, with rigorous safeguards, authorised officers under the regulator may enter certain premises for inspection. All these measures work to ensure the safety of both service workers and service recipients.

Additionally, the regulator will oversee the registration of social service providers. This is a key preventative measure which pre-emptively addresses harmful practices, with all social service providers required to go through the registration process. Applicants will be assessed on core capabilities and their capacity to provide for user safety, and a registry of approved social service providers will be published by the regulator.

This bill also provides for social services standards, to empower registered providers via clear and consistent guidance. These include standards around safe service delivery, service user agency and dignity, safe service

environment, feedback and complaints, accountable organisational governance, and workforce safety. These standards are focused on ensuring service safety and on protecting the human rights of service users.

In addition to registration and regulation, this bill additionally anticipates and address several other legislative needs.

It details a worker and carer exclusion scheme, initially focusing on carers but with room for expansion, for high-risk sectors whose risks cannot be adequately mitigated through service provider regulation alone. It establishes an information-sharing scheme, to better align the regulator with other government bodies in informing action and minimising regulatory duplication. It specifically addresses the status of supported residential services, to make clear that their residents have no reduction in rights or protections under this legislation. And it contains general provisions including regulation-making powers, so that the resulting scheme can be flexible and continuously relevant.

I also welcome the recent amendments introduced by the minister, which further clarify and strengthen the objectives of this bill. These include expanding the objects of the regulator, to include promoting and supporting the delivery of safe and effective social services; encouraging a culture of continuous quality improvement in the provision of social service; and providing confidence to service users and the community in the safety and quality of social services. The regulator's guiding principles will also include assisting service providers via guidance and education, as well as to make decisions using intelligence-led integrated approaches that are proportionate to risk and that minimise regulatory burden.

Additional amendments clarify that the regulator is to liaise with other regulatory and investigator bodies to avoid the unnecessary duplication of investigations, and that the regulator must carry out consultations before issuing guidelines. Together, these various amendments work to further refine the position of the regulator, providing a clear mandate and building confidence in their role.

This scheme will come into effect from 1 July 2023 via a phased-in approach to ensure the appropriateness of the regulations, as well as to allow service providers time to accommodate any necessary changes. As I've already mentioned, stakeholder involvement will continue throughout this process and beyond, and guidance will be delivered to providers to support compliance. The phased implementation will also initially prioritise social services carrying a high degree of inherent risk of harm to users. Through this approach, the scheme provides support to providers whilst safeguarding the safety of users.

Finally, the amendments provide for this act to be reviewed after its first three years of operation with a report to be tabled in Parliament, ensuring that consultation and feedback in this space will continue.

One of the great privileges of my role as the member for Wendouree is to interact with a wide variety of community members and organisations, and as a result I am very familiar with the essential and vital work done by social service providers across Ballarat. I wish to acknowledge all those working in this space—the benefit they provide to our community is incalculable. Both service providers and service users deserve support and clarity from their government, and this is what this bill today ensures.

This is fundamentally important legislation, both for my community and for all of Victoria. I commend this bill to the house.

Mr CHEESEMAN (South Barwon)

Thank you, it is my pleasure today to make a contribution on the Social Services Regulation Bill 2021.

Victorians access social services for support during the most difficult and challenging times in their lives. As a community, we expect that providers of these services deliver them in a safe manner that supports the human rights of those who use them.

Current regulation is fragmented and based on separate schemes that were developed in isolation from each other more than a decade ago. Some social services (including family violence and homelessness services) are not subject to a legislated regulatory framework at all and rely on funding agreements to establish quality and safety benchmarks.

While each scheme seeks to protect people from abuse and harm, together, they fail to reflect the contemporary service delivery landscape. Stakeholders have repeatedly identified gaps, overlaps and duplication, and reported confusion about regulatory requirements. And recent reforms to social services delivery have revealed a growing problem of regulatory gaps and overlaps facing organisations that provide multiple services across different sectors.

The current regulatory arrangements are administered by the human services regulator as a delegate of the secretary. They are not supported by a comprehensive suite of regulatory tools enabling proportionate responses to the risk of non-compliance. The inadequacy of the underlying legislative framework has meant avoidable harms have continued with the regulator having little, if any, ability to intervene at an early

preventative stage. In particular, the COVID-19 pandemic has exposed shortcomings in Victoria's social services regulatory regime. For example, the Supported Residential Services (Private Proprietors) Act 2010 has insufficient powers to suspend the operation of facilities with unacceptable risks to residents and move them to a safer setting. We need to take steps now to address these known gaps.

Significant efforts to minimise these harms are warranted. There is a pressing need for reform of the regulation of social services to address these regulatory shortcomings. A high-quality regulatory framework for social services provides the foundation for improved responses to risks of harms to people who use social services.

The key identified issues contributing to these regulatory shortcomings include:

Gaps in regulatory coverage as some social services are not subject to statutory regulation, for example family violence and homelessness services. Safety oversight of these funded services relies entirely on contractual arrangements.

Duplicative regulatory requirements in an integrated service system where many providers of social services deliver multiple categories of services. These may be regulated under multiple different schemes, which creates complexity for organisations seeking to comply and ties up limited resources in compliance activities.

Lack of intelligence to inform regulatory action and identify risks early. Early signs of a problem are not always able to be identified, which creates the risk that service providers continue to provide unsafe services, until a significant catastrophic event occurs.

Conflict between regulating and funding services as the Department of Families, Fairness and Housing regulates the service system and is also responsible for ensuring adequate numbers of service providers to meet community needs. In some instances, the department is also responsible for regulating services that it funds directly.

Our regulatory infrastructure must be improved to provide service users with better protection. The current framework has meant the regulator has little ability to intervene at an early prevention stage. To ensure greater protection of vulnerable service users, a comprehensive regulatory framework is required to ensure providers of social services are supported to comply with the social services standards. In addition, there is a need to consciously and systematically create standards that prevent abuse and neglect, promote service user safety, and properly respond to allegations of abuse and neglect. It is also required to deal with providers that fail to provide a safe environment for vulnerable service users.

In conclusion, the reforms in this bill are important. They will promote and enhance regulation of a wide range of Victorian social services and in doing so will protect vulnerable service users from abuse and neglect.

I'm proud to be part of a government that is continually working to improve the safety and wellbeing of our most vulnerable Victorians. This bill will ensure that Victoria's regulatory framework for social services is as strong as possible to promote the safety of Victorians.

I commend the bill to the house.

Ms COUZENS (Geelong)

I am pleased to contribute to the Social Services Regulation Bill 2021. This is a significant bill that supports the Andrews government commitment to protect users of social services from abuse and neglect.

Of course, social services play a critical role in our local communities and there are many dedicated organisations and workers who do a great job and I thank them for their passion and commitment.

But we also know that there are those who do not have the same level of passion, commitment and importantly adequate training.

As a member of the parliamentary committee that conducted the inquiry into abuse in disability services, I heard the very serious concerns from people with lived experience, family members and carers.

The eight chapters of this report provide a detailed account of the experiences of people with disability within a disability sector marked by a fundamental lack of essential safeguarding and oversight.

Much of the evidence presented to the committee, and contained in the report, is confronting.

The committee heard from parents of children with disability who had been repeatedly sexually assaulted while in care. The committee heard that physical violence towards people with disability was 'normalised' within the sector.

It heard about the theft of money from people with disability while in care. The committee was presented with evidence that demonstrates that the disability workforce is frequently ill equipped for the complex tasks required, is untrained or undertrained, and often poorly supervised.

The committee heard evidence that the sector has employed predators who repeatedly assaulted the clients of residential facilities. The committee is adamant that the human rights of people with disability must be put at the forefront of every action and can no longer be ignored. Attempts to date have failed people with disability.

I welcome the introduction of the Social Services Regulation Bill as an additional protection for some of the most vulnerable people in our community.

The Social Services Regulation Bill 2021 seeks to replace a number of regulatory schemes with one—a single set of standards, a single regulator and one registration process.

This will reduce the red tape burden for our hardworking service providers as well as replacing the costly audit process through independent review bodies.

At the same time giving a comprehensive regulatory toolkit for compliance and enforcement powers when services are failing their clients.

Overall, the bill will:

establish a new independent Social Services Regulator;

create obligations for in-scope service providers to be registered and comply with an enhanced, outcomes-focused set of standards;

establish a worker and carer exclusion scheme that removes workers and carers who pose an unjustifiable risk to service users from high risk roles; and

establish a contemporary regulatory framework with a full suite of compliance and enforcement tools, mutual recognition and broad information sharing powers to reduce regulatory duplication and administrative burden on service providers.

It is recognised by the government that current regulation of social services is fragmented and there is a need for reform.

Some social services (including family violence and homelessness services) are not subject to a legislated regulatory framework at all and rely on funding agreements to establish quality and safety benchmarks.

While current regulation seeks to protect people from abuse and harm, stakeholders have repeatedly identified gaps, overlaps and duplication, and reported confusion about regulatory requirements.

As part of these reforms, we are using best practice regulation that starts with clear objectives and expectations and applies a risk-based approach to monitoring whether they are being met.

Best practice regulation also involves the regulator having access to a comprehensive regulatory toolkit. This allows it to respond to risks in a timely, targeted, and proportionate manner.

Using a risk-based approach, the regulator can focus its attention where the likelihood and consequences of harm are greatest. This reduces compliance burden by managing regulatory activity where the risks are relatively low.

We know that when best practice regulation is applied, service providers, their users and the community all benefit.

The scope of regulatory coverage will encompass social services subject to schemes currently captured by the human services regulator, and some department-funded services that are not subject to a legislative regulatory framework:

This includes:

disability services registered under the Disability Act 2006 that have not transitioned to the NDIS—including state-funded disability services such as forensic disability and those delivered through the Transport Accident Commission);

supported residential services registered under the Supported Residential Services (Private Proprietors) Act 2010;

services provided in the community to support children and families that are subject to registration under the Children Youth and Families Act 2005—including out-of-home care. This does not include maternal and child health services, early childhood education and care services or schools;

family violence services—including case management, support and accommodation services provided to people experiencing family violence and services for perpetrators; homelessness services—including referral, support and accommodation services.

The new reforms replace the current human services standards into new and contemporary social service standards.

The bill defines the social service standards to be: safe service delivery; service user agency and dignity; safe user environment; feedback and complaints; accountable organisational governance; and safe workforce.

It is important to note that in consultation with the sector, the regulations of the bill will help to operationalise these key principles for the sector and contain further detail on the outcomes sought and service requirements to be met.

The new independent regulator replaces the human service regulator that is currently within the Department of Families, Fairness and Housing. The independence of the regulator provides decision-making separation between the Regulator and the Department which is particularly important where the Department is delivering services—this has been welcomed by the sector.

The bill will establish a worker and carer exclusion scheme that removes workers and carers who pose an unjustifiable risk to service users from high-risk roles. The new worker and carer exclusion scheme will replace the current carers register and will be administered by the new Social Services Regulator when the new framework is operational.

When the scheme has commenced, service providers who are engaging workers and carers to care for children and young people who are within the child protection system will need to confirm the worker or carer is not listed on the exclusion register prior to engagement.

The government recognises the need to support the sector through the transition to the new Social Services Regulator.

This is why the bill ensures there is plenty of time for service providers to transition to the new scheme.

We have ensured considerable lead in times with current regulated services to be subject to the new regulator from 1 July 2023 who will have their existing registration automatically transferred.

Service providers not previously required to register (such as family violence and homelessness services) will start from 1 Dec 2023 to given them more time to transition.

As part of our commitment to ongoing consultation, the government will establish a social services regulation task force to support and guide the regulation development process over the next 12 months, ahead of scheme commencement from July 2023.

The task force will have an independent co-chair to represent both service providers and users and a government co-chair representative.

Consultation on terms of reference, independent co-chair and membership representing service providers and service users on the task force will occur very soon.

The task force would also provide to government advice on other issues including further detail around the service standards and scheme coverage in the regulations.

The task force is also expected to advise on the requirements that should be set in the regulations to support ongoing advisory mechanisms to the regulator.

The government looks forward to working with the sector over the coming months to develop a contemporary and robust Social Services Regulator.

Following further consultation with the sector, the government has tabled a number of clarifying amendments to support the bill.

These include: an amendment to include three additional objects of the regulator as follows:

to promote and support the delivery of safe and effective social services; and to encourage a culture of continuous quality improvement in the provision of social services; and to provide confidence to service users and the community in the safety and quality of social services.

An amendment to include a new provision in the bill to require the regulator to liaise with other regulatory and investigatory bodies to avoid unnecessary duplication of investigations.

An amendment to include a new guiding principle in the bill to require the regulator, in carrying out a function or power under the act, to assist service providers in complying with and understanding the act by providing them with guidance and education.

In addition, an amendment to provide that the regulator, in carrying out a function or power under the act, must make decisions using an intelligence-led and integrated approach that is proportionate to risks and minimises regulatory burden.

An amendment to provide for the review of the operation of the act in the fourth year of the operation of the act to review the first three years of its operation.

An amendment to include a requirement that the regulator is not to issue a guideline unless the regulator has carried out a consultation on the draft guideline in accordance with the regulations.

I commend the bill to the house.

Mr KENNEDY (Hawthorn)

- Speaker, I am pleased to speak on the Social Services Regulation Bill 2021 (the bill).
- This bill is necessary as it will better protect vulnerable Victorians from avoidable harm, through the strengthening of the regulatory framework via the establishment of an independent Social Services Regulator.
- As I will detail shortly, the new framework replaces the current fragmented arrangements, which will enable the new regulator to more readily respond to incidences of harm in relation to the delivery of social services.
- Although COVID delayed—the government has undertaken two years of wide consultation and engagement with service users and providers, with sector-specific peak bodies, regulatory and oversight bodies and senior departmental subject-matter experts.

The bill does the following:

- A. replaces a collection of existing, fragmented regulatory arrangements contained within various legislative instruments and contractual mechanisms relating to the Department of Families, Fairness and Housing;
 - B. establishes a new Social Services Regulator;
 - C. create obligations for in-scope service providers to be registered and comply with an enhanced, outcomes-focused set of social service standards;
 - D. establishes a worker and carer exclusion scheme that removes workers and carers who pose an unjustifiable risk to users of social services from high-risk roles; and
 - E. establishes a contemporary regulatory framework with the necessary compliance and enforcement provisions, mutual recognition and broad information sharing powers—so that service providers are no longer burdened with regulatory duplication and administrative issues.
- The social service standards (the standards) that will be embedded in the bill are:
 - Safe service delivery—services delivered safely based on assessed needs.
 - Service use with dignity—services are person-centred and take into consideration an individual’s circumstances.
 - Safe service environment—services are provided in a safe, secure and fit-for-purpose environment.
 - Space for feedback and complaints—support is given to service users so they are able to provide feedback, complaints or concerns about service delivery.
 - Safe workforce—services are delivered with care and skill by a workforce with the knowledge, capability and necessary support.
 - The approach to regulation of individual social service workers and carers will be improved through the establishment of a contemporary exclusion scheme. The worker and carer exclusion scheme will focus on those carers and workers engaged in high-risk sectors whose risks are unable to be mitigated through service provider regulation alone. Initially the scheme will focus on carers but, through regulations, can be expanded to other high-risk workers as deemed appropriate by the government.
 - To promote compliance with the standards, the new regulator will be provided with a broad range of contemporary monitoring and enforcement powers. These will include:
 - enabling the regulator to respond to less serious non-compliance with the standards through the issuing of official warnings or infringement notices, while also being able to respond to more serious breaches by accepting enforceable undertakings or by issuing compliance notices seeking various remedies from a court, including criminal or civil penalties.
 - powers to enter and inspect certain premises without an entity’s consent in limited circumstances. Rigorous oversight will be applied to ensure that right of entry is subject to strict criteria.
 - These criteria include inspections only taking place in business hours (unless permitted under a warrant) and where the regulator has reason to believe that the act or regulations have been contravened.
 - To minimise regulatory duplication, arrangements for gathering and sharing regulatory intelligence will be improved.

- One of the important roles of this government, and indeed any good government, is the provision of social services for people at vulnerable times in their lives. While one must wonder at the social values of those opposite, I am sure that most well motivated would agree that the providers of these services should deliver them in a manner that supports the human rights of those who use them.
- Current regulation of the provision of such services is fragmented and based on separate schemes developed in isolation from each other more than a decade ago. Some social services, such as family violence and homelessness services do not come under a legislated regulatory framework at all, instead relying on funding agreements to establish quality and safety benchmarks.
- Although the aim of every scheme is to protect people from abuse and harm, taken together they do not reflect the optimum service delivery landscape achievable. Stakeholders have identified gaps, overlaps and duplication, and have reported confusion about regulatory requirements. A growing problem with regulatory gaps and overlaps facing organisations providing multiple services across different sectors has been revealed in recent reforms to social services delivery. We can do better.
- The current regulatory arrangements are administered by the human services regulator as a delegate of the secretary and are not supported by a comprehensive range of regulatory tools to enable proportionate responses to the risks of non-compliance. This has resulted in unavoidable harms continuing, due to the regulator having limited, if any, ability to intervene before such harm can occur. The COVID-19 pandemic in particular has exposed shortcomings in Victoria's social services regulatory regime.
- The issues identified as contributing to these regulatory shortcomings include:
 - gaps in regulatory coverage, as noted above, where family violence and homelessness services are not subject to statutory regulation. Safety oversight of these funded services therefore relies entirely on contractual arrangements.
 - Duplicated regulatory requirements in an integrated service system—where many providers of social services deliver multiple categories of services. These may be regulated under multiple and differing schemes, creating complexities for organisations seeking to comply. Limited resources duplicated in compliance activities mean wasted effort and public funds.
 - Risks have not been identified early, due to a lack of intelligence, resulting in early signs of a problem not being identified, in turn permitting service providers to continue to provide unsafe services until a tragic event occurs.
 - There can be conflict between regulating and funding services, as the Department of Families, Fairness and Housing regulates the service system and is also responsible for ensuring the adequate provision of service providers to meet community needs. The department in some instances is also responsible for regulating services that it funds directly.
- The bill intends to protect those using social services, our most vulnerable fellow citizens, keeping them safe from harm, abuse and neglect.
- The bill provides initiatives to:
 - support safe service delivery through the application of a common set of social services standards.
 - require service providers to understand their role in protecting the human rights of service users.
 - promote efficiency, so service providers' roles are clearly delineated and regulated entities face minimal overlap or duplication in their dealings with government.
 - provide the regulator with contemporary monitoring and enforcement powers, enabling the regulator to respond quickly and effectively to minimise the risk of harm.
 - improve information sharing between regulators so that non-compliance can be quickly identified and acted on.
- These reforms mark a new era, better protection for the vulnerable, a new, empowered regulator with powers to ensure enforcement of clearer responsibilities for licensed service providers—with greater efficiency and duplication of effort addressed.
- I commend the bill to the house and wish it a speedy passage.

Mr CHEESEMAN (South Barwon) (18:28): I would like to move:

That this matter be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until later this day.

Business of the house**ORDERS OF THE DAY**

Mr PEARSON (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (18:29): I move:

That government business, orders of the day 4 to 9, be postponed.

Motion agreed to.

