

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-NINTH PARLIAMENT

FIRST SESSION

WEDNESDAY, 18 MARCH 2020

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

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Deputy Premier, Minister for Education and Minister for the Coordination of Education and Training: COVID-19.....	The Hon. JA Merlino, MP
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Treasurer, Minister for Economic Development, Minister for Industrial Relations and Minister for the Coordination of Treasury and Finance: COVID-19.....	The Hon. TH Pallas, MP
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Minister for Child Protection and Minister for Disability, Ageing and Carers.....	The Hon. LA Donnellan, MP
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Minister for Multicultural Affairs, Minister for Community Sport and Minister for Youth	The Hon. R Spence, MP
Minister for Training and Skills, and Minister for Higher Education	The Hon. GA Tierney, MLC
Minister for Aboriginal Affairs, Minister for Prevention of Family Violence and Minister for Women	The Hon. G Williams, MP
Minister for Planning and Minister for Housing.....	The Hon. RW Wynne, MP
Cabinet Secretary.....	Ms M Thomas, MP

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

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The Hon. CW BROOKS

Deputy Speaker

Ms JM EDWARDS

Acting Speakers

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The Hon. DM ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

The Hon. JA MERLINO

Leader of the Parliamentary Liberal Party and Leader of the Opposition

The Hon. MA O'BRIEN

Deputy Leader of the Parliamentary Liberal Party

The Hon. LG McLEISH

Leader of The Nationals and Deputy Leader of the Opposition

The Hon. PL WALSH

Deputy Leader of The Nationals

Ms SM RYAN

Leader of the House

Ms JM ALLAN

Manager of Opposition Business

Mr KA WELLS

Heads of parliamentary departments

Assembly: Clerk of the Legislative Assembly: Ms B Noonan

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

Parliamentary Services: Secretary: Mr P Lochert

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

Member	District	Party	Member	District	Party
Addison, Ms Juliana	Wendouree	ALP	Maas, Mr Gary	Narre Warren South	ALP
Allan, Ms Jacinta Marie	Bendigo East	ALP	McCurdy, Mr Timothy Logan	Ovens Valley	Nats
Andrews, Mr Daniel Michael	Mulgrave	ALP	McGhie, Mr Stephen John	Melton	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	McGuire, Mr Frank	Broadmeadows	ALP
Battin, Mr Bradley William	Gembrook	LP	McLeish, Ms Lucinda Gaye	Eildon	LP
Blackwood, Mr Gary John	Narracan	LP	Merlino, Mr James Anthony	Monbulk	ALP
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Morris, Mr David Charles	Mornington	LP
Brayne, Mr Chris	Nepean	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma	South-West Coast	LP	Newbury, Mr James	Brighton	LP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Pearson, Mr Daniel James	Essendon	ALP
Cheeseman, Mr Darren Leicester	South Barwon	ALP	Read, Dr Tim	Brunswick	Greens
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Couzens, Ms Christine Anne	Geelong	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
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Cupper, Ms Ali	Mildura	Ind	Rowswell, Mr Brad	Sandringham	LP
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Dimopoulos, Mr Stephen	Oakleigh	ALP	Sandell, Ms Ellen	Melbourne	Greens
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Scott, Mr Robin David	Preston	ALP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Settle, Ms Michaela	Buninyong	ALP
Edwards, Ms Janice Maree	Bendigo West	ALP	Sheed, Ms Suzanna	Shepparton	Ind
Eren, Mr John Hamdi	Lara	ALP	Smith, Mr Ryan	Warrandyte	LP
Foley, Mr Martin Peter	Albert Park	ALP	Smith, Mr Timothy Colin	Kew	LP
Fowles, Mr Will	Burwood	ALP	Southwick, Mr David James	Caulfield	LP
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Green, Ms Danielle Louise	Yan Yean	ALP	Staikos, Mr Nicholas	Bentleigh	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staley, Ms Louise Eileen	Ripon	LP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hall, Ms Katie	Footscray	ALP	Tak, Mr Meng Heang	Clarinda	ALP
Halse, Mr Dustin	Ringwood	ALP	Taylor, Mr Jackson	Bayswater	ALP
Hamer, Mr Paul	Box Hill	ALP	Theophanous, Ms Katerina	Northcote	ALP
Hennessy, Ms Jill	Altona	ALP	Thomas, Ms Mary-Anne	Macedon	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Tilley, Mr William John	Benambra	LP
Hodgett, Mr David John	Croydon	LP	Vallence, Ms Bridget	Evelyn	LP
Horne, Ms Melissa Margaret	Williamstown	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kairouz, Ms Marlene	Kororoit	ALP	Ward, Ms Vicki	Eltham	ALP
Kealy, Ms Emma Jayne	Lowan	Nats	Wells, Mr Kimberley Arthur	Rowville	LP
Kennedy, Mr John Ormond	Hawthorn	ALP	Williams, Ms Gabrielle	Dandenong	ALP
Kilkenny, Ms Sonya	Carrum	ALP	Wynne, Mr Richard William	Richmond	ALP

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 Connolly, Mr Eren, Mr Rowswell, Ms Ryan and Ms Theophanous.

Environment and Planning Standing Committee

Mr Cheeseman, Mr Fowles, Ms Green, Mr Hamer, Mr McCurdy, Mr Morris and Mr T Smith.

Legal and Social Issues Standing Committee

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

Privileges Committee

Ms Allan, Mr Guy, Ms Hennessy, Mr McGuire, Mr Morris, Ms Neville, 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: Ms Blandthorn, Mr Guy, Ms Hall and Dr Read.

Council: 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, Mr McGhie, 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 D O'Brien, Ms Richards, Mr Richardson, Mr Riordan and Ms Vallence.

Council: Mr Limbrick and Ms Stitt.

Scrutiny of Acts and Regulations Committee

Assembly: Mr Burgess, Ms Connolly and Ms Kilkenny.

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

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Wednesday, 18 March 2020

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

Announcements

ACKNOWLEDGEMENT OF COUNTRY

The SPEAKER (09:32): 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.

Bills

**JUSTICE LEGISLATION AMENDMENT (DRUG COURT AND OTHER MATTERS)
BILL 2020**

Introduction and first reading

Ms HENNESSY (Altona—Attorney-General, Minister for Workplace Safety) (09:33): I move:

That I introduce a bill for an act to amend the County Court Act 1958 to establish a Drug Court Division of the County Court and to make consequential and related amendments to certain other acts, to amend the Limitation of Actions Act 1958 in relation to previously barred causes of action relating to child abuse, to make miscellaneous amendments to the Charities Act 1978 and the Victorian Civil and Administrative Tribunal Act 1998 and to amend the Children, Youth and Families Act 2005 in relation to chairpersons and alternate chairpersons of the Youth Parole Board and for other purposes.

Motion agreed to.

Mr SOUTHWICK (Caulfield) (09:34): I ask the Attorney-General for a brief explanation of the bill.

Ms HENNESSY: Certainly. This bill will essentially provide the legislative authority for the County Court to pilot a drug court for certain offences not involving serious violent sexual offences. That is one component of what that bill does. It also enables people to challenge previously executed deeds of release up to the date of the effect of the Ellis reforms, which I think is around 1 July 2018. It provides a delegation of power in respect of decisions that can be made under the Charities Act 1978 that currently resides in the office of the Attorney-General to other persons. It also provides the ability for VCAT to close hearings where there is a debate around cognitive capacity in respect of voluntary assisted dying decisions. In conclusion, it also provides an opportunity—

Mr Hodggett interjected.

Ms HENNESSY: Sorry, I am being told this is too long, and that point is well made, member for Croydon. It also makes some other provisions in respect of the appointment of the chairperson of the parole board.

Read first time.

Ordered to be read a second time tomorrow.

WAGE THEFT BILL 2020

Introduction and first reading

Ms HENNESSY (Altona—Attorney-General, Minister for Workplace Safety) (09:36): I move:

That I introduce a bill for an act to create offences relating to the theft of employee entitlements and the keeping of records relating to employee entitlements, to establish the Wage Inspectorate Victoria and for other purposes.

Motion agreed to.

Mr WAKELING (Ferntree Gully) (09:36): I ask the Attorney-General for a brief explanation of the bill.

Ms HENNESSY: I will be briefer than last time. This is effectively a bill that introduces the criminalisation of wage theft and other offences relating to the keeping of wage documents and establishes the Victorian Wages Inspectorate.

Read first time.

Ordered to be read a second time tomorrow.

Business of the house

NOTICES OF MOTION

The SPEAKER (09:37): I wish to advise the house that notices of motion 40 and 42 will be removed from the notice paper unless the members wishing their notice to remain advise the Clerk in writing before 2.00 pm today.

Petitions

Following petition presented to house by Clerk:

KILSYTH PLANNING SCHEME AMENDMENT

Re: 150 Cambridge Rd, Kilsyth—Planning Scheme Amendment Request—to rezone this surplus declared ‘former School’ site to NRZ residential—in ready for sale and subsequent development.

To the Legislative Assembly of Victoria

The petition of certain citizens of the State of Victoria draws attention to the House the sale and subsequent development of the land for housing and related purposes would negatively impact on the Community in terms of loss of open space availability.

A Yarra Ranges Council preliminary analysis of open space in Kilsyth alone, has identified a shortfall.

Inaction by the Government will cause further open space availability depletion

The subject site needs to be preserved as it presents a rare opportunity for the Government to remedy the open space shortfall and also to provide future parkland to accommodate the open space social needs of the growing population.

The need for Appropriate amounts of suitably sized and located Parkland cannot be ignored as the long term return of the health and wellbeing of today and tomorrow’s communities is beyond measure

The petitioners therefore request that the Legislative Assembly of Victoria demand that the Government:

- 1. Preserve the site to accommodate the recreational public open space demand pressures created by population Growth**
- 2. Disallow the proposed amendment considering it will increase the shortfall of public open space availability**

By Mr HODGETT (Croydon) (273 signatures).

Tabled.

Ordered that petition be considered next day on motion of Mr HODGETT (Croydon).

Documents

DOCUMENTS

Incorporated list as follows:

DOCUMENT TABLED UNDER ACTS OF PARLIAMENT—The Clerk tabled the following document under Acts of Parliament:

Auditor-General:

Freight Outcomes from Regional Rail Upgrades—Ordered to be published

Managing Development Contributions—Ordered to be published

Commissioner for Environmental Sustainability Victoria—Strategic Audit: Implementation of environmental management systems in Victorian Government 2018–19

Interpretation of Legislation Act 1984—Notice under s 32(3)(a)(iii) in relation to Statutory Rule 130/2019 (*Gazette G10, 12 March 2020*).

Bills

HEALTH SERVICES AMENDMENT (MANDATORY VACCINATION OF HEALTHCARE WORKERS) BILL 2020

NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2020

Council's agreement

The SPEAKER (09:39): I wish to advise the house that I have received messages from the Legislative Council agreeing to the following bills without amendment: the Health Services Amendment (Mandatory Vaccination of Healthcare Workers) Bill 2020 and the National Electricity (Victoria) Amendment Bill 2020.

Members statements

NEERIM AND DISTRICT POLICE RESOURCES

Mr BLACKWOOD (Narracan) (09:39): The township of Neerim South is very concerned at the lack of police resources and the growing need for a greater police presence in the town, especially on weekends. The Neerim South police station is allocated officers to provide a 12-hour service seven days a week in the town. Unfortunately, officers are called in to backfill at Warragul on a very regular basis, leaving the town with no police resources for days on end. There is a critical shortage of police numbers right across the Baw Baw shire. The police numbers do not match the growing population, and Warragul and Drouin continue to experience massive population growth. Just recently a Neerim South resident had reason to ring for police assistance at around 1.30 am Sunday morning. The response he received from the officer he spoke to was that he was the only member in the station, and the one and only divisional van operating across the whole of Baw Baw shire was already dealing with another call-out.

There are many occasions throughout the year that demand extra police presence in Neerim South. The snow season on Mount Baw Baw from June to October, the extra activity in the bush with trail bike riders and four-wheel drives most of the year and, during spring, summer and autumn, the enormous influx of visitors to the area on weekends demands a much better police presence than having to send someone from Warragul. The Minister for Police and Emergency Services must address this situation immediately. It is not fair on our hardworking, committed police officers to expect them to cover such a large area with so few resources. It is unacceptable that the Neerim and district area is now feeling very vulnerable because their police station is unmanned for the majority of the week.

LITTLE ROCKET

Mr WYNNE (Richmond—Minister for Housing, Minister for Multicultural Affairs, Minister for Planning) (09:40): Earlier this month I was delighted to celebrate with CEO John Burgess and team 10 years of Little Rocket. Little Rocket is a great example of not only a small business but an Aboriginal business that has successfully harnessed government policies and frameworks to diversify and grow. The theme for Little Rocket's 10th anniversary is, not surprisingly, 'From little things big things grow', and it is clear from their achievements that that theme has been put into practice absolutely.

From Clothing the Gap to the Australian Council of Trade Unions, Little Rocket is an Aboriginal business who have produced world-class communications and marketing material for seemingly everybody. They have also played a valuable role in helping the government to promote the social procurement framework, including its work with the Level Crossing Removal Project and the Major

Transport Infrastructure Authority. The nation-leading social enterprise strategy and social procurement framework put social and sustainable outcomes at the centre of government's procurement activity. The framework has resulted in the Victorian government spending more than \$17 million with Aboriginal businesses and organisations such as Little Rocket. I would like to recognise the important work that Little Rocket has completed included the treaty website, 'Faces of Aboriginal small business in Victoria', and design and illustration work for the last two Victorian government Aboriginal affairs reports. It was great to take a tour of their tram office in Easey Street, Collingwood—up on top of one of the high-rises there—and I congratulate the team for 10 years of incredible work.

COVID-19

Ms RYAN (Euroa) (09:42): The Andrews government needs to examine what measures it can put in place in coming weeks to support community sporting clubs as we grapple with the unprecedented crisis facing us as a result of COVID-19. Yesterday football and netball clubs across my region made a decision to delay their seasons until the end of May. I know many junior sports have also cancelled as well. I just want to make the point that these clubs are the absolute bedrock of our local communities, and we need community at the moment more than ever. There is a lot of discussion about the major sporting codes like the AFL and NRL, but I would urge the government to look at what it can do to assist those community sporting clubs, not just across my region but across the state, which help bind communities together.

MITCHELL SHIRE POLICE RESOURCES

Ms RYAN: I also rise this morning to highlight my concerns and the community's concerns over a lack of police numbers in Mitchell shire. Local police are under enormous strain there. Wallan, I think, should have gone to a 24-hour police station some time ago but is under immense strain, which is also putting pressure on the Kilmore police station and further up the line in the Mitchell police service area. When police resources were announced last week we got just five new officers despite the population of the Mitchell shire being expected to grow by 80 000 people over the next 20 years. It is clear that more resources are needed.

PINOY AKO PINOY TAYO

Ms HENNESSY (Altona—Attorney-General, Minister for Workplace Safety) (09:43): I rise today to pay tribute to and acknowledge Pinoy Ako Pinoy Tayo. I recently had the benefit of participating in their first birthday celebrations. They are of course a fantastic Filipino radio station that provides really important information to Filipino Australians and Filipino Victorians. They put on a really spectacular first anniversary celebration with great music and great food. They talked through a lot of the information, that they use radio—both in first languages and in English—in order to communicate with the community. The Filipino community is a really important part of Melbourne's western suburbs, but I know more broadly in Australia. I wanted to acknowledge and thank them for their hospitality and to congratulate them for the really important work that they are doing by way of education, information, support and community building through that mechanism.

MARIE LOCKYER

Ms HENNESSY: I also wanted to acknowledge a great Victorian in Marie Lockyer, who is very, very unwell. Marie Lockyer is known to many in the education sector as a wonderful educational leader. She brought wonderful models of learning, particularly for children who had different ways of learning. She is well known and well loved in the Woodleigh School community. I want her to know that the Victorian Parliament send their thoughts and love to her as she deals with major illness.

EILDON ELECTORATE INDIGENOUS CULTURAL PROGRAMS

Ms McLEISH (Eildon) (09:45): It was a first for me some 15 months ago when the students at Eildon Primary School performed a Torres Strait Islander dance for me, which surprisingly was not

unlike the haka. It was another first on 6 March when the students at Healesville Primary School sang a song in Woiwurrung language when I attended to present new Australian and Aboriginal flags and to participate in their leadership assembly. It was fabulous to see nearly all of the students proudly partake in the song, and it will not be long before the preps are on board too. Kudos to Wurundjeri educator Brooke Wandin, the teacher, who is also dedicated to keeping the language alive. I would like to commend school captains Charli Litchfield and Archer Kirby for leading an engaging and entertaining assembly, and to congratulate all the captains who took part. I was pleased to present the Aboriginal flag to the school's appointed Indigenous representatives, Chloe MacPherson-Daykin and Lachie Hamill.

ERNST FRIES

Ms McLEISH: The Yarra Valley has lost one of its most acclaimed artists with the death of sculptor Ernst Fries on 3 March. Ernst was a wonderful sculptor working in large-scale with stainless steel, granite, concrete and glass. His sculptures are widely displayed in the Yarra Valley—very prominently displayed. My favourite is his memorial piece for the Black Saturday bushfires, which stands in McKenzie Reserve, Yarra Glen. Ernst's impressive sculpture collection from his years of creativity can be found at Art at Linden Gate, Yarra Glen, where he lived and worked. He was a beloved member of the community and contributed endlessly to the region and to the promotion of the arts. He remained a dedicated advocate always.

1.6 BILLION WAYS TO BE MUSLIM

Ms EDWARDS (Bendigo West) (09:47): I was pleased to represent the Minister for Multicultural Affairs at a fantastic launch and successful exhibition at Bendigo library last week, *1.6 Billion Ways to Be Muslim*. I would like to thank the number of people and organisations who were instrumental in bringing this important exhibition to life, from the support of Goldfields Libraries and the leadership of the Bendigo Islamic Association to Peter Drew's inspiring poster art, which has been an important conversation starter for many Australians, and Karima Farouque's guidance in curation. This exhibition highlights the wonderful and varied contributions the Muslim community makes to the world and indeed to Bendigo.

Exhibitions like this contribute to our vision for a united and strong Bendigo. Everyone who comes to Victoria has a story to tell, and it is so important that these stories are shared. These stories support cultural exchange, which in turn supports the development of mutual understanding, cooperation and peace among people. It is through talking and listening to those with lived experiences that we can build bridges between cultures. Indeed studies have found that stories can inspire people to bring change in their own community, which makes the long-term impact of an initiative like this so important. I am proud to say that Bendigo is home to a growing Muslim community, and as the member for Bendigo West I have seen the wonderful impact that our Muslim community has made. As well as some of the difficulties and challenges they have faced, particularly in recent years with the building of the Bendigo Islamic Community Centre and mosque. This is not only an incredible exhibition, it is a wonderful opportunity to strengthen intercultural conversations and to reflect on the many significant contributions of Victoria's Muslim community.

COVID-19

Mr NEWBURY (Brighton) (09:48): Victoria's almost 1 million businesses that employ millions of workers are reporting a freefall in earnings. The government must announce a stimulus package to support business and protect jobs. The New South Wales government has announced a \$2.3 billion package that waives payroll tax, Queensland has announced \$500 million in interest-free loans and Western Australia has announced a \$600 million freeze on electricity, water and motor vehicle charges and public transport fares. The Premier needs an economic plan. Our state's businesses and workforce need action now.

VICROADS LEARNERS PERMIT TESTING

Mr NEWBURY: Young people in my community are waiting for at least 12 weeks to schedule a learners permit test appointment at VicRoads. Young Elena contacted me worried about the delays, and Brighton East mother Maxine said it is impossible to get her son an appointment outside of school hours. The delays are appalling.

ST LEONARD'S UNITING CHURCH, BRIGHTON

Mr NEWBURY: The federal assistant minister for homelessness, Luke Howarth, recently visited Brighton to hear from St Leonard's Uniting Church about the coffee cup challenge. The challenge encourages people to put aside \$4 each week in aid of homelessness. The Uniting Church is looking to roll out the initiative to over 350 Victorian churches late later this year.

SOMERSIDE

Mr NEWBURY: SomerSide produces lifestyle towels which are made from 85 per cent recycled plastic bottles. Each towel contains up to 14 bottles. After taking up surfing 25-year-old Gabby Samkova from Brighton East noticed how polluted the water was with plastic. She created the company SomerSide as a way to help reduce plastic in our oceans. Her initial Kickstarter campaign saw 350 customers across 37 countries back her incredible initiative.

CRAIGIEBURN FESTIVALS

Ms SPENCE (Yuroke) (09:50): In what seems a lifetime ago, it was just a few weeks ago that I had the pleasure to attend both the Craigieburn Festival and the Holi festival, which were held at Craigieburn Anzac Park. Craigieburn Festival was once again a huge success, with local residents coming along to enjoy entertainment, rides and market stalls. Of particular importance was the Torchlight Parade, the hallmark of the annual festival, when the community showed respect and gratitude to our many emergency services workers and volunteers, who protect our community all year round and who worked tirelessly during the devastating bushfires over summer. It was also the end of an era, with volunteers from the Craigieburn community emergency response team, or CERT, participating in the parade for the last time. CERT volunteers have served the Craigieburn community as it has grown from a small suburb to well over 50 000 residents, responding to medical emergencies and saving countless lives.

It was also wonderful to attend the Hume Holi festival, or the Hume Colour Fest, in Craigieburn. Local residents from a range of backgrounds were able to eat some delicious food and be entertained with a wide range of dancing, games and entertainment. This was the first time we have had a Holi celebration of this size in my electorate, and this important cultural celebration was very well attended. I would like to acknowledge the outstanding efforts of Pooja Punjabi, Kiran Sood and Raj Mann, executive directors of the Australian Women's Association. They are three terrific women who put in a huge amount of work in organising this event. I look forward to being able to attend these important events again next year. They were all well attended, and they were all greatly appreciated by the Craigieburn community.

URSULA MCCARTHY

Mr ROWSWELL (Sandringham) (09:51): I rise to congratulate Mrs Ursula McCarthy on her 100th birthday. Ursula was born in Carlton on 28 February 1920, and her connection to Bayside began early. Her family would travel to Sandringham by train in the summer holidays and share a house just off Beach Road. Together with her late husband, Dennis, she retired at Beaumaris in 1984, where they shared a passion for gardening. Ursula would say that she has lived an ordinary life, but her life journey has seen times and places many of us will never experience. Congratulations to Ursula on this momentous occasion.

AUSTRALIA DAY AWARDS

Mr ROWSWELL: I wish to congratulate the recipients of this year's 2020 Australia Day awards. Strong communities like ours require the ongoing contribution of strong and capable individuals prepared to dedicate their time and their service for the betterment of others. Congratulations to Bayside City Council Citizen of the Year, Reverend Bruce Corben; Young Citizen of the Year, Emily Fairweather; Senior Citizen of the Year, Ralph Butcher; and Individual Environmental Award recipient, Derek Jones. The following members of our community were also awarded a medal in the general division of the Order of Australia: Mr Anthony Corr; Mrs Kerry Franklin; Mr Jolyon Good; Mr George Halvagas; my predecessor, Mr Murray Thompson; Mr Peter Walsh; and finally, awarded an officer in the general division of the Order of Australia, Major General David McLachlan, retired. Congratulations to all.

CHRISTCHURCH MOSQUES TERRORIST ATTACK ANNIVERSARY

Ms SULEYMAN (St Albans) (09:53): On Sunday, 15 March, we marked the first anniversary of the Christchurch terror attack, which occurred at Al Noor Mosque and Linwood Islamic Centre in Christchurch. On that day the events unfolded, and the attack shocked and horrified us all. It did not discriminate between men, women and children. Forever in our memory will be the little shoes that lay outside the door of that mosque. I continue to be extremely touched by the solidarity not only of Victorians but globally offering love and offering compassion to the Muslim community. People all over the world visit Al Noor mosque and continue to pay their respects today. The victims are not forgotten, but our work continues. There needs to be much more work done when it comes to, as we have seen in recent times, an alarming rate of increase in attacks and Islamophobia and in particular attacks towards the Muslim community. We need to unite against such hate—any form of hate.

I take this opportunity to pray for and also offer my condolences to the families. Their loved ones will never be forgotten. We must continue to remember the innocent lives lost. It was a terror attack that shocked us all not only in Victoria but globally. An injustice committed by one is an injustice on all. Peace be upon you.

COVID-19

Mr RIORDAN (Polwarth) (09:54): This morning I rise to discuss and to put on the record the terrible situation arising right throughout rural and regional Victoria with food shortages. In a day and a half of this Parliament sitting this government has not made any mention whatsoever of its commitment to supporting families who are now going without food across rural and regional Victoria. There are reports of people coming from Melbourne, profiteering, raiding stores and supermarkets, and taking advantage of food availability in the country areas to the detriment of those living in areas in my electorate.

Bannockburn, Colac, Whittlesea, Camperdown, Cobden—right throughout my region people are going without fresh food as we speak. The supermarket industry this morning said there would be a minimum two-week catch-up if everything went back to normal. There is no sign that normal buying patterns are going to return any time soon, and as each day passes people are going into their supermarkets and finding row after row emptied of basic necessities that people need in their daily lives. In low-income communities particularly families are really beginning to hurt as fresh food is not available. There is not bread available. There are not basic hams and cheeses and other things available to send children to school with.

This government is refusing to take this issue seriously. Last night at the briefing on COVID-19 there was no mention at all from government officials on what they plan to do to improve this situation for hardworking families throughout Victoria.

SOUTHMOOR PRIMARY SCHOOL

Mr STAIKOS (Bentleigh) (09:56): I unfortunately will be missing Southmoor Primary School's school leavers assembly, so I would like to take this opportunity to name all of the fantastic new school leavers: Alivia Beck, Tyson Bradley, Tyler Brooks, Verona Brooks, Imani Butt, Thomas Cornehl, Liam Davis, Matilda Evans, Koby Harrison, Noah Herft, Bella Knight, Yianni Lambrou, Benjamin Maltman, Tessy Marnow, Madhav Mathur, Luc McGrath, Lorina Molnar, Cassius Ofole, Evan Prassas, Gabi Shahini, Maddy Stevenson, Eva Vergers, Nathaniel Watson, Joshua Weber, Clare West, Sienna Wright, Sarah Bardsley, Olivia Briasco, Miller Davis, Jonas Firinauskas, Madeleine Fox, Dylan Hopkinson, Tom Ireland, Tianna Kamal-Eddine, Veenayak Khemka, Andrew Kondopoulos, Xander Lay-Pass, Billie MacLaren-Whitaker, Lana McGowan, Reed Moser-Churchus, Flynn Nguyen, Eliza Paterson, Lulu Pozydajew, Devon Rausa, Makenzie Sampson, Claire Shen, Peter Spanidis, Eleanor Swales, Tomi Vegh, Alex Wright, Rory Colman, Marshall Crawford, Austin Evans, Stephanie Harrak, Ayse Hennessy, Jordania Kouspos, James Littlewood, Johanna Meissner, Ashleigh Peterson, Sam Raskin, Owen Rees, Charlotte Renton, Veronica Reykherdt, Tia Seidel, Claudia Short, Alexis Spackman, Nikolai Trofimichine and Hannah Turner-Peters. I apologise for my pronunciation. I wish them all well, and I also wish my local community and everyone all the best in these times, and please follow the expert advice.

COVID-19

Mr NORTHE (Morwell) (09:57): I rise to acknowledge the terrible impacts the COVID-19 virus is having upon individuals, families and businesses within my community. I have received many contacts from anxious and vulnerable members of our community in regard to the panic buying of others, which has now led to a shortage of essential items in supermarket aisles and shelves. It is little wonder they are fearful of the current situation. The aged, the disadvantaged and those with a disability or health or mental health challenge need to be supported throughout this crisis, and I put it to the government and to grocery retailers that more has to be done to support these people. Some are unable to get to supermarkets easily and welfare agencies are also without supply, so in my view strong interventions need to occur. It is difficult to observe and comprehend the ugly behaviours of some people at this time—it is simply un-Australian.

Of course many business owners and their employees are also feeling the pressures of a downturn in trade in these trying times. The reality is we need strong, practical government assistance that will make a positive difference on the ground so our businesses are able to survive and then thrive, particularly when many have their livelihoods on the line. Whilst I understand it is not easy, businesses urgently require government financial and taxation relief at this critical time. As locals we can do our bit by shopping local where possible.

I would like to genuinely and deeply thank the work, support and tireless dedication of all of our healthcare sector workers—doctors, nurses, hospital staff and others on the front line of this crisis. We thank you for the vital role you are playing at this time.

POLICE RESOURCES

Mr FOWLES (Burwood) (09:58): Victorians will see 788 new frontline police hit the beat over the next year thanks to the Andrews Labor government's record investment in Victoria Police. From May this year 580 police officers will be progressively deployed to stations across Victoria while a further 208 will go to specialist roles such as family violence, road policing, counterterrorism and crime investigation. Victoria Police is deploying new police when and where they are needed, using a sophisticated new tool known as the staffing allocation model. In this latest allocation of additional personnel police are focusing on making sure each Victorian community has the resources to stay safe and respond to crime in their local area.

The Forest Hill division of Victoria Police covers my electorate, including the police service areas of Boroondara, Monash and Whitehorse. My constituents will soon see more police on the streets, with

an additional 84 officers joining the division. That is 84 more police out in the community protecting and serving residents and reducing crime, backed by the resources they need to target and prevent burglaries, violent crime and family violence. Since 2018, 172 new officers have been recruited to our local division as the Andrews Labor government continues to deliver the biggest boost to police resources in history. Indeed, this government's record \$3 billion investment has seen more than 1900 of 3135 new police deployed to communities right across the state. Despite the claims of some, we are delivering more police— (*Time expired*)

COVID-19

Mr HODGETT (Croydon) (10:00): The coronavirus is upon us, and this is not a time to be scoring political points. With that in mind I raise this matter today as constructive criticism to point out to the government an opportunity to take positive action and improve their preparation of the supply of medical devices. I alert the Premier to the lack of proactive planning at Health Purchasing Victoria (HPV). Fairmont Medical in Bayswater manufacture locally many of the medical devices necessary for the battle against the coronavirus. They are the only producers of filters, ventilators, circuits and oxygen tubing in Australia. You would think by now HPV would be knocking on Fairmont Medical's door, shoring up supply of these important medical products. Sadly not.

Seventy percent of Australia's respiratory filters are imported from Italy. Will the government wait until we run out of stocks of these important devices? It will happen. I do not profess to be an expert here; however, I am told that the government lacks any understanding of how this is going to impact the health system, and soon it will be far too late. I am informed that Fairmont Medical are gearing up and putting more workers on in anticipation of a last-minute massive rush by HPV and the government. Fairmont Medical are ramping up stockpiles of components so they can meet demand when they are urgently called upon to do so. I am also advised the company are investing in and tooling up to produce a special mask to protect healthcare workers. The mask has a better rating than an N95, and they can produce 50 000 masks a month.

We should be working together with companies like Fairmont Medical to be in the best position to respond to the coronavirus. Premier, in these challenging and uncertain times let us be aware of these facts and opportunities available to get ahead of the crisis and prepare as needed for what is required to fight and manage the coronavirus and act to protect the health of all Victorians.

FRIENDS OF WAURN PONDS CREEK

Mr CHEESEMAN (South Barwon) (10:02): Firstly, I would like to acknowledge the Friends of Waurn Ponds Creek, a volunteer group that works every second Sunday to clean up the creek and revegetate its banks. The Friends do a lot of work with very little funding and have productive relationships with local authorities. They provide a valuable service to the community in repairing this waterway and keeping nearby parkland in good order. I hope to see it in action into the future.

MEN'S AND WOMEN'S SHEDS

Mr CHEESEMAN: I would also like to acknowledge today the Torquay and Grovedale men's sheds in my electorate, who do some fantastic work in combating social isolation and improving mental health. This extends to the fantastic Torquay women's sharing shed that I recently visited, which is one of very few standalone women's sheds in the state of Victoria.

LABOUR DAY

Mr CHEESEMAN: Finally, I would like to reflect on the meaning of Labour Day, a holiday we recently celebrated. It commemorates, of course, the hardworking stonemasons and their strike in 1856 when workers on building sites across Melbourne downed tools and marched to achieve an 8-hour day without, of course, loss of pay. This direct protest action by those working men led to the 8-hour day as we currently know it, and I wish all trade unions good work into the future.

PAULINE TONER AWARD

Ms WARD (Eltham) (10:03): This year I again celebrated International Women's Day by celebrating the achievements of local young women in memory of Pauline Toner, the first woman—who was a Labor woman—to represent my community at a local and state level, including as Victoria's first female minister. Congratulations to all those great, strong, kind and inspirational young women who were nominated for the Pauline Toner prize: Deanna Anestis from St Helena Secondary College, Libby Fisher from Montmorency Secondary College, Emily Brooks from Eltham High, Clare Steele from Eltham High, Sylvia Robin from Eltham College, and this year we awarded the prize to two young women, Anna Denishensky from Eltham College and Evangeline Hurrell from Catholic Ladies College.

We are lucky to have so many strong women in our community. Thank you to the wonderful Aunty Pam Pedersen for being our guest speaker and telling her stories; the member for Jagajaga, Kate Thwaites; and a big thankyou to Eltham High and their VET students for hosting this year's breakfast, which was fantastic. A big shout-out to school captains Hannah Smailes and Bailey Johnson for their great speeches and role as MCs. Thank you also to Madeline Toner, Sue Dyet and Sandra Macneil for their work as panel members.

INTERNATIONAL WOMEN'S DAY

Ms WARD: Congratulations to the terrific young women who were recognised by Nillumbik Shire Council for their achievements in celebration of International Women's Day. Those celebrated were Young Woman of the Year, Libby Fisher; Young Carer Award, Jhemma Hall; Gender Equity Advocate Award, Tara Frost; Excelling in Arts or Sports Award, Eliza Stone; and Youth-Led Group of the Year, the Violet Fems. Nillumbik held a terrific night with a fantastic speech from author Maxine Beneba Clarke, who not only spoke of her experience as an African-Australian woman and writer but also read some of her powerful poems. (*Time expired*)

COVID-19

Ms KILKENNY (Carrum) (10:04): I know people are worried, uncertain and even anxious and scared about the coronavirus, and this is completely understandable, particularly when it can feel like we have no personal or individual control of the situation. But we do, and you have stepped up and even gone beyond what is being asked of you by our leaders around personal hygiene, physical distancing and home quarantine. The acts of kindness and compassion I am seeing and hearing about are heartwarming. So today I wish to thank my community for not only their compassion but their commitment to helping us slow the spread of infection and making sure we are best placed to look after some of the most vulnerable people in our communities. Thank you also to our small businesses. I know you are doing everything you can to keep your workers, particularly casual workers, in paid employment. Thank you to our health workers and all of our hospital support staff and the people who keep the hospitals going: the cleaners and laundry staff, the cooks, the patient transport workers, the volunteers, our Frankston Hospital pink ladies. And of course there are the workers at our supermarkets. These are some of the most difficult circumstances you will ever work in, but you are doing us so proud.

