PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-NINTH PARLIAMENT

FIRST SESSION

THURSDAY, 7 APRIL 2022

hansard.parliament.vic.gov.au

By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU AC

The Lieutenant-Governor

The Honourable JAMES ANGUS AO

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Minister for Planning and Minister for Housing	The Hon. RW Wynne MP
Cabinet Secretary	Ms S Kilkenny MP

Legislative Council committees

Economy and Infrastructure Standing Committee

Mr Barton, Mr Erdogan, Mr Finn, Mr Gepp, Mrs McArthur, Mr Quilty and Mr Tarlamis.
Participating members: Dr Bach, Ms Bath, Dr Cumming, Mr Davis, Ms Lovell, Mr Meddick, Mr Ondarchie, Mr Rich-Phillips, Ms Shing, Ms Vaghela and Ms Watt.

Environment and Planning Standing Committee

Dr Bach, Ms Bath, Dr Cumming, Mr Grimley, Mr Hayes, Mr Meddick, Mr Melhem, Dr Ratnam, Ms Terpstra and Ms Watt.
Participating members: Ms Burnett-Wake, Ms Crozier, Mr Davis, Dr Kieu, Mrs McArthur, Mr Quilty and Mr Rich-Phillips.

Legal and Social Issues Standing Committee

Ms Burnett-Wake, Ms Garrett, Dr Kieu, Ms Maxwell, Mr Ondarchie, Ms Patten and Ms Taylor.
Participating members: Dr Bach, Mr Barton, Ms Bath, Ms Crozier, Dr Cumming, Mr Erdogan, Mr Gepp, Mr Grimley, Ms Lovell, Mr Quilty, Dr Ratnam, Ms Shing, Mr Tarlamis, Ms Terpstra and Ms Vaghela.

Privileges Committee

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

Procedure Committee

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

Joint committees

Dispute Resolution Committee

Council: Mr Bourman, Ms Crozier, Mr Davis, Ms Symes and Ms Tierney.
Assembly: Ms Allan, Ms Hennessy, Mr Merlino, Mr Pakula, Mr R Smith, Mr Walsh and Mr Wells.

Electoral Matters Committee

Council: Mr Erdogan, Mrs McArthur, Mr Meddick, Mr Melhem, Ms Lovell, Mr Quilty and Mr Tarlamis.
Assembly: Ms Hall, Dr Read and Mr Rowswell.

House Committee

Council: The President (*ex officio*), Mr Bourman, Mr Davis, Mr Leane, Ms Lovell and Ms Stitt.
Assembly: The Speaker (*ex officio*), Mr T Bull, Ms Crugnale, Ms Edwards, Mr Fregon, Ms Sandell and Ms Staley.

Integrity and Oversight Committee

Council: Mr Grimley and Ms Shing.
Assembly: Mr Halse, Mr Rowswell, Mr Taylor, Ms Ward and Mr Wells.

Pandemic Declaration Accountability and Oversight Committee

Council: Ms Crozier, Mr Erdogan and Ms Shing.
Assembly: Mr J Bull, Ms Kealy, Mr Sheed, Ms Ward and Mr Wells.

Public Accounts and Estimates Committee

Council: Mrs McArthur, Mr Barton and Ms Taylor.
Assembly: Ms Blandthorn, Mr Hibbins, Mr Maas, Mr Newbury, Mr D O'Brien, Ms Richards and Mr Richardson.

Scrutiny of Acts and Regulations Committee

Council: Mr Gepp, Ms Patten, Ms Terpstra and Ms Watt.
Assembly: Mr Burgess, Ms Connolly and Mr Morris.

Heads of parliamentary departments

Assembly: Clerk of the Legislative Assembly: Ms B Noonan

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

Parliamentary Services: Secretary: Ms T Burrows

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-NINTH PARLIAMENT—FIRST SESSION

President
The Hon. N ELASMAR (from 18 June 2020)
The Hon. SL LEANE (to 18 June 2020)

Deputy President
The Hon. WA LOVELL

Acting Presidents
Mr Bourman, Mr Gepp, Mr Melhem and Ms Patten

Leader of the Government
The Hon. J SYMES

Deputy Leader of the Government
The Hon. GA TIERNEY

Leader of the Opposition
The Hon. DM DAVIS

Deputy Leader of the Opposition
Ms G CROZIER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Maxwell, Ms Tania Maree	Northern Victoria	DHJP
Bach, Dr Matthew[1]	Eastern Metropolitan	LP	Meddick, Mr Andy	Western Victoria	AJP
Barton, Mr Rodney Brian	Eastern Metropolitan	TMP	Melhem, Mr Cesar	Western Metropolitan	ALP
Bath, Ms Melina Gaye	Eastern Victoria	Nats	Mikakos, Ms Jenny[8]	Northern Metropolitan	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Donohue, Mr Edward John[9]	Eastern Victoria	LP
Burnett-Wake, Ms Cathrine[2]	Eastern Victoria	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Patten, Ms Fiona Heather	Northern Metropolitan	FPRP
Cumming, Dr Catherine Rebecca	Western Metropolitan	Ind	Pulford, Ms Jaala Lee	Western Victoria	ALP
Dalidakis, Mr Philip[3]	Southern Metropolitan	ALP	Quilty, Mr Timothy	Northern Victoria	LDP
Davis, Mr David McLean	Southern Metropolitan	LP	Ratnam, Dr Samantha Shantini	Northern Metropolitan	Greens
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Erdogan, Mr Enver[4]	Southern Metropolitan	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Finn, Mr Bernard Thomas Christopher[5]	Western Metropolitan	Ind	Somyurek, Mr Adem[10]	South Eastern Metropolitan	Ind
Garrett, Ms Jane Furneaux	Eastern Victoria	ALP	Stitt, Ms Ingrid	Western Metropolitan	ALP
Gepp, Mr Mark	Northern Victoria	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Grimley, Mr Stuart James	Western Victoria	DHJP	Tarlamis, Mr Lee[11]	South Eastern Metropolitan	ALP
Hayes, Mr Clifford	Southern Metropolitan	SAP	Taylor, Ms Nina	Southern Metropolitan	ALP
Jennings, Mr Gavin Wayne[6]	South Eastern Metropolitan	ALP	Terpstra, Ms Sonja	Eastern Metropolitan	ALP
Kieu, Dr Tien Dung	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vaghela, Ms Kaushaliya Virjibhai[12]	Western Metropolitan	Ind
Limbrick, Mr David[7]	South Eastern Metropolitan	LDP	Watt, Ms Sheena[13]	Northern Metropolitan	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling[14]	Eastern Metropolitan	LP
McArthur, Mrs Beverley	Western Victoria	LP			

[1] Appointed 5 March 2020
[2] Appointed 2 December 2021
[3] Resigned 17 June 2019
[4] Appointed 15 August 2019
[5] LP until 24 May 2022
[6] Resigned 23 March 2020
[7] Resigned 11 April 2022
[8] Resigned 26 September 2020
[9] Resigned 1 December 2021
[10] ALP until 15 June 2020
[11] Appointed 23 April 2020
[12] ALP until 7 March 2022
[13] Appointed 13 October 2020
[14] Resigned 28 February 2020

Party abbreviations

AJP—Animal Justice Party; ALP—Labor Party; DHJP—Derryn Hinch's Justice Party;
FPRP—Fiona Patten's Reason Party; Greens—Australian Greens; Ind—Independent;
LDP—Liberal Democratic Party; LP—Liberal Party; Nats—The Nationals;
SAP—Sustainable Australia Party; SFFP—Shooters, Fishers and Farmers Party; TMP—Transport Matters Party

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Thursday, 7 April 2022

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

Announcements

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT (10:05): On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the First People of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past, present and emerging and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament.

Mr Davis: On a point of order, President, and I do not want to overstate this, we did have some confusion with the reports section last night, and I just wonder whether we might propose that the party leaders and perhaps even the Procedure Committee meet at a convenient time to discuss the best way forward on that.

The PRESIDENT: Thank you, Mr Davis. We can raise the issue at the Procedure Committee, as you know.

Joint sitting of Parliament

SENATE VACANCY

VICTORIAN RESPONSIBLE GAMBLING FOUNDATION

The PRESIDENT (10:06): I have to report that the house met with the Legislative Assembly yesterday (1) to choose a person to hold the seat in the Senate rendered vacant by the death of Senator Kimberley Kitching and that Ms Jana Stewart was chosen to hold the vacant place in the Senate and (2) to elect a member to the board of the Victorian Responsible Gambling Foundation and that Mr David Morris MP was elected to the board.

Announcements

SECRETARY, DEPARTMENT OF PARLIAMENTARY SERVICES

The PRESIDENT (10:07): Members, you will be aware that the Secretary of the Department of Parliamentary Services, Mr Peter Lochert—and I am glad to see him in the gallery—will be retiring on Monday. The recruitment process included a selection panel which included the Honourable Tony Smith MP, former Speaker of the House of Representatives, Ms Julia Griffith, former deputy commissioner of the Victorian Public Sector Commission, Andrew Young and Bridget Noonan, the clerks of our Parliament, to whom I give my thanks and appreciation for their contribution during the recruitment process. I confirm that the Speaker and I have appointed Ms Trish Burrows as the next secretary of the department.

Peter is a passionate person with his endeavours, having Parliament at the heart throughout his tenure. Peter's tenure saw major refurbishment projects, which sees our Parliament improved for all visitors, members and staff, now and for future generations. This beautiful building belongs to the Victorian people, and it has been enhanced and restored under Peter's management. He has led the Department of Parliamentary Services through significant change in response to evolving member requirements, community expectations, new legislation, security risks and a global pandemic. On behalf of members, I wish Peter and his wife, Jenny, all the best in retirement.

Members applauded.

Condolences

SHANE WARNE

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (10:09): I move, by leave:

> That this house expresses its sincere sorrow at the death of Shane Warne and places on record its acknowledgement of his lasting contribution to the game of cricket and to the people of Victoria.

I would like to contribute briefly to the condolence motion on behalf of the government to mark the passing of Shane Warne. Of course there has been an outpouring of grief as well as celebration for a remarkable Victorian in recent weeks. I cannot say that I followed too closely his on-field achievements, but the overwhelming reaction from the community at his sudden passing is a testament to his outsized role and influence on Victorians, Australians and of course millions of cricket lovers right across the world. I thought a fitting tribute to his influence was captured just this past weekend, where leg spinner Alana King took three vital wickets to help secure Australia the women's world cup. Alana said that she would not have become a leg spinner without Shane Warne, which I think is a nice tribute to how he influenced so many children to play the game of cricket.

Something I think we can take from Shane Warne is that he was somewhat of a complex character. He was fallible, and this was something that he was quite transparent about. He was by all accounts incredibly approachable. He was the same person before, during and after his cricketing career.

I think it is important to also acknowledge his commitment to worthwhile causes. My colleague in the other place Danielle Green paid tribute to his work with communities affected by the Black Saturday fires. Selling his baggy green was an incredibly generous act to support bushfire-affected communities and those affected by the 2019–20 summer bushfires.

He was also unashamedly an incredibly proud Victorian. He passionately spoke about Melbourne being the best city in the world, something I am sure most of us would agree with. His legacy will be felt for a very long time, inspiring generations of future cricketers.

His children of course spoke not of him as a great sportsperson or a media personality but of his role as a loving parent. On behalf of the government I do extend my condolences to his family, particularly Brooke, Jackson and Summer. I again pass along my deepest sympathies on the passing of your father, Shane Warne.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (10:11): I am very pleased to rise and support this motion of condolence for Shane Warne. As somebody who does love cricket and somebody whose family loves cricket, he was somebody that we always looked to. His capacities as a bowler, his remarkable knockabout style and his generous approach to not only his family but his community and more broadly to cricket I think are things that we do want to mark. He was also a Brighton person, and people know—

A member interjected.

Mr DAVIS: Well, the electorate of Southern Metro covers the area. Many people that I know lived near and had close interaction with Shane Warne, and they universally speak incredibly positively about him. I think his impact on cricket, though, has been quite profound, and I think it has actually been part of the resurgence of cricket that we are seeing and the enthusiasm that is there for cricket from so many quarters.

Both my 18-year-old and indeed my soon-to-be 16-year-old are firm cricketers and very active in the community, and they looked to Shane Warne. I spoke to my son last night about this, and he instantly took me to a YouTube clip which was of Shane Warne demonstrating—and I will not indicate that I have the necessary dexterity to do what he did—the different mechanisms of spinning the ball. Kids look at this, and they look at the approachable style that this has been put forward in. I think there has

been a resurgence in spin bowling through the impact of Shane Warne. I think he was a great Victorian, a Victorian as well as an Australian, and perhaps a Victorian first.

He also had definite views on politics, and I note for the record I do not think he was a fan of the current Premier. But leaving that aside, he was a person who wore his heart on his sleeve, and I think that he was a person that we can be proud of as a Victorian. I too extend my condolence to his family and to the many friends that he had that I have in common with him through that area in Brighton.

Mr ONDARCHIE (Northern Metropolitan) (10:14): This morning I rise to speak about Shane Warne. Many will talk about the fact that he was cap number 350 in the Australian test side, that his favourite number in the one-day series was 23 and that he was 23 for the Melbourne Stars. He actually chose 23 because he was a big fan of Dermott Brereton when he was a kid. So people will talk about that. They will talk about how he was a great leggy. He was trying to show the flipper at the time on that video, I think.

Mr Davis interjected.

Mr ONDARCHIE: Thanks, Mr Davis. He debuted in 1992 against India. His last test was in 2007 against England, and he took his 700th wicket at the G, and many people were there for it, and certainly I was as well.

I am going to talk about Shane Warne, the person that I met. I cannot say I was a great friend of his. I cannot say I knew him very well, but we did interact and chat on a number of occasions. I was fortunate enough to be one of a handful of Australians to receive an International Cricket Council medal for my services to cricket, awarded to me at the MCG. It was primarily—not that I was the greatest cricketer around, nowhere near SKW's standard—because of my development and work around, people would know, the Milo cricket program. I did a lot of work around getting kids to play cricket through Milo cricket. I did not care if they never made it to the test side. I did not care if they never played at high levels of cricket. It just got boys and girls involved, and I was fortunate enough that the ICC recognised that.

So I want to talk about Shane, the person that I got to know. He was a real larrikin. He was a bit of a scallywag. We have all seen the press about him and the various things he did in his life. I think someone commented last week that he lived three lives in one, and he probably did live three lifetimes and did things that we would never seek to do. He was born in Upper Ferntree Gully in 1969, and whilst he might have resided for some time in the southern metropolitan area, he really saw himself as an Upper Gully man right from the start.

He was interesting as a person to chat to. Unlike many other people I have met in my life—celebrities, politicians, other people—when you were talking to Shane he was talking to you. I have found with other people I have met in my life, when you are talking to them they are actually looking past you; they are looking around you, looking to see who else is in the room. Politicians do it as well. Celebrities do it. But not Warnie. When he talked to you, he looked you straight in the eye, and you had his attention for the whole time that he was talking to you. And he wanted to talk to me about grassroots cricket. He was not the least bit interested in talking about high-level cricket; he was not interested in talking about wicket taking. I never asked him about the Gatting ball, because I suspected everybody else did. He just wanted to talk about grassroots cricket and what we did to give kids an opportunity, particularly kids who do not get an opportunity naturally, through economic circumstances, through family circumstances or through whatever. He wanted to make sure that every kid got a chance to play outside and got off their iPhones and their iPads. And that was the attention that SKW gave to me a number of times.

Others have already talked about how much of a kind man he was and how much he helped out, and I recall that after the 2004 tsunami in Sri Lanka on Boxing Day his selflessness and his time and his desire to help people through the 2004 Boxing Day tsunami in Sri Lanka was amazing. Now, it is interesting, because on his first foray into Sri Lanka, when he bowled there he took none for 150. He

got smashed when he bowled in Sri Lanka, but that did not deter him one little bit. He was less interested in his prowess as a cricketer at that time; he just went there to try and help. And as soon as he got there he said to Murali at the time, 'Just tell me what I need to do'. He did not say what he was going to do, he said, 'Just tell me what I need to do', and between the two of them they just spent time with kids handing out lollies, teaching them how to bowl and playing cricket. I think he encouraged kids to replicate his none for 150 there so they could hit the ball around the park. That was the sort of person that Warnie was. When he went down to the coastal village of Peraliya, the kids all clapped him; they sort of worshipped him when he walked into that small village. And he stopped them very quickly, because he actually clapped them for what they had been through during the tsunami. And that was the Warnie that I knew.

As the Leader of the Government acknowledged, there has been some commentary around the work he did around Black Saturday—the fires that occurred on Black Saturday just over the hill from my place where, as members know, my family lost friends and my kids' school was the most affected, where they lost friends. He spent a lot of time up there with some of the kids. I know there was one kid—I might get this wrong, but I think his name was Aidan. And he took a liking to Aidan and committed to follow Aidan and mentor him through his life, which he still continued to do until his passing in Koh Samui. So that was the standard of the man. He made this commitment to this kid through Black Saturday up in Kinglake and went, 'I'll help you; I'll mentor you; I'll be there for you', and he still did it no matter what. He was probably one of the busiest men in the world, you know. When he was not running poker tournaments around the world or having fun in all sorts of areas and with people that many men would be envious about or running Club 23, which many people have been to, including me, he still had time for people. The Warne foundation was remarkable in helping children with disabilities. In fact Shane was a person who said to me, 'Stop calling them people with disabilities and call them people with different abilities'. It struck a chord with me—that maybe we should stop using the term 'disability' and just talk about people with different abilities. That was the sort of person he was.

The public perception of him was sometimes that he was a little arrogant or a little rude or that he stood on the balcony at Lord's with a stump in his hand doing a little dance. But that was the sort of fun-loving person that he was. When it came to giving attention to people, to devoting his time to helping somebody else, he was always there and always available.

To Brooke and to Summer and to Jackson: of course our hearts go out to them. I will finish by just saying, 'Well bowled, Shane'.

Mr FINN (Western Metropolitan) (10:20): I join this debate today with a great deal of sadness, actually. I wish we were not having this debate today. I wish Shane Warne were still with us, and it is hard to believe that he has gone. I will never forget that feeling of shock that I felt when I learned of his passing—the feeling that indeed we had all lost somebody very special, and special he was in many, many ways. He was loved by Australians but particularly loved by Victorians.

I will give you one example of a night at the cricket that I was at: a one-dayer. I think we were playing the Poms at the time. It was a very warm evening, and I think it would be fair to say there was a fair section of the crowd that had refreshed exceedingly well. They were throwing things; they were carrying on like two-bob watches in the old bay 13 area. It was on for young and old. Despite the PA people making appeals for the crowd to calm down, they just got worse. All of a sudden, Warnie appeared. Wearing a helmet, he walked across the MCG, stood in front of the crowd and beckoned them to calm down, which they almost immediately did. It was just extraordinary the power that this man had over not just cricket fans—I think he had it over a lot of Australians. He just walked out there by himself, on his own, and calmed the maddening masses. It is quite appropriate that where that crowd sat that night is now the Shane Warne Stand. That is a memory that will live with me probably forever.

I only met him a couple of times, but I can back Mr Ondarchie up when he says that when you were talking to Shane Warne, you were talking to Shane Warne. He gave you his undivided attention. Irrespective of how boring you may be, he gave his undivided attention. I have to say even though I had never met the man before the first time I met him, after about 30 seconds I felt like I had known him all my life. It was just an extraordinary ability that he had to make people relaxed—to make people feel that indeed they had known him all their life.

In fact the reason that I had met him on those occasions was because his foundation, as Mr Ondarchie again said, had donated two buses to the Jacana School for Autism, where my son attended at the time. You have got to say the autism specialist schools are probably the poor cousins of the education system, which is very sad, but they are. They had buses that were, well, just about finished. We went to the foundation and said, 'We need one bus'. They said, 'How many do you really need?'. We said, 'Two'. They said, 'Righto, we'll give you two'. I met Shane when those buses were delivered, and it was just a tremendous gesture. Because, quite frankly, I have no idea how we would have raised the money for those buses otherwise—it would not have been possible.

I was greatly honoured to attend his memorial service at the MCG recently. It was an amazing tribute to him, it was an amazing tribute to his career and it was an amazing tribute to the contribution that he made to Australia over decades. I think that everybody who was there at the MCG that night will remember that tribute and remember the man that we went to pay tribute to.

I offer my deepest sympathy to his children, and I have to say their performance on the night of his memorial service was quite outstanding. I have no doubt he would have been so proud of those three kids that night. They were just spectacular, and I congratulate them on that, but I also offer them my deepest sympathy. Shane Warne is now gone, sadly, but at the same time he will be with us, I think, forever. Vale, Shane Warne. May God bless and keep him.

Ms BATH (Eastern Victoria) (10:26): I am very pleased to rise this morning on behalf of The Nationals and throw my support behind this condolence motion acknowledging the life and times of the fantastic man that Shane Warne was. Now, I did not ever meet him, but I met him on the television screen and I watched him at the MCG. We need quintessential Australians. We need people to be authentic. We need people in this country to be who they are and when you meet them, when you see them, to express themselves in purity, and I think that is what he did with his outrageous personality and his kindness, as we have heard today in terms of his charities.

As the granddaughter of a cricket-obsessed grandfather who spoke to me during the 1970s and 80s about and commentated on the cricket for all of his life, I have a love of cricket. I have a partner who when he puts down religion, he puts 'cricket' down. We love cricket. But I think one of the key things that Shane Warne did, for me, was inspired so many young people into a healthy sport. We need people again to be out from behind their laptops or iPads or PlayStations. The backyard at mum's is a real and thriving industry because of the likes of Shane Warne. Thousands of Australians and I think millions of people across the world have tried that spin and have celebrated as Warnie did in playing the sport, so I would like to congratulate him up above on how he encouraged people into our sport. In rural Victoria and country Victoria it is an amazingly important sport that people engage in.

When I heard of his death I was in shock as well. It was a similar shock to when Steve Irwin died many years ago. It was like a disbelief that somebody so passionate, so quintessentially Australian, so authentic, had passed. I think we are the poorer for it. I hope that we can all get out one day when we have got a day off and take to the red ball, get the bat, get the rubbish bin and play a game in memory of Shane Warne. I send my condolences to his family and I say vale, Shane Warne.

Dr CUMMING (Western Metropolitan) (10:28): I too rise today to send my condolences on behalf of my community in Western Metropolitan Region to Shane Warne's family and friends, especially his children, Jackson, Brooke and Summer, and the mother of his children, Simone. I attended the memorial at the MCG, and it was a beautiful, fitting tribute to Shane. I do believe that his family and

friends would have been proud of what Eddie McGuire produced on the night and for the rest of the world to be able to celebrate his life.

For me in Western Metropolitan Region, the love of cricket is very deep. I have a strong and large Indian and Sri Lankan community. For all my years on my council, community cricket was a large part of it for me and for my community. The former CEO of Cricket Victoria, Tony Dodemaide, came from Caroline Chisholm college in Braybrook. One of the first times I actually met Shane was at one of these many community events to encourage local councils to find money for community cricket and to be able to support that. And I think Shane would have been very proud of the way that female cricket has actually come about for obviously his children Brooke and Summer and other young women out there in the community. I extend my deepest condolences to his family and friends, to Merv Hughes and others, and to his teammates. Vale, Shane Warne.

Mr GRIMLEY (Western Victoria) (10:30): I am rising to speak on the condolence motion for Shane Warne. I was just sitting there listening to everybody, and on behalf of Derryn Hinch's Justice Party and many, many other people I express my sympathies to his family, his friends and his colleagues and to former players.

Many, many moons ago, when I was living in Western Australia—it just clicked a memory for me—I had an 'S' party for my birthday, and of course I dressed up as Shane Warne. I put on the old blonde wig and wore his yellow one-day international T-shirt with 'Warnie'. I did not have a cigarette at all because I was not smoking, but I certainly had a few cans that night. That was just the impact of the person. This was going back 20-odd years. He was just a fantastic cricketer. I have played a bit of cricket in my time as well, and he certainly got us thinking in terms of leg spin and how we could best do that in our own performances. I could never do anything like he did. There are not many cricketers in the history of cricket that you can say that for almost every single ball that they bowled, you thought they were going to take a wicket. That is just the type of talent that he was.

Also I think, more importantly, in his death it is important that we look at our own health—our own heart health in particular. It is pretty significant, and if you have any issues, concerns or funny feelings, get yourself checked out, for God's sake, because you just never know. Life is too short. Do the right thing. Get yourself checked out. Vale, Shane Warne.

Motion agreed to in silence, members showing unanimous agreement by standing in their places.

Bills

PUFFING BILLY RAILWAY BILL 2022

Council's amendments

The PRESIDENT (10:33): I have a message from the Assembly:

> The Legislative Assembly informs the Legislative Council that, in relation to 'A Bill for an Act to establish the Puffing Billy Railway Board, to provide for the objectives, functions and powers of the Board, to provide for matters relating to the Puffing Billy Railway, to repeal the **Emerald Tourist Railway Act 1977** and for other purposes' the amendments made by the Council have been agreed to.