Bills**JUDICIAL PROCEEDINGS REPORTS AMENDMENT BILL 2021***Council's amendments***Message from Council relating to following amendments considered:**

1. Clause 2, line 9, omit "sections 4 and 6" and insert "section 4(1)".
2. Clause 2, page 2, line 2, omit "4" and insert "4(1)".
3. Clause 2, page 2, lines 4 and 5, omit all words and expressions on these lines.
4. Clause 4, line 4, omit "After" and insert "(1) After".
5. Clause 4, after line 14 insert—
 - (2) For section 4(1BF)(a) and (b) of the Principal Act **substitute**—
 - (a) in the case of a living victim—
 - (i) that it has taken into account the views of any victims likely to be identified, if those views are known following reasonable enquiries; and
 - (ii) that it is in the public interest to make the order; and
 - (b) in the case of a deceased victim—
 - (i) that it has taken into account the views of the deceased victim, if those views are known following reasonable enquiries; and
 - (ii) that the views of any family members of the deceased victim are taken into account, if those views are known following reasonable enquiries, unless the family member is also the alleged offender or convicted offender; and
 - (iii) that it is in the public interest to make the order.”.
 - (3) In section 4(1BG)(b)(i) of the Principal Act, for "an adult" **substitute** "a living adult".
6. Clause 5, omit this clause.

NEW CLAUSE

7. After clause 6 insert the following New Clause—
 - 6A New section 4C inserted**
Before section 5 of the Principal Act **insert**—
 - 4C Test for permitted publication on and after 14 December 2021**
 - (1) On 14 December 2021—
 - (a) for section 4(1BF)(a) and (b) **substitute**—
 - (a) that it has taken into account the views of any victims likely to be identified, if those views are known following reasonable enquiries; and
 - (b) that it is in the public interest to make the order.”; and
 - (b) in section 4(1BG)(b)(i), for "a living" **substitute** "an".
 - (2) This section is **repealed** on 16 December 2021.”.
8. Clause 8, lines 17 and 18, omit "or an applicable offence".
9. Clause 8, lines 25 to 28, omit all words and expressions on these lines.
10. Clause 8, page 6, line 5, omit "of—" and insert "of a sexual offence or an alleged sexual offence.”.

11. Clause 8, page 6, lines 6 to 17, omit all words and expressions on these lines.
12. Clause 8, page 6, line 23, after “of the” insert “deceased”.
13. Clause 8, page 6, line 24, omit “of—” and insert “of a sexual offence or an alleged sexual offence; and”.
14. Clause 8, page 6, lines 25 to 32, omit all words and expressions on these lines.
15. Clause 8, page 7, line 2, omit “to—” and insert “to the applicant.”.
16. Clause 8, page 7, lines 3 to 8, omit all words and expressions on these lines.
17. Clause 8, page 7, line 18, omit “or an alleged applicable offence”.
18. Clause 8, page 7, line 21, omit “affected person” and insert “deceased affected person when alive”.
19. Clause 8, page 8, line 17, after “of the” insert “deceased”.
20. Clause 8, page 8, lines 19 and 20, omit “or an applicable offence or an alleged applicable offence”.
21. Clause 8, page 8, line 21, omit “necessary—” and insert “necessary to avoid causing undue distress to the applicant.”.
22. Clause 8, page 8, lines 22 to 29, omit all words and expressions on these lines.
23. Clause 8, page 9, lines 5 and 6, omit “or, if applicable, the child of the affected person”.
24. Clause 8, page 9, lines 7 and 8, omit “in the case of an application by a person with a sufficient interest.”.
25. Clause 8, page 9, lines 12 to 14, omit “or an applicable offence or an alleged applicable offence”.
26. Clause 8, page 9, lines 25 and 26, omit “in the case of an application by a person with a sufficient interest.”.
27. Clause 8, page 12, line 5, omit “persons; or” and insert “persons.”.
28. Clause 8, page 12, lines 6 to 10, omit all words and expressions on these lines.
29. Clause 8, page 12, lines 14 to 16, omit “, or if that person is a child of an affected person, the affected person.”.
30. Clause 8, page 13, line 29, omit “necessary—” and insert “necessary to avoid causing undue distress to that person.”.
31. Clause 8, page 13, lines 30 to 33, omit all words and expressions on these lines.
32. Clause 8, page 14, lines 1 to 5, omit all words and expressions on these lines.
33. Clause 8, page 14, lines 15 and 16, omit “or, if applicable, the child of the affected person”.
34. Clause 8, page 14, lines 17 and 18, omit “in the case of an application by a person with a sufficient interest.”.
35. Clause 8, page 14, lines 22 to 24, omit “or an applicable offence or an alleged applicable offence”.
36. Clause 8, page 15, line 25, omit “an” and insert “a deceased”.
37. Clause 8, page 15, lines 27 and 28, omit “or an applicable offence or an alleged applicable offence”.
38. Clause 8, page 16, lines 9 and 10, omit “or an applicable offence or an alleged applicable offence”.
39. Clause 8, page 16, line 13, after “of the” insert “deceased”.
40. Clause 8, page 17, line 7, after “of the” insert “deceased”.
41. Clause 8, page 17, lines 9 and 10, omit “or the applicable offence or alleged applicable offence”.
42. Clause 8, page 21, lines 5 and 6, omit “or, if applicable, the child of the affected person”.
43. Clause 8, page 21, lines 7 and 8, omit “in the case of an application by a person with a sufficient interest.”.
44. Clause 8, page 21, lines 12 to 14, omit “or an applicable offence or an alleged applicable offence”.
45. Clause 8, page 24, line 26, after “of the” insert “deceased”.
46. Clause 8, page 21, lines 34 and 35, omit “if the applicant is a person described in subsection (1)(b)(ii).”.
47. Clause 8, page 24, lines 28 and 29, omit “or the applicable offence or alleged applicable offence”.
48. Clause 8, page 25, line 7, after “of the” insert “deceased”.
49. Clause 8, page 25, lines 10 and 11, omit “or the applicable offence or alleged applicable offence”.

Mr PEARSON (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (18:29): I move:

That the amendments be agreed to.

I will make some brief comments. The government's amendments reinstate temporary provisions for court orders to authorise publication, which sunset on 1 September 2021. The bill in its original form would have extended these temporary provisions, but to 14 December so that they continued to operate until the other reforms in the bill commenced. As the temporary provisions have now expired, these house amendments reinstate the provisions so that they can be extended in line with the original intent of the bill. And the amendments moved by Mr O'Donohue and Ms Patten remove the ability to expand the scope of the victim privacy order scheme to additional offences via regulations, and they include various consequential amendments throughout the bill.

Motion agreed to.

The DEPUTY SPEAKER: A message will now be sent to the Legislative Council informing them of the house's decision.

LIQUOR CONTROL REFORM AMENDMENT BILL 2021

Second reading

Debate resumed on motion of Ms HORNE:

That this bill be now read a second time.

Dr READ (Brunswick) (18:30): I speak today on behalf of the Victorian Greens on the Liquor Control Reform Amendment Bill 2021. We have grave concerns about the bill in its current form, and I will be proposing amendments to it today. The bill represents the implementation of the second phase of the government's review of Victoria's liquor laws that began in 2016 and is the first time that there has been a true focus on regulating the growing online alcohol delivery services. Online sales and home delivery have been part of our lives for a while, but what we have seen over the last few years is a significant change in the way people buy food and drink in Australia. The COVID pandemic has supercharged online ordering and home delivery of alcohol. We are likely to see higher volumes of this and app-based ordering and home delivery from now on.

VicHealth data show that a lot of home-delivered alcohol is drunk by people who drink at hazardous levels. The Victorian Alcohol and Drug Association found that 70 per cent of drug and alcohol clinics reported an increase in demand due to alcohol during the pandemic. So let us just review for second what alcohol does to people. Most people know about the long-term effects of alcohol: it can cause various forms of brain damage, liver damage, pancreatitis, strokes and cancer. And there are also the obvious short-term effects: poor work performance and getting into arguments and fights. Accidents often go unremarked, but violence, including family violence, is an important consequence of alcohol overuse. The last two, violence and accidents, put people in hospital immediately, whereas the other long-term effects take years to put people in hospital. But either way you look at it, the more alcohol that is consumed by the population, the more people wind up in hospital. In fact it is calculated that about 40 000 hospital admissions per year in Victoria are due to alcohol.

Home delivery of alcohol at short notice is relatively new. It has increased during the pandemic, and health authorities are calling for some limits. We know alcohol causes accidents, violence and a long list of diseases and it puts 40 000 people into hospital each year in Victoria. We do not need more people in hospital right now, and all of us MPs are pleading with people to get vaccinated to protect our hospitals, which already hold over 100 COVID patients and are rapidly heading the way of New South Wales, which has over 1000. This bill, which could do something meaningful, does very little to curb the flow of alcohol into people's homes within minutes of them ordering it.

I will discuss one complication of home-delivered alcohol in more detail, and that is family violence. I need to be clear that by linking family violence to this bill today I am not saying that alcohol is the

root cause of family violence, but it is definitely an accelerant. The recent Royal Commission into Family Violence found not only that alcohol is a fuel for more frequent and severe family violence but also that perpetrators are often exposed to alcohol abuse in childhood and that victim-survivors also disproportionately face problems with alcohol addiction as a result of their trauma. So while the bill today contains many disparate changes, what matters to me is: how does this bill address the emergence of online, rapid alcohol home delivery now that we are all more aware of the need to prevent family violence? And given the bill represents a one-in-20-year review of liquor control laws, the key questions we should consider are: does it regulate the delivery services in a manner consistent with how these businesses operate, and does it sufficiently limit the preventable harm from alcohol home delivery? I do not think any fair evaluation would suggest that it does, which is why I will be moving important amendments.

The bill does acknowledge the growth of online alcohol delivery to the home by creating an online-only vendor packaged liquor licence. It does set out basic requirements for licensees, such as restricting online deliveries to ordinary trading hours, which are 7.00 am to 11.00 pm on most days. It prohibits deliveries to persons who appear to be intoxicated and prohibits same-day unattended deliveries and any unattended deliveries if it is the customer's first order. These measures are better than nothing, but there are clear shortcomings in the bill's other harm-reduction measures and, critically, some missed opportunities.

Before returning to family violence I should first discuss age verification for alcohol delivery in this bill. The bill's protections against selling to minors involve a two-stage process whereby, one, a person must tick a digital box to verify that they are over 18 and, two, a delivery driver must be instructed to check their ID on delivery. The first hurdle is just an online anachronism. It is a joke for anyone who knows about teenagers online—they will tick the box. The second hurdle fails to recognise the business model that financially incentivises completed deliveries by the drivers, nor does it require any record keeping of compliance, only that the delivery person receives instructions to check proof-of-age ID. Whether or not the delivery person actually checks ID does not seem to be important, as long as they have been instructed to.

Of course we all know that no proof-of-age checking is perfect. Past weaknesses lay in easily tamperable laminated ID cards that could be borrowed from older siblings, but the bill's attempts to limit the online sale of alcohol—and I should add tobacco that is also delivered by the same businesses—to children are unacceptable in 2021. More bizarre is the failure of the bill to require digital age-verification technologies when New South Wales has already legislated to require them for alcohol sales from June next year. I feel a bit silly having to remind the government of how online businesses work, but the companies operating in New South Wales are the same ones that operate in Victoria, and people use the same version of an app to order alcohol regardless of what state they are in. So by next year all Victorians will already have the required digital technology on their phones to meet the New South Wales requirements. Is the Victorian government really saying that we should not use it? Nor does legislating mean banking on some unproven technology. The digital infrastructure to effectively check digital ID is already in place. The Keypass digital ID can be used when entering licensed venues in Victoria. Therefore, under standing orders, I wish to advise the house of amendments to this bill and request that they be circulated.

Greens amendments circulated by Dr READ under standing orders.

Dr READ: For reasons I have outlined, my first amendment will require digital identification checks before online alcohol sales can be confirmed, meaning Victorians will be required to use the existing online age-verification services. I have allowed 11 months for this to commence, which means Victoria's system will come into effect at the same time as in New South Wales. I have a further amendment that recognises that licensees and employees both operate in a business model where there are financial incentives for deliveries to be completed regardless of potential harm, and also costs when alcohol is returned to the business by a delivery driver. Such an environment creates a perverse incentive for employers and employees or agents to make all deliveries, regardless of whether doing so breaches

the rules aimed at reducing the harm from alcohol delivery. These deliveries are often made by younger, vulnerable casual workers who generally are not directly employed by the alcohol licensee. My amendments offer some protections for delivery drivers who do the right thing by making it an offence for licence-holders—that is, the business—to withhold payment or similarly penalise drivers who return alcohol deliveries when the recipient is a child or intoxicated or is not present to receive the order. New South Wales has similar laws to these. I would expect that such minimum protections for working Victorians would get even greater support from a Victorian Labor government.

I want to return now to the important family violence aspects of the bill. I outlined earlier why it is important that contemporary liquor regulation recognises the role of alcohol in the problem of family violence, primarily because we know that alcohol contributes to more frequent and severe family violence by perpetrators. Now, I accept that the government has consulted widely on these reforms, including with community and family violence stakeholders as they were required to by recommendation 93 of the Royal Commission into Family Violence, but to me this is what makes the bill disappointing. I note that my disappointment, by the way, is shared by victim-survivors. What the bill does is it inserts a definition of alcohol harm into the Liquor Control Reform Act 1998, which will include reference to family violence and other community-level harms, including injury and property damage, but that is it.

The bill defines family violence but then does next to nothing to limit the additional damage caused by the ever-increasing volumes of alcohol being delivered directly into family homes a matter of minutes after being ordered. This government has done many good things on the issue of family violence, and I have heard moving contributions in this place by members on this issue, but good speeches do not amount to much unless the government seizes this opportunity to protect a woman who knows she is in danger after the alcohol van arrives. These businesses promise very quick delivery—under 20 minutes. Victim-survivors of family violence want this bill to set a minimum delay between ordering and when the alcohol arrives at the doorstep, and there is no delay in this bill. A delay would allow the violent drinker to sober up or pass out. It might allow that woman time to escape. So my final amendment to this bill requires that alcohol cannot be delivered to a person's home less than 90 minutes after it was ordered. There is an exception for restaurant and cafe licensees providing limited volumes of alcohol with food.

Of course the protection provided by this amendment is not perfect, and it does not address the root cause of men's violence in the home, but it is also likely that in some circumstances this delay will limit alcohol-fuelled violence in the home. I concede that imposing a delay does limit a person's ability to have large quantities of alcohol delivered to their door almost immediately, but is waiting 90 minutes unreasonable when compared to the damage a family violence perpetrator might do?

The government has said that they may at some future date be able to set regulations to achieve some of the objectives in my amendments, but as recent history demonstrates this government has been very obliging to the alcohol and gambling industries. Here, it is watering down even the most basic harm minimisation legislation and essentially allowing self-regulation. We do not have to look too hard to see how well such an approach works out in the end.

I am also aware that there are many other potential problems and loopholes in this bill, and I have only proposed three amendments, representing the absolute minimum required for this bill to be of significant benefit to public health. I know there will be considerable scrutiny in the other place, and the Greens will definitely be looking at further amendments at that time. As one victim-survivor recently said, this bill is not just about changing lines on a piece of legislation. Our decision has a real impact on people's lives.

Mr KENNEDY (Hawthorn) (18:42): I am delighted to speak today in support of this important liquor licensing reform measure aimed at further modernising Victoria's liquor licensing regime for the online era and providing for the minimisation of harm to be a principal object of the bill. We have just been hearing from the member for Brunswick comments that will challenge us in terms of

implementation if not in any other way, but implementation is going to be very, very important. I have also heard comments from the member for Euroa, and I will need to say a bit more about that, I am afraid, in terms of the concern over the dry areas, which is just light years apart from the concerns of the member for Brunswick, I would have thought.

Let me continue. This bill will see the government's second phase of licensing reform built upon the government's Liquor Control Reform Act 1998 and designed to modernise our regulatory framework and minimise the effects of alcohol misuse and abuse while acknowledging the positive effects—culturally, economically and also on employment—that result from licensed premises in our society. In short, this bill is about making the act fit for our times. These reforms will balance the need for harm minimisation measures and also reducing unnecessary and unfair red tape for the industry.

Let me explore a few of the key features. The ones that I have selected tonight are the dry area polls, harm minimisation, the risk at point of supply and, if there is time left for it, supply to minors, red tape and appeal rights for proprietors. We will see how we go.

If we look at the dry area polls, in making the act fit for our times the legislation involves a matter of particular relevance to my electorate of Hawthorn—namely, the infamous Boroondara dry area. The affected areas within the electorate of Hawthorn and neighbouring electorates of Box Hill and Burwood include parts of Glen Iris, Camberwell and Canterbury. In acknowledging that there are conscientiously held views on both sides of the proposed provisions, it is important to note the following. One, the status quo reflects the prohibitionist movement of the 1920s—Al Capone and that sort of thing—when the local option vote was enacted. Dry areas are relics from another age. It is time to move on, and this is what the government is prepared to do now. The second thing is that the licences involved today are for general-purpose hotels, on-premises bars or club licences, and a licence cannot be granted unless a vote of electors in the neighbourhood of the proposed licensed venue indicates a majority of electors support the application. No vote is currently required for BYO permits or restaurant and cafe licences. Since 2004 the Victorian Electoral Commission has conducted polls which have cost almost \$500 000. On average polls cost about \$10 000. Residents failing to vote are subject to a fine of \$80, with a reminder penalty of \$25 should they be tardy in paying up. This is an extraordinary financial burden on both proprietors and local residents. Now, this will interest you: 56 dry area polls have been conducted since 2000. Only one—I repeat, one—vote in the City of Whitehorse resulted in a licence application being refused. This statistic underscores the point that the existing measures are outdated.

The government's policy, set out in the Premier's 5 November 2018 election commitment, has been to end the anachronism of dry area polls by bringing all Victorians under the same licensing rules. There has been an outrageous fear campaign started by members of the opposition in the other place and continued on here by the member for Euroa. I was just surprised, really. In a completely different vein to the sorts of important things that the member for Brunswick was talking about, we had this business from the member for Euroa:

I am sure that the member for Kew will wish to go into further detail on this, as no doubt Mr Davis and Ms Crozier in the other place will also, but they have received literally thousands of responses to their survey, which has overwhelmingly supported the retention of the dry zone.

And it goes on from the member for Euroa. The claims really are quite farcical when you think about it. They would have us believe that nightclubs and pokie machines would open on every street corner were this bill to pass. We heard from the member for Box Hill on just this very thing earlier today. It does not take much to see that these claims are overblown. There are plenty of areas in my electorate and indeed in the broader city and state where dry area measures are not in place, and those residents did not suddenly wake up one morning to find that a new nightclub had all of a sudden appeared at the end of the street. This has really been unhelpful in all this discussion, I would have to say, to be frank. They claim that the community have lost their voice—this is on the dry area business by the way, nothing to do with the more important matters raised by the member for Brunswick. Again it is simply untrue. The community will have the right to object to liquor licensing applications as set out in the

original act. The abolition of dry zone polls will simply mean that the same application processes apply across these local government areas as the rest of the state. This includes compliance with applicable local laws and planning permits. The community therefore have the right to object through the council process or directly to the Victorian Commission for Gambling and Liquor Regulation. The bill also makes a number of changes to make the serving and selling of liquor safer than it has been before.

So we have in this the aim of further harm minimisation. The commission will be obliged to consider the matter of harm as a principal object of the bill in all licensing applications. This mandatory measure on family violence and other social harms such as injury and property damage will, it is intended, advance the recommendations of the Royal Commission into Family Violence.

We also have the issue of the risk at the point of supply. As a higher level local community risk is thought to attach to larger packaged liquor outlets with a floor space greater than 750 square metres, if you please, licence applications of this type will receive a more rigorous commission review requiring community consultation and an impact statement, establishing a new online vendor licence category for those vendors supplying packaged liquor for purchase through internet and online orders. Delivery to persons who appear to be intoxicated will be prohibited, as will be same-day unattended deliveries and unattended deliveries on any day it is the customer's first delivery. There are issues about the risk of supply to minors. Again, 150 metres distance at least from a school is one of the provisions that are there.