Finally, I want to thank the banks—those banks that have already taken steps to offer help and support to our communities, our small businesses, by deferring mortgage and loan repayments, offering interest-free loans, passing on all interest rate cuts and providing working capital for business cash flow. I now call on all Australian banks to do the same. As Victorians we will proudly be defined by our compassion and our commitment to looking after some of our most vulnerable community members during the difficult weeks ahead.

WOMEN IN SPORT

Ms THEOPHANOUS (Northcote) (10:06): It was so wonderful to be able to attend the ICC Women's T20 World Cup final at the MCG on International Women's Day. It was even better to be

able to watch our Aussie girls take home the trophy, defeating India by 85 runs. It was brilliant to see over 86 000 people supporting our girls. The feeling was electric both inside and outside the G, and there were so many families with young children as well.

In the weeks previous I encouraged primary schools within my electorate to enter a drawing competition. Students were asked to draw a woman in sport and tell me the reason they inspire them. The results were absolutely wonderful and showed just how important it is to have female role models in sport. We had many entries and learned about many inspirational women, from a student's mum who coaches her local netball team to the likes of athletes like Cathy Freeman and Betty Cuthbert. A big congratulations to all our winners, including Olivia, grade 3, from Alphington Primary, who is inspired by young tennis legend Ash Barty; Ella, grade 2, at Westgarth Primary, inspired by AFLW player Jess Edwards, who is also a teacher at her school; Kaythan, grade 4, from Preston South Primary is inspired by soccer star Sam Kerr; Taj Pearson, grade 6, is inspired by surfer Bethany Hamilton; and Isla, grade 2, from Bell Primary School, who is inspired by Aussie cricketer Ellyse Perry. As you can see, the students were inspired by women from a whole range of sports. It may be awhile before we get to attend a sporting event like we did for the women's cricket final, but that makes it even more important to keep talking about our sporting heroes.

KERRY FITZMAURICE

Ms GREEN (Yan Yean) (10:07): It gives me great pleasure to commend the International Women's Day 2020 Selina Sutherland Award recipient, Kerry Fitzmaurice. She is a local who lives in Plenty and is someone who has given me much advice over the years, but it is her career and her outstanding contributions to her profession as an orthoptist spanning 40 years and her remarkable community service that made her a fitting winner of this award. Kerry as an educator has taught at all levels of the Victorian education system, from primary through to higher education. Kerry has combined her educational background with orthoptic clinical training to develop training programs to assist people with vision impairment to maximise the use of their residual vision. Holding joint position as a senior orthoptist at the Royal Victorian Institute for the Blind and lecturer at Lincoln Institute, Kerry began research into the underlying physiology of vision techniques and easy-to-follow learning strategies she developed. The success of this early work led to the introduction of orthoptic-led vision rehabilitation at the RVIB and development work for all major agencies in low vision across Australia. She has done so much as well in the Plenty community with scouts, with the historical society, and together with Neisha Forbes she was able to get Selina Sutherland posthumously added to the Victorian women's honour roll. Congratulations, Kerry, and thank you, Jenny Mikakos, for being our guest speaker for the night— *(Time expired)*

MEDICAL RESEARCH

Mr McGuire (Broadmeadows) (10:09): I renew my call for a centre for disease control and prevention to be centred on the world-leading medical research in Victoria— *(Time expired)*

Statements on parliamentary committee reports

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Report on the 2019–20 Budget Estimates

Mr D O'Brien (Gippsland South) (10:09): I am pleased to rise to speak on the Public Accounts and Estimates Committee report on the 2019–20 budget estimates. I am a member of the committee and went through the gruelling process of the estimates hearings last year. We make jokes about it, but I actually do heartily enjoy it. It is a very important role to be a member of the committee.

The committee has a number of functions, but the objectives of the estimates process list that the committee's inquiry into the estimates is to benefit the Parliament and the community by promoting the accountability, transparency and integrity of the executive and the public sector, and encouraging effective and efficient delivery of public services and assets, among other things. I highlight those two

issues because in these times we need assurances to the community that the executive—the government of the state of Victoria—can help the community in times of need. I am becoming increasingly concerned that the capacity of the state to do that from a fiscal perspective has been somewhat limited, and I will come to that in a moment.

We have had an awful summer. We have had the worst bushfires this state has seen in terms of scale at least since the 1850s and in terms of the damage that has been done to our tourism communities, particularly in East Gippsland but I emphasise those communities in the north-east and also the rest of Gippsland, indeed right across the state. Smoke and poor weather ironically enough have affected the tourism businesses, and not just the tourism businesses. Those businesses that rely on tourists coming through in secondary industries have had a terrible time. I think this government's performance in terms of assisting those communities has been very poor. I will leave commentary on the actual response to those most directly affected by the bushfires to others, but with respect to promoting tourism and marketing into Gippsland, it has been very ordinary. We have seen a \$200 000 grant to Destination Gippsland and some more work done through Visit Victoria, but I do not think that is enough. The government itself is talking in the realm of \$200 million to \$300 million put towards the bushfires while the commonwealth has committed \$2 billion and the New South Wales government over \$1 billion. I think this has been sorely lacking.

We now have the coronavirus. I fear that the economic impacts of this have not been well understood. I do not think they have been well discussed in the community. I know one area that absolutely understands it, and that is the share market. That is why we have seen massive writedowns not just of Australian but global shares over the last couple of weeks. I am concerned that there has been nothing from this government. We had the extraordinary spectacle yesterday in question time of the Premier of this state praising the federal government and saying what a great job their stimulus is doing, which is just completely foreign to us on this side. We have never heard them say that. But in this case we are actually seeing the government saying, 'Look, the federal government has got this stimulus package and we are waiting to see how that goes'. What the federal government is doing is good, and they have announced some more stuff today. It is incumbent on this government to actually put some support out there for businesses.

On Friday we had the release of the 2019–20 midyear financial report, which revealed a \$1.1 billion deficit for the first six months of this year. That is a lot. One of the main reasons for that, as listed in the report itself, was that employee expenses were up \$947 million on the same period in the previous year. That has left us with a massive deficit, and that has raised significant concerns because of course that is before the impact of the bushfires and the coronavirus on the state budget bottom line. It leaves this state in a weakened position to be able to respond to the crises that now face us.

I am calling on the government to recognise the scale of the economic impacts on business that are coming at us and to ensure that it does what it possibly can. The member for Brighton just outlined in members statements the support that other states have provided to their business sectors, and so far we have seen nothing. We have seen nothing from this government. One of the main reasons is they have lost control of the finances. They are not able to control their spending and Victorians have a \$1.1 billion deficit as a result, leaving us in a far weakened state to face the crises that we are now facing.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Report on the 2019–20 Budget Estimates

Mr PEARSON (Essendon) (10:14): This is a fantastic report, and I commend it to the house.

The DEPUTY SPEAKER: Which report, member for Essendon?

Mr PEARSON: The *Report on the 2019–20 Budget Estimates*.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Report on the 2019–20 Budget Estimates

Mr ANGUS (Forest Hill) (10:15): I am pleased to rise and make a contribution on the *Report on the 2019–20 Budget Estimates*, and I certainly endorse the comments from the member for South Gippsland in his contribution in relation to this particular report. I want to just go through particularly chapter 2 of the report, which deals with the 2019–20 budget overview, and I want to touch on a whole range of points in relation to that. If we go to 2.2—

Mr Richardson interjected.

Mr ANGUS: Yes. I would like an extension, actually, but 5 minutes will have to do me. Point 2.2 on page 8 talks about the budget having net operating surpluses in each year over the next four years. Well, what a joke that has turned out to be. The fact is we have now seen—with what the financial statements tabled last Friday morning have shown—a year-to-date loss, a deficit, of \$1.146 billion for the six months to December.

So we have had the Treasurer repeatedly say both inside and outside of this place that the budget will be in surplus, and clearly it is not. It has been a \$1.45 billion turnaround over the previous equivalent period of time. And that shows the dramatic deterioration in the financial situation here in Victoria. And it augurs very, very badly, because the one thing we know in relation to the deficit already is that it excludes the impacts from the bushfires and of course from the coronavirus as well. So goodness knows where we are heading in relation to that, except it is all going to be downhill very dramatically.

If we look on page 9 of the report under 2.3.1, we can see the various analyses in relation to net debt. The net debt to gross state product ratio at 30 June last year was 5.7 per cent and at the end of December it was 7.6 per cent, so we have got a 24 per cent increase there just in that short period of time. Now, we know that the Treasurer is saying that is going to go up well over the double digits—or into the double digits, up over 12 per cent—but to see it rise so dramatically in that very short period of time is of great concern to all Victorians.

If we turn over to page 11, we can see under 2.4.2, under the ‘Risks’ section, we have got wages. And again the member for Gippsland South touched on this, but we can see what we have got here is that according to the report, the PAEC report, it talks about average wage growth of 2.2 per cent and the expectation being around that vicinity. But we can see that for the actual six months to 31 December 2019 wages grew by 7.7 per cent. So right there we can see the complete and utter loss of control in the budget, and it to a large extent rests around the issue of wages. And that is not unexpected; it is what we see every time Labor comes to power. They pad out the public service, they pad out things with their Labor mates that are not delivering frontline services but are sitting in tall buildings shuffling papers in some instances. And that is what is going to be a fixed overhead, like a millstone around the neck of all Victorians in relation to financial matters. So that is there for everybody to see—the fact that that has just blown out. If we turn over to page 19, 2.5.3 talks about taxation revenue, and it says:

State-based taxation revenue is expected to grow by 2.2% ...

So what we can see there is in relation to the six months the actual figures have grown by 4.3 per cent. So that has virtually doubled the estimate in the first six months alone. So we can see the evidence, in incontrovertible form, that we have got the highest taxing, highest spending government that we have ever had here in Victoria, and I think there would be significant questions about what we are getting for our money. If we turn over to page 21, we can see some of the components of the tax revenue, including payroll tax. And the report says:

Payroll tax is expected to raise \$6.5 billion ... and increase by 4.5% per year ...

In the six months to 31 December payroll tax alone has increased by 6 per cent, so it is an extraordinary increase. The grab on payroll tax just continues to go up and up.

There is a whole range of other expenses which I have not got time to go into now but hopefully will another time. But what this report shows is that the financial statements that came out last Friday indicate the budget is completely out of control in relation to this.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Report on the 2019–20 Budget Estimates

Mr McGUIRE (Broadmeadows) (10:20): I refer to the Public Accounts and Estimates Committee inquiry and the contribution from the Treasurer. We confront a once-in-a-century pandemic and a once-in-a-generation recession, coinciding with social media disruption, which is often incorrect, inflammatory and causing panic. Convergence of such life-changing events means that we should listen and act on advice from the national unity cabinet, where the Premier is playing a leading role with the Prime Minister and other first ministers to slow the spread of the coronavirus to save lives.

I renew my call for a centre for disease control and prevention to be centred on the world-leading medical research in Victoria as a single source of truth and emergency response in the future. The Medical Research Future Fund, rising to \$20 billion, is tailor-made to establish a mission for infectious diseases to deliver this result and leverage the Victorian government's budget investment of \$116.5 million into medical research and an extra \$6 million targeted at a vaccine for the coronavirus.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Report on the 2019–20 Budget Estimates

Mr HIBBINS (Pahran) (10:21): I rise to speak on the Public Accounts and Estimates Committee report into the budget estimates 2019–20. Within those budget estimates it did provide for a \$1.8 billion so-called efficiency dividend, which we know will be cuts to the public service. The budget outlined these whole-of-government efficiencies of \$201.3 million in 2019–20, \$462.8 million in 2021, \$524.2 million—that is over half a billion dollars—in 2021–22 and \$548.6 million in 2022–23. The state government has now doubled down on this, or even more than doubled down, with the Treasurer recently announcing \$4 billion worth of cuts to the public sector over four years. As reported on 12 February, just a month ago:

Victorian Treasurer Tim Pallas says he needs to cut \$4 billion in spending from the state's budget over the next four years to keep it in surplus amid 'trying times'.

Well, I think there is no doubt that now is the absolute worst time—the worst time—to be implementing austerity measures in the state of Victoria that will take money out of the public sector when people need it most. This government needs to urgently reverse the madness of billions of dollars worth of cuts to the public sector. Now is not the time—not the time—to be squeezing the public sector in order to keep a surplus. It is the wrong course, and I disagree with the opposition in saying that the government must still deliver a surplus this year. That is absurd. The government needs to end this ridiculous austerity policy of cuts to the public sector.

Not only is this bad policy, but it is absolute hypocrisy from the government to do this. I read from a media release from 2017 by the then Minister for Industry and Employment, and it says:

VICTORIAN WORKERS ON THE LIBERAL CHOPPING BLOCK

Michael O'Brien has confirmed ... as part of the Liberal ... proposed 'Commission of Audit'—frontline public sector workers will once again face the Liberal chopping block as part of their agenda of cuts.

So on the one hand you are saying a commission of audit is bad, but if you call it an expenditure-based review, well, that is okay. The media release goes on:

Michael O'Brien has let the cat out of the bag—no public sector worker will be safe from their planned cuts.

...

Cutting services is in the Liberal Party's DNA—Jeff Kennett cut services, Ted Baillieu cut services, Denis Naphthine cut services, and Matthew Guy will too.

Well, right now as it stands, you can add to that list the Premier. These cuts are absolute madness. I will read from the report *Messing with Success: Victoria's Puzzling Turn to Austerity* by the Australia Institute. It states that these efficiency dividends:

... would impose an effective and homogeneous budget cut on departments and programs. This expanded 'efficiency dividend' is justified as a tool for eliciting greater efficiency and service delivery; in practice it amounts to a simple, mindless, across-the-board cut in expenditures, service delivery, and potentially employment.

Now is not the time to be waging war on the public sector, as we now need to do everything we can to prevent or fight against an economic downturn due to the crisis we find ourselves in. Additionally to that, the government needs to scrap this ridiculous 2 per cent wages cap on the public sector. This is depressing wages across the board, from the government sector to the private sector. The government needs to support the modest and reasonable pay rises that the public sector are asking for.

It is also inexplicable why the state government has not already announced its own stimulus measures, just as the federal government has, just as other states have. Why has the government not provided specific leave for public sector workers who need to self-quarantine or provide support to someone who does, including workers who are casuals? It is very unclear why the government has not announced these measures. They need to do it. They need to support our public sector workers in this time of crisis.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Report on the 2019–20 Budget Estimates

Mr RICHARDSON (Mordialloc) (10:25): I rise to speak on the report of the 2019–20 budget estimates. Taking people to page 2 as well, as the member for Forest Hill said, it is going to be very interesting to see the rhetoric that those opposite, including the member for Forest Hill, put forward when the federal government estimates that it will be in deficit by \$100 billion. All the inflammatory language of those opposite attacking this kind of policy to try and get our communities through, we are going to use that and talk to Scott Morrison and federal counterparts about that, because that inflammatory language is exactly what we do not need at a time when we are supporting communities through bushfire and coronavirus.

Members interjecting.

Mr RICHARDSON: Your federal mates will be on the phone, mate, because you are talking down their actions.

The DEPUTY SPEAKER: Order! The member for Mordialloc!

Mr RICHARDSON: This is a great budget. It is an outstanding budget, and it will see us get through a crisis that we have not seen for a whole generation.

Business of the house

NOTICES OF MOTION

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (10:26): I advise that the government does not wish to proceed with notice of motion 1, government business, today and requests that it remain on the notice paper.

STANDING AND SESSIONAL ORDERS

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (10:27): I move:

That:

- (1) this house notes that as we move to slow the spread of COVID-19 and reduce its impact on elderly and vulnerable Victorians, workplaces across Australia are changing the way they work. Therefore in the current circumstances this house should only be dealing with essential matters of business.
- (2) so much of standing and sessional orders be suspended immediately to allow:
 - (a) the order of business for the remainder of the week to be:

Wednesday 18 March 2020

Question time (11.00 am)

Government business *continued*

Adjournment (3.00 pm)

Thursday 19 March 2020

Formal business

Government business

Question time (11.00 am)

Government business *continued*

Adjournment (3.00 pm).
 - (b) there to be no adjournment debate under standing order 33.

In speaking to the motion I do not intend to take a lot of time on this debate this morning as these were matters that were canvassed quite extensively yesterday during the government business program motion. I am going to be optimistic that we do not need a long debate on this matter today, and that is because we have just seen the Prime Minister give an extensive press conference. People are working around the clock, through the night. At the national level there is strong leadership being shown in a strong bipartisan way, where leaders are coming together across party lines, putting aside differences, and understanding that the time is now to come together and work cooperatively through the challenges that face us but also understand that from time to time modifications are going to need to be made to the way business as usual is done.

We are seeing workplaces around the world being asked by their governments, being asked by their citizens to look at how things need to be done differently to protect the wellbeing of staff, to protect their health and safety, but also to take every measure possible to slow the spread of what is a disease of the type we have not seen in modern times. This is why we do not move lightly a motion of this type. It is why I spent a considerable period of time before Parliament started this week reaching out to members of the opposition, the crossbench and the Greens political party to talk through the government's thinking as to why this week, given Parliament was always scheduled to sit this week, there is going to be further change coming and we needed to put into place a specific set of arrangements just for this week. That is what we are asking for: let us respond to the situation we have before us now and then also think about what needs to be done for the future.

Again I refer to the Prime Minister's comments earlier in the week. Federal Parliament appears to have been able to achieve this in a cooperative way. The federal Parliament is both reducing the number of members required to sit in the Parliament and also reducing their sitting time because they want to reduce the potential exposure and potential risk for the staff that work in the building. The Queensland Parliament is also sitting this week. They are taking similar measures and, as I understand it, have been able to do this and achieve it in a bipartisan way. We have a responsibility to the staff who work in this place—the people who go home to their own families, who have their own caring responsibilities—to act responsibly. We have a duty to ourselves. We are all humans—we all go home to families and to potentially caring for elderly parents or a neighbour who may have a disability or may need a bit of a helping hand at this time.

Also, I know, Speaker, that people have approached you and they have approached me. Members on all sides are also concerned. People have been asking me, colleagues have been asking me, about steps

that need to be taken this week to limit potential exposure. That is why after deep reflection the government made the decision to change the sitting arrangements for this week—to maintain those important functions of the scrutiny of government through question time. I put this very clearly because I anticipate this will be a matter that we will hear a lot of bluff and bluster about from those opposite. They will say we are trying to avoid the scrutiny of Parliament. That is nonsense, that is rubbish and it is outrageous to use that slur, as the Leader of the Opposition did yesterday in his media comments. We are not reducing the scrutiny of this government. We are not stepping away from that at all. We are simply asking for some cooperation. The motion that is before the house—

Mr D O'Brien interjected.

Ms ALLAN: I would suggest to the member for Gippsland South that if he wants to have any leadership opportunity in this place he just listen for a minute and I will explain to him—

Members interjecting.

Ms ALLAN: If I sound a little cross, it is because I made every effort—and I will not be verballed by those opposite. I made every effort. I spoke at length to the Manager of Opposition Business. I understood what the opposition's priorities were for this week. I indicated that we were in a position to compromise our original proposition to accommodate the wishes of the opposition. That desire, that approach of bipartisan cooperation, was flatly rejected. I will come to this in a moment. I have been able to address some of the issues that the Greens political party raised with me in my discussions with them. I have been able to talk to the crossbenchers as well. I want to resoundingly reject any claim that has been made this week or is going to be made later today, during this debate, that we are using this international crisis to avoid scrutiny—nothing could be further from the truth.

We are simply asking for some modest modifications to this sitting week to take care of the health and wellbeing of our staff and the health and wellbeing of each other. If we cannot come together on that, I will leave it to the opposition to explain why they will choose to be on the wrong side of history in this debate and why they will choose to walk away from this opportunity that, as the Deputy Premier has said, other parliaments in this country and other parliaments around the world have taken. We are seeing right now a great display of cooperation, with the Prime Minister convening national cabinet—all state and territory leaders, all different political parties, coming together. This is a really critical moment for the opposition to consider where they sit on this.

I want to come to some of the conversations I have had with the crossbench on this motion. One of the issues that has been raised with me, particularly by the member for Melbourne, is how we may be able to accommodate members statements that members would have liked to have made tomorrow and adjournment contributions that members would have liked to have made today and tomorrow. I flag that the member for Essendon will be moving an amendment to this motion that will allow for members statements for tomorrow and adjournment matters for today and tomorrow to be submitted to the Clerk and for them to be incorporated into *Hansard*. So I am thankful for the cooperation of the Greens and, I should say, the crossbench as well.

I will go to another rebuttal that I know will come from the opposition: that Parliament is exempt. We are in a state of emergency. The Premier declared a state of emergency as of midday on Monday. This is the situation we are in. These are not usual times.

We are in a state of emergency and as such, as part of a range of activities—and the Prime Minister also went to this this morning in his press conference—that are needed to keep our society going, Parliament is exempt. But as I have said, Parliament may be exempt, but we have seen the federal parliament agree to a reduced sitting program—a focus on the stimulus measure, a focus on scrutiny of government but reduced sitting hours. We have seen this happen in the Queensland Parliament as well. I put to the opposition: what makes them so special? What makes them know better than the Prime Minister, the chief medical officers and other leaders internationally? What makes the opposition, what piece of information gives them—

Members interjecting.

Ms ALLAN: What do they have? Maybe in the Manager of Opposition Business's contribution he is going to reveal an internationally unknown-to-date piece of medical research that we do not know about. Maybe that is what we are going to see in the contribution from the Manager of Opposition Business, because other than that I am genuinely shocked and surprised.

Members interjecting.

Ms ALLAN: I have seen a lot of slings and arrows flung in this place over a long period of time. I will acknowledge absolutely that in this place from time to time I have not been a shrinking violet, but I do know this, that when we have had the crisis of bushfires—

Mr R Smith interjected.

The SPEAKER: Order! The member for Warrandyte is warned.

Ms ALLAN: and there were the floods in 2011, that when there was an opportunity previously for bipartisanship, that was able to be achieved. We have not been able to do this today. I am disappointed that we have had to use the numbers of the government to achieve this. As I said, I made every effort to get this motion through in a consultative way—every effort. It is up to the Leader of the Opposition to explain his actions and why he has decided that he knows better than all the chief medical officers that are advising governments and national cabinet.

I just want to finish on this point. The arrangements that we are putting in place are just for this week. We will need to have future discussions on how Parliament will need to sit into the future. The advice is that this issue will run for many, many months. We will need to modify the future operation of this place. I can only hope that we will achieve that in a more cooperative way, in a more intelligent way, in a more thoughtful way than we have been able to today with the Liberal-National coalition. I would only hope that. I give this commitment—

Members interjecting.

The SPEAKER: Order! Order in the house, please!

Mr R Smith interjected.

The SPEAKER: Order! The member for Warrandyte has already been warned.

Ms ALLAN: I give this commitment to all members of this place, that I will do my very best to achieve what the operation of the Parliament looks like in the future in a cooperative and a consultative way. But to do that I am going to need some cooperation and leadership shown in return. It goes both ways. I would hope that after this debate goes through—and I am confident that the opposition will continue to oppose it and they will say a number of outrageous things through the course of this debate—I am prepared to put that aside and work cooperatively with you and the Presiding Officers and the Parliament on what arrangements we need to put in place in the future. But for that to happen, it is going to take some leadership, intelligence and support from those opposite, and I hope that we can achieve that in the future. I commend the motion to the house.

Mr WELLS (Rowville) (10:38): On a point of order, Speaker, listening to the Leader of the House give her speech I heard you give two warnings to the member for Warrandyte. I was sitting right next to him and all he was doing was responding to provocation from the Deputy Premier. I think it is a bit unfair that the member for—

Mr Merlino interjected.

The SPEAKER: Order! I warn the Deputy Premier!

Mr WELLS: Just on the point of order, it seems a bit unfair, because it is obviously not going to be in a bipartisan way. There will obviously be the argy-bargy both ways, so I think it is a bit unfair to point out or to—

The SPEAKER: Order! I do not uphold the point of order. The Manager of Opposition Business on the motion.

Mr WELLS: The Leader of the House says that these are modest adjustments. They are not modest adjustments. These are very, very serious changes to the way that we do business. This motion is clearly about shutting down Parliament. It is about shutting down Parliament. It is about the government running away from scrutiny. There is no other way to describe how this motion is going to be seen by the wider Victorian public.

It is a bit rich, I think, that the government calls for bipartisan support, and then, while the Leader of the House got up and was giving her speech, there were already barbs being thrown both ways across the chamber. It is clearly not going to be a debate in good, bipartisan spirit, and we have seen that. We have also seen the behaviour of many members of Parliament on the government side when they were in opposition when it came to former Speaker Ken Smith.

But I just want to point out a couple of things. It is true that the manager of government business and I have had numerous conversations over the last couple of days, and I would say that they have been held in good faith and they have been held in good humour at times. But the issue is that with the numerous phone calls that we had we got to a stage where the opposition could not support what the government was proposing, because the opposition cannot do their job, cannot undertake their role as an effective opposition—that is, by scrutinising government. If you are not going to have members statements, how can we as a group of members of Parliament raise issues from our electorates to the government? We are being cut out from that. The other issue is that we are not even allowed to raise an adjournment item. The issue is that when it came to grievances for some reason—

Ms Allan interjected.

The SPEAKER: Order! The Leader of the House!

Mr WELLS: Yes, and for some reason the government was not prepared to budge on grievances in the final deal that was put into this motion. Grievances are not part of this motion—

Ms Allan: On a point of order, Speaker, on relevance, just for the record, I made the offer of grievances being in the final motion. It was rejected by the manager of opposition—

Members interjecting.

The SPEAKER: Order! The Leader of the House will resume her seat. There is no point of order.

Mr WELLS: I just want to make it clear, because the working relationship I have had with the Leader of the House has been a good working relationship since I took this role over from the former member for Box Hill. It has been good and I think it has been fair, and there has been a fair amount of trust. What I did say is that grievances are not part of this motion. They were discussed along with members statements and the adjournment, but they are not in this motion, and it is for that reason we have no choice but to oppose it.

It is interesting when I go back and look at what was said yesterday when we were talking about the government business program. I said at the time that in times of crisis people expect leadership. They expect our leaders to stand up and be accountable for their actions. We do not want leaders standing up just making all sorts of decisions and making rash promises here, there and everywhere. We need them to be accountable, and that is the role of the opposition on this side: to make sure that all of the decisions that are being made are being made with the full accountability of this Parliament. I would have thought that this week, being the last week before budget day—so that is a six-week break—the government would want to maximise and pack in as much as they possibly could in this particular

week to ensure that they are well prepared, that they had all the bills, they had all the legislation ready to go so when they came back for the—

Members interjecting.

The SPEAKER: Order! The member for Wendouree and the Deputy Leader of the Liberal Party! Order! The member for Wendouree is warned. The Manager of Opposition Business has the call.

Mr WELLS: So I would have thought, it being the last week before the budget and a six-week break, that you would want to bring in as many pieces of legislation possible that are relevant to the budget to be able to ensure that when you came back on 5 May, that Tuesday—that one day for that whole week—the legislative program would be absolutely packed to make sure that we were going to be safe and secure and that all measures were going to be put in place.

And it is always interesting to note that already we sit so few days—we sit so very rarely in this chamber. And when you look at it, you look at the number of times that we have sat, in 2000 we sat for 51 days; 2001, 51 days; an election year, 38—we get that; 2003, 47 days; 2004, 47; and 2005, 48. But then when you get down to this year, we are going to only sit 46 days—46 days in 2020. And then on top of that what they are trying to do is already reduce one of those weeks—one of those, today and tomorrow—so bring it back to 44 days plus a little bit added on. So by contrast, between 2000 and 2018 the average number of sitting days in a non-election year was around 50 days. So we are going to sit 46 this year. Take out today and tomorrow, we are down to 44 days—adding on a little bit more because of the time we are sitting now and the time that we will sit tomorrow. So it is disappointing that the level of scrutiny is just evaporating in this state.

And by reducing the amount of time—between 7 o'clock and, I think it was, 4 o'clock or 3 o'clock for today and 3 o'clock for tomorrow—I am not sure what the point is, when we are already here and we are already sitting and working. It makes no sense, and I have yet to see any evidence or documents from any health expert to say that there is a difference between sitting until 3 o'clock or 4 o'clock or until 7 o'clock. We are already here and we are already participating, so I am not sure on what evidence that is taking place.

And as I said, we are not sitting again until May. As I said, we did try to work with the government and the Leader of the House, but in the end we had to say no, because we then would have to go back to our constituents in Rowville and everywhere else and argue the point that we have reduced our time even more. And that to us did not make any sense.

The issue about the motion as you look at it now—it is interesting to note that for Wednesday the 18th, today, question time is at 11.00 am, then government business continues and adjournment at 3.00 pm. So it is all about the government business program—the government, what they want—but there is nothing in this about members statements, nothing about grievances for this afternoon and nothing about actually going on to the adjournment debate. Now, the Leader of the House did mention across the table as we were speaking that, 'Oh, we're going to change that'—that the member for Essendon is going to move an amendment. Interesting. Has anyone on this side seen the amendment?

Members interjecting.

Mr WELLS: So it is interesting that the government, it appears, has informed the Greens—and that is their right to do—about an amendment, but they forgot to give it to the opposition party so we could have considered the amendment before we started speaking on this.

Because we have not seen the amendment and because the member for Essendon will speak after me, we can only go by what the motion is at this particular point in time, and it says:

Question time ...

Government business *continued*

Adjournment ...

It is not good enough for the Leader of the House to lean over and say, ‘Oh well, you’re going to get members statements and adjournments but they will be put on the record and incorporated into *Hansard*’. You would have thought that the Leader of the House would have moved an amendment and put in a different motion. It should have been done yesterday. I make the point we have not been informed. The Labor members of Parliament can jump up and down all they like; we have not seen it.

Interestingly though, I went to the Victorian Parliament website yesterday because we are concerned on this side about the accountability of government. Our role in Parliament is to keep the executive government honest, on the straight and narrow. We need to make sure that we are representing our constituents. We need to make sure that the executive government is being held to account. So I looked up the definition on the Victorian Parliament website—I am quoting from the Victorian Parliament website—about parliamentary accountability. This is what it says:

The concept of parliamentary accountability is based on the premise that parliament, as the highest representative organ of government, has the duty to check on the activities of the executive through a number of measures. The mechanisms employed to achieve that has in modern literature been referred to as parliamentary accountability. Also tied to this is the institutional accountability of members of parliament, collectively and individually. Thus champions of accountability must first be accountable to themselves. A number of parliaments develop code of ethics for both MPs and staff to help guide them to maintain ethical and accountable behaviour.

When we refer that to the motion, I am not sure what part of parliamentary accountability is factored into this motion because it does not allow the opposition to be able to hold the executive government to account under any circumstance. Yes, we have question time, but what about the ability to hold them to account through grievances? And I am not sure why the government is so afraid of our grievances. What could possibly go wrong? The budget is a shambles. Hospitals—we are not sure where they are going to get the money from for elective surgeries. And we are not sure what is going to happen about schools, but that will have bipartisan support. So we make the point—

Mr T Bull: A critical part of the week.

Mr WELLS: Yes. We make the point that, as we say, there is not even an adjournment to raise crucial issues about our MPs and their hard work in their electorates.

And of course the other issue we have got is that if it does not get raised today or tomorrow, when do we raise it? I mean, we have today and tomorrow and then we have to wait for one day in May—

Ms McLeish: Maybe.

Mr WELLS: Yes, maybe one day in May, and then after that one day in May we have got to wait until 19 May.

Mr T Bull: Maybe.

Mr WELLS: I have been informed by my colleagues ‘maybe’. But 19 May is the next week that we sit. Budget day is Tuesday, 5 May, but we have to wait six weeks before we actually get there. That is hardly representing our electorates with members statements and the adjournment.

The issue also is, as I mentioned, the grievance debate. Again, the grievance debate provides the chance for us to be able to raise issues that we are grieving about—in our case how poorly the government is managing the finances, managing their portfolios. Even on the website:

Grievance debate

Every third ... Wednesday at 2.00 pm—

which is 2.00 pm today, of all days—

members debate the question ‘That grievances be noted’. The debate is wide ranging. Members use the debate to raise concerns about individual constituents or other significant issues.

You would have thought that in the crisis that we are in—

A member: And after the fires.

Mr WELLS: Yes, after the fires, the fire recovery, the coronavirus and the budget going into deficit, we would have thought that we would have a number of issues and that the government would say, 'You are right, we need to be held to account. We need to be able to stand up and to be able to answer and to address these matters as quickly as possible so we can assure the Victorian public that we have got things under control'.

I would also like to address the issue of members statements. Members statements are a matter of concern or interest. We can speak for up to 90 seconds and make a statement on any topic. Adjournment debates—the motion 'That the house now adjourns'—provide a forum for members to raise matters of concern relating to Victorian government administration. The adjournment debate is about Victorian government administration, so it is absolutely crucial that if we have people in our electorates who believe that they are being hard done by by the government—whether it be with public housing, whether it be roads, whether it be buses not running on time, whether it be schools, whether it be the issue of trains running late or whether it be the trams—those sorts of issues are very important to raise in the adjournment debate.

Mr T Bull: The timber industry.

Mr WELLS: As the member for Gippsland East says, 'What about the timber industry?'. The member for Gippsland East will not be able to raise any issues about the timber industry between now and May. What is going to happen in the meantime with the uncertainty for all of those loggers and all of those jobs? You would have thought that members would have the legitimate right to be able to raise that. We do not accept the cross-table chat that, 'Oh no, you don't need to worry about that, it's going to be incorporated'. It is a lot different to be able to incorporate something in *Hansard* rather than being able to get up on your feet and demonstrate what the issue is and be able to actually put that up on your social media, to be able to put that up on Facebook and to be able to send it out. In the case of the member for Gippsland East, thousands of people in Gippsland East are affected by logging and the timber industry. We have got to get that message out. How do you get the message out if you are going to incorporate something in *Hansard*? And do not forget: we still have not been told that this is what is going to happen. How do you send that message out to people in East Gippsland? You cannot. It is a ridiculous situation, and I do not understand, as I said, that we are unable to get any information about the amendment. Maybe we can go and talk to the Greens and maybe they can give us the amendment and we can be able to talk about that.

What does a member of Parliament do? What do we do as members of Parliament? According to the Victorian website:

Members scrutinise the work of the government—

and as I said, the source for this is the Victorian Parliament—

Members scrutinise the work of the government and government expenditure primarily by asking questions of ministers and debating, and through parliamentary committees. The annual estimates process in the Legislative Assembly, which examines the government's forthcoming budget and the forward estimates of expenditure, is the primary mechanism by which members scrutinise the government's annual financial performance.