Petitions

Following petitions presented to house:

GREYHOUNDS

> The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that Victorian law specifies that when in public areas, greyhounds must be 'under the effective control by means of a chain, cord or leash'. However, greyhounds are not classified as restricted breeds, as defined under section 3 of the Domestic Animal Act 1994 and therefore authorised officers are unable to summarily classify them as restricted dogs, as stated under section 98A of the Act.

Not all greyhounds are retired racing dogs, nor have they all been trained to chase a fake lure. There is no evidence suggesting that an ex-racing dog can possibly mistake a small dog for a stuffed lure.

Greyhounds are not less able to learn various commands such as sit, hold, come here and stop, than any other dog breed. Research suggests that greyhounds are no more likely to be dangerous than any other breed of dog and according to Council reports, they may in fact be less likely to attack other dogs and humans.

The Australian Veterinary Association is opposed to breed-based dog control measures as evidence shows they do not work.

The petitioners therefore request that the Legislative Council call on the Government to stop perpetuating the myth that greyhounds are dangerous by default and allow them to be let off-leash in designated off-leash areas, similar to the privileges of other non-dangerous and non-restricted dog breeds.

By Dr RATNAM (Northern Metropolitan) (546 signatures).

Laid on table.

ANIMAL WELFARE

The petition of certain citizens of the State of Victorian draws to the attention of the Legislative Council that there is no mandatory requirement for the provision of shelter from extremes of weather for farm animals and livestock under the Prevention of Cruelty to Animals Act 1986 (POCTA) or animal welfare codes of practice. This is also true for horses used in connection with sporting events, equestrian competitions, pony clubs, riding schools, circuses or rodeos. The POCTA inspectors often lack power to prosecute offenders for neglect of duty of care. The lack of suitable shelter leads to prolonged suffering and deaths of hundreds of thousands of animals each year from hypothermia or exposure to sun during heatwaves. The effects of climate change will create greater risks for these animals and an increase in cruel and inhumane suffering and deaths.

Mandatory codes will empower inspectors to investigate and, where necessary, prosecute with penalties commensurate with the degree of neglect. Guidelines for shelter provision must be outlined within mandatory codes. Artificial shelter structures must be durable and capable of protecting animals from strong UV rays, wind chill, hail and sun. Other suitable shelter could include belt tree planting with sufficient foliage and canopy so all paddocked animals may lie down simultaneously without overcrowding and enable them to stand and move about freely under shade protection.

The petitioners therefore request the Legislative Council call on the Government to legislate the provision of mandatory codes for species-specific shade and or shelter to protect animals from extreme weather whilst allowing good airflow and the ability for all animals to lie down simultaneously, stand and move about freely.

By Dr RATNAM (Northern Metropolitan) (310 signatures).

Laid on table.

Papers

PAPERS

Tabled by Clerk:

Subordinate Legislation Act 1994—Legislative Instruments and related documents under section 16B in respect of the Professional Standards Act 2003—

Law Institute of Victoria Limited Professional Standards Scheme *(Gazette No. G11, 17 March 2022)*.

Law Society of South Australia Professional Standards Scheme *(Gazette No. G11, 17 March 2022)*.

South Australian Bar Association Professional Standards Scheme *(Gazette No. G11, 17 March 2022)*.

The Queensland Law Society Professional Standards Scheme *(Gazette No. G11, 17 March 2022)*.

Business of the house

NOTICES

Notices of motion given.

Notices of intention to make a statement given.

ADJOURNMENT

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (10:39): I move:

> That the Council, at its rising, adjourn until Tuesday, 10 May 2022.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (10:40): I propose an amendment. I move:

> That all words and expressions after 'adjourn' be omitted with a view of inserting 'until Tuesday, 3 May 2022.' in their place.

That is budget day. This chamber ought to be sitting on budget day, and it ought to be sitting in budget week. The government does not want the scrutiny that comes with the chamber sitting in budget week. We believe that the chamber should be sitting in budget week. There is a very low number of weeks planned for sitting this year, even lower than in normal election years, and the chamber ought to be sitting more. It certainly ought to be undertaking more non-government business, and I should say, in terms of government business, we certainly would be prepared in that week to sit on the Thursday, if the government wished to do so. But at the least we should be sitting on the Tuesday. We should table the budget papers, and there should be opportunities for questions and scrutiny that flow from that.

Ms Symes interjected.

Mr DAVIS: Why wouldn't the government want to sit in budget week? Well, I will tell you why they would not want to sit in budget week—because this budget will have a very significant debt coming to the fore and a very significant deficit. These are very significant points, and the state is at a considerable point of financial challenge. Why wouldn't we sit on budget week when the Assembly is sitting? We do not need to be directed by the Assembly as to when we as a chamber choose to sit. I would suggest that this amendment is very reasonable.

I understand that the crossbench may have been talking to the government about this amendment too, and I have not made any secrets about this. I have transmitted this to everyone and discussed it at the meetings earlier in the week and indeed in previous weeks, and I understand that the government may be prepared to negotiate or discuss with the crossbench and the opposition some additional opportunities for non-government business. That is only part of the story here. The other part is the scrutiny of the state government's budget, Victoria's budget. Why on earth wouldn't we sit in budget week?

Ms CROZIER (Southern Metropolitan) (10:42): I rise to speak in support of Mr Davis's amendment. It is the most critical of times, and we should be in the Parliament scrutinising the government's budget. We know that there are massive issues with the government and their lack of transparency around what they are putting forward to the Victorian public, and we have a duty as elected representatives to be here, especially on budget day. For the Leader of the Government to interject during Mr Davis's motion and say, 'To bring back people from the country for one day—

Mr Davis: Well, two days is what we are proposing.

Ms CROZIER: We are proposing two days, but the Leader of the Government interjected and said they are not bringing people back for one day. If that is the excuse, how utterly pathetic. How outrageous. MPs come back to this place all the time for one day—for committee hearings and for a whole range of things. The government does not want scrutiny. They do not want us in this house—

Ms Symes interjected.

Ms CROZIER: Here we go again—the Leader of the Government failing to understand the importance of what this house does. We need to be back here, and I would urge the crossbench to support this amendment. It is about scrutiny, and it is about our key responsibilities and what we are here to do. To be in this house on budget day, of all days—we should be here.

Dr CUMMING (Western Metropolitan) (10:44): I rise to speak on the government's motion to adjourn this house until 10 May. Attorney and government, I wish for you to actually put on the record the negotiations that you have had thus far with the crossbench around the loss of this day and the possibility of having additional Fridays to actually catch up on the days that we have lost plus make it very clear on the record that this government will actually allow the independents in this place to have their time in the way of question time and to have their allotted slots which have been lost. I do understand the intent, which is that on budget day we receive the budget in cling wrap, as the house of review. It would be great to actually spend that time, that week, so that when we do sit I could actually have a more fulsome contribution on this government's budget. But for me, I want the transparency and the accountability in this place from the government actually giving the reassurance that, due to that day being lost and the other days that have been lost, we will have these Fridays. This is the intention.

Plus, obviously I have brought up in this place the sessional orders for us to be able to sit, as we did, in a hybrid way when other members here on this crossbench, in the government or in the opposition have COVID or have to isolate due to this government's insistence on people actually isolating, when they are still well, because they are close contacts of somebody in their family or in their household or under a roof—when you do not know if they have a separate roof, a separate wing or plenty of space and have not even come into contact with that additional person living in that house—and on picking which people are essential and not but choosing well people to stay home. For me, I want the sessional orders to change so that we can actually work in a hybrid setting. We were doing that last year, but the government dropped that in February and has watched members of Parliament here not attend—and you are all right with that. It is an easy fix and something we were doing before. So for me, I want the assurances from this government, because lip-service I have only received.

Mr ONDARCHIE (Northern Metropolitan) (10:47): I am at a loss to understand the logic of the government moving a motion today to say, 'Let's not come back for over a month', when it is our job in this place, particularly in this house, to ensure that scrutiny, accountability and responsibility apply to this government. Now, I have to say I did not hear the interjection from the Leader of the Government, but after listening to contributions from others, including Ms Crozier, apparently there was a comment made about 'Why would you drag regional members back to the house for one day?'. I do not hear that interjection, but if that was the case, let us not drag them back for one day, let us drag them back for the whole week and we sit.

I have to say, that goes to the logic: if there is some debate about dragging regional members back for one day, I remind the government that during the height of the pandemic they put a ring fence around metropolitan Melbourne and said, 'Regional people can't come back to Melbourne—unless you're an MP that needs to come back to vote for the pandemic bill'. That was the change to the criteria then: 'We need the regional members back in Melbourne to vote in support of our pandemic bill'. So the rules changed back then. Today we have a government saying, 'Let's not sit for over a month', thereby, as we know from this government, avoiding scrutiny, avoiding responsibility and avoiding accountability. I support the amendment.

Dr Cumming: On a point of order, President, on Mr Ondarchie's contribution, is the Leader of the Opposition willing to actually amend his amendment to 'for the rest of the week'?

The PRESIDENT: There is no point of order.

Mr Davis: President, I will just respond to that. I would be very happy to, but the mechanism actually is that it moves to the day, then it would roll on from there. I have indicated the intent.

Mr FINN (Western Metropolitan) (10:49): I certainly support the amendment moved by Mr Davis. If you talk to any Victorian at the moment, one thing is a grave concern—

A member: Any Victorian?

Mr FINN: Well, just about any Victorian—any real Victorian. They are concerned about the transparency of this government. They are concerned about the government, and particularly they are concerned about a Premier that thinks he is better than everybody else. They are concerned. And I get correspondence, I get people contacting me every day, saying, 'Where does this government get off? Where does this Premier get off, pulling the stunts that he does and getting away with it?'. What we need is more accountability. What we need is some transparency. We do not need this house to be sent to the backwoods for over a month during a sitting year. It is just quite nonsensical. I very strongly support the amendment by Mr Davis. I sincerely hope we do sit all week, because we need the Parliament to make this government somewhat accountable at least.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (10:50): I would urge members to support this motion. There is absolutely no intention to avoid any scrutiny. There is plenty of opportunity to go through the budget. Everyone will have an opportunity to talk on the budget. I will sit there for as long as you like. You can ask me questions about the budget. On budget day a lot of us will really like being out talking to the real people that Mr Finn refers to about what the budget means or indeed what you think it does not mean. That is your right as members of Parliament—to go and talk to real people.

In relation to Dr Cumming's request for further consultation, there is no actual loss, because this is not new today. This is consistent with the calendar that has been put out, but I have heard from the crossbench that they are really keen to make sure that they get all of their slots. That is not a problem. Let us sit down and work that out. We can make arrangements, whether it is a Friday or some other mechanism, to ensure that you get what you need to do this year. That is not a problem.

I would urge people to support this. I am sure I will miss seeing some people for a month, but I think there will be a lot for us to talk about out in our communities, and hopefully we can get through today and do our best. I think when we do our best is when we are out there, representing, hearing from our communities, and then we can come back and we can talk about it in depth.

House divided on amendment:

Ayes, 11

Atkinson, Mr	Finn, Mr	Ondarchie, Mr
Bath, Ms	Limbrick, Mr	Quilty, Mr
Cumming, Dr	Lovell, Ms	Rich-Phillips, Mr
Davis, Mr	McArthur, Mrs	

Noes, 21

Barton, Mr	Kieu, Dr	Shing, Ms
Bourman, Mr	Leane, Mr	Symes, Ms
Elasmar, Mr	Meddick, Mr	Tarlamis, Mr
Erdogan, Mr	Melhem, Mr	Taylor, Ms
Gepp, Mr	Patten, Ms	Tierney, Ms
Grimley, Mr	Pulford, Ms	Vaghela, Ms
Hayes, Mr	Ratnam, Dr	Watt, Ms

Amendment negatived.

Motion agreed to.

Members statements

RELIGIOUS FESTIVALS

Mr ONDARCHIE (Northern Metropolitan) (10:59): Can I take this opportunity now to wish everybody here a blessed and holy Easter time and a safe time as they travel on our roads during Easter. It is a good time to reflect on multicultural Victoria this morning. There has been a lot of activity happening in our multicultural community.

Can I start by thanking those many MPs who attended the Ramadan iftar dinner on Monday night, hosted by Ahmet Keskin and the Australian Intercultural Society. I thought it was a great night for interculturalism, if I can put it that way. So I pass on my thanks to all those members that attended.

It is also the time of the Holi festival amongst our subcontinent friends. That is the one where you get colour thrown all over you—a very colourful day, and I thank the many organisations who have run Holi festivals over the last week, including the Whittlesea Colour Carnival, which was run just last week in my own electorate.

It is also an important time, as I indicated, for Ramadan. Salaam alaikum to those who are observing the holy month of Ramadan. There will be many iftars in people's homes, and I encourage members to go to those. I thank our Islamic community for their generosity at this very important time of sacrifice for them.

This last weekend was an opportunity to also celebrate the Sri Lankan Sinhalese and Tamil New Year at a great event held in Berwick with the member for Gembrook—a wonderful event—and I thank the organising committee for that great event.

COURT DOG PROGRAM

Mr GRIMLEY (Western Victoria) (11:00): I rise today to speak again about the court support dog program run by the Office of Public Prosecutions (OPP) in Victoria. This program, which began in 2017, provides vulnerable witnesses giving evidence in court with extra support by having a fur-iend by their side. Two beautiful labradors, Lucy and Kiki, have comforted hundreds of witnesses, about half of which are children. Lucy and Kiki do an amazing job in keeping many people calm and relaxed in an environment that can be a bit ruff sometimes.

Members interjecting.

Mr GRIMLEY: There is more. Labradors have a particularly keen sense of smell, and that helps when it comes to sniffing out when people are feeling a bit stressed and anxious. It is just pawsome that Lucy and Kiki are able to suppawt such people get through the difficult court process. Kudos also to their handler, Julie Morrison, who envisioned implementing the court support dog program in the OPP in Victoria. Before Julie, no such program existed anywhere in Australia. Now, besides Victoria, there are programs in WA, the ACT and South Australia. Julie has em-bark-ed on a collaboration between jurisdictions in Australia to link up with similar programs in the UK and Canada. I have got so many more, but time is running out. Lucy and Kiki have a great tail to tell. You are both very good girls and deserve all the treats coming your way.

WORLD AUTISM AWARENESS DAY

Ms SHING (Eastern Victoria) (11:02): My contribution today is about World Autism Awareness Day, which took place on Saturday, 2 April. I want to use the time that I have available today to talk about autism and talk about the extensive myths and misconceptions that exist around this developmental condition. Autism is something which is incredibly prevalent, and yet far too little attention and visibility is given to this really specific set of challenges but abilities that autistic people live with and share in the communities and the lives and professions of which they are a part. I want to give a huge shout-out to autism support groups and to autistic people who live with and often mask and often endure—at great personal cost to their energy levels and their capacity to fit in—the challenges of a world which is fundamentally different to the way in which developmental and brain activity works, the way in which socialisation happens and the way in which there is respect for difference. So I would urge support for all autism support organisations and for the narrative of visibility following World Autism Awareness Day. I would also encourage funding and resourcing for this really important part of developmental conditions and presentations, which deserves more attention and deserves to be recognised as part of a rich and diverse contribution that all people can make to everyday life.

ELECTRIC VEHICLES

Mr HAYES (Southern Metropolitan) (11:03): I rise to speak on concerning reports about the massive shortage of electric cars available to meet local demand. Manufacturers are not prioritising Australia, and we are also paying the cost of geographic isolation, which begs the question: why isn't there scope for the government to become involved, wholly or at least partly, in electric vehicle manufacturing? There is a demand that the market is not meeting. Once up and going to meet this unmet demand, the government could either wholly or partly stake the private sector and their share could be sold off later. Well-known French manufacturer Renault still remains partly government owned after partial privatisation began in 1996. The other alternative is for the government to subsidise a manufacturer here, as was the case in 1948 when our car industry really got underway. We have the materials and we have an educated workforce here. We are in a climate and energy crisis. We have international obligations to reduce emissions. We must reduce our dependence on imported oil. The time to think big and the time to act is now. The demand is there, and the private market is failing to meet that demand.

SRECHKO 'STRETCH' KONTELJ

Mrs McARTHUR (Western Victoria) (11:05): I rise to congratulate Dr Srechko 'Stretch' Kontelj OAM on his appointment as honorary consul for the Republic of Slovenia in Victoria. I was honoured to speak at the ceremony at which Slovenian ambassador, His Excellency Mr Jurij Rifelj, visited Geelong to confirm the appointment and formally open the consul office. The role is a great honour and responsibility, and Stretch will perform it with aplomb.

Slovenia is a nation of more than 2 million people, with its own distinct language, culture and heritage. It has been a full member of both the EU and NATO since 2004. As a former mayor of Geelong and a businessman of international experience, Stretch is well equipped to foster stronger economic relations between Australian and Slovenian businesses, particularly as the world comes out of COVID lockdowns. I know Stretch is doubly proud, first to have been accorded this honour by the Republic of Slovenia, the country of his parents' birth, and secondly because of his pride in the city of Geelong. This appointment brings future opportunities in bilateral trade but also reflects past success and the city's growing reputation. The new consul's office brings recognition to Geelong and underlines its recovery in recent years. I congratulate Stretch on his richly deserved appointment to this important role.

MILDURA BASE PUBLIC HOSPITAL

Mr GEPP (Northern Victoria) (11:06): The coalition have been running a dishonest campaign in my electorate in Mildura regarding the so-called failure to report the hospital's elective waiting list. Last week Ms Lovell called for the data to be released, but there is just one small problem—as a subregional hospital the Mildura base is not required to report such data. And what is worse is that her leader, Mr Davis, on a visit to the hospital shortly before she called for this data was told exactly that by the hospital. Yet Mr Davis and Ms Lovell continue to cook up this scam.

They have form, this pair. Mr Davis of course was the health minister who shockingly extended the private contract of the Mildura base hospital despite the overwhelming protestations of the local community. Ms Lovell of course, despite being in this place for 20 years, has never stood up and supported the Mildura hospital's return to public hands—on not one occasion. She has been the cheerleader for a privatised Mildura base hospital, and as we exposed yesterday with the housing development for women in Bentleigh, we expose her again today for her fraudulent activity in the community pretending to support the locals on the Mildura base hospital. Contrast that with the Andrews Labor government last year in October: after returning the hospital to public hands I announced $5.37 million to be invested in the hospital for theatre upgrades. We are about positive outcomes for the Mildura community, unlike Mr Davis and Ms Lovell.

FEDERAL ELECTION

Mr LIMBRICK (South Eastern Metropolitan) (11:08): As many of you will know, I will soon resign as a member for South Eastern Metro Region so I can stand as the Liberal Democrats' lead Senate candidate for Victoria in the federal election. Small parties like ours have the cards stacked against us. We do not have huge funding like the bigger parties, and we do not often get media attention. We have sometimes faced legal warfare from the legacy parties. But if everything goes right, this could be my last speech here in this chamber. For some of those who do not like me, this could be the best news you will hear all week. If I am elected, you will not have to hear me quoting long-dead libertarians and there will be no more Twitter pile-ons or tricky questions in committee from me. For those of you who do like me—that is you, Tim—this could be good news also if we get to provide a federal voice for liberty. But whether you like me or not, there is one clear course of action. I put it to you that it is in everyone's interest to vote for the Liberal Democrats in the federal election.

The ACTING PRESIDENT (Mr Melhem): We wish you all the best, Mr Limbrick.

DAVID 'DAISY' SIDDLE

Ms BATH (Eastern Victoria) (11:09): Glengarry resident David Siddle turns 77 on this day. David, or 'Daisy' to his friends and work colleagues, loves his job. In a career that spans 60 years, Daisy has risen at 1 o'clock every morning every working day to transport timber into Australian Paper at Maryvale in Morwell. Every morning he starts his T909 B-double and begins work carting four to five loads of logs—a vital link in the supply chain that supports thousands of jobs upstream in the plantation and native timber industries and downstream in paper manufacturing and logistics. Incredibly proud of his 60 years in the industry, his workmates at ANC are holding a special celebration barbecue for his friends and family this Friday.

Having seen many changes in technology and machinery, Daisy's lifelong career and exemplary safety record show just how much timber means to people and how it has supported families for generations. In commenting on his significant milestone, Daisy acknowledged, 'I wish I was 35 again so I could do it all over. I would be carting timber everywhere'. I hope the house joins with me to congratulate him on this exemplary service to the industry and surprise him with our acknowledgement. Well done, Daisy Siddle.

NOBLE PARK BIG DAY OUT

Mr TARLAMIS (South Eastern Metropolitan) (11:11): There was nothing but smiles all round as the community gathered in huge numbers at the Noble Park skate park and Ross Reserve precinct a few weekends ago for the inaugural Noble Park Big Day Out. Noble Park has a long and proud history, boasting one of the most culturally diverse populations in Australia, and this event was about bringing together residents of all ages and backgrounds for a fun and engaging celebration of this diversity. It was one of the 23 individual projects developed and funded by the Noble Park suburban revitalisation board in collaboration with other organisations, and this project included additional funding from the City of Greater Dandenong. The Noble Park suburban revitalisation board's youth committee were the advocates for and driving force behind this project and, together with Greater Dandenong Youth Services, were responsible for also organising the successful event that so many came along to enjoy. I have been really inspired by the work of the youth committee, and I am looking forward to working further with these future leaders.

There were activities for the whole family, including live cultural performances, free workshops and art activities, skateboarding, football and soccer clinics, rock climbing, reptile petting, stalls and so much more. I am so happy that the Noble Park Big Day Out was embraced by the community and was a huge success. Even the weather was perfect on the day. I am so excited that the Noble Park Big Day Out will feature in Noble Park's annual calendar of events, bringing the precinct to life, celebrating our diversity and supporting our local traders. I would like to congratulate the City of Greater Dandenong, the Noble Park suburban revitalisation board and youth committee members and

the Greater Dandenong Youth Services team for all their hard work making this event possible and the huge success that it was.

NEWROZ

Dr RATNAM (Northern Metropolitan) (11:12): It was a pleasure on 23 March to co-host with my colleague Mr Enver Erdogan the first Newroz celebration with members of Victoria's Kurdish community at the Victorian Parliament. Newroz is an important day, marking the beginning of spring, but also the national day for the Kurdish people, recognising their continued struggle against oppression. The Kurdish people are a strong and resilient people who have throughout history faced discrimination and displacement. Despite this, they remain resolute and determined in their continued struggle for human rights and recognition of their cultural identity. The Kurdish community in Victoria are active and very generous, supporting many new members of the Kurdish community who have recently arrived seeking asylum and refuge in Australia. Many within their community have had to endure the horrors of Australia's punitive immigration policies, spending years and years in arbitrary detention.

I want to especially acknowledge the work of the Kurdish Democratic Community Centre of Victoria, who are based in Pascoe Vale in my electorate and who continue to work tirelessly to support the broader Kurdish community, and to thank them for a great Newroz event at Coburg Lake Reserve as well. My best wishes to all those celebrating Newroz, and we hope to make the Newroz receptions at Parliament a new tradition for years to come.

STATE EMERGENCY SERVICE NARRE WARREN UNIT

Mr RICH-PHILLIPS (South Eastern Metropolitan) (11:13): I draw the house's attention to the work of the Narre Warren State Emergency Service, which does a fantastic job in providing support and recovery services throughout the City of Casey. The volunteers of the Narre Warren SES work from a tiny depot in Vesper Drive, Narre Warren, where the main facility is an old relocated weatherboard house. This is unacceptable for such an important volunteer community service. The Andrews Labor government continually treats volunteers in this state with contempt, as we have seen with CFA volunteers. Narre Warren SES provides a vital community service and is deserving of support. With the state budget due next month, I call on the government to provide funding to allow for the construction of a new, fit-for-purpose Narre Warren SES base.

EASTER

Ms VAGHELA (Western Metropolitan) (11:14): Good Friday and Easter are soon approaching. The world's Christian community commemorates the crucifixion of Jesus Christ on Good Friday. Easter is another important religious day for the Christian community. It celebrates the resurrection of Jesus Christ from death on Easter Sunday. The Easter weekend is a great opportunity to spend some time with our families and friends. I give my best wishes to the Victorian Christian community. I hope this Easter is bright and it brings you prosperity and happiness. I take this opportunity to wish everyone a very happy and safe upcoming Easter weekend. This year the celebrations will be different as we can finally see our friends and families in person and spend some quality time together.

I would also like to take this opportunity to wish a happy and safe school holiday period to young Victorians and particularly the residents of Western Metropolitan Region who are finishing their first school term of this academic year. I hope that they stay safe and enjoy the well-deserved time off.

I would also like to highlight that on Good Friday each year Victorians come together to support the Good Friday Appeal that raises funds for the Royal Children's Hospital in Melbourne. The fundraising event supports thousands of kids every year. This is a great opportunity to give back to the community and spread the cheer. I would encourage all Victorians to donate to this great cause if they are able to.