An important aspect of it is getting rid of the red tape. You know the phrase 'getting defeated in detail', and that is what can happen. If you have got red tape, it can count against you, can't it, and count against what you are trying to do and so on. So any attempt to remove red tape is always to be welcomed, I would suggest. It delivers relief from the burden of red tape and regulation by expanding the scope of restaurant and cafe licences to permit a limited quantity of packaged alcohol to be included with a takeaway or delivery meal.

I would just like to conclude by saying that this is really a most important bill. I am very disappointed with the work of two other people in the other house who have been spending a lot of money, too much money, on letters to people whipping up trouble on the dry area business. It is just a little bit over the top. I commend the bill.

Mr CARBINES (Ivanhoe) (18:52): I am pleased to follow the member for Hawthorn on the Liquor Control Reform Amendment Bill 2021, in particular in deference to members in this place, particularly the member for Hawthorn and others who have a particular interest in these matters given they affect the communities that they represent. But also it picks up on the fact that having been a candidate prior to his election the member for Hawthorn will well know that much of what is outlined in this bill was affirmed by voters at the ballot box at the last election in overwhelming numbers that also saw the member for Hawthorn of course swept into this place—and part of the policy commitments that we are delivering on in legislation in the Liquor Control Reform Amendment Bill reflect that affirmation at the ballot box nearly three years ago.

In particular I want to pick up too on a couple of the matters that the member for Hawthorn has raised in relation to dry areas. That certainly was an area of interest through the campaign. Certainly as a past Banyule City councillor I also know, as you would, Acting Speaker Dimopoulos, the role that local government plays in relation to liquor reform and liquor regulation in local communities, and we have seen that too in the support that we have sought to provide to many hospitality and small businesses around liquor licensing, compensation, support, financial assistance and engagement through the global pandemic that has been COVID.

When we look at those opposite and they are mired in the past, and when we go back to the Roaring Twenties and 1920, when we look at the time when the dry areas were created here in Victoria in what are now the cities of Boroondara and Whitehorse—and a shout-out to the past CEO of Banyule City Council who is now at Whitehorse, Simon McMillan, doing a fine job over there as he did at

Banyule—of course it is not surprising that those opposite from conservative parties are not big on change. They are not very rational in relation to leaving things as they are, as they have ever been and as they always were. That is the motivation, rather than any great common sense.

So when we look at some of the figures that even the member for Hawthorn touched on, since 2004 the polls that have been conducted around liquor licensing applications have cost nearly half a million dollars, and the abolition of those dry areas will mean the provisions of the Liquor Control Reform Act 1998 will apply consistently across the whole state. Well, what is wrong with that? I would have thought that those opposite, who extol these claims of virtues around cutting red tape and free enterprise, dog eat dog, get your own dog, go and run everyone down as best you can and let a thousand flowers bloom regardless of your capacity to kick on, would support this. What I think is interesting here in relation to these matters is their view that nothing can change in these communities, when really the constituents have not only voted for and affirmed a proposal that we took to the election but we have already seen in relation to day-to-day activities in the way in which liquor licensing regulations have been applied in those in local government areas (LGAs), for example, that the community has already not only moved well and truly beyond those dry area regulations but moved well beyond those opposite and their desire to leave those communities mired in the past and entangled in red tape.

We see that in relation to the *Age*, where it reported in February 2018 under ‘End of the dry: Melbourne’s only alcohol-free zone now teems with licensed venues’:

Melbourne’s only dry zone is two years short of its centenary, but locals say the area is dry in name only, as dozens of food venues are granted liquor licences and wine bars open for the first time.

To quote again, Jack Roach, a consultant to the Boroondara Residents Action Group, said the:

... old and now out-of-favour dry zone is now a non-issue as most residents do not object to the issuing of restaurant liquor licences.

But of course they are drawn into these matters outside of planning permits, liquor licensing regulations and appeals processes that apply through planning permits and the rest in a local government context because they are drawn into what are arcane arrangements that have been left untouched for decades.

So ultimately, as we have seen, not only with this legislation, in relation to this amendment bill which deals with an affirmation of election commitments that we have taken to the community and that have been endorsed, we are providing a level playing field for the small businesses and the hospitality industry and providing some clarity for local government and some clarity for local residents. This is the same application of the law and regulations—and very stringent and appropriate regulations—that this Parliament has continued to evolve and add onto and reflect community sentiment in relation to liquor licensing over very many decades.

Certainly at the time when I was growing up you did notice a great difference, growing up in West Preston and Heidelberg and moving across to the other side of the Yarra, with some of these quaint arrangements that were in place. I respect all communities, and you reflect I think as much as possible on the engagement and the way a community develops, its geography and its architecture and its thriving shopping strips and its activity centres. All these things in large part are reflected in planning law, they are reflected in liquor licensing law, they are reflected in a range of height limits and all kinds of density and engagements that we see have built up over time, decade upon decade. They are a reflection of community sentiment, community engagement, but what we have perhaps found in some of that, when you look at the historical context of many of the towns and suburbs that are affected in the dry areas reforms that we have put forward here that have had wide and extensive consultation, let alone been taken to an election, is that it does reflect the architecture and the engagement and some of the arrangements that have happened historically in those communities and how centres of activity have developed. But in more recent times, as I just reflected on with that article, the constant approvals and support for liquor licensing arrangements have probably put an onerous burden on those communities to be drawn in to make those determinations where a similar business owner engaging

to seek the same appropriations and arrangements as a neighbouring LGA has to go through a different process, and it is just unfair, it is not equal, it is not appropriate and it is not reasonable.

And so the changes really reflect a philosophy, too, on this side of the house that there should be an equality in how the law and the regulations apply to all Victorians, and we are righting that. We have not just chosen to do it; we put that to people in those communities and actually found, amongst their determination to affirm their support for our government and its policies, that that election put a few more people in this place on this side of the house to advocate and advance those interests.

I would just say further, having listened to the contribution from the member for Brunswick, there is not too much, I think, to be in disagreement about on those matters. Of course he is someone who has worked very much in the public health space and elsewhere in his working life. I think there are a range of challenges that the house continues to deal with in relation to alcohol, its availability, its advertising and its regulation. These are really serious and important matters. This legislation seeks to deal with a certain range of amendments, again touching on those implementation measures around improving or providing flexibility to assist licensees during the COVID recovery and future states of emergency. These things then prompt legislative change, but it also deals with the dry areas legislative commitment and a couple of the other matters that relate to phase 2 of the government's review of the act and to reducing compliance, red tape and that burden. So I think there will be other opportunities to continue advancing the public health matters that the member for Brunswick has raised.

I want to also commend Sandro Demaio for the work that is happening at VicHealth. I think we have seen in the past couple of years a greater reason for being at VicHealth in his passion and desire to continue to advance the public health interests of all the Victorian community, particularly those who need that advocacy most to improve their health outcomes. But I do think that this legislation in particular and the amendments that we are making have been affirmed by the Victorian community. They provide equality of the law and its regulations as they apply across different communities across the state. That is something that is important to us all. There is some further work that we need to continue to do around liquor licensing, and I commend the bill to the house.

Mr EDBROOKE (Frankston) (19:03): It is an absolute pleasure to rise this evening and speak on the Liquor Control Reform Amendment Bill 2021. As we have heard so eloquently put by members on this side of the house, this is amending an act that is well over 20 years old now, and of course since its introduction into Victorian legislation there have been many changes, many innovations and things that would not have even been thought of when this act was introduced originally.

In particular I guess we are talking about things like off-premises ordering and online deliveries, which are not particularly addressed in this act now. You would not expect them to be, and that is why we are here today, but this has led to inconsistent regulation as well. The bill also will modernise the act by directly addressing online ordering and delivery and applying clear and consistent provisions that apply to all licensees who supply liquor online.

I am absolutely shocked—absolutely shocked—to hear that members of the opposition in the upper house have tried to make a campaign out of dry areas. Before maybe six or seven years ago I had not heard of a dry area, and I am not sure what that even refers to these days. We have local government for a reason, and these dry area polls seem to undermine the significant work of local government. We do not have a poll every time there is a new planning permit applied for to build something. It does not make sense to me and it is very archaic. But I will pick up on the previous speaker's opinion on this, and I agree totally: it is very bizarre to be standing up here and be hearing from those opposite, the supposed purveyors of free business and the party of free enterprise, talking about how they want to keep red tape that is 100 years old.

People were actually pulling kegs in carts in those days. We want to keep that legislation here and now. It does not quite make sense; it seems like it has got very political. I for one have not heard anyone say that this would affect them in a way that would be negative; indeed we have heard from

the member for Hawthorn that it would save money. And that is a good thing, because if we have had that many applications come through with these polls in the last 10 years, as he referred to, and only one of them was rejected, it says quite a bit, doesn't it?

Of course licensing alcohol and regulating the sale of alcohol is very, very important. I will take you back five or six years to being elected a first-term member for Frankston. One of the things we looked at was how we improve amenity and safety for people in Frankston, and unsurprisingly to people like me, who worked on the streets in Frankston and many other suburbs that have the same issues, alcohol was the number one issue. We like to think that it is more like the movies and whatnot, but alcohol is a huge issue in many communities. It is the number one issue. It is not ice; it is prescription drugs and it is alcohol. I trust Frankston council to make the correct decisions, and I think we should be trusting Whitehorse and Boroondara councils to do that too. That is why we elect those people—that is democracy—and I think that people made their decision at the last election, where they thoroughly endorsed those changes as well.

I would like to just address, though, some of the amendments that have been put forward. And I would like to do this respectfully, because I think the member for Brunswick did put these amendments forward in good faith. However, I think there are issues with these amendments, and I just wanted to respectfully go through them. I heard the member for Brunswick talking about how we should require digital identification checks online before alcohol sales can be made, and he has gone into some detail on that. I would remind him that in the legislation in Victoria, and in this bill, the proposed amendment is for all online orders. He referred to New South Wales, and in New South Wales there is an age verification requirement, but that is only restricted to same-day deliveries as well. I think the path forward from here is some consultation and asking what people in this industry and what consumers actually want and what delivery drivers might actually want. It is always best to ask the stakeholders. I am not sure if and when and how there was community consultation undertaken—and I am not going to question that here—but I think it is preferable to do that consultation before enshrining in legislation rules and laws that are either inflexible or just do not work in any area.

The second part of the Greens amendment was to create an offence for licence-holders to withhold payment or similarly penalise delivery drivers who return alcohol deliveries when the recipient is a minor and intoxicated or is not present to receive the order. This is based on the fact that the legislation requires a delivery driver to ask to see some identification. Again, it is about community consultation. The proposed amendment assumes that this is what has been asked for, and I have got to say I have asked a few questions in briefings and I have not heard that this has been asked for by any stakeholders. It might have been—the Greens might have their own datasets for that, but certainly I have not seen them. The amendment also presumes that there is a direct relationship or another financial relationship between the employer and the employee, and that is not always the case.

So putting this amendment forward without putting those thoughts into it and working out what is actually going to work could lead to unintended consequences that are quite negative. Now, that is not to bring down some nice, progressive thinking, but it is to say that practically when you are building legislation and you are changing business models effectively, you have to go to the people at the coalface who it affects and actually ask them. Much like the dry area polls, that decision was made over a state poll, and that has been done. This bill has required quite a bit of consultation to support what we are doing, and we will always consult the community in order to make these changes.

There is also a thought bubble to introduce a 90-minute delay, or a sobering-up period, for alcohol deliveries, excluding cafes and restaurants. Now, the government has committed to monitoring the impact of on-demand delivery on the community, together with the Department of Health of course, but the proposed Greens amendment actually exempts restaurants and cafe licensees as they deliver meals with alcohol. However, it does not also carve out licensees that currently deliver alcohol with a meal under other licences, such as clubs, renewable limited licensees and some on-premises licensees who operate like restaurants as well. Further, there has been no cost-benefit analysis of this in regard to the proposal itself and also in terms of its commercial impact and its potential to address harm.

This bill is all about addressing harm, and we have heard people today talk about the consequences of alcohol in our community. They are wide, they are far, they are varied and on the whole they are negative. The thought that when there is a sporting competition family violence rates go up and that is combined with alcohol advertising and that is combined with a culture, I guess, is very, very alarming. It is a culture change that we need to have here. It is not about banning people from drinking or banning people from gambling. It is actually about responsible regulation in partnership with the community of Victoria. To come to this house with the great responsibility of being an elected government, we listen to people. This government listens to our communities, and they have led us to the path where we are today, putting this legislation forward.

Especially in the dry area poll sense of the legislation, it has been wholly endorsed by the communities involved, and for my community of Frankston I see this legislation as taking us forward into the future and taking into account those things that were not thought of 20 years ago, as we do so many times when we stand in this chamber. Also I think the public is actually past the dry area poll debate. I think that is done and dusted. It was a rum-runner, Al Capone-kind-of-era policy, and it probably was good at the time. It probably did what it set out to do at the time, but it is just not doing it now and we need to move with the future. I thoroughly commend this bill to the house and wish it a speedy passage.

Following speeches incorporated in accordance with resolution of house of 7 September:

Ms BRITNELL (South-West Coast)

I make this contribution on the Liquor Control Reform Amendment Bill 2021 having just spoken to a number of liquor licence holders in my electorate who are on their knees and struggling with yet another statewide lockdown.

This bill makes several amendments to the Liquor Control Reform Act 1998 to implement the outcomes of the government's review of that act. It aims to cut red tape, modernise laws applying to liquor and hospitality and to ensure the harm minimisation measures in the bill are as effective as they can be.

As has been stated—we won't be opposing the bill but will be moving some amendments to address the concerns that the shadow minister, the member for Euroa, has outlined in her speech.

I was concerned that there would be issues created by requiring the person who is ordering liquor online to be the one to receive that delivery. But I understand the government has since made amendments to this change.

In my electorate we have a number of small boutique producers—like Noodeldoof in Koroit, run by Sam Rudolph and Alex Carr; the Timboon Railway Shed Distillery, which may not be located within my electorate boundaries but owner Josh Walker is a constituent of South-West Coast; and Shane Clancey's Basalt winery at Killarney, who have turned to gifting and hampers as a way to overcome the restrictions that have been placed on their businesses.

This will mean that if someone in Melbourne wants to organise a bottle of whiskey from Timboon, a sixpack of pale ale or stout from Koroit or a riesling from Killarney for their dad who lives in the south-west for Father's Day—then those businesses I mentioned above won't actually be able to deliver it because the father wasn't the person who ordered it.

I am very glad to see the government has recognised this and has made sensible amendments here to ensure that these businesses who are already struggling because of 18 months of restrictions and closures can still support themselves after finding a way to pivot and adapt their business.

While we are speaking about support and liquor licensing, I want to touch on the shambles of the business costs assistance program and the Licensed Hospitality Venue Fund payments that the Labor government has promised.

Victoria has been locked down more than any other place in the world. Businesses are on their knees. They have been destroyed by the continued restrictions that have been put on them.

These businesses aren't on their knees because they aren't viable, it's not a reflection on their business acumen—they are being forced into this position by government restrictions. While some businesses are doing well, our hospitality sector is absolutely crippled by the government's approach.

The Premier has said it's a small price to pay, but for the businesses who have been absolutely destroyed by blanket lockdowns, they are paying the biggest price.

I just got off the phone from Michael Pickles who owns the Royal Hotel in Portland—he's decided to close his business even for takeaway for the rest of this lockdown because he is still waiting for those supposed 'automatic payments' to come through.

Michael last received a support payment in June—but there's been nothing since. Without those payments it's just not viable for him to keep his doors open. He still has expenses, he still has costs that he needs to make but can't because he has been shut down by the government, in Portland, 400 kilometres away from the nearest exposure site of active case of coronavirus.

I've had calls from pubs and restaurants across my electorate who just get no information about their support payments, their applications have been left in limbo, there are constant errors in payments and processes and when they question it, they just get nothing in return.

They are just left in limbo, watching their applications, waiting for them to progress and keeping an eye on their bank accounts, hoping and waiting for those supposed automatic payments to come in.

But they are told to be patient, to wait, that the money is coming.

That's not good enough—it's not fair. These businesses are on their knees, they are doing the best they can, they are trying to survive, but they are being held back by the government—first by statewide, blanket restrictions and then by delays and bureaucracy.

Small businesses like these are the backbone of our communities, they provide jobs and provide the state with taxation revenue that helps pay for doctors, nurses and teachers—but they are being treated with complete disdain by this government.

The support offered is a pittance of what is needed to cover the damage caused by the continued lockdowns and then what is available to them isn't paid in a timely manner or isn't being paid at all.

My region has been locked down under incredibly harsh restrictions for months—it's hurting businesses and it's hurting people. People are tired, they are over the blanket rules 18 months after the pandemic began, they expected we would move to a more nuanced approach.

They accept the need for restrictions when there is an outbreak, but they don't accept places like Portland, where there hasn't been a case for over a year and is 400 kilometres from the nearest active case, being placed into a hard, harsh lockdown.

They want a localised approach, they want rapid testing to help get us open. My region is doing their bit—we have some of the highest vaccination rates in the state, we have stayed home, we have stayed away from family and friends. We just want some respect, we want the Premier to tell us what his plans are to open our hospitality and licensed venues.

Overall the bill makes some sensible changes and will help the hospitality industry when it is eventually allowed to reopen. That's absolutely something I support; these businesses have been through the wringer over the past 18 months and we need to be making it easier for them when they are able to welcome people back.

I support the amendments moved by the shadow minister and I implore the Andrews government to move away from blanket statewide lockdowns that are crippling our hospitality and licensed venues.

Mr FOWLES (Burwood)

It is my pleasure to rise this evening to make a contribution to the Liquor Control Reform Amendment Bill 2021.

This is especially the case as this bill deals with an important issue for my community, the abolition of the dry zones within the cities of Boroondara and Whitehorse, which includes parts of my electorate of Burwood as well as parts of the electorates of Box Hill, Hawthorn and Kew.

Speaker, the dry zone was always a source of some confusion and perhaps amusement to me and my friends when we were growing up. With the western side of Burke Road, Camberwell, full of licensed restaurants and pubs, but the eastern side completely bereft of licensed venues, it always felt like absurd and arbitrary bureaucratic overreach. What was it about Camberwell that was so very different from Hawthorn East as to require these special rules?

When we discovered that the dry zone was subjected to a referendum requirement, perhaps the only piece of statutorily enshrined, direct, deliberative democracy in the nation, the sense of absurdity was compounded. So, we can't vote on whether tertiary education is fully funded, or whether public transport should be free, or whether we should go to war, but we can vote on individual liquor licences? It was absurd then and it's absurd now. Our model of representative democracy, at the local, state or federal levels, does not presuppose the decision-making is outsourced on particular policy matters. The cities of Boroondara and Whitehorse

routinely make decisions that are far more impactful than whether a local pizza joint can sell grog or not. As they should.

Dry zones were established in our local area during the 1920s and exist nowhere else in the state. This regulation forces residents to participate in compulsory polls on liquor licences or face an \$83 fine. Since 2004, these polls have cost taxpayers more than \$500 000.

In addition to the abolition of dry zones, the Liquor Control Reform Amendment Bill 2021 strengthens harm minimisation measures to protect our community. This includes broadening the definition of harm to include family violence, strengthening safeguards around liquor delivery and specifying types of advertising that can be banned.

The review of the Liquor Control Reform Act 1998 (the act) considered the effectiveness of the act's harm minimisation measures, including the degree to which they can play a part in minimising the incidence of family violence, as recommended by the Royal Commission into Family Violence.

The proposed amendments to the act included in the bill recognise family violence as a harm associated with alcohol. This definition will provide greater clarity and certainty for the regulator, the Victorian Commission for Gambling and Liquor Regulation (VCGLR), which must consider the objects of the act in its decisions. The definition will include family violence and other community-level harms, including injury and property damage.