The member for Gippsland South I know is on the Public Accounts and Estimates Committee and the member for Polwarth is also on public accounts. Don't you get the feeling that if they can actually shut down parts of Parliament, we then have real concerns about the public accounts and estimates process? I mean, already there has been an excuse that was used to shut down part of the process in the financial and performance outcomes hearings. They were shut down, and it was because of the bushfires. There were going to be, I understand, public hearings in February. That was all shut down until I think June this year. If you are going to shut down Parliament and parts of Parliament and you are going to shut down and put off the public hearings for the financial and performance outcomes inquiry by public accounts, then what is next? Is this not the thin edge of the wedge? Yes, everyone is going to say, 'Oh

there are certain reasons', but if you can shut down the outcome hearings and you can do that simply because of the so-called bushfires and the public service already being tied up, then it makes it very difficult to be able to continue.

Business interrupted under sessional orders.

Questions without notice and ministers statements

COVID-19

Mr M O'BRIEN (Malvern—Leader of the Opposition) (11:01): My question is to the Premier. Premier, people in the community are scared. In metropolitan Melbourne supermarkets are empty of many basic food and hygiene products. In the last 48 hours busloads of people have arrived in country supermarkets, stripping shelves bare of basic necessities. What steps will the government take to ensure that all Victorians will be able to go to their local supermarket and buy basic food and hygiene products?

Mr ANDREWS (Mulgrave—Premier) (11:01): I thank the Leader of the Opposition for his question. In the first instance I want to direct the Leader of the Opposition to the very strong comments, fully supported by our government and hopefully all fair-minded Australians, made by the Prime Minister today. It is simply unacceptable to be hoarding. There is no need for people to go to the supermarket and buy two months worth of groceries from the A to Z of their shopping list. It is appropriate to go and buy some of the additional staples that you might need.

A member interjected.

Mr ANDREWS: On the issue that the member raised, I would direct her to announcements that were made some time ago and the practice of Department of Health and Human Services staff. Where people for whatever reason find themselves without those staples, we are going to have delivered to them a care package that has the essentials in it. That is already occurring. That has already occurred, and I will have more to say about a scaling up of those—

Mr Riordan interjected.

The SPEAKER: The member for Polwarth is warned.

Mr ANDREWS: We will have more to say about scaling that up and the arrangements for delivery.

Mr Riordan interjected.

The SPEAKER: The member for Polwarth will leave the chamber for 1 hour.

Member for Polwarth withdrew from chamber.

Mr ANDREWS: As I said, I will have more to say about those important arrangements. But again I stress that that is already occurring now for a number of people who for a range of reasons found themselves in home quarantine, isolating, but without some of the basics. We are already doing that and we will do more of that, and we will have more to say about that very soon. Those arrangements are well and truly in place.

The third point I would make is that I want to thank those from the Australian Food and Grocery Council and individual retailers, whether it be Woolworths, Coles, Aldi, IGA and others. My office and officials across that part of the public service—public health experts—are speaking with each of those retailers. It is important for us just to pause for a moment to say thank you for special arrangements for the vulnerable in our community so pensioners, people who have those unique needs, can go and shop, and to shop on their own for a period of time; revised operating hours; buying limits that have been put in place in terms of those basic household items. I want to thank those retailers for having made those proactive decisions. They have all been made in consultation with our government—very deeply. We are in constant communication with those retailers and others. We are

assured that there are sufficient supplies. Getting those to distribution points is a challenge—we freely recognise that. Any support that can be provided by the government will be.

Again, I just want to take the Leader of the Opposition to the other important point. Last night at the national cabinet these issues were discussed. They will be discussed again, and a national response, which I believe to be the appropriate response, will be delivered at the appropriate time.

Mr M O'BRIEN (Malvern—Leader of the Opposition) (11:04): Will the Premier join with me in calling for online marketplaces such as Amazon, Gumtree, Facebook and eBay to ban people who price gouge their fellow Victorians through the sale of basic food and hygiene products at rip-off prices during this crisis?

Mr ANDREWS (Mulgrave—Premier) (11:05): Firstly, I thank the Leader of the Opposition for his question. His first question related to the supply of essentials. The second question relates to a different matter. I would simply to say to him that the national cabinet—a cabinet of unity and a cabinet where it is not about Labor and Liberal; it is a cabinet about doing what has to be done to keep people safe and to protect those people that are most vulnerable and to be in a resilient position to recover from this unprecedented health emergency—has considered some of these matters and no doubt will again consider those matters.

There is a meeting scheduled for Friday morning. That was to be in Melbourne; I think that now will be done by distance, which is the appropriate thing to do. It is something we call upon all Victorians to do where they can, and I will say a bit more about that in a moment. No-one should be taking advantage of these unprecedented circumstances. Instead we should all of us be coming together, because it is together that we will get through this unprecedented emergency. We have a plan, we are working hard, and with the help of every Victorian we will get through this.

MINISTERS STATEMENTS: COVID-19

Mr ANDREWS (Mulgrave—Premier) (11:06): I rise to update the house on the outcomes of the second meeting of the national cabinet held last night. Yesterday I was very clear with all Victorians that arrangements would change, and they could change potentially quite rapidly. That is the nature of this virus, that is the nature of the public health advice that we are getting, and it is very important that we act with a sense of urgency because the challenge that we face is dynamic and very significant. It is unprecedented—unprecedented in our lifetimes.

Following last night's meeting the Prime Minister on behalf of all first ministers has made announcements in relation to new steps to flatten the curve. Flattening the curve is critically important. If we do not achieve that outcome, our health system will be simply overwhelmed and those who are critically ill because of COVID-19 will suffer—indeed all those Victorians who every minute of every day need that critical care capacity for non-COVID-19-related health issues will suffer as well. As a result of that cabinet meeting, effective from 5.00 pm today we are making new orders. There will be revised directions under the Public Health and Wellbeing Act 2008 that will mean that all non-essential indoor gatherings of more than 100 people will be banned. That will occur from 5.00 pm today. There will be exemptions, and there will be further details that will be announced as part of our giving effect to the decision that that unity cabinet—that national cabinet—made last night.

This is an appropriate and proportionate response. To not take these steps will mean more people will die. To not take these steps would be to not follow the advice of health experts. That is not something I will do, that is not something that first ministers are prepared to do, and again I want to thank the Prime Minister and congratulate him for his clear and bipartisan leadership on these issues. He can count on the support of the Victorian government all the way through this, because it is only together that we will get through this unprecedented crisis.

COVID-19

Ms STALEY (Ripon) (11:08): My question is to the Treasurer. New South Wales has announced a \$2.3 billion stimulus package that includes payroll tax relief; Queensland a package that includes six months payroll tax relief; WA a \$607 million stimulus package; South Australia a \$350 million package; and even Tasmania a \$420 million package. Yesterday the Treasurer said he was monitoring the effects of COVID-19 on jobs and the economy of Victoria. How many businesses need to close their doors and how many workers need to lose their jobs before the Treasurer stops monitoring and starts acting?

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (11:09): I thank the member for Ripon for her question, and I make it clear that this government is doing a heck of a lot more than just monitoring the situation.

Members interjecting.

The SPEAKER: Order!

Mr PALLAS: We are actively involved in decisions at a national level, represented of course by our Premier. We are constantly talking to the federal government through the federal Treasurer, and all other treasurers are making decisions about how we can best manage the situation—as opposed to those opposite, who think that the idea of bipartisanship is entirely something you dispense with at a time of national crisis. This government will not turn its back on its obligations to work in lockstep with all other jurisdictions. Certainly we have heard some in this place call for budget austerity together with a stimulus package. That is nothing short of ridiculous. I want to remind this Parliament of the decision of COAG in its bipartisan statement of last week:

All Australian governments will play their part in delivering complementary, targeted and proportionate responses to the economic impacts of coronavirus. Leaders noted presentations from the Governor of the Reserve Bank and the Secretary of the Australian Treasury, and accepted advice that current fiscal settings in jurisdictions should be adjusted to mitigate the economic impact on Australians and best position the nation for recovery.

We will have more to say about what we are doing to support Victorian businesses. We are having discussions with the business community, which are ongoing and well advanced, about what assistance would be most beneficial at an appropriate point—not in order to respond to what seems to be base political opportunism by those opposite.

Ms STALEY (Ripon) (11:11): On 12 February on 3AW, to Neil Mitchell the Treasurer said:

I'm looking at every line item of expenditure and I'm looking to take something like \$4 billion out of government expenditure ...

With the government looking for \$4 billion of budget cuts, why shouldn't Victorians believe that the reason the government has not announced a stimulus package is because it has just run out of money?

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (11:11): Can I assure the member for Ripon, and can I also assure this Parliament, that this government will resource the recovery effort. We have substantial resources available to us, and we will apply those resources. We will definitely ensure that we will make sure that business is adequately—

Members interjecting.

The SPEAKER: Order! I ask the Treasurer to resume his seat. I warned members at the beginning of question time yesterday about shouting across the chamber, particularly members at the table and on the front benches. I just ask members to allow the Treasurer to answer the question.

Mr PALLAS: This is about making sure that Victorians are well protected. We are not talking, as we have said responsibly, about stimulus, we are talking essentially about survival—business survival

and survival of the welfare, the wellbeing of Victorians. This is a war effort, and you need to determine whether or not you want to take political advantage or to recognise that we have a risk to this community never seen before in this nation's history. We will be adopting an approach that we see as being appropriate.

MINISTERS STATEMENTS: COVID-19

Mr FOLEY (Albert Park—Minister for Mental Health, Minister for Equality, Minister for Creative Industries) (11:13): I rise to provide a further update on the measures that the Premier and the Minister for Health in the other place have announced to make sure that our health system is able to sustain its response to the once-in-our-lifetime threats that the Treasurer has just referred to. On Sunday the Premier and the Minister for Health announced a \$100 million package of new money as part of the next stage of our COVID-19 response. New hospital beds will be opened, and more than 7000 Victorians will be fast-tracked for elective surgery over the coming weeks.

When the COVID-19 pandemic reaches its peak, our hospitals are going to be facing unprecedented strain, and we are determined to get as many patients as possible in for elective surgery before that happens. That is why this more than \$60 million will be made available to both public and private hospitals to undertake over 7000 elective surgeries. That will be before the predicted peak of the pandemic. This is a crucial injection of new funds that are needed now, given the unprecedented strain that our hospitals will face in coming months. The most urgent elective surgeries will be prioritised to treat as many patients as possible before that peak. While emergency surgeries will continue to be affected by the growing COVID-19 pandemic, it will force less urgent surgeries to be postponed.

The Premier and the Minister for Health also announced a further \$30 million to commission the new Casey Hospital inpatient tower to boost the hospital's capacity, an additional 128 inpatient beds and 12 ICU beds in time for the peak of the pandemic. This is a time for national leadership and national unity, which the Victorian community looks to this government and all honourable members to deliver in these unprecedented times.

COVID-19

Ms STALEY (Ripon) (11:15): My question is to the Treasurer. During the fire crisis, when New South Wales announced a \$1 billion relief and recovery package, the New South Wales Premier said:

I've often said that we don't run budget surpluses here in NSW for the sake of it, but we run surpluses so we can invest in times like this.

However, Victoria could not announce a similar package because, as we now know from the half-year results, this state is \$1.1 billion in the red, and that is before fires and before COVID-19. Now New South Wales has announced a \$2.3 billion package in response to COVID-19 and once again Victoria has failed to follow suit. Will the Treasurer apologise to Victorians who are suffering in our worst crisis in living memory because the government blew the budget and now there is nothing left to give when people need it most?

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (11:16): Well, on the bushfires, can I just make the point that this state is making a larger per capita contribution to the bushfire resourcing and recovery effort and resourcing of course the fire fight than New South Wales is. I have already publicly indicated that the outlay that the state has made is something like \$600 million. I expect that the Minister for Police and Emergency Services will, before the end of this financial year, have other claims that she will seek to have adequately resolved through our budget process, as is appropriate. That is what we do. We effectively resource the efforts and the needs of Victorians and we are doing a bigger effort per capita than any other jurisdiction.

But might I also say on the broader question, if you accept the basic proposition that you are running a deficit in your midyear budget, then those opposite delivered one each and every year that they were in government—each and every year that they were in government. Might I also say that if you are

basically capable of doing rudimentary mathematics, you would look on a per capita basis or time basis and recognise that only 47 per cent of the receipts of the state's \$71 billion worth of resources had actually come in, but of course it is still legally required. The federal government has to make their contribution; those are national agreements that are yet to apply and they have been a bit slow making their contributions. The taxation burden, such as land tax, comes in in the back half of the year. But if you did the math on that, if you did the basic math on it and you said if 50 per cent came in on a time limited basis, then of course the state would be in surplus—but that is just a sign. When you look at those opposite, remember the only deficit delivered in the last 30 years in the state of Victoria was by those opposite.

This government has delivered the highest average surpluses in the history of Victoria, and that is why our economy is the strongest, stand-out economy in the nation. That is why we have been able to resource our response to coronavirus and that is why we will be able to continue to do the investment and the effort that will grow this state and deal with the challenges that we confront—and we will do it to the extent that those opposite are capable of pulling themselves out of their sectional and self-interested perspective. We will do it in the interests of all Victorians.

Members interjecting.

The SPEAKER: Order! I am going to warn members on both sides of the chamber to stop shouting across the chamber. I issue a general warning that members will be removed from the chamber without warning if they continue to do so.

Ms STALEY (Ripon) (11:19): My supplementary is to the Treasurer. The states are solely responsible for many taxes and charges on people and businesses, including payroll tax, car registrations, tolls and licensing fees. The Treasurer said yesterday that:

... it would be foolhardy for anybody to suggest that what we should be doing is bowling out a package of initiatives without appropriately monitoring what is actually happening at a federal level.

Every other state has acted to protect jobs, so why won't the Treasurer act?

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (11:20): As we made very clear, we are acting and we will continue to act, and we will act in a substantial and focused way. As you would understand, the principal obligation of this government is to make sure that we resource the health effort; that is a critically important part. But I will remind those opposite that we are acting entirely consistently with the COAG statement—and indeed the invocations of the governor of the Reserve Bank and the secretary of the Australian Treasury—that we need to recognise that current fiscal settings in jurisdictions should be adjusted to mitigate the economic impact on Australians and best position the nation for recovery.

Now, those opposite seem to have a large raft of taxes that they would like to see absolutely removed, and you wonder what sort of capacity they would be leaving for the state to mount a response to the biggest health and safety consequence that it is facing.

MINISTERS STATEMENTS: COVID-19

Mr DONNELLAN (Narre Warren North—Minister for Child Protection, Minister for Disability, Ageing and Carers) (11:21): I rise to update the house on the additional protections for aged-care residential services agreed by national cabinet last night and announced today. As we know, the commonwealth are the regulators of aged care, but it has been agreed with all states and territories to bring in stricter controls, especially for visitors and staff. For a start, there are restrictions on staff or visitors returning from overseas and those who have had contact with a confirmed case or who have symptoms themselves; they are not permitted to enter. But for visitors separate from those providing essential services, residents will be limited to two people per day, staying for a short duration only, for the purpose of care and support. Visitors cannot be in a communal area, there are to be no group visits

or activities and social distancing is encouraged. And there will be enhanced screening and hygiene measures put in place for everyone who enters, too. Social distancing of 1.5 metres is recommended.

It is clearly an extremely challenging time for elderly Victorians to have limits placed on social contact, and that is distressing. Some extra allowances have been made for palliative care, and facilities must make video and phone calls available. But we need to do all we can, as we know the elderly are much more susceptible to the virus.

Here in Victoria we are also taking additional steps. The Department of Health and Human Services has been in regular contact with state and non-government providers to support their preparedness. Based on the new national guidelines, DHHS will now update our own state plan. We are also developing additional resources: checklists, decision-making trees, key contacts, frequently asked questions, webinars and service maps. Our health services are working closely with our public sector residential aged-care providers, giving expert infection control advice, and our hospitals are ready to provide specialist support. But while we are well prepared, the risk remains real that we will see a confirmed case in aged care soon; it is likely. Some providers are already taking enhanced action in locking down their facilities further, to exercise extreme caution.

ONSHORE CONVENTIONAL GAS

Mr HIBBINS (Pahran) (11:23): My question is to the Premier. Premier, onshore gas drilling will make climate change worse through the burning of methane gas for energy and the release of methane into the atmosphere, as well as putting our farmland and our natural environment at risk. How on earth can the government at this time, and also in a time of climate crisis, justify lifting the moratorium on conventional onshore gas drilling?

Mr ANDREWS (Mulgrave—Premier) (11:24): I thank the member for Pahran for his question. As the member for Pahran knows only too well, a science-based review of these arrangements has been conducted in recent years. That has been ably led by Dr Amanda Caples, and on behalf of the government, if not the Greens, I will thank Dr Caples for her leadership and the many other people—literally thousands of Victorians—who were part of I think something like 800 different events and gatherings where there was detailed consultation with the farming community.

And I might suggest to the member for Pahran that I will not be taking advice on farming from him if it is okay by him. The people who actually farm our community, the people who actually know a thing or two about land management in those communities, were central to this process.

What is more, local communities, local government, the energy sector across the board—it is a comprehensive process and one that has been led by the scientists and has been led by science. It is because of that process that we were able to make sensible and well-balanced announcements yesterday to coincide with the full delivery of our election commitment. This may have escaped the Greens, although no doubt they will try and take credit for it, but the constitutional ban—

Mr Hibbins: On a point of order, Speaker, on relevance, the question was specifically in regard to onshore gas. I know it suits the Premier's political needs to try and conflate onshore gas and fracking, but it is specifically in relation to onshore gas.

Members interjecting.

The SPEAKER: Order! I warn members about expanding on points of order. The Premier is being relevant to the question that was asked.

Mr ANDREWS: As I was saying, I was asked about announcements yesterday—there were two. A bill was introduced in relation to banning fracking and putting that ban in the constitution. We think that is the appropriate thing to do based on the science, based on community sentiment and based on the fact that we made that commitment at the election back in 2018. Beyond that we also committed to the fact that we would have a science-based process in relation to onshore conventional gas

exploration and gas extraction. The estimate is that there may be up to 800-plus petajoules of gas that can be safely, to the highest of environmental standards, extracted, putting additional supply into the marketplace. There is also a domestic reserve so Victorian gas from out of our ground goes to our businesses and to our households first.

Where we are really at here is the central point where the Greens would like us to simply flick a switch and have no more fossil fuels used ever again in the hope that somehow when we flick that switch the lights will come on the following day. That is not the nature, that is not the real world, that is not the real economy that the rest of us live in—and sadly some people do not. I would point out to the member for Prahran that gas can be a very important transitional fuel, emitting but a fraction of the emissions that we are all trying to reduce by other forms of fossil fuels. The fact that that point is lost on the member for Prahran speaks to the fact that he is about absolutes—he is about protection and nothing else. That is not realistic in many circumstances, this being one of them.

Mr HIBBINS (Prahran) (11:27): I advise in my supplementary question to the Premier that it is Greens policy to actually reach 100 per cent renewable energy by 2030. He might want to familiarise himself with that policy. But the science says—

Members interjecting.

The SPEAKER: Order! I am going to warn members. I have already warned members about shouting across the chamber. Does the member have a question?

Mr HIBBINS: He does. I was just referring to the Premier's answer. The science says to prevent the catastrophic effects of climate change we need to keep fossil fuels in the ground. Can the Premier advise just how long the government intends for Victoria to keep burning fossil fuels, including gas, for energy?

Mr ANDREWS (Mulgrave—Premier) (11:28): I thank the member for Prahran. I would make a couple of points. I hear the policy pronouncement, 100 per cent renewables—was it 100 per cent?

Members interjecting.

Mr ANDREWS: By 2030. Why wait till 2030? I thought it was 100 per cent yesterday. If we are all going to be on fantasy island, well, we can do better than that. We can surely do better than that, member for Prahran. We can surely do better than that. Can I just say that I will take advice from the lead scientists. I will take advice from those who are absolutely expert in this. I shall not be taking advice from people who think that a pandemic is a fundraising opportunity—not today, not any day. Be clear on that.

MINISTERS STATEMENTS: COVID-19

Ms HORNE (Williamstown—Minister for Ports and Freight, Minister for Public Transport) (11:29): I rise to update the house on the government's latest response to COVID-19 in relation to the operation of Victoria's public transport network. Public transport is a vital service. Our frontline health, community and education workforce and the people who work in our supermarkets and run our essential services rely on public transport to get them around, which is why it is so important we ensure the highest standards of hygiene and cleanliness and ensure our operators follow the very latest advice of our health experts.

As I advised the house yesterday, the public transport network is continuing to operate, as advised by the chief health officer. As of yesterday, on the advice of the Department of Health and Human Services, increased cleaning protocols were activated across the public transport network, including nightly sanitation of touch services and increased daily cleaning. Passenger communications across the network encourage passengers to practise good hygiene and not to travel if unwell. People are being encouraged to consider whether they can stagger their travel patterns and to support social distancing measures.

Last night further advice was provided to the national cabinet. Victoria is already following most of the recommended protocols, but in response to recommendations around increasing the frequency of transport and reviewing longer distance travel, my department has already begun working with operators to review these measures. The latest updates will also be provided to the commercial passenger vehicle industry, which has been a priority for the Victorian regulator. The Andrews Labor government is committed to ensuring a safe working and travelling environment and would like to thank our hardworking public transport operators— (*Time expired*)

MURRAY BASIN RAIL PROJECT

Mr WALSH (Murray Plains) (11:31): My question to the Minister for Transport Infrastructure. Today the Victorian Auditor-General reported that the Victorian government has used nearly 90 per cent of the funding allocated to the Murray Basin rail project yet has completed less than 50 per cent of the works. Given the Auditor-General said that the expected benefits from the Murray Basin rail project will not occur without more funding, will the minister commit to funding the remainder of the project in the 2020–21 budget?

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (11:32): I thank the Leader of the National Party and member for Murray Plains for his question on the Auditor-General's report that was tabled in the Parliament this morning and provided some information to the house. Can I make it clear that the government has previously made a number of public comments. Indeed I think I have answered a number of questions in this place, at Public Accounts and Estimates Committee hearings and in other public forums about the status of the Murray Basin rail project.

The member asked a question in relation to future stages of the project. When it comes to considering future stages of the project, before we can consider budget allocations for that, we need to complete the business case. As I have also said publicly previously, we are finalising that business case. This work is being done by Rail Projects Victoria, where we get our expert engineering advice for our rail infrastructure projects from. That work on finalising the business case is ongoing. Once that business case is finalised it needs to go through the relevant internal processes, cabinet processes, but also it will need to be shared with the federal government.

As the member for Murray Plains knows, I have had a number of conversations with the Deputy Prime Minister about this as they are a joint funder of this project to date. We would hope for partnership with them into the future on any future investments that may be made in the freight network in north-west Victoria. In direct response to his question about the 2020–21 budget, I cannot answer that question today because it needs to go through those relevant processes. That is taking a responsible approach to both managing this project and respecting also the processes of the federal government.

Can I say, though, further on the Auditor-General's report that was tabled today, the government has made clear on previous occasions that there have been challenges with the delivery of the Murray Basin rail project. We will continue to work through those. As I have previously offered to the member for Murray Plains, I am happy to talk to him and provide him with a briefing on this at any stage. He has been privy to some conversations that I have had with the Deputy Prime Minister when we were standing on the bank of the Murray River at Echuca making an important joint announcement on the Echuca-Moama bridge, and I am happy to continue to talk to the member for Murray Plains about this project.

Mr WALSH (Murray Plains) (11:35): The Auditor-General found that during project delivery the Australian government made requests for information on the status of the project. However, the Auditor-General found that the provision of information was not forthright or timely. Has the minister provided the necessary information that the commonwealth needs to consider funding in the 2020–21 federal budget?

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (11:35): Yes, the member for Murray Plains is correct. The Auditor-General's report does state that, and as the

Auditor-General has been advised by the secretary of my department and in terms also of the way the department has responded to the report, that is not a correct position for the Auditor-General to take, and indeed—

Members interjecting.

The SPEAKER: Order!

Ms ALLAN: As I have just indicated, the member for Murray Plains has seen the way the Deputy Prime Minister and I have engaged informally on this matter. We have also been engaging formally on this matter through our departments as well.

Mr Walsh: On a point of order, Speaker, the question was very specific: has the minister provided the necessary information to the commonwealth? The deadline was December. It was passed. There may be informal discussions, but there is no real business case or information—

The SPEAKER: Order! The Leader of the Nationals! The point of order is?

Mr Walsh: I ask you to bring the minister back to answering the question that was asked.

The SPEAKER: The Leader of the House is being relevant to the question that has been asked.

Ms ALLAN: Thank you, Speaker. I have seen references to the December deadline in other public comments. There was no December deadline, so he is incorrect on that point. We are continuing to share information proactively. Indeed I met as recently as last week with the Deputy Prime Minister. I had met the week before with the Deputy Prime Minister. This issue was discussed. So we continue to work through these issues. I understand the member's interest in this, but we are determined not to repeat the mistakes of his government on this project.

MINISTERS STATEMENTS: COVID-19

Mr MERLINO (Monbulk—Minister for Education) (11:37): We are living in unprecedented times, and our education system must be flexible and agile so our students can continue their education, including remote learning where necessary. The first government school to adopt these temporary measures is Toorak Primary School following a positive COVID-19 test of a teacher. As per the recommendation of the chief health officer, the school will be closed for the remainder of this term and teachers and students will self-isolate. Families and teachers received communication from the principal last night. Critically, learning is continuing at Toorak Primary, with teachers all set to go.

I can also advise the house that our Learning from Home website is now live to supplement school resources. It has age-appropriate, curriculum-aligned materials and activities. Learning from Home will be especially good for schools that do not have much in the way of online learning resources. All students—government, Catholic and independent—regardless of their circumstances will be able to access the materials they need under instruction from their schoolteachers. I can also advise that we are currently working with providers to provide students without an internet connection at home with access to 4G SIM cards as well as hard copy and USB options. This is important to ensure that no student misses out in the event of wider scale school closures.

Earlier today the Prime Minister, following national cabinet last night, made an announcement in respect of non-essential gatherings of 100, which—to be clear again—does not include schools. The continuing advice from the chief health officer is that schools should remain open, but to give parents comfort schools are already taking action to avoid such circumstances—no assemblies, no camps and excursions, and the staggering of recesses and lunchtime. We will continue to act on the best medical advice to put the safety of staff, students and the community first.

Mr Battin: On a point of order, Speaker, I ask about questions that have failed to be answered so far—1516, 1514 and 1510, which are all for the Minister for Police and Emergency Services—to see if we can get those followed up and answered please.

On a further point of order, Speaker, sessional order 11 refers to questions and answers and says answers must be factual. I understand that you cannot answer the question for them, Speaker. However I would like to raise an issue in relation to questions that I have asked through constituency questions and questions on notice.

We have had 70 answers that have come back that are blatantly incorrect and factually incorrect. I raise the concern specifically around that sessional order 11 where they must be factual, and I ask for your guidance. We have 35 where we have asked for specific vehicles in districts with the CFA. The answer that has come back is a cut and paste which says we must refer to the annual reports, but we are asking for information that is not reported in the annual reports. We have got 20 where we have asked—

The SPEAKER: Order! Can I just say to the member for Gembrook on this point of order that it is an important point of order. I ask the member to provide the answers and the questions to me in writing. I have dealt with a similar issue from another member in relation to the same sort of instance, and I will be able to provide a response to the member.

Mr Battin: I will, but I think it is important that it is on record to show the discontent with what we are getting back from these questions. Twenty of them have listed the types and vehicles within the annual report but the question actually relates to thermal imaging cameras. So when you are sending a question into the government to ask about thermal imaging cameras and they do not even take the time to check and they are sending an answer about vehicles, it shows to the CFAs that they are not caring at all. Fifteen of these questions state the types and numbers of vehicles that are listed in the annual report, but the questions relate to slip-ons and trailers. Again, they are ignoring the question that is coming through. I just think it is important. I will supply them to you in writing, I will give you the question numbers, but it is so important that we have these questions answered correctly and on time. They are taking so long to get to them and now we need them answered factually.

The SPEAKER: I thank the member for Gembrook for raising that point of order.

Mr Walsh: On a point of order, Speaker, question on notice 01339 for the Minister for Agriculture that was due on 28 November 2019 concerning the agriculture energy grants program about the number of grants that had been applied for, how many had been assessed, how many were actually granted and the amount of money that was actually granted out of that program is well and truly overdue, and I ask you to follow up please.

The SPEAKER: I will do. Thank you, the Leader of The Nationals.

Mr Rowswell: Thank you, Speaker, and thanks also to the member for Caulfield. I would like to raise a point of order in relation to question on notice 1805 to the Minister for Public Transport, relating to a gas leak detected at Mentone station on Thursday, 30 January 2020. There were a series of 15 questions in this particular question that are significant to my community and the schools in those areas. A timely response would be helpful.

The SPEAKER: Thank you, member. I will follow that matter up.

Mr Southwick: On a point of order, Speaker, I have a couple of unanswered questions. Firstly, question 00878, which is a question to the Minister for Education, on 12 September 2019, and question 01640, which is also to the Minister for Education, on 26 December 2019. Both of those questions were in relation to the Australian Council for Health, Physical Education and Recreation education materials that were VCE materials that had anti-Semitic content in them.

Flowing on from that, we have seen a lot of things that are very, very concerning in the educational space, and I think we really need some answers to those questions. I know Mount Scopus Memorial College want those answers to the questions—Rabbi Kennard.

The SPEAKER: I thank the member for Caulfield for raising that point of order. We will follow that matter up for him.

Mr Hodgett: On a point of order, Speaker, I am noticing every question time when constituency questions come up that a number of members on our side of the house are raising points of order in relation to questions on notice and in relation to consistency questions and the failure of those to be answered within the required time. I wonder when you are next having a chat or a cup of tea with the Leader of the House maybe it is an issue that you can raise, because it defeats the purpose of the Parliament when we debate sessional orders in this place and we agree on sessional orders for the term of the Parliament. Sessional order 4 clearly states:

A reply to a question on notice delivered to the Clerk under Standing Order 54(3) must be submitted within 30 days.

In relation to constituency questions, part (2) of sessional order 8 talks about how replies to those questions must be given in writing within 30 days. Again I just make a point that it is a ridiculous waste of time for our members to have to get up and make points of order because of a lazy government, lazy ministers or a lazy Premier who are ignoring important matters that are raised. There are a number of forms in this house where people can raise matters on behalf of their electorates and on behalf of the constituents, and it is most embarrassing to the government for us to have to go back to those constituents and say—

The SPEAKER: Order! The member for Croydon has made a point of order—

Mr Hodgett: Well, I just purely make the case that whatever is within your power—and with the greatest respect—to raise with the government, so that we do not have this circus—

The SPEAKER: I do thank the member for Croydon for his point of order. I will follow the matter up with the Leader of the Government.

Ms Ryan: On a further point of order, Speaker, and just to reiterate the member for Croydon's point of order, I also have quite a number of questions on notice which are overdue: 1875, 1873, 1803, 1434, 1433 and 1344, so there are a significant number. I would be very grateful if you could ask those ministers to urgently address those overdue questions on notice.

Mr Hodgett: On a further point of order, Speaker, another example of what I was speaking about—

The SPEAKER: Order! I have ruled on the point of order. I thank the member for Croydon for raising that.

Mr R Smith: On a point of order, Speaker, I think there is a lack of understanding on this side of your curtailment of points of order. Points of order are a privilege of members of Parliament to seek your guidance on certain issues. The member for Croydon was making a very detailed explanation around his point of order, and we are not sure why—certainly, if the government did their job—

The SPEAKER: Order! I am happy to rule on your point of order. The only information that is required when making a point of order is the information that is necessary; it is not an opportunity for members to make speeches. There are very clear rulings in *Rulings from the Chair*.

Ms McLeish: On a point of order, Speaker, I draw your attention to two unanswered constituency questions. One is question 1835 to the Minister for Health, which was asked on 6 February, and the other is question 1827 to the Minister for Energy, Environment and Climate Change, also from 6 February. Question 1835 was asked by the member for Benambra, who is not here today, and question 1827 was raised by the member for Hastings, who is also not here.

The SPEAKER: I will follow those matters up for the member.

Constituency questions

LOWAN ELECTORATE

Ms KEALY (Lowan) (11:47): (2276) My constituency question is for the Premier, and the information I seek is: what support is the state government providing to vulnerable families, children, individuals and businesses in the Lowan electorate to assist during the COVID-19 outbreak? We need action and support now. Small businesses are already struggling under the bureaucracy of excessive red tape, more taxes under Labor and competing with the online market, yet Victoria is the only state without a stimulus package. Many rural homes do not have access to mobile and internet due to lack of coverage, so with schools expected to close and no opportunity for online learning at home, country kids will be left behind. Some rural supermarkets have not been able to get supplies of food and hygiene products for over a week. City people are coming in buses to clear out our supermarket shelves. Locals cannot access care packages. We need immediate financial support for our health services, which have insufficient funding for minimum expected services when times are good, let alone when dealing with a health crisis. Premier, please do not forget the most vulnerable and isolated residents in Victoria, particularly those in Lowan, during this viral outbreak. We need your support and we need it immediately.

YUROKE ELECTORATE

Ms SPENCE (Yuroke) (11:48): (2277) My constituency question is to the Minister for Education. What information can the minister provide on progress in delivering the Andrews Labor government's school maintenance blitz across the Yuroke electorate? Last year the government announced that 12 local schools would benefit from \$1.4 million in funding, which will help them to undertake essential works. This is in addition to new learning facilities in classrooms that the government has provided to cater for extra enrolments, as well as six new local schools that are being delivered locally across this term of government. The school maintenance blitz will ensure that every local student can take pride in their school's facilities, and I look forward to hearing more from the minister about the rollout of this funding in my electorate.

GEMBROOK ELECTORATE

Mr BATTIN (Gembrook) (11:49): (2278) My constituency question is to the Minister for Transport Infrastructure. Many residents in my electorate are confused about the government's final plans for the Clyde Road level crossing removal and the new infrastructure for pedestrians. Many, including the City of Casey, have expressed concerns for pedestrian safety with the current plans provided to the community. They feel that the pedestrian overpass proposed by the government may place residents at higher risk in that area, in that the walkway will seclude pedestrians from the sight of motorists, making them more vulnerable to potential harm when walking through the overpass. Residents have stated that they will feel unsafe walking through a covered overpass, as have many parents of children concerned, particularly with those schools around Federation University, Nossal High School and Chisholm TAFE being just across the road. We all know that crime has soared since this government has come into power, and with this new infrastructure they need to make sure that crime prevention by environmental design is part of that plan. We ask the minister for any information in relation to what they are doing in terms of consultation to ensure safety in that area.

ELTHAM ELECTORATE

Ms WARD (Eltham) (11:50): (2279) My question is to the Minister for Transport Infrastructure. As the minister will be aware, for a number of years there have been traffic issues along Fitzsimons Lane, including at the roundabout where Main Road meets Fitzsimons Lane, especially for traffic coming from Lower Plenty and Montmorency. Last year Major Road Projects Victoria released a reference design for a new intersection at this site, which many in the community felt was too big. In response to my community's concerns, MRPV has reduced the size of this new intersection. Minister, how much local landscape has been saved through this reduction and what will the traffic benefits be?