GOVERNMENT ADVERTISING

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (11:16): I want to draw the chamber's attention again today to the extraordinary report by the Auditor-General from yesterday citing the waste of public money and the money squandered in unnecessary government advertising—partisan government advertising—advertising that breached the law and advertising where the Department of Premier and Cabinet did not properly brief departments. But it is clear that the Premier is driving a lot of this. The Premier is determined that he will not apologise for the misuse of public money. He will not repay the money that is due to be paid back to the people of Victoria. That taxpayers money should not have been spent on partisan advertising.

This is a government that has a shocking record of misusing taxpayers money for its own campaigning purposes. We saw what happened with the red shirts, with the theft of public money and with them forced to pay it back. Here again we see an extraordinary arrangement where the government has breached the law. The Premier is thumbing his nose at the Auditor-General. This is an Auditor-General who is an independent officer of the Parliament and has made the decision that this matter breached the law.

It is clear that millions of dollars could have been spent on a whole range of other projects, whether it be helping small businesses recover or cutting the hospital waiting list. There are massive numbers of spin doctors employed across government, and there is the misuse of government advertising money. The government, the Premier, refuses to pay it back or even apologise for this effective theft of public money for Labor Party purposes. It is shameful, it is wrong, and the Premier ought to be held to account for this. I say the community is sick of these matters and sick of the waste.

SHRINE OF REMEMBRANCE

Ms TAYLOR (Southern Metropolitan) (11:18): I would like to speak to the theme of love in the time of war. We can see with the horrific occurrences in Ukraine the shocking separation of families and the torment that it causes, but thankfully actually social media is allowing us a bit of a window into that—stay with me on this. Recently I was very kindly invited to the Shrine of Remembrance by a very passionate Minister for Veterans, Shaun Leane, and I also had colleagues Matt Fregon MP and Will Fowles MP accompanying me. The chair of the board of trustees, Stephen Bowater OAM, RAN, kindly gave us a tour. We saw an exhibit which had the theme 'Love in the time of war', and it took me back to my late great-grandfather, who during his wartime experience actually had to leave his fiancée behind to go away to war. Thankfully he did come back, but these experiences stay with us, don't they? They change us forever. The hope is, though, that with our beautiful shrine it will inspire—and I believe it does—current and future generations to work hard for peace but also respect the sacrifices of the past and hence honour the sanctity of the shrine as it, at the same time, evolves through music, wonderful exhibits and even coffee and other mechanisms to reach an even broader audience of Victorians. It was a wonderful visit, and I commend the evolution of our beautiful shrine.

WRITTEN RESPONSES

Dr CUMMING (Western Metropolitan) (11:19): Constituency questions and adjournments allow us to raise matters with a minister, whether they be a complaint, a request or just to have a matter clarified. These matters are usually raised by our constituents, and yesterday, much to my surprise, I received a response from the Premier to one of my adjournments, an adjournment that I raised on 2 February 2021. Standing orders state that a question must be answered within 14 days and an adjournment within 30 days. I should not really be surprised that it took this long for the Premier to give me a response. After all, the West Gate Tunnel cannot be delivered on time, $1.3 billion extra; 4000 ICU beds were not delivered; and they cannot get 000 calls fixed. But as of last night there were 129 constituency questions and 127 adjournment matters by members of this house unanswered, some dating back more than 12 months. It is very disappointing to see the total contempt that ministers have for the concerns of Victorians when they do not even answer the questions in this Parliament—but

this does not surprise me when they are following the example of the Premier, who takes 14 months to respond to my adjournment for my constituents.

WOMEN IN SPORT

Mr ATKINSON (Eastern Metropolitan) (11:21): I just wish to congratulate the Australian women's cricket team on a remarkable effort in winning the seventh World Cup, and in particular Alyssa Healy for her sensational 170 runs in a 50-over match. It is quite extraordinary. I would also extend congratulations to the Melbourne Victory women's team for their win in the national competition. To have these women sportspeople out there as examples for young women to get involved in sport, to be active and to develop their careers in sport is a wonderful thing.

PASSOVER

Mr ATKINSON: Can I also comment that April is obviously a very important month for all of our ethnic communities and our faith communities. I would add to the list that my friend Mr Ondarchie mentioned in terms of celebrations at this time of the year the Jewish Passover, which also falls in the month of April.

ANZAC DAY

Mr ATKINSON: I would join with Ms Taylor in recognising that Anzac Day will fall in the period when the Parliament is not meeting. At this time we all recognise the sacrifice of our soldiers over so many conflict areas, and particularly from my point of view the fact that Australia, proudly, has never gone in an invading situation into a country but has really gone to try and establish a peace and to protect democratic principles and people who are oppressed.

Business of the house

NOTICES OF MOTION

Ms TAYLOR (Southern Metropolitan) (11:23): I move:

That the consideration of notices of motion, government business, 683 to 746, be postponed until later this day.

Motion agreed to.

Bills

JUSTICE LEGISLATION AMENDMENT (FINES REFORM AND OTHER MATTERS) BILL 2022

Second reading

Debate resumed on motion of Ms SYMES:

That the bill be now read a second time.

Mr MELHEM (Western Metropolitan) (11:23): I rise to speak on the Justice Legislation Amendment (Fines Reform and Other Matters) Bill 2022. This bill makes some changes to the current legislation to give effect to the review which took place a while back and to make sure that we make the infringement or the fines system in Victoria a fairer system. The Fines Reform Advisory Board was established in mid-2019 by the then Attorney-General, the Honourable Jill Hennessy, comprising Julie Fahey and the Honourable David Harper AM. The board was asked by the government to provide independent advice about how we could improve the system, and as a result of their work the board made 24 recommendations, with the government supporting seven recommendations in full and six recommendations in principle and deciding to further consider the remaining 11 recommendations. So this bill gives effect to some of the recommendations produced by the board.

If I may talk about the important role the justice system plays in our society—you ask yourself, 'Would we like to live in a world where there are no fines and there is no punishment?'. I think we would all

like that, but unfortunately the downside of it would be: how you would deal with it when people broke the law and did not comply with various rules and regulations—how would you reinforce them? There is always that debate about fines being designed to be revenue raisers. It does not matter the colour of government; I hear it a fair bit when talking to people—'They're just revenue raisers'. I actually sort of disagree with that. I do not think that they are. We should never look at them as revenue raisers, and they should not be revenue raisers. I say to people—I have debates with some people, even close friends and family members—'If you don't speed, you don't get fined'. Some of the comments I hear from people about some of the innovations with traffic camera operators—and now they have cameras at the front and the back of the car so they can catch you both ways—are interesting, and again I go back to the point that when you have a speed limit of 80 kilometres per hour, 60 kilometres per hour or 40 kilometres per hour, I think it is important that we obey these speed limits. I get it—from time to time a lot of people may breach, let us say, traffic rules, not intentionally in most cases, and may be unlucky and get fined. They accept the fine and pay the fine. The overwhelming majority of people respect our laws and obey our laws and pay the fines.

The purpose of having fines is basically to punish harmful behaviour, to protect the community's safety and also to provide an incentive for the community to comply with laws and regulations. As I said earlier, our fines system is designed on the basis that any fine should not be more severe than is necessary and the punishment should be proportionate to the seriousness of the conduct. There is always ongoing debate about what a proportionate fine is and what conduct justifies a particular fine—whether it is too high or too low et cetera.

Also the bill looks at how we can assist vulnerable people who for one reason or another might have some problem in being able to pay a fine, so some of these reforms go a long way to making sure we have got a fair system. Some of the changes in this bill are based on the recommendations to improve the transparency of the fines system, create clarity on roles and responsibilities and, most importantly, create a more efficient and robust fines system.

Recommendation 1 states:

> … section 1 of the Fines Reform Act should be amended to provide a clear statement of the purposes of Fines Reform.

This will create a stronger common understanding of the objectives of fines reform among stakeholders. The proposed changes will amend the Fines Reform Act 2014 to identify the four key objectives of fines reform: centralised collection and enforcement, stronger enforcement mechanisms, better support for the vulnerable and disadvantaged, and enhanced review and oversight processes.

Recommendation 5 states the Infringements Act 2006:

> … should be amended to require the publication of the Attorney-General's Annual Reports on the Infringements System.

Transparency will be improved by creating a legislative obligation for the Attorney-General to publish an annual report on the infringements system. While these reports are currently prepared, there is no legislative requirement for the government to actually publish them. This bill will basically make it now mandatory that these reports are published to make sure people can actually look at the system and review what has been happening and that it is all out there for transparency's sake.

Recommendation 12 goes to providing a more accessible time-served scheme. A time-served scheme allows prisoners' fines, for example, to be expiated by their serving time in prison cumulatively with their other offences. The rationale for this scheme is to support prisoners' rehabilitation and reintegration into the community. In effect, they are released with a clean slate. This recognises that some prisoners face significant disadvantage. I think this is very important. The purpose of prison is to encourage rehabilitation and reform and to encourage and work with prisoners to make sure when they have served their time and when they re-enter the community they can start a new life. Hopefully they will never go back into the system and go back to prison. So this goes a long way to helping that.

The bill will also give effect to recommendation 18, which will provide additional time to obtain evidence for an enforcement review application on the grounds of special or exceptional circumstances. We know sometimes people have some special and exceptional circumstances when they are fined, such that that their fines should be withdrawn or cancelled. I have had many people approach me in relation to similar cases, and my office has assisted these people in their special circumstances to deal with these issues. The bill will go a long way to assisting and taking into account the special circumstances of people in that category. A person can apply for a review with Fines Victoria if they meet certain criteria. Eligibility to apply for special circumstance exemptions include: first of all, people who have a mental or intellectual disability, disorder, disease or illness, including anxiety and depression; and people who have a serious addiction to drugs, alcohol or volatile substances. This includes marijuana or alcohol as well as drugs such as heroin, ice, speed or ecstasy. Also eligible is a person who is a victim of family violence and a person who is homeless.

The changes introduced by the government in 2021 made it easier to provide special circumstances. We are making the review mechanism for infringement fines more flexible by allowing applicants on the grounds of special or exceptional circumstances to request extra time to provide supporting evidence. In the original application, for example, many people may have lacked the supporting evidence to prove they were eligible. The proposed changes will allow the director to give the person extra time to provide this information beyond existing statutory limits where the director considers this is justified. This will go a long way to ensuring that vulnerable and disadvantaged people in our society, if they are fine recipients, have more time to gather evidence to support their application for review on their special or exceptional circumstances. The reason we are looking at providing assistance to people in this category is that other people are well-off and educated and have good jobs; they have the resources and the means to be able to put together a case if they want to review a particular fine which is issued to them. But unfortunately some people in our society—disadvantaged people—will not have the resources and the time to do that. This bill recognises that and makes sure we give these people a fair go so they are able to have their fines reviewed.

Recommendation 20 gives powers for toll operators to withdraw tolling infringements, and tolling companies can request that Victoria Police serve an infringement notice on a driver or serve a notice on a person nominated by a driver following non-payment of tolling charges. Tolling companies have launched programs to improve the way they support vulnerable Victorians and those experiencing financial hardship, and we know many, many Victorians unfortunately may experience difficulty from time to time. If they are going through a toll and the tag does not work or they did not have one—whatever the reason—they can be treated unfairly in some cases. A $2 fine or basically missing out on paying a toll could amount to hundreds and hundreds, and that could cause a lot of problems for a lot of people, especially people who may suffer some hardship such as financial hardship. So this will go a long way to addressing that and give assistance to people, and that is a very welcome change. I am sure that will benefit a lot of Victorians.

So in the last 2 minutes I have, I will go back to what I said earlier. This bill is designed to pick up some of the good recommendation work done by the board, and I want to congratulate former Attorney-General Hennessy and the Attorney-General in this place, Ms Symes, for the great work in listening to the concerns raised by Victorians in relation to making sure that we have a fair and balanced fines system—a balanced system making sure that people are complying with our rules and laws but at the same time not putting an unfair burden on individuals in our society, where we drive them to the wall and they are not able to comply, for example, with particular fines. So I think it is a fair and balanced bill. I am sure there will be more work to be done in that space, and the Attorney-General is working through those, as I said earlier in my contribution. So with these comments, I commend the bill to the house.

Dr RATNAM (Northern Metropolitan) (11:37): As my voice is still recovering, I will be brief in this contribution, but please do not misinterpret my brevity as an indication of the relative importance of fines reform. I am pleased to speak on this Justice Legislation Amendment (Fines Reform and Other

Matters) Bill 2022. While fines and infringements are at the lower end of the seriousness scale in criminal law, having a fair, equitable and efficient fines system is appreciated by nearly all Victorians and is critical for disadvantaged Victorians. It is also clear that, despite rare political consensus on this issue, a fair, equitable and efficient system is yet to truly be achieved.

The coalition government started the recent reform process with the Fines Reform Act in 2014, which created Fines Victoria. But without apportioning blame to any side of politics, it is fair to say in the eight years since the act passed the implementation of these reforms is still a work in progress, so we need to keep working to improve the system and in particular implement the recommendations of the Fines Reform Advisory Board's report of 2020 to the Attorney-General.

This bill does some good things, implementing some of these recommendations, so the Greens broadly support it. However, I know that stakeholders have contacted members across this place to raise concerns about some aspects of this bill. I would particularly like to thank representatives of community legal services for freely sharing their expertise and experiences with all members, because there really is no group of people who understand how fines affect the community more than these lawyers. I know Mr Barton has some amendments based on their feedback, and as my colleague in the other place Dr Tim Read indicated a couple of weeks ago, these are important amendments that the Greens will support.

The Greens, too, have amendments, which I would now like circulated.

Greens amendments circulated by Dr RATNAM pursuant to standing orders.

Dr RATNAM: These amendments implement recommendation 15 of the Fines Reform Advisory Board's recommendation to create a low penalty rate, a concessional rate, to be applied to fines and infringements of the most financially disadvantaged Victorians. We believe that advisory board recommendation 15, delivering a concessional penalty rate, must be implemented without any further delay. Because in the prevailing economic environment, with cost-of-living pressures rising faster than they have for decades, the relative inequity of the current flat-rate sanctions on those already living in poverty and at risk of poverty on very low incomes becomes even greater. So now really is the most appropriate time to support a concessional fine rate.

In New South Wales Labor and the Greens recognised that with the cost-of-living pressures flat-rate penalties are unfair and inequitable and work counterproductively to the greater good of the community. They immediately did something about it, introducing amendments for a concessional penalty rate in the Fines Amendment Bill 2019 in the upper house, which the coalition government also agreed to support in the lower house, because a fair and equitable fines scheme is not a partisan issue and the need for cost-of-living relief is accepted universally. So the Greens are calling for all members to support this bill with our amendments today.

Mr BARTON (Eastern Metropolitan) (11:41): I rise to speak on the Justice Legislation Amendment (Fines Reform and Other Matters) Bill 2022. The bill seeks to implement a number of fines reforms from the Fines Reform Advisory Board recommendations to make the fines system fairer and more effective. While the bill is largely positive, we have concerns that the current draft does not address the toll fines withdrawal process adequately and risks it continuing to overburden people experiencing financial hardship with fines they simply cannot afford to pay, and that is why we will be moving amendments a little later.

When Melbourne toll roads were first established, criminalisation of the breach of contract between the toll road operator, the TRO, and the driver was built into the system as a cost-recovery mechanism. This means that once a fine is issued the matter is passed entirely to Victoria Police to pursue and the TRO retains no power to collect that debt. This has led to a significant administrative burden on the police, the courts and Fines Victoria. More often than not consumers do not realise they have significant fines issued until much further into the process, usually when the sheriff contacts them and well after the window for pursuing hardship considerations with the TRO. This is leaving some of the

most disadvantaged drivers with disproportionate penalties. As an example, if you drove on a toll road every week for a year, you would be liable for fines in excess of $20 000.

In an attempt to address these issues TROs have recently developed nuanced hardship schemes for drivers who cannot pay and are experiencing other disadvantages to stop punishing people who can least afford it. While these measures are a valuable mechanism for consumers and go beyond the Victorian government's fines system's special circumstances measures, they have been hard to implement in the limited window in which the TROs can interact with drivers. I believe it is only appropriate to extend the period in which TROs have oversight of the debt fine and can implement their hardship schemes or have a fine removed. TROs are best placed to make decisions about toll fines withdrawal at every stage of the process, because the debts originated with them and because they have robust hardship schemes based on information that they cannot share with police because of privacy laws. Allowing TROs oversight in the entire process will also free up the time of the already overburdened police, the courts and Fines Victoria and have a positive impact on fines and recipients.

We will be moving some amendments. Can we circulate the amendments now?

Transport Matters Party amendments circulated by Mr BARTON pursuant to standing orders.

Mr BARTON: To achieve this I am putting forward the following amendments. The first is to amend the bill so that police are required to withdraw tolling infringements where a TRO requests it in line with their hardship schemes. This recognises it is not appropriate for discretion to be left with police, because they will not be equipped with the right information to make this decision. The second is to amend the stage when the withdrawal request can be effected to include the time after an infringement has been registered with Fines Victoria for enforcement, and the third is to amend the bill to make it possible for withdrawal or deregistration of all toll fines to occur after the seven-day notice has expired and warrants have been executed. These changes will go a long way to making the fines system fairer and more effective.

Most drivers who receive fines come from outer suburban areas, where alternative transport options are extremely poor. Many drivers have been stuck in the justice system for years because they have no means to pay the fines, and they will invariably end up in the Magistrates Court facing possible imprisonment. Simple early intervention under the TRO hardship scheme will stop these issues before they even get this far, which is good for the system and good for the people. I also want to make it clear that Transurban fully supports these amendments.

Ms TAYLOR (Southern Metropolitan) (11:45): I think it makes sense for me at this point to address some of the amendments that are being put forward—respectfully, obviously. We absolutely understand the intent behind them, but there are some nuanced and critical elements that have to be addressed; this is why we are not able to support them today. Noting that this bill introduces a process for toll operators to apply to withdraw tolling fines where it is appropriate to do so, it is an offence to drive an unregistered vehicle on a toll road, but I think that goes without saying because vehicles need to be registered for a whole raft of legitimate reasons. If a toll operator believes an offence has been committed, it can request that Victoria Police serve an infringement notice and commence court proceedings in respect of the offence as they see fit. So where tolls are unpaid the tolling legislation enables toll operators to notify Victoria Police of a request to issue an infringement notice.

Under the concession deeds which govern the responsibilities of the toll operators the state must treat toll avoidance fines no differently to other fines, with Victoria Police acting as the enforcement agency. Several measures have been taken by tolling operators to reduce the incidence of tolling fines and their impact on vulnerable people—and I know there has already been discussion here today regarding measures to mitigate impacts on vulnerable people, but I need to go further. However, in the absence of a specific statutory power permitting the withdrawal of tolling fines, additional information is required to ensure that discretion to withdraw a tolling fine is exercised properly and transparently by Victoria Police. I hope this goes to some of the issues that may have been raised by Mr Barton. As the

issuing agency it is ultimately accountable for decisions to withdraw tolling fines. To remove doubt and support Victoria Police the government is introducing the process to withdraw tolling fines where appropriate.

So fundamentally—and I think this gets to the crux of the issue as to why we are unable to support the fines amendments proposed by Mr Barton—Victoria Police should always have discretion in performing its duties as the enforcement agency. While Victoria Police would generally withdraw the infringement based on a request by the tolling agency, Victoria Police should retain the option to apply discretion in the interests of the community, because there is that community safety aspect as well, which is fundamental. I think it also goes back to something that Mr Melhem was saying earlier with regard to the fact that we know the dangers with speeding and other issues as well—but in this case we are looking at tolls specifically—but fundamentally there are measures in place, with good reason, and it is reasonable to expect people to adhere to the law.

Victoria Police support the policy intent of removing tolling infringement fines from the enforcement system where the fine recipient cannot pay the fines. Victoria Police is concerned to ensure that any decision not to enforce a tolling offence is well founded. The Department of Justice and Community Safety committed to work with toll operators and Victoria Police to ensure the intent of the toll recall mechanism to support vulnerable and disadvantaged fine recipients is achieved. It is Victorian government policy not to limit the prosecutorial discretion of Victoria Police or any other enforcement agency under our fines system. While we do agree, as I said at the outset, with the intent of what is being proposed to ensure as many fines as possible are withdrawn where the tolling operator applies, it is very important that Victoria Police retain the oversight and accountability to determine if there is a community safety risk, and I think that is fair and reasonable under the circumstances. I anticipate that this will be well supported by the hardship policies of respectful tolling operators who work with those facing hardship to discount and cancel tolling fines.

The amendments are proposed also on the misconception that Victoria Police would make decisions on hardship grounds. That is not accurate. Victoria Police will rely on toll operators for hardship information, but they obviously have access to additional information on matters relating to community safety, well within the ambit of Victoria Police, which I think makes sense as well. I guess something perhaps for others in the chamber to consider is whether they do want to take away, by supporting the fines amendment, the discretionary capacity of Victoria Police. So I think that is something that those in the chamber might want to assess before proceeding—and I say this respectfully—to support Mr Barton's amendments. So that is those amendments.

With regard to the Greens amendment on the concessional fines scheme, as noted by the Fines Reform Advisory Board, there are complex operational barriers to implementing a concession fine scheme. The implementation of any concession scheme would have significant resourcing impacts for the state and actually local government as well, which need to be carefully considered and consulted on. So the flow-on effect could be a lot more dramatic and a lot more significant than perhaps the Greens have anticipated. The proposed scheme purports to allow the director of Fines Victoria to apply a concession discount to fines issued by non-government agencies, such as municipal councils, even where those fines have not been registered with Fines Victoria for enforcement. This process is inconsistent with the independent role of these fine-issuing agencies and would impact on the revenue received by local government from these fines, which are payable to the council and not to the state. So that is a really significant nuance and I think one that should be carefully considered by the chamber.

Since the commencement of fines reform, Fines Victoria has collected $63.5 million on behalf of local councils. So again I think what might seem conceptually like a good idea could actually have pretty dramatic ramifications for local government, and hence this goes a good way to explaining why we are not supporting these particular amendments. In turn I am concerned about, and I think generally our government, I should say, are concerned about, what impact this would have on the registration of fines with Fines Victoria. Councils may stop registering their matters with Fines Victoria and instead take their matters directly to court. I think we can conceptualise what that would mean in terms of

overall ramifications, because court processes in themselves are generally quite onerous. This may in turn reduce the potential flexible options for vulnerable Victorians, and fewer people may have access to—so here is the further limb to the issue and the challenge with the Greens amendments—the family violence scheme, the work and development permit scheme and payment arrangements. We are on record as supporting fairer payment arrangements for fines, so let that be clear, and that is why we introduced the concession scheme for COVID-19 fines, which is about to commence. This is a valuable reform to learn whether and how we could expand more flexible arrangements for vulnerable Victorians.

So just to reflect on and to go to some of the issues that have been discussed here, with regard to when you are looking at the various amendments that have been put forward, you can see why we are unable to support the Greens' amendments, because of the significant ramifications, if I can round that off—I went on a little tangent there but I am coming back—and the pretty significant and dramatic impact for local government but also potentially reducing flexible options for vulnerable Victorians, which would seem to be counterproductive. I think fundamentally the intent on their part is actually to assist vulnerable Victorians, but actually it could have quite a dramatic and, can I say, counterproductive effect which would be contrary to what they are intending to achieve. Hence we cannot support their particular amendments, but we respect them being put forward to be assessed and debated by the chamber.

Coming back to the fundamental principle of why we actually need this bill in the first place—I wanted to acquit the actual amendments because out of respect it is important that everyone is clear about the government's position and why we do or do not support particular amendments—we know that infringements do, however unpalatable they may be, and I totally understand that, serve an important role in our justice system. You might think I am stating the obvious there, but they do punish harmful behaviour to protect community safety. I think that particular element should not be wiped away when we are having this discussion, because sometimes it is easy to focus purely on the fine but forget the actual intent and rationale behind the fine itself and not only the penalty at the end. They also provide an incentive for the community to comply with laws and regulations, and we know, as with any laws, that there has to be a general acceptance and respect. They have to be applied in a way that is deemed to be equitable, and we would proffer that that certainly is the manner in which they are being applied.

Our fines system is designed on the basis that any fine should not be more severe than is necessary and that the punishment should be proportionate to the seriousness of the conduct. Fines are also important in that they punish fine recipients but without having that person enter the criminal justice system. Again I am stating the obvious, but we can see how on the scale of measures that are undertaken to ultimately support community safety there is a good purpose behind them, albeit, as I say, unpalatable should one receive a fine.

Since the introduction and commencement of the Fines Reform Act 2014 we have continuously worked to improve the fairness and efficiency of our fines system, and I hope that that particular element is not lost in the debate today, because that has certainly been a concerted effort by our government. Community lawyers have highlighted areas for improvement, as have enforcement agencies, I note. This bill implements our government's commitment to the recommendations of the Fines Reform Advisory Board. These changes will help build on existing work, which has already seen a number of recommendations implemented, and we also know that our fines system is complex and requires constant updating to ensure it is easily accessible and also functions efficiently.