Including family violence in the definition of harm is an important measure in acting upon the recommendation of the Royal Commission into Family Violence that the review consider family violence and alcohol-related harms, confirming its relevance in relation to liquor regulation for the VCGLR and the community.

The bill also recognises the significant impact of the COVID-19 pandemic on industry and amends the act to make support for industry easier to access and to be more efficiently provided by the regulator. The bill will empower the minister to authorise licensees to supply a limited volume of packaged liquor during a state of emergency as well as provide the regulator with the ability to perform its duties during a state of emergency.

Speaker, this bill is a very important piece of reform work. Not only does it acquit an election commitment that will bring much of my electorate into the 21st century, responding to the review of the act, it addresses a key recommendation from the Royal Commission into Family Violence.

It is sensible and proportionate, it cuts red tape, it vests decision making responsibilities where they should be vested, and I commend it to the house.

Mr McCURDY (Ovens Valley)

I rise today to make a brief contribution to the Liquor Control Reform Amendment Bill 2021.

But before I do, I want to reach out to all the hospitality businesses in the Ovens Valley, and as we are discussing liquor control and regulation, it is fair to say that the pubs, clubs and wineries within the magnificent Ovens Valley, and they are towns like Bright and Myrtleford, of Wangaratta and Cobram and Yarrowonga on the Murray River and of course all of the wineries in the beautiful King Valley, I have grave concerns for their ability to trade under such tight restrictions. I mean, 10 people indoors and 20 people outdoors makes it very difficult for businesses to offer all of their wonderful food and beverages, or for some businesses they will not be able to open as their costs will not be covered with such low numbers.

Now, I don't want to stop regional people from getting out and opening up but I suggest to be cautious that your preferred venue is reopening and has available spots.

Now on the bill, there are two main aims, firstly, to reduce red tape and regulatory burden on industry, and the other, to consider the harm of alcohol.

It is not lost on me that there are many things within this bill that are quite disputed by stakeholders.

We had very wide consultation with a range of stakeholders, both from alcohol change groups but also from industry, and across a very wide section of industry.

I do believe that there are some good aspects to this bill. For example, clause 52 gives parties the ability to have an internal review decision made by the commission actually reviewed at VCAT rather than the current process, which assists them to take it to the Supreme Court. Furthermore, strengthening on the prohibition of the licensing of petrol stations and convenience stores is also wise.

I want to point out that the government undertook a regulatory impact statement on this bill, but it has refused to release the details, saying that goes against cabinet in confidence. This is a further lack of transparency which Victorians have come to know as a regular trait of the Andrews government for Melbourne.

This is somewhat disappointing in that I think this bill does make such substantial changes that the Parliament and the public have a right to see the details of that in more depth, and I am sure that that is canvassed in greater detail within the regulatory impact statement.

As the shadow minister, the member for Euroa has pointed out that there was no exposure draft of this bill released. The amendments that we have had moved is obvious that there has actually been a significant issue with this bill.

Again we see another bill come to Parliament with shortfalls and omissions that the opposition need to point out again. With those brief comments I commend the bill to the house.

Mr NORTHE (Morwell)

I welcome the opportunity to make a contribution to the Liquor Control Reform Amendment Bill 2021. This bill amends the Liquor Control Reform Act 1998 with the intent to reform the categories of licences authorising the supply of liquor, including the introduction of a new licence category, to address the risks of large packaged liquor outlets in order to reduce harm, to make amendments to the review of decisions, to abolish dry areas and to make other related amendments to improve the operation of that act and for other purposes. Specifically the bill seeks to make the following six primary amendments:

- 1: To make amendments to certain licences authorising the supply of liquor, including the introduction of a new licence category for online-only vendors of packaged liquor.
- 2: To make amendments to the application and objection process for licences that apply to large packaged liquor outlets in order to reduce harm.
- 3: To make amendments to the review of decisions made by the Victorian Commission for Gambling and Liquor Regulation.
- 4: To introduce a new mechanism for VCAT to review decisions made by the Victorian Commission for Gambling and Liquor Regulation on internal review.
- 5: To abolish restrictions relating to the granting of liquor licences in dry areas.
- 6: To make other related amendments to improve the operation of that act.

As is noted in the second-reading speech, a review of the act commenced in November 2016 with the second phase of the review now seeking to introduce amendments including those related to how improved liquor regulation may be a tool in helping to reduce the incidence of family violence. Indeed on this very point the Royal Commission into Family Violence in Victoria sought to ensure the said review captured the links between alcohol use and abuse and family violence. This bill introduces the definition of 'harm' into the act and therefore includes family violence as a consideration the Victorian Commission for Gambling and Liquor Regulation (VCGLR) must give in its liquor regulation determinations. Whilst I would argue that the vast majority of the community consume alcohol responsibly the reality is there are some who have bad experiences with alcohol and that can also negatively impact those in and around that person's network. Whilst the insertion of 'harm' into the act makes sense on a number of levels, how 'harm' to one's mental health is determined by the regulator in terms of liquor regulation is somewhat unclear.

In terms of other aspects of the bill that might be of interest to my community include that applications for large packaged liquor outlets with a floor space greater than 750 square metres will be considered high-risk applications. This will lead to a more thorough planning process including the requirement for a community impact statement to be included. There are greater flexibilities in terms of what alcohol advertising might be banned in certain circumstances, including advertising of a sexual nature or that contains violence. The purposes include ensuring minors are not swayed by such advertising. In what has been an awful time for the hospitality industry it is pleasing to see some positive changes. For cafes, restaurants, on-premises and general licences they will be able to supply liquor on premises as of right for an additional 2 hours which now takes the allowable time from 11.00 pm to 1.00 am.

There are changes to the growing off-premises and alcohol delivery sector. To quote the second-reading speech:

The Bill will modernise the Act by directly addressing online ordering and delivery, applying clear and consistent provisions that apply to all licensees who supply liquor online.

At the moment it seems the act has not kept speed with the momentum of home-based alcohol delivery and times that have changed with respect to COVID restrictions. Of course there are provisions in place to align with the sale and consumption of alcohol laws and regulations in place such as delivering alcohol to minors and similar. The bill also creates an online vendor packaged liquor licence category to capture those businesses who supply liquor but don't necessarily have a retail premises. One question I would pose is 'What measures will be put in place with respect to days or hours where the sale of alcohol is not permitted in a retail setting? Will these same prohibition time lines apply to the online space?'

Part of the purpose of contributing to this bill is to raise the plight of many who hold liquor licences in the Morwell electorate. The restrictions imposed due to COVID-19 have caused enormous angst whether they be a café, restaurant, accommodation provider, pub, club, winery or florist who might supply liquor as part of their business operations. Whilst I understand there have been government business supports announced, the reality is that there is a significant difference between the amount of government funding received and the actuality of the losses incurred by the said business.

Many businesses have contacted me over the past 24 hours, including those who sell liquor, stating that they are dismayed by the apparent easing of restrictions in regional Victoria. For example, so many in the hospitality sector are stating that given they are only allowed in certain circumstances to have a maximum of 10 people inside their establishment and 20 outside, it is pointless to open their doors as to do so would mean operating at a loss. Remembering that some businesses only have a small footprint with no capacity to have outdoor customers so what are they to do? It's also important to point out that many regional businesses rely on the trade and visitation from people in the greater Melbourne area. Tourist, event and accommodation providers in regional areas will continue to be heavily impacted by lockdown in Melbourne. What I want to point out is that whilst some might say regional Victoria is out of lockdown the reality is many regional businesses are not and they will require continued support from all levels of government until lockdowns everywhere are over. Thank you for the opportunity to provide some feedback on the bill before us.

Ms STALEY (Ripon)

I contribute to the parliamentary debate on the Liquor Control Reform Amendment Bill 2021 and in particular the government house amendments to clause 17.

This bill makes many amendments to the Liquor Control Reform Act 1998 and the lead speaker for the opposition, the shadow minister for liquor control, the member for Euroa, admirably addressed the full scope of this bill. I am therefore restricting my contribution to clause 17 which in the original bill distributed by the government was highly problematic for many of the 50 wineries in Ripon.

Ripon is a golden area for Victorian wine, home to three wine regions and 50 wineries. Whether it is the majestic reds and sparkling shiraz of the Grampians region or the highly awarded reds of the Pyrenees or of course its award-winning sparkling, there is much to enjoy. And that's before I add the wineries of the Ballarat region—small in number but mighty in interest and diversity.

Many of the wineries of Ripon run active cellar doors as a key distribution channel. This channel has either been closed or so heavily restricted that it might as well have been closed for nearly 18 months. On top of that, the Chinese tariffs on Australian wine have closed another channel. Lastly, with the ongoing closures of Melbourne restaurants, a third major channel was removed.

I think about the cellar doors of Great Western, Best's at one end, Seppelt in the middle and Grampians Estate on the eastern side. All brilliant businesses run by local families. All contributing to the wine village atmosphere of Great Western. The home to some truly outstanding and awarded wines.

Or the equally charming wine village of Moonambel in the Pyrenees. Home to behemoths such as Taltarni and Blue Pyrenees but also the most boutique of boutique in Peerick, St Ignatius and Grape Farm Winery. And let's not forget the mainstays of Sally's Paddock, run by the Robb family, or Summerfield Winery, with Mark Summerfield at the helm. Again, Moonambel really punches above its weight in the quality stakes and the cellar door experience.

While I'm mentioning Ripon's wineries, there's many more from the Grampians that can't be omitted. Mount Langi Ghiran, Montara, Clarnette & Ludvigson Wines and SubRosa Wine all produce high quality wines. While I know this is akin to naming a favourite child; however, I can say this latest lockdown has seen me particularly enjoy the SubRosa Nebbiolo.

Now, having mentioned 14 wineries, I need to stress that should in no way diminish my admiration for the remaining 36 wineries located in Ripon—they all form part of a wine region that is at one level highly established yet also emerging. Best's has been in operation since 1866 and is one of Australia's oldest and continuously family-owned and operated wineries. Yet compared to the Yarra Valley or the Mornington Peninsula, the Grampians, Ballarat and Pyrenees wine regions are not as well known.

So, the original intent of clause 17 of this bill was particularly problematic for Ripon's wineries because it contained a prohibition on gifting wine through online sales. The region had pivoted away from cellar door to online sales and had done so in various innovative ways. For example, I gifted my brother-in-law a 'Seriously Shiraz Grampians Wine Tasting Masterclass at Home' for his 50th birthday. That allowed him to experience six Grampians wines, most he had never heard of before. I saw on his Instagram he had subsequently bought a Mount Langi Ghiran 2019 virtual wine tasting, proving the point that once people know about my region's wines, they love them.

Wine Victoria opposed the new section 18C(2) because it ‘poses a significant threat to the Victorian wine industry as wine is a common and customary gift for many occasions and celebrations such as engagements and birthdays’.

The opposition also recognised that the drafting of that section is highly problematic for the industry and opposed it in its original form. The government has now been forced to concede its original bill was faulty and has introduced house amendments to rectify its error and allow gifting of wine online.

Once again we have seen house amendments brought by the government because it has not undertaken proper consultation with industry. This is not the first time. A competent government would learn from previous errors yet has not. However, I am pleased a solution has been found in the end.

I appreciate this bill contains many other amendments to the Liquor Control Reform Act which I have not covered. Some are not relevant to the Ripon electorate and I leave comments on those clauses to others. In relation to clause 17, we now have a workable regulatory system for online alcohol purchases.

Mr PEARSON (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (19:13): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until later this day.

OCCUPATIONAL HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT BILL 2021

Second reading

Debate resumed on motion of Ms HORNE:

That this bill be now read a second time.

and Mr MORRIS’s amendment:

That all the words after ‘That’ be omitted and replaced with the words ‘this house refuses to read this bill a second time until the government has fully addressed concerns about the appropriateness of the provisions in the bill relating to powers of entry and offences by authorised representatives’.

Ms KILKENNY (Carrum) (19:13): It is a great honour to rise to contribute to the debate on the Occupational Health and Safety and Other Legislation Amendment Bill 2021. To start with, I would like to acknowledge the tremendous work of the Minister for Workplace Safety in the other place. The reforms and amendments in this bill are significant. They are important. They will improve the operation of the Occupational Health and Safety Act 2004 and other Victorian safety acts, including the Workplace Injury Rehabilitation and Compensation Act 2013, in relation to a number of really key areas: labour hire arrangements, insurance and indemnities, notice requirements and the powers of certain authorised representatives.

In summary, the bill will improve the rights of and protections for labour hire workers. It will ensure directors and officers cannot use insurance or indemnity arrangements to avoid liability to pay penalties for the consequences of a failure to comply with the law. It will streamline the electronic delivery of notices and reports by WorkSafe inspectors and allow infringement notices to be served electronically. It will give authorised representatives of registered employee associations and health and safety representatives a new power to take photos and measurements and make sketches and recordings when observing workplaces under the Occupational Health and Safety Act, and the bill will simplify procedures for disposing of or destroying property which has been seized by WorkSafe. As I said, these are really key, important measures. We know that our workplaces play a huge role in our physical, mental, economic and social wellbeing, and to this end occupational health and safety in our workplaces is absolutely critical.

These laws are not a choice. These are about duties, and they are about employers who owe a duty to every single employee to secure and maintain the health and safety and welfare of those workers. All

employers have a duty to eliminate workplace risk. And for workers, it matters not what industry you are in; as a worker, you are absolutely entitled to a work environment that is safe. That is why it is incumbent upon all governments of all persuasions to strengthen workplace safety laws. We need to make sure that workers rights are properly protected. We need to make sure that employers are accountable and that they are held to account for their actions if workers are injured, and we need to make sure that the bodies that are tasked with enforcing occupational health and safety laws can do so efficiently, responsibly, fairly and equitably. As a minimum, all workers, all Victorian families, deserve this. It is up to absolutely everyone to get this right, and that is why I am so proud that the Andrews Labor government is steadfastly committed to doing this. As I said, every single Victorian worker deserves these rights and every single Victorian deserves to come home safely from work every day; every single Victorian family deserves this. Over the past seven years we have seen the commitment by the Andrews Labor government to this cause, to implementing reforms to achieve this, including now with this bill before us.

As I mentioned, there are a number of key changes that this bill will implement. One of those will address labour hire arrangements, and this will give effect to recommendations from the 2016 inquiry into the labour hire industry and insecure work, the Forsyth inquiry. That inquiry identified quite significant gaps in rights and protections for labour hire workers under the Occupational Health and Safety Act because they are not defined as employees under the act, so it is a really significant gap. New section 5A in the Occupational Health and Safety Act will make sure that workers who are provided to perform work under a labour hire arrangement will be employees of the person for whom they are performing work. This will ensure that both the host employer and the labour hire agencies owe labour hire workers duties under the Occupational Health and Safety Act. Further, where agencies and host employers share those duties, they will have an absolute duty to consult and to cooperate with each other to make sure that those duties to the employee are met. So we are making sure that labour hire workers have the same rights and safety protections as all other workers. This is significant because we have seen a real increase in the use of labour hire arrangements. We have seen these vulnerabilities really exacerbated during the pandemic as well, so I think this is a really important step and an important commitment to the rights and welfare of workers who are engaged under labour hire arrangements. A breach of the duty, which is where there is a duty to consult and cooperate between the host employer and the labour hire agencies, will be punishable, and that is set out in the bill.

A further and significant change that has been proposed in this bill, and one which I am really proud to see in here, will prevent directors and officers from hiding behind indemnities or being insured for breaches of workplace safety laws. This responds directly to concerns that the ability of businesses to insure or indemnify themselves against penalties essentially undermines the whole effectiveness of penalties under our safety legislation and reduces that deterrence for employers. This is clearly not the intent of these laws, and this simply flies in the face of all that we are trying to do in affording protection and creating deterrence as well.

Under the bill a term of a contract or other agreement that purports to insure or indemnify a person for their individual liability to pay a pecuniary penalty will be void with immediate effect. This provision will apply to any kind of arrangement, including contracts of insurance and contracts of indemnity. For example, that might include a director's deed of indemnity or directors and officers insurance policies. Further, the bill will actually create offences relating to contracts that purport to indemnify or insure a person for the person's liability to pay a penalty. So under the bill it will be an offence to enter into, offer to enter into or be a party to such a contract or arrangement, it will be an offence to receive a benefit under a term of a contract or other arrangement and it will be an offence to provide a benefit under such a contract or arrangement. These are indictable offences with maximum penalties for both individuals and companies.

The other change I want to mention just briefly covers some new powers for health and safety representatives and authorised representatives of registered employee organisations. These representatives play a really important and fundamental role in our occupational health and safety

system, and under the act they are given powers to enter workplaces in certain circumstances. But those powers do not extend to taking evidence—for example, taking photographs or measurements or making sketches or recordings—when fulfilling their roles. These are important powers. Evidence like this can be very important to better inform agencies like WorkSafe or to better communicate issues directly with employers. The bill will address this by amending the act to provide these representatives with these additional powers. To support these additional powers, new guidance will be developed along with minor updates to other relevant guidance.

These are important changes which will improve the effective operation of our workplace health and safety laws. I want to acknowledge all Victorian families and all Victorian workers. I want to acknowledge those in the union movement who continue to fight for and defend safety laws and employment protection and help to give our occupational health and safety laws real meaning. So many of our reforms are the result of union campaigning, advocacy and representation.

I know that mental health is going to play a much bigger role in all of this, and I am really proud to see that our minister and this government are committed to this as well with Respect@Work, the Boland review of workplace sexual harassment and of course this government's Royal Commission into Victoria's Mental Health System. I want to commend the work of the minister, and I commend the bill to the house.

Mr TAYLOR (Bayswater) (19:23): It is with great pleasure that I rise in this place to speak in support of and speak on the Occupational Health and Safety and Other Legislation Amendment Bill 2021. Of course it is always a great privilege as a member of this Andrews Labor government in its second term to talk about further protecting and enshrining workers rights into the law, righting wrongs and making sure we continue to support Victorian workers, regardless of their employment across the board.

I would like to take this opportunity to acknowledge immediately the contribution before me by the member for Carrum. Her passion is obviously clear for ensuring we protect workers and provide them with safe workplaces. Every single person is entitled to feel safe in the workplace, to be provided with a safe workplace and to of course understand that their government will protect them and enshrine in legislation that protection to make sure that they feel that they can go to work and come home safely at the end of it. That is incredibly important. To hear that passion from not just the member for Carrum but to have the opportunity, not so much from this house physically during this week due to some of the restrictions and following that health advice but from the comfort of my office in Parliament and in my electorate office as well, to hear members speaking on this bill and their passion, essentially passion from this government about making sure we do not just pass this bill but continue on our strong track record of making sure that every single Victorian has a safe workplace—this bill goes to the very heart of that.

Of course this is very much a continuation of the Andrews Labor government's work since coming to government in 2014 and some very, very key things that it has delivered in this term of government—in its second term. We know around workplace safety and supporting workers rights when it comes to safety that whether it be the safety of construction workers, nurses, paramedics, teachers, supermarket workers or indeed any worker, each and every Victorian worker deserves an occupational health and safety system that is focused on prevention, on identifying and mitigating risks and on ensuring employers are providing workers with a safe workplace.

A member interjected.

Mr TAYLOR: Despite the good minister interjecting on my lack of a haircut of recent times—and I do intend to correct those wrongs when able to do so, when the health advice allows—I am very, very keen to pivot immediately back to this bill.