CROYDON ELECTORATE

Mr HODGETT (Croydon) (11:50): (2280) My constituency question is to the Premier. In the wake of the state of emergency in Victoria, declared in response to the coronavirus, and the level of widespread uncertainty, which is beginning to cripple small to medium businesses in my electorate, what is the government doing to protect, support and assist businesses in the Croydon electorate during this troubling time?

NARRE WARREN SOUTH ELECTORATE

Mr MAAS (Narre Warren South) (11:51): (2281) My constituency question is for the Minister for Disability, Ageing and Carers, and concerns neighbourhood houses. Minister, what support does the Victorian government provide for neighbourhood houses in my electorate of Narre Warren South? They are often the heart of the communities that they serve, providing everything from child care and playgroups to English classes and social programs. There are 14 neighbourhood houses in and around Narre Warren South and more than 400 across Victoria. Every single one is unique and much needed. I would appreciate any information regarding how the state government is supporting these vitally important neighbourhood houses. I look forward to sharing the minister's response with my community.

EVELYN ELECTORATE

Ms VALLENCE (Evelyn) (11:51): (2282) My question is to the Minister for Transport Infrastructure on behalf of the Maroondah group of fire brigades in my community. Will the minister intervene to stop the Level Crossing Removal Project from using the Lilydale fire brigade's training facility as a car park during the Lilydale level crossing removal works? The LXRP's plans will prevent the Maroondah group of fire brigades—that is 13 CFA brigades across Yarra Ranges and other municipalities—being able to use this extremely important training facility at the Lilydale showgrounds. It is fully reticulated and floodlit and is used seven nights a week for training current and new emergency services volunteers. It will mean hundreds of CFA volunteers will be forced to travel many hours to East Gippsland or north-east Victoria to undertake training, and my community is very concerned that this will impact and potentially limit regular training that is imperative for local Yarra Ranges emergency services to adequately protect our community, whether it is attending fallen tree incidents, car accidents or fires. I ask the minister to intervene and ensure action is taken.

BAYSWATER ELECTORATE

Mr TAYLOR (Bayswater) (11:52): (2283) My constituency question is for the Minister for Energy, Environment and Climate Change. I ask the minister to please provide me with information on the benefits that the Andrews government's recent announcements to transform Victoria's household recycling and to introduce the new container deposit scheme will have locally in the electorate of Bayswater. I have been very proud of our government's work, from putting 700 000 solar panels on roofs to banning fracking and single-use plastic bags under 30 microns. We have done a lot, but we know there is plenty more to do.

I am stoked at another recent announcement as well that means locals in the suburbs of Bayswater, Baysie North and Kilsyth South will benefit from our solar battery program, which provides a rebate of up to \$4838 and means locals will save on power bills.

I know my community would love to have more information on just what benefits will be provided by the Andrews government's game-changing commitments. I thank the minister for her consideration on this question and for the work she has done to date on this significant and positive change to our state's recycling system.

POLWARTH ELECTORATE

Mr RIORDAN (Polwarth) (11:53): (2284) My question this morning is to the Premier. My question to the Premier is: what will the Premier be doing to help the communities in south-west

Victoria, and more particularly those in the electorate of Polwarth, who today at 11 o'clock have empty freezers from one supermarket to the other, raided by people from out of town—from Melbourne? I currently have families, welfare institutions and other organisations seeking to look after the community unable to access basic needs: nappies, toilet paper, basic food and fresh vegetables. There is no meat to be bought at all in Colac this morning despite having the state's largest abattoir. You cannot buy sausages. You cannot buy mincemeat. You cannot buy steak. You cannot buy anything—not even chicken. Even the vegans are without meat or meat substitutes today in the great state of Victoria. This is not good enough. The Premier today dismissively has turned his head and turned away from looking at this problem. It is out of control. We do not have a food supply problem in Victoria. We have an overdemand, and instant demand measures need to be brought in. (*Time expired*)

MELTON ELECTORATE

Mr McGHIE (Melton) (11:54): (2285) My constituency question is to the Minister for Health in the other place. Minister, recently it has been announced that the Andrews Labor government will continue to roll out the very popular Smile Squad school dental vans program. I understand that once fully rolled out, the fleet of Smile Squad vans will provide check-ups and dental treatment for about 650 000 school kids every year. Around 500 dentists, oral health therapists and dental assistants will be employed to staff the vans. Minister, what schools in my electorate of Melton will be eligible for this wonderful program, and how much on average will the hardworking families across the Melton electorate expect to save on dental costs for each child?

Business of the house

STANDING AND SESSIONAL ORDERS

Debate resumed.

Mr WELLS (Rowville) (11:55): As I was saying from the outset, we are opposed to the Leader of the House's motion on the suspension of standing and sessional orders, the take-note motion that we are debating today. The reason we are opposing this is because this is about the shutting down of the Victorian Parliament and it is about the lack of opportunity for the opposition to be able to scrutinise the government.

As I said in my opening comments, the motion outlines today question time, government business, the adjournment and adjourning at 3 o'clock, but it is not allowing us to do the grievance debate, it is not allowing us members statements and it is not allowing us to actually have an adjournment debate. However, in the conversation across the table we have been assured that the member for Essendon is going to move an amendment to that motion to allow the adjournment items, and I am assuming members statements are to be able to be tabled as part of *Hansard*.

What I would like to do now is to go back to the actual declaration. Let us talk about the actual declaration that the Premier announced on Monday morning. This is what the Premier said in his press conference:

A State of Emergency has been declared in Victoria to combat COVID-19 and help to provide the Chief Health Officer with the powers he needs to enforce 14-day isolation requirements for all travellers entering Australia and cancel mass gatherings of more than 500 people, as agreed by National Cabinet yesterday.

We have no issues with that. It is based on facts, it is based on science and it is agreed to by the national cabinet. The second paragraph goes on to say:

Premier Daniel Andrews and Minister for Health Jenny Mikakos announced that the State of Emergency would begin on Monday, 16 March at midday and be in force for the next four weeks to assist with measures designed to 'flatten the curve' of COVID-19 and give our health system the best chance of managing the virus.

Under a State of Emergency, Authorised Officers, at the direction of the Chief Health Officer, can act to eliminate or reduce a serious risk to public health by detaining people, restricting movement, preventing entry to premises, or providing any other direction an AO considers reasonable to protect public health.

I am still quoting from the Premier's press release:

The first direction from the Chief Health Officer under these new powers will include banning non-essential mass gatherings of over 500 people such as cultural events, sporting events or conferences.

A number of our state's largest cultural institutions including the National Gallery of Victoria, the State Library and Museums Victoria have also announced temporary closures, and events such as the Melbourne Comedy Festival and Melbourne Food and Wine Festival have already been postponed.

Gatherings that are deemed essential and may continue include public transport, food markets and workplaces. Schools, TAFEs and universities will remain open for now but have been asked to restrict mass gatherings such as assemblies and lectures of over 500 people.

At this stage spaces or locations where 500 or more people may be in transit, such as Federation Square or Bourke Street Mall, are excluded from the ban on mass gatherings. However, if it is deemed necessary to protect public health, the powers can also be used in future to quarantine entire suburbs, businesses or professions—rather than just individuals.

The powers also allow the Chief Health Officer to do whatever is necessary to contain the spread of the virus and reduce the risk to the health of Victorians.

So if we go to the actual document—this is the document that was attached to the press release—it says:

Direction from Chief Health Officer in accordance with emergency powers arising from declared state of emergency

Under 'Definitions':

For the purposes of the directions in paragraphs 1, 2 and 3:

4. **Premises** has the same meaning as in s 3 of the *Public Health and Wellbeing Act 2008* (Vic).
5. A **mass gathering** is any gathering of five hundred (500) or more persons in a single undivided space at the same time, whether in an indoor or outdoor space, but does **not** include a gathering:

...

- h. at Parliament for the purpose of its normal operations ...

This is the direction given by the chief health officer. Under (5)(h) it says that the direction does apply to mass gatherings but does not include a gathering 'at Parliament for the purpose of its normal operations'. Now, its normal operations are Tuesday from 12 o'clock until 7.00 pm, and we adjourn; Wednesday from 9.30 am until 7.00 pm, and we adjourn; and Thursday from 9.30 am until 5.00 pm, and then we adjourn. We are not abiding by the actual direction of the chief health officer in accordance with emergency powers arising from a declared state of emergency, and there has been no update that the opposition have received other than this document that we have in front of us. The press release went out Monday morning, we accept, but it does give us the powers or the exemption to continue as normal under this declaration. I put to the house that the motion that has been put forward by the Leader of the House is contrary to the direction that has been given to us by the chief health officer that we can continue as is.

If, for example, the chief health officer put out another direction from the chief health officer in accordance with emergency powers arising from a declared state of emergency—if there was another document or another update to what we were issued as an opposition and the people of Victoria on Monday morning—then the government would have every right to move a motion to be able to put that in place. But the government is acting contrary to the advice that we have received from the chief health officer. So it is contrary to what the chief health officer has said. If there is a further document—and I am guessing that the member for Essendon is the next one up—or if he has a further document, then he needs to be able to give it to all members of the Parliament. Otherwise we are acting against the clear direction of the chief health officer that the Parliament can act as normal without any adjustments.

The other concern I have is—and there is always that sneaking suspicion—that the government may be trying to escape from scrutiny. I am just wondering if there are some issues that government is trying to hide from by making the opposition not able to raise issues through a grievance debate. I

looked last night at a couple of press releases that the Shadow Treasurer had put out in regard to the shambles that the state has got itself in in regard to finances. What they are trying to do is to say, 'We've got all these financial shambolic problems, but they're all the problems of the bushfires, the bushfire recovery and the coronavirus'. But as so clearly put out by the Shadow Treasurer, the figures are from 1 July 2019 until 31 December 2019. They do not include anything to do with the bushfires, anything to do with the bushfire recovery or the coronavirus. So they got themselves into a shambolic mess prior to the bushfires, the bushfire recovery and the coronavirus. God only knows what the budget is going to look like, but it is clear to me that they have used up every single one of their contingencies and they have no money left. It is for those reasons that we cannot support the motion put forward by the Leader of the House.

Mr R Smith: By leave, I move an extension of time.

Leave refused.

Mr PEARSON (Essendon) (12:05): I rise to support the Leader of the House's motion, and as foreshadowed I will be moving the following amendment. I move that after paragraph (2)(b) the following words be inserted:

- (c) members to submit:
 - (i) members statements for Thursday;
 - (ii) adjournment matters for Wednesday and Thursday—
by providing them to the Clerk in writing by the adjournment of the house on Wednesday and Thursday respectively.
- (3) This house authorises and requires the members statements from Thursday and the adjournment matters from Wednesday and Thursday to be published in *Hansard* at the end of each day's *Hansard*:
 - (a) subject to *Hansard* editorial policy; and
 - (b) if any matter contains unbecoming expressions, the Speaker may direct that the matter be removed or amended before it is published.

I will speak briefly to the amendment I have just moved.

Mr Wells: On a point of order, Acting Speaker, I just find it very odd that we are able to get this amendment now. Why weren't we given this amendment at the start of this debate? It seems really strange that the Leader of the House did not move this amendment while she was speaking so we could all look at it—so that when I was giving my contribution we were actually looking at the motion and the amendment to the motion. And I am just wondering why at the top you have got 'FOR XXXXX'. I am just wondering—when we are talking about the coronavirus, I thought kissing was out. Maybe the member for Essendon has got an update on information.

Ms Allan: On the point of order, Acting Speaker, if the Manager of Opposition Business had been paying more careful attention to my contribution he would have noted that I went into the detail and the substance of the amendment. It was the advice of the Clerks that the amendment needed to be moved by a member other than me. That is the reason why you are receiving it now, and I did provide the information and the substance to the house when I made my contribution. I trust that clarifies the matter for the Manager of Opposition Business. I would also suggest—I appreciate there is a lot of interest in this debate—it is not something to be made light of with frivolous observations. I would hope that we could get through the remainder of this debate in a cordial way, and I just repeat that it was on the advice of the Clerks that this amendment is being tabled in this way.

The ACTING SPEAKER (Ms Blandthorn): I have heard from people on the point of order. There is no point of order.

Mr R Smith: On a further point of order, Acting Speaker, the fact that we have just received this amendment to what is a very important motion, a motion that the Manager of Opposition Business has spoken to at length—and a very good contribution, I must say—for the opposition to be able to

consider the ramifications of this particular amendment to the motion, surely the government does not believe that we can just assess this on behalf of our broader party and make a decision on the fly. We do not operate that way. The government might operate on the fly with many, many things, and I have seen contributions from ministers during question time and other times, and indeed backbenchers, and there is no question that the government is used to operating on the fly. But, frankly, for the government to just hand down this amendment to the motion at a moment's notice and expect us to consider it is just unconscionable. Clearly they knew they were going to be putting this forward. We could have at least been given something. It did not have to be formally moved by the Leader of the House, certainly, but she could have at least passed it over to us so we could look at it over the morning. But, no, certainly we have not had that opportunity—

The ACTING SPEAKER (Ms Blandthorn): The member can take his seat. The point of order was the same. There is no point of order.

Mr PEARSON: I think that both the motion moved by the Leader of the House and the amendment that I have moved in my name get that balance right by ensuring that members have the capacity to raise issues of concern to their communities both today and tomorrow, and that further to that, this is about making sure that we all have a minimal level of exposure and that we adhere to the advice of the chief health officer. That is what is driving the motion moved by the Leader of the House, and we are trying to get the balance right. On that note, I commend both the Leader of the House's motion and my amendment.

Ms McLEISH (Eildon) (12:10): I rise to speak on the original motion that was put by the Leader of the House with regard to changes that are being made to our current Parliament sitting week. I note that on the advice of the clerks the member for Essendon, being somebody other than the Leader of the House, has tabled an amendment. I am extremely disappointed that we were not privy to that amendment earlier. I was very disappointed in fact to find out the details of this amendment through the Greens rather than through the regular processes, which we would have expected. What we see with the motion that has been put before the house is a curtailing of Parliament and the roles that we all have as members of Parliament. This motion has been moved at a time when we are all in the chamber. We have all come to Spring Street, and all 88 members are in the Assembly here, with several clerks also in attendance. We are a crowd that is well below 500, and even if they alter that number we are certainly below 100, and there are a lot of areas here where we can practise social isolation.

The Leader of the House raised the fact that federal Parliament is looking at changing sitting hours. Federal Parliament is not sitting this week. We are sitting this week; we are already here. The cynic in me would say that, in pulling back a few hours at the end of every day, what is behind this motion is the government wanting to have less scrutiny of what it is doing.

We are here in Parliament for several reasons. Firstly, we are all here as local members, and we are the voice of our electorates. People in our electorates expect us to use the opportunities we have in this place to raise matters of importance, to bring about change and to bring attention to a lot of the issues that they think are important. We as opposition members also have the responsibility to hold the executive government of the day to account. That is what the opposition does. We are here to scrutinise the government. The opportunities that we are given to do this are diminishing very quickly with this motion.

If I look at how we are the voice of our electorates, we come into the chamber and we do that in number of ways—we make members statements, we ask constituency questions, we raise adjournment matters to ask ministers for action, and we also have the opportunity to speak in grievance debates, which gives us the chance to put on the record many things that are of high priority to us and our electorates. People expect that of us. They expect us to stand up in Parliament. They do not expect us to write everything down and say 'I've raised it' just by shoving a piece of paper across the table. They expect us to be standing up and raising issues on their behalf. That is what our community expects. But certainly that is being denied to us in the original motion, other than through constituency questions. It is denying us members statements, adjournment debate opportunities and a grievance

debate. But what is the government proposing? They are certainly proposing to keep the Dixers. If they were really serious about doing this, they would have pulled ministers statements and allowed us instead to have our regular grievance debate and adjournment matters.

We also work in this place to hold the government to account. There is lots for us to do here. There is a power of work to do here. We know that the health system is struggling already. We know that the waitlists have ballooned in very recent times by 11 000. We saw as a response to that the government reannouncing \$30 million for the already delayed Casey Hospital. We have seen the government trying to tackle a little bit the waiting list that they have let balloon, but that is not going to make much of an impression because the list continues to grow. A waiting list does not just stay stagnant—it continues to grow. We have got a lot of concerns in terms of health.

There are a lot of issues with regard to major projects on which we need to hold the government to account. Airport rail is so important. If the government does not have dedicated links between Southern Cross station and Sunshine, it will absolutely jeopardise the chance for fast regional rail in country Victoria. People in country Victoria can kiss that goodbye if the government continue down this cheap path and do not make the most of the opportunity that is provided.

We need these opportunities to raise these issues through our grievance debates. We need these opportunities to make sure that the public are aware of the issues. We have seen today with the tabling of the Auditor-General's report on the Murray Basin rail project that that has huge issues. The Auditor-General found that 90 per cent of the funding has been used already and they have only done a fraction of the work that is required, so we need to hold the government to account on this project as well.

But we have also seen with the release of the midyear financial report that there is a staggering \$1.1 billion deficit. Those of us on this side of the table know that Labor cannot manage money. We know that they look at it as though it is somebody else's money. But now we can see that they have got huge holes, and it is only going to get worse because these figures were prior to the bushfires and prior to the coronavirus. When we next return and the budget is announced we are expecting that it is going to be a real shock for everybody, but we know that the government are really poor at managing major projects and poor at managing money, so it is probably not a surprise.

What did the government have on the agenda for today? On the agenda today they had the North East Link Bill 2020. Whilst this is an important piece of road infrastructure, the bill is setting up a shell of a company and is really going to start kicking in in six years time. That is not a pressing area of government business, like the Dixers. This is one bill that is on today. We could bring back some of the speaking times for the bills to make sure that we have our opportunity to stand up and to have our grievance debate. We have a lot of people here chomping at the bit to speak because there is a lot in our electorates that we want to be raising, and we want to be standing up in Parliament, having that footage of us raising matters for the attention of ministers for action in areas where we think it is needed.

We can see here that the government have made it, and we should not be surprised, all about them and the lack of scrutiny. It is about their government business program closing down our opportunities to raise matters in our electorates as well as to raise issues of significance. I guess you could say that it looks like the government has bowed to the Greens somewhat again—we know that they are their coalition partners—by allowing things in writing. As I mentioned earlier, it is really quite disappointing that we did not find out about this. In fact I found out about this through the Greens rather than through the processes because the Leader of the House did not pay us the courtesy of offering this up to us at an earlier point. She knew the deal she had struck with the Greens but she did not want to show us that same courtesy.

We have had the declaration of the state of emergency put in place and this is looking at banning non-essential mass gatherings of 500 people. We are certainly an essential place. The Parliament is an essential process for Victorian democracy. It is so important that we keep the processes going while we can. There is no advice for us to be closing down the Parliament. The chief health officer is not saying

that they advise the closure of the Victorian Parliament. They are not saying, 'Put all of your eggs in the government's business program and let them do what they want', which would deny the opposition the opportunity to exercise one of its main functions, which is holding the government of the day to account. I think that is really typical of a government that is very self-centred because they see it is their right to rule and their right to run roughshod through this place. 'This is what we want to do, we don't really care about the opposition and what the opposition is there for', which is to hold them to account, to hold them to scrutiny and also to have an opportunity to raise matters from our own electorates. These are why we are MPs. We need to be making that difference, and it is being denied.

Dr READ (Brunswick) (12:20): Regarding this motion, which is essentially to shorten the sitting hours for this week, I would like to make a couple of points. First, that I do not think shortening the hours per se will have any measurable impact upon viral transmission. I think that the key point to reduce transmission in this place, particularly through the winter, when we meet again, which I hope we do, will be to reduce the density of people in the room, and so I would like to make a couple of points on this. First of all I think it is important that MPs perhaps no longer be required to sit in their designated place to enable MPs to spread out through the room. We could even, if it is thought necessary, use the now empty gallery. I could think of a few MPs who would be better placed up there.

Members interjecting.

The SPEAKER: Order!

Dr READ: I will strive to be relevant to the motion.

The SPEAKER: The member was looking at me when he said that.

Dr READ: I also think that for times when there is a lot of us normally together—at the start of business at 9.30 in the morning and during question time—maybe we will need to nominate for a third of MPs from each party to be absent. During divisions, if MPs are in the building, perhaps their votes can be counted by other members of their party. I think these are suggestions going forward. We do not need to go through them in more detail. The main risk—

A member: I am interested. Tell us.

Dr READ: I am detecting uncharacteristic support from my erstwhile friends. But let me plough on. The main risks for transmission are close face-to-face contact. They are when ill MPs or MPs who are coughing come into the building. So these things should be avoided.

Ms Vallance: No kissing.

Dr READ: The member for Evelyn has suggested no kissing, and I agree. But also touching common surfaces, and I think this is something we could improve on. It is great to see hand sanitiser throughout the building—I think we actually need more hand sanitiser at doorways and other places. Also avoid touching lift buttons where possible, using your knuckle. We should all have some alcohol wipes in our pockets and be wiping these things down—shared cutlery baskets in Sessions Cafe, these other things where we are all touching things together. So I think these are important, but I do not think reducing non-government time in the sitting week actually does anything to reduce the transmission of viruses. I think that if for some reason it seems necessary to reduce the time we spend in the building—and this could be an issue in terms of the simple number of staff moving backwards and forwards and so on—we could probably make some contributions. I think it is a sensible amendment that members statements and adjournment matters are tabled, although hopefully that will not need to necessarily be continued, because let us face it: the chamber is mostly empty during members statements and particularly adjournment matters and most of the week the chamber is more than half empty. In fact—

Mr R Smith: Half full!

Dr READ: I shall endeavour to avoid all of these distractions. Now I have completely lost my train of thought, so bear with me while I look at my notes.

But the most important thing I think we could do to reduce time in the chamber is to simply reduce the number of speakers on bills. I just counted there were 17 government speakers on a bill about HIV testing, all of whom were saying they had met Sharon Lewin and had been to the Doherty Institute. It was not really necessary for the scrutiny of the legislation to go through all of this. We would be happy to limit our number of speakers to one per bill, and while other parties need not necessarily be quite so drastic, I think that is something that we could all agree to do. We would also be willing to tolerate some limitation of non-government business, but not where it is entirely take and no give. But because there are so many workplaces making drastic adjustments around the state, and because of the amendment moved today, we will agree to support this motion.

Mr M O'BRIEN (Malvern—Leader of the Opposition) (12:25): On the first day that this Parliament sat after the 2018 election I congratulated the Premier on his win, but I reminded him and I reminded the chamber that while Labor was elected to govern they were not elected to rule. This motion makes it clear that the Premier and this Labor government have failed to learn that lesson. They really think they have been elected to rule, not to govern. Well, the role of the Parliament, the role of the legislature, is to hold the executive to account. Now, that is important at any time—that is the fundamental basis of our democratic system of government—but it is more important at a time like this. The Andrews Labor government has just assumed sweeping, broad and intrusive powers over the lives of Victorians. It has done so by issuing a declaration of a state of emergency. I do not argue with that decision to issue a declaration of a state of emergency, but when a government assumes such sweeping powers over the lives of its citizens, it is more important than ever that the Parliament comes together to hold the government accountable for exercising those powers over its citizens.

What we see now is a government—at a time when it has assumed great powers over the lives of the people of this state—that now wants to close down scrutiny by this Parliament. At a time it is giving itself great power, it is seeking to disempower the elected representatives of the people of this state. This is why we oppose this motion, and we do so strenuously.

I am not used to quoting the member for Brunswick, but I will. The member for Brunswick is a doctor, and he has confirmed it is not a matter of health and safety for members of Parliament or staff to restrict the sitting hours of this Parliament. If it is safe for us to come to work, it is safe for us to do a full day's work. That is what it comes down to: if it is safe for us to come here and gather in this place and do the jobs that the people of our electorates sent us here to do, it is good enough for us to put in a full day's work. Do not be taken in by the spin of the Leader of the House. This is not about public safety; this is about political protection—nothing more and nothing less.

Sadly, we are already a part-time Parliament under this Labor government. The number of sitting days we have this year is absolutely pitiful—just 46 sitting days. Last year was even worse; it was 44. Now, the average number of sitting days in a non-election year for the Parliament of Victoria this century is 50, but we only get 46 this year and we got 44 last year. So Labor is already hiding from accountability. Labor is already hiding from scrutiny. Labor is already hiding from questioning, and it wants to do it again. They want to cut the sitting days down, so not only are we sitting fewer days, we are also doing less in those days.

How do we know that this is all about the government trying to stop scrutiny rather than protect the health of MPs? Well, when you look at what the government is trying to kill off, that is what bells the cat. That tells you the real intention behind this appalling move by an arrogant Labor government. You know what they are not killing off? They are not killing off ministerial statements, are they? They are not killing off the Dorothy Dixers, where ministers get up at the despatch box and blather on for 2 minutes at a time, telling us all how good they are—the same thing that the press gallery turns their back on because they are completely appalled by it. What a waste of parliamentary time.

No, the government will not kick off any opportunity for self-promotion—no, no, no. The government loves self-promotion. We know they spend so much taxpayers money doing that. We know how much they love it. But they love it in the chamber as well. If the government was serious about wanting to curtail parliamentary days without reducing scrutiny, why didn't the Leader of the House volunteer to get rid of those abysmal ministers statements? That shows you that this is not a good-faith government. This is not a good-faith motion. This is a bad-faith motion by a bad-faith government that wants to avoid accountability and scrutiny at the same time that it has taken on unprecedented power over the lives of Victorians. That is exactly the wrong time to be reducing scrutiny.

What does the government want to remove? They want to remove the grievance debates, a longstanding tradition in this place, where members have the opportunity and they get a decent amount of time to put forward before the house matters that are of deep concern to them and their constituents. In these current circumstances, where we have businesses going to the wall, where we have small businesses closing their doors, where we have workers being thrown out of work and losing their jobs, placing their families in positions of financial distress, that is when our members on this side of the house, and I suspect the minor parties and crossbenchers, want the opportunity to be able to put forward those concerns and ask the government, 'What are you going to do about it?'.

But instead the government says, 'We don't want to hear your grievances'. This is the Marie Antoinette school, isn't it? 'I don't want to hear what your complaints are. Let them eat cake'—it is very appropriate that the Leader of the House would be taking a Marie Antoinette approach to these sorts of matters. The government then says, 'Well, look, we will still let you have members statements, but you can't actually stand up here, you can't walk into the Parliament, you can't actually say anything with any passion or anything like that. Oh, no. You can do a little anodyne email'—which will go into the ether and will never be responded to by any government minister. 'Oh, you can do an adjournment matter', which once again will go into the ether and never be responded to by any government minister, or at least not with any decent sense of a response. This is no substitute for this Parliament sitting and doing a full day's work. It is no substitute for this Parliament having the opportunity to scrutinise a government that has taken on extraordinary powers at an extraordinary time and wants not to be held accountable for its exercise of those powers.

Now, we offered the government generous pairing arrangements, and I take on board the suggestions of the member for Brunswick that there are arguments in public health for spacing out members in the chamber. We offered the government and we agreed to generous pairing arrangements. If members feel unable to attend this house for health reasons or other concerns, we have said in this particular circumstance we would be willing to work with the government to ensure that pairing arrangements are put in place. We are not seeking to take any political advantage out of the coronavirus health issue to try and disturb the balance of power in this house. That would be undemocratic. We have made clear to the Leader of the House that we would agree to generous pairing arrangements, so the argument for spacing out members or even reducing the number of members who attend is no argument because we have agreed to that. We have agreed to measures which would allow that to occur, so we see that it is not actually about reducing the number of MPs in the chamber. It is not about protecting the health of MPs or staff. It is all about avoiding scrutiny. That is what this government is all about.

This is a government that has curtailed the rights of opposition members and minor party members in so many ways, even in terms of rules about how we can use our own electorate allowance to describe ourselves. Or dare we actually want to criticise a member of the government or a government policy, all of a sudden it is, 'Oh, we can't do that. You can only say nice things about us. You're not allowed to use your electorate office budgets to criticise us at all. That is a terrible use of communications money'. So it is not enough that we cannot communicate out in our electorates to hold this government accountable; they also want to stop us doing it in here. Well, we say that is disgraceful. We say this is an anti-democratic move from an arrogant government that believes it was elected to rule, not to govern. Well, we will not cop it. We will not cop the outrageous claims of the Leader of the House, who is more interested in avoiding scrutiny than she is in facilitating the business of the house.

This is the people's chamber. We have been elected by our constituents to represent them. We cannot do that sitting at home. We cannot do that online. We need to be here. That is how we do our job. Our job collectively as a Parliament—I include members of the Labor backbench—is to hold the executive accountable; that is the fundamental basis of our democratic system. What this motion does is prevent us doing that at the most important time, and that is a time when the government has taken it upon itself to take the most extraordinary sweeping and intrusive powers that Victorians have ever had used.

We oppose this motion. We oppose it because this is absolutely the wrong time for an arrogant Labor government to be avoiding the accountability and the scrutiny it needs.

Mr BATTIN (Gembrook) (12:35): I rise to support the Manager of Opposition Business in our position of opposing the Leader of the Government's motion, put forward before the house, to change the hours and to reduce the hours in this Parliament. As the Leader of the Opposition said just then, it is because it is around the most important time when we need to be here as a voice for our communities, raising the issues that they are raising within that community.

Mr Richardson interjected.

Mr BATTIN: I will take up the interjection from the member for Mordialloc, who said I should be out in my community. My community at the moment—where you have got places like Robert Gordon pottery, who are stressed about 40 staff keeping their jobs—want me to come back and ask the government: where is the state's stimulus package? What is the state doing to ensure they are protected? They treat their staff like family; they want to make sure they are protected for the future.

We have seen events cancelled, we have seen things change and we have seen how dynamic this is. I think I speak on behalf of all on this side of the house when I say that we are more than happy to work with the government to make sure it is in the best interests of Victorians at a time of genuine need.

When you travel around through the electorate at the moment, there is concern. They are raising concerns. I know the member for Polwarth raised a genuine concern before around people coming out to country areas in busloads and taking food from shelves, and that needs to be raised in this place. For the government to turn around and say that we are going to reduce, cut out and stop things that happen in Parliament, or change with this amendment to say that we can put it in writing—we have seen the example of what happens when you put things in writing within this Parliament. The government fails to answer. I raised two weeks ago 108 questions on notice that have failed to be answered by this government. I again raised an issue this week, with 70 questions on notice, where the answers are totally and factually incorrect. That is why we need to make sure that Parliament remains. That is why we should be here.

The chief health officer—and I have heard many on the other side interject about the chief health officer—has stated that basically you can stay in Parliament, that the Parliament is exempt and should continue to run. I would actually say not just should continue to run, it is vital that it continues to run, as it has for the past 12 months, 20 years, 50 years—go back to when it obviously started, all those years ago.

The one thing we have had change here in Victoria is the reduction in the amount of days. The Leader of the Opposition went into those days, to say that it went down to 44 days and back up to 46. The one thing I will say to the Leader of the Opposition is that the Labor Party is the only party that would turn around and say, 'That's a 5 per cent increase', rather than focusing on the history and actually saying it is a 10 per cent decrease on what has been happening within democracy in Victoria. They continue to try to curtail debate and make sure that we cannot speak.

One of the reasons we do need to be in this chamber is to raise really important issues that happen out in our electorate. A prime example at the moment would be the Millhaven Lodge retirement village—a place of care, a place where people are obviously more vulnerable, more susceptible to what is happening with the current virus and also with food issues. Then you get a member of Parliament who

puts a post out on social media saying, 'No food in aged-care facility in Pakenham', and then goes on to blame the federal government and the local member. The member was so embarrassed by the post they had to take it down. We are trying to talk about bipartisanship. A simple phone call from the member for Bass would not have hurt, or to actually go there. It is funny, because when we spoke to them at Millhaven Lodge, they actually turned around and said, 'No, we weren't short of food. We had one delivery not turn up'. One delivery. What message is out in the community when a member of government is putting a message out there saying, 'No food in aged-care facility in Pakenham'? No food. I put it to you that if your mother or father was in that village or in that aged-care nursing home and a member of the government was putting a message out saying there was no food available in that facility, that needs to be raised in this place. That person has to be called out. It is a disgrace—a disgrace—that someone wants to go out there and scaremonger from the government and try to blame the Morrison government and try to blame the feds. We need to raise that in here.

I will give credit. I know that the Premier has been going up and working with the government federally and they are trying to put in place things that are genuinely in the best interests of Victoria and Australia. They are trying to make changes that are uncomfortable. Any leader has to make decisions that are uncomfortable, but many of those decisions over time may require a change in legislation, and you would think the best place to discuss them with the opposition would be in the Parliament so we can then be aware of what is going on.

I was elected to this place on exactly the same grounds as the member for Mordialloc. I had more than 50 per cent of my electorate support me to come in here to be their voice. The member for Mordialloc should agree with me. This is the place that I am going to stand up for them. This is the place that I am going to come into and make sure that their voice is heard. At a time when they have genuine concern in our community, I need to come in here and ensure that I can go through to the ministers, I can go through to the government and ask questions.

But we know the reality. I could show you the email lists. I could show you the FOIs I have put in for which we have failed to get answers back. This government sent an FOI response to the opposition of over 200 pages that were all blanked out. They would not even give us the information in relation to projects at the time. They will not supply the information to us that we have not had. We are getting a briefing today from the chief medical officer or the deputy chief medical officer. Other information comes out sporadically and we cannot get answers that we need to get.

In question time today, and in question time yesterday as well, the Liberal Party did not get up with the National Party and absolutely have a go at the government; we got up and asked specific questions.

Mr Fowles interjected.

Mr BATTIN: I note the member for Burwood wants to interject from there. I do not even think he is entitled to be in the front row, let alone his seat over there, so I would not start interjecting from where he is sitting.

But I will say, when we are talking about it, we are entitled to come in here and speak on behalf of our people, speak on behalf of those that have been elected. We have come in here to make sure that those concerns are raised.

I have had continuous issues raised when it comes to schools. One of the areas where parents are concerned, and rightfully concerned, is that the government are reducing the amount of people that can be in enclosed spaces to 100 people et cetera. I do understand, and we have said we have got bipartisan support that currently government schools will be staying open. But the concern out in the community when you walk down the street and speak to people is, 'Well, hold on, independent and private schools are starting to make announcements around closing, and some of them have not had a case of the virus at all within the school'. They have not had the coronavirus in the school but they are making those decisions. They are making those decisions based on what they think is in the best interests of their students, they are making those decisions in what they think are the best interests of

the families and they are making them in what is the best interests of their staff. They are doing it for the right reasons. I am not saying whether they should or should not close—that is a decision for the independent schools—but we need to be able to come in here and ensure that we can get the right advice to go back to state schools, to go back to the parents who are asking the question, ‘Why are some of those areas deciding to close and others not?’.

Then we can go to the department. I am happy to show the emails in this place over time where I have gone to the department, including—we will use the emergency services—where I have sent an email just recently to the chief of the emergency services, whose standard response is, ‘I’m sorry, Mr Battin, we cannot deal with you; you’ll have to go through the minister’s office’. Or when we have written to the education department locally in Dandenong and the response is, ‘I’m sorry, we’re told we can’t deal with you; you’ll have to go through the minister’s office’. Therefore, if we are not getting the information from the department, we have to come in here and confront the minister, because the minister is elected and paid to be in charge and deliver that. That is all we are asking. We are not asking for much on this side of the Parliament. We are not asking for anything that is outstanding, anything over the top, we are just asking for a Parliament that operates and gives us the opportunity to question the government. A Parliament is here to question the government.