Just to round off the discussion, noting that we are almost at question time: how does the bill help to create a fairer and more equitable fines system? I hope that that element is paramount and understood in the chamber, because that is fundamentally why we are implementing the legislation. The time-served scheme allows prisoners to have fines expiated by serving time in prison concurrently or cumulatively with other offences. The rationale for the scheme is to support prisoners' rehabilitation and reintegration into the community. In effect they are released with a clean slate. This recognises that many prisoners face significant disadvantage. In 2014 the Sentencing Advisory Council noted that

prisoners who had debt were more likely to return to prison, in fact, compared to those without debt. So there you go—you just realise what a dramatic impact it can have in a very significant way on people's lives.

In 2021 the Victorian government made this scheme more accessible by introducing an administrative process to apply for the time-served scheme. Implementing recommendation 12 will improve the existing scheme to support prisoners to reintegrate into the community without fines debt. These changes will ensure prisoners with unpaid court fines are treated in the same way as prisoners with unpaid infringement fines and remove the current requirement for prisoners to serve time in lieu of payment of their unpaid fine-related fees and costs. Recommendation 12 also called for the time-served scheme to recognise time spent on remand even where a prisoner was not sentenced to a term of imprisonment. The bill creates certainty that legislative changes made in 2021 to implement recommendation 13 apply to remandees as well.

So how will this bill support people with special and exceptional circumstances? We go to recommendation 18, 'Additional time to obtain evidence for enforcement review applications on the grounds of special or exceptional circumstances'. We know that sometimes people have special and exceptional circumstances when they are fined such that their fine should be withdrawn or cancelled. A person can apply for a review with Fines Victoria if they meet certain criteria. An eligible person— *(Time expired)*

Business interrupted pursuant to sessional orders.

Questions without notice and ministers statements

EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY

Ms CROZIER (Southern Metropolitan) (12:01): My question is to the Minister for Emergency Services. Minister, I refer to the case of David Edwards, a constituent of yours who resides in Swan Hill, who along with other members of his family tried repeatedly to contact 000 seeking medical assistance for his critically ill father. 000 did not answer, and Mr Edwards's father tragically died. Minister, why have you not called your constituent Mr Edwards to apologise for the failures at 000, an agency for which you are personally responsible?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:01): I thank Ms Crozier for her question. At the outset, my condolences to the Edwards family on the loss of their husband and father. This is a case that was brought to my attention initially by the federal member. She wrote a particularly detailed letter making some claims that in fact were not true. I responded to her and explained from the perspective of ESTA that this was a case where on the face of it the call to 000 was not picked up, so the Telstra element of the call taking was not picked up. But this is a matter that I responded to Anne Webster about. The interim CEO, Stephen Leane, has spoke to the Edwards family about this, and we are very keen to work with Telstra and understand what happened in this case.

But again this is, I guess, an example where I am reluctant to give a cause, but it does appear that it was the initial connection to 000, not the connection from 000 to ESTA. But again I would never blame or attribute a cause of death to anything, because it is not my role. That is a matter for the coroner, and this is a case where someone has lost their life. I do not think me getting in a tit for tat on whether it is a federal issue or a state issue is particularly helpful to the grieving family. But I can assure you that Mr Leane has spoken directly with the Edwards family. I have communicated to the federal member, who wrote to me on behalf of her constituents, and provided the information, and she was to take that back to her constituents, back in—I think I wrote that letter in—January or February. I spent a lot of time on that letter, because I wanted to be really careful about the messages that we were sending back, acknowledging the hurt that that family would be experiencing.

Ms CROZIER (Southern Metropolitan) (12:03): Minister, thank you for your response. I also received a letter from the federal member. Actually the dates in her letter were incorrect, so the actual incident happened on a different date. The date was 5 January, not 4 January, as was in that letter. I am not sure that you are aware, so no wonder Telstra did not have a record of the calls that went through. My supplementary question, Minister, is: through ESTA Mr Edwards has tried to get answers as to his father's tragic case, and I go back to the point I have just made. Because there has been so much confusion, I do not know that there has been a thorough investigation in this case because of the dates that were wrong, and clearly your office have not spoken to Mr Edwards either, which I find incredible. Minister, is it good enough that your constituent Mr Edwards was told by ESTA to pay $30 to access the information under FOI?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:04): Ms Crozier, I would be more than happy to continue to ensure that more information goes to Mr Edwards. I am happy to speak to Mr Edwards. Basically what I have agreed with the management at ESTA is that I am happy to speak to anybody that would like to speak to me. Indeed I have spoken to families. It is a case that has facts that are unclear. We have been, through ESTA, through Telstra and through the federal minister, where I have asked for information that has not been forthcoming via the local member—and this is an issue that we want—

Members interjecting.

Ms SYMES: I was not aware of any suggestion around— *(Time expired)*

WOMEN IN PRISON

Ms PATTEN (Northern Metropolitan) (12:05): My question is for the Attorney-General. The Crime Statistics Agency has shown that between 2012 and 2018 the number of women entering prison increased from 333 to 825, with a percentage increase in women entering prison on remand and a percentage decrease in women entering under sentence. In fact the criminal justice inquiry also heard that 70 to 90 per cent of incarcerated women have experienced sexual abuse, family violence and trauma. Remand numbers post the 2018 Bail Act 1977 changes have worsened still, showing that the bail reforms predicated on protecting women are actually working against many. So my question to the Attorney-General is: will she reform the bail laws to reduce the number of women in prison?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:06): I thank Ms Patten for her question. It is a question that we have had some exploration of in this chamber. As we know, bail reform as a result of some tragic incidents in this state, to ensure that public safety was at the forefront of bail decisions, was introduced. We certainly do not make any apologies for ensuring that community safety is at the forefront of these decisions. It is an unwelcome trend of more women being incarcerated. I acknowledge a lot of these offences are at the lower end of offending, and it is important that we have program support, housing, counselling et cetera to ensure that we can assist women to avoid coming into contact with the justice system, and that is certainly a focus of ours.

In relation to bail reform and the impact on women in particular, that is a matter that is brought to my attention regularly through community legal centres and the Aboriginal Justice Forum—just two that I have these conversations with. I have given a commitment to these organisations that I will continue to look at this issue. There is no announcement for me to make in relation to reform, but obviously I think, as I have said in this chamber many times, the justice system is always in reform in one way or another, so these are important issues that I continue to keep myself abreast of. But this is, as always, I think similar to my responses in relation to children—that keeping people out of prison is certainly the number one objective. And I would note that there are fewer women in prison right now than there were this time last year. I think it is a reduction of about 20 per cent. But we are seeing some trends in particular cohorts. We need to understand why, and we need to continue to address those underlying causes of crime in the first instance, as well as keeping abreast and talking to people about future reforms of the system.

Ms PATTEN (Northern Metropolitan) (12:09): Thank you for your response, Minister. You are absolutely right that community safety is at the forefront, but when we are sending women to jail, quite often because they do not have a home to live in, I think we may have got the balance wrong. Ironically those women come out of prison probably in more dangerous predicaments than they were when they entered the prisons. You mentioned counselling and you mentioned housing in your substantive answer. I am wondering if you can provide more information, if not about changes to bail reform then about changes to procedures that may keep women out of jail or may enable more women to get bail.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:10): I thank Ms Patten for her question and ongoing interest in these important matters. I would take issue with the statement that women are imprisoned just because they do not have a home. That would be a very unfortunate state of affairs, and I would certainly take action to remedy that. But in relation to remand, there are too many women on remand. I completely agree with that. In relation to all of the services and programs, it is a very broad question because it crosses multiple portfolios, but we have the Women's Correctional Services Advisory Committee, which Juliana Addison chairs, which is all about looking at issues that contribute to why women might get caught up in the justice system and how they can avoid being incarcerated and the services, including the ones I referred to. Perhaps, if you are interested, we could get you a little bit more information coming out of that committee, because that is all focused on ensuring that women's outcomes are better through corrections and justice.

MINISTERS STATEMENTS: DRUG COURTS

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:11): I would like to update the house on the fantastic opening of the new Ballarat Drug Court, talking of Juliana Addison. I joined her recently as part of a $35 million expansion of the program to bring Drug Courts to regional communities, with courts now operating in Ballarat and Shepparton. The courts provide regional Victorians recovering from drug and alcohol dependencies with specialised court services and support which is obviously closer to home. I know how important this can be for regional communities in particular.

The program's participants participate on drug and alcohol treatment orders. They must undertake alcohol and drug counselling, comply with drug testing and regularly attend court review hearings, case management and clinical advisory appointments to ensure that they stay on track. The program is far from easy; it is nothing short of life changing. I was so impressed with a recent graduate of the program that attended the opening and spoke about his experience. The young man not only turned his life around but now works with youth who have dependency issues. It is humbling to hear about the real personal difference that the program can make.

We are investing in Drug Courts because we know they work. By addressing underlying factors that contribute to offending and supporting people to reduce alcohol and drug use instead of just punishing them, they are more likely to get their lives back on track and less likely to reoffend. This is backed up by early evaluations of the Drug Court, which showed a 70 per cent reduction in prison time, a 32 per cent reduction in unemployment rates and a 23 per cent reduction in reoffending rates within the first 12 months of completing the program. We also recently opened the Drug and Alcohol Treatment Court at the County Court, with further expansions of the Drug Court to be informed by evaluations of the existing and new sites as well as consultation with communities and key stakeholders. But right now I am just so glad that these regional courts are up and running and supporting people in these communities.

EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY

Ms CROZIER (Southern Metropolitan) (12:13): My question is again to the Minister for Emergency Services. Minister, Jodie accidentally fell down the steps in her home and heard her leg snap. She broke both her tibia and fibula. She was in an awkward position at the bottom of the steps and in excruciating pain. Her husband dialled 000 and after an initial delay finally got through,

requesting an ambulance. The dispatchers could not tell Jodie's husband when an ambulance would arrive as it was a busy evening. As Jodie lay in agony, her husband called back multiple times to 000, wanting to know when an ambulance would arrive. Over 5 hours later and at 2.30 am, the ambulance arrived. The government and you have been critical of Victorians who have repeatedly dialled 000, so I ask: what was Jodie's husband to do in such a situation?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:14): I thank Ms Crozier for her question, and indeed I hope that Jodie's recovery has been good. It sounds like a terrible situation in relation to a severe fracture of her leg. It is not for me to be able to advise how the clinical assessments that are undertaken by the dispatch team are prioritised. It depends on the categories of calls coming in at the time. What Jodie's husband did was appropriate, calling 000. As you said, he got through and had advice that an ambulance would be made available. She waited some time, but that would usually mean that there were cases in the area where ambulances would have had to respond to category 1 priorities, life-and-death situations. It is a difficult situation when you are in pain, but if somebody is in a life-threatening situation, that will obviously take precedence. The situation you described would normally—as I said, I am not clinically trained to provide advice, but it sounds like it would—be a code 2, which would not require urgent dispatch. This is something that the trained operators are responsible for: providing the categories, providing the advice and providing the dispatch.

Ms CROZIER (Southern Metropolitan) (12:15): Thank you, Minister, for your response. Minister, you said you hoped Jodie was recovering well. She is still suffering what she describes as being traumatised from the experience. In fact she says:

> In our time of need, it became acutely obvious nobody cared enough and this is a shocking realisation. Nobody cared enough to ensure the ambulance service in this state was adequately equipped, staffed 24 hours a day, every day of the year. We deserve better, my family deserved better, I deserved better.

Minister, you are not the minister responsible for ambulance services, I understand, but your portfolios are intrinsically linked, so I ask: what do you say to Jodie, who believes she deserves better than a failing 000 service and a failing ambulance system?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:16): Ms Crozier, what I would say to Jodie is what I say to every person that has contacted me in relation to having an unsatisfactory experience with 000. I am the Minister for Emergency Services, and it is my intention to ensure that I do everything in my power to work with ESTA to ensure the service improves. We have had unprecedented demand. The calls are 1000 more a year than they were at prepandemic levels. This is something that has my full attention, and it is people like Jodie that motivate me every day to get up and make sure that I am talking to ESTA, campaigning for additional funding, which I have delivered—$115 million announced recently—

Ms Crozier interjected.

Ms SYMES: You asked me what I am doing and what I am saying to Jodie, and I am answering your question. My commitment to Jodie is that I will continue to work damn hard to make this system better for people like Jodie and the rest of Victoria.

Ms CROZIER (Southern Metropolitan) (12:17): I move:

> That the minister's answers be taken into consideration on the next day of meeting.

Motion agreed to.

POLITICAL DONATIONS

Dr RATNAM (Northern Metropolitan) (12:17): My question is for the Minister for Local Government. Minister, the Local Government Act 2020 requires all local government candidates to submit an election return no later than 40 days after election day. This donation disclosure is a key part

of our electoral laws and provides important, albeit inadequate, transparency and accountability for political donations to candidates. However, there are still 109 candidates who have not submitted their returns for the 2020 election. While this is an offence under the act and carries a penalty of just over $10 000, the Local Government Inspectorate has not taken any action against the non-compliant candidates. Minister, what action will you take and what consequences will these candidates face for what is clearly a flagrant breach of the law?

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:18): I thank Dr Ratnam for her question. My expectation, Dr Ratnam, is for all councils and all councillors to adhere to the 2020 act. I actually was very, very disappointed to be alerted to the situation that you just outlined. I am not sure if there is an update as to whether there has been an increase or a decrease in the number of people that have not complied, and I am happy to get a real-time update and I am happy to supply it to you, Dr Ratnam, if there has been any alteration to that particular number.

The situation is that the inspectorate actually comes under the governance of the Attorney-General, and I am happy to, via the Attorney-General, see if we can get an update from the inspectorate about the actions around this particular concern and where the inspectorate is at with it. I and the Attorney-General did have a conversation with the inspectorate a number of months ago, and we made it clear that we will give all power to his arm when it comes to these sorts of situations. So we will get that update as well for you.

Dr RATNAM (Northern Metropolitan) (12:20): Thank you, Minister, for that follow-up. I really appreciate it and would like to see some further action regarding the situation. Minister, furthermore, the failure of the Local Government Inspectorate to prosecute these 109 candidates is undermining the compulsory returns system and is setting a dangerous precedent that local government candidates are free to disregard donations rules and avoid scrutiny. This means, for example, that developers could be influencing council decisions, with the public left in the dark. The government has had the opportunity to fix the donations system for local council but has repeatedly failed to do so, using ongoing IBAC investigations and the impending report as an excuse. Minister, will the government introduce long-awaited donations reforms for local government in this term of government?

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:20): Thanks, Dr Ratnam, for your supplementary question. I think the point on the failure of the inspectorate to act in this situation may not be correct. There may be ongoing actions. But, as I said, I will follow that up through the correct channels of governance to see where the inspectorate may be with that. There is consideration around local government legislation—and I am happy to bring some here soon—around a number of issues. On donation law reform, we are still hopeful that maybe the IBAC report will come out with its recommendations so we do not have to revisit an act in the future. I am monitoring that and will hopefully see where that may be at soon.

MINISTERS STATEMENTS: CONNECTING VICTORIA

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:21): I am very pleased to provide the house with a further update on progress on the Connecting Victoria program. On Monday, 28 March, I was pleased to announce that we have committed, in partnership with NBN Co, to providing faster and more reliable internet to Victorians in 54 locations across Victoria, reaching more than 34 000 residents and around 7700 businesses, supporting NBN to install more than 1015 kilometres of fibre across the state to improve broadband—as members would know, more than the distance from Melbourne to Sydney. This is part of the $73 million agreement that we struck with NBN Co last year.

I had the opportunity to visit Roxburgh Park to make this important announcement alongside the local member, Frank McGuire, and the mayor. In that suburb alone, upgrades will be available to

2430 premises, including 354 businesses. But Roxburgh Park is not the only outer suburban area to benefit; we are also going to support upgrades in Craigieburn, Doreen and Mernda. This will mean over 3000 residential premises and 320 business premises will have the opportunity to access faster and more reliable internet. We will also be laying fibre in Mornington, Mount Martha, Beaconsfield, Officer, Balnarring, Balnarring Beach, Merricks Beach, Pakenham South and Somerville. Across these areas over 4200 premises are set to benefit, including 710 businesses.

No matter where you live—in regional Victoria, in the inner city or in the outer suburbs—we are going to make sure that you have the opportunity to be connected. I am committed to making Victoria the most connected state in Australia, and we are working hard to fill the gaps left by the commonwealth government. These upgrades will make it easier for Victorians to do the things that they need to do and the things that they love to do, like streaming movies, meeting up online, catching up with loved ones or indeed running successful businesses.

EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:23): My question is also for the Minister for Emergency Services. Minister, I refer to the IT upgrade of 000's computer-aided dispatch (CAD) system, the dispatch system that is used to get ambulance, fire, police and others to the spot where they are needed. Originally announced in 2017 at a cost of $2.88 million, this upgrade was completed two years late and at a total delivery cost of $17.48 million—a cost blowout of 500 per cent, or almost $15 million. That money could have hired 162 new frontline call takers. Minister, I ask you: what went wrong?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:24): Thank you, Mr Davis, for explaining the importance of the CAD system to underpinning the important work that our ESTA call takers and dispatchers rely on. Mr Davis, this is not to be characterised as a cost blowout. This is an investment that we make year on year, again and again. In relation to the figures that you referred to, that was an initial scoping activity for improvements in the CAD system, and it was re-scoped to increase the cost to $18 million. In fact we would probably spend about $10 million a year on this system because it is so important. I am not quite sure what you think the ESTA call takers are going to do if we do not invest in this system, because the 162 call takers that you think it is going to employ will be sitting there passing post-it notes and faxing people to get ambulances to where they need to go. This question shows a fundamental misunderstanding of how complex this workplace is. It relies on up-to-date IT systems. I will not make apologies for spending money on the resources that will support the hard work of these call takers.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:26): I am sorry, Minister, but I do not know what planet you are on. The project began at $2.88 million and ended up at $17.48 million. Either you scoped it wrongly in the first place or it blew out, or both—most likely both. Minister, this is not the only example of a botched IT upgrade at ESTA. A human resources recruitment and goal-setting information technology project was delivered more than six months late at a cost of $2.34 million, a 52 per cent blowout on the original budget. Victorians are dying on hold to 000 and waiting for urgent medical assistance that never arrives, as we have just heard, yet you, Minister, continue to botch critical 000 upgrades. Isn't it a fact that the dispatch benchmarks are not being met because the dispatch system is in chaos?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:26): You do not understand how the system works, and the answer to your question is no.

COVID-19 VACCINATION

Dr CUMMING (Western Metropolitan) (12:27): My question is to the Minister for Health in the other place. When will the minister scrap vaccine mandates for entry into venues? In February

Tasmania removed the requirements for pub, bar and nightclub patrons and staff to be fully vaccinated; yesterday the Northern Territory announced their vaccine pass system would be scrapped, effective immediately; and from 14 April in Queensland people will no longer need to prove that they have had two doses of a vaccine before heading into cafes, pubs, clubs, theme parks, casinos, cinemas, weddings, showgrounds, stadiums, galleries, libraries and museums. Queensland's chief health officer said:

> What we are saying is this particular measure has no public health benefit now because of the proportion of people that are vaccinated …

Why are we somehow scientifically different here in Victoria to the rest of Australia?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:28): I thank Dr Cumming for her question and certainly know her passionate views in relation to the vaccination economy and requirements for people to be vaccinated for the safety of our community. The health minister and indeed the Premier are on record that, as soon as it is safe to, there will be the opportunity to remove the minimal amount of restrictions that are currently on. That is something that would certainly be looked at. We are currently on our way up to a peak of cases, and we know that winter is a particularly challenging and difficult time for people in relation to their health. I will ensure that you get a response from the health minister, as that is who you have directed it to, but I suspect it will be similar to the advice that I have given you, backed up by health advice.

Dr CUMMING (Western Metropolitan) (12:29): Thank you, Attorney. I look forward to the Minister for Health's response. When will the minister scrap vaccine mandates for all non-essential workers? Last week unvaccinated teachers and school staff in South Australia, as well as public transport workers and taxi and rideshare drivers, were able to return to work. In February Tasmania removed the requirements for staff to be fully vaccinated at pubs, nightclubs and bars. Victoria is still suffering worker shortages in a number of areas. Hospitality venues in particular are finding it difficult to keep up with the demand. The vaccine is not a silver bullet. It does not stop you from catching COVID. It does not stop COVID spreading. Remove these mandates and allow everyone to go back to work, rather than punishing the population of Victoria. Victorians have had enough of the mandates. Come on and repeat your lies.

The PRESIDENT: Dr Cumming, thank you. You started your question; you started your supplementary on a different issue. But I call the minister.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:30): Dr Cumming's further comments will be passed on to the health minister.

MINISTERS STATEMENTS: UNIVERSITY AND TAFE FUNDING

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:30): As Minister for Training and Skills and Minister for Higher Education I am focused on ensuring that universities and the VET sector work in unison to deliver the research to create new industries and provide the highest quality training in skills to guarantee the pipeline of workers now and into the future. This government is committed to ensuring that industry development and skills are absolutely aligned. There is no more important sector to apply this collaboration than the clean economy. The Victorian Higher Education State Investment Fund has accelerated collaboration in research and development in clean technologies. One such project is the electrification of Victoria's future fleet. RMIT, Monash and La Trobe universities have united to establish a living lab which will support Victoria's transition to a zero-emissions fleet, including public transport.

Of course we recognise we need skilled workers in these new technologies, and that is why the Andrews Labor government is fostering the next generation of automotive workers. We are investing $1.3 million in Kangan TAFE's Automotive Centre of Excellence at Docklands as part of the

$12 million TAFE Equipment and Facilities Fund. Students will now have access to the best equipment to hone their skills on a variety of vehicle models, from a 20-year-old hybrid Toyota Prius to a 2022 Tesla and other clean, green cars. This government has made a record investment of $3.2 billion to rebuild TAFE and support universities to ensure all Victorians have access to high-quality education and a strong career pathway now and into the future.

TIMBER INDUSTRY

Ms BATH (Eastern Victoria) (12:32): My question is to the Attorney. This week in Parliament I met with David, a forestry contractor whose staff have all been sitting idle since Christmas Eve due to legal injunctions issued after third-party action by green groups. Noting the fifth litigation case against the timber industry was thrown out of court yesterday, that is 5-0 in favour of the native timber industry. Will you, Attorney, meet with David and other timber industry workers—people the Labor Party used to support—and explain why the government has failed to support changes to legislation to protect the industry from this green lawfare?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:33): Ms Bath, you know that is not a question that you should be directing to me. You are conflating a lot of issues and saying, 'It's a legal issue; it's a matter for the Attorney'. That is a really inappropriate way to construct your question. It is trying to conflate an issue into something to make it an issue in this house when it is not.

Members interjecting.

Ms SYMES: It is not an issue for question time to be addressed to me—I am not in a position to provide advice on court outcomes and court litigation—and I think it is really unfair that you are trying to pretend that it is, because you know that it is not. I think that is a really disingenuous way to treat your constituents, who I know you work closely with. We have a transition plan. We want to support the forest industry to transition. We want to support jobs in those local communities, and you like to keep trying to stomp on their ability to work with government and look forward to what can be the future in relation to these issues. It is not appropriate for me to talk about legal cases because I am the Attorney-General—it does not work like that—and I think you should be pretty ashamed of trying to do it in that way, because you are just trying to use people and trying to give them a false sense that I can step in and fix a legal problem. That is not my role.

Ms BATH (Eastern Victoria) (12:34): To the minister: David's business was paid $82 000 in compensation by the government in January alone for enforced shutdown, when all his workers want to do is go and have an honest day work for their community, for their families. As the state's top lawyer, you could legislate to stop this. You could legislate; you could bring in legislation to stop this. What action will you take to help these workers get back to work?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:35): Ms Bath, I believe I probably expressed this in my response to your previous question. A lot of people have the misconception—I do not think that you do; I think that you know exactly the truth—that as Attorney-General I do not have responsibility for every law. That is not how it works. There are bills that apply to the forestry industry; they are not mine. You are effectively saying that every piece of legislation that affects the law or creates a law is a matter for the Attorney-General, and you know that is false. I know why you are asking those questions, and it is appalling conduct.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:36): I move:

That the Leader of the Government's response be taken into account on the next day of meeting.

Motion agreed to.