This bill does make me reflect on when I was a young lad growing up in Dandenong and even reflect on previous conversations with mates and with people across the community about why it is I joined

this great Labor Party at the age of 19, why I knew I was always going to be a Labor voter and of course what attracted me to progressive politics. It is because we—this Labor government and Labor governments before us and Labor governments after us—will always work in the interests of everyday workers and will always work in the interests of making sure we provide a safe workplace no matter where you work and no matter what kind of work you are involved in. And that is a track record that this government proudly has.

When it comes to workplace manslaughter, we continue to back in the work to support the families who we know have tragically lost loved ones to workplace accidents and have suffered too much, and our Labor government has made workplace manslaughter a crime once and for all. That was incredibly important work and I hope some solace for those families who have tragically lost loved ones.

Our nurse-to-patient ratios go to the very heart of making sure our nurses are getting every support to make sure that they feel safe in their workplace, and they are doing incredible work. This is a great opportunity of course, not having been in this place for some time, to take a moment of indulgence to again thank all the workers across my community—frontline workers and in particular our healthcare workers, our healthcare heroes. And ‘heroes’ we call them, because that is exactly what they are. Each and every single step of the way they have risen to the challenge—before this pandemic, during this pandemic—and they will continue to rise to the challenge to make sure they keep us all safe and care for us all, because we know we still have challenges ahead of us.

I would like to take this opportunity to say a sincere, heartfelt thankyou to our nurses, to our doctors, to our pharmacies, to all support staff and to each and every single person in between in our hospitals and right across the healthcare sector. You are doing an amazing job, whether it is caring for patients with COVID in hospital or whether it is caring for everyday patients in a COVID setting. We know that is incredibly challenging, whether it is our ICU nurses or our ICU staff. They are doing incredible work, and I am very, very proud that this government is a government that follows the health advice to provide them the safest possible workplace that we can. We know that challenges lie ahead—there is no doubting that—but following the health advice provides the best opportunity to provide them the safest possible workplace that we can, and we are doing that work in earnest of course. I am very, very proud of our track record—the second-term Andrews Labor government—in supporting workers, in enshrining important things into law, like workplace manslaughter, and in ensuring we have the appropriate enforcement and compliance, and this legislation here today will make sure we continue to do that work. I commend the bill to the house.

Following speeches incorporated in accordance with resolution of house of 7 September:

Mr CHEESEMAN (South Barwon)

It is my pleasure today to rise to make a contribution on the Occupational Health and Safety and Other Legislation Amendment Bill 2021. I know this bill is of significant important to the union movement, and unionists everywhere.

The Occupational Health and Safety and Other Legislation Amendment Bill 2021 (the bill) makes several changes to improve the operation of the Occupational Health and Safety Act 2004. The bill also makes supporting or consequential amendments to other legislation administered by WorkSafe, being the Dangerous Goods Act 1985 (DG act), Equipment (Public Safety) Act 1994 (E(PS) act) and Workplace Injury Rehabilitation and Compensation Act 2013 (WIRC act).

The bill has five separate elements.

Firstly, amendments that give labour hire workers the same rights and protections under the OHS act as ‘employees’ thereby improving the rights and protections of labour hire workers. It will also require labour hire providers and host employers to consult, cooperate and coordinate with each other when they share OHS act duties towards a labour hire worker. These amendments will come into effect six months after the bill commences.

Secondly, contracts which purport to insure or indemnify a person against liability to pay a pecuniary penalty for an offence under the OHS act, DG act and E(PS) act or their regulations will be prohibited. Any such terms in contracts will be rendered void. Entering into, offering, or being a party to such a contract will be an

offence, as will providing or receiving a benefit. Substantial penalties apply. The offence provisions will come into effect 12 months after the bill commences, but the provision rendering offending contractual terms void will commence immediately.

Thirdly, amendments to the OHS act, the DG act, the E(PS) act and the WIRC act will ensure a number of notices and reports issued by WorkSafe inspectors and health and safety representatives (HSRs) may be delivered electronically. This element of the bill largely resolves technical issues and inconsistencies relating to electronic service in the current law. However, it will also ensure that infringement notices may be served electronically when a WorkSafe infringement notice regime is introduced in the future. These amendments will come into effect immediately.

Fourthly, amendments to the OHS act will give a new power to authorised representatives of registered employee organisations (ARREOs) and HSRs allowing them to take photos, measurements, sketches and recordings, including video. ARREOs and HSRs will then be able to use the photos, recordings et cetera in support of their existing roles under the act, including by providing them to WorkSafe as evidence of suspected contraventions of the law. These amendments will come into effect immediately.

Finally, the bill will amend provisions relating to seizure and return of goods in the OHS act, DG act, E(PS) act and WIRC act to state that WorkSafe does not need to return seized items if the item is a copy of a document. Amendments to the OHS act, E(PS) act and WIRC act (but not the DG act) will also state that WorkSafe does not need to return seized items if the owner has relinquished ownership of the item in writing. WorkSafe can then destroy or otherwise dispose of those seized items. These amendments will come into effect immediately.

This is an important bill that is long overdue. I commend this bill to the house.

Ms COUZENS (Geelong)

I am pleased to contribute to the Occupational Health and Safety and Other Legislation Amendment Bill 2021.

I am proud of the Andrews government's commitment to keeping workers safe. Having been a delegate and president at the Geelong Trades Hall for many years I have heard a great deal about the workplace deaths and injuries that happened in Victoria.

Hearing from devastated families about the death or injury at work of their loved one clearly brought the realisation that poor health and safety practices have tragic consequences.

The member for Melton, in his contribution to this bill, talked passionately about his experience as a paramedic and the impact of attending workplace incidents.

These are stories we shouldn't be telling or hearing because workplace deaths and injuries are preventable. Sixty-eight workers died from workplace related injuries or illness in 2020, families, friends and work mates are grieving these unacceptable and preventable loss of loved ones.

The Labor government will always prioritise workplace safety; I am proud of our record.

When it comes to the safety of construction workers, nurses, paramedics, teachers, supermarket workers, indeed any worker, each and every Victorian worker deserves an occupational health and safety system that is focused on prevention, on identifying and mitigating risks and on ensuring employers are providing workers with a safe workplace.

We continue to back in the work of families who have lost loved ones to workplace accidents and have suffered too much, and this Labor Government has made workplace manslaughter a crime, once and for all.

These families campaigned in memory of the loved ones who never came home. They fought hard to ensure no-one else has to know the pain they know too well.

Our workplace manslaughter laws came into effect on 1 July 2020.

Yet when those laws were debated in this chamber, we witnessed the self-serving manoeuvring of opposition members, the very members who purport to be 'tough on crime' were the first to object to workplace manslaughter laws.

This bill is about making our workplace safety laws stronger and more effective in keeping workers safe.

The key areas in this bill include:

- Improving the rights and protections for labour hire workers.
- Ensuring that businesses can't use insurance or indemnity arrangements to dodge penalties for offences against workplace health and safety laws.
- Allowing for the electronic delivery of WorkSafe inspectors' reports, notices and infringements.

- Giving authorised representatives of registered employee organisations (ARREOs) and health and safety representatives (HSRs) the power to take photos, measurements, sketches and recordings when they exercise their important functions under the OHS act.

WorkSafe inspectors perform an important job enforcing workplace health and safety laws. They have a vital role in reducing work-related incidents, injuries, disease and death through the prevention, compliance and enforcement work that they do.

Every day, WorkSafe inspectors target unsafe workplace activity, respond to health and safety issues and deal with breaches of health and safety laws.

For the occupational health and safety system to be effective, workers need to be confident that they can raise safety issues with their employer, and the regulator, WorkSafe.

A key strength of our OHS system is the important role of health and safety representatives. Workers are entitled, and should be encouraged, to be represented in relation to health and safety issues.

Workers must be able to speak up about hazards in their workplaces—and advocate for the safety of themselves and their workmates.

Both health and safety representatives (HSRs) and authorised representatives of registered employee organisations (ARREOs) play a fundamental role in our occupational health and safety system.

An HSR is an elected and voluntary role. They are our workplace health and safety ‘first responders’, and it’s important they are equipped with the right tools to undertake this vital work.

An important element of this bill is providing the power for HSRs and ARREOs to take photographs, measurements, sketches or recordings of possible breaches of workplace safety laws.

These changes recognise that HSRs and ARREOs are often the first on the scene of a workplace incident. They are sensible changes that recognise the reality of our workplaces and the changes in technology since the provisions were originally enacted.

The changes mean they’ll be able to record—in real time—evidence of possible contraventions—and record material that will assist them in raising health and safety issues.

The bill makes clear that any photograph, measurement, sketch or recording taken must be used for the purposes intended under the OHS act.

There are clear and strong safeguards that exist against potential misuse of this power, and the bill clarifies the limitations on its use, so it is not used for improper purposes.

Existing limitations in the OHS act mean that an ARREO can only enter a workplace if they reasonably suspect that a contravention of the OHS act or regulations has occurred or is occurring.

It is offence under the OHS act for an ARREO to exercise their functions for purposes that are not reasonably connected with inquiring into a suspected contravention.

And this bill clarifies the offences in the OHS act to make clear that the use of this new function for a purpose not reasonably connected with the exercise of an ARREO’s power is not permitted.

Alongside these safeguards, the benefits of being able to record potential breaches of OHS laws will facilitate a more effective way for workers, representatives, employers and WorkSafe to exchange information about risks to health and safety and discuss measures that can be taken to eliminate or reduce those risks.

Employers and workers will be supported through implementation with new WorkSafe guidance, which will ensure they understand the new arrangements.

In terms of labour hire employment, this is an arrangement involving a worker, a labour hire company and a ‘host employer’. In the ordinary course of business, a labour hire worker attends the host employer’s worksite and will be supervised by the host employer or their staff.

Under these arrangements, the worker is not technically an ‘employee’ of the host employer. Instead, the labour hire worker is usually only an employee of the labour hire provider.

Most Victorian employers, from farmers to other small businesses, treat their workers properly and follow the rules, but we know that there are disturbing examples of unsafe practices which can lead to disastrous consequences.

There are several ways a labour hire worker might be more vulnerable to health and safety risks—perhaps it’s less experience, a smaller amount of discretion about the way tasks are performed or that they haven’t received specific training or an induction.

The very nature of this type of employment relationship should not be a barrier to safe work.

It shouldn't matter whether a worker is engaged via a labour hire provider or employed directly—every worker has a right to be safe.

The changes mean that labour hire workers will have rights to be represented on workplace health and safety matters at their host employer's workplace, including improved rights to require the establishment of a designated work group, a group of employees that perform similar jobs or have similar occupational health and safety concerns, and to stand for election as a health and safety representative.

It also means labour hire workers will be protected if a host discriminates against them on the basis that the worker raises a health and safety concern—a right that is permitted under the OHS act.

Secondly, this bill introduces a new duty that requires labour hire providers and host employers to consult, cooperate and coordinate with each other when they share duties under the OHS act towards labour hire workers.

This duty is based on a similar duty in the Model Work Health and Safety Act which is in force in other Australian states and territories.

This amendment ensures that labour hire providers and hosts are working together to ensure that they are meeting their duties, and ultimately doing what's needed to keep workers safe.

A proud achievement of this Labor government has been enshrining the workplace manslaughter offence in law—because there is nothing more important than every worker coming home safe every day.

Under these laws, employers who negligently cause a workplace death face fines of up to \$16.5 million.

One cannot begin to imagine the anguish felt by the families who have lost a loved one at work. We don't want any family to suffer that trauma.

This government continues to listen to the concerns of impacted families and stakeholders about further measures we can take to improve workplace safety. Stakeholder groups that were established to advise on the implementation of Victoria's landmark workplace manslaughter offence also called for the prohibition of insurance and indemnity arrangements which cover a business's liability to pay fines under workplace safety laws.

This bill closes this potential loophole by prohibiting these arrangements. Allowing businesses to access this kind of insurance or indemnity can only undermine the effectiveness of our important workplace safety laws.

This bill strengthens our workplace safety laws, expands worker rights and protections, boosts employer accountability and streamlines WorkSafe's enforcement.

I commend the bill to the house.

Mr EREN (Lara)

- I rise to speak to the house today regarding the Occupational Health and Safety and Other Legislation Amendment Bill 2021.
- Being safe at work is a fundamental workers right and the health and safety of Victorian workers will always be a top priority for this Labor government.
- It has also always been a priority for me personally.
- As the house may know, I was a former delegate for the vehicle builders union back in the 1980s.
- I worked for Ford for a number of years and in that time I was very proud to represent hundreds of workers at Ford and represent their rights.
- Back then it was a bit tough.
- Industrial relations was pretty much one-sided, but there was a change in the law which I will never forget and I thank John Cain for that—the occupational health and safety legislation that went through this house.
- I was one of the first union delegates that represented workers to be given that additional power of being not only a shop steward on the shop floor but also an occupational health and safety officer when that legislation was brand new.
- That way we had a couple of options as representatives of workers to not only protect workers from unsafe working conditions but also defend their rights as well.
- I am proud of all of those Labor governments that made an impact on workers' lives. It is important. If we want to grow the economy, it has to be conducive to a good, decent working environment where people get a fair day's pay for a fair day's work, and that is what today's bill is all about.

- I am so proud to be part of a government that is continuing to make sure that not only does our economy grow but it grows sustainably and grows in a way where it does not impinge upon anybody's rights. That is what this bill is all about.
- Safe work is key to decent work, but the reality of poor work health and safety practices has tragic consequences. Despite all our best efforts, we know there are still too many workplace injuries, illnesses and deaths.
- Sixty-eight workers died from work-related injuries or illness in 2020. That is unacceptable.
- Workers' lives have been cut short by a workplace incident—not accident, because workplace deaths and injuries are preventable. They are not accidents.
- At the core of this bill is our government's unwavering commitment to making our workplace safety laws stronger and more effective in keeping all workers safe.
- The following key reforms in the bill are:
 - Improving the rights and protections for labour hire workers.
 - Ensuring that businesses can't use insurance or indemnity arrangements to dodge penalties for offences against workplace health and safety laws.
 - Allowing for the electronic delivery of WorkSafe inspectors' reports, notices and infringements.
 - Giving authorised representatives of registered employee organisations (ARREOs) and health and safety representatives (HSRs) the power to take photos, measurements, sketches and recordings when they exercise their important functions under the OHS act.
- Labour hire employment is an arrangement involving a worker, a labour hire company, and a 'host employer'.
- Under these arrangements, the worker is not technically an 'employee' of the host employer.
- However, it shouldn't matter whether a worker is engaged via a labour hire provider or employed directly—every worker has a right to be safe.
- The Victorian Inquiry into the Labour Hire Industry and Insecure Work chaired by Professor Anthony Forsyth identified various ways in which labour hire workers are treated as a 'second class' of worker.
- And these amendments in this bill respond directly to that important Inquiry's recommendations.
- The Inquiry found that while labour hire agencies and hosts have shared obligations to safeguard the health and safety of workers placed at host sites, some ambiguities and 'grey areas' remain.
- The Inquiry also found that some labour hire workers do not report safety incidents, risks or hazards in the workplace—fearful that doing so may jeopardise their future engagement at a worksite, or their employment with the labour hire agency.
- In response to the Inquiry's recommendations, this bill makes two key amendments to the Occupational Health and Safety Act (OHS act) that will strengthen and improve the rights and protections for labour hire workers in Victoria.
- Firstly, it will extend the definition of 'employer' and 'employee' in the OHS act to provide that a labour hire worker working for a host is taken to be the employee of the host.
- This change gives labour hire workers the same rights and protections under the OHS act as 'employees' when at the host employer's workplace.
- This change means that labour hire workers will have rights to be represented on workplace health and safety matters at their host employer's workplace, including improved rights to require the establishment of a designated work group, a group of employees that perform similar jobs or have similar occupational health and safety concerns, and to stand for election as a health and safety representative.
- It also means labour hire workers will be protected if a host discriminates against them on the basis that the worker raises a health and safety concern—a right that is permitted under the OHS act.
- Secondly, this bill introduces a new duty that requires labour hire providers and host employers to consult, cooperate and coordinate with each other when they share duties under the OHS act towards labour hire workers.
- This amendment ensures that labour hire providers and hosts are working together to ensure that they are meeting their duties, and ultimately doing what's needed to keep workers safe.

- Breaching this duty will be an offence that is punishable by a maximum penalty of 180 penalty units (approximately \$30 000) for individuals and 900 penalty units (approximately \$149 000) for body corporates. This is in line with the existing penalty for a failure of employers to consult with employees.
- The intent of these amendments is to make crystal clear that they need to work together to ensure the safety of workers.
- A proud achievement of this Labor government has been enshrining the workplace manslaughter offence in law—because there is nothing more important than every worker coming home safe every day.
- Under these laws, employers who negligently cause a workplace death face fines of up to \$16.5 million.
- One cannot begin to imagine the anguish felt by the families who have lost a loved one at work, and this government continues to listen to the concerns of impacted families and stakeholders about further measures we can take to improve workplace safety.
- Stakeholder groups, that were established to advise on the implementation of Victoria’s landmark workplace manslaughter offence, also called for the prohibition of insurance and indemnity arrangements which cover a business’s liability to pay fines under workplace safety laws.
- This bill closes this potential loophole by prohibiting these arrangements.
- Allowing businesses to access this kind of insurance or indemnity can only undermine the effectiveness of our important workplace safety laws.
- Marie Boland’s 2018 *Review of the Model Work Health and Safety laws: Final Report* also recommended these changes to prohibit such insurance.
- Similar prohibitions already exist in other jurisdictions such as New South Wales and Western Australia.
- This change will render void offending contract terms which purport to insure or indemnify against a liability to pay monetary penalties under the OHS act, Dangerous Goods Act and the Equipment (Public Safety) Act.
- These changes are coupled with strong penalties for breaches of the new provisions, which will result in a maximum penalty of 300 penalty units for individuals (approximately \$49 000)—and 1500 penalty units for body corporates (approximately \$274 000).
- WorkSafe inspectors perform an important job enforcing workplace health and safety laws.
- They have a vital role in reducing work-related incidents, injuries, disease and death through the prevention, compliance and enforcement work that they do.
- In the course of this work, WorkSafe inspectors issue infringement and compliance notices and entry reports.
- The amendments in this bill are intended to ensure the electronic service of these notices and reports—because it’s important that the framework in which WorkSafe inspectors operate is as effective as possible.
- This will ensure they can focus on the most critical aspect of their job, which is to ensure workers are safe.
- For the occupational health and safety system to be effective, workers need to be confident that they can raise safety issues with their employer and the regulator, WorkSafe.
- A key strength of our OHS system is the important role of health and safety representatives. Workers are entitled, and should be encouraged, to be represented in relation to health and safety issues.
- Both health and safety representatives (HSRs) and authorised representatives of registered employee organisations (ARREOs) play a fundamental role in our occupational health and safety system.
- An HSR is an elected and voluntary role. They are our workplace health and safety ‘first responders’, and it’s important they are equipped with the right tools to undertake this vital work.
- An important element of this bill is providing the power for HSRs and ARREOs to take photographs, measurements, sketches or recordings of possible breaches of workplace safety laws.
- These changes recognise that HSRs and ARREOs are often the first on the scene of a workplace incident. They are sensible changes that recognise the reality of our workplaces and the changes in technology since the provisions were originally enacted.
- The bill makes clear that any photograph, measurement, sketch or recording taken must be used for the purposes intended under the OHS act.
- There are clear and strong safeguards that exist against potential misuse of this power, and the bill clarifies the limitations on its use, so it is not used for improper purposes.