On behalf of the electorate of Gembrook as businesses start to struggle, as we see a change to our schools, as people are concerned about catching a train, with the photo this morning at the train station on Flinders Street at 7.30 am, they want to make sure that their leaders are leading. They want to make sure that leaders continue to do what they should be doing, and my role as an elected representative of Gembrook is to make sure I come in here and, number one, get information they need and ensure I get that information back out to them in any way possible—using social media, going through the media—and work with the government where appropriate to make sure that they are protected, and their interests are the only thing that I am putting forward. That is what we are asking for today.

This motion is going to cut off the voice of the electorate of Gembrook and the electorates of everyone else in this place, and anyone who is not within government—any backbencher, whether you are a Labor backbencher, a Liberal backbencher, Nationals or Greens—will all be cut off from making sure they have a voice and making sure they get treated equally so every area is treated and they can govern for all. I implore the government to listen to the Greens member today and some of the things that he wanted to put in place that would make this place operate smoothly and for the betterment of all Victorians, and that is why I oppose this motion put before the house.

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (12:45): I move:

That the question be now put.

Mr Wells: On a point of order—

The SPEAKER: I cannot accept points of order on this matter.

Members interjecting.

The SPEAKER: Order! I am going to make a ruling or a point and then the member may raise a point if he wishes to. I am not in a position to put the question at this point. Standing order 155 does require me to ensure that the putting of the question is not a denial of the rights of the minority. I note that from those who have contributed to the debate that the Independent member for Morwell has not yet had an opportunity to contribute—he has been in the chamber most of the time listening—nor has a representative of The Nationals. So I do ask the Leader of The Nationals, who is in the chamber, and the member for Morwell to consider very quickly whether they wish to contribute to the debate.

Mr Wells: On a point of order, Speaker, thank you for that because that is exactly the point we were going to raise—that under—

Ms Allan interjected.

Mr Wells: Thank you, Speaker, because under standing order 155, 'Closure motions', (2)(b), that was exactly the point that I was going to raise with you—that before the question can be put it is a denial of rights of the minority that you need to consider, so I thank you for taking consideration that there has been no-one from the National Party and that the Independent member for Morwell may also wish to speak. So I thank you for that and ask you to make the next call.

The SPEAKER: I think that was a thankyou rather than a point of order, but I am always happy to accommodate those. Can I just indicate also that given the motion and the amendment before the house have a material impact on the sitting of the house after 2.00 pm today—members following this motion will understand what I mean—it is my intention not to suspend at 1 o'clock for lunch to allow as many members as possible to contribute to debate.

Mr Wells: On a point of order, Speaker, I mean, what material impact can there possibly be when we are arguing that the sitting should be implemented until 7.00 pm? And if you are going to make a ruling that we are going to sit through the lunch break, then that is a ridiculous situation. We should be going for lunch at 1 o'clock as we have agreed. Surely you cannot break the tradition of 1 o'clock on a Wednesday—an order for us to be able to go at 1 o'clock for lunch, come back and do grievances at 2 o'clock until 4 o'clock—or the situation is we can come back to this debate at 4 o'clock.

The SPEAKER: I do not uphold the point of order.

Mr NORTHE (Morwell) (12:49): Just in relation to the amendment as put by the Leader of the House, I guess speaking on behalf of myself and the Independents who are absent who would probably, I would suggest, have similar views to myself, it is an opportunity missed for opposition members and Independent members, particularly coming from regional Victoria, that we have the opportunity to have our say in those forums that are available to us, whether that be by way of a members statements or adjournment matters.

Notwithstanding the fact that all of us in this place should heed any health advice when it comes to the coronavirus, the facts are that we are here. Many members of Parliament from regional Victoria make a long and concerted effort to get to this place and the opportunities that are available to us to put our views and raise issues, which the community sends us here to do. It is important to ensure that we have those opportunities.

The Leader of the House did note to me the proposed amendment, which has evolved into the opportunity for members to submit their members statements and adjournment debate matters in writing, but again that does not have the same impact as standing here. One of the technologies that is available to us as members of Parliament in this day and age is the ability to have video links to our speeches that we make in Parliament, and they are a much better option in many cases when you are delivering a passionate speech to this place on behalf of your community. If we were only able to have that in writing, that is the loss of an opportunity for members of Parliament to put their views back out into their community and be able to demonstrate in a physical sense and an emotional sense the issues that we are sent here to address. From that perspective I think it is a lost opportunity.

But more importantly, as I mentioned, all of us need to heed the advice of the health experts. We are in this place because obviously the health warnings are not enough for us to not be here, notwithstanding that some members of Parliament are absent for various reasons. But we are here and, as I say, for many of us who have travelled hundreds of kilometres it makes no sense that we would not be here for the duration. And again, notwithstanding obviously that the sitting hours have reduced markedly from previous parliaments as well. It is easier of course for those members of Parliament who live in the city or outer suburbs to get back home, but it raises a conundrum for many regional members of Parliament who will be forced to stay here in Melbourne for meetings that have been coordinated either inside of the Parliament or without. To change the operations of the house in this substantial manner is not something that I or the other Independents would support in that regard for all the reasons that I have mentioned.

As I say, going back to the start, Hansard now have a great vehicle available to us in having video links to our speeches. It is not the same as providing an issue in writing. I have already had the opportunity this week to raise many issues around the coronavirus and the impacts that that is having on our community. I do not want to be putting those concerns in writing. I want to be able to stand here in Parliament and do it in that manner. I think what is being proposed by the Leader of the House is not something that I would support, and neither would our community. We are elected by our communities to come here, to express our views as best we can, to ask questions of the government and the relevant ministers and to get that feedback.

Even in the adjournment debate, if I can raise an example, two sitting weeks ago I raised an adjournment debate for the attention of the Minister for Police and Emergency Services about police shortages in my electorate and the levels of crime. During the course of the adjournment debate the minister actually happened to be in the chamber and she was able to provide some really helpful, insightful information that I could immediately take back to my community, and that was helpful. That was in a forum whereby we had a number of local residents who had come to me on the basis of concerns about those high levels of crime. I was able to send back to those community members—there were about 50 of them—via email a video link of not only my contribution but also the minister's response to my adjournment debate. If we do not have that, we lose the opportunity as well in terms of what is being proposed by the Leader of the House.

A member: Hazelwood pondage.

Mr NORTHE: Hazelwood pondage, yes, that is another big issue. But again, with the here and now, with the coronavirus, I think it is important that members of Parliament from all sides—it does not matter if it is government or opposition—have an opportunity to raise their real and valid concerns and issues surrounding their community members about the coronavirus. As I said, I was able to do that in question time with the Premier yesterday and by way of a members statement this morning, and it should not be in written form. We should be standing here being able to articulate that with the passion and vigour that our constituents expect us to.

That will continue for me in the next couple of days. I have a question without notice tomorrow, and I know that will be in order, but I also have an adjournment debate tomorrow evening. Again, I assume at this stage it will be around coronavirus and hopefully again a minister will be in the chamber to respond to that and I will be able to have those video links and that video footage from Hansard that I can relay back to my community, because that is the way we operate in this day and age. In the absence of any health warnings or advice from the chief health officers about the operations in Parliament, it makes sense to me that if we are here through the duration of operational hours as standing orders require, then we should be here. Again, I am reinforcing the fact that regional members of Parliament in many cases have had massive upheaval to their weeks to come to this place. They have put arrangements in place. We are here; let us be here for the duration unless there is other health advice or warnings that state otherwise.

In closing, I understand the intent from the Leader of the House, and I respect the fact that she has provided myself and others with a briefing on the intent. In this case, it is not something that I agree with—from my perspective, wearing my local member of Parliament hat. And I am sure the member for Mildura, having travelled all those miles and catching a plane to come to Parliament—I would suggest, without putting words in her mouth—would agree with my position, as would the member for Shepparton for those valid reasons. It is an opportunity, as the member for Shepparton says on a regular basis. At every opportunity that is available to us in opposition to contribute to forums and to contribute to debates and to raise issues and concerns on behalf of our community it is our responsibility to do so. We should not lose those opportunities in the current forums that are available to us for all the reasons that I have mentioned. Again, it is not the same in Hansard if you lose those opportunities via video links and video footage to go back to your community with the issues that you have raised during the course of a sitting week.

There is no need, in my view, to reduce debate in any of the forums, as has been suggested by the Leader of the House. There have been some good points raised by the member from the Greens. I very, very rarely agree with anything that a member from the Greens would say, but in this case there is some common sense, which is not too common coming from anybody from the Greens. Nonetheless I think the points that have been raised by many of the opposition members are very valid, and I would reiterate from my perspective that the amendments as proposed would not be supported by myself nor indeed by other Independent members of the house.

Mr WALSH (Murray Plains) (12:59): I rise also to speak against the motion from the Leader of the House and also the amendments that she has put forward as well. One of the things that you take on as a value in life is treating other people as you would have them treat you, and when dealing with this motion and dealing with the contribution from the Leader of the House about wanting to have support for her changes, I cast my mind back to the 2010 to 2014 government when the Leader of the House was the leader of opposition business. I think, ‘How would she have handled this?’. She would have railed against this. She would have given an impassioned speech about how when we were on the Treasury benches we were shutting down the opposition from raising their issues here in this Parliament. So I think the Leader of the House, who is saying she wants support from us for her ill-gotten motion, would have done the same as us if she was in the same position.

We are elected to come to this Parliament to represent the people that send us and to raise the issues that are important to them. An absolute tenet of the Westminster system of government is the Parliament, executive government, and Her Majesty’s loyal opposition, who are here to raise their concerns and hold executive government to account. The Parliament is more important in the Westminster system than executive government. So the motion we have from the Leader of the House is about lessening the impact of the Parliament in the Westminster system. I just think that is totally abhorrent to our system. With an issue of crisis, an issue of war—as the Treasurer said, this is like a war—it is important that the Parliament functions even more effectively than at any other particular time. So to think that you would have a motion that is going to close down the rights of members of Parliament to raise issues on their constituents’ behalf, particularly for the opposition members of Parliament to raise issues that are important to their constituency in this time at the moment, is just totally wrong.

I understand that you are within the standing orders, because there is no provision for lunch within the standing orders, but I think to actually hold off the lunch adjournment is wrong as well, if I could be respectful about that. I believe this debate should have gone on till 1 o’clock, we should have adjourned for lunch, we should have come back, we should have gone through the normal standing orders, normal sessional orders, and we should have had a grievance debate. What is more important in a week when we have the issues around coronavirus, when we have got all the issues around people’s health and safety, and when we have got people who are absolutely stressed and beside themselves that their business is going to close its doors, that they will be out of a job and that the people they employ will be out of a job? That is the time that we should actually have a grievance debate, and the members of Parliament should have the opportunity to raise those grievances on behalf of their constituency.

They just say that a member of Parliament can email in. We know it takes months and months and months to get a formal response in the form of a ministerial letter. How long is it going to take to get an issue answered as a members statement or as an adjournment issue? How long is it going to take to actually get a response to those issues? If I have a constituent that raises something with me and wants me to do an adjournment issue about law and order and the lack of police numbers in my electorate, for argument’s sake, do I tell them, ‘Oh, I’ve sent an email’? They will laugh at me. They will say, ‘What the hell are you doing? We asked you to go to the Parliament. We asked you to raise this particular issue on our behalf’. As the member for Morwell said, he does a Facebook post with the actual visuals from the Parliament. I think one of the great changes that has come in here is the fact that we can actually use that feed to show people what we actually do in this house. It is important that we can be seen to be doing our job. It is not only about doing the job; it is important that we be seen doing our job.

As an example, last sitting week if we had not personally asked the Premier a question about the fact that the Timboon and Heyfield Lions clubs had not been paid for what they had done to actually shift donated hay to the bushfire farmers to make sure their livestock did not die, if we had just sent an email to the Premier saying, 'Can you do something about this?', I think even you, Speaker, would be hard-pressed to think there would have been some action out of that. By the fact that things are raised in this chamber, by the fact that there is video feed that can be used, by the fact that there is a news camera here quite often taking footage that goes to everyone across Victoria and by the fact that the Premier would look very, very silly if he did not do something about that, it will mean that hopefully—and they still have not been paid—the Lions clubs of Timboon and Heyfield will actually get paid for carting that donated hay. But if that had just been an email, I am sure it would not have even got a response—let alone an action—to those particular issues. As the Leader of the Opposition said, this is a part-time Parliament anyhow.

We are sitting less days than we have ever sat before. With the changes to sessional orders about being family friendly—and I do support those changes—we are not doing as much as we used to do when I first came to this Parliament. We are not putting the hours in. We are not having the opportunity to scrutinise legislation that we used to have. I may stand corrected, but I believe we have hardly had an opportunity to go into consideration in detail on any bills in the life of this Parliament, let alone the life of the previous Parliament.

When it comes to the adjournment debate, one of the tenets when we were in government between 2010 and 2014 was that we actually had a row of ministers on the bench at 10 o'clock when this Parliament went on the adjournment. If you were unfortunate enough to be following Peter Ryan, who usually took about 20 minutes in answering the adjournment matters that he got, you might get 5 or 10 minutes to answer an adjournment matter. But most nights, on the adjournment debate, the answers went for at least 15 or 20 minutes, if not the full half-hour. With what we have now, the best result we can get is actually having a minister who will stand up and at least identify the issue that was raised and the minister it was raised for. Some of the ministers just stand up and say, 'We'll pass those on to those ministers'. As we are seeing from the number of points of order after question time about questions on notice that have not been answered, there is little response from the government around these particular issues.

The government business program this week includes the North East Link Bill 2020, a piece of legislation that will not be used for five or six years. Why would you have the business program taken up with that piece of legislation? Why not actually dedicate that time to allow opposition members to have members statements and to have adjournment matters?

A member: We could have grievances.

Mr WALSH: We could actually have a grievance debate. With the coronavirus pandemic that we have and the stress that is out there in communities, I think the grievance debate is an absolutely essential part of the Parliament for this sitting week.

The issue I wanted to close on is the fact that all the members on our side of Parliament that I have been talking to today are being inundated with calls. Our offices are inundated with calls because our constituents are extremely worried that with the way people are acting in supermarkets they will not be able to buy the basic food and essentials they need for life into the future. We need the opportunity to debate that issue in Parliament this afternoon in the grievance debate. It is that important. The night before last in the Echuca supermarket there was a fight over a bag of pasta. A bag of pasta burst and spread all over the floor. Security guards had to be called because people were fighting over a bag of pasta. When we have got issues like that happening in our community, we need to make sure we have the opportunity to debate and raise those issues in Parliament.

I will finish by saying that one of the motel operators in Echuca came into my office today absolutely stressed that he has had nearly all of his bookings cancelled going forward. They are the sorts of issues

that we should be debating in this Parliament. He was saying the federal government's initiative goes some of the way, but he actually needs more business support than that; otherwise he is going to close his doors. He will actually shut that motel because he will not be able to survive through what is going on at the moment. These are the issues are important to the people that send us to this Parliament. These are the issues that we should be debating. We should not be voting on the Leader of the House's motion now. We should be going to lunch, we should be coming back—

Ms Allan interjected.

Mr WALSH: The Leader of the House wants to trivialise this issue. The grievance debate is absolutely critical for this sitting week.

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (13:09): I move:

That the question be put.

House divided on question:

Ayes, 48

Addison, Ms
Allan, Ms
Blandthorn, Ms
Brayne, Mr
Bull, Mr J
Carbines, Mr
Carroll, Mr
Cheeseman, Mr
Connolly, Ms
Couzens, Ms
Crugnale, Ms
D'Ambrosio, Ms
Dimopoulos, Mr
Edbrooke, Mr
Edwards, Ms
Foley, Mr

Fowles, Mr
Green, Ms
Halfpenny, Ms
Hall, Ms
Hennessy, Ms
Hibbins, Mr
Horne, Ms
Kairouz, Ms
Kennedy, Mr
Kilkenny, Ms
Maas, Mr
McGhie, Mr
McGuire, Mr
Merlino, Mr
Neville, Ms
Pakula, Mr

Pallas, Mr
Pearson, Mr
Read, Dr
Richards, Ms
Richardson, Mr
Settle, Ms
Spence, Ms
Staikos, Mr
Suleyman, Ms
Tak, Mr
Taylor, Mr
Theophanous, Ms
Thomas, Ms
Ward, Ms
Williams, Ms
Wynne, Mr

Noes, 22

Angus, Mr
Battin, Mr
Blackwood, Mr
Britnell, Ms
Bull, Mr T
Hodgett, Mr
Kealy, Ms
McCurdy, Mr

McLeish, Ms
Newbury, Mr
Northe, Mr
O'Brien, Mr D
O'Brien, Mr M
Riordan, Mr
Smith, Mr R

Smith, Mr T
Southwick, Mr
Staley, Ms
Vallence, Ms
Wakeling, Mr
Walsh, Mr
Wells, Mr

Question agreed to.

The SPEAKER: The house is considering an amendment moved by the member for Essendon to the motion moved by the Leader of the House. The question is:

That the amendment be agreed to.

Amendment agreed to.

The SPEAKER: The question is:

That the motion as amended be agreed to.

BILLS

1032

Legislative Assembly

Wednesday, 18 March 2020

House divided on amended motion:

Ayes, 48

Addison, Ms
Allan, Ms
Blandthorn, Ms
Brayne, Mr
Bull, Mr J
Carbines, Mr
Carroll, Mr
Cheeseman, Mr
Connolly, Ms
Couzens, Ms
Crugnale, Ms
D'Ambrosio, Ms
Dimopoulos, Mr
Edbrooke, Mr
Edwards, Ms
Foley, Mr

Fowles, Mr
Green, Ms
Halfpenny, Ms
Hall, Ms
Hennessy, Ms
Hibbins, Mr
Horne, Ms
Kairouz, Ms
Kennedy, Mr
Kilkenny, Ms
Maas, Mr
McGhie, Mr
McGuire, Mr
Merlino, Mr
Neville, Ms
Pakula, Mr

Pallas, Mr
Pearson, Mr
Read, Dr
Richards, Ms
Richardson, Mr
Settle, Ms
Spence, Ms
Staikos, Mr
Suleyman, Ms
Tak, Mr
Taylor, Mr
Theophanous, Ms
Thomas, Ms
Ward, Ms
Williams, Ms
Wynne, Mr

Noes, 22

Angus, Mr
Battin, Mr
Blackwood, Mr
Britnell, Ms
Bull, Mr T
Hodgett, Mr
Kealy, Ms
McCurdy, Mr

McLeish, Ms
Newbury, Mr
Northe, Mr
O'Brien, Mr D
O'Brien, Mr M
Riordan, Mr
Smith, Mr R

Smith, Mr T
Southwick, Mr
Staley, Ms
Vallence, Ms
Wakeling, Mr
Walsh, Mr
Wells, Mr

Amended motion agreed to.

Bills

CONSTITUTION AMENDMENT (FRACKING BAN) BILL 2020

Statement of compatibility

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (13:20): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Constitution Amendment (Fracking Ban) Bill 2020.

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter), I make this Statement of Compatibility with respect to the Constitution Amendment (Fracking Ban) Bill 2020.

In my opinion, the Constitution Amendment (Fracking Ban) Bill 2020 (**Bill**), as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The purpose of the Bill is to insert into the *Constitution Act 1975* (**Constitution Act**) provisions that entrench existing legislated bans on hydraulic fracturing (**fracking**) and the exploration and mining of coal seam gas (**coal seam gas activities**). Those bans comprise: (i) a ban on fracking in s 8AD of the *Mineral Resources (Sustainable Development) Act 1990* (**MRSDA**) and s 16A of the *Petroleum Act 1998* (**Petroleum Act**); and (ii) a ban on coal seam gas activities in s 8AC of the MRSDA. The Bill amends s 18(2) of the Constitution Act to require that any Bill that purports to remove or amend the legislated bans be passed by a special majority, being three-fifths of both Houses. This means that a special majority, rather than a simple majority, will be required to repeal, alter or vary the Bill. To the extent that this special majority requirement may engage or limit Charter rights, any limit is considered to be reasonable, on grounds that no less restrictive means is available to achieve the purpose that the limitation seeks to achieve: s 7(2)(e) - Being, constitutional entrenchment of the legislated bans.

For the reasons below, it is considered that the Bill does not limit any Charter rights. By entrenching existing provisions in the MRSDA and the Petroleum Act, the Bill only engages the Charter rights that are already engaged by those provisions.

Human Rights Issues

Privacy and reputation (section 13) and freedom of expression (section 15)

Section 13(1) of the Charter provides that a person has a right not to have his or her privacy, family or home or correspondence unlawfully or arbitrarily interfered with.

Section 15(2) of the Charter relevantly provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and regardless of the form of communication.

Clause 4 of the Bill inserts a new s 74D into the Constitution Act which prevents Parliament from repealing, altering or varying ss 8AD and 8AC of the MRSDA. Section 8AD prohibits fracking on any land. Section 8AC(1) makes it an offence for a person to explore for, or to mine, coal seam gas on any land. However, the s 8AC(1) offence will not apply if a person who holds a licence, and while exploring for a mineral in accordance with the terms of that licence, incidentally discovers or mines coal seam gas and reports that discovery in accordance with certain conditions set out in s 113A: s 8AC(2), MRSDA.

To utilise the s 8AC(2) exception, a person may be required to disclose personal information relating to the discovery. This may engage the Charter right to privacy.

However, it is considered that the Charter privacy right is not limited. Section 113A of the MRSDA clearly sets out the circumstances in which personal information could be required to be disclosed in relation to s 8AC(2). Any disclosure would therefore not be “unlawful or arbitrary” within the meaning of s 13(1) of the Charter.

By requiring a person to disclose their personal information, s 8AC(2) of the MRSDA may also engage the Charter right to freedom of expression.

However, the right is not limited. The requirement that persons disclose incidental discoveries of coal seam gas is a lawful one, being necessary to provide the State with information regarding coal seam gas resources and enforce s 8AC(2) of the MRSDA. Furthermore, the requirement only operates in limited circumstances—discoveries of coal seam gas.

Property rights (section 20)

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

The Bill, which inserts provisions entrenching the existing legislated bans on fracking and coal seam gas activities into the Constitution Act, may engage the Charter right to not be deprived of property.

Participants in the resource industry or who carry out petroleum operations, for the purposes of the MRSDA and the Petroleum Act, may be natural persons. However, participants in the resource industry are most likely to be corporations, and therefore do not possess human rights under the Charter in accordance with s 6(1). For this reason, there is a low risk that s 20 of the Charter would be engaged.

If the participant is an individual, the relevant clauses of the Bill would not unlawfully limit the individual’s property rights, as any deprivation of property would be in accordance with law, in this instance, the licensing scheme that regulates the industry in the MRSDA and the Petroleum Act.

Rights in criminal proceedings (section 25)

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.

Ordinarily, the presumption of innocence requires that the prosecution prove all matters beyond reasonable doubt. Section 25(1) of the Charter may be relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that he or she is not guilty of an offence.

The Bill entrenches in the Constitution Act strict liability offences in the MRSDA and Petroleum Acts that prohibit fracking or coal seam gas activities. The offence in s 8AC of the MRSDA contains an exception which places the evidential burden of proof on the accused.

The Bill may engage the Charter right to be presumed innocent, by including strict liability offences with a low standard of proof, to which the only exception reverses the burden of proof.

However, the Bill is not considered to limit the right. As above, persons engaging in resource exploration and extraction for the purposes of the MRSDA and the Petroleum Act would likely be corporations and therefore not have any Charter rights: s 6(1).

Alternately, if the accused party were an individual, any limitation on the right is considered reasonable and justifiable as they would be a resource industry participant for whom compliance with the provisions would not be difficult. Resource industry participants must maintain significant expertise in industry regulation, including the restrictions on fracking and coal seam gas activity. Furthermore, the penalty imposed (200 units) is lower than the penalties that would normally apply where a higher burden of proof is required. For example, under s 217 of the Petroleum Act, a failure to comply with a prohibition notice imposes a penalty of 600 units.

Finally, the evidential burden imposed by the exception in s 8AC(2) of the MRSDA is not considered to limit the right to be presumed innocent. The accused has only to prove that their discovery of coal seam gas was incidental, then the evidential burden will shift back to the prosecution.

Right not to be tried or punished more than once (section 26)

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.

The offence provisions entrenched in the Constitution Act by clause 4 of the Bill (ss 8AC and 8AD of the MRSDA, s 16A of the Petroleum Act) are default penalty provisions. If a person (as distinct from a corporation) is convicted of one of these offences, they will be guilty of a further offence for each day the impugned conduct continues. The Bill may be seen to engage the Charter right to not be punished more than once.

However, the default penalty does not apply to an offence for which a person has already been convicted, but rather continued conduct. Therefore, the Charter right in s 26 is not engaged.

Tim Pallas MP
Treasurer

Second reading

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (13:20): 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:

I am introducing the Bill to the House on behalf of the Premier, who is the Minister responsible for the *Constitution Act 1975* (Constitution Act).

The purpose of this Bill is to insert the existing legislated bans on fracking and coal seam gas activities in the Constitution Act. The Bill fulfils the Government's 2018 election commitment to "enshrine our legislated ban on fracking in the Constitution of Victoria". This will protect Victoria's prime agricultural land and the farmers and communities that rely on it. The success of this industry depends on Victoria's reputation for producing some of the cleanest and greenest food and fibre in the world.

The existing legislated bans comprise two distinct prohibitions.

The first is a ban on the carrying out of hydraulic fracturing (fracking). Fracking is a process to extract oil or gas by injecting fluids, including chemicals, down a well at high pressure to fracture the rock formation and help the oil or gas to flow out of the rock and into the well. Some chemicals used in fracking have been associated with environmental and health impacts and have been a significant driver of community concern. The fracking ban is set out in s 8AD of the *Mineral Resources (Sustainable Development) Act 1990* (MRSDA) and s 16A of the *Petroleum Act 1998* (Petroleum Act).

The second is a ban on the exploration for and mining of coal seam gas. Coal seam gas is a type of unconventional gas that occurs naturally in coal seams and is trapped underground by water pressure. Extraction of coal seam gas requires the dewatering of coal seams to release the gas and sometimes incorporates fracking to make the extraction more economic. Coal seam gas extraction presents significant environmental challenges associated with waste water disposal, ground water contamination, and ground subsidence. Coal seam gas exploration and mining is banned by s 8AC of the MRSDA.

The bans were introduced into the MRSDA and the Petroleum Act by the Resources Legislation Amendment (Fracking Ban) Act 2017. The purpose of the bans is to prohibit onshore unconventional gas activity in Victoria.

The Bill will amend the Constitution Act by introducing a new Part, making it more difficult for a future Parliament to repeal, alter, or vary the existing legislated bans (clause 4).

The Bill proposes to entrench the existing legislated bans by amending the Constitution Act to provide that the new Part may only be repealed, altered or varied if the third reading of a repealing Act is passed by a special majority of all members of the Legislative Assembly and Legislative Council. A special majority is three-fifths of each House of Parliament.

The Bill will also make it more difficult for a future Parliament to repeal, alter or vary the existing legislative bans, including attempts to: reduce the current penalty for breaching the bans; narrow the class of persons liable to a penalty for breaching the bans; or reduce the geographical area to which the bans apply.

I commend the Bill to the house.

Mr WELLS (Rowville) (13:20): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday, 1 April.

PETROLEUM LEGISLATION AMENDMENT BILL 2020

Statement of compatibility

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (13:21): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Petroleum Legislation Amendment Bill 2020.

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Petroleum Legislation Amendment Bill 2020.

In my opinion, the Petroleum Legislation Amendment Bill 2020 (the **Bill**), as introduced to the Legislative Assembly, is compatible with the human rights protected by the Charter. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The Bill amends the *Petroleum Act 1988* (the **Petroleum Act**) to end the moratorium on carrying out petroleum exploration and production under that Act on 1 July 2021. The moratorium was introduced by the *Resources Legislation Amendment (Fracking Ban) Act 2017* and is due to sunset on 30 June 2020.

The Bill also provides for submissions from the Victorian community to be taken into account in the making of certain decisions under the Petroleum Act, and to enable prescribed social, environmental and economic factors to be taken into account in the making of certain decisions under that Act.

The Bill also amends the *Offshore Petroleum and Greenhouse Gas Storage Act 2010* (the **OPGGs Act**) to require the holder of a petroleum production licence under that Act to provide domestic consumers with the first opportunity to purchase petroleum recovered under the licence.

Human rights issues

A number of the provisions in the Bill affect the rights of authority holders. However, all affected authority holders are corporations. Corporations do not have human rights, and therefore no human rights are engaged in respect of these provisions.

Some provisions in the Bill may affect the rights of individuals. I discuss these below.

Right to privacy, right to reputation and right to freedom of expression

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

Section 15(2) of the Charter provides that every person has the right to freedom of expression. Section 15(3) of the Charter provides that special duties and responsibilities are attached to the right and that it may be subject to lawful restrictions reasonably necessary to respect the rights of other persons and for the protection of national security, public order, public health or public morality. The right to freedom of expression is broad and includes freedom from forced expression.

A number of provisions in the Bill engage the right to privacy; however, in my view, none of them limit the right. Clauses 10 and 12 of the Bill insert new sections 39A and 48A into the Petroleum Act respectively.

These clauses require an applicant for a retention lease or a production licence to cause notice of the application to be published in a newspaper circulating generally in Victoria and on an internet site maintained by the applicant. Section 48B provides that a notice under section 48A must contain details of the area in respect of which the production licence is sought, state that any person may make a written submission to the Minister about the application during the prescribed period and contain any prescribed information.

Clauses 20 and 21 of the Bill insert new sections 161 and 163 respectively into the Petroleum Act which require the holder of an authority to give notice of any proposed petroleum operation or variation to an operation plan to any relevant person or organisation. A notice under new section 161 must contain sufficient information to allow the person or organisation to make an informed assessment of any impact that the petroleum operation may have on the activities or interests of that person or organisation and state that they may, within a reasonable period of receiving the notice, make a submission to the holder of the authority about the operation plan, and contain any prescribed information.

Clauses 10, 12, 20 and 21 of the Bill engage the right to privacy to the extent that 'prescribed information' that must be included in the published notices includes personal information (i.e. names of individuals and addresses). However, all current authority holders are corporations, and it is unlikely that an individual would be granted an authority under the Act. In the event that an individual was to apply for an exploration permit or production licence, the provisions would not unlawfully limit the individual's right to privacy. In my view, the provisions are not unlawful or arbitrary as the aim of the public notification provisions is to ensure that the Victorian community has been reasonably consulted before the Minister makes a decision in relation to petroleum exploration or production in Victoria.

Clause 30 of the Bill inserts new sections 152A and 152B into the OPGGS Act. Section 152A makes it an offence for gas producers not to provide domestic consumers with a right of first access, on reasonable terms, to buy new gas that is discovered under production licences granted on or after 1 May 2018 and which cover offshore petroleum exploration release areas. If a person commits an offence under section 152A, the Minister may publish, in the Government Gazette and/or on an internet site maintained by the relevant Department, a notice stating the name of the gas producer, that they have committed the offence, when the offence was committed, and the penalty imposed.

New section 152A engages the right to privacy to the extent that the information published contains personal information (i.e. names of individuals, addresses). The provision also engages the right to reputation. However, all current gas producers licensed under the OPGGS Act are corporations, and it is unlikely that an individual would be granted a license under the Act. In the event that a license was granted to an individual, the provision would not unlawfully limit the individual's right to privacy or amount to an unlawful attack on their reputation. The provision is not unlawful or arbitrary as it is clearly prescribed and serves an importance purpose of deterring gas producers from non-compliance with the scheme. Therefore, it does not limit the relevant rights.

Section 152A also requires gas producers to report to the Minister when they contract a sale of gas to liquid natural gas exporters. The notice must be in writing and contain any prescribed information. Clause 31 of the Bill inserts a new item 24 in Schedule 4 to the OPGGS Act which is a power to make regulations prescribing requirements for a notice to the Minister under new section 152A. In my view, this notice requirement does not reach the threshold required to engage the right to privacy, as even if the prescribed information includes personal information, mandatory reporting obligations are consistent with the reasonable expectations of individuals who operate a business within a regulated scheme.

New section 152B of the OPGGS Act empowers the Minister to investigate breaches under s 152A. Specifically, the Minister may direct a licensee, or a person to whom the licensee has offered to supply petroleum (the offeree), to provide information, documents or things that relate to the offer. New section 152B engages the right to privacy to the extent that the information that must be provided to the Minister includes personal information. However, the provisions are not unlawful or arbitrary. The information is necessary to ensure the effective operation of section 152A, which aims to ensure that Australian gas buyers are prioritised over gas exporters. Moreover, the circumstances in which the information is required are clearly set out and confined, and the information will be managed as part of the existing information management framework for petroleum authority holders. This existing framework takes into account privacy requirements.

New sections 152A and 152B in the OPGGS Act may also engage the right to freedom of expression by requiring the provision of certain information, documents or things relating to an offer to supply petroleum. However, in my view, these provisions are reasonably necessary to ensure compliance with, and enable the effective enforcement of relevant provisions relating to the sale of gas and petroleum. Any person engaged in this sector would expect to be required to provide this information.

Any resulting limitations on the right to freedom of expression are therefore demonstrably justified in accordance with section 7(2) of the Charter.

New section 39B in the Petroleum Act requires an applicant for a retention lease to provide details of how the applicant has addressed, or proposes to address, any matter that has been raised in a submission to the Minister about the application. However, the provision aims to ensure that the Victorian community has been reasonably consulted before the Minister makes a decision to grant an authority allowing for the development of petroleum resources in Victoria. In my view, the provision therefore does not reach the threshold required to engage the right to freedom of expression, as the duty to assist is consistent with the reasonable expectations of individuals who operate a business within a regulated scheme.

Tim Pallas MP
Treasurer

Second reading

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (13:22): 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 purpose of this Bill is to amend:

1. The *Petroleum Act 1998* (Petroleum Act) to enable the orderly restart of the onshore conventional gas industry on 1 July 2021, on terms that will enhance community confidence in that industry.
2. The *Offshore Petroleum and Greenhouse Gas Storage Act 2010* (OPGGs Act) to prioritise any new gas from future offshore production licences for domestic users.

The moratorium on onshore conventional gas in the *Petroleum Act 1998* sunsets on 30 June 2020. Legislation about the future of onshore conventional gas must be passed before 30 June 2020 to prevent reputational and legal risks from allowing the moratorium to sunset without legislative provisions.

This Bill will end the gas moratorium from 1 July 2021, enabling onshore conventional gas exploration and production from that date.

To realise the orderly restart of the industry, the Victorian Government will:

- Improve community engagement and industry transparency obligations by amending the Petroleum Act
- Work with industry and community on the preparatory work to support licence applications consistent with our new regulatory approach
- Undertake social, environmental and economic impact assessments prior to releasing future onshore acreage.