SEXUAL ASSAULT OFFENCES

Mr GRIMLEY (Western Victoria) (12:36): My question is for the Attorney-General. In the aftermath of the infamous Jackson Williams case and his subsequent acquittal of the charge of assault with intent to commit a sexual offence, our party called out for a new offence of grab and drag. Your predecessor, Ms Hennessy, asked the Victorian Law Reform Commission to look into deficiencies within this space. The commission delivered its additional report on the proposed new grab and drag offence as well as its interim report on stalking to you in December 2021. These were tabled yesterday, but there is no mandate for the government to respond to each recommendation, as opposed to parliamentary committee reports. I understand the stalking inquiry still has its full report due midyear and that Victoria Police have already implemented a few recommendations from the interim report. Therefore, Attorney, will the government be providing a formal response to these two VLRC reports, and if so, when can we expect that response?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:37): I thank Mr Grimley for his question, and indeed I want to thank the VLRC for their work and for the supplementary report into the grab and drag conduct that Mr Grimley has referred to. It obviously follows the very recent comprehensive report on improving the response of the justice system to sexual offences, and this is effectively a part of that broader topic. I certainly do want to thank all of those that contributed to the report. I know, Mr Grimley, you made a submission yourself. The report certainly highlights that grab and drag conduct is serious, is harmful and would be terrifying for victims. We are reviewing the VLRC's findings in detail. We will continue to consult with victim-survivors, law enforcement agencies, the courts and other stakeholders on reforming the justice and service systems in this space, because we would really like to achieve long-lasting change that is effective. The findings and recommendations will be considered as a broader suite of responses to the full report and the development of reforms to address sexual violence and abuse and harm.

Mr Grimley, in relation to specifically grab and drag and the recommendations around aggravating circumstances and the like, I think you would be fully aware that this is a very complex and contested area, and it is something that will need to involve careful consideration and consultation in relation to changes that would indeed be workable and enforceable and provide a benefit to victims.

Mr GRIMLEY (Western Victoria) (12:39): Thanks, Attorney. I was pleased that the VLRC did recommend a new aggravated factor for assault where it is an apprehension of a victim, similar to a grab and drag. This law change was supported by the victims of crime commissioner, Sexual Assault Services Victoria, Victoria Police and a small number, 114 300-odd, of outraged community members who signed a petition for the change. The VLRC's chair, Anthony North QC, said that people harmed by this conduct experience a level of trauma that is not recognised under the current law and that changing the law would signal to the community the seriousness of this conduct. The Premier said, 'I think there's a very clear acknowledgement that we need to do more', signalling, in my view, the government's endorsement of the recommendations. In contrast, a government spokesman told the *Herald Sun* yesterday, 'We will carefully examine the recommendations'. Attorney, will the government listen to stakeholders, including the victims of crime commissioner, and implement this aggravating circumstance to the Crimes Act 1958 to address the deficiency in this legislation within this term of Parliament?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:40): I thank Mr Grimley for his supplementary question, which was covered off reasonably well in my first answer, I think, in that these are matters that require consideration and consultation. I cannot pre-empt time lines for reform when I still need to speak to people about the impacts of them, how they would be implemented and how they would work.

MINISTERS STATEMENTS: PREMIER'S SPIRIT OF ANZAC PRIZE

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:40): I would like to update the house on the recent presentations of the Premier's Spirit of Anzac Prize. On Friday I attended the Shrine of Remembrance for this prestigious award presentation. There were 37 out of the 40 winners in attendance, from a range of public and private schools across Victoria. These students were accompanied by proud parents and teachers. I would like to take the opportunity to congratulate all the students for the efforts that went into their outstanding entries. Students and their families and teachers travelled from across Victoria to attend, and I thank them for the support they were given, particularly Abby, Molly and Zanthe, who came down from Benalla, Keelee from St Augustine's College in Kyabram, and Sofia, who came down from Mildura Senior College and was one of the winners to present their fantastic work at the ceremony.

The Spirit of Anzac Prize provides years 9, 10 and 11 students with greater awareness and appreciation of Australia's war and peacekeeping history and the service and sacrifice of veterans. Students are awarded scholarships to a value of up to $2500 to use towards their educational pursuits, such as veterans history archives, and education expenditure, such as books, uniforms, IT equipment, educational aids, excursions and sporting and musical equipment.

The event was kicked off with a welcome to country by Boon Wurrung elder Uncle Mik Edwards. This was once again significant because on Remembrance Day last year Uncle Mik and his brother Shane conducted the first ever welcome to country and smoking ceremony at a major memorial service at the Shrine of Remembrance. I want to congratulate the shrine trustees and the management for bringing this to the shrine and for a number of other important elements to make sure all the community feel welcome when these events are held at the shrine.

WRITTEN RESPONSES

The PRESIDENT (12:42): The question from Dr Cumming to the Minister for Health, two days, question and supplementary.

Constituency questions

NORTHERN METROPOLITAN REGION

Mr ONDARCHIE (Northern Metropolitan) (12:43): (1746) My constituency question today is for the Minister for Education. Parents at Coburg High School are daring to dream, and they need a new master plan to realise those dreams. The Coburg High School is in desperate need of funding. For many years it has missed out on capital funding compared to its neighbouring schools. Catherine Hall, the school council president, has written to me about the school and their need for a master plan. Catherine has advised me that existing facilities are not fit for purpose as the school has grown and is now one of the biggest in the area. She reported they regularly lose students in the senior years because they do not have the necessary facilities to provide appropriate courses for many of the students. Their ability to fulfil their obligations to schooling pathways is limited by their technology facilities funding. Minister, they have a well-thought-out vision for their school built around sports facilities, tech rooms and performing arts, but they need support to progress this mission. So my question for the minister is: will the government allocate the necessary funding in the upcoming state budget so Coburg college can complete a new master plan that meets the requirements and the diverse needs of the community?

WESTERN VICTORIA REGION

Mr GRIMLEY (Western Victoria) (12:44): (1747) My question is to the Minister for Police. Like many places in regional Victoria, the Bannockburn community is growing. In fact it is one of the faster growing regions in Victoria. There are reports of up to 7000 parcels of land being unlocked for development, and that could see Bannockburn reach a population of 13 000 people by 2036. I am also told that this is a conservative number and that the true population growth could be much higher. The

Golden Plains Shire Council as well as many members of the Bannockburn community have approached me about the need for more police. According to the latest crime statistics, Bannockburn had an increase of criminal incidents in 2021. As the population continues to grow and we have less lockdowns, there is the potential for more crime incidents to occur. Governments are known to implement infrastructure for future growth, and there must be a plan for emergency services. I know Victoria Police make operational decisions independently; however, the community believe there is a need to expand the service from a 16-hour station to a 24-hour station. Minister, will you advocate to Victoria Police for Bannockburn police station to become a 24-hour service?

WESTERN METROPOLITAN REGION

Mr FINN (Western Metropolitan) (12:45): (1748) My constituency question is to the Minister for Energy, Environment and Climate Change. Minister, soil spillages are now becoming a regular event on Sunbury Road. Soil is carried in an ever-increasing number of trucks servicing the ill-fated West Gate Tunnel Project. It is bad enough now, but it is bound to become worse as the number of trucks continues to grow. We anticipate up to an extra 900 heavily laden trucks per day. My very great concern is what will happen to local people and to the local environment when these spills contain carcinogenic PFAS material. It is almost unbelievable that the Andrews government has been instrumental in ensuring this threat actually exists. Minister, what are you doing to protect Sunbury and Bulla residents and the local environment from these soil spills?

WESTERN METROPOLITAN REGION

Dr CUMMING (Western Metropolitan) (12:46): (1749) My question is to the Minister for Transport Infrastructure in the other place from Melton councillors, who are my constituents. When will the state government fund the upgrade to the Western Highway and the other essential roadworks needed in the City of Melton? Every single day in Melton residents have to put up with serious safety issues and congestion on their local roads. Melton Highway and Hopkins Road have to be upgraded and duplicated. Christies Road, Robinsons Road, Westwood Drive and the Calder Park Drive corridor all need to be duplicated. The City of Melton received funds for other infrastructure works in the recent federal budget, but the state government needs to fund these roadworks as a matter of urgency. There is a petition online, which the Melton city councillors have created, at fixourroads.com.au. I encourage the minister to read the petition as well as fund the roads.

SOUTHERN METROPOLITAN REGION

Ms CROZIER (Southern Metropolitan) (12:47): (1750) My constituency question is to the Minister for Police. Recent reports have highlighted what is going on in St Kilda, with an increase in crime, antisocial behaviour and drug use. I have been contacted by a number of constituents who were made aware of this through their own experience but also a recent article which spoke about the very real crime that is happening in Acland Street, where traders are saying there is such a plethora of crime going on and drug use. They are very concerned about what is happening in front of children and in front of traders. It is driving away trade. I know that the local councillors there have raised this with the police minister, but the question I have for the police minister is: what is the government doing regarding having a greater police presence in these areas to deal with these very significant issues?

NORTHERN VICTORIA REGION

Mr QUILTY (Northern Victoria) (12:48): (1751) My constituency question is for the Minister for Education. Minister, over the last term how many Northern Victoria school classes have not had teachers due to close contact isolation requirements? A *Border Mail* article from yesterday states that Wodonga schools are experiencing teacher shortages and are frequently forced into remote classes because vaccinated COVID-negative teachers are required to isolate as close contacts. This adds to the shortage created when unvaccinated teachers were expelled from the classrooms. Vaccination was supposed to stop the spread of COVID, but this government admits it does not do that enough to allow isolation requirements to be lifted. Parents report that frequently kids discover that only one or two of

their classes have teachers in a day. The additional pressures on the remaining staff make teaching more stressful, and the resulting burnout pushes even more teachers to a career change or early retirement. We need to change the close contact isolation rules and end the mandates, bringing back teachers to our classrooms.

SOUTHERN METROPOLITAN REGION

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:49): (1752) I want to raise a matter for the Minister for Small Business today, and it concerns a small business in Hawksburn and Armadale that has recently been advised by the Department of Transport that a stretch of Malvern Road between Beatty Avenue in Armadale and Essex Street in Prahran will be closed off between 29 April and 15 May, 24 hours a day, for tram renewal works. The Minister for Small Business should—and I ask her if she will—step in and demand that these tram renewal works be deferred to a more appropriate time, such as during the summer holidays, because many of the small businesses have already suffered from the devastating impact of COVID lockdowns. It is clear that these businesses are really struggling very seriously. The government could have talked to them and could have worked a way through to ensure that was done at a time when it would not have the same negative impact, so will the Minister the Small Business intervene? I ask her to do so—to work with these businesses to find a time that will not impact on these hard-hit small businesses.

NORTHERN METROPOLITAN REGION

Ms PATTEN (Northern Metropolitan) (12:50): (1753) My constituency question is for the Minister for Roads and Road Safety and relates to the Bell Street bridge in Coburg. Local residents have welcomed recently announced traffic-calming treatments at this location but remain concerned about pedestrian safety. Their concerns include: footpaths that in some places are narrower than 1 metre in width, contrary to Australian safety standards; no separation between the bridge footpath and traffic; and slope guttering that makes the kerb easy for cars to mount. Slip lanes at both ends of the bridge are extremely dangerous for pedestrians and cyclists, and unfortunately the slip lane at Bell Street and Elizabeth Street was the site of a Coburg High School student being hit by a car last year. With these issues in mind, my constituents ask: will the minister facilitate an urgent full technical review of these identified risks?

WESTERN VICTORIA REGION

Mrs McARTHUR (Western Victoria) (12:51): (1754) My question is for the Minister for Housing and again concerns the housing crisis in Ballarat. In the last sitting week, I referred to the former resident of Reid's hostel forced out by the fire and with no choice but to live in his car. Nearly two months later, he is still there. On Monday this week he tested positive to COVID but was told he was too late to be put in isolation accommodation, even though it appears he was at Ballarat Base Hospital from 2.00 pm onwards. So, unbelievably, this homeless man with COVID was sent out for another night in his car. Concerned and caring Ballarat residents tried to get ambulance and police involved, with no success. So I ask the minister: what is being done to solve the crisis in Ballarat? And when will you apologise to this man who spent yet another night sleeping in his car, this time with COVID?

EASTERN METROPOLITAN REGION

Mr BARTON (Eastern Metropolitan) (12:52): (1755) My constituency question is for the Minister for Transport Infrastructure. I have had a constituent contact me regarding the North East Link and the development's potential impact on bus services in the area. As you would be aware, many residents in this area do not have access to a train or tram service so rely on buses to get from A to B. While they have received material regarding the project, they have had little information about how the bus services will change—for example, if stops will be moved or routes relocated. The information I seek is: do we have any information regarding the possible impacts from the North East Link on bus services?

NORTHERN VICTORIA REGION

Ms LOVELL (Northern Victoria) (12:53): (1756) My question is for the Minister for Energy, Environment and Climate Change. When the Barmah forest was designated a national park under a joint management agreement with the Yorta Yorta, 22 hectares surrounding the cattle yards was designated for community use that still allowed for camping, public events and horseriding. The information sheet for the draft joint management plan, horseriding proposals, specifically states:

> Under the proposals the Barmah Muster—which is held in the Community Use Area outside the National Park—can continue. The proposals allow for horseriding along Sand Ridge Track from Rice's Bridge to access the Community Use Area for permitted events such as the Muster.

When the muster committee applied for permission to hold this year's event, they were advised by Parks Victoria that around 15 of the 22 hectares had now been leased and could not be used for the muster. So on behalf of the muster committee, I ask: will the minister explain why the majority of the community use area has been leased without any community consultation whatsoever?

SOUTH EASTERN METROPOLITAN REGION

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:54): (1757) My constituency question is for the attention of the Minister for Transport Infrastructure. Over the last four years we have seen enormous growth take place in the new suburbs of Clyde and Clyde North, which largely did not exist two or three years ago. It was farming land and had been for multiple generations. With this enormous growth, there is now enormous pressure on local infrastructure—road infrastructure and rail infrastructure. In particular, Thompsons Road is experiencing enormous traffic pressures as a consequence of that growth and Clyde Road is experiencing enormous pressure, as is Berwick-Cranbourne Road. So my constituency question to the Minister for Transport Infrastructure is: when will the government fund the upgrade of Berwick-Cranbourne Road between Cameron Street and Clyde-Five Ways Road? It is currently single lane, a little bit dual lane then single lane again. It desperately needs an upgrade. When will the minister fund it?

Sitting suspended 12.55 pm until 2.03 pm.

Bills

JUSTICE LEGISLATION AMENDMENT (FINES REFORM AND OTHER MATTERS) BILL 2022

Second reading

Debate resumed.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 agreed to.

Clause 2 (14:05)

The DEPUTY PRESIDENT: Dr Ratnam, I invite you to move your amendments 1 and 2, which are a test for your amendment 3.

Dr RATNAM: I move:

1. Clause 2, after line 32 insert—

   "(1A) Sections 27A and 27B come into operation on 1 July 2022.".

2. Clause 2, line 33, after "Part 2" insert "(other than sections 27A and 27B)".

These amendments implement recommendation 15 of the Victorian Fines Reform Advisory Board's 2020 report that:

> … consideration should be given to the introduction of a concessional penalty rate for infringement fine recipients in financial hardship.

They create a new division in part 2 of the Fines Reform Act 2014 to give the director of Fines Victoria the power to reduce an infringement penalty, infringement fine or registered infringement fine by an amount of up to 80 per cent on receipt of an application by the fine recipient. To be eligible a person must be receiving a commonwealth government payment or allowance at the time of incurring the fine or where the person's hardship is established as equivalent to that of a person in receipt of a benefit.

The aim is to capture groups such as single parents, aged pensioners, students and those on Newstart that are struggling financially. However, to provide flexibility and ensure the scheme provides fairness for a wide range of people and their economic and social circumstances, the specific amounts by which a penalty may be discounted as well as the full eligibility criteria will be set by the Attorney-General in published guidelines.

Here we have faith that the Attorney-General will be able to create guidelines that:

> … strike the right balance, ensuring we hold people to account for breaking the rules and endangering our roads, but without placing undue burdens on disadvantaged members of our community …

These words I quote are from the Liberal Party Attorney-General when the New South Wales fines reduction scheme commenced in July 2020, because regarding road safety infringements we are not proposing removing the deterrent aspect of a financial penalty or cumulative demerit points or automatic licence suspension; we are simply saying that for an aged pensioner, for example, losing half rather than their entire weekly income is clearly a fairer and more proportionate financial penalty in most cases.

To summarise, we all know that receiving a fine is almost unavoidable at some stage of a person's life. I think the Ombudsman said that they are up there with death and taxes. So we have a duty to ensure that we do not have a fines system that disproportionately penalises the most vulnerable via a flat rate that imposes a high penalty rate as a proportion of income, particularly when a person's income level equates to at best a living wage. So this is about fairness, but it is also a concept whose time has come.

I acknowledge the work of the Attorney in trialling concessional fines in relation to the pandemic legislation and understand there are complexities to manage in implementing concessional fines reform across the system. However, the Victorian government has very few levers to ease cost-of-living pressures in the short term, and introducing a concessional fine rate is one of the few timely measures we can do something about, providing targeted cost-of-living relief to thousands of Victorians on fixed living allowances who are disproportionately burdened by penalty fines. For this reason I urge multipartisan support of these amendments today to provide some financial relief to thousands of the most vulnerable Victorians.

Mr BOURMAN: As with the pandemic legislation, I will state that I believe justice is blind and that we have courts to deal with this, rather than putting it in legislation, so I will not be supporting these amendments.

Ms PATTEN: I will support Dr Ratnam's amendments. I think possibly we have a lot more work to do on fines reform and really ensuring we have got that equity under the law. I acknowledge that those are the objectives of these amendments, so I am happy to support them at this stage. I look forward to this Parliament or the next Parliament really furthering this, and I understand that the government is also doing some work on ensuring that fines are equitable.

Ms BURNETT-WAKE: I just rise to say that the Liberal-Nationals do not support the Greens amendments. We believe in equality before the law; we do not believe that this provides that.

Ms SYMES: I would love to be in a position to say, 'Yes, let's do this', because I have got a lot of sympathy for this. I think the arguments are well put. As an Attorney-General who has only been in the role 16 months it is not a piece of work that I have been able to complete. It is something that I want to look at. I will put on the record: there is no government policy to implement it, but it is something that I am very keen to explore, because I think we can do better. In fact I think I am on the record of supporting fairer payment arrangements for fines, and I think that was demonstrated by the concessional fines trial in relation to the COVID-19 fines, which is about to commence. That will be a valuable exercise for us to be able to learn about how this would work and how we could expand to more flexible arrangements for vulnerable Victorians. I think from an economic perspective as well you actually might get more money in. I think that the discussion is worth having.

But this system is incredibly complex. We have 120 enforcement agencies; 60 of them are local councils. There are just so many things that we would need to look at before we would go there this early. The Fines Reform Advisory Board said that there were complex operational barriers to implementing a concessional fines scheme. It would have significant resourcing impacts for the state and for local governments, which we just really need to understand before we take any steps in this regard. I know that some Scandinavian countries do it. I have not had an opportunity to delve deeply into their arrangements, but as I said, I think there is merit, but it is just not this year and not at this time.

This is a fairly confined bill that picks out some of the easier things to implement that will make our fines system fairer and easier. It was requested, I guess, from Fines Victoria to make the system that they are working in a little bit more simple. So I acknowledge that this is a very small bill. It does not achieve grand-scale reform that I think some people would like me to at least explore, and so in that regard I do welcome the conversation with the Greens. It is a conversation that we had in light of the pandemic legislation. I am happy to put on the record that I said at that time to the Greens party that I am happy to work with them at a future time to explore whether this is something that our government might want to start looking at and bringing in reforms for down the track. Ensuring that you have deterrents as well as not crippling people unnecessarily—I think you can potentially get that balance, and I am really interested to see how we go with our COVID-19 fines and the concessional scheme that we have introduced there. I do thank you for bringing the amendments. I just think there is so much that we still need to think about.

For further context, the discount amount, which fines they could apply to, any impact on community safety, what the appropriate eligibility is and at what stage discounts could apply—at the start of the process or the end of the process—there are just so many questions. If there was more of me, I might have an opportunity to contribute more to see if this could be advanced, but at this point in time we have not advanced it. It is just something that I am attracted to as a policy as the Attorney-General that I should give due consideration to at some time.

Committee divided on amendments:

Ayes, 7

Barton, Mr	Meddick, Mr	Quilty, Mr
Cumming, Dr	Patten, Ms	Ratnam, Dr
Limbrick, Mr		

Noes, 23

Bath, Ms	Grimley, Mr	Rich-Phillips, Mr
Bourman, Mr	Kieu, Dr	Shing, Ms
Burnett-Wake, Ms	Leane, Mr	Symes, Ms
Crozier, Ms	Lovell, Ms	Tarlamis, Mr
Elasmar, Mr	McArthur, Mrs	Taylor, Ms
Erdogan, Mr	Melhem, Mr	Tierney, Ms
Finn, Mr	Ondarchie, Mr	Watt, Ms
Gepp, Mr	Pulford, Ms	

Amendments negatived.

Clause agreed to; clauses 3 to 37 agreed to.

New clause (14:21)

Mr BARTON: I move:

1. Insert the following New Clause to follow clause 37—

'**37A Director may decide that enforcement of infringement offence under this Act is not appropriate**

(1) In section 20(1A) of the **Fines Reform Act 2014**—

(a) in paragraph (b), for "available." **substitute** "available;";

(b) after paragraph (b) **insert**—

"(c) if a tollway operator has withdrawn a request made to an enforcement agency to serve an infringement notice because the tollway operator considers it appropriate to do so having considered the circumstances of the person.".

(2) In section 20(2)(a) of the **Fines Reform Act 2014**, for "a seven-day" **substitute** "subject to subsection (2A), a seven-day".

(3) After section 20(2) of the **Fines Reform Act 2014 insert**—

"(2A) Subsection (2)(a) does not apply to a seven-day notice that has been served in respect of a registered infringement fine if the infringement offence in respect of which the infringement notice was issued is—

(a) an offence against section 204(1) of the **EastLink Project Act 2004**; or

(b) an offence against section 73(1) of the **Melbourne City Link Act 1995**; or

(c) an offence against section 69(1) of the **North East Link Act 2020**; or

(d) an offence against section 32(1) of the **West Gate Tunnel (Truck Bans and Traffic Management) Act 2019**.".

(4) After section 20(4) of the **Fines Reform Act 2014 insert**—

"(5) In this section—

tollway operator means any of the following—

(a) the Freeway Corporation within the meaning of the **EastLink Project Act 2004**;

(b) the relevant corporation within the meaning of the **Melbourne City Link Act 1995**;

(c) the relevant North East Link Tolling Corporation within the meaning of the **North East Link Act 2020**;

(d) the relevant West Gate Tunnel Corporation within the meaning of the **West Gate Tunnel (Truck Bans and Traffic Management) Act 2019**.".'.

I am moving these amendments because there is a disproportionate amount of taxi and hire car drivers caught up in these fines. These are some of the lowest paid and most vulnerable people we have working in our society. The last couple of years has just been disastrous for them, and what they have kept doing has been to keep trying to drive, keep trying to chase that fine, keep trying to get there—and they were not able to make it. That is why I am moving these amendments.

I am moving to amend the bill so that the police are required to withdraw tolling infringements where the toll road operator request it in line with their hardship scheme. We are essentially taking the discretion away from the police and saying that if it has been put up by the TRO, then it should happen. This recognises it is not appropriate for discretion to be left with the police, because they will not be equipped with all the right information to make this decision. It will amend the stage when the withdrawal request can be effected to include the time after the infringement has been registered with Fines Victoria for enforcement, and it will amend the bill to make it possible for the withdrawal and deregistration of toll fines to occur after a seven-day notice has expired and warrants have been

executed. These changes will go a long way to making the fines system fairer, and I think that is very appropriate. And it is not a big deal.

Dr CUMMING: I concur with Mr Barton and his definition of these COVID fines, especially for taxidrivers, but there have been many vulnerable in our community who have not deserved these COVID fines. All of the COVID fines, in my opinion, should be removed because there is no reason why you should have been fining people for masks, for going and breaking a curfew, for going to a church, especially not our most vulnerable in our community.

Mr BOURMAN: I just want to ask a couple of questions, regarding Mr Barton's fines amendment, of the government. Are the fines a civil or criminal matter, the ones that are issued by CityLink?

Ms SYMES: We are referring to unpaid tolls.

Mr BOURMAN: Yes. Are unpaid tolls a civil or a criminal matter?

Ms SYMES: Criminal.

Mr BOURMAN: Are there any other matters that Victoria Police chase up for a private company that are in this sort of vein? Does anyone else, any other company, issue a fine to a person that Victoria Police does actually follow up?

Ms SYMES: Can you ask your question again, sorry?

Mr BOURMAN: I will try and be a bit briefer. Given that Transurban issue the unpaid toll notices but Victoria Police get to follow it up, is there any other private company, such as Transurban, in any other situation that is in a position to have Victoria Police chase its unpaid tolls?

Ms SYMES: I will double-check.

Mr Bourman, not to my knowledge or that of the adviser. I did take up the interjection in relation to private public transport providers, but those fines are actually still Department of Transport (DOT) fines, not Transurban fines, so it is a similar kind of thing there, but that would not be a private company fine that is chased up. This would be purely in relation to the toll companies, I am pretty sure.