- Existing limitations in the OHS act mean that an ARREO can only enter a workplace if they reasonably suspect that a contravention of the OHS act or regulations has occurred or is occurring.
- It is offence under the OHS act for an ARREO to exercise their functions for purposes that are not reasonably connected with inquiring into a suspected contravention.
- And this bill clarifies the offences in the OHS act to make clear that the use of this new function for a purpose not reasonably connected with the exercise of an ARREO's power is not permitted.
- Alongside these safeguards, the benefits of being able to record potential breaches of OHS laws will facilitate a more effective way for workers, representatives, employers and WorkSafe to exchange information about risks to health and safety and discuss measures that can be taken to eliminate or reduce those risks.
- Employers and workers will be supported through implementation with new WorkSafe guidance, which will ensure they understand the new arrangements.
- This bill strengthens our workplace safety laws.
- It expands worker rights and protections, boosts employer accountability and streamlines WorkSafe's enforcement.
- That's why I commend this bill to the house and wish it a speedy passage.
- These reforms will make Victorian workplaces safer. Victorian workers deserve nothing less.
- This bill is another demonstration of the Andrews Labor government's steadfast commitment to the occupational health and safety of Victorian workers.
- And for that reason I support this bill, I commend it to the house and I wish it a speedy passage.

The SPEAKER: Order! The time set down for consideration of items on the government business program has arrived and I am required to interrupt business. The house is considering the Occupational Health and Safety and Other Legislation Amendment Bill 2021. The minister has moved that the bill be now read a second time. The member for Mornington has moved a reasoned amendment to this motion. He has proposed to omit all the words after 'That' and replace them with the words which appear on the notice paper. The question is:

That the words proposed to be omitted stand part of the question.

Those supporting the reasoned amendment by the member for Mornington should vote no.

House divided on question:

Ayes, 41

| | | |
|----------------|---------------|--------------|
| Allan, Ms | Fregon, Mr | Richards, Ms |
| Blandthorn, Ms | Halfpenny, Ms | Sandell, Ms |
| Brayne, Mr | Halse, Mr | Scott, Mr |
| Bull, Mr J | Hamer, Mr | Settle, Ms |
| Carbines, Mr | Hibbins, Mr | Spence, Ms |
| Carroll, Mr | Horne, Ms | Staikos, Mr |
| Cheeseman, Mr | Hutchins, Ms | Suleyman, Ms |
| Connolly, Ms | Kennedy, Mr | Tak, Mr |
| Crugnale, Ms | Kilkenny, Ms | Taylor, Mr |
| D'Ambrosio, Ms | Maas, Mr | Thomas, Ms |
| Dimopoulos, Mr | McGhie, Mr | Ward, Ms |
| Donnellan, Mr | McGuire, Mr | Williams, Ms |
| Edbrooke, Mr | Pearson, Mr | Wynne, Mr |
| Foley, Mr | Read, Dr | |

Noes, 14

| | | |
|-------------|--------------|--------------|
| Battin, Mr | Newbury, Mr | Vallence, Ms |
| Hodgett, Mr | Riordan, Mr | Wakeling, Mr |
| McCurdy, Mr | Rowswell, Mr | Walsh, Mr |
| McLeish, Ms | Smith, Mr R | Wells, Mr |
| Morris, Mr | Tilley, Mr | |

Question agreed to.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

The SPEAKER: The bill will now be sent to the Legislative Council and their agreement requested.

Register of opinion on motion

Ayes

Ms Addison, Mr Andrews, Ms Couzens, Ms Edwards, Mr Eren, Mr Fowles, Ms Hall, Ms Hennessy, Mr Merlino, Ms Neville, Mr Pakula, Mr Pallas, Mr Richardson, Ms Theophanous

Noes

Mr Northe, Mr D O'Brien, Mr M O'Brien, Ms Staley

RACING AMENDMENT BILL 2021

Second reading

Debate resumed on motion of Ms THOMAS:

That this bill be now read a second time.

The SPEAKER: The question is:

That this bill be now read a second time and a third time.

House divided on question:

Ayes, 52

| | | |
|----------------|--------------|--------------|
| Allan, Ms | Hamer, Mr | Scott, Mr |
| Battin, Mr | Hodgett, Mr | Settle, Ms |
| Blandthorn, Ms | Horne, Ms | Smith, Mr R |
| Brayne, Mr | Hutchins, Ms | Spence, Ms |
| Bull, Mr J | Kennedy, Mr | Staikos, Mr |
| Carbines, Mr | Kilkenny, Ms | Suleyman, Ms |
| Carroll, Mr | Maas, Mr | Tak, Mr |
| Cheeseman, Mr | McCurdy, Mr | Taylor, Mr |
| Connolly, Ms | McGhie, Mr | Thomas, Ms |
| Crugnale, Ms | McGuire, Mr | Tilley, Mr |
| D'Ambrosio, Ms | McLeish, Ms | Vallence, Ms |
| Dimopoulos, Mr | Morris, Mr | Wakeling, Mr |
| Donnellan, Mr | Newbury, Mr | Walsh, Mr |
| Edbrooke, Mr | Pearson, Mr | Ward, Ms |
| Foley, Mr | Richards, Ms | Wells, Mr |
| Fregon, Mr | Riordan, Mr | Williams, Ms |
| Halfpenny, Ms | Rowswell, Mr | Wynne, Mr |
| Halse, Mr | | |

Noes, 3

| | | |
|-------------|----------|-------------|
| Hibbins, Mr | Read, Dr | Sandell, Ms |
|-------------|----------|-------------|

Question agreed to.

Read second time.

*Third reading***Motion agreed to.****Read third time.**

The SPEAKER: The bill will now be sent to the Legislative Council and their agreement requested.

Register of opinion on motion*Ayes*

Ms Addison, Mr Andrews, Mr Angus, Mr T Bull, Ms Couzens, Ms Edwards, Mr Eren, Mr Fowles, Ms Hall, Ms Hennessy, Mr Merlino, Ms Neville, Mr Northe, Mr D O'Brien, Mr M O'Brien, Mr Pakula, Mr Pallas, Mr Richardson, Ms Theophanous

SOCIAL SERVICES REGULATION BILL 2021*Second reading***Debate resumed on motion of Mr DONNELLAN:**

That this bill be now read a second time.

Motion agreed to.**Read second time.***Circulated amendments***Circulated government amendments as follows agreed to:**

1. Clause 1, line 6, omit "object" and insert "objects".
2. Clause 7, omit this clause.
3. Clause 8, lines 23 and 24, omit all words and expressions on these lines and insert—
 - “(d) make decisions using an intelligence-led and integrated approach that is proportionate to risk and minimises regulatory burden; and”.
4. Clause 8, line 34, omit "objective" and insert "objects".
5. Clause 8, page 16, line 12, omit "entities." and insert "entities; and".
6. Clause 8, page 16, after line 12 insert—
 - “(h) liaise with other relevant agencies and regulatory entities to avoid, as far as possible, unnecessary duplication in the investigation of social service providers; and
 - (i) provide, where appropriate, social service providers with guidance and education regarding their duties and obligations under this Act and how social service providers may comply with those duties and obligations.”.
7. Clause 13, page 20, line 17, omit "objective is" and insert "objects are".
8. Clause 18, line 18, omit "The" and insert "Subject to subsection (5), the".
9. Clause 18, page 25, after line 7 insert—
 - “(5) The Regulator must not issue guidelines under subsection (1) unless the Regulator has first consulted on the proposed guidelines in accordance with the prescribed requirements (if any).”.
10. Clause 308, after line 15 insert—
 - “(3) The Minister must not recommend the approval of a compliance code unless the Minister is satisfied that the proposed compliance code has first been subject to the prescribed consultation requirements (if any).”.
11. Page 242, after line 19 insert the following heading—

“Division 9—Review of Act”.

NEW CLAUSES

12. Insert the following New Clause to follow clause 6—

“7 Objects of Regulator

The objects of the Regulator are—

- (a) to monitor and enforce compliance with the requirements of this Act and the regulations relating to the safe delivery of social services; and
 - (b) to protect the rights of service users; and
 - (c) to minimise risks of avoidable harm caused by abuse or neglect in connection with the delivery of social services; and
 - (d) to promote and support the delivery of safe and effective social services; and
 - (e) to encourage a culture of continuous quality improvement in the provision of social services; and
 - (f) to provide confidence to service users and the community in the safety and quality of social services.”.
13. Insert the following New Clause to follow clause 316 and the heading proposed by amendment number 11—

“316A Review of Act

- (1) The Minister must conduct a review of the operation of this Act.
- (2) The review must be conducted in the fourth year of the operation of the Act and be a review of the first 3 years of operation of the Act.
- (3) On completing the review, the Minister must cause a report of the review to be tabled before each House of the Parliament.”.

Third reading

Motion agreed to.

Read third time.

The SPEAKER: The bill will now be sent to the Legislative Council and their agreement requested.

LIQUOR CONTROL REFORM AMENDMENT BILL 2021

Second reading

Debate resumed on motion of Ms HORNE:

That this bill be now read a second time.

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 17, page 16, line 19, omit “The” and insert “Unless subsection (3A) applies, the”.
2. Clause 17, page 17, after line 10 insert—

“(3A) If an order for the supply of liquor is placed online by a person to be delivered to another person as a gift, the licensee must—

 - (a) require that the person who placed the order confirm that the person is of or over the age of 18 years; and
 - (b) require that the person who placed the order confirm that the order is to be delivered to another person as a gift and that the recipient of the gift is of or over 18 years; and
 - (c) obtain the name and address of the recipient of the gift; and
 - (d) provide instructions to the person responsible for the delivery of the liquor that—

- (i) the liquor must only be delivered to the recipient of the gift or a person of or over the age of 18 years who is present at the address provided under paragraph (c); and
 - (ii) the person responsible for the delivery must verify the age of the recipient of the gift or the person present at the address provided under paragraph (c) by requiring that person to produce an evidence of age document; and
 - (e) comply with any other prescribed requirements.”.
3. Clause 17, page 17, line 12, after “online” insert “that was not a gift supplied in accordance with subsection (3A)”.

Third reading

Motion agreed to.

Read third time.

The SPEAKER: The bill will now be sent to the Legislative Council and their agreement requested.

Business interrupted under resolution of house of 7 September.

The SPEAKER: The time appointed under the resolution of the house for me to interrupt business has now arrived. The house is now adjourned.

House adjourned 7.57 pm until Tuesday, 14 September, at 2.30 pm.

Members statements**Following statements incorporated in accordance with resolution of house of 7 September:****COVID-19****Mr WALSH (Murray Plains)**

I am speaking on behalf of the banished ‘citizens’ of the Echuca-Moama border bubble.

When the Premier decided to capriciously trim both sides of the bubble he clearly gave no thought—again—as to the structure of river communities.

By giving Edward River Council its marching orders, this Premier has blocked countless year 12 students and their teachers from accessing their own schools.

For these students, in particular, who have had their final two years at school already devastated by countless lockdowns and disruptions, this could almost be seen as the final straw.

My office has been swamped with panicked calls from schools and parents as these last few weeks of year 12 before exams are pulled from beneath their feet.

And the impact of this ill-considered decision doesn’t stop there. Business is dramatically affected; families are once again forced apart and people from the Victorian side of the border who used things such as the golf courses at Murray Downs, Barham and Moama for exercise and mental health and wellbeing have been cut off from that outlet.

Border communities might be separated by official state lines, but their evolution in the past two centuries has turned them into single entities and that’s the only way they can operate today, even if this government and its Premier refuse to acknowledge the glaringly obvious, and make it just as glaringly obvious they don’t give a damn about the ramifications.

TOKYO OLYMPICS**Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations)**

I congratulate all our athletes who represented Australia in the Tokyo Olympics and Paralympics this year—especially those from my electorate of Werribee and the wider Wyndham area.

I’m sure there were many locals like me, glued to televisions and cheering them on from afar.

The display of passion and commitment of our athletes was admirable. Their perseverance and dedication to training is all worthwhile when they are given the opportunity to represent their nation on the world stage among elite athletes.

I particularly acknowledge our Wyndham athletes:

Morgan Mitchell—a dual Olympian who competed in the 800m race,

Amy Cashin—on her debut in the 3000-metre steeplechase,

Dante Exum—part of the Australian men’s basketball team,

Jack Rayner—debut Olympian in the men’s marathon who trains with Western Athletics, and

Jake Ballestrino—who competed in the table tennis. Jake is from Point Cook, and is a well-known member of the Labor community in Melbourne’s west. Good on you, Jake!

Morgan, Amy, Dante, Jack, and Jake—thank you. You have made your country and the Wyndham community very proud.

From Tokyo now to home for some well-earned rest and recovery. We congratulate you and recognise the magnificent efforts of all our athletes who aspire to achieve at the highest level in sport, especially those from Wyndham.

Thanks must also go to your families and your coaches, for the success of being an Australian athlete is not possible without their support and encouragement.

HARRY GARSIDE**Ms VALLENCE (Evelyn)**

It is with absolute pleasure I pay tribute to a local champion, Harry Garside, who won a bronze Olympic medal after a fierce and super-gutsy effort in Tokyo.

Harry, a 'normal kid' from Mooroolbark, has brought home the first Australian boxing medal since 1988. Harry started boxing when he was only nine at the Lilydale Youth Club and is a local through and through, going to Mooroolbark East Primary School and Lilydale High School.

A plumber by day, Harry also includes ballet as part of his training routine. Harry showed his country and the world that he's a class act and an inspiration to young Victorians, that with hard work, discipline, and aspirational goals, you can achieve anything.

Congratulations, Harry!

COVID-19**Ms VALLENCE (Evelyn)**

It's time for the government to finally listen and reclassify the Yarra Valley as part of regional Victoria. The Yarra Valley is known internationally for its fruit and vegetable produce, world-class vineyards, beef, sheep and poultry, and flower farms. It's marked by its agricultural production, is one of Victoria's top tourist destinations, and is a world away from inner-city high-rises. Since the beginning of the COVID-19 pandemic our community has had to endure Melbourne's harsh lockdowns because of arbitrary bureaucratic lines drawn on a map. That's despite no COVID cases for nearly a year. The Labor government is either hypocritical or confused when it classes the Yarra Valley as regional for tourism grants and vouchers, yet classes it as metro for lockdowns. Unfortunately, our community now has a few cases of the delta strain, but with about the same number of cases as the Geelong shire, why are they freed from lockdowns when the Yarra Valley remains locked up? It makes no sense. Given the government confirmed the inclusion isn't based on medical advice, it must now reclassify the Yarra Valley and give our community much-needed relief.

CROHN'S DISEASE**Ms NEVILLE (Bellarine—Minister for Water, Minister for Police)**

Today I wanted to acknowledge those Crohn's disease sufferers who over the last six months have reached out to me to share their stories and to wish me all the best.

This is such a misunderstood and unseen disease.

It never goes away; the best is to reach remission and to manage flare-ups when they occur.

On a daily basis it has an impact on the quality of sufferers' lives. I thank them for their openness—sharing those stories helps to raise awareness.

I also want to thank my medical team: my gastroenterologist Dr Lauren Beswick and my surgeon Mr Darrin Goodall-Wilson, who did so much and continued to respond to my urgent issues, but also my recovery. They went beyond all expectations.

Similarly, the staff at St John of God—the team at ICU, nurses, caterers, cleaners, medical imaging. They were extraordinary in the quality of care both at a medical and personal level.

And thank you to my longstanding and now retired GP, Hugh Seward.

Finally, to all my friends and colleagues who sent well wishes, those who did my washing, cooked for me and kept my spirits up, especially Colette, Merri, Ian, Jo and Vic and of course my son Sam.

Thank you to my local community for their overwhelming support and well wishes. It is great to be back working with and for you.

Thank you to my acting ministers who took on my role so ably, the member for Richmond and the member for Essendon, and to Gayle Tierney for her work as duty Bellarine MP.

Now is the time to keep raising awareness of this debilitating chronic illness and with the work of the Crohn's and Colitis Association I hope I can play a role in that.

ESSENDON AIRPORT CENTENARY

Mr PEARSON (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries)

I rise to acknowledge the centenary of Essendon Fields airport, a birthday being celebrated throughout 2021. Essendon Fields airport has a long and proud history of serving our community. Since its humble beginnings as a grass-all-over airfield, this airport has grown into a thriving precinct encompassing many businesses that provide for our community, with the airport at its heart. As Melbourne's first domestic and international airport, Essendon Fields was Victoria's aviation gateway to the world, welcoming many international guests, celebrities and aviation pioneers. Famous visitors from around the world landed at Essendon—from aviators like Charles Kingsford Smith to musicians Roy Orbison, the Beach Boys and the Beatles. These events helped to shape our cultural identity, as Essendon Fields opened up Victoria to the world. Famous arrivals live on fondly in the memory of those who were in attendance, stories passed down from generation to generation.

It has been extraordinary to see the growth and development of Essendon Fields, particularly since 2001 when it was privatised, with new development and investment transforming this site into a thriving multipurpose precinct and community hub. Essendon Fields now has over 6000 people employed in the precinct, with future planning estimating that number could grow to as many as 20 000 by 2040.

It is a credit to the vision and commitment to sustainability and community engagement of the Essendon Fields team that this once modest precinct has grown into the state-of-the-art destination it is today.

The Victoria Police air wing and the air ambulance service find their homes at Essendon Fields and incredibly one-third of all movements at the facility involve emergency services. In the last 12 months air ambulance services has seen 10 000 movements out of Essendon Fields, while the police air wing has had nearly 4000. During the 2019–20 bushfires Essendon Fields became a critical hub for firefighting, recovery and relief efforts. The airport facilitated evacuations and repatriation flights, including a repatriation flight of 350 evacuees from Mallacoota on Australia Day 2020. The Royal Melbourne Hospital's Essendon Fields Dialysis Centre is located at Essendon Fields too, providing renal dialysis to hundreds of patients per year who get access to the amazing outlook onto the airfields while undertaking treatment.

This amazing multipurpose facility provides essential support for our community in many different ways. Congratulations to all on this milestone. Long live Essendon Fields airport.

COVID-19

Mr HODGETT (Croydon)

I rise today on behalf of students with disabilities and their families, carers and support workers, to give a voice to a group that has been disproportionately affected by school closures yet has been largely left out of the conversation.

I have been contacted by many families across Victoria who are struggling without a plan from the government to reopen special schools as a priority. In particular, I have heard from a number of parents of children with autism, who rely on structure and routine, reporting that their children have become increasingly isolated and anxious. Many of these students do not understand why their routine has been completely altered and the stress and anxiety are causing regression in both education and social skills.

Closing special schools removes children from an environment where they receive tailored curriculums and support as well as necessary therapies. Parents and carers are doing a wonderful job of trying to support the students with learning from home, but they are also struggling.

Last year, the Association for Children with a Disability and Amaze provided reflections on schooling during COVID-19 for students with disability. They reported, and I quote, 'many families had to reduce working hours or resign from their jobs to provide the level of care and support needed for their child to learn from home. This particularly impacted women'. The impacts of this on families cannot be understated, especially during the COVID-19 pandemic where many Victorians are already experiencing substantial mental stress and anxiety along with financial hardship.

I have been very vocal about reopening schools, all schools, and I will continue to advocate on behalf of Victorian students. I am pleased that the government has responded to our advocacy and is prioritising getting years 11 and 12 students back to school. Students with disabilities are another group that need to be prioritised, and I call on the government to reopen special schools as a matter of urgency.

COVID-19 VACCINATIONS

Ms THOMAS (Macedon—Minister for Agriculture, Minister for Regional Development)

- I want to begin by thanking everyone in my electorate for playing their part in Victoria's vaccination rollout.
- Over the past months my constituents have been magnificent in coming forward to get the jab, with Macedon having some of the highest take-up anywhere in the state.

NEWHAM PRIMARY SCHOOL

Ms THOMAS (Macedon—Minister for Agriculture, Minister for Regional Development)

- In some further good news, I would like to congratulate the wonderful students of Newham Primary School for being one of two Victorian winners of a national Landcare award.
- The students won for their work on indigenous vegetation along a tributary of Deep Creek, creating a nature corridor for local wildlife that connects with the Cobaw Biolink.
- This project demonstrates that no-one is too young to be a steward of our local environment.