The Victorian Government has listened to stakeholder views about the importance of community engagement throughout the process. This Bill will address these concerns by adding improved community engagement obligations to the *Petroleum Act 1998*, supported by transitional arrangements for existing authorities. Once made, the petroleum regulatory framework in Victoria will align with leading practice.

An orderly restart of Victoria's onshore conventional gas industry would support jobs and enhance economic development, particularly in regional communities. The Victorian Gas Program estimates that up to 242 jobs, \$312 million in gross regional product and \$43 million in royalties could be generated each year during production.

An orderly restart will also contribute to ensuring Victoria's energy security by increasing diversity of gas supply in the medium term as we transition to renewable energy. We are committed to reducing Victoria's greenhouse gas emissions to net zero by 2050 and growing Victoria's renewable energy industry. Gas has a continued role as a transition fuel and will continue to be part of Victoria's energy mix over the medium term. It is both economically and environmentally sensible to tap into Victoria's natural gas resources as a bridging fuel in our move to renewable energy.

The introduction of this Bill is supported by the scientific evidence presented by the Victorian Gas Program (the Program). The \$40 million science-led Program has assessed the potential for onshore conventional and offshore gas in the Otway and Gippsland geological basins.

The Program's geoscientific studies have concluded that there are likely to be onshore conventional gas resources of commercial interest in south-west Victoria and Gippsland, with potential to support regional jobs and enhance economic development over a number of years.

Environmental studies indicate that securing local gas supply for Victorians will not come at the cost of the state's ground water supplies, agricultural industries, farming's clean green reputation, or the environment.

A policy review of Victoria's petroleum legislation and regulations further shows that the state has a robust framework for managing environmental and safety risks. This ensures an onshore conventional gas industry can operate safely.

It is important to note that the Bill does not relate to hydraulic fracturing (fracking) of unconventional gas or exploration and mining of coal seam gas. The Victorian Government is entrenching the fracking ban in Victoria's *Constitution Act 1975* to make it even harder for any future government to remove the ban—providing extra peace of mind for regional communities and farmers.

The Bill will also include amendments to *Offshore Petroleum and Greenhouse Gas Storage Act 2010* to prioritise domestic gas consumption. Specifically, a legal obligation will be placed on gas producers that any new gas from future offshore production licences must be offered to domestic consumers, via a right of first offer (equal access) on reasonable terms.

I commend the Bill to the house.

Mr R SMITH (Warrandyte) (13:22): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday, 1 April.

CRIMES (MENTAL IMPAIRMENT AND UNFITNESS TO BE TRIED) AMENDMENT BILL 2020

Statement of compatibility

Ms HENNESSY (Altona—Attorney-General, Minister for Workplace Safety) (13:23): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Crimes (Mental Impairment and Unfitness to be Tried) Amendment Bill 2020.

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter), I make this Statement of Compatibility with respect to the Crimes (Mental Impairment and Unfitness to be Tried) Amendment Bill 2020 (the Bill).

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

Overview

The Bill amends the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (the CMIA). The Bill implements reforms recommended by the Victorian Law Reform Commission in its *Report on the Review of the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (the Report). The changes made by the Bill include:

- the introduction of general statutory principles to guide the exercise of functions and powers;
- streamlining procedure and clarifying legal tests;
- creating a new test for fitness to plead guilty and transferring the determination of fitness from the jury to the judge;
- replacing the current review framework with a system of regular progress reviews; and
- transferring the functions of the Forensic Leave Panel to the Mental Health Tribunal.

The current CMIA regime of supervision

The Bill maintains the CMIA's regime of supervision and management of people found unfit to stand trial or not guilty because of mental impairment.

If a person is declared liable to supervision under the CMIA, the court must make a supervision order with respect to the person. A custodial supervision order commits the person to custody in an appropriate place or, as a last resort, in a prison. An appropriate place is defined as a designated mental health service, a residential treatment facility or a residential institution. A non-custodial supervision order involves release of the person on conditions decided by the court.

The framework provided by the CMIA, the *Mental Health Act 2014* and the *Disability Act 2006* allows for the compulsory treatment of people subject to custodial supervision orders. A person released on a non-custodial supervision order on conditions decided by the court may be required to undergo treatment or receive services.

General statutory principles for adults

Clause 5 of the Bill introduces the following general statutory principles that guide the exercise of functions and powers in the CMIA with respect to adults:

- restrictions on a person's freedom and personal autonomy should be kept to the minimum consistent with the safety of the community;
- in conducting any proceeding, making any decision or taking any action, the safety of the community should be considered;
- unreasonable delay should be avoided, particularly in matters involving the question whether an accused is fit to stand trial or where the defence of mental impairment is raised or where the accused is a child;
- consideration should be given to the needs of everyone affected by the offence including the accused, family members of the accused and the victim or victims of the offence; and
- any court proceeding should be conducted and, where appropriate and consistent with the rights of the accused, modified in a manner that acknowledges the need to involve and provide support to all the people affected by the conduct proceeding, including the victims of the offence, the accused and family members of the accused.

These principles are relevant to a number of rights in the Charter and in particular promote:

- the right to liberty and security of person—section 21 of the Charter.
- the right of all persons deprived of liberty to be treated with humanity and with respect for the inherent dignity of the human person—section 22 of the Charter.
- the right to be tried without unreasonable delay—section 25(2)(c) of the Charter.

Statutory principles for children

The Bill inserts a statutory principle which applies specifically to proceedings in the Children's Court. In deciding whether to make, vary or revoke a supervision order the court must have regard to the need to strengthen and preserve the relationship between the child and the child's family, the desirability of allowing the living arrangements, education, training or employment of the child to continue without disturbance and the need to minimise the stigma and discrimination to the child from a court determination.

These principles enhance the protection of families and children under section 17 of the Charter and the right of a child charged with a criminal offence to a procedure that takes into account the age of the child and the desirability of promoting the child's rehabilitation under 25(3) of the Charter.

The Bill also introduces a statutory principle that unreasonable delay should be avoided where the accused is a child or was a child at the time of the alleged offence. This principle is relevant to, and enhances, the right to be tried without unreasonable delay in section 25(2)(c) of the Charter.

Reframing the test for unfitness

The Bill amends the statutory test for fitness to stand trial. The test has been amended to focus on the fairness of the trial and so enhances the right to a fair hearing under section 24 of the Charter.

The Bill will also require the court, when determining whether a person is unfit to stand trial, to consider the extent to which certain modifications can be made to facilitate the person's effective participation in the trial, including whether more appropriate communication methods can be used in court. This is consistent with rights in criminal proceedings under section 25 of the Charter and, specifically, the right to have the assistance of specialised communication tools and technology if the person has communication or speech difficulties under section 25(2)(j).

Expansion of appeal rights

The Bill expands appeal rights in fitness proceedings by allowing for an appeal against a finding that a person is fit to stand trial and a finding that they are not fit to plead guilty. The Director of Public Prosecutions is granted corresponding appeal rights. This reform promotes rights in criminal proceedings under section 25(4) of the Charter by ensuring a person has the right to have the finding reviewed by a higher court. This is also consistent with the right to a fair hearing under section 24 of the Charter.

Fitness to plead guilty

The Bill inserts a statutory test for fitness to plead guilty on the basis that while a person may be unfit for trial, they may have sufficient capacity to make an informed decision to plead guilty. The insertion of a statutory test for fitness to plead guilty will allow a person who is fit to plead guilty to access the normal criminal process, and is based on the rationale that where an accused has the capacity to make a particular decision that decision should be given effect as far as possible. The test for fitness to plead guilty incorporates several safeguards to protect the right of an accused not to be compelled to confess guilt and so complies with section 25(2)(k) of the Charter.

Reconsidering a finding of fitness

The Bill enables the court (not including the Children's Court), at any time before a supervision order is made, to set aside a finding of unfitness and make a finding of fitness. Although this provision does not strictly engage the right not to be tried or punished more than once in section 26 of the Charter, this provision is unconventional in Victorian legislation because it disturbs the finality of a court's finding of fact. It is justified by the need to protect the integrity of the CMIA process and to provide a process for the rare cases in which a court is satisfied that new evidence not considered as part of the initial investigation demonstrates a high degree of probability the person was feigning unfitness.

The defence of mental impairment

The Bill introduces a statutory definition of mental impairment. The definition is non-exhaustive, but makes clear that a cognitive impairment, such as an intellectual disability, is capable of qualifying as a mental impairment for the purposes of the CMIA, while a temporary condition such as a drug-induced psychosis cannot qualify. This is consistent with the current position at common law. The definition also excludes personality disorders.

Excluding personality disorders and temporary disorders arising from an external cause (such as the consumption of drugs or alcohol) from the definition of mental impairment engages the right to a fair hearing, as it prevents people with these disorders from accessing the defence of mental impairment.

However, the right is not limited because in practice people with personality disorders generally cannot establish that they did not know the nature and quality of their conduct or that it was wrong, and therefore are unlikely to be able to establish the defence of mental impairment in any event. Similarly, it is inappropriate for a person who does not have a mental impairment that exists independently of an external cause to be subject to a supervision order. Excluding such persons from CMIA processes is consistent with the purpose of the defence.

Making fitness to stand trial a question for the judge not the jury

The Bill amends the CMIA so that a judge, rather than a jury, determines the question of a person's fitness to stand trial. This amendment aims to expedite fitness investigations and increase the efficiency of court processes.

This amendment is relevant to, and enhances, the right to be tried without unreasonable delay under section 25(2)(c) of the Charter. As the jury will still make the ultimate determination of criminal responsibility this amendment is consistent with the right to a fair hearing under section 24 of the Charter.

Only directing on relevant findings at special hearings

The Bill will change the way jury directions are given in CMIA matters, to bring them into line with contemporary practices for directing juries. The Bill will provide that at special hearings judges need only direct the jury on findings that are reasonably available on the evidence. The Bill will also make clear that the *Jury Directions Act 2015* applies to special hearings.

These amendments aim to eliminate inefficient practices, reduce uncertainty about what is required and decrease appeals. They are therefore relevant to, and enhance, the right to a fair hearing under section 24 of the Charter and the right to be tried without unreasonable delay in section 25(2)(c) of the Charter.

Power to remand following a finding that the accused is unfit to stand trial and is not likely to become fit within 12 months

This power limits the right to liberty and freedom of movement. The purpose of the limitation is to allow the accused to receive treatment and services between the outcome of a fitness investigation and a special hearing, while also detaining the accused pending the outcome of the special hearing for community safety reasons. The requirement that a person will only be remanded in custody in a prison if the judge is satisfied that there is no practicable alternative in the circumstances ensures that prison is a last resort and the least restrictive means reasonably available to achieve the limitation's purpose. This limitation is therefore reasonable and proportionate with reference to the purpose of the limitation.

Attendance at special hearings and review hearings

The Bill allows an accused to ‘attend’ a special hearing by audio visual link, with the consent of both parties. This amendment engages the right contained in section 25(d) of the Charter for a person to be tried in person, as a special hearing is conducted before a jury after the accused has been found unfit to stand trial. The accused still participates in their hearing ‘in person’ even if they attend by audio visual link. The accused is not being tried in absentia.

Ancillary Orders

The Bill will make ancillary orders and consequences available following a CMIA finding. Where the court considers it appropriate to do so, orders may be made under the *Sentencing Act 1991*, the *Confiscation Act 1997* and the *Road Safety Act 1986*.

It is intended that ancillary orders imposed following a CMIA finding will not be punitive in nature. Orders will only be available under the Confiscation Act in relation to proceeds of crime, and under the Sentencing Act for the purposes of preserving property to satisfy potential restitution and compensation orders. Where orders are mandatory, such as under the Road Safety Act, it is proposed to provide the court with discretion, so orders are only made in appropriate circumstances.

These amendments engage the right contained in section 20 of the Charter, which provides that a person must not be deprived of his or her property other than in accordance with law. Although this right is relevant, it is not limited, because a person subject to these provisions will not be deprived of property other than in accordance with procedures established by law.

Reviews of supervision orders

The Bill will maintain the indefinite nature of supervision orders and the current system of nominal terms but will provide for a system of mandatory, regular progress reviews. These progress reviews will occur at intervals of five years or less, acting as a safeguard against arbitrary detention. The frequency of reviews is not linked to criminal penalty but reflective of the CMIA principles of least restriction and gradual integration. The frequency of reviews under the progress review system promotes the right of a person not to be subject to arbitrary detention in section 21(2) of the Charter. As the onus eventually shifts from the applicant to the State to justify that continued detention is appropriate, this will also act as a safeguard against arbitrary detention.

A new test of unacceptable risk

The Bill replaces the legislative tests that refer to whether the supervised person is likely to seriously endanger themselves or other people with a modernised unacceptable risk test. The new unacceptable risk test will be used by decision makers when reviewing and varying existing supervision orders and deciding whether to grant short-term or extended leave from a person’s place of custody.

Decision-makers will be required to consider whether the person subject to a custodial supervision order poses an unacceptable risk of ‘serious harm’ when deciding whether to:

- vary custodial supervision orders at progress review and on application;
- grant or suspend a special leave of absence;
- grant or suspend on-ground or limited off-ground leave;
- grant, suspend or revoke extended leave;
- apprehend a person subject to a non-custodial supervision order;
- increase the level of supervision of a person transferred to Victoria from interstate or overseas.

Decision-makers will be required to consider whether the person subject to a custodial supervision order poses an unacceptable risk of ‘harm’ when deciding whether to:

- revoke non-custodial supervision orders at progress review and on application.

The unacceptable risk test, in its various forms, balances the principle of least restriction with community safety, and is therefore relevant to the right to liberty and the right to security of the person in section 21 of the Charter. Decision makers must be satisfied that the applicant does not pose a risk of ‘serious harm’ before granting various forms of leave and before varying a custodial supervision order to a non-custodial supervision order. This ensures that people are only kept on the highest level of supervision—in custody—if they pose a risk of serious harm to the community.

This is balanced by requiring a court to be satisfied that a person does not pose a risk of ‘harm’ to the community before finally discharging a person from a non-custodial supervision order. This approach balances the principle of least restriction with the need to protect the community by subjecting a person to the least restrictive order while there is still a risk of harm to the community.

Supervision of people with a cognitive impairment or disability

The Bill amends the *Disability Act 2006* to expand the functions and powers of the Senior Practitioner, Disability. The Senior Practitioner will be responsible for ensuring that the rights of individuals with an intellectual disability on CMIA supervision orders are protected, and appropriate standards applied to their treatment.

The Bill creates a requirement that the authorised program officer must prepare a treatment plan for all persons with a disability subject to a custodial supervision order in a residential treatment facility. A person has the right to have the treatment plan reviewed by the Victorian Civil and Administrative Tribunal.

These measures promote the right of all persons who are deprived of liberty to be treated with humanity and with respect for the inherent dignity of the human person under section 22 of the Charter.

For the reasons outlined above, the amendments contained in this Bill are compatible with human rights set out in the Charter

The Hon Jill Hennessy MP
Attorney-General
Minister for Workplace Safety

Second reading

Ms HENNESSY (Altona—Attorney-General, Minister for Workplace Safety) (13:24): 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:

This Bill will implement reforms to modernise and strengthen the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (CMIA), to improve the supervision and management of people found unfit to stand trial or not guilty because of mental impairment.

The CMIA was introduced in 1997 and commenced full operation on 18 April 1998. It abolished the ‘Governor’s pleasure’ system, and established new procedures to deal with people whose mental impairment means they are either unfit to stand trial, or have been found not guilty because of mental impairment.

Being unfit to stand trial means, essentially, that mental impairment makes the accused incapable of understanding and participating in a trial. The CMIA established a procedure for dealing with unfit accused persons called a special hearing, which is similar to a criminal trial but takes account of the accused limited ability to participate.

Being found not guilty because of mental impairment means an accused’s mental impairment affected their capacity to understand the nature of their conduct or that it was wrong—and the trial verdict reflects this finding. It’s important to clarify that ‘not guilty because of mental impairment’ is not the same as acquittal—on the contrary, the conduct has been proved; but rather than being held criminally responsible and subjected to criminal sanctions designed (among other purposes) to denounce and deter similar offending, the accused may instead be subject to supervision imposed both to protect the community from the risks they pose and address or manage their impairment.

While supervision orders under the CMIA operate outside the criminal justice system, and are not a sentence, they may nevertheless be custodial, involving detention in a mental health facility or disability service; or they may be non-custodial, involving supervision and treatment in the community. It’s also important to note that supervision orders are of indefinite duration, and can only come to an end when a court is satisfied the person’s risk is appropriately reduced.

The CMIA scheme applies to the Supreme and County Courts and, since 2014, the Children’s Court.

The Act represented the first time rules relating to mental impairment and fitness to stand trial had been set out comprehensively, in a single Victorian statute. It replaced the common law defence of insanity with a statutory defence of mental impairment. It also implemented a new regime for imposing and reviewing supervision orders for people subject to CMIA orders.

In 2012, after nearly fifteen years of operation, the previous government asked the VLRC to review the CMIA to ensure that the legislation “operates justly, effectively and consistently with the principles that underlie it.”. The VLRC’s report was tabled in Parliament on 21 August 2014, and responded comprehensively to its detailed Terms of Reference. I thank the VLRC for its thorough and considered review.

The reforms in this Bill will help ensure that the CMIA operates consistently with its underlying principles, as identified by the VLRC. The underlying principles of the CMIA seek to strike a balance between the protection of the community from an individual whose impairment means they presently pose a risk of harm, and the longer-term interest—shared both by the supervised person and the wider community—that the impairment ought to be treated, where possible, or managed effectively so the person ceases to pose a risk to the community.

The CMIA works to balance the shared interest in effective treatment and management of mental impairment by recognising the rights and clinical needs of an accused. This is achieved by ensuring that mentally impaired persons are afforded a fair trial, are only punished where they are morally blameworthy, have their therapeutic needs addressed whilst subject to supervision, and have their freedom restricted only so far as is necessary.

The reforms in the Bill also recognise the rights of others, including victims and family members, and the need to protect the community from dangerous individuals.

Although people who are subject to CMIA supervision are not ‘convicted’ of their offences in the usual way, there are still victims of their conduct whose rights and concerns must be considered and respected. In addition, family members of people subject to CMIA orders are often affected by decisions to vary the supervision order or to grant leave to the supervised person.

The Bill makes important reforms to acknowledge these interests, including through recognition of victim impact at hearings, and through improved notification processes. I acknowledge the tireless and inspiring advocacy of victim representatives and family members in ensuring these issues have been recognised, and addressed.

I will return in more detail to those elements of the reforms.

While the VLRC report underpinning this Bill may have been delivered in 2014, I also note that the reforms are particularly timely in light of the Royal Commission into Victoria’s Mental Health System, which is currently considering how to improve mental health outcomes for people in contact with the forensic mental health system and justice system.

Statutory principles

In accordance with the VLRC’s recommendation, the Bill will insert a set of statutory principles into the CMIA to guide courts, decision makers and agencies when dealing with persons subject to the CMIA. These principles recognise the particular needs of mentally impaired accused people by ensuring that they receive a fair trial, as well as the needs of those affected by the offending and the need to protect the community.

Separate, specific principles will apply for children which mirror the considerations in the *Children, Youth and Families Act 2005*. The Bill provides a list of matters that the Children’s Court must consider when making, varying or revoking a supervision order in relation to a child. These include the need to strengthen and preserve the child’s relationship with their family, the desirability of not disrupting the child’s living and educational arrangements, and the need to minimise stigma and discrimination against the child. The considerations extend to appeals in the County Court and Supreme Court from findings and supervision orders made in the Children’s Court.

Clarifying and modernising legal tests

The Bill will clarify and modernise a number of legal tests in the CMIA.

The fundamental right of an accused to have a fair hearing underpins the concept of unfitness to stand trial. That’s because if an accused is unable to understand or properly participate in a trial, they are likely unable to challenge allegations or evidence to defend themselves, or give evidence that may legitimately explain or mitigate their conduct—which in turn risks inaccurate verdicts.

In accordance with the VLRC recommendation, the Bill reframes the test for unfitness to stand trial to clarify the law and focus the fitness criteria on the crucial decisions relevant to participation in a criminal trial. The overall focus of the test is now whether the accused’s ability to understand or participate in certain aspects of a trial *will affect whether the accused can receive a fair trial*, rather than just whether they can understand and participate or not.

The Bill introduces a statutory definition of ‘mental impairment’ in line with a VLRC recommendation. The definition will make it clear that, for the purposes of the CMIA, ‘mental impairment’ includes mental illness and cognitive impairment (such as intellectual disability)—but excludes any temporary impairment of an otherwise healthy mind caused by an external event, such as the consumption of a drug.

This means the definition in the Bill reflects the common law and maintains the current position under the CMIA in respect of intoxication. It provides that a person who offended while suffering a mental impairment due to an external cause (such as drugs, a blow to the head or shock) cannot be found not guilty because of mental impairment unless that external cause has triggered an underlying, ongoing mental condition.

To *disqualify* the person from accessing the defence of mental impairment, the court must only be satisfied that the external event (such as drug use) caused the disorder. That means that under this definition, for a person to establish a defence of mental impairment for an act committed while intoxicated, they would need to establish *both* that they did not know what they were doing, or did not know that it was wrong; and *also* that this was due to an underlying mental impairment and not their intoxication.

That is an appropriately high bar that should be met before a court finds that the accused is not criminally responsibility for the act, and should be dealt with under the provisions of the CMIA. If the person's mental impairment does not meet this threshold, it may nevertheless have a bearing under the common law on moral culpability, or therapeutic considerations at sentencing, under the normal criminal process—outside the framework of the CMIA.

When making or varying orders under the CMIA, courts and other decision makers are currently required to consider the risk of the supervised person 'seriously endangering' themselves or members of the community as a result of the order. As recommended by the VLRC, the Bill will replace this with a new test of 'unacceptable risk'. For example, in deciding whether to grant extended leave to a person, the court will be required to consider whether granting leave will result in an *unacceptable risk of the supervised person causing serious harm* to themselves or any other person. The new wording will also apply to other categories of leave, and decisions about the appropriate level of supervision.

This terminology is consistent with other contemporary legislative schemes, such as those relating to bail and serious sex offender supervision. In addition, the Bill implements the VLRC recommendation to remove the risk the person poses to themselves as a consideration for decisions where civil orders would be available to manage the risk.

Introducing a test for fitness to plead guilty

Some changes made by the Bill will result in fewer people accessing the CMIA scheme. For example, the Bill creates a new test of fitness to plead guilty, implementing a VLRC recommendation. The judge presiding over the fitness investigation will be able to find that a person is capable of pleading guilty, even though they are not capable of undergoing the trial process. This recognises that a person who is not sufficiently fit to undergo a trial process may still have the ability to understand less complex decisions associated with plea and sentence. In such a case, the person will be sentenced as usual under the criminal law.

The Bill includes safeguards to ensure that an accused person can only be found fit to plead guilty if they have the capacity to do so. It must be established that the person can understand the offence with which they have been charged and the consequences of pleading guilty, before a finding of fitness to plead guilty is made. In addition, the finding can only be made where the person is legally represented, and if it has been requested by the defence. Allowing a person who has sufficient capacity to enter a plea of guilty to do so has the advantage of holding the accused to account in a way that is consistent with their responsibility for the offence, while saving court time and reducing the burden on the CMIA supervision system.

Introduction of 'progress reviews'

Under the existing CMIA scheme, a person on a supervision order is only entitled to a review of their supervision order shortly before the end of their 'nominal term'. The length of the nominal term is set by reference to the person's principal offence and can be up to 25 years. While a supervised person can apply for review, some supervised people do not obtain review of their order by the court for many years. The court can set reviews when the original order is imposed, however this is not mandatory and practice varies between courts and individual judges.

Under the Bill, all people who are subject to CMIA supervision orders will be entitled to regular 'progress reviews' which will occur at intervals of five years or less. There will continue to be a 'major' progress review at the end of the nominal term. People already subject to CMIA supervision orders will transition to this new system of review, and so will also be entitled to regular progress reviews. Regular reviews will ensure that people subject to CMIA orders have their treatment and support needs continually evaluated, consistent with the public interest in reducing or managing their long-term risk, and are not detained longer than is necessary.

The Bill also provides that the onus to provide evidence supporting consideration of a reduction of supervision shifts depending on how far the person has progressed through the review pathway. While each and every decision is fundamentally, and appropriately, a risk assessment made on the basis of evidence, these presumptions are designed to ensure a community safety focus, while also safeguarding against unjustified indefinite detention.

Transferring assessment of fitness from the jury to the judge

The Bill removes the requirement that a jury decide whether the accused is fit to stand trial and makes this a decision for the judge. This reflects contemporary practice by acknowledging that the question of fitness is more in the nature of a pre-trial determination, appropriately handled by a judge and not a jury.

This change also implements the VLRC recommendation that juries should no longer be involved in the determination of fitness, for reasons including the time and cost implications associated with a jury (for example, the fees paid to jurors and the time taken to empanel and give directions to a jury).

Optimising fitness investigations

The Bill will make amendments aimed at optimising an accused person's fitness to stand trial. When determining fitness, the court will be required to consider modifications that can be made to assist the accused to become fit. For example, modifications may include whether a support service is available to assist the person's understanding of the trial.

Appeal rights

The Bill also expands appeal rights in fitness proceedings and allows for an appeal against a finding that a person is fit to stand trial and a finding that they are not fit to plead guilty. The Bill provides the Director of Public Prosecutions (DPP) with corresponding appeal rights.

Power to reconsider a finding of unfitness

Under the CMIA currently, if the court has found a person unfit and then evidence emerges prior to a supervision order being made that the accused's symptoms of unfitness were not genuine, the court can only make a supervision order or unconditionally release the person. The Bill will give courts the power to vacate a finding of unfitness if there is a high probability the person was feigning unfitness. In those circumstances the person's case would return to the normal criminal process.

Supervision orders

The Bill will enable courts to decline to impose a further supervision order in respect of a person already subject to one, consistent with a VLRC recommendation. As supervision orders for adults are indefinite, a subsequent supervision order is unlikely to change the intensity or length of supervision and has the potential to create inefficiencies and confusion. The Bill will enable the court to make a 'record of subsequent offending order', which will instead ensure that the person's conduct is acknowledged and relevant victims are included in future court processes. Of course, if the subsequent offending means that a more restrictive supervision order or longer nominal term is appropriate, the court still has the power to vary or make such orders as it considers appropriate.

In accordance with the VLRC's recommendation, the Bill will require courts to have regard to available civil orders under the *Mental Health Act 2014* or the *Disability Act 2006* when considering whether a less restrictive order would be more appropriate. This will help to ensure that a person is subject to the CMIA regime only when necessary.

The Bill also implements VLRC recommendations to improve the process of review of supervision orders, including:

- enabling attendance at hearings via audio-visual link;
- allowing reviews to be held 'on the papers' where an order is expected to be unchanged; and
- reducing the current three-year restriction on a person re-applying for variation of a custodial supervision order after refusal to 18 months. The change will allow the point at which a supervised person's restrictions can safely be reduced to be identified as promptly as possible—which also serves the public interest in ensuring forensic mental health resources are made available to support other high-risk or high-need individuals.

The VLRC recommended that when making a non-custodial supervision order a court appoint responsibility for a person's supervision. As acknowledged by the VLRC, this will ensure supervisors take an active role and ensure people are provided with appropriate services or treatment.

Ancillary orders

The VLRC recommended that a review be undertaken of the ancillary orders that can follow from a finding under the CMIA, with a view to addressing uncertainty and inconsistencies in the law as it stands. It recommended that any changes not be punitive in intention or effect, so far as possible, and only made where necessary for the safety of the community.

Applying these principles, the Bill allows for certain orders to be made following the imposition of a supervision order under the CMIA. These include:

- allowing a court to make orders under Part 4 of the *Sentencing Act 1991*, such as for restitution and compensation, where it is appropriate to do so;
- allowing for orders under the *Confiscation Act 1997* relating to the proceeds and benefits of crime; and

- permitting a court to cancel, suspend or vary a driver licence under the *Road Safety Act 1986*, where such an order is necessary to reduce risk to other road users.

Transfer of functions from the Forensic Leave Panel to the Mental Health Tribunal

The Forensic Leave Panel currently determines applications for short-term leave by people on CMIA supervision orders. Under the reforms included in the Bill, the Forensic Leave Panel will cease to operate and the role will be transferred to the Mental Health Tribunal. This change will result in efficiencies, as the Mental Health Tribunal has well-established systems of scheduling and conducting hearings, generating determinations and statements of reasons, and already conducts hearings at Thomas Embling Hospital. There is also considerable overlap in the membership of the Panel and Tribunal.

Transfer of functions to the Director of Public Prosecutions

Consistent with a VLRC recommendation, the Bill transfers the function of appearing at supervision order reviews and extended leave hearings from the Attorney-General to the DPP. The Director is well placed to take on this role, being independent from government and having expertise in dealing with victims; as well as, in most cases, having familiarity with the facts and circumstances of each supervised person's case through involvement in the prosecution. The Director is also empowered to delegate her appearance function to a legal practitioner other than a Crown Prosecutor.

Leave applications

The Bill implements the VLRC recommendation that both the court and the Mental Health Tribunal be required to have regard to any on-ground or off-ground leave the person has been granted, and their compliance with leave conditions, when deciding whether to grant further leave. This will promote continuity in decision-making.

The Bill also requires courts and the Mental Health Tribunal to consider a supervised person's response to treatment and progress towards attaining independence and physical, mental, social and vocational ability when making decisions under the CMIA. This is consistent with the therapeutic focus of the CMIA.

Finally, the Bill implements the VLRC's recommendation that a person be able to apply for short-term leave during a period of suspension of extended leave. This will allow people subject to suspension to continue to undertake safe activities, enabling them to demonstrate progression and treatment compliance.

Improving the treatment of people with cognitive impairment under the CMIA

The CMIA applies to people with mental illness and people with cognitive impairments, including intellectual disability. The VLRC's report acknowledged the need to differentiate between disability and mental illness when considering their treatment and supervision needs after a CMIA order is made. Accordingly, a number of recommendations were designed to provide a clearer treatment pathway, more safeguards and better clinical oversight of persons with cognitive impairment.

As recommended by the VLRC, the Bill will require courts to consider whether there are adequate facilities or services available in the community for the care or treatment of the person, as the case requires. In preparing annual reports for the court to consider a person's progress under a supervision order, in addition to reporting on the person's treatment the supervisor must also report on the person's progress towards attaining independence and physical, mental, social and vocational ability. This recognises that the progress milestones for a person with disability may be measured against broader criteria than just response to treatment.

The Bill amends the *Disability Act 2006* to expand the functions and powers of the Senior Practitioner, Disability. The Senior Practitioner will be responsible for ensuring that the rights of individuals with an intellectual disability on CMIA supervision orders are protected, and appropriate standards applied to their treatment. This change is in keeping with the VLRC's recommendation.

The Bill will also amend the Disability Act to ensure that persons subject to a custodial supervision order under the CMIA who are detained in a residential treatment facility are provided with a treatment plan under the Disability Act. Currently, such persons are excluded from these provisions of the Disability Act. This amendment will ensure consistency in the treatment of persons detained under the CMIA with those detained under the Disability Act.

Interests of victims and family members

As I have noted, although people who are subject to the CMIA may not be considered criminally responsible for their actions in the usual way, the impact on their victims, victims' families, and their own family members is no lesser for that finding.

The Bill will improve consideration of the rights of victims and family members. In addition to the statutory principles mentioned earlier, the Bill will allow victim and family member reports to be read aloud at the

relevant court hearing, as is currently allowed for victim impact statements in sentencing hearings. It will also modernise processes for notifying victims and family members of upcoming hearing dates.

The Bill will also improve the consideration of victims by requiring the Mental Health Tribunal to have regard to the circumstances of victims and family members in setting conditions of short-term leave granted to people on CMIA supervision orders. For example, if known to the Tribunal, the suburb in which a victim works will be taken into account when setting the conditions of the supervised person's short-term leave.

There have been instances where victims have encountered a person on short-term leave in the community in circumstances where the victim was not aware the person had commenced leave, leading to further trauma for victims. To address this, the Bill will establish a system to allow victims to be notified when a supervised person is granted off-ground leave which would significantly reduce the supervision to which the person is subject, for example if a person is granted unescorted leave for the first time. This system will provide victims with relevant information to assist in their ongoing recovery. Victims will be asked if they wish to receive notifications under the new system and notifications will be provided by victim support specialists. This ensures that CMIA victims are afforded rights similar to victims of sentenced offenders. In the case of sentenced prisoners, victims can register to be notified when the person is to be released on parole.

Conclusion

This Bill reflects the continuing evolution of our understanding of mental impairment and responds to the detailed and valuable work of the VLRC. These changes will ensure that the CMIA continues to achieve its underlying objectives, striking a balance between the need to protect the rights of those charged with crimes but suffering a mental impairment, and the need to protect community safety and uphold the rights of victims.

I commend the Bill to the house.

Mr SOUTHWICK (Caulfield) (13:24): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday, 1 April.

SENTENCING AMENDMENT (EMERGENCY WORKER HARM) BILL 2020

Second reading

Debate resumed on motion of Ms HENNESSY:

That this bill be now read a second time.

Mr SOUTHWICK (Caulfield) (13:25): I rise to speak on the Sentencing Amendment (Emergency Worker Harm) Bill 2020. This bill looks at amending the Sentencing Act 1991 to strengthen sentencing requirements for injury offences committed against emergency workers. It makes consequential and related amendments to the Crimes Act 1958, the Criminal Procedure Act 2009 and the Serious Offenders Act 2018. This is a very, very important bill. It is very important legislation, and it is important that we get this stuff right.

Emergency services workers are certainly the backbone of our community. They are there to ensure community safety, and whether it be the police, whether it be ambulance services or whether it be our fire services, we see just the unbelievable amount of work that they do on the front line. We have seen also the difficulty that we are suffering at the moment with coronavirus, and in the state of emergency that has been declared, many of those emergency services are again placed on the front line to ensure the safety of the community. It is for that reason that we need to ensure that when somebody seeks to harm an emergency services worker who is just doing their job, the law should be protecting them. The law should also be sending a very clear message that this is not acceptable—absolutely not acceptable.

There have been attempts to strengthen this law by the Andrews Labor government, and we are back again with another attempt to strengthen this law. I am going to go through a number of those proposed changes today. Whereas we believe that the suggested changes are very important, and there were a number of people who have been working in the emergency services space that have been on a review panel from the police, ambulance and fire services to look at this and to suggest these changes, there are still questions that remain unresolved, and those are: will this go far enough, and will we be able

to ensure that our emergency services are kept safe from those that wish to harm them? As Wayne Gatt from the Police Association Victoria has said, 'The proof will be in the pudding', and we are yet to see that.