Mr BOURMAN: I thank the minister. Minister, would it not be more appropriate to have the sheriffs follow this up than the police?

Ms SYMES: Well, that is not really a matter for this bill. There are no amendments proposing to change that. But we would say that there is a different function for sheriffs versus police.

Mr BOURMAN: Thank you, Minister. I understand that. I guess what I am saying is I do support Mr Barton's amendments and it actually just is a little bit strange that you have got a private company issuing fines for the government effectively—or chasing tolls. It seems to be a very intertwined thing, but I think that Mr Barton's amendments—and take this as a comment, I guess, and you can respond if you like—are trying to unwind a little bit of it so that if Transurban in this case, or whoever, decide that there are enough grounds it should be up to them if it is their tolls they are trying to follow up.

Ms SYMES: It might be useful in responding to Mr Bourman's comments to give some general response to Mr Barton's amendments. In terms of your earlier remarks, Mr Bourman, in relation to sheriffs and police, sheriffs are not an enforcement agency and the relationship with Victoria Police is established under contracts with tolling operators, and therefore that supports my comments in relation to the fact that those issues are related but not covered by the bill.

In relation to Mr Barton's amendments, they are effectively wanting to say that when a toll operator identifies a genuine case for withdrawal of a fine then that should stick and Victoria Police should be held to that decision. That is certainly the intention of our legislation. What Mr Barton's amendment will do is remove all discretion from Victoria Police. It is something that Victoria Police do not think

will happen a lot, but to have their full discretion removed is a concern that they have. Victoria Police would generally withdraw an infringement based on a request by a tolling agency, but the discretion that Victoria Police would like to be maintained is in light of community interest and public interests. Victoria Police certainly do support the policy intent of removing tolling infringement fines from the enforcement system, particularly in cases of genuine hardship where people cannot pay their fines.

We agree with the intent, but we want to ensure that as many fines as possible are withdrawn where the operator makes that decision, because that is certainly appropriate. But if Victoria Police do not retain oversight and accountability to determine if there is a community safety risk, there might be some cases where it is not appropriate to withdraw. I think they will be few and far between, but this amendment completely removes the discretion to pick up matters where police would have a broader ability to see other matters that an individual might be caught up in; there might be investigations that someone is caught up in, and so it is their request to retain some discretion—not to review the hardship, that is not what their interest is. Their interest is in maintaining discretion to be able to enforce a fine if there is a broader public interest or community safety risk. They are not going to change someone's mind and say, 'That's not genuine hardship'. That is not their interest. That is not what they want. They just want to make sure that in a broader sense there might be an occasion—and it is difficult for me to articulate examples because they think they will be few and far between, but removing discretion is something that this amendment will do. I do not necessarily think that it is good public policy to remove that discretion fully, however, because I do not think there is going to be any undermining of the intention to ensure that people in cases of genuine hardship can be acquitted of their fine at the will of the tolling operators. I am not sure if that answers some of the questions that you were asking. I am having a three-way conversation here.

Mr BOURMAN: I am fine, thank you.

Mr BARTON: Can I just respond to the Attorney there? It is just that with real-life experience that we know, I personally know people that have got $5000 fines. For people who work in this area, the discretion for the police to make that decision has not always been happening, and we would not have brought it here if we did not have the views of the community and of the local legal support services as well. What is happening on the ground is different to what is being said in here, we think.

Ms PATTEN: I would just like to make a comment. I see no argument to maintain that discretion, and certainly the minister was saying that instances of their using discretion not to accept the hardship application of Transurban would be few and far between. So in that case I see no reason, given that these are civil matters as well—and if the police do think that there are other matters involved with that particular person, well, go after that. But we certainly have heard that in the Legal and Social Issues Committee when we looked at some of our inquiries—and I think the spent convictions inquiry was one where this was raised a couple of times—so I cannot see any argument for maintaining discretion here when it is a civil toll and the person who is issuing the toll says, 'I want it withdrawn', and then the police could say, 'No, we don't want to withdraw it'. Anyway, on that note I support Mr Barton's amendment.

Ms SYMES: Just for some clarification, our amendments are bringing in the mechanism for Victoria Police to withdraw. Your experience is exactly right, because there is no capacity for Victoria Police to withdraw it now once it gets to them. That is why we are introducing it. So we want this to work. What Mr Barton's amendments do is take it one step further to make it a compulsion that in every instance Victoria Police must withdraw on the basis that the toll company—and whilst there is merit in that argument, Victoria Police's position is that in doing this we will be limiting their prosecutorial discretion, which is something that we have not done before. So although I think that there are going to be very few cases where it is going to ever be a problem, we are removing that right from Victoria Police to—in the interests of community safety, where they think there is public interest, not on the grounds of hardship, where there are other more complex matters afoot, potentially broader criminal activity, organised crime, I am not really sure, but matters that are outside a genuine hardship case. They are not going to go and question and ask for evidence about someone's financial position.

This is more about their capacity for broader investigations where there are individuals that might have other things going on.

So this is a request of the police that I wanted to articulate to the house, which is the reason that the government will be opposing Mr Barton's amendment. It is just for that little extra step; it is a bit too far for Victoria Police and their operational requirements. But the intention of the toll companies being able to say to Victoria Police, 'No, no. This person can't pay. There's family violence, there's all these arrangements'—of course that is the intention of our amendment. So hopefully that explains the government's position.

Mr LIMBRICK: The Liberal Democrats will be supporting this amendment. It seems fairly simple to us that if a private company has a debt and they are telling the police that they do not recognise that debt, then it should not be collected.

Ms BURNETT-WAKE: The Liberal-Nationals will be supporting this amendment. We are not persuaded by the arguments put forward on why the police should retain the discretion. If the police want to go and prosecute other people and continue investigations, they can still do that, regardless of whether the toll is withdrawn,

Ms SYMES: Thank you, members, for your contributions on this matter. I just do want to ensure that it is on the public record that it is Victoria Police's request that their discretion not be removed, but I do acknowledge that other people have different views. As I said, it will be for small instances. Perhaps if Victoria Police can bring us any issues that become problematic, then the chamber might wish to reconsider its position if it becomes a problem in the future.

Committee divided on new clause:

Ayes, 18

Atkinson, Mr	Davis, Mr	Ondarchie, Mr
Barton, Mr	Finn, Mr	Patten, Ms
Bath, Ms	Grimley, Mr	Quilty, Mr
Bourman, Mr	Limbrick, Mr	Ratnam, Dr
Burnett-Wake, Ms	Lovell, Ms	Rich-Phillips, Mr
Cumming, Dr	Meddick, Mr	Vaghela, Ms

Noes, 13

Elasmar, Mr	Melhem, Mr	Tarlamis, Mr
Erdogan, Mr	Pulford, Ms	Taylor, Ms
Gepp, Mr	Shing, Ms	Tierney, Ms
Kieu, Dr	Symes, Ms	Watt, Ms
Leane, Mr		

New clause agreed to.

Clauses 38 to 98 agreed to.

Clause 99 (14:42)

The DEPUTY PRESIDENT: I invite Mr Barton to move his amendment 2, which tests his amendments 3 to 5.

Mr BARTON: I move:

2. Clause 99, line 25, omit "may" and insert "must".

Amendment agreed to; amended clause agreed to; clauses 100 to 101 agreed to.

Clause 102 (14:44)

Mr BARTON: I move:

3. Clause 102, line 26, omit "may" and insert "must".

Amendment agreed to; amended clause agreed to; clauses 103 to 104 agreed to.

Clause 105 (14:45)

Mr BARTON: I move:

4. Clause 105, line 31, omit "may" and insert "must".

Amendment agreed to; amended clause agreed to; clauses 106 to 108 agreed to.

Clause 109 (14:46)

Mr BARTON: I move:

5. Clause 109, page 64, line 6, omit "may" and insert "must".

Amendment agreed to; amended clause agreed to; clauses 110 to 113 agreed to.

Reported to house with amendments.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (14:47): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (14:47): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

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

PUBLIC HEALTH AND WELLBEING AMENDMENT BILL 2022

Second reading

Debate resumed on motion of Ms SYMES:

That the bill be now read a second time.

Ms CROZIER (Southern Metropolitan) (14:49): I am pleased to rise to speak to this bill that we are debating this afternoon, the Public Health and Wellbeing Amendment Bill 2022, which has finally got to the house. It is a bill that involves a number of aspects. It is an omnibus bill that will make several amendments to a number of acts. It provides the chief health officer and any other relevant officer with civil statutory immunity if they are acting in good faith, so if anybody is wanting to take court action against the chief health officer, this responsibility in a civil case will be then transferred to the state. It provides the chief health officer with extra powers in relation to the circumstances where they may be able to make an examination and testing order if there are issues or concerns around a

public health measure. So if there is an infectious disease or an outbreak of microorganisms in the community that is a risk to the community, then this will give greater ability to get that data. I will speak to some more of that.

It removes the references to HIV and hepatitis C to remove stigma around that aspect, so they will not be specified in legislation. Hepatitis and HIV will be reflected as other infectious diseases are, so it will remove that stigma. It facilitates expanding testing data collection in an effort to improve infectious disease management, identification and analysis, allowing for a more informed and less restrictive response. I will come back and speak to that element. It also makes consequential and miscellaneous amendments to the Livestock Disease Control Act 1994, and it also amends the Public Health and Wellbeing Act 2008 to redefine 'prescribed accommodation' and 'proprietor' in relation to accommodation to ensure that proper standards are adhered to for certain labour hire workers. Now, I have sort of just outlined what the bill does, what it aims to do, and it aims to do all of those things, as has been highlighted by the minister in his second-reading speech.

If I could just get to a couple of points, I will go to the first one around labour hire and accommodation. The bill broadens the definition of 'prescribed accommodation' and redefines 'proprietor' so that there are greater standards, as I said, that will be applied. Now, we do know that there have been a number of issues around labour hire in the agricultural industry, very significant challenges through the last two years over COVID, and there have been shortages. The agriculture industry has been very concerned about that. The government has said that there have been reports of substandard accommodation that has been provided to these workers in the past, and this will give a greater framework and a greater ability for councils especially to be able to monitor this. If there were any grey areas where there was an aversion to registration by any owners of these accommodations, this bill will capture that and fix that problem.

This particular aspect of the bill came out of the Forsyth inquiry in 2016, which made a number of recommendations. This part of the bill specifically does relate to recommendations 9 and 10. Really it will simplify matters, it will ensure that council have a greater ability to monitor and it will also lessen the annual fees. I think there will be a one-off fee from councils that the councils will determine. They will determine fees based on cost recovery through the act. It will also give greater ability for one-off registrations for things like farmstays and Airbnbs in regional areas, so it will simplify registration and red tape. So that is that part of the bill.

If I can go to the area of data collection and sharing of notifiable samples and analysis, what happens currently is that pathology will notify the Department of Health when there is a positive result. If there is a positive test result of some infectious disease or notifiable disease—I think there is somewhere in the vicinity of 72 notifiable diseases that are currently listed—for a pathology or a doctor that does have one of these tests return positive, there is an obligation for that pathology department to pass that result on to the department so that they can then monitor that. What this part of the bill does is it gives an ability to have a greater understanding of what is actually in the community. If there is an outbreak of a particular disease, and those tests go off—somebody presents with symptoms, and they are tested—all of the results that come back negative currently do not go into the department. The department does not really understand how big potentially the issue is. What this part of the bill does is it enables the department to have a greater understanding of the depth of testing around a particular notifiable disease. I think it is a commonsense measure. It will give the department a greater understanding of the trends of what has been happening in the community. This part of the bill will give the department and the secretary a greater appreciation of what is happening, as I said, in the community.

Certainly through COVID we have seen a greater awareness from the community about testing, pathology and the like. I think the community is understanding of public health measures and why we need certain public health measures. Of course we are 94 per cent double vaccinated, one of the highest vaccination rates in the world. We have got more testing capacity in the system, and there are the antivirals that are coming on board. We have got a greater capacity as a global community to manage

COVID, and it is a tremendous acknowledgement of the work of scientists throughout the world who have really worked on this over the past two years to have that ability in such a short time frame to get a vaccine on board. Who would have thought in March 2020 that we would have a vaccine and be in this position? I think it is a true testament to those medical scientists and the work that they have done—in particular, the tremendous work that was done in the UK on AstraZeneca, a vaccine that was unfortunately demonised by health officials in this country, quite disgracefully. Nevertheless, we are in this world, and I have to say that we are in such a better position here in Australia and in the world with these tools that we have got on board: vaccinations, antivirals and testing capacity.

It is not March 2020; it is April 2022, two years on. When we are dealing with COVID, we should be looking through that lens, not the lens of 2020, where some still think we need to be, because this virus, as we know and as we have been saying for years, will mutate. There will be variant after variant after variant—and I read today there is yet another variant. That is fine. It is highly transmissible; we know that. But we are vaccinated, and I think there needs to be greater consideration in all of these things, and we need to have a proportionate response in relation to it. The pandemic declaration by the Premier is ongoing—another three months. Well, yes, there are variants and, yes, certainly COVID is not going away; we know that. But as I said, we are in a better position than we were in March 2020, and we do need to be able to manage this. I have noticed that there are members who are managing it. They have in recent days tested for COVID. They are in here participating in a commonsense manner. That is exactly what we should be doing.

It is on the record, and I will say it again: on this side of the house, we think those close contact isolation rules should be reviewed. There are many people taken out of our workforce because they are close contacts who never test positive. That is putting a massive strain on our health system, on our essential services, on our supply chains—on the very areas that this bill refers to. In the agricultural industry there are massive challenges. I would urge the government to hear from some health experts around Australia, not just the hand-picked ones in the Department of Health, and listen to what they are saying about some of these commonsense measures, whether it is close contact rules or whether it is masks on children. I say again, it is nonsensical to have a composite class where half the kids have got a mask on and half have not. It makes absolutely no sense whatsoever. But this is how the government is managing this COVID crisis here in Victoria, and frankly I do not think it is the right way. I think they could do a lot better than they are doing, because it is causing so many issues, and those issues will be here long after this COVID pandemic.

If I can return to this bill, I know that there are other aspects to the bill that I have spoken about, but I do want to come to the point of one area that is quite topical because of the nature of what we have described and where we are at with COVID, and that is providing civil statutory immunity to chief health officers or those who are working in the department and switching that to the state. It is only the civil aspect, not criminal behaviours or events or anything in that regard. I do understand that there are many good health officials who are doing the best they can for the community and they are acting in good faith, so I understand that aspect of this bill and what this is actually saying. I do understand that; I do think that it is important to understand that they are acting under direction from government, from ministers, that policy decisions are being made and that they should have a degree of immunity. It is a bit like those in hospitals—nurses are protected also. They have that protection when they are working in a healthcare setting. They do not need to go out and get their own professional indemnity. The hospital system will protect them, unless there is gross negligence or there is criminal activity that is investigated by the police and found to be so. So we do need to have some common sense here.

But I do want to just raise this, because there is an issue around the chief health officer and proceedings that are currently going on around I Cook Foods. It is something that I have been very interested in for many years. As members in this house know, when Ian Cook approached me in May 2019 and I started to ask questions of the then Minister for Health, something just did not seem to be right. I moved a motion to get an investigation up, which was supported by the house. We had that first inquiry. Of course the chief health officer made statements in that first inquiry, which it took 12 months to then

correct in the second inquiry after we were successful in the house with another motion I moved to get that second inquiry up. That is part of what we do; we do those inquiries to try to get to the bottom of things. But I raise this issue because currently Victoria Police has been fighting for months in VCAT an application to produce any documents that relate to the chief health officer and Victoria Police's investigation into the closure of I Cook Foods. This is happening as we speak—Victoria Police are fighting that. The police are arguing that they do not have to say whether these documents exist or not. Well, if they do not exist, say they do not exist. Why wouldn't they say they do not exist? Then everybody could move on. But they will not say they do not exist, and they are fighting in VCAT. So this makes this whole issue very murky.

The whole I Cook saga has been exactly that: a saga. It has gone on for too long. We are into the third year. I think the question is: if the chief health officer has been interviewed or arrested or spoken to by Detective Sergeant Ash Penry, why don't they just tell Victorians that? That is what this is about in VCAT now. Why won't they just say, 'Yes, he was investigated—end of story' or say, 'No, he wasn't'? Instead there is this blanket silence. Victoria Police will not confirm whether he was basically investigated—and you are a former police officer, Acting President Bourman, so I am looking at you.

The ACTING PRESIDENT (Mr Bourman): I didn't do it.

Ms CROZIER: No, you did not do it, but you know what I am saying. Victoria Police are there to investigate, whether he is suspected of doing a crime or not. Breaking the law—a crime—is what this is about, and I think Victorians want to have greater transparency on this issue. I would hope that through the VCAT system and through this very important question of whether there was an investigation or there was not by Detective Sergeant Ash Penry, then let it be known and then perhaps everybody could move on. But the ongoing suppression of this information just keeps this saga going on. There are huge questions to be answered. I think it is incredibly disappointing that that is the case. I say that because I think people want to understand. They want closure with this case—it just keeps going on—and no-one more so than that family.

I will ask some questions in committee. I will not be spending a lot of time in committee, but I do have a few questions to the minister. There is the issue around the recent bill that was passed in this place on sex workers. One of the questions I had during the briefing was around that element. We are looking at what is happening in the community in trying to prevent notifiable diseases spreading, and then we passed in this house that a sex worker does not have to have regular testing to be able to work. I understand the rationale for the government wanting to do that; what I do not understand and where I have some queries is the long time—three months—when a sex worker who is not getting regularly tested could therefore be potentially spreading a notifiable disease. And they do not have to test in that period, whereas they did before because they had to if they were to work. So I understand the legislation that went through and the intent behind why a sex worker does not have to be tested to be able to work, but this bill actually talks about wanting to see where notifiable diseases are being spread. In a three-month gap potentially there could be spread—very unintentionally, but there could be spread—a notifiable disease, a sexually transmitted disease, a disease such as hepatitis C or HIV or an STI. They could be spread through that three-month period. So I will be asking the government about that because that three-monthly check was removed.

Anyway, as I said, I will have more questions in the committee stage. I did want to put those points on the record. I already have made my points, I think. Again I say the opposition will not be opposing this legislation, but there are concerns that have come through stakeholders who have come back to me with their concerns. I will wait to speak to the minister.

Ms PATTEN (Northern Metropolitan) (15:09): I would like to rise to speak quite briefly on this bill. It is a fairly varied bill, but it does deal with notifiable diseases and bloodborne diseases and it certainly looks at the gathering of testing data et cetera. So it does go to various places, as Ms Crozier spoke about just earlier.

But I think the area that I would really like to touch on is the repeal of references to HIV and hepatitis C. I know that there are so many people who will be incredibly grateful about this amendment to this piece of legislation. This just takes us another step towards removing the stigma and discrimination against people who have HIV and hep C, and it is a stigma that can be fatal. It is a stigma that sometimes means people do not seek the help that they need. They get ostracised from their families. We saw that people with HIV, particularly in the earlier days, were not dying from HIV, they were dying from suicide, and they were dying because of the stigma, the discrimination and the shame imposed upon them for contracting HIV. So this is a good development. This is a very positive part of this legislation. As I say, there have been in numerous areas numerous changes to legislation over the last two terms that the government has put forward that go more and more towards removing that stigma around HIV. I am grateful for it, and on behalf of the HIV-positive community I express their thanks for this.

HIV now is treated much like diabetes. It is something you will have for the rest of your life, but it is not what is going to kill you; you are not going to die from it. And in fact most people who are taking the medicine as prescribed will not even test positive. They will have such a low viral load that it will not even show up in a test, and it would be next to impossible to transmit HIV when they are taking the medication, as they are now. We also have things like PEP and PrEP, which are other preventative tools to stop people from contracting it in the first place, or if they feel they have been exposed, they have those tools to help them not fully contract HIV. So this is a really welcome amendment.

I have to say I have been involved around HIV since the late 1980s, and I do not think any of us thought in the late 80s that we would be talking about HIV in the way that we are talking about it today—that we would be talking about HIV not actually being transmissible and people living full lives, never going from HIV to AIDS. Now, that is in this country, and we are one lucky country for that. Many other countries are still struggling with this and we have still got a long way to go globally, but here in Australia we have done a remarkable job to fight HIV.

I would just like to comment quickly, given Ms Crozier's comments, around testing and sex workers. Now, sex workers were the first cohort of people to be cognisant of the risk of HIV. Long before the community was aware of it we saw the sex worker community become very aware of it and very concerned about it. We saw almost 100 per cent of sex workers using safe sex practices, as I said, back as far as 1987, 1988, in Australia. The Australian sex workers were right at the front of this, from prevention and also looking after their own health through sexual health testing, as they will continue to do under a decriminalised model. Sex workers will continue to look after their health, and I think it also should be noted that there has never, ever been a transmission of HIV from a sex worker to a client—ever—in Australia. There is not one single reported case of a sex worker transmitting HIV to a client or during their work. So it is an unnecessary concern, and it goes I think very much to the judgement and stigma that people place on sex workers, that somehow sex workers cannot be trusted, even with their own health, and that somehow the government must control them because these—most sex workers are female—women are fallen. There is a considerable amount of moral judgement placed on them in this regard. There is nothing to be afraid of. When you speak to all of the transmissible disease experts, from the Burnet Institute even to the Melbourne Sexual Health Centre—they were saying the three-monthly compulsory testing was unnecessary and expensive and sex workers were seeking to look after their own health. They did not need legislation to do that.

The other point I would just like to touch on is—because I am sure Dr Ratnam will be speaking soon; she is putting up amendments in relation to drug checking and drug notifications—as many of you would be aware, she and I have jointly sponsored a bill on pill testing. That sits on the notice paper, and it may be something that we debate before the end of this term. But what we are seeing is a growing amount of evidence—not just international evidence, where pill testing has been undertaken and has been regular practice for many years, even decades, but even within Australia. The ACT has been conducting and supporting pill testing for a number of years now; in fact there will be a festival in the ACT next month where there will be a pill-testing facility established. The concept of pill testing is

supported by the Australian Medical Association, the Royal Australian College of General Practitioners, the Royal Australasian College of Physicians and just about every single alcohol and other drug expert and person who works in that field. So we are going to be seeing festivals come back, thankfully, and I am sure we are all very happy to see that the festival season will hopefully be almost as normal as possible come the end of this year.

What we see from pill testing is it is almost a loss leader, and I have witnessed this not just in Australia but also overseas, where you will have someone coming in, bringing in their pill to be tested. Now, the machine that goes 'ping' does the testing and lets them know what is in that substance, and we know that if that substance is not found to be what that person thought it was or is found to be something dangerous, guess what, that person does not consume that substance and that substance is disposed of. But most importantly as part of that process they get to speak to a health practitioner—and it is phenomenal; you cannot get some of the young people out of the tent because they have so many questions around drug use. They have so many questions about the interactions between various drugs, whether that is prescription medication or recreational drugs, as it were. It is that education that happens at that point, and we know that actually it prevents deaths. It is a very sensible approach.

In Dr Ratnam's amendments there is also an amendment where if a bad batch of drugs were found in our community, then this would require the police to report on that. Now, we saw this in Chapel Street where a number of people died unnecessarily because we did not get out there on the radio and tell people. We did not get out there on the social media to warn people about a very bad batch of NBOMe which was being sold as MDMA, and we saw people die as a result.

Contrast that to about six years ago in the Netherlands where there was a similar, deadly batch of illicit substances going around. Now, they have an early warning system, so of course it went out on the news. It went out on all of the social media networks, and that prevented possibly hundreds—well, hundreds of injuries, if not deaths. We could and we should be doing that in Australia. It makes absolutely no sense that we are not doing it.

So this is harm reduction, and I think when I have listened to debates over the last seven years no-one seems to have opposed harm reduction—except when it comes to illicit drug use. Then it is just this proposal—and it is a preposterous proposal—that we just tell people to say no, that all drugs are dangerous, so you must just say no. It is not happening. And it does not matter how many penalties you put around drug use, the number of people who are using drugs does not decline. What does decline is the safety. What does decline is the ability for that person to seek help. So I think largely this bill is uncontroversial and welcome in regard to HIV and hepatitis C. But certainly I welcome Dr Ratnam's amendments to this bill, and I commend the bill.

Dr KIEU (South Eastern Metropolitan) (15:20): I rise to speak to the Public Health and Wellbeing Amendment Bill 2022. Education and public health are two of the pillars of a civilised, modern and advanced society. The core function of a public health system is to promote and also to protect the health of people in the communities in which we live, learn and work. Usually public health is not the focus of the community until a crisis, such as what we are living in now, a pandemic—an outbreak of a very transmissible and infectious disease. In fact public health operates on a daily basis in order to keep people healthy and safe and also to help to ensure that we have clean water to drink, safe and nutritious food to eat and high-quality air to breathe. And also public health must ensure that there are many services, a broad range of them, to promote our human health, including vaccines.