VICTORY IN THE PACIFIC ANNIVERSARY AND VIETNAM VETERANS DAY

Ms THOMAS (Macedon—Minister for Agriculture, Minister for Regional Development)

- I would also like to take this opportunity to thank the Kyneton RSL for their efforts hosting the commemorations for the anniversary for Victory in the Pacific Day and Vietnam Veterans Day back in August. It is important that we mark these occasions and honour those who served.
- The Kyneton RSL branch and their volunteers did a marvellous job organising the beautiful services within COVID-safe settings.

HANGING ROCK STRATEGIC PLAN

Ms THOMAS (Macedon—Minister for Agriculture, Minister for Regional Development)

- I was also excited to announce that the Andrews government is on track to meet our election commitment of delivering a 50-year Hanging Rock Strategic Plan.
- This plan will be crucial to deliver a long-term, sustainable vision for this local landmark and will include extensive consultation of traditional owners and the local community.

LADY BROOKS KINDERGARTEN

Ms THOMAS (Macedon—Minister for Agriculture, Minister for Regional Development)

- Finally, I would like to congratulate Lady Brooks Kindergarten in Kyneton on receiving additional funding from the Andrews government to double the size of their Auslan program.
- It's great to see our local educators taking advantage of our historic investment in early childhood education and providing our young learners with new opportunities throughout Macedon.

COMMUNITY SPORT

Ms HUTCHINS (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support)

I rise to update the house on how the Andrews Labor government is using the power of community sport to help African-Australian young people reach their potential.

Yesterday the Member for Cranbourne and I joined the Casey Titans to announce funding of \$20 000 for their team.

The motto of the Titans is that 'Victory is certain'.

I heard that spirit loud and clear when they told me about how this funding will support them to engage young people in sports, dance, singing and run a homework club in partnership with AFMVICCARE.

We know that community clubs are about more than just sport.

Being part of a team changes lives. It builds skills and confidence, engages teens in school and connects them to their community, helping them stay on the right path.

And young people take these benefits into the rest of their lives.

This grant is part of \$110 000 provided to six African-Australian-led clubs through our sports alliance for crime prevention, which funds projects to help keep young people away from the justice system and create brighter futures for themselves.

It is one of the many ways this government is helping address the root causes of crime.

I urge members of this house to encourage their local councils and community organisations to apply for our upcoming building safer communities grants, which open on 15 November. These grants will fund projects that address the causes of crime and keep Victorians safe.

MICK HARRINGTON

Mr D O'BRIEN (Gippsland South)

We could all use a good news story about now and in Gippsland we have a ripper, with Stratford's Mick Harrington into the final this Sunday night of Channel 7's *The Voice Australia*.

Micka, as he is known to us in Gippsland, is a local boy born and raised and known to many in the region as a singer/musician who plays at local pubs, weddings, 21sts and the like.

He's also a wood chopper, lawn mower, footballer, sometime boxer, a father and now a fiancé after his memorable proposal to Bec in front of the nation after his blind audition.

Social media in Gippsland this week is in overdrive trying to support Mick Harrington. Wishing you the best of luck Micka!

COVID-19

Mr D O'BRIEN (Gippsland South)

Our kids need to get back to school in regional areas. It is great that from tomorrow our preps, year 1, 2 and 12 will be back to in-school learning, but the government has caused confusion.

Initially, all schools were told there would be no return to class in term 3, but now it is a staggered return. I know this flip-flopping has caused enormous angst for teachers, parents and students, but particularly teachers, who are having to deal with two systems.

Evidence by researchers out of NSW today shows again that while transmission is high among children, hardly any actually get sick from COVID and they are less likely to pass it on to adults than to catch it from them.

The damage being done to our children by remote learning is enormous. The COVID risk is low.

From term 4, we must get them all back into the classroom.

VICTORIAN MULTICULTURAL COMMISSION

Mr J BULL (Sunbury)

- I am proud to serve as the parliamentary secretary for Multicultural Affairs and Youth in the Andrews Labor government, and we understand the importance of listening to and partnering with multicultural community leaders and organisations.
- So, I extend my congratulations to the eight new appointees to the Victorian Multicultural Commission. These community-minded people have lived experiences, representing various cultural and religious backgrounds.
- The new commissioners are:
 - Lunorphare (Luna) Folly, Youth Commissioner
 - Abiola Akinbiyi, Community Representative Commissioner
 - Mohamed Mohideen
 - Jennifer Huppert
 - Tarang Chawla
 - Silvia Renda
 - Bill Papastergiadis
 - Nyangak (Lizzy) Kuoth

- I congratulate Bwe Thay on his reappointment as deputy chair and thank Vivienne Nguyen for her ongoing dedication to the role as chair. I thank the outgoing commissioners (Tina Hosseini, Khayshie Tilak Ramesh, Walter Rapoport, Mohammed Yassin and Rosaria Zarro) for their work and efforts whilst serving in the role.

ANTI-SEMITISM

Mr J BULL (Sunbury)

- The Andrews Labor government will stop at nothing to create a more fair and equal society. That's why we're taking the necessary steps to break cycles of abuse and ban the public display of the Nazi swastika—a blatant symbol of twisted hatred—and we will also broaden anti-vilification protections to include matters beyond race and religion.
- Because people matter and because equality matters.

TULLAMARINE FOOTBALL CLUB

Mr J BULL (Sunbury)

- I was delighted to recently join the Minister for Community Sport to announce an investment of \$500 000 in upgrades to the Tullamarine Football Club pavilion. With more families moving into the area, we have seen a growth spurt in demand for the club rooms. Local sports clubs like the Tulla Demons deserve to have access to the best facilities that are welcoming to users of all ages and abilities.
- This pavilion upgrade will replace the ageing clubrooms with a multipurpose pavilion featuring female- and family-friendly change rooms and amenities, an umpire's room, a trainer and first-aid room and accessible public toilets.
- My heartfelt thanks go to the club, Hume City Council, players, members and supporters for helping make this happen.
- I am optimistic about what the future holds for community sport as we work towards higher vaccination rates.

R U OK? DAY

Mr NORTHE (Morwell)

Today is R U OK? Day and I wish to place on the record my gratitude and thanks to all those that work in and make a positive difference in the health and mental health sector. These are unique and difficult times and we are all acutely aware of the spike in mental health presentations and self-harm incidents, given the ongoing impacts of COVID-19. It really is horrible to contemplate that many of our loved ones who are starting out in their life journey, our children and young adults, might be experiencing such serious challenges. Unfortunately this is the reality for a number of individuals and families at present, given children have been missing out on school, socialising and participating in sport and recreation activities.

The Royal Children's Hospital recently stated that it had observed a surge in admissions of children with mental health difficulties. Its mental health director, Dr Ric Haslam, said, and I quote, 'The sorts of conditions that we're seeing in the Royal Children's Hospital are anxiety, depression, self-harm, suicidal behaviours and eating disorders.' And unfortunately it's not just our children and youth doing it tough at the moment, with various people struggling given the impacts to business, employment and social connections amongst other COVID-related issues.

But as mentioned I do want to say R U OK? to those working in the health and mental health sectors at the moment. Because the facts are these men and women have often gone over and beyond the call of duty these past 18 months or so. Those who are helping others through such challenging times can often struggle themselves given the pressures imposed upon them by the demand for their services.

It's not widely known or even understood but whilst mental health services are currently stretched to extreme levels, mental health workers and their representative union are in a prolonged dispute with the state government over an enterprise bargaining agreement. We simply can't afford to lose good, dedicated and committed people from the mental health system. There are currently nowhere enough workers in the system as it is and this dispute needs a prompt resolution and workers in the sector to be supported and appreciated. To give credit, the state government has recognised that the mental health system in Victoria is broken and it subsequently initiated a royal commission.

But at this juncture we are still a long way from ensuring that every person who needs to access mental health services can do so in their local community when they need it. This is the government's objective and I believe it's a good objective to aim for.

This R U OK? Day I encourage people to follow the four R U OK? steps. First, ask the R U OK? question to a friend, family member or work colleague. Second, listen to the person with an open mind. Third, encourage any actions and fourth, check in to see how the person is doing. These are small but important actions we can all take. By following these steps we can make a positive difference to others in our network. If you can help one person, then asking the question is worth it. It's also okay to not be okay. Knowing what to do when we are not okay is crucial but speaking to a friend, a family member or health professional can make the world of difference. And please know you are not alone. For further information about R U OK? Day please visit the R U OK? website at <https://www.ruok.org.au/>

AFRIAUS ILEAC

Ms CRUGNALE (Bass)

All the way through this pandemic, we have seen Victorians supporting each other in a myriad of ways—checking in with neighbours, with those who are struggling, supporting local businesses, volunteering time and services, dropping off groceries, food parcels and cooked meals to those in need. We have seen countless inspiring examples of our community members of all ages wrapping their metaphorical arms around others with kindness at their heart.

Today I acknowledge AfriAus iLEAC and their eight African and CALD organisation partners—an inspiring, caring and dedicated team from Pakenham and the wider south-east region.

'Together we go far' is an African proverb that sits at the core of everything they do.

Through the support of our priority response to multicultural communities program they have delivered thousands of LUVFPAKS, which are culturally appropriate emergency relief food, personal care and safety care packages to our CALD communities across our region, right through to Gippsland and recently up to Shepparton.

Committed to strengthening community, their sleeves are rolled up, calls are made, donations sought, grants applied for, they are on the ground and connected-in, providing meals, food relief and support to those in need.

They also have held mental health forums, COVID-19 and vaccine information sessions with expert speakers and developed and distributed trusted health material in language.

My thanks extend to the many local shops, supermarkets and retailers who have donated and discounted goods to Pakenham Living Learning for auspicing AfriAus iLEAC and providing a base for their operations.

To the entire AfriAus iLEAC and partnership team, too many to name individually, thank you for the amazing and inspiring work you do, making such a difference in the lives of so many. Your contribution is invaluable.

Together we go far.

COVID-19 VACCINATIONS

Mr McGUIRE (Broadmeadows)

My call is for more Pfizer vaccines to be provided where they are needed most.

Melbourne's north and particularly communities in the electorate of Broadmeadows must be priorities in distributing vaccines as a matter of utmost urgency.

The Premier has demanded 340 000 extra doses of Pfizer vaccines for Victoria to rectify a secret deal between the Australian and New South Wales governments delaying Victoria's recovery and undermining trust in this vital national partnership.

Today marks the worst day of the delta outbreak in Victoria. More than half the outbreaks are in Melbourne's north.

This is why this region must be a priority for Pfizer jabs, to address vaccine hesitancy, according to local health and community representatives.

Ironically, Broadmeadows is where more than 50 million doses of the AstraZeneca vaccine are being manufactured for home and abroad.

The most critical lesson from the pandemic is how our lives and livelihoods are intertwined.

The vaccine rollout was always our best way out of the pandemic. Three months ago in Parliament I called for the Australian government to supercharge jabs in arms, warning of the dangers of delays so a golden opportunity was not missed. The Australian government knew winter was coming but maintained there was no race for vaccines. The race has always been to save lives and livelihoods by delivering vaccines with the utmost urgency.

The New South Wales Minister for Health defined the hunt for vaccines as almost like the *Hunger Games*; that is how out of control this vaccine rollout became. The triumph of politics over rational decision-making harms all of us. This is the critical change we need as a nation.

I thank the Victorian government for establishing a walk-up centre for vaccines at the Town Hall Broadmeadows, drive through centre at the old Ford Motor Company site, and COVID testing hub at the Broadmeadows Leisure Centre. Vaccines provide the path to lifting lockdowns. Please get tested and vaccinated as priority one.

My call, as always, is to create opportunity from adversity. We must change politics for a stronger, smarter, fairer future.

AFGHAN COMMUNITY

Ms RICHARDS (Cranbourne)

I am honoured to represent a vibrant and diverse community. I have spoken often of the joy that this diversity has brought to me and the good fortune that we in Victoria share with this extraordinary decision people make to choose Australia as home.

Not long after being elected I began to be invited to join the Afghan community at the many social and cultural events that have punctuated my time in this role with great joy.

I experienced the delight of Afghan poetry and sublime music with the Bakhtar Cultural Association, where discussions of women's rights were interspersed with dancing and performances of the highest calibre.

Only weeks later I was invited by the Association of Hazaras in Victoria to come along to meet the children at their Saturday school, an experience that brought me great happiness where I met the sparkling wits and clever youngsters of the Cranbourne community as they learned about the home their parents were born in and their mother tongue and spent time in the company of other young people.

On that same day and again later on many occasions I joined the women for endless cups of tea and warm hospitality as we discussed the universal themes of sisterhood and support for each other. I always came away from my time with these women aching from laughter and filled with optimism.

My Saturday evenings have been spent with the Afghan Australia Philanthropic Association, the Victorian Afghan Associations Network, the Active Afghan Association and of course the wonderful women of the Shamama Association Australia, United Cultural Support and Women for Change.

It is in this context that I have got to know the great challenges that our wonderful community bring with them—worries over family left behind, guilt over the danger to their families, concern for women's rights and activists or just vicarious trauma from their own experiences escaping terror.

Today I pay tribute to the extraordinary Afghan Australians in the Victorian community, whether their forebears arrived as cameleers in the 19th century, as part of the diaspora who escaped the early ravages of the war decades ago, or they are those who have found their way more recently, some by boat, in terror and fleeing for their lives.

I am grateful for the friendship they show to me; I admire greatly their altruistic approach to their neighbours, the hospitality always extended to whomever crosses their path and their optimism for their children as embodied by their enthusiasm for education.

And today I mourn with the Afghan Australian diaspora who are watching their country dissolve into war. I was honoured to be a main point of contact for the community over the past weeks and have been joined in this concern by my colleagues particularly in the south-east. I pay credit to the members for Narre Warren South, Dandenong, Narre Warren North and Oakleigh for their tireless work over recent years and particularly in the last weeks for their hard work in supporting our community through these harrowing last weeks. I also pay credit to a member for South Eastern Metropolitan Region, Mr Tarlamis of the other place.

I also take time to acknowledge the work of the federal member for Holt. But particularly I thank and am grateful to the federal member for Bruce, who has worked night and day for months and years to support his Afghan Australian community in their quest for a humanitarian response. And in the past weeks the member for Bruce has been personally supporting appeals and raising awareness of the highly volatile situation faced by his constituents.

I offer my deepest condolences and share the great sorrow as the Afghan community mourn their loss.
Please know that we stand in solidarity with the Afghan Australian community today and always.

CATHOLIC REGIONAL COLLEGE ST ALBANS

Ms SULEYMAN (St Albans)

There is no doubt that these have been challenging times for my community in St Albans.
Recently, I was delighted to join CRC St Albans for a Q & A session online. The students made it clear that they understood the importance of staying safe during COVID and following health directions. I was pleased to hear about how they had been supporting one and another during these times.
Thank you to everyone, including deputy principal Kevin Quinn, for organising this event every year. I know these have been difficult times for students, school communities and families.

ST ALBANS ELECTORATE LEVEL CROSSING REMOVALS

Ms SULEYMAN (St Albans)

Even though there have been changes in our community, the works to remove our dangerous level crossings are well underway.
I am sure motorists have seen the progress at Fitzgerald Road. This level crossing, as well as the one at Robinsons Road, have been fast-tracked for completion. The one at Mount Derrimut Road will also be removed, thanks to the Andrews Labor government.
This is all about improving safety and a boost to rail services, and I know this has been a priority for our community.

COVID-19 VACCINATIONS

Ms SULEYMAN (St Albans)

Finally, I would like to thank all our healthcare heroes. Recently I visited St Mary's Medical Clinic in St Albans and I was pleased to see so many locals rolling up their sleeves to get the jab.
Many thanks to Dr Yassa and his dedicated team working each and every day, alongside all our other healthcare workers in the electorate of St Albans, to keep us safe.

SACRED HEART PRIMARY SCHOOL

Mr DIMOPOULOS (Oakleigh)

Firstly, a very big thankyou to our community for staying safe, for looking after friends, neighbours, colleagues and strangers and for coming forward to get tested and vaccinated.
I was so pleased to join with the Minister for Education at an online meeting recently with another fantastic school in my community, Sacred Heart Primary School in Oakleigh. It was even better to hear the minister announce \$2 million for a significant upgrade. I'd like to thank the school community, especially the leadership from the council and principal Brian, parents, kids and all staff who have advocated so passionately for funding to improve this school. It has been such a pleasure to work with the team from Sacred Heart over the last few years. This is very exciting and I can't wait to see the outcome.

JACK EDWARDS RESERVE PAVILION

Mr DIMOPOULOS (Oakleigh)

At an online meeting with around 300 people I was so pleased to announce \$4 million from the Victorian Andrews Labor government for a pavilion rebuild at Jack Edwards Reserve in Oakleigh—home to the Oakleigh Cannons FC and Chisholm United FC. This is a major redevelopment. It means better facilities but even more opportunities for girls—and hopefully even a new women's football team.
Thank you to everyone at the clubs here who have advocated for this project. A very special thanks goes to Clare O'Neil, MP, for her amazing passion and commitment and my appreciation goes to the Minister for Community Sport for her work to make this happen.

CARNEGIE MEMORIAL SWIMMING POOL**Mr DIMOPOULOS (Oakleigh)**

Sadly, the Carnegie memorial swimming pool has reached the end of its useful life. Glen Eira council have proposed a brand new pool—and they've already done all the design and planning work to make it happen.

The Andrews Labor government has provided the council with a \$10 million, long-term, low-interest loan to get the project done. All up, this means at least \$954 000 in direct funding to Glen Eira for this, which adds to the \$2 million already provided for new pavilions at Koornang Park and Lord Reserve next door.

BASELIOS MARTHOMA PAULOSE II**Mr TAK (Clarinda)**

I was deeply saddened to learn of the recent passing of His Holiness Baselios Marthoma Paulose II and was grateful to join the online condolence meeting of St Gregorios Indian Orthodox Church Melbourne in August.

I send my deepest condolences and best wishes to all of the faithful, especially to those at St Gregorios Indian Orthodox Church Melbourne.

I understand that His Holiness was a philanthropist and a champion for human rights and social justice, and I am certain his legacy will be honoured and remembered.

Over the past four decades St Gregorios Indian Orthodox Church Melbourne—located on Heatherton Road in Clayton South—has grown immensely from a handful of members to some 250 families.

My thoughts are with everyone at the church, including:

Reverend Father Sam Baby

Trustee Mr Abraham George

Secretary Mr Jibin Mathew

Committee members Mr Thampy C Chemmanam, Mr Gejo Simon, Mr Shyju M Kuruvilla, Mr Jibu John, Mr Joby Mathew, Mrs Anu Mathew, Mrs Christina Koshy, Mr Santosh M Varughese, Mr Laji George and all of the parish members.

Constituency questions

Following questions incorporated in accordance with resolution of house of 7 September:

MORNINGTON ELECTORATE

Mr MORRIS (Mornington) (5990)

My question is to the Minister for Health.

Mornington Peninsula shire has been repeatedly locked down and will remain locked down despite restrictions being eased in the City of Greater Geelong. The two municipalities are similar distances from Melbourne and have similar case numbers. Geelong has experienced more than twice as many cases overall as the Mornington Peninsula but has been locked down for just a fraction of the time.

The government has previously attempted to justify the ongoing Peninsula lockdown by responding to the effect that the Peninsula is part of the metro area and the metro area is locked down.

The metro area has proved flexible, including or excluding Mitchell shire as circumstances demanded.