On this particular bill, we will not be opposing it, because we believe that we need to do everything we can to strengthen laws to ensure that our emergency services are protected. But I will throw those questions out here today in terms of: has everything been covered, has everything been thought through? Because we do not want to see, as we have seen in recent situations, excuses made and people that we had been led to believe would be getting a minimum six-month sentence for assaulting—harming—a paramedic, harming a police officer or harming an emergency services worker in many circumstances get a community service order. In the Haberfield case, which I am going to talk to shortly, you had a female paramedic assaulted for doing her job by somebody who was high on drugs after frequenting a rave—a party—who then claimed mental health as part of the reason for the assault. Instead of getting a six-month minimum jail term, he got a community service order, which is appalling—absolutely appalling. It sends all the wrong messages, and that is why we must do everything we possibly can to strengthen these laws, and I will go into that in some more detail.

Tomorrow we will see the quarterly crime statistics coming out, and one of the things that you will read—which has been happening certainly in the current term of the Andrews Labor government—is an increase in violent crime, an increase in serious crime and an increase in crimes against the person. I would hope that trend will not continue, but it is certainly a trend that has been happening.

One of the other very, very disturbing trends is the attacks on emergency services workers—again attacks on those that are meant to be keeping us safe. It is really, really disappointing that we have a situation in the state of Victoria where we need to be running respect the badge campaigns because the community has lost respect for those that actually do the wonderful jobs that they do in trying to keep us safe. The fact that we have police and emergency services workers being spat on, ridiculed, attacked, punched, kicked is just unacceptable. It is absolutely unacceptable.

I know that the government has been looking at ways of increasing police numbers and has been talking about that, but it is very, very difficult to expect families to want to be encouraging people to join up in what is already a very, very difficult job when there are these kinds of attacks. I have spoken to many police and I have spoken to many emergency services workers in my role as shadow police and corrections minister, and repeatedly I am told that there has never been a tougher time to be an emergency services worker in the state of Victoria—never been a tougher time to be an emergency services worker—never been a tougher time to be a police officer on the beat, walking the streets, where you constantly have to look over your shoulders. It is just a slippery slope that has got worse and worse under this government.

It is a complete lack of respect for authority that starts at the schools. As the member for Forest Hill quite correctly points out, it starts here. It starts everywhere in terms of that lack of respect. It has been, if you like, perpetrated all the way through. We are seeing attacks in our schools. We are seeing kids not feeling safe. We have even had the situation where, looking at bringing a police in schools program back, retired police officers wanted to get involved and do it, because the government fell short of actually offering that up. The government would not provide it, so we had retired police officers saying, 'We will provide it, because we know it is challenging times when the kids do not understand authority, they do not understand respect, and they do not understand the law of the badge'.

So when that is happening, something is clearly wrong. When that is happening—when police are being assaulted, emergency services workers are being assaulted—something is wrong. We can strengthen laws. We can do whatever we can, and we should do it, but we also need to ensure that there are consequences, that there is education, that there is support, and that ultimately we are signalling that that is completely unacceptable.

There are five changes in this particular bill. One of the changes looks at reflecting parliamentary sentiment in the courts in terms of what we would like to see here. I am sure today people from both sides will get up and say how unacceptable it is for emergency services workers to be attacked—and so we should. We should all in unity support our emergency services workers, which I am sure we will. I have no expectation of that not happening today. However, when we leave here, in this bill we are saying that this sentiment needs to be reflected in our courts. Why are we saying that? Why do we even have this? Why do we have that part in this bill? It is simply because it is not being followed through in the courts. We are almost having to have a separate clause in this bill today because the judges are not hearing what the community expectations are. The community is expecting the judges to ensure that they carry out what we have been talking about here for years.

Mr Angus: They are not listening.

Mr SOUTHWICK: But they are not listening at all. The judges are not listening, and the community is expecting more. The community is expecting that if people do something like attack an emergency services worker there will be consequences, and clearly there have not been. So the big question that I have about this bill is that it is all very well for us to say judges should reflect the sentiment of the Parliament, but will they? Will we see that change in the courts going forward? Will we see these tougher penalties coming out? Because back in 2018 when the government proposed a whole lot of changes we saw a media release that came out from the then Attorney-General in September 2018 titled, ‘New laws pass Parliament to protect emergency workers’:

Under these new laws, courts will have to impose a custodial sentence and will not be able to sentence offenders to a community correction order or other non-custodial outcome, even after determining that special reasons apply and that the statutory minimum sentence should not be imposed.

He is basically saying, ‘This is going to happen’. The Attorney-General at the time said:

These new laws will make sure that sentences for attacking our emergency workers, who put their lives on the line every day to keep us safe, are more in line with community expectations.

That is what he said. The then Minister for Police said:

This legislation sends the strongest possible message that its unacceptable to assault and injure a police officer, and if you do you can expect to go to jail.

Well, that clearly has not happened since that period at all. Again, the former Attorney-General said:

Under these new laws, courts will have to impose a custodial sentence and will not be able to sentence offenders to a community correction order ...

They will not be able to sentence an offender to a community correction order. That was said by the former Attorney-General on 20 September 2018. It was very clear: not ‘may not’—‘will not’. So we would not see people that attack an emergency services worker being sent out on yard duty, garden duty; rather they would go to jail. Well, that clearly has not happened, and the Haberfield case was as clear as day. We have an article in the *Age* by Zach Hope on 28 August 2019—nearly a year later than the Attorney-General said these new laws would fix this—titled ‘Laws protecting ambos “a dud” after drug-affected basher avoids jail’. It goes on to say about the ambulance union:

The union said it was time “to start again” on the laws.

Emergency services workers and Ambulance Victoria bashed the ruling.

In the first test ... James Haberfield, 22, was on Wednesday slapped with treatment, monitoring and community orders, but avoided the mandatory minimum ... jail term because Magistrate Simon Zebrowski determined it “would have a disproportionate and catastrophic effect” on his future.

The article goes on to say that the assault on the female paramedic was so severe that she has been diagnosed with post-traumatic stress disorder and anxiety and has not been able to return to work. She was bashed, punched, and she has not been able to return to work because of this, and the offender got a community service order.

The legislation was passed by the Andrews government in October. It was an effort to close the loopholes that allow offenders who assault emergency workers to walk free in special circumstances. The Victorian Ambulance Union secretary, Danny Hill, said the legislation was a dud and had failed in its first test. Here was the opportunity. The laws finally came into play. We actually had the Premier say in May 2018:

We will do everything we can to protect those who protect us. This sends the strongest possible message—if you attack and injure an emergency worker, you will go to jail.

That was the Premier. Not ‘you may go to jail’ but ‘if you attack an emergency services worker, you will go to jail’—the Premier, on 22 May 2018. The Premier had said that.

The Victorian Ambulance Union secretary called the laws a ‘dud’ and said, ‘Let’s go back to the drawing board’. So why didn’t we get this stuff right? Why do we have to have yet another crack and another crack to get this stuff when we are putting our emergency services workers’ lives at risk and putting them in danger? Those people who are there to protect us are the ones that are being attacked by the community and not supported by the government. These are the ones that we really need to ensure that we support, and clearly that has not happened.

On 29 January—look, it goes on. But we have seen many, many other attacks as well. We saw the attacks prior to these laws in St Kilda where we had police officers brutally attacked, their heads smashed to the pavement, and we saw effectively out on bail immediately those people. Subsequently we had a change of laws that were brought in, but again they failed with the Haberfield case. We saw the situation where we had Priti Patel vow to change the law for thugs who attack police.

We have seen other jurisdictions that have tried to do this and certainly get better efforts going forward and we have seen a lot of situations where we have seen attacks on our emergency services workers. Unfortunately there has been no luck in getting this fixed. There have been calls for many to get rid of this loophole. Now we have the changes that are proposed in front of us, and I did mention one of them, which was to reflect the sentiment of the Parliament, and we certainly hope that they do. We certainly hope that they do, but again we have seen the history in the courts up until this point. That has not reflected community sentiment, and I just flag that and hope that things will change. But if we are now directing them through this Parliament, and we have certainly been making laws for some time, then I have little hope unfortunately that we are going to see the changes that we need in terms of these sentiments being passed on in sentencing.

The other element of this is it looks at all relevant indictable offences relating to intentional and reckless injury of emergency workers, custodial officers or youth justice custodial officers which have an existing associated penalty with a statutory minimum jail sentence and which can currently be tried summarily. They will be able to be prosecuted by the Office of Public Prosecutions (OPP) and additionally will be uplifted from the Magistrates Court to be heard in the County or Supreme courts. This is an important change. What we are doing with this amendment is allowing these very important offences, indictable offences, to be heard through a higher court. It is important because of the complexity of the law, and it is important particularly because we have seen situations in the past that have not proved successful. I hope that by hearing these cases in the County or Supreme courts we will see better results than we have seen in the past.

The other point to this, the third point to this, is ensuring that the existing special reason defence for self-induced intoxication is narrowed so it cannot be cited as a sole reason for impairment of mental functioning—that is, for the special reason for the defence against the statutory minimum sentence to be successful there must be another underlying substantive mental health consideration to lead to the offending. This is effectively saying that there needs to be a very, very clear reason to why you would be excused for that behaviour. You cannot solely rely on self-induced intoxication to constitute impairment of mental functioning for the purpose of establishing that reason. So you would hope, again, that this would narrow the range of circumstances in which self-induced intoxication will be able to constitute special reasons for applying the statutory minimum sentence. Again, we are unsure

whether in the Haberfield case that would make any difference, and certainly the advice that I have received is that in Haberfield's case because he was relying on his schizophrenia, despite the fact that he went on a bender and was intoxicated with a cocktail of drugs, he would not receive any change to what was handed down to him. So I just put that question out there.

The fourth point of this is the reverse onus applied to complicit offenders who argue that a statutory minimum sentence should be not imposed. So this is basically saying that where there are multiple offenders and insufficient evidence now it will be the accused that will have to prove on the balance of probabilities that their involvement was minor and that the statutory minimum should be applied. So, again, minor involvement in the commission of an offence may include but is not limited to situations where someone encourages another to resist arrest during the affray or encourages from the sidelines during a group attack. So, again, changing that around to a reverse onus is ensuring, you would hope, that the courts would take into account that the person has got extenuating circumstances and that those extenuating circumstances are well documented. Again, we would not want to see somebody that has effectively gone on a bender and then said 'Well, I'm suffering for mental health reasons and that hasn't been diagnosed' and there is not a whole lot of evidence to show that they have tried to seek help and there is not somebody available in terms of some medical intervention but that then being used effectively to get them off an indictable mandatory offence. It has got to be clear.

There obviously will be a set of circumstances where, you know, somebody is not able in a mental health capacity to effectively operate and has sought all the treatment and help—there are extenuating circumstances, we all understand—but we do not want excuses, and that has got to be the difference. It is one thing to use an excuse but another if it is somebody that has a medical reason for doing what they did, and I think quite often those lines get blurred in our courts. I have never heard in a court situation, or you hardly ever hear, somebody turn around and say, 'Yep, totally, I was off, this is why I was doing what I was doing. I just wanted to attack the person, belt the person, harm the person. I was clear of mind, and I knew exactly what I was doing'. It is very, very rare. In many circumstances you will find excuse after excuse that is being used. I certainly believe—and the community sentiment is the same from what I am hearing—that we have run out of excuses when people are attacking emergency services workers, completely. We need to send that clear message, and that is why it is important to ensure we have laws to protect emergency services workers, because as I said, if attacks are rising—as I said, the crime statistics are coming out tomorrow—if we see once again more attacks on our emergency services workers, then what inducement is that to get people to sign up? How could you as a family member say to your son or your daughter, 'Hey, this is a great career for you. Join the police force, join the emergency services, be a firey or an ambo or work in our jail system', only for them to be attacked, to be brutally attacked, which is completely inexcusable?

Finally, the bill amends the definition of 'emergency worker' in section 10AA(8) of the statutory Sentencing Act 1991 to clarify that emergency services workers who are employed or engaged in another state or territory or by the commonwealth but are performing duties within Victoria fall in the definition of 'emergency worker' for the purpose of that section. Again this is something that I think is important to take into consideration. We saw that during the bushfires when a number of fire services officers attended from other states, from other jurisdictions. They also should be protected, absolutely, when they are out there helping us.

As I stated, there are a number of concerns. We have seen that this reference group has been set up. The question is: is this really tinkering around the edges? There is not necessarily a stand-out initiative that we have seen from this. The reference group first met last August and it is now more than six months later, so one must question what has really been achieved considering the small amount of amendments and why it has taken so long, putting at risk emergency services workers by not bringing this in sooner, since the last time the reference group sat.

The existing special reasons in the Sentencing Act used as a defence against the imposition of the statutory minimum sentence for offending against an emergency services worker will remain largely intact, with just tweaking.

I mentioned the parliamentary intentions. It is mind-blowing really, why that is not just automatic. It seems to me like it is just some window-dressing. You would expect that when we bring in legislation, that is always the intent of the Parliament in terms of what we want and what we believe the community expect. So why wouldn't the courts reflect the will of the legislation rather than us having to expressly write in a bill that the judiciary's rulings need to reflect the sentiments of the Parliament? It just baffles me really that we need to do that, but obviously things are just not working.

In practice the minimum sentence of six months imposed in all cases, where minor exemptions are incorporated as part of the sentencing guidelines, could be whittled down to two or three months or even could be completely whittled down when these things are taken into consideration.

Having the OPP prosecute cases and uplifting cases to the County Court sends a message to the judiciary. However, this does not necessarily change the situation. We still need to ensure that the process will be carried out. The government's amendments are not necessarily strong enough, but as I said, let us see what comes of this. I just hope that we are not back here again with more amendments in a few months—or whenever that may be. We have heard, as I said, a number of people, including the Police Association Victoria secretary Wayne Gatt, express some concern publicly about whether the provisions are effective. He said the proof is in the pudding and will be in the eating.

There also remains a lot of anger out there from police members, people on the front line, paramedics and ambulance officers that jail terms are not being imposed. I think that is important. We live in very uncertain times with what we are experiencing right now. We know that our emergency services workers do an amazing job, they really do—a hard job. We saw a situation with the killings in Kew only a week ago which started with a PSO that was attacked, and then we saw the deaths that followed. It is a difficult job on the front line every day. We need to be looking at how we ensure safety so we do not see these situations spiral out of control where we see attacks on workers.

I want to finish where I started, and that is by saying we need to be sending a very, very clear message, because if our emergency services do not feel safe, what does the rest of the community actually feel at these times? If we cannot protect our emergency services workers from harm—and our emergency services workers are trained to be able to deal with these things—what about Joe Blow in the street? What hope does anyone have if our own emergency services workers are putting their hands up and saying we do not have laws to protect them?

That is why, as I said, we are not opposing the bill. But we have a question: do these laws go far enough and will they ensure the safety of our emergency services workers that do a fantastic job every day protecting everyday Victorians?

Mr McGHIE (Melton) (13:55): I rise today to speak on the Sentencing Amendment (Emergency Worker Harm) Bill 2020. It is an honour to be able to speak to this bill, because it relates to something that I have been passionate about for over 20 years—fighting for the rights for my members whilst working in the Victorian Ambulance Union. It is something that I know from the ground level, working on the road face to face with people as a paramedic, and something that I know affects friends and ex-colleagues. This bill goes to the heart of what has driven my career and still drives me as a member of this house. This bill seeks to make paramount the protection of our hardworking, dedicated and selfless emergency services workers as they go about their day serving, protecting and helping Victorians.

In my day on the road as a paramedic, no-one would think of assaulting a paramedic. Attitudes have changed. No-one deserves to go to work and be abused. No-one deserves to face violence, especially when they have gone to the assistance of someone in need. Every emergency services worker—not just those here in Victoria—deserves to be treated with respect and be free from violence. I worked tirelessly with my team at the union to advocate to governments from both sides to properly protect members through statutory minimum sentencing being applied to those who injured paramedics and

other emergency services workers. As secretary it was like watching your children going out on a weekend and seeing them getting bashed, but you could do nothing about it.

In 2014 legislation for statutory minimum sentencing was first introduced. I want to acknowledge the previous coalition government for introducing the law to protect emergency services workers. These laws have always been affected by special reason exemptions that were created in 2013. These exemptions in law sought to address the situation of offenders such as those who may be suffering from mental illness or intellectual disability, young offenders or those involved in a minor way—for some of those people where prison might not be the best place to address their issues. These exemptions meant that in some cases courts needed to examine these exemptions for offenders who had committed totally unacceptable violence to emergency services workers whilst under the influence of drugs or alcohol but had a history of some form of mental illness.

As the previous head of the ambulance union, seeing people inflict violence on my members and not receive a statutory minimum sentence was soul destroying. In March 2016 an event took place in Reservoir where two paramedics attending to a patient were assaulted by two women and a teenage boy. In fact the two women forced the male paramedic to the ground and were seen to stomp on his leg until they fractured it. This paramedic, Paul Judd, sustained serious leg fractures, has had four operations since and was away from his work for three years. I am pleased to say that Paul has returned back to work in the last 12 months in alternative duties. Paul has been a paramedic for 40 years and is held in the highest esteem amongst his colleagues. This case was the catalyst for changes to the legislation in 2018, when the two women appealed their custodial sentence and one received a community correction order. It was devastating to all of us in emergency services.

Of course, we had the more recent event of Mr James Haberfield, who was happy to go to the Rainbow Serpent Festival and top up on a cocktail of drugs, come home from that festival and then assault a female paramedic by grabbing her in a headlock and continually punching her to the head. Monica, the paramedic, is still struggling to get back to her duties while Mr Haberfield, the offender, received an 18-month mandatory treatment and monitoring order.

In the years before my retirement from the union I was proud to fight for the rights of my members. The ambulance campaigns were a significant reason that the Baillieu-Napthine governments were rejected by the Victorian public and the Andrews Labor government came to power. The new Labor government continued fighting for our emergency services workers and in 2018 significantly tightened the special reasons. One of these changes meant that if the minimum sentence was not imposed, some length of imprisonment or mandatory treatment or monitoring order must be imposed.

It is disheartening to see that some in the community still do not realise that violence against our emergency workers is not acceptable. Every story of violence has a ripple effect through the tight-knit emergency services community. I am pleased that this government is once again showing its commitment to the workers. The Attorney-General should be congratulated on her dedication and commitment to Victorian workers, especially emergency workers. This is something that I saw firsthand in her previous role as the health and ambulance services minister. I worked with her as the ambulance secretary, and I am honoured to now be able to work beside the Attorney-General in this Parliament.

This bill seeks to change how these statutory minimum sentences are dealt with in Victoria. The decision to require these offences to be prosecuted by the Office of Public Prosecutions in the higher courts and not in the Magistrates Court by police prosecutors will mean that these offences will be dealt with on a more consistent basis.

This bill provides some clarification around drug and alcohol intoxication. That is a provision that I am very pleased to see in this amending bill. I know that my members that I represented were frustrated at seeing offenders use the defence that their drug and alcohol use meant they should not be held fully accountable for their actions because there was an underlying mental health condition. We know that those suffering mental illness are very likely to seek drugs and alcohol to help them try to manage their

pain and anguish. It can be hard to distinguish where one problem starts and another ends. But the commonsense change in this bill helps to weigh up these considerations and helps to close a loophole that a defence team may use to try to reduce an offender's consequences for their actions.

Making those involved in an offence when they were not the primary offender prove that they are exempt from a minimum sentence is another change that I know my former ambulance members will be happy to see. I am so glad to see that the definition of an 'emergency worker' is clarified in these amendments to cover interstate emergency workers, because violence against any emergency worker is just not right and should not be tolerated. Emergency workers include police; PSOs; paramedics; fireys, including the volunteers; SES; doctors; nurses and others involved in emergency treatment in hospitals; and also custodial officers and youth custodial workers.

This Andrews Labor government has a good understanding of what this bill means for emergency services workers because our caucus is a reflection of emergency services workers. I have had many years experience as a paramedic. The member for Frankston has worked hard as a firey. The good member for Bayswater has served his community as a police officer, and many in the Labor Party caucus room volunteer in the CFA or SES, like the member for Yan Yean. We know what impact violence has on emergency workers, because they are people we know, people we have served with and worked with, people we socialise with and people whose families we know. We know that these amendments speak to these brave Victorians and seek to protect them to do their job.

This bill shows our commitment to them by making sure fewer findings of special reasons and longer sentences of imprisonment occur, because those who commit violence against our emergency workers must be held to account for their actions. This government sends the message to our emergency workers that they are valued and respected, not just by this government but by all Victorians.

I also want to acknowledge the Bacchus Marsh CFA, who attended a fire in February 2019 and were assaulted by two men. The damage done to those firefighters was devastating, and we need to throw all our support around them. I also want to thank the emergency worker harm reference group, which includes the emergency services unions, for all their input and their advocacy.

While this legislation sends a clear message to offenders, it is not all that has been done by the emergency services agencies, having provided additional training to their workers and provided body-worn cameras, and in ambulances recording thousands of locations of interest where aggression, abuse and violence has occurred towards paramedics. Paramedics are informed before arriving at the scenes about the risks that they may be encountering.

Finally, I want to acknowledge two retired paramedics that were assaulted in Bacchus Marsh back in 2003, Mr John Faulkner and Mr Hugh Esler. Both of them were assaulted by a group of men and both sustained facial injuries. John received damage to his teeth and is still having treatment 17 years later. These were very experienced paramedics, and both of them I worked with on the road out in the western suburbs. They are still suffering from that event 17 years later. I want to thank them for their service to all the Victorians that they served.

I would like to finish by expressing my thanks to the Attorney-General and her hardworking staff for this important amending bill. I thank all of our Victorian emergency services workers, who give so much to our state. I also want to express my thanks not only to the emergency services workers but to their families for supporting them and allowing them to do their jobs in caring for all Victorians. I commend this bill to the house.

Ms BRITNELL (South-West Coast) (14:05): I rise to speak on the Sentencing Amendment (Emergency Worker Harm) Bill 2020. This bill essentially makes five basic amendments and some related technical and consequential amendments. But I am mainly going to speak on the amendments that change the bill to make it stronger, hopefully, so that we do not see emergency workers harmed, and when they are, that people who do that will be sent to jail.

This is not the first time we have been here speaking about this. In fact this bill is an amendment to the previous bill, where the government reassured us that the bill that they were talking about in 2018, and I quote from the Premier and the former Attorney-General, who both talked about this new law that they were introducing that would send the strongest possible message that ‘if you attack and injure an emergency services worker, you will go to jail’, and:

Under these new laws, courts will have to impose a custodial sentence and will not be able to sentence offenders to a community correction order ...

Now, what did we see? The very first test was a situation where two girls were attacked doing their jobs as ambulance officers, and the offender was not sent to jail. Here we are today hopefully strengthening these laws so that what we do get is a strong message sent to the community that our emergency services workers are not to be treated with disrespect and should not be abused and should not be physically harmed ever, under any circumstances.

We are not opposing this bill because we all want to do everything we can to send a strong message and to strengthen these laws. I am not so convinced that this will go far enough. I am pleased to see that there will not be excuses allowed for someone who takes drugs which impair their mental capacity and then uses that as an excuse. Clearly there are circumstances where mental illness and challenging situations may require some understanding, but not when it is simply used as an excuse. We do not want to see that. That is not a message I want to send to my children—that if you take drugs, you cannot be held responsible for your actions. That is not a message I want to send to the community of children and young people out there.

I have great respect, obviously, for emergency services workers. During my training as a nurse we spent two weeks in the ambulance service, and I quickly learned to have a great deal of respect for the chaps. Actually, there were no women then; they were all male. They would just jump into action whenever there was a middle cerebral artery or an acute myocardial infarction or something that they would get called out to. You know, when you are a nurse and you work in the wards or you work in accident emergency, you actually have support around you. You have oxygen and suction on the wall, you have got anaesthetists to help you intubate—you have got all sorts of support. Not when you are on the road; it is much harder.

Over the last 30 years the skill set of these ambulance officers in particular has developed exponentially, as the member for Melton, I am sure, is fully aware. The things they do now—giving anticoagulants and all sorts of things that we just did not imagine they would do 30 years ago—is very, very impressive. I give a shout-out to my daughter-in-law’s father, Phil Walker, who I spent Christmas with. He is a man who has recently become an ambulance officer. I see the passion and love for the job that he does, but also I have concern for the environment that they are operating in. I despair and am dismayed sometimes by the behaviour of the community. It is quite disheartening.

My niece is also an ambulance officer, and quite pregnant at the moment. Her mum and I, both nurses, had a discussion recently about how worried Clare was for Alex out on the road, because we just cannot guarantee the safety of our emergency workers. With a law in place, we should have been able to do that. It was very hard for me to have that discussion six months ago, to say, ‘Yeah, I’m sorry the Parliament let you down, and the Andrews Labor government did not strengthen the laws sufficiently’. It is a shame that we have to be back here putting that so explicitly, because clearly that is what the community expects. My brother, a policeman of many, many years, told me a story of how back in the 1980s when he would be driving along the road in his divvy van with his mate, the young 12- and 13-year-olds would yell out ‘copper’. The boys would pull up and the kids would run. Thirty years later he told a story about how they would not say ‘copper’; they would say all sorts of things that I would not even want to repeat in this place and use all sorts of hand gestures as well. If the boys would pull up, the kids would stand their ground. We have seen a massive change in respect, a deterioration, for people in whom we absolutely must instil that respect so they can get on and do their jobs.

I worked in accident and emergency (A and E) many, many times. We as emergency services workers know that you might get a dementia patient who is incredibly strong and incredibly aggressive, but you understand that, you know that that is part of your job, or you might have someone who has got a mental illness who is absolutely out of control, and you understand that. There are many examples I can use. Sometimes a diabetic, before going into a diabetic coma, can actually get very, very aggressive. But these are situations that we understand. It is very different today to be in A and E and have someone come in really pumped on some substance that gives them enormous strength, arrogance and absolute might to believe they can actually destroy you. It is incredible to witness. These are the sorts of things that have changed over the last 30 years in my experience, and that is why we as a Parliament need to send a very clear message to the courts that this cannot be tolerated.

We are in a very different situation now with the coronavirus. We know people are panicking. I saw an ambulance going down Bourke Street the other night. The lights were on because they were treating a patient in the back of the van and the driver had a full gown, mask, goggles and everything on. I had never seen a driver of an ambulance look like that before. That is important. We have got people in situations of panic. Emergency services workers are getting hurt in those situations, as hard as it is to believe the way that people are behaving. Let us make sure that we can protect these people by making sure that ambulance officers and the police who are conducting drug tests and alcohol breath tests are given the equipment that will protect them. We need them to have gloves, we need them to have masks, we need them to have gowns and we need them to know how to change those regularly. If you are working in theatre, those theatre masks last 20 minutes before the bacteria can get through, so you change your mask every 20 minutes. It depends on the type of mask you are using. These are the sorts of things our emergency services workers such as police, who have probably never really used masks to protect themselves from contagious diseases or infectious diseases, have to know.

Firstly, we should have had a supply, so it is disappointing to hear that the government have not got enough of these gowns, because I was personally involved in a role-play way back when—Project Minotaur it was called—where we as an agricultural community planned for a foot and mouth disease outbreak. We involved the ambulance service, the police, all the agricultural operators and teachers—it was just everyone across Victoria—as we would have had to stop agriculture there and then because of the cost to the community. So I am surprised that the government have not had the same planning for a pandemic of an infectious disease, because we have all known this could happen; we have all seen the movies.

I want to stop there and just take a minute to thank the police, thank the nurses, thank the ambulance officers, thank the firefighters and thank the justice system, who do an enormously good job to help our community and keep our community safe. I hope that this bill will go now towards protecting them. I hope I can guarantee my sister-in-law that her daughter is safe out on the road. I hope I can tell my daughter-in-law that her dad is safe out on the road. For all those who have lost faith because they have been attacked, I apologise for the society that we have become—a society that has lost respect for the most important people who get up every single today and just do the job they have been trained to do because that is what they do. There is going to be a real shout-out now for the people on the front line of this coronavirus outbreak. The nurses and doctors and the medical staff are well trained in infectious diseases. We have done it before. I clearly remember in the 1980s when there was paranoia around the AIDS virus and people were terrified that they were going to catch it from toilet seats et cetera. I was in the thick of it then. Let us all just remember to stay calm. It is an important time to do that.

Mr EDBROOKE (Frankston) (14:15): Indeed, wise words from the member for South-West Coast in the conclusion of her contribution then. Can I begin by thanking the Attorney-General and all stakeholders in this sector that have contributed to this amendment bill. I would also from the outset like to thank all emergency services for the work they do and have always done but certainly in the critical times we have had this summer and also in the crucial times we have ahead of us that are quite complex when you consider the biological nature of the hazmat approach, which it seems the world is

becoming a bit more aware of and a bit more qualified in at the moment. It is a very complex area to work in.

This amendment bill is just another way of strengthening the government's resolve to assist and support our emergency services workers. You do not need me to talk about that; the evidence is there for everyone to see. We have had the Fiskville inquiry. We have taken action on PFOS and PFAS. We have employed 400 new firefighters. We have ended the war on paramedics. We have undertaken a WorkCover provisional payments pilot. We have passed presumptive rights cancer legislation for firefighters, which is actually in play for some firefighters at the moment and their families. We are planning a centre of excellence for first responder mental health. We have employed police custody officers. We have employed almost 3135 new police. We have given more powers to PSOs and provided body-worn cameras, stroke ambulances. It goes on and on—more resources and personnel than Victoria Police have ever had. Now is the time that those investments are coming into play, when we have pandemics, when we have emergencies like this.

This bill will amend the Sentencing Act 1991 to implement reforms to sentencing requirements for certain emergency worker harm offences. These reforms respond to, as we have heard previous speakers tell us, some fairly horrific incidents. We have seen some culture change over the last few decades in regard to how we treat leaders and how we treat emergency services workers in our communities, which has been a real shame.

The first time I heard of someone being injured in the line of their work as a firefighter was a terribly nice bloke called Alan Noble. He was a senior station officer at Frankston. He was called 'Sarge'; that was his nickname. Just before I came into Frankston in 2001 I asked why Sarge was actually a driving instructor and why he struggled to walk, and I was told that not so long ago B-shift Frankston had turned up to a house fire. The firefighters went in to fight the fire. Sarge was in charge. He was on his radio calling for more equipment and more resources to come, and some people came out of another house with cricket bats, very, very high, and just laid into him with cricket bats and broke his hip—this is a 60-year-old gentleman—and caused all these other sorts of injuries. There are the physical injuries but of course there is the mental injury as well. Since then we have seen a culture change in our community where that respect is not there anymore—it is unheard of—and we have had some really terrible incidents that people have spoken about today.

Specifically to this bill, some of the most important parts of this bill are that the bill requires the Office of Public Prosecutions (OPP) to actually prosecute all offences with the statutory minimum sentence in higher courts, not police prosecutors, and I think that is really important. We are not talking about the Magistrates Court anymore; it is elevated. The requirement for the OPP to prosecute these matters in higher courts recognises the complexity of the law, and they will build up some experience to assist in the prosecution of these laws as well.

Another section of this bill requires the court to have regard to the fact that a sentence of at least the length of the statutory minimum sentence should be ordinarily imposed in all cases unless the circumstances of the case justify a departure from that sentence. That is really important because the bill introduces an additional layer of considerations that will apply when a court is considering the appropriate sentence to impose in circumstances where it has already found that special reasons exist not to impose an applicable statutory minimum.

The bill also provides that impaired mental functioning caused substantially, as opposed to solely, by self-induced intoxication does not constitute impaired mental functioning for the purposes of establishing a reason or a special reason. The obvious question concerns a very well known case that is an exceptional case. I would note that the existing laws have seen the imprisonment of at least four offenders who have abused and assaulted emergency services workers. But there is the exceptional case of James Haberfield, where prosecutors appealed the decision not to jail the offender on the grounds that it was not open to the magistrate to impose any sentence other than a custodial sentence, as required under the Sentencing Act. We have heard that the paramedics, Monica and Sam, are still

suffering. I think Monica might just be coming back to work but she is suffering from PTSD. These are well-trained people—they did not deserve that. No emergency services worker, who is there to help people, deserves this kind of treatment. We need to put it very clearly out there that this will not be tolerated and that you will be punished.

As far as Haberfield goes, I think everyone is familiar with the fact that he went to the Rainbow Serpent Festival. He went on a bender for four days. He had, I believe, ice, MDMA and ketamine in his system. Apparently when his family were looking for him he was hiding in a dog kennel. During sentencing the judge said Haberfield's mental impairment at the time of the offence was not solely due to his drug taking but was also linked to underlying schizophrenia. Our Sentencing Amendment (Emergency Worker Harm) Bill 2020 today proposes to further narrow this exception for 'impaired mental functioning' so that impaired mental functioning caused 'substantially' by self-induced intoxication will not be sufficient to constitute a special reason to not impose the statutory minimum sentence, which is supremely important. In this way, special reasons not to impose a statutory minimum sentence will not be able to be relied upon where there are multiple causes of an offender's impaired mental function but the substantial cause is self-induced intoxication. I think that is closing a huge loophole.

I would also like to note that we have heard members of the opposition today in a bipartisan fashion talk on this bill, and we did actually pass the previous bill in Parliament and it was unopposed. I think one person, the shadow minister, spoke on it in this house. I think as a house, at least for the lower house, we thought that these laws would work, but we have these exceptions and we are buttoning that up today. We have seen that some adaption needs to happen, and that is what we are carrying out here today.

The issue, I think, regarding other people in situations where they are not the primary offender but are actually involved in the offence is an interesting one too. I am interested to hear what the member for Gembrook has to say, with his experience in the field of policing. But I was involved in a situation that almost resulted in a paramedic being gang raped at one stage. We arrived on scene, and it was a pretty full-on scene. But the issue for me was that many of those people are the worst kind of people. They stand on the circumference and say, 'Do it. Do it'. They are encouraging people to do extreme offending, and they get away with it. Now we are introducing a reverse onus on those people—to provide evidence that their involvement was minor and that their culpability was so low as to justify an exception to the statutory minimum sentence.

In conclusion, there is no excuse in my mind for abusing anybody or assaulting anybody, but to do so to an emergency services worker—someone who is there to help you—is the lowest of the low, and we need to set the standard. We need to right the balance though. I think most emergency services workers understand that sometimes we are dealing with people with physical and mental issues that they are not in control of, and I think that understanding is there. I think this bill reflects that as well. But for those people who believe that they can use fairly flimsy excuses after going on a four-day bender, using illicit drugs, by saying that there is a mental issue that reduces their culpability—I do not think that reflects the community's opinion. It was soul destroying to see that sentence handed down. I believe it was a miscarriage of justice. Haberfield should have gone to jail straightaway. I believe that under the amendments in this new bill, if something like that happens again, that will be the result, to the satisfaction of the people who work in these industries and have to put up with people like that doing the wrong thing. I commend the bill to the house.

Mr BATTIN (Gembrook) (14:25): I rise to speak on the Sentencing Amendment (Emergency Worker Harm) Bill 2020. I will first of all note the member for Frankston, who raised some issues there, raised some of the things that have happened in the past. Do not quote me exactly, but I think the detail he said was he became a firefighter in about 2001. I joined the police force in 2001, and I was speaking to the member for Melton just before who I thought had said he was in the ambulance service for 50 years—I was a little bit out; it was 15 years—but obviously he spent many years in the union after as well standing up for his members. I just want to say that times have changed even since

I joined in 2001, the member for Frankston in 2001 and obviously the member for Melton prior to that, and I know we have got the member for Benambra as well, and things change.