I would like to take this opportunity to talk about the vaccines. There is a very small group of people—and I am afraid that includes some members of this chamber as well—that have been propagating false information about vaccines and vaccination.

Ms Crozier: Who?

Dr KIEU: You can hear some of the statements in the chamber about the vaccines not working. That is wrong. Vaccines do work. They save lives, and they relieve the pressure on our public health system.

We have an act, the Public Health and Wellbeing Act 2008, which is the central piece of legislation designed to protect the health and wellbeing of our community. This bill aims to strengthen many of the routine public health functions of the existing act. This bill will address issues identified in the recent review of the Public Health and Wellbeing Regulations 2019 as well as constraints in the act relating to testing and data collection.

The bill also delivers on outstanding government commitments stemming from the Victorian inquiry into the labour hire industry and insecure work and the *Small Business Regulation Review (Visitor Economy) Action Statement*. The bill will amend the act to allow for the rectification of lower risk prescribed accommodation in order to reduce regulatory burden and costs for the owners of small visitor accommodation such as bed and breakfasts, boutique guesthouses and farmstays. The bill includes accommodation related to labour hire arrangements within the prescribed accommodation framework, and I will go into that in more detail. The bill also expands data collection and further analysis powers to help improve our management and understanding of infectious diseases and the risks to public health. The bill will also expand the circumstances in which the chief health officer may make an examination and testing order for the monitoring and control of infectious diseases so that those diseases can be targeted more and can be responded to accordingly in the case of an outbreak.

The bill is also to introduce civil statutory immunity for officers who are working on and undertaking public health functions under the act. This is to bring Victoria into line with all other Australian jurisdictions which already provide personal liability. Like some other members and particularly Ms Patten mentioned, the bill will also remove the stigmatising references to HIV and hepatitis C. On top of that, the bill also makes a number of minor administrative and technical amendments, including recognising the profession of paramedicine, with the profession now being a protected profession in line with the Health Practitioner Regulation National Law.

With the time given, I cannot go into all of these aspects of the bill, but I will go into some of them in a little bit more detail—firstly about the standards of accommodation for labour hire. Labour hire workers support critical Victorian industries, including fruit picking and harvesting, and we need to protect the health and the wellbeing of those labour hire workers. Over the last 30 years labour hire workers have developed and formed into a very significant component of Victorian workers, and they are a major contributor to our economy. In 2015, in response to a number of high-profile cases which exposed exploitation of labour hire workers, particularly vulnerable and migrant workers who come to this country to help out with some of the agricultural work, the then Minister for Industrial Relations announced an inquiry into the labour hire industry and insecure work in Victoria. Through that inquiry the main story was of non-compliant labour hire agencies and workers being provided with inadequate and substandard accommodation, particularly in rural and regional areas, and they did not have a choice about where they wanted to stay or what kind of accommodation they should be housed in.

In some instances the labour hire workers were being housed in substandard accommodation, and the employers could get away with that through some arrangement designed to avoid the regulatory framework. Some of the establishments did not register under Victorian laws, so they could not be regulated and inspected by the local council. So most of those were not required to be registered under the current scheme. Some of the residential houses were not up to standard, with not enough bedrooms. Sometimes the lounge was being used for bedrooms. Even a disused caravan park had been used for accommodating labour hire workers. But the council was unable to get access to the premises in most of the cases because of the difficulty in determining who was receiving payment for the accommodation, due to the lack of regulation. As one rural council very succinctly summarised, the infringements and penalties in the Public Health and Wellbeing Act 2008 do not really act as a deterrent, especially if operators are aware of the loopholes.

This bill will respond particularly to recommendations 9 and 10 of the inquiry, and all accommodation will be required to be registered with the local council and meet public health standards. This will prevent overcrowding, this will regulate the number of bathrooms and toilets and this will regulate the maintenance, the cleanliness and the register of occupants.

This bill also strengthens the definition of 'proprietor' to better attribute responsibility and accountability to the persons providing the accommodation and better support councils and the Labour Hire Licensing Authority to monitor, inspect and enforce compliance. With the labour hire accommodation providers, they will be able to demonstrate compliance with the amendments proposed by this bill by changing or operating accommodation to meet the required standards, by applying for registration and paying an annual registration fee and by being available for compliance inspections, such as prior to the start of registration and ongoing annual inspection.

I have to bring to the attention of the house that these reforms complement a number of significant investments already being delivered by the Andrews Labor government to support the Victorian agricultural industry to meet the challenges of the workforce. Those investments include the $6 million seasonal workforce accommodation program, a regional workforce pilot project and some recent amendments to the Victoria planning provisions now exempting farm businesses from requiring a planning permit for on-farm worker accommodation for up to 10 people within the farming zones.

I would like to take my last 2 minutes to talk about immunity for public health officers. Public health officers are doing incredible work, as we have seen in this pandemic, to protect our community, and in order to attract and retain high-quality people we need to protect them and identify them. But at the moment there is still a possibility of them being named in litigation, which means that many skilled and talented public health professionals will shy away from these roles. They should not be worried about being sued simply for carrying out the functions of the job they are employed to do, provided the actions they are carrying out are in good faith. There are some exemptions. First of all, the right to a fair hearing will still be protected, as civil liability will be transferred to the state if the officers are acting in good faith. An officer undertaking these important public health functions will continue to remain accountable to a range of safeguards, and also they will be required to comply with the code of conduct for Victorian public sector employees as part of their employment. The immunity provisions do not cover criminal liability, and alleged criminal activities by an officer would have to go through the normal criminal investigation and, if appropriate, prosecution processes. The bill will not be retrospective; in fact it will not impact on the proceedings that are going on at present in the courts or in the legal system.

In summary, the functioning of a strong public health system in Victoria is fundamental to our state's ability to prevent the spread of disease, to deliver improved and more equitable health outcomes for our community, to reduce hospital admissions and to increase our resilience to future health threats. The amendments in this bill will contribute to these crucial functions, ensuring that the day-to-day activities of our vital public workforce are grounded in contemporary and best practice reform. I commend the bill to the house

Mr ONDARCHIE (Northern Metropolitan) (15:35): I rise this afternoon to speak to the Public Health and Wellbeing Amendment Bill 2022. Can I commence by commending the Shadow Minister for Health, Georgie Crozier, not only for her contribution to this bill but for the absolute leadership—the health leadership—she has shown in Victoria in the absence of any from the government. Her stewardship for change and her campaigns to ensure Victorians are well looked after have been strong, and I suspect a number of the late-minute decisions that have been taken by government—at late times—have been as a result of Ms Crozier's campaigning to get things changed. We see it regularly.

The purpose of this bill is to provide the chief health officer and any other relevant officers with civil statutory immunity if they are acting in good faith, moving liability to the state. It also provides the CHO with extra powers in relation to the circumstances where they can make an examination or testing order, it removes references to HIV and hepatitis C to remove the stigma that is associated with them

and it facilitates testing data collection in an effort to improve infectious disease management and identification analysis, allowing for a more informed and less restrictive response.

Well, they make decisions pretty quickly here when they need to—when they are in trouble and they are trying to divert from other challenges that are happening in this state. I note that last night the Premier extended the pandemic conditions until midnight on 12 July. There are people in Melbourne today going, 'What? He did what?'. He keeps saying, on one hand, we are moving through COVID and we are coming back. He and his wife turned up to the opening night of *Hamilton*. Everyone is getting back to everything.

Ms Crozier: Masks on, masks off, yes.

Mr ONDARCHIE: Masks on, masks off—if you are in a composite class as a kid you are going to wear a mask, but the kid sitting next to you is not going to wear a mask because they are in different grade. It is a total mess. Victorians are saying today, 'He extended the pandemic regulations to 12 July. On what evidence?'. It is probably the same evidence that was used to put red tape around kids' playgrounds to stop kids going on the slide. It is probably the same health evidence that put a curfew on between 9.00 pm and 5.00 am every night. That evidence did not exist, and we have seen that in evidence ourselves. When the health professionals have been asked about it, they have said, 'It wasn't me who did it. It wasn't me'. The man who enforces dictatorial rule over this state is deciding some of these things, and today, with the extension of the pandemic regulations until 12 July at midnight, Victorians are going, 'Why? Show us the evidence around that'. He is saying, 'Maybe in the future this could happen'. Maybe in the future they could get the budget back to a reasonable position in this state. Part of the challenge in this state is they have run out of money. Can you believe they are looking to borrow money to pay operational expenditures? It is ridiculous. The government will go into denial about that because for them it is, 'Oh, it's just money'. 'It's only money', they would say. But they keep forgetting that it is the taxpayers' money. Hardworking Victorians that are paying their taxes legitimately are watching this government flush their money down the drain or down the West Gate Tunnel or down the North East Link.

Ms Taylor: On a point of order, Acting President, could we come back to the bill?

Mr Finn: On the point of order, Acting President, I think Mr Ondarchie has been very much on the bill. He is actually talking about the money and where the money is going.

The ACTING PRESIDENT (Mr Bourman): Order! This is not the debate part, Mr Finn. Mr Ondarchie, you are borderline there, because I understand that you are talking about the money that has been run up during the pandemic, but can we get more towards the bill rather than the wider issue?

Mr ONDARCHIE: Thank you, Acting President. The reason I am talking about money is because one of the purposes of this bill is to move the liability, in a statutory sense, away from the CHO, therefore removing a financial impost on the CHO. So that gives me licence to talk about finance in this state. Anybody who denies the money in this bill is being either inept or foolish. This is about removing financial liability from the CHO, so it does give me licence to talk about finance.

Mr Gepp: On a point of order, Acting President, I understand the member's attempts to try and flout your ruling, but you have ruled, and I would suggest that Mr Ondarchie's continued contribution is outside the scope of that ruling. I would invite you to ask him to come back to the bill, in accordance with your previous ruling.

The ACTING PRESIDENT (Mr Bourman): Thank you for reminding me of my ruling, Mr Gepp.

Mr Finn: On the point of order, Acting President, the members of the government might not like what Mr Ondarchie is saying, and I can fully understand that, but the fact of the matter is that he is

within your ruling, he is following your ruling and indeed he is speaking to the bill and within the confines of the bill.

The ACTING PRESIDENT (Mr Bourman): Mr Ondarchie, you are still kind of floating around. Can we just get on with it, please?

Mr ONDARCHIE: I think Victorians have been asking for this government to get on with it for a long time. When it comes to public health and wellbeing, it is all about the money. It is all about making sure there is appropriate money to run the public health and wellbeing system in this state. As we are talking about public health, I draw the house's attention to a recent bit of feedback I had from a constituent who lives in inner Melbourne—

Ms Symes: You did a survey?

Mr ONDARCHIE: It was not by survey. They rang me directly and they said that over the weekend the fellow in the house suffered a very severe spider bite, one which grew pretty rapidly on his forearm, and he was very worried about how that was going to go. He applied some ice and some things to it to try and cool it down, but he was worried about how this spider bite—he did not know what spider it was—was going to turn out. He said to his partner, 'If this turns bad, don't call an ambulance, because one won't turn up. You need to take me to hospital'. Can you imagine that? Someone in a state of flux, a bit nervous about their partner suffering from this spider bite, then has to coordinate to get them into a motor vehicle and take them to an emergency ward somewhere at a hospital because they do not have confidence that an ambulance will turn up. This is modern-day Victoria. This is getting ridiculous.

Let me draw your attention to a case that was brought to my attention just yesterday. Here is the story: there is a family with four children and their youngest, a three-year-old—running, as they do, through the household—fell and hit their head severely on a coffee table.

Ms Symes interjected.

Mr ONDARCHIE: Well, you might not be worried about this child hurting themselves, Attorney-General, but I certainly am worried about this child who hit their head. A three-year-old hit their head on a coffee table and naturally their parents were worried. So the first thing they did, based on 'Don't call an ambulance', as Daniel says, was ring Nurse-on-Call. Nurse-on-Call said, 'I'll ring 000 on your behalf'. The government might not want to talk about public health and wellbeing, the title of this bill, but I do. So the nurse-on-call rang 000—

Ms Symes: On a point of order, Acting President—

Mr ONDARCHIE: This government will do anything to extend this day, including making frivolous points of order.

Ms Symes: I can tell you I have no intention of extending this day, but it is not appropriate to pick out keywords from a bill, like 'wellbeing', and apply them generally to issues that are unrelated to the bill. Of course concerns about a little kid's health are interesting, and I am hoping everything is fine and whatever, but using it as an example on this bill is completely irrelevant. It is actually just not appropriate, Mr Ondarchie.

Mr Finn: On the point of order, Acting President, the Attorney-General is suggesting that the word 'wellbeing' is not relevant to this bill. It is in the title. That is what Mr Ondarchie has been talking about. He has been talking about wellbeing. It is in the title of the bill. It can hardly be irrelevant if it is in the title of the bill.

The ACTING PRESIDENT (Mr Bourman): Mr Ondarchie, I generally allow everyone quite a bit of latitude, but I think we are getting a little bit of a way off the reservation here. Can we get down to what is actually in the bill and not just to do with the title.

Mr ONDARCHIE: On the point of order—

The ACTING PRESIDENT (Mr Bourman): I have ruled, Mr Ondarchie.

Mr ONDARCHIE: I am talking about the immunity that is being levied to the chief health officer for any decisions they take, and I am telling you the decisions taken in the health system here in Victoria are affecting good, hardworking Victorians. That is why I wanted to make the point about the three-year-old who hit their head and there being no confidence about an ambulance turning up, because this bill talks about removing the liability on the chief health officer.

The ACTING PRESIDENT (Mr Bourman): Mr Ondarchie, the ambulance crisis is not actually relevant to this bill. Could you please keep within the confines of this bill.

Mr ONDARCHIE: Can I continue?

The ACTING PRESIDENT (Mr Bourman): You may continue, Mr Ondarchie.

Mr ONDARCHIE: Thank you. I was waiting for the call; I know you are in charge here. This bill talks about people's health and wellbeing, particularly as it relates to hep C and HIV. This bill talks about that. So let me talk a little bit about people's health, if I can, and their wellbeing and a government who wants to talk about anything but that at the moment, because the health system is in crisis here, absolutely in crisis. I tell you what, the former health minister is not here, but had the former health minister been here I would have called her Cleopatra, the queen of denial, because that is pretty well what is happening in this government at the moment.

I have to say, Acting President, I will abide by your ruling to talk about public health and wellbeing only, okay? I will abide by your ruling to do that. To answer the Attorney-General's point of order, the three-year-old is getting better, fortunately—fortunately—but not for the sake of the health system in this country, not for the sake of the health system in this state, where an ambulance took over an hour and 45 minutes to respond to that family. Can you imagine being the mother of a three-year-old who is severely injured—public health and wellbeing, I am talking about, Acting President—

Mr Gepp: On a point of order, Acting President, I do not know how long we have to keep doing this dance about coming back to the scope of the bill, but nothing that Mr Ondarchie is talking about has any relationship to this bill. I understand that he wants to continue to make a point about the public health system. This bill has specific measures to it, and he should be brought back to the scope of it.

The ACTING PRESIDENT (Mr Bourman): Mr Ondarchie, on the point of order?

Mr ONDARCHIE: No, I would like to just wrap up.

The ACTING PRESIDENT (Mr Bourman): Okay, you may continue.

Mr ONDARCHIE: I will conclude by reminding the house and anybody who chooses to listen or follow the *Hansard* tomorrow that the government have just stipulated that the Public Health and Wellbeing Amendment Bill 2022 has nothing to do with people's health in Victoria—has nothing to do with the health of Victorians—and that is a damning situation for this state when that is their position. I conclude my remarks.

Ms Symes: On a point of order, Acting President, Mr Ondarchie is verballing the government, misquoting them and misleading the house.

The ACTING PRESIDENT (Mr Bourman): Mr Ondarchie has wound up, so I think the point of order is irrelevant, as Mr Ondarchie is done.

Ms WATT (Northern Metropolitan) (15:49): I rise to speak on the Public Health and Wellbeing Amendment Bill 2022, and in doing so I would like to note that I have seen firsthand the difference that governments can make in people's lives, and the bill that we are debating today is just another example of the Andrews Labor government delivering on our commitment to improving the quality

and safety in Victoria's health system. Since we were elected in 2014 the Andrews Labor government have worked tirelessly to invest in our health system at unprecedented levels. We are creating stronger nurse-to-patient ratios, building world-class hospitals and legislating for free dental care in schools. We also commissioned Australia's first royal commission into mental health, committing to completely rebuilding our mental health system from the ground up in the most significant social reform in the state's history.

The global coronavirus pandemic has shown the world just how valuable and important health workers are, and I would like to take a quick moment to acknowledge and thank everyone who has worked—and continues to work—around the clock to keep our community safe and well during these past couple of years. Might I make special mention of the work of so many community health organisations in my constituency of Northern Metropolitan Region, notably Merri Health, which I proudly served as deputy chair with before my appointment to this place, an organisation indeed very, very close to my heart and which has done such incredible work in Melbourne's northern suburbs.

The bill before us today amends the Public Health and Wellbeing Act 2008 in order to strengthen public health functions as well as addressing constraints relating to testing and data collection. Additionally, it addresses issues identified in the recent review of the Public Health and Wellbeing Regulations 2019. Amongst a raft of other provisions, the bill amends the act to expand testing, data collection and further analysis powers to help improve our management and understanding of infectious diseases and the risk to public health. It will expand the circumstances in which the chief health officer may make an examination and testing order for the monitoring and control of infectious diseases, enabling more targeted and potentially less restrictive public health responses. The bill will also make several minor administrative and technical amendments, including recognising the profession of paramedicine—and what remarkable medical professionals our paramedics are—bringing it in line with it being a protected profession under the Health Practitioner Regulation National Law.

The functioning of a strong public health system in Victoria is fundamental to our state's ability to prevent the spread of disease, deliver improved and more equitable health outcomes for community, reduce hospital admissions and increase our resilience to future health threats. The amendments in this bill will assist the health system in carrying out these crucial functions, ensuring that the day-to-day activities of our vital health workforce are grounded in contemporary and best practice. The bill also delivers on outstanding government commitments stemming from the Victorian inquiry into the labour hire industry and insecure work and the *Small Business Regulation Review (Visitor Economy) Action Statement*. The Andrews Labor government has a strong commitment and a strong record indeed of delivering much-needed and extensive reforms and improving the regulation of the labour hire industry, and I know my colleague Mr Gepp has some very profound contributions likely on this matter as well.

In 2015 in response to a number of high-profile cases which exposed exploitation of workers and particularly vulnerable and migrant workers the then Minister for Industrial Relations announced an inquiry into the labour hire industry and insecure work here in our state. The inquiry received 695 written submissions and heard from 221 individual witnesses over 17 days, with hearings held from November 2015 to March 2016 across regional and metropolitan Victoria. The inquiry found that various labour hire workers in Victoria were treated almost like a second class of worker, including through differential treatment for issues like health and safety.

Through public consultation and hearings we heard so many stories revealing a strong link between non-compliant labour hire agencies and workers being provided inadequate and substandard accommodation. This is particularly common in rural and regional areas, where workers often do not get a choice about whether they want to stay at the accommodation provided by labour hire operators. The final report of the inquiry made it very clear that Victoria's regulatory framework for labour hire accommodation is failing to capture this substandard accommodation being provided through labour hire arrangements, such as overcrowded conditions and insufficient amenities.

To help clean up the industry we created the Labour Hire Authority. A crackdown on dodgy operators ensured strict and proper reviews of licence applications and a significant take-up of the labour hire licensing scheme. In the last year the LHA, the Labour Hire Authority, conducted 2431 education and compliance inspections across Victoria—and how marvellous those inspectors are—and made thousands of inquiries into non-compliance with workplace laws, such as payments below award wages, unlawful deductions from wages and breaches of occupational health and safety laws. The LHA assessed and reviewed 2435 labour hire licences and applications, resulting in nine application refusals, one licence suspension, 95 licence cancellations and 95 licence variations.

What this demonstrates is how needed the Labour Hire Authority was and the importance of continuing to reform this industry—and with that, this is what this bill does. This bill will continue this government's reform agenda for the labour hire industry by including accommodation relating to labour hire arrangements within the prescribed accommodation framework, ensuring that labour hire workers who support critical Victorian industries are provided with accommodation that meets public health standards. It will also allow for the registration of lower risk prescribed accommodation, reducing the regulatory burden and the cost for the owner of a small visitor accommodation such as a bed and breakfast, a boutique guesthouse or a farm stay. We have regrettably seen many instances of labour hire workers being provided accommodation that is substandard and intentionally designed to avoid the regulatory framework. It has been seen that a number of these establishments are not registered under Victorian laws and as a result do not fall under local council regulations.

One council in rural Victoria provided evidence to the inquiry that in the past 12 months it had received 35 formal customer requests regarding accommodation complaints. Thirty of these related to suspected unregistered accommodation, with five relating to cleanliness or overcrowding of registered premises. Of the unregistered accommodation, the council found that most were not required to be registered under the current scheme for reasons including non-payment of consideration. They also found that all but one were residential houses. The other was a disused caravan park. Additionally, the majority of these houses had overseas workers living in them who work on blocks. The councils are unable to gain access to the premises in most cases due to difficulty determining who is receiving payment for the accommodation. Other issues identified by a council with the present prescribed accommodation scheme included difficulty in gaining sufficient supporting evidence that prescribed accommodation is being provided, including obtaining evidence of payment and statements from operators that all residents are family members. There we go.

With accommodating a large number of people in a standard residential house not designed nor built to accommodate that number of people, the current regulations have no restriction on the number of bedrooms in a house, meaning that other rooms, such as the lounge room, may be used as a bedroom. Local councils have expressed their concern about the current lack of consequences for operators doing the wrong thing and taking advantage of vulnerable workers. One of them noted there are houses with approximately 20 people living in them, each paying $150 rent per week. That is approximately $3000 income each week. The kitchen had been taken over as accommodation and the residents were cooking in the yard.

As stated by one rural council, the infringements and penalties in the Public Health and Wellbeing Act 2008 do not really act as a deterrent, including if operators are aware of the loopholes. To address these concerning findings, the final report of the inquiry included recommendations that the act be amended to broaden the scope of prescribed accommodation to ensure that labour hire accommodation is regulated under a public health framework. This bill responds to recommendations 9 and 10 of the inquiry by ensuring that all accommodation provided to a worker under or in connection with a labour hire arrangement will be required to be registered with the local council and meet public health standards. This will help prevent overcrowding and will regulate the number of bathrooms and toilets, maintenance, cleanliness and the number of occupants. This bill strengthens the definition of 'proprietor' to better attribute responsibility and accountability to the person providing the

accommodation and better support councils and the Labour Hire Licensing Authority to monitor and enforce compliance.

We recognise that industry will require significant time to prepare, so we will consult with key stakeholders, including the Labour Hire Authority, Agriculture Victoria, Industrial Relations Victoria and councils during 2022 to ensure the regulations are fit for purpose. A targeted communication and awareness campaign will also be conducted to ensure the sector is supported to comply with the changes prior to February 2023, when the regulations commence. This lead-in time is designed to balance the need to supply accommodation for vital industries and protect the wellbeing of workers. Labour hire accommodation providers will be able to demonstrate compliance with the amendments by changing or upgrading accommodation to meet the required standards, such as removing beds to prevent overcrowding, as well as applying for registration and paying an annual registration fee.

The amendments in this bill are not unique to our state. In the United Kingdom accommodation provided by labour hire agencies to workers in the agriculture and shellfish-gathering sectors and related processing and packaging work is regulated under similar provisions. Labour hire workers need to declare whether they provide accommodation or have a commercial arrangement in relation to accommodation. Any accommodation classified as a house of multiple occupation must be licensed and is subject to review and inspection by the local authority, including the fire brigade. Accommodation standards also form part of the requirements for obtaining a licence to operate as a labour provider.

To develop these labour hire reforms the Victorian government has consulted with key stakeholders, including the Labour Hire Licensing Authority, WorkSafe Victoria, Agriculture Victoria, the Department of Jobs, Precincts and Regions, the Municipal Association of Victoria and relevant areas of the Department of Health, including the pandemic legislation reform team. All stakeholders support the legislative intent of this bill. Their feedback will assist us to develop prescribed accommodation regulations and plan for a smooth transition to a regulated environment. Consultation also identified the need for regulators to work collaboratively during implementation to optimise regulatory oversight and compliance.

Something in this bill that I feel quite passionately about is the move to remove stigmatising references to HIV and hepatitis C in the act. The Andrews Labor government has made it clear that stigma and discrimination experienced by people with HIV are completely unacceptable and have no place in our community and no place in our society. Currently under the act the references to HIV and hepatitis C unjustly highlight and amplify many of the historical references that reinforce stigma towards people with HIV and hepatitis C. These specific references long predate the development of effective modern treatments, and removing them is in keeping with modern developments in science. Rather than calling particular attention to HIV and hepatitis C and nor to other diseases, these amendments will make the act disease agnostic and allow these conditions to be more appropriately treated like any other bloodborne virus or medical condition. The amendments will not alter operation of the act, as the Public Health and Wellbeing Regulations 2019 will be amended to prescribe HIV and hepatitis C for the purpose of the act, rather than these diseases being referred to in the body of the act specifically.

This bill also provides statutory immunity for public health officers, and I mentioned earlier in my remarks that this pandemic has shown us the incredible work undertaken by the public health workforce to protect the Victorian community. These public health officials, including the chief health officer, delegates of the chief health officer and authorised officers, all undertake the vital work of delivering public health priorities and carrying out the functions of the Public Health and Wellbeing Act. Victoria should be doing all it can to attract and retain high-quality people to these roles. However, the possibility of being named in litigation means that many skilled and talented public health professionals have shied away from these roles, and this is something I have heard particularly strongly from our mental health workforce professionals. This is in fact really quite a special amendment, I have got to say. No-one should have to worry about being personally sued simply for carrying out the functions of the job—

A member interjected.

Ms WATT: Why are you all looking at me—because I am fabulous? Hi, everyone.

A member: It's a great contribution.

Ms WATT: Well, it is pretty special, I have got to say—simply for carrying out the functions of the job they are employed to do and keeping Victorians healthy and safe. I spent this morning with some of the very best people in our medical system, including those creating the new generation of treatments, and I can say it was truly the most profound highlight of my week, only surpassed by meeting mental health professionals in Parkville working with our young people.

In closing, this bill that we are debating today is just another example of the Andrews Labor government delivering on its commitment to improve the quality and safety of Victoria's health system. Unlike those opposite, this government will always properly fund our health sector and pass key reforms to ensure our health system is simply the best equipped to look after Victorians.

Sitting suspended 4.03 pm until 4.22 pm.

Dr RATNAM (Northern Metropolitan) (16:22): I rise to speak to the Public Health and Wellbeing Amendment Bill 2022. This bill is making a number of uncontroversial amendments to our public health legislation, and the Greens are happy to support these. We have been spending a lot of time talking about public health and wellbeing in recent years, so it is also a good time to remember that public health and the act are not just concerned with dealing with pandemics or infectious diseases. They also include all the policies that aim to prolong life and health, whether this involves identifying food toxins, promoting sport and exercise, restricting junk food advertising, addressing problem gambling and homelessness or preparing for the extreme heat caused by climate change.

One of the aims of public health policy is also to minimise the harm from legal and illegal drug use. Since the mid-1970s, for political reasons, public health drugs policy has almost entirely deferred to law enforcement drugs policy. Suffice to say this politicised law and order approach to drug use has not improved public health. In fact it has had the opposite effect, particularly in our most disadvantaged communities. Yet despite much of the world, including the leading international law enforcement agencies, finally recognising that drug use is a public health issue requiring a public health first response, we in Victoria still operate under the legacy of law enforcement opinion having disproportionate influence and the final say over this public health issue. So we need to clarify today exactly what Victoria's harm minimisation strategy for drug use is, and as this is a public health issue, this bill and this act are the appropriate way of doing this, through the amendments that I will now circulate.

Greens amendments circulated by Dr RATNAM pursuant to standing orders.

Dr RATNAM: The Public Health and Wellbeing Act 2008 (PHW act) sets out a framework for what are known as notifiable conditions. These are prescribed diseases or microorganisms and include things like Ross River fever, measles, salmonella and of course now COVID-19. When a notifiable condition is encountered by a medical professional, the act requires them to notify the Department of Health within a prescribed amount of time, and this allows the department to implement whatever public health response is needed to control or limit the spread of the disease—for example, alerting public health that Japanese encephalitis has been detected in mosquitoes in Victoria.

The bill today makes some changes that seek to improve the way intelligence is shared and gathered. Obviously the Department of Health receiving timely, relevant intelligence on specific threats to public health is the key to an effective response to counter these threats, so we support the proposed changes in the bill. But early warning alert systems for specific batches of drugs circulating save lives in exactly the same way as health alerts for notifiable conditions do. This is not just public health theory; these are the findings of the Victorian coroner and a Victorian parliamentary committee in 2018, and it is

the accepted practice of health agencies all over the world, including the Centers for Disease Control and Prevention in the United States.

Since March 2020 it has also been the policy of the Department of Health, who have been issuing drug alerts to the public when toxic substances have been identified in specific batches of illegal drugs. These drug alerts take an identical form to and are located online in the same place as health alerts for notifiable conditions. However, there is no established mechanism or rule for reporting toxic substances found in drugs to the Department of Health under the PHW act. The drug alerts are also only based on intelligence received from the state's hospitals under an informal, ad hoc arrangement. This means drug alerts are only issued when the specific toxins found in drugs have already caused enough harm to send a person to hospital and the health worker has had the foresight to think that maybe it would be a good idea to share this information at a higher level at some stage.

Timely, accurate intelligence means public health damage can be minimised, but where our intelligence is either missing, untimely or ignored, trying to contain the fallout is a lot more painful. So I am introducing amendments today to create a consistent approach and codify the informal information sharing that currently takes place between hospitals and the department in terms of when specific substances found in drugs should be notifiable in exactly the same way that currently occurs with notifiable conditions. But the amendments also go further, because waiting for someone to wind up in hospital before we act is far too late.

Victoria Police's drug strategy is to intercept illegal drugs to limit their supply in the community. This means they frequently come across batches of drugs before or at a very early stage of their distribution and use. They also already frequently have these drugs analysed by a laboratory to determine their composition. However, Victoria Police currently do not share this potentially life-saving drug analysis information with the Department of Health. In fact they refuse to share this information, even when they know that the analysis indicates that the drugs contain substances that would lead to an urgent public health alert being issued if they were uncovered in a hospital. I will speak more about the reasons for this in the committee stage.

To be clear, my amendments do not propose to introduce an early warning drug alert system run by the Department of Health, because this is already in place. My amendments simply clarify exactly what substances in drugs should be notifiable to the Department of Health, the same way that notifiable conditions are, and require Victoria Police, like hospitals, to feed this drug intelligence to the Department of Health in all cases. This bill is about making our existing public health systems work better to save lives. The amendments are entirely consistent with this aim, and they should be supported.

Mr GEPP (Northern Victoria) (16:29): I rise to speak on the Public Health and Wellbeing Amendment Bill 2022. In Victoria, as we know, the Public Health and Wellbeing Act 2008 operates as the central piece of legislation designed to protect the health and wellbeing of our community here in Victoria. Previous speakers have spoken at length about the various aspects of the amendments in the bill before the chamber today, so I do not want to go over all of that ground, but rather I want to particularly concentrate on what I think is a critical aspect of the amendments being proposed by the government today, and that is the area of labour hire. Of course we know that in Victoria and indeed across the nation labour hire has grown exponentially over the last 30 years, and it has now become a significant employer of Victorian workers and by extension is a significant contributor to the Victorian economy. But what we also know is that we have seen and heard a lot about exploitation of workers with the advent of labour hire. This is not to suggest that labour hire firms are the only ones who are guilty of practices that exploit working people, but certainly we know that in this area there have been a lot of problems, particularly with vulnerable and migrant workers.

The house might recall that in 2015 the then Minister for Industrial Relations announced an inquiry into the labour hire industry and insecure work in Victoria, and it is timely that these amendments come before the house, because we have also heard during the pandemic about some of the most disadvantaged people in our community, many of whom are tied to insecure work. They are buried in

the quagmire, I say, of insecure employment and cannot get out. Many of those people certainly did not have a choice during the pandemic. If they did not go out and work, then they did not earn any money and they could not put food on the table—a very basic condition of livability. So it is timely that we are talking about these amendments at this time, still in this pandemic, but importantly linking it back to the inquiry back in 2015, which was significant. I think it was one of the first inquiries of its kind, certainly in Victoria, in relation to this issue, and throughout the country. I will stand corrected, but I am not aware of too many other inquiries that might have existed around that time. I know since that places like the Australian Senate have gone into great detail on some of those matters, even recently, in the past few months. We have heard some pretty horrific stories start to emerge about the treatment of some of those workers, particularly in regional Victoria. In my electorate of Northern Victoria the use of labour hire and casual employment is very prominent in the hospitality area, in the events sector, in the tourism sector and in agriculture in particular, and we are well aware of the perils of insecure work and what it means, particularly for the vulnerable workers who get caught up.

That 2015 inquiry got almost 700 submissions and heard from over a couple of hundred witnesses, and I think there were about three or four weeks of hearings from memory, including in regional Victoria. What they found was that in many ways labour hire workers in Victoria are often treated as second-class citizens—they are not treated by employers as having the same rights as other workers. Often you can pinpoint it, particularly when some of the work is seasonal and those workers have to be brought in from other locations and therefore accommodated. It is in those areas where we find some of the biggest differentials, and that permeates right through in terms of the overall health and safety of these particular workers. The final report of that inquiry made it clear that our regulatory framework for labour hire here in this state was failing to capture the things that were impacting on those critical workers—those seasonal workers, those casual workers, those insecure workers—particularly in areas such as substandard accommodation. We have all heard some of the horror stories that emerged through that inquiry, and they exist today, again because many of the workers that are in these jobs are people who do not have educational qualifications of note, are often migrant workers brought in from overseas locations—certainly pre pandemic—and are treated pretty poorly.

Councils were reporting throughout that inquiry, particularly rural councils, a number of things, including unregistered accommodation. They found that most were not required to be registered under the then current scheme for reasons including non-payment of consideration. Residential houses were few and far between, but the other accommodation that was being used was disused caravans, and workers were being placed in less than desirable accommodation. We note that the availability of housing for seasonal workers continues to be a problem and continues to be an issue, and that is certainly a particular area that I know the government have been focusing on. I will come back and address a couple of those things in a moment.

But what we found very clearly were things like overcrowding, where you might have an accommodation that would normally house, I do not know, four, five or six people, but suddenly employers through their labour hire were cramming 20 or 30 people into these accommodations, then charging them exorbitant accommodation fees and therefore reducing what the workers thought was going to be a reasonable standard of income down to a mere pittance. As we know, particularly with foreign seasonal or casual workers that come in to particularly the agricultural sector, whatever money many of them make they are sending straight back home. Of course they come here on the lure that they are going to be earning a reasonable income, only to find that once they get here they are being placed in accommodation that is of very poor standard and very much overcrowded, not to mention all of the other associated health and wellbeing issues that go with that, including acts of crime—the sexual assaults and harassment et cetera that were still occurring in these places because of the overcrowding.

And we heard from councils repeatedly through that inquiry that the infringements and penalties in the act did not act as a deterrent. They did not deter employers or operators away from using some of the loopholes that existed in the then framework, and the life of a labour hire worker was certainly

substandard. So there are a number of recommendations that that inquiry made, and I am pleased that we are dealing with some of those things, and we continue to have a focus on those things. In particular with recommendations 9 and 10 of that inquiry, responding to those recommendations will ensure that all accommodation that is provided to workers or in connection with a labour hire arrangement will be required to be registered with the local council and meet public health standards. No longer can we just pack people like sardines into substandard accommodation, charge them exorbitant fees and think that we can just get away with it because they are vulnerable workers and we think that we can exploit them.

The bill also will strengthen the definition of 'proprietor' to better attribute responsibility and accountability to the person providing the accommodation, and we will also support councils and the Labour Hire Licensing Authority to monitor and enforce compliance with these new rules. Those new rules will include the prevention of overcrowding, regulating a number of things—basic things that we probably take for granted in many instances, such as the number of bathrooms and toilets, the maintenance of them, the cleanliness—and registering who is actually residing in those accommodations. We will also give full operational effect to these changes under the act and under the regulations, and they will be amended to prescribe and clearly capture all labour hire accommodation arrangements.

We understand that the industry will require some time to get up to speed, so we will need to continue consultation with the industry and with key stakeholders, including the Labour Hire Authority and organisations such as Agriculture Victoria, Industrial Relations Victoria and councils, throughout the course of this year to ensure that the regulations are fit for purpose. There will be a targeted communication and awareness campaign conducted to ensure that the sector is supported to comply with the changes prior to February 2023, when the regulations will commence. This lead-in time is designed to balance the need to supply the accommodation for vital industries as well as protect the wellbeing of workers.

Can I just use the remaining couple of minutes of my time to say that in addition to those things we have not been asleep at the wheel on these matters. We have been very active in the space of worker accommodation, and these reforms will complement a number of significant investments already delivered by the government to support, for example, the Victorian agriculture industry, a high user of labour hire in my electorate of Northern Victoria. We understand that there are workforce challenges, and as well as these reforms, we are meeting some of the other challenges that are on the ground. We have already announced the $6 million seasonal workforce accommodation program, which has backed 13 projects to boost accommodation options, pastoral care and transport services for 2000 workers in key horticultural areas. There is a regional workforce pilot project in Robinvale—and I will be pleased to visit them next week when I am up there—aiming to address key barriers to attracting an agricultural workforce to the town and retaining it by identifying the linkages between work underway and facilitating greater collaboration between stakeholders, in addition to a gap analysis for future intervention. And of course we have also had the recent amendment to the Victorian planning provisions, which now exempt farm businesses from requiring a planning permit for on-farm worker accommodation for up to 10 people within the farming zone. So we have got a number of initiatives happening at the same time that we are introducing these changes, because importantly, there is not just one silver bullet; there is not one answer to some of these very complex areas of public policy. With those comments, I commend the bill to the house.

Mr QUILTY (Northern Victoria) (16:44): Indeed I will be brief. The Liberal Democrats will not be supporting this bill. This bill is going to provide statutory immunity to the chief health officer. Last year the Liberal Democrats introduced a private members bill that aimed to hold the CHO and other decision-makers accountable for their terrible, not-supported-by-evidence, politically driven directives regarding emergency powers. We proposed prison time for recklessly infringing the rights of Victorians, for issuing directives that were not proportionate and the least restrictive of rights. Granting the CHO immunity goes in the opposite direction to what we want to see. We want to hold you

accountable—hold you all accountable—for what you have done, not give you get-out-of-jail-free cards. Regardless of the merit or otherwise of the rest of the bill, this is quite enough to get us to vote against it.

Ordinary Victorians have had more than enough of public health and wellbeing bills. They have had more than enough of the state of emergency, of the government's pandemic powers, of the government extending the pandemic declaration, of the mandates, of QR codes and vaccine passports and of lockdowns and border closures. We have had enough. You cannot be trusted with the powers that you have. You continue to abuse them and to fight your war of annihilation against the unvaccinated 5 per cent of the population. None of you should have immunity. You should all be held to account.

I do not want to amend the Public Health and Wellbeing Act 2008, I want to repeal it. It is not March 2020 anymore. What this government continues to do to the people of this state is an absolute disgrace. You need to let it go. You need to let us go. I will say it again: the Liberal Democrats most emphatically will not support this bill.

Dr CUMMING (Western Metropolitan) (16:46): I rise to speak to the Public Health and Wellbeing Amendment Bill 2022. I do not support this bill at all. I will not support granting immunity to the chief health officer, a delegate of the chief health officer, an authorised officer appointed under section 30(1) or a detention review officer so that they are not personally liable for anything done or omitted to be done in good faith. I will not support this. I will not allow them, for the last two years, not to be held to account—not at all. I cannot believe that this government has actually come in here with this, another omnibus bill, attaching other amendments. It sounds well and great when you first read it. It removes the words 'HIV' and 'hep C'. I absolutely, totally agree with that. But you are continually slugging things together, so there is one great thing and then you add something that no-one in their right mind should agree to.

We have never seen the health advice—never. It has always been made up as we have gone along. It has come out of the Premier's mouth, it has come out of the Minister for Health's mouth and it has come out of the chief health officer's mouth, and it has always been made up as they go along. I can assure you that that is the case, because the current pandemic legislation is very clear. You just have to have a look at some of the email trails that are produced. The health minister at night sends an email to the chief health officer, who in the morning makes a direction. So that means that you have the horse before the cart. So in other words, this government, these ministers—

A member interjected.

Dr CUMMING: The cart before the horse, thank you. I knew what I meant. I am happy to continue on, but I appreciate being corrected. It has been very clear all along that there have been many political decisions. I can assure you that you do not have to really go far to see that they have done studies to actually talk about COVID messaging and had study groups to see what messages would actually get people to do what the government wants them to do. There are control messages, baseline messages, personal freedom messages, economic freedom messages, self-interest messages, community interest messages, guilt messages, embarrassment messages, trust-in-the-science messages, not bravery messages and anger messages. It is really clear, you can actually see, how around the world they have actually honed their messages—their 'trust in the science' message, 'feel guilt' message—to make sure that we comply with something, a vaccine, that does not prevent you from getting it, does not prevent you from spreading it and has created numerous vaccine injuries. People who have presented to hospital with those vaccine injuries have been made to feel guilty that they have those vaccine injuries. Then people have lost their livelihoods because this government has chosen on a whim to decide that somehow we need to be locked down—healthy people need to be locked down—that we need curfews, that we need to shut playgrounds, that we need to continue to have masks on children.

I in this place showed scientific evidence in 2020, in August, that the only mask for the virus is an N95 mask, but you have continued to put masks on children. You have fined people for not walking around

with a surgical mask or a cloth mask. There is nothing scientific about it—nothing. But your messaging—do not worry—your brainwashing messaging, your propaganda, is all there to see, and history will judge you.

Professor BS, Professor Brett Sutton, needs to be held to account as well as his staff and the health minister. We have not had an inquiry. We need a royal commission. It is absolutely disgusting to actually come into this place and allow one of them off the hook, or any of them off the hook, for closing down businesses, for wanting people to show their vaccine passports—their medical information. And the federal government is no better than this government-—actually, in the whole of Australia, this state government has been the worst-—for not saving us from the stupidity, from the mandates, from the Australian Health Practitioner Regulation Agency gagging our health professionals.

Our children—the suicides—the ones ringing up 000 begging for help: when this government actually put down the mandates last year on 15 October, the suicides after that for teenagers that did not understand why they could not go to their graduation. And in this place I have actually shown there have been many, many medical journals, medical evidence, scientific evidence—proper scientific evidence—to show that the vaccine has an effective rate on children of 30 days. Why? And I have said in this place numerous times I am not anti anyone who wishes to go get an experimental vaccine. Why would you be? It is their choice. It should be their choice. But I am absolutely disgusted at mandating that the general populace cannot actually work or go out into society without having a vaccine that does not stop you from getting it or spreading it. I am completely disgusted. I have been disgusted for the last two years, but this government continues to roll things out that hit another one of my nerves. Not at all should they get off the hook and be given in law statutory immunity for their mistakes, for their failures. Somebody should have been keeping them to account. I would have loved to in this place if this government had been accountable and transparent; they have never been.

The health advisers have refused to answer questions in this place from my constituents and from me as a member of Parliament. They have refused. The minister and the Premier—months. It is absolute arrogance for the Premier, as well as the Minister for Health, to not answer questions within this place, believing that Parliament is not needed because they know everything. And then they are wanting to bury the information that everybody needs. This is next level. It will not surprise me. It should not surprise the community really.

When will this government let go? When will this Premier and the health minister look at the science, stop all the mandates and allow the community to go back to normal? They obviously like the amount of devastation that they have created—the empty streets, the empty shops. Are they going to do anything in the way of reading a bit of science? Seriously, you do not have to be a scientist or a doctor or a GP to be able to read an accredited medical journal and to make your own medical choices. Anytime I am prescribed anything I will go back and look through the list of adverse reactions or side effects or I will go and get a second opinion. I have not even been able to get a second opinion in this place at all because I have not been able to see or be shown anything.

There is no way that that chief health officer or anyone in that department should be let off the hook, not at all. Do not worry. I hope, once the community has the chance to vote in November, there will be somebody in this place that will be able to go through some of the rotten things that I have had to sit here and vote on, remove them all and put something in place to get the people who have done wrong and to have the proper inquiries, because that is what my community want. I have hundreds of emails. I have got T-shirts.

I tell you what, the more you do this, the more you bury things—give the community the information they deserve so they can make their own choices. Seriously, messaging, a communications department. propaganda, rhetoric, lies. I have sat here every day listening to it rather than real science, and it is basic science about your natural immunity. But also many times I have brought up in this place, from the very start, before there was even a vaccine—I absolutely cannot believe these mandates

continue on with this government—that there has never been a time that this government has given a wellness message or has actually allowed people to understand how to treat themselves with COVID at home. Time and time again I have brought that up since 2020.

Apparently members of the medical profession are not meant to use their medical knowledge to violate human rights and civil liberties, even when under threat, which this government is doing. They are meant to solemnly promise to actually look after their patients. I have watched so many medical professionals with 20, 50 years of medical knowledge be silent because of threats of fines. You have done well, government, fining people and threatening them to the point of fear—and they are still walking around with masks that do not work—and sending so many people bankrupt. Yes, I am a bit sad that they have done it again today, but I am not really surprised at the arrogance and the way that they have actually spoken about people who are protesting. The next level is, I guess, the police response to all of this in a health crisis and what this government has made our police force do and other people in the community. Seriously, you have caused authorised officers to go against our own Victorians. Hurry up, November.

Mr MELHEM (Western Metropolitan)

Incorporated pursuant to order of Council of 7 September 2021:

I rise to speak on the Public Health and Wellbeing Amendment Bill 2022.

I am honoured to speak on this bill today and its substantial amendments, which promote and safeguard the health of individuals in our local communities and endorse the significance of public health.

Good governance in public health is critical when a crisis, such as a pandemic, occurs. And public health works every day to keep people healthy and safe by ensuring we have cleaner water to drink, safe and nutritious food to eat, better air to breathe, and access to a wide range of services to improve human health, such as vaccinations.

The Public Health and Wellbeing Act 2008 serves as the central piece of law aimed at preserving our community's health and wellbeing. This bill and its amendments reinforce many of these everyday public health tasks—for example, resolving concerns noted in the current assessment of the Public Health and Wellbeing Regulations 2019, as well as act restrictions relating to testing and data gathering. It also follows through on remaining government commitments made as a result of the Victorian inquiry into the labour hire industry and insecure work, as well as the *Small Business Regulation Review (Visitor Economy) Action Statement*.

The Andrews Labor government is working to reform the regulation of the labour hire business, including modifications to the act to protect the health and wellbeing of labour hire employees who support vital Victorian industries like fruit picking and harvesting, who often require further protections due to the nature of the insecurity in the industry. This is due to several high-profile cases in prior years that exposed worker exploitation, particularly of disadvantaged and migratory employees.

The Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020 will be revised to prescribe and explicitly capture labour hire accommodation arrangements to give the amendment full practical effect.

Providers of labour hire accommodations will be able to demonstrate compliance with the revisions by:

- changing or updating a facility to meet the required requirements, such as reducing beds to prevent overpopulation
- applying for registration and paying an annual registration fee
- being available for compliance checks, such as a preregistration inspection and an ongoing annual inspection

The modifications in the bill are intended to enable the registration of reduced risk prescribed lodging, decreasing the regulatory burden and expenses for proprietors of small tourist accommodation such as bed and breakfasts, boutique guesthouses, and farmsteads.

Victoria's visitor economy contributes significantly to the state, and we know those small businesses account for 96 per cent of tourism businesses in Victoria and make Victoria such a wonderful destination to visit. For these businesses, staying on top of regulations takes up a lot of a business owner's valuable time.

This bill will lessen the regulatory burden on these enterprises by establishing a definition and registration category for 'reduced risk' prescribed accommodation.

> And it will include accommodation associated with labour hire agreements in the specified accommodation framework, ensuring that labour hire workers who support vital Victorian sectors are provided with public health compliant housing.
>
> The amendments also intend to broaden testing data collection and analysis powers to help improve our management and understanding of infectious diseases and public health risks; and expand the circumstances under which the chief health officer may issue an examination and testing order for the monitoring and control of infectious diseases, allowing for a more targeted and potentially less restrictive public health response.
>
> The pandemic has shown us all just how critical our testing and pathology labs are for public health, which is why enhancing testing data collection and analysis to improve our management and understanding of infectious diseases and public health threats is a welcomed part of this legislation.
>
> The introduction of legislative civil immunity for officials performing public health functions under the act will bring Victoria into line with all other Australian jurisdictions that already provide liability coverage safeguards through their public health legislation.
>
> These public health officials, which include the chief health officer, delegates of the chief health officer, and permitted officers, all work together to deliver public health priorities and carry out the functions of the Public Health and Wellbeing Act. It is in the best interests of the public to ensure these essential workers are strictly focused on performing their roles effectively.
>
> The government has made it clear that perpetuating the stigma and discrimination experienced by people living with HIV is completely unacceptable. This is why we recognise the act must be amended to remove all stigmatising references to HIV and hepatitis C from the act. This will be done by focusing solely on HIV and hepatitis C. These changes will make the act disease agnostic, allowing these ailments to be treated in the same way as any other bloodborne virus or medical condition.
>
> The bill also includes several small administrative and technical changes, such as recognising