What is the justification of the chief health officer for continuing to lock down the Mornington Peninsula, and not Geelong, when circumstances are identical in both municipalities and only the designation differs?

NORTHCOTE ELECTORATE

Ms THEOPHANOUS (Northcote) (5991)

My question is to the Minister for Disability, Ageing and Carers. I ask the minister: what steps, including progress on the Community Services Indexation Working Group, has the Victorian government taken to ensure our neighbourhood houses have the funding and support they need?

In the electorate of Northcote, neighbourhood houses have always been critical to the provision of connection, inclusion and support to vulnerable members of our community.

Over the course of the pandemic, their role has become even more vital. Neighbourhood housing staff have checked in on vulnerable residents, provided information, masks, sanitiser and emergency food relief to those in need, and helped to keep us all connected.

Locally we are fortunate to have SPAN Community House, Jika Jika Community Centre, Alphington Community Centre, and the Bridge Darebin.

Can I tell you—these are some of the most hardworking, selfless and dedicated people you will ever meet. They have gone above and beyond for my community and work day in and day out to reduce disadvantage and support those who need it.

Now, they need us.

Neighbourhood houses in my community have shared with me the rising costs of providing their high-quality, accessible services. In some cases they are dipping into resources they don't really have—and volunteering their time because they see the need within our community.

These tailored and extremely local responses are unique in the service sector—and valued immensely by residents.

I acknowledge, and am pleased, that the Victorian government is establishing a Community Services Indexation Working Group to determine an appropriate indexation methodology for this sector into the future.

I would be most grateful for an update on this important work and any further actions which the government is taking to enable our neighbourhood houses to carry out their critical work.

GIPPSLAND EAST ELECTORATE

Mr T BULL (Gippsland East) (5992)

My question is to the Premier, and the information I seek is what is being done to address flaws in the current vaccination booking system at the state level.

I have been advised by staff working at the vaccination clinic in Bairnsdale that up to 70 people per day are travelling from Melbourne for vaccination, at a time when you are urging metropolitan residents to stay away from the country.

These people—and the staff at the clinic—are advising this is the vaccination appointment they are being offered online. They are not using it as an excuse to travel, in fact they prefer not to undertake the 7-hour round trip, but it is what they are offered.

I am advised this matter has been raised with the government by several country hospital CEOs.

Premier, can you advise what you are doing to fix this flaw in the booking system that not only allows, but encourages, metropolitan residents to travel to regional Victoria for their vaccination appointments?

FOOTSCRAY ELECTORATE

Ms HALL (Footscray) (5993)

My question is to the Minister for Roads and Road Safety. I am seeking an update for my community on the Andrews government's efforts to upgrade and improve active transport options including cycling paths in the Footscray electorate. Footscray itself is just 7 kilometres from the CBD. Our community is very young, and very mobile. I regularly receive emails and phone calls from constituents advocating for improved cycling connections. With the Footscray learning precinct actively encouraging intra-suburb travel and the \$1.5 billion new Footscray Hospital increasing traffic and employment in the area, new and improved bike paths have never been more important.

EVELYN ELECTORATE

Ms VALLENCE (Evelyn) (5994)

My question is to the Minister for Health on behalf of residents in my community who want to know why the Andrews Labor government has forgotten residents of the outer east and Yarra Valley by only providing limited access to COVID-19 vaccines in our region: will you install a second vaccination hub at a suitable location in the Lilydale, Mooroolbark or Chirnside Park vicinity to ensure our community is best placed to quickly meet the 80 per cent vaccination target?

There are extremely limited options for residents in my community to be vaccinated, with only one vaccination hub east of Ringwood. The healthcare professionals at EACH Lilydale are doing a fantastic job, but there are only so many vaccines they can deliver in a day. Many residents, including those under 50, have told me they're forced to travel to Box Hill, the city or even as far as Cranbourne to be able to access the Pfizer vaccine.

The Andrews Labor government cannot say that they want Victorians to be vaccinated as soon as possible yet provide inadequate access, and I call on Labor to address this without delay.

CRANBOURNE ELECTORATE

Ms RICHARDS (Cranbourne) (5995)

These past few weeks have been incredibly distressing for the Afghan-Australian community here in Victoria. In my own community in Cranbourne we have a vibrant and altruistic Afghan community, many of whom arrived as refugees and asylum seekers in only the last decade, escaping the terror of the Taliban, and some of whom are part of a community whose heritage dates back to the cameleers who made Australia home in the 1860s.

The Afghan community is diverse, but they are unified in their response to the traumatic images of horror in their homeland.

In the past weeks I have made many calls and received many more from Afghan community members desperately seeking support for their family and loved ones.

Some of our Afghan community members are living in our Victorian community on temporary protection visas or safe haven visas or as permanent residents, while many have made the journey to citizenship. Of course support for people on these visa types ought fall to the commonwealth government—who have in turn not offered any additional refugee resettlement places nor extended permanent protection to the 4300 people in Australia who escaped Afghanistan on temporary protection visas, who could legally be sent back at any point.

Our Afghan-Australian families deserves better.

And one way the Victorian government can do that is by providing adequate mental health resources to help these families deal with incredibly traumatic experiences.

The work of Foundation House has been an invaluable resource to the wider refugee and asylum seeker community in Victoria over decades. They have supported our diverse community with services for

multicultural and multifaith Victorians who have experienced the incredible suffering, fleeing war and violence, and the ensuing trauma of watching loved ones stay stranded in a dangerous situation. Culturally appropriate, trauma-informed and linguistically diverse mental health services are vitally important to the wellbeing of all Victorians—but especially our Afghan diaspora who are struggling immensely without any real support from the federal government.

Minister, I ask: how has the Victorian government filled the gap that is usually the responsibility of the federal government—to provide support for our Afghan diaspora as a community who are overwhelmingly affected?

SHEPPARTON ELECTORATE

Ms SHEED (Shepparton) (5996)

My question is to the Minister for Health.

With the easing of restrictions across Victoria and shortly anticipated for Greater Shepparton, I urge you to look again at the border bubble. The border region, save for Shepparton, has no cases of COVID, and the need for the reactivation of all forms of commerce across the border in a much more unrestricted manner is pressing. So many businesses are contacting my office telling me of the significant losses, particularly in the construction industry.

Shepparton businesses undertake work in many places across the border, and indeed the Murray River is regarded as just that, a river not a border, when it comes to business activity. Will the minister give urgent consideration to reviewing the LGAs, include all of those recently removed back into the border bubble and ease restrictions within that bubble so as to enable many businesses to get back on their feet and resume operations?

THOMASTOWN ELECTORATE

Ms HALFPENNY (Thomastown) (5997)

My constituency question is directed to the Minister for Aboriginal Affairs and relates to the First Peoples' Health and Wellbeing centre on High Street, Thomastown.

The centre and staff work exceptionally hard and during this coronavirus pandemic have put in an enormous effort. It was one of the first places in the area to offer COVID testing and a drive-through service. It has been equally quick off the mark with COVID vaccinations.

First Peoples' Health and Wellbeing has outgrown its rented premises on High Street and is looking to expand in order to meet the growing demand for its healthcare services and other programs.

What is the latest information on the Aboriginal Community Infrastructure Fund, including when the decision on applications will be made?

HASTINGS ELECTORATE

Mr BURGESS (Hastings) (5998)

My question is directed to the Minister for Roads and Road Safety, and the information I seek on behalf of the Baxter community is about providing adequate high traffic noise protection for its residents.

I have been contacted by BRATPAC Inc. (Baxter Residents and Traders Progress Action Committee) seeking the installation of road noise barriers for homes located in the proximity of the on and off ramps near the Baxter overpass on Peninsula Link.

Baxter residents have advised that the noise increase in these areas is becoming intolerable and disturbing during the day and keeping them awake at night. The vegetation that was originally provided is extremely inadequate as acting as an appropriate buffer to block excessive traffic noise.

Baxter residents have written to the local council and VicRoads and have been fundamentally informed that the noise does not exist.

This is not the case, as many Baxter residents have advised that the road noise coming from the higher traffic volumes of both heavy and smaller sized vehicles has increased significantly on Peninsula Link since it was opened in January 2013; however, appropriate road noise barriers that were part of the design of the original structure have not been installed.

The removal of vegetation along the Frankston-Flinders Road service road has also increased the road noise for the residents that live in that vicinity.

I seek the minister's assistance with this matter to help improve the quality of life of Baxter residents.

ALTONA ELECTORATE

Ms HENNESSY (Altona) (5999)

My constituency question is for the attention of the Minister for Roads and Road Safety.

The Queen Street bridge over Laverton Creek in Altona Meadows lacks safe pedestrian access.

Pedestrians are unable to safely cross this bridge due to the lack of footpath. The next closest pedestrian crossing over Laverton Creek is at least 500 metres towards the bay, contributing to the likelihood of pedestrians risking crossing at Queen Street.

The local community and Hobsons Bay City Council have long communicated their desire to see access and safety improved at the bridge.

So, we were all very pleased to learn that as part of the Victorian budget 2021–22 funding would be provided for planning and development to investigate possible improvements to safety and operations for active transport users along Queen Street.

Of course, the current safety and access issues remain at the bridge, and the community is keen to understand when works may be set to begin.

Minister, what is the latest information on the time line of the process being undertaken to investigate possible strategies to improve pedestrian safety and accessibility at the Queen Street bridge?

Adjournment

Following matters incorporated in accordance with resolution of house of 7 September:

BE AHEAD OF THE GAME

Mr FREGON (Mount Waverley) (6000)

My adjournment item this evening is to the Minister for Consumer Affairs, Gaming and Liquor Regulation. The action I seek is for the minister to join me in my electorate of the Mount Waverley district to speak with secondary schools about the Be Ahead of the Game gambling awareness for young people in schools program run by the Victorian Responsible Gambling Foundation.

This forward-thinking program draws on the latest research and supports the school community to help students develop informed attitudes towards gambling in an environment where gambling is being increasingly normalised.

Back in March, I raised in this house the issue of loot boxes and my concerns around their gambling-like design and the overall lack of regulation and consumer protections across the video and online gaming industry.

We know that early exposure of children to gambling tendencies increases their risk of gambling-related harm as adults.

Whilst jurisdiction falls largely into the federal sphere, at a state government level I applaud our government for taking affirmative action to help our children learn to think critically about the risks associated with gambling and make informed decisions. I look forward to the minister's response on this important issue.

COVID-19

Mr McCURDY (Ovens Valley) (6001)

My adjournment is to the Premier and the action that I seek is that he immediately reverse his policy that has locked Victorians out of their homes. What kind of world do we live in when you are barred from your own home? I continue to have people from the Ovens Valley stranded in NSW because they cannot get home. Some have been waiting months to get back to their home. Some are at border towns along the Murray River but many are stranded in Northern NSW because the 5-kilometre limit has stopped them from travelling to the border.

Victorians deserve to come home. They will isolate, they will take the COVID tests or the rapid tests that you seem to be stopping this very useful and easy technology to get people home. People will do what is asked but they deserve to come home.

Show some real leadership and support the Victorians that you represent.

CALD COMMUNITIES TASK FORCE

Ms RICHARDS (Cranbourne) (6002)

My adjournment matter is for the Minister for Multicultural Affairs and concerns the recent announcement of more support for our culturally diverse communities.

The action I seek is for the minister to provide me with an update on how the Cranbourne community can benefit from the work of the CALD communities task force.

I am aware that the CALD communities task force was established in August 2020, in an attempt to support services that help multicultural and multifaith Victorians experiencing social isolation, deliver emergency relief, and ensure that multicultural organisations could continue to lead local responses to the pandemic.

I am conscious that the CALD task force received a \$7.2 million boost to provide tailored local support and promote vaccine uptake.

The Cranbourne community is incredibly diverse and benefits greatly from these services—which ensure that every single Victorian is supported throughout the pandemic.'

Cranbourne is a diverse and vibrant community enhanced by the many thousands of people who have chosen to make the south-east home and we have seen examples of altruism demonstrated famously by the Sikh Volunteers Australia

Minister, how is the Andrews Labor government supporting organisations like the Sikh volunteers and others to provide culturally appropriate food to any communities in need?

BAYSWATER SECONDARY COLLEGE**Mr TAYLOR (Bayswater) (6003)**

I wish to raise a matter with the Minister for Education. The action I seek is that the minister provide my community with an update on the latest on the massive upgrade to Bayswater Secondary College to our community.

Back at the end of 2020 I was over the moon to announce a massive \$12.43 million to provide the facilities the students and team down there deserve.

Back in May of that year, I also announced the Bayswater education plan to work with this and local schools to change the course of education locally and build on our schools' successes and we're close to soon having that plan released, which is exciting!

At that time, I was working away in the background with the school, its council and the minister to secure this much-needed funding to modernise the school and provide for new and exciting facilities and learning spaces.

And I've gotta say—it is one of my proudest days in this job when I announced the funding to the school, albeit over Zoom. It's fair to say they were pumped.

I'm so proud to be part of this Andrews Labor government to help continue to transform education locally, to back in wonderful schools like Bayswater Secondary and of course support their new wonderful principal Liz Swan, who is doing great work.

I want to also take this opportunity to say a massive thank you to the entire school community, from teachers, support staff, students, families and everyone else in between. Lockdowns have been bloody tough and I'm so proud of everything you've all done to keep us safe and to keep the school and education going despite the many challenges. And of course, I'm looking forward to seeing you all back in the classrooms as soon as you can be in there.

I'm really looking forward to seeing this project take shape and cannot wait to be out seeing the entire school community in person again when able to.

It's safe to say, there's never been a more exciting time to be at Bayswater Secondary.

Until then—I thank the minister for his consideration of my request and for the work he and his team continue to do to support our great local schools.

NICHOLAS BUILDING**Ms SANDELL (Melbourne) (6004)**

My adjournment is to the Premier.

The action I seek is for the Premier to support the proposal which is currently before the state government to finance the acquisition of the Nicholas Building in the CBD, in my electorate.

Melbourne prides itself on being the creative and cultural capital of Australia, but as our city struggles to recover from COVID-19, which has devastated our arts and also hit the CBD especially hard, there is a real threat to this legacy. Specifically right now, there is a real and present danger that we're about to lose one of the most vibrant and historic creative communities in our city.

The Nicholas Building, at 37 Swanston Street in the CBD, is a unique part of Melbourne's heritage, and remains a vital part of our arts and creative culture today.

Home to over 200 artists and creatives, within its walls you will find architects, designers, visual artists, filmmakers and musicians working alongside jewellers, writers, tailors, milliners and independent education providers. Years of experience, history, diversity, culture and relationships come together in the building's many studios.

The Nicholas Building embodies Melbourne's creative spirit, but now it is being sold.

If it's bought by a private developer, it will likely be turned into apartments and we'll lose this thriving arts community and space from our city forever.

This kind of building and creative community does not exist anywhere else in the country and we are lucky enough to have it right here in Melbourne. To lose the last creative place of such scale in the city would be a tragic loss. Not just for the building's residents and the wider Melbourne community, but for the vibrancy and visibility of creative Melbourne itself.

I understand that there is a reported \$50 million dollar community benefit from the Nicholas Building, which comes directly from its contribution to the vitality and livability of the city.

Support for this building and its creative community is critical to the success of the arts ecology and broader economy of Melbourne and Victoria. To have over 200 creative businesses co-located at the heart of our city cannot be underestimated, especially when it comes to the CBD's recovery.

As we recover from the pandemic and begin to reimagine a new vision for our city, it is more important than ever to be supporting and celebrating artists and creative industries in the CBD.

The future potential for arts and cultural programming in the Nicholas Building could bring much-needed tourism back to Melbourne. But this won't be possible if the building is sold to developers.

I understand that the building's tenants have presented a proposal to the government, supported significantly by the City of Melbourne, which would allow this irreplaceable landmark to be owned by the community.

It's a sensible proposal with a solid business case, and it is a proposal which should be easy for the state government to support.

I welcomed last year's budget announcement of funding to transform Melbourne's arts precinct. It was a very welcome investment. However, our artists and creative industries, and our struggling CBD, will need more than this to recover from the devastation that COVID wrought on our cultural events and our arts community. In fact, many of the small businesses in the Nicholas Building are the same creators who will provide the content for our major cultural institutions, such as those that will be at the centre of the government's new arts precinct.

So I ask that the Premier support the proposal for the state government to assist with finance to enable the acquisition of the Nicholas Building and make sure that it stays a creative hub for many years to come.

HOMELESSNESS

Mr BRAYNE (Nepean) (6005)

The action I seek is for the Minister for Housing to provide an update to my community on how the Victorian government's announcement on funding to provide housing support and targeted initiatives to address homelessness in this year's budget will help to reduce homelessness on the Mornington Peninsula.

Homelessness is an issue on the Mornington Peninsula, with the Mornington Peninsula Shire recording 390 requests for housing assistance from young people under the age of 25. With national Homelessness Week taking place at the beginning of August, now is an appropriate time to once again raise the importance of this issue to my community and seek to couple the ongoing efforts of this government in this space with the needs of the community I represent.

This government has a proud record of addressing homelessness in Victoria, and I look forward to updating my constituents of my minister's response.

COVID-19

Mr RIORDAN (Polwarth) (6006)

My adjournment matter is for the Minister for Health. The action I seek from the minister is for him to immediately provide a path that all Victorians trapped interstate can return home to Victoria, in the safest and quickest way possible.

Thousands of Victorians are now trapped in Queensland and across New South Wales, who cannot get back to Victoria. This week a small allocation of just 200 spaces was made available to Victorians to come home. The electorate of Polwarth has hundreds of people who are either outside the border bubble or in Queensland. Currently these people have no hope of getting back to their homes. Many Victorians are now in a desperate state as they need to return home for health and family reasons.

The health department is insisting people in Queensland must drive home within 24 hours, and many Victorians simply do not feel safe doing this. Those stuck outside the NSW border bubble currently have no opportunity to return.

There are many opportunities for the government to make the necessary provisions to allow people to return. Home quarantine and COVID testing are just two of the most obvious safety measures. Minister, a COVID emergency is not a reason to stop people from getting to their homes safely.

VICTORIAN HEART HOSPITAL**Mr DIMOPOULOS (Oakleigh) (6007)**

I wish to raise a matter for the Minister for Health.

The action that I seek is for the minister to join with me for a visit to the site of the new Victorian Heart Hospital in Clayton when time permits and when it is safe to do so.

As the minister knows well, this heart hospital will be the first of its kind in Australia. It is a hallmark of this government's commitment to advanced, state-of-the-art health care. With over 200 beds, it will become both a leading treatment and importantly a teaching hospital.

Heart disease is the leading cause of death in Australia. Making hospitals like this a priority is so important to ensuring advanced treatment and preventative health measures.

I have passed by the construction of this hospital on Blackburn Road many times over the last year—despite all the challenges with COVID it has been taking shape at an alarming speed. It looks amazing already.

We have such incredible health services and brilliant medical staff in and around Clayton, with the Monash Medical Centre and the Monash Children's Hospital. This area is also Victoria's premier research and innovation hub. Much of the work in this area is dedicated to world-leading health research, so this hospital will add strength to Victoria both nationally and on the world stage.

My community has shown a great enthusiasm for this new hospital. I've had so many conversations and messages about this and enormous support and thanks when I post about this on social media. I know that the completion of this hospital scheduled for next year will be a huge boost for our community, and all of Victoria.

Again, I thank the minister for his work, especially over the last year where the challenges in health care have been and continue to be immense. I therefore appreciate any time he may have in the future to see the great work underway at the Victorian Heart Hospital.

COVID-19**Mr NEWBURY (Brighton) (6008)**

My adjournment is for the Minister for Mental Health and the action I seek is for the minister to write to me and confirm whether the mental health shadow pandemic is real and when the state government intends to do something about it.