I am a bit of a TV junkie when it comes to reality TV. Not *Married at First Sight*—I will not go there; I do not watch that one—but I do watch *Paramedics* and *Ambulance Australia*. I actually watch both of those. My wife is very keen on those shows as well; she makes us record them. If anyone wants anything of an example of where the world has changed, recently we saw written on the back of ambulances that ambulance officers should never be bashed, should never be assaulted, basically respect ambulances. It was a campaign that was very directed. It was directed partly at the community to say that it is not right. During one of those episodes, whilst they were sitting waiting at a set of lights, a car pulled up beside them, opened the window and yelled out at the ambulance officers, ‘I hope you get bashed’. Someone sat in a car and decided to yell out a window to two paramedics, ‘I hope you get bashed’.

Whilst today we are talking about the actual sentencing regime, this comes down also to the education regime. This comes down to the fact that you cannot have that level of respect in our community and expect change. You cannot have it, and we need to change the way people are thinking about it. I know the member for Frankston said before, and I will give examples from when I started in the Victorian police force. You could go past schools, speak to some young people who were doing something that was of a minor nature and the respect level was different then to what it was in 2019 and in 2020. I still speak to my friends and colleagues who are in the police force and who will tell you that people have changed the way they speak to Victoria Police, the way they deal with them, the way the parents on occasion are dealing with the police as well when they are bringing young people in, and the message then you are sending to the next generation it is okay.

We have seen a Royal Commission into Family Violence, and one of the things that came out of that royal commission is the way we speak. It is not just the actions that are taken by the person or the perpetrator later on, but it is the way we speak that leads to a culture that it is okay and it leads to a culture where it is acceptable. I think we would all stand together as one in this Parliament and say, ‘No, it’s not’. It is not acceptable. It is not at all acceptable to treat any emergency services worker in a way that could eventually lead to them having a mentality that they are a different person and it is okay to assault them.

PSOs—I note we have got two PSOs sitting up the top—we go back not that long ago and we had a PSO attacked out the front: not appropriate, not acceptable. It should never be acceptable in any community. I still remember when Senior Sergeant Gillespie, who I worked with, was assaulted on the job. He went into court and was told in the court, ‘You should expect that in your role’. That is not acceptable, and that is a message that needs to change.

When legislation like this comes in, I think we should be using the opportunity not just to talk about the legislation. We can go back and talk about the things that have been said in the past about how the legislation should have been implemented, how it should have worked, some of the issues that were raised when it went through at that time, some of the concerns that were raised in the upper house, but I would much prefer to take this opportunity to turn around and go, ‘We need this legislation to go through, and we need it to work’. Do I think it will work 100 per cent? I am hoping there is in there enough to make sure that anyone who disrespects or assaults an officer or assaults an emergency services worker does go to jail. I hope there is enough in this legislation to ensure that each person who does commit one of those offences goes and gets a custodial sentence, because it is unacceptable when you see officers out there or anyone else protecting the community assaulted.

We know that when we go back and we look at the recent media stories around James Haberfield, who left court without being sentenced to a term of imprisonment. He came out with a conviction and whatever else he got at the time. That was unacceptable to us in this room and that was unacceptable to the community. Again, it sent a message that it was okay, and that is something we just cannot continue to do.

The other thing is when they started to use the issue around drugs, around alcohol, around when you have got yourself into a position that you offend based on the fact of the substance you have put in your body. Well, let me assure you—a message that has to be very strong for everyone—you do know if you get drunk you will probably do something stupid. Do not get drunk. If you are going to get drunk, make sure you are in an environment where you actually can control it. If you do drugs and it leads to a position where you assault someone, you made the decision in the first place to do those drugs. You have to wear the consequences of what you do after. If those consequences involve an ambulance officer who has gone out to protect you, as Monica in January did, those people should be protected. We need to get the message out again that what is occurring is not right.

As I have said, times have changed. Things have happened in the emergency services and the respect level has moved. We need to ensure when we are putting through this legislation that we are changing the way we also deal with the next generation and our emergency services. I do not think it was that long ago we had the police in schools program as one way that we could actually engage with young people and teach them about respect for Victoria Police. One of the changes in Victoria Police was to bring in the youth resource officer, and the youth resource officer engaged more with young people who were on the cusp or the edge of youth at risk. But if we do not go back and engage with the generation that is younger, I think we will see a change in that generation where they will lose the respect because the first time they come into contact with police will most likely be of a negative nature.

We have seen a change in the culture, and particularly out in our community at the moment with all the new Australians moving into the area. Every time we see a group of Sudanese people in our area we have got people in the community who will say it is a gang and the police turn up. A lot of the time it is going to end up having a negative impact when they have their first meetings with the police on those occasions if it is not handled correctly. Again, if we can, we should put that back into the education setting, where the police can sit down with these young people and have an opportunity to talk to them about the police role here. If people want to argue with me about confrontation when you are talking about people coming from war-torn countries, I understand. We started to see a lot of people come in from South Sudan and the Horn of Africa while I was in the police force, and they were very, very aggressive when we first spoke to them as Victoria Police on the street. They have come from a nation where obviously the police did not have the respect and did not act or behave in the same way we would expect in our community, where the police are the citizens that we look up to, the ones we try and find when we are lost and the ones we try and find when we are in trouble.

So we need to make sure that we can have a change where we can get those people engaged within the service, and we need to change the way we talk about the Victoria Police, about ambulance officers, about firefighters. Again, we used to have a program where young students—and we have still got it set up in Casey—could do a cycling program. Part of that cycling program was learning what a stop sign is—stop and go—how to give way, where you sit on the road in your car or on your bike. Obviously they were not driving in primary school; they were on their bikes riding around and having discussions. In that little facility they have got a fire station, a police station, an ambulance station, and they tell them all what happens when any of those people come along.

I remember—and I will never forget this—when it was 2001 and I had just graduated from the academy. I was pretty excited. I had been stationed at Dandenong. My first job, my first role, was at Dandenong on New Year's Eve. If you want to start a great night on duty, New Year's Eve is a great place to start. As I was driving there, I was going along the Princes Highway and a police vehicle came up behind me and turned the blueys on and pulled me over. It was a random breath test and licence check. Now, I was on my way to my first day in the job. I was a bit scared to even pull out the badge at that time and say I was a copper. I thought, 'I'd better not. It won't go down real well'. I still remember the heart flutter I had because I actually respected the right of the police to pull me over and what they were doing. Now people get told where to go. Half of them will not even care when they pull them over. The respect level for Victoria Police officers trying to do their job of saving lives has changed totally.

As I have said, and I will finish off where I started, I think it is really important we do acknowledge that in this Parliament we have people who have been in all walks of life in those emergency services. It is really important they get an opportunity to put their voice on the record about what has happened in the past. It is that firsthand experience of when you are in a station, a unit or wherever you are working within any emergency service and you hear of a person going to court who has assaulted in an absolutely horrific way for whatever reason one of your colleagues, one of your friends; it touches every single person in that service and the other services. When this ambulance officer, Monica, was assaulted, every Victoria Police officer and firefighter felt the pain. I think it is important that we all get together to stop that.

Mr TAK (Clarinda) (14:35): I am delighted to join other honourable speakers in this house to contribute on the Sentencing Amendment (Emergency Worker Harm) Bill 2020. Like previous speakers I would like to start by saying thank you to all of our hardworking and dedicated emergency workers, including our representatives here, on both sides of the Parliament. We have the member for Bayswater, the member for Melton, the member for Frankston and the member for Gembrook—and many other members before us—who serve in this house and who have had that previous professional involvement in this very, very important service.

To emergency services workers, including our police officers, paramedics, firefighters, SES workers and volunteers and medical professionals who provide emergency treatment in our hospitals, on behalf of my constituents a huge thank you for keeping us safe, for saving lives and for everything that you do for our community.

We saw a really prominent example of this during the recent bushfires. We cannot underestimate the danger that our emergency workers put themselves in, and we must never underestimate the bravery, the compassion and the strength shown by our emergency workers, firefighters and first responders. It is truly amazing. To every single person that puts their life on the line to keep our fellow Victorians safe: thank you.

Also, with the state of emergency we are currently facing with the unprecedented situation with COVID-19, those medical professionals are there on the front line in our hospitals and in our emergency wards. These individuals need to be commended for their dedication and bravery. It is an anxious time for everybody, an unprecedented time, and these workers are on the front lines of that. I would like to commend the Attorney-General for this bill, and I would like to echo her sentiment—namely, that it is simply unacceptable that a person who dedicates their life to keeping us safe could be intentionally injured or worse by just doing their job.

So this is a very important bill—a bill that will help us send a very strong message to everyone that attacks against emergency workers will not be tolerated. This is a comprehensive bill, and the consultation that has gone into the development of this amendment is also comprehensive. In 2018 the government established the emergency worker harm reference group to review the effectiveness of emergency worker harm laws. This group supported the development of the government's 2018 reforms to emergency worker harm laws.

The emergency worker harm reference group, if I may, included a wide range of representatives. These representatives came from the whole range of organisations on the front line: the State Emergency Service organisation, Victoria Police, Ambulance Victoria, union representatives, emergency workers, Police Association of Victoria, the Victorian Ambulance Union, the Australian Nursing & Midwifery Federation of Victoria, the Community and—most importantly—Public Sector Union, the United Workers Union, the Office of Public Prosecutions and relevant organisations and departments, including the Department of Justice and Community Safety, the Department of Health and Human Services and the Department of Premier and Cabinet.

This reform will ensure more clarity in this law and, as we have heard previous speakers already allude to, less room for error and unintended outcomes, and it will ultimately provide better protection for

emergency workers. The content of the bill reflects consultations with the emergency worker harm reference group and its members' contributions, as well as feedback from the courts.

The bill will amend the Sentencing Act 1991 to implement reforms to sentencing requirements for certain emergency worker harm offences. These reforms respond to concerns arising from sentencing outcomes in recent cases which indicate that the sentencing requirements for emergency worker harm offences are complex and cause some confusion, if not difficulty.

The bill will reform sentencing requirements for emergency worker harm offences in several ways. The first and most important is by requiring the Office of Public Prosecutions, not the police prosecutors, to prosecute all offences with statutory minimum sentences in the higher courts.

The laws providing for statutory minimum sentences for injuring emergency workers were first created in 2014. The offence, which carries the presumption of a six-month statutory minimum, is recklessly or intentionally causing injury to an emergency worker on duty. The law covers emergency workers; that includes, once again, police, PSOs, paramedics, firefighters, including volunteers, the SES, doctors, nurses and others involved in emergency treatment in our hospitals and also custodial officers and youth custodial workers. Under these amendments these cases will in the future be prosecuted by the Office of Public Prosecutions in the higher courts.

I would like to take the remainder of my time here just to say how extremely proud I am to be a part of a government that knows the value of our emergency workers. Once again, on behalf of my constituents, I should thank you for keeping us safe, for saving lives and for everything that you do for our community. I commend the bill to the house.

Mr WAKELING (Ferntree Gully) (14:42): I am pleased to rise to speak on the Sentencing Amendment (Emergency Worker Harm) Bill 2020. As members before me have highlighted, this bill is about strengthening the sentencing regime regarding harm that is caused to emergency services workers. We would hope that in this day and age we would not need a bill like this, because we would hope that all Victorians would treat our emergency services workers with the respect that they deserve and that emergency services workers would not be the recipients of violence—violence which often results in time off work or, worse still, long-term and sustained injury.

The history regarding this important issue is that work was undertaken by the former government to enact legislation to strengthen sentencing in this area. This government in the last Parliament undertook legislative change that the government saw fit to implement to ensure that the laws were tight enough and strong enough to ensure that anyone who acts in a way that impacts on an emergency services worker during their employment will in fact receive a period of incarceration. In fact in the lead-up to that previous legislation, back in May 2018, the Premier stated that if an attack injured an emergency services worker, it would mean jail, and jail would mean jail.

We know that that unfortunately is not the case. We have seen played out in the media cases where people have in fact not gone to jail because of the actions that they have meted out on our emergency services workers. We have seen the situation with the Haberfield case and how in that situation someone who was drug affected attacked a female paramedic. The sentence that was meted out was appealed but upheld by the appeals court in December 2019. County Court Judge Michael Tinney found that Mr Haberfield's mental impairment at the time of the crime was linked to his schizophrenia and not his drug taking. That decision and other similar actions have certainly caused great concern, and rightly so, in the Victorian community.

Our emergency services workers do an important task—often a thankless task—and we should all thank them for the work they do. Some serve in this house. The member for Melton, I am aware, has certainly served in his capacity as an ambulance officer, and the member for Frankston, the member for Bayswater, the member for Gembrook and others made a voluntary contribution, but I know that there are members on all sides of the house that have actually served our community as emergency services workers, and in my role as the Shadow Minister for Emergency Services I place on record

my thanks and gratitude to the hardworking paid and volunteer emergency services workers in our community. So it is imperative we have legislation that provides them with the support and the comfort they need to ensure that they can go about their day-to-day work without the fear of being assaulted and, if they are in fact assaulted, that the law is there to protect them and to ensure that an appropriate sentence is meted out to those who perpetrate these heinous crimes.

We know that when we dealt with this issue in the last Parliament we were advised by the government that in fact that legislation would deal with the issues we are talking about today—that in fact jail would mean jail—and we know that is just not the case. We know that there were gaps that were identified and placed on record in this house by the opposition, and those concerns have obviously borne fruit, and that is why we are back here today. Putting that issue to one side, it is important that we have legislation before the house that deals with this important issue. I do hope—and it is a hope, because I do not know if there is any certainty associated with this—that this legislation in fact deals with the problems that have been identified with the previous pieces of legislation that have gone before the house, because at the end of the day we have got to ensure that we provide that level of certainty for emergency services workers.

The member for Gembrook raised a very important issue, and that is that often the reason we are in situations like the one we are in now is that unfortunately many in our community do not treat emergency services workers with the respect that they deserve, and a lot of it comes back to education. As a young person I remember police visiting our schools and I remember being educated about the importance of our emergency services workers, but to a large degree that level of education no longer exists. While it is invariably up to parents and family to educate young people about the importance of our emergency services workers—and I know often these issues are dealt with in a classroom setting by the teacher—children are influenced by their role models, and if parents themselves have had a bad experience with our emergency services, be it the police or be it ambulance or whoever, then often that resulting behaviour flows through to a young person.

As we have seen, often the only interaction that a young person has with police—their first interaction with police—is in a negative environment. People are concerned about young people and particularly congregations of young people. That will often involve police interaction, and that can often be confrontational. So we need to ensure that as a society we are doing two things: firstly that we are ensuring that parents are educating and role modelling good behaviour for their children with respect to showing respect for our emergency services but also that governments through our institutions—through our education system and other institutions—are providing young people with an opportunity to have a positive engagement, a positive education opportunity and a positive interaction with emergency services to understand the importance of showing respect so that our emergency services are treated with the level of respect that is demanded of us.

Whether it is an ambulance officer who is doing their job at a music festival being assaulted, whether it is one of our protective services officers like James, who was assaulted here on the steps of the Victorian Parliament while doing his job, or whether it is other officers who are simply doing their jobs on the weekend, we do not want to see situations where they are assaulted. If an assault is perpetrated on an emergency services worker, it is imperative that we have legislation in place to ensure that the perpetrators of those crimes are dealt with appropriately.

The government has gone through a process of consultation through the emergency worker harm reference group. There have been reviews and assessments that have been undertaken about the capacity of the current legislation, which has led to the bill that is before the house, so anything that is done and implemented in this house that improves that legislation certainly has to be positive. But again I place on record that we should not be here in the first place. The legislation that went through this house in the last Parliament should have dealt with these issues. Those problems that were identified at the time and raised at the time in this house should have been addressed. They were not. So we hope that this piece of legislation means that the government has got it right, that the government has fixed their problems and that the government has fixed the loopholes in the legislation and ensured

that if an offender is brought before our judiciary for assaulting an emergency worker, the appropriate sentence will be meted out to that offender.

Mr PEARSON (Essendon) (14:51): It gives me great joy and pleasure to rise today, on this fine autumnal day, somewhat overcast, but nonetheless I think you should always look at the positives. That will be my mantra going forward. I rise to speak today on the Sentencing Amendment (Emergency Worker Harm) Bill 2020. At the outset I want to put on the public record my deep appreciation and thanks to those emergency services workers who work tirelessly to protect us and our communities in all sorts of circumstances. We have been incredibly well serviced by Victoria Police, by Ambulance Victoria and by the Metropolitan Fire Brigade and the CFA, but now obviously, with the changes, by Fire Rescue Victoria. We are very fortunate to have such great support provided to us by these organisations and their members.

I think that we are confronting uncertain times. We are as a society, as a community, and I suspect—I hope I am wrong—that we will be relying upon these brave women and men more to keep ourselves safe and to protect the foundation of our great society.

The bill that is before the house further enhances the previous bill that was passed by the former Parliament in so far as it related to addressing some of the appalling actions that we saw in the period 2014 to 2018, instances where emergency services workers were assaulted by the very people who they were trying to assist. I want to place on the record and advise the house of a constituent of mine, Mel Berry. Mel is a fantastic paramedic. She is going to join the party of seven. She has got four boys and is about to go on maternity leave as she is expecting a daughter, who will be their fifth child.

Mr Richardson interjected.

Mr PEARSON: Indeed I do, member for Mordialloc. Mel is just a great paramedic. She has got a warm, kind and caring nature, she is thoroughly professional, she is good in a crisis and she is a really important member of my community. She is always present if there is a Bunnings sausage sizzle to raise money for the kinder. She is always helping out at the local primary school. She is a really good, thoroughly decent person. I remember when members of Ambulance Victoria were being assaulted that she rang me up one night and she was really distressed. She was incredibly upset about what had happened to one of her colleagues. She expressed her concerns about the fact that her colleagues were being treated by some members of the community like they were punching bags. She made it really clear that she wanted this government to be able to bring forward legislation to make it safe.

At the end of the day people like Mel just want to do their job. She wants to be able to go to work. She wants to be able to care for people who are in desperate need, and she wants to go home to Rob, her boys and her soon-to-be daughter. That is entirely reasonable. It is an entirely fair request that she can go about her business without being assaulted. So a bill like this is incredibly important. I spoke on a previous version of this bill, and that is why I rise today. This is for people like Mel Berry—good, decent workers, people who keep us safe, people who just want to be able to do their job and to care and protect people and not be assaulted in the process.

The bill also makes a number of changes that reflect what has been the practical example of the way in which the law has been delivered and interpreted by the judiciary. We are a great Western liberal democracy, and I say that because we have an independent judiciary. We can set the laws in this place. We can pass legislation, and that is our absolute right as legislators, but we have got an independent judiciary. The judiciary will then seek to administer those laws. There are times when they interpret those laws in a way that is entirely consistent with the legislation as passed, but it is my experience that when you are dealing with people—people are complex. And when you are dealing with complex people in complex situations there are times when that can create some uncertainty, so what you have to do is look at providing a degree of clarity and clarification on those areas of concern or uncertainty, and that is exactly what this bill does.

You would expect that this is what we do. There is continual improvement. I strongly believe in continual improvement. How can we do better? How can we be better? How do we ensure that the legislation that is here on the statute book reflects the community's needs and desires and is reflective of common practice? Where there is a need for greater certainty and security, then it is incumbent on us as an executive to bring forward legislation that makes those improvements, those very necessary improvements to ensure that the legislation moves smoothly. So that is what we are doing. You will constantly see good governments looking at refining, enhancing, improving and modifying legislation to make sure it meets those needs and meets those standards.

This is a really important bill. I am very lucky to call Mel Berry a friend of mine. She is a good person. In this job you meet countless people and you have plenty of conversations with people, but there are some times in this job, as I have learned in the brief time I have been here, when there are those conversations with a person that really stick in your mind, you recall them with great clarity and you reflect upon what they mean. It is about making sure that a bill like this protects our emergency services workers so that they can get on and do the things that they need to do and keep us safe.

As I said, these are very challenging times that we are confronting, and a bill like this just makes sure that our emergency services workers receive the protection they need, because that is what they are entitled to. They are absolutely entitled to know that when they leave their house in the morning to work their shift, or at night as the case may be, they know that they will be treated well and appropriately by the community and that when it is time to end their shift, they can go home safely without having been assaulted. I commend the bill to the house.

Business interrupted under resolution of house today.

The DEPUTY SPEAKER: The house now stands adjourned until tomorrow.

House adjourned 3.00 pm.

Adjournment

Published under resolution of house of 18 March

LOWAN ELECTORATE ROADS

Ms KEALY (Lowan) (2286)

My adjournment matter is for the Minister for Roads, and the action that I seek is for immediate funding to fix all our crumbling country roads and save country lives. I recently travelled on the Birchip-Rainbow Road near Kenmare and was appalled by the dangerous road conditions. This road is single lane but is a significant route for grain and gypsum trucks. When there is an oncoming vehicle, both vehicles are forced to move at least one set of tyres off the road, placing loaded trucks at particular risk of shifting their load and rolling over. There is extensive damage to road edges where large sections of road edges have crumbled away or created a road edge drop-off of up to 15 centimetres as trucks and other vehicles move off the road edge to make room for oncoming traffic.

It is scary travelling on this road, especially when travelling behind a truck, being unable to see oncoming traffic and then confronted with a fully loaded B-double. There have been recent accidents on this road, and it is only a matter of time before there is serious injury or even a death. As a road which is used by domestic road users like families and workers, and is even a school bus route, it is essential this road is made safe as a matter of urgency.

But this is not the only horror road in my electorate that needs urgent attention. Over the past week alone I have been contacted by very concerned constituents about the following additional roads which are very dangerous due to the terrible road surfaces, including large potholes, crumbling edges and large drop-offs at the shoulder, including:

- Glenelg Highway near the entry to Coleraine and over the Muntham hills
- Warracknabeal-Birchip Road
- Casterton-Naracoorte Road
- Wimmera Highway from Dooen to Rupanyup (while there have been some repairs, there are significant areas which still need desperate attention)
- Stawell-Warracknabeal Road, especially from Murtoa to Warracknabeal through Minyip
- Dimboola-Rainbow Road through Jeparit
- Albacutya Road
- Yanac road from Nhill.

I have also myself witnessed a near head-on crash at the incredibly dangerous Fyans Creek Road Bridge near Halls Gap. This road has become a major thoroughfare for tourists and travellers from the west of the Grampians to Halls Gap, is popular amongst road cyclists and is a school bus route.

The Fyans Creek Bridge is a single-lane bridge, there is no stop sign at either entry and the entry from the south meets the bridge at an angle so it is impossible to see oncoming traffic from either direction from any significant distance. It will only take tourists coming from both directions to meet near the bridge for a horrific accident to occur.

I therefore ask the minister to immediately provide funding and fix these very dangerous roads in my electorate.

EAST BOUNDARY ROAD, BENTLEIGH EAST

Mr STAIKOS (Bentleigh) (2287)

My adjournment matter is for the Minister for Roads and concerns the trial to resurface East Boundary Road partially with old rubber tyres. The action I seek is that the minister updates my community on this project.

MAROONDAH HIGHWAY

Ms McLEISH (Eildon) (2288)

My adjournment matter is to the Minister for Roads. The current upgrades to the Maroondah Highway between Coldstream and Healesville are causing some angst locally and particularly the proposed 80-kilometres-an-hour new speed limit. The action I seek is for the minister to direct VicRoads to consult directly

with local communities by holding specific community sessions in Healesville about the works and the proposed reduction in the speed limit.

Since the works began I have had many constituents contact me frustrated with the delays the works are causing on their daily commute and the fact they had no notice about it. I understand these works are expected to take a considerable period of time, which adds to their ongoing frustration and daily travel time. While all agree the upgrade and turning lanes needed to be provided, they cannot understand the reduction in the speed limit. They tell me that the safety measures currently being undertaken should allow for the speed limit to remain at 100 kilometres an hour. I understand that they are frustrated and aggrieved that there has been no community consultation about the change in speed limit.

Typically, locals believe if they upgrade the road to make it safe, then lowering the speed limit makes no sense. Many believe imposing a new limit is unnecessary and unfair on the locals, who will now have to allow more time to travel—therefore less time at home. Additionally, the road is not particularly dangerous and the installation of left-turn lanes into key businesses will reduce the number of rear-end accidents. People wonder why the highway is not duplicated.

There is also much commentary about the current 40-kilometre speed limit, which goes for the better part of 9 kilometres. Of course, this is also commentary on the number of tourists who travel well below the speed limit on many roads in the Yarra Valley.

VicRoads are currently completing works on the Black Spur and advertised two community drop-in sessions, one in Marysville and one in Healesville, to engage and inform the community of the works being undertaken on the Black Spur. They also sent out a flyer/community update on 2 March 2020 to residents detailing the program of tree removal and maintenance works. Why weren't similar measures undertaken to engage the community about the Maroondah Highway works between Healesville and Coldstream?

I attended the Black Spur community drop-in session and whilst there observed some information on the Maroondah Highway works between Coldstream and Healesville. These VicRoads sessions, however, did not advertise community consultation about the Maroondah Highway works between Healesville and Coldstream, and, as such, locals impacted by these works did not attend.

VicRoads in fact missed a perfect opportunity to consult with concerned community members on the Maroondah Highway upgrades and proposed reduction in speed limit to 80 kilometres an hour at these sessions. I do understand VicRoads staff dedicated to the Maroondah Highway works attended the Healesville meeting. I am sure at my prompting, and were confronted by some local residents about the change in speed limit.

I hope the minister and VicRoads acknowledge that the community have not been adequately engaged or informed about works on the Maroondah Highway and the proposed new speed limit and will rectify this by holding some community drop-in sessions.

CARRUM DOWNS–SEAFORD SHARED USER PATH

Ms KILKENNY (Carrum) (2289)

My adjournment matter is for the Minister for Roads and Road Safety, and the action I seek is for the minister to provide an update on the upgrades to the shared user path linking Carrum Downs with Seaford.

I was delighted to let my local community know that the Andrews Labor government has committed funding of \$1.5 million through the Victorian government's *Towards Zero 2016–2020 Road Safety Strategy and Action Plan* to upgrade 5.6 kilometres of pathway from Lyrebird Drive in Carrum Downs through to McKenzie Street in Seaford.

This local project has been very well received by my local constituents. It will provide a safer route for cyclists and pedestrians and promote the use of active and healthy alternative transport modes. It will also provide an important connection into the shared user path from Seaford to Carrum currently under construction as part of the level crossing removal projects and link into the broader Carrum to Warburton bike trail.

My constituents look forward to the minister's update.

WARRANTYTE ELECTORATE SCHOOLS

Mr R SMITH (Warrandyte) (2290)

Tonight I seek the action of the education minister. The action that I seek is that he ensures that adequate funding is considered for and delivered to schools within the Warrandyte electorate in the 2020–21 budget. Throughout the first term of year is an exciting time for schools, and it is one of the great parts of this job to visit each of the schools within my electorate at this time. I have been fortunate enough to be invited to present school leaders with their badges and speak to the students about the importance of leadership within the

community. During these visits principals outline their goals for the year, not only for the students but for the school more broadly.

On a recent visit to Warrandyte High School the principal raised with me that the school had recently passed only nine of the 35 requirements of 'shelter in place' in our high bushfire danger area. The principal pointed to the timber window frames in his own office as an example—one which is replicated throughout the school.

Whilst I am sure the department is fully aware of the recent audit results, the minister surely must be fully aware of the need for large capital investment for the school on a broader scale, a point that I have raised multiple times with him over the past five years.

Another school that I have raised in this place multiple times is Beverley Hills Primary in Doncaster East. This is a fantastic school, and the school principal, Jennifer Watson, does an excellent job with the limited space and resources the school has to overcome. But again this school has been overlooked multiple times by this Labor government and needs to have far greater focus and investment directed to it.

Donvale Primary, another fantastic local school, led by Lena Clark, again doing a fantastic job, is in need of greater investment—a point that I have made numerous times in this place and with the minister directly.

These are just three out of the 13 state schools that I have in my electorate, each needing specialised support and many being overlooked with each successive Labor budget.

Now that the Treasurer has shown us that he has indeed buggered the budget—with a deficit of \$1.1 billion being realised before the effects of the bushfires or the coronavirus have even kicked in—it would seem that the Warrandyte schools will miss out again.

Contrary to the government's mantra, this is not building the Education State, this is not delivering for all Victorians and this is not getting things done.

The government needs to step above its cheap slogans, and it needs to actually listen to the needs of my school communities.

I ask the minister to ensure that the Warrandyte electorate is not forgotten in the 2020–21 budget and ensure that adequate funding is given to these outstanding schools.

SCHOOLS MOBILE PHONE POLICY

Mr KENNEDY (Hawthorn) (2291)

My adjournment matter is for the Minister for Education, and the action I seek is for the minister to provide me with an update on the rollout of the government's mobile phone ban at schools in my electorate of Hawthorn.

Last year I visited Auburn High School with the minister, where funding was announced for the provision of lockers so students could secure their phones during school hours. Auburn High was chosen as they had already successfully implemented the mobile phone ban.

The mobile ban was implemented in term one this year at state primary and secondary schools and will remove a major distraction from classrooms so students can focus more on learning and in break times socialise more with their classmates. The ban will also be critical in helping to tackle the issue of cyberbullying. The Victorian government takes the safe and responsible use of digital technologies, student safety and wellbeing, and the development of social skills and positive behaviour very seriously.

The ban is part of the government's plan to address mental health and bullying, with \$51.2 million invested so every government secondary school campus will have a qualified mental health practitioner within the school, as well as \$65.5 million in student health and wellbeing, which includes anti-bullying and positive behaviour support.

The government's new policy, which it should be noted has been very widely welcomed, acknowledges that technology is increasingly affecting how students learn and communicate. Therefore when a student has been given explicit permission by the classroom teacher to access and use such devices to enhance learning, mobile phones will be permitted for that specific purpose.

Schools will also be required to develop a local students using mobile phones policy, which must include how the policy will be implemented.

The principal will be responsible for deciding the appropriate storage of mobile phones. Examples of secure storage include student lockers that are lockable or a lockable cupboard stored in an administrative office.

The policy will be enforced by schools under their existing student engagement policies; for example, through detention or a loss of school-based privileges where students fail to comply with the local school policy on mobile phones, including if they refuse to hand over their phones to school staff when asked.

I look forward to hearing from the minister.

CIGARETTE ADDITIVES

Dr READ (Brunswick) (2292)

My adjournment matter is addressed to the Minister for Health, and the action I seek is for the minister to ban both filter ventilation and filter crush balls, along with flavourings, added to the tobacco and other additives such as organic acids (which help 'smooth' nicotine), in all cigarettes sold in Victoria.

Advertising bans, health warnings, quit programs and taxes have all contributed to the fact that almost 90 per cent of Victorians do not smoke. But the rate of decline has begun to slow.

Cigarettes have been engineered over recent decades to taste smoother and to hide the bitterness and harshness of nicotine, which would otherwise deter people from smoking.

Filter ventilation dilutes the mainstream smoke with air introduced through holes around the filter. It is the single most important means to make the smoke milder and easier on the throat and chest. Flavouring additives mask the unpleasant sensations of smoking by enabling the industry to 'fine-tune' flavour and aroma. Other tobacco additives like organic acids bind with nicotine to convert it to a non-irritating form until it is down in the lungs. Recently 'crush balls' have been used to carry flavourings in many Australian brands. These are crushed by the smoker when lighting up the cigarette and release a range of flavour additives. They appeal to young experimenters, helping them tolerate smoking until they become nicotine dependent and on the path to becoming long-term daily smokers.

Work by Ron Borland, Bill King and colleagues at the Cancer Council Victoria and more recently at the Melbourne Centre for Behaviour Change at Melbourne University has contributed to the growing evidence that cigarette engineering makes it harder for existing smokers to quit because it enables the tobacco industry to hide from smokers some of the most valuable sensory evidence that they are harming themselves.

Some of the most vulnerable and hardest to reach groups in our society are over-represented among smokers. They include those with chronic mental illness and people in the lowest socio-economic groups. Smoking rates among Aboriginal and Torres Strait Islander people are over three times the national average of non-Indigenous people. Education campaigns and medical advice have had less impact in these groups.

To reduce smoking prevalence below 10 per cent, so that all Victorians can enjoy the improved health resulting from not smoking, we need the kind of foresight and leadership displayed by state and federal Victorian ministers of the past, who saw the evidence and were prepared to act. I am thinking of David White and John Cain in the 1980s and Nicola Roxon more recently.

We need to say to tobacco companies that they can no longer sugar-coat their toxic product.

DONNYBROOK TRAIN STATION

Ms GREEN (Yan Yean) (2293)

My adjournment matter is to the Minister for Public Transport, and the action I seek is for her to have VicTrack meet with the local TAFE students and men's shed members to consider restoring the historic Donnybrook station building.

VICROADS DRIVER MEDICAL REVIEWS

Mr ANGUS (Forest Hill) (2294)

I wish to raise a matter for the attention of the Minister for Roads. The action I seek is for the minister to advise me why VicRoads is regularly harassing some of my older constituents regarding their health and eyesight when they do not have any adverse issues with their health or eyesight.

I have been contacted over recent times by several constituents regarding this issue, most recently last week by a constituent in his 80s. He recounted to me his experience, whereby he had to undergo an eyesight test in 2013, which he passed without any issue.

In January this year he was contacted again by VicRoads requesting him to provide them with an eyesight report. I note that he has since undertaken the necessary test and obtained and submitted the required report, which showed his eyesight was fine for driving.

My constituent said he felt threatened by VicRoads and very stressed when he received this request. He also felt very stressed whilst obtaining the eyesight test and then awaiting the final response from VicRoads.

He advised me that he is subject to this testing every two years, for no apparent reason. He also noted that obtaining the required eyesight reports is causing him to incur unnecessary costs. He also noted that younger drivers seem to be causing more road trauma and reckless driving than older drivers.

My constituent believes he is being discriminated against solely because of his age, despite the fact that his eyesight is fine. He also advised me that he has been driving for around 65 years and has a good driving history.

Consequently I ask the minister to provide me with advice as to why VicRoads treats some of Victoria's older drivers this way despite their exceptionally long good driving records and no health or eyesight issues.

MERRIFIELD WEST PRIMARY SCHOOL

Ms SPENCE (Yuroke) (2295)

My adjournment matter is for the Minister for Education, and the action I seek is for the minister to provide me with an update on the next steps to be taken in the delivery of Merrifield West Primary School.

Merrifield West Primary is the third of six schools that the Andrews Labor government will be delivering in my electorate during this term of government, and it is a school that residents in Mickleham are keenly awaiting.

More young families are moving into Mickleham every month, and they are excited at the prospect of sending their children to a brand-new government school.

A new school means cutting-edge facilities and learning spaces for the next generation of Victorians in this outer-suburban growth area.

Merrifield West Primary is expected to open its doors to new students in 2021, and we are all eager to see the school take shape.

I look forward to sharing the minister's response with the many excited families in my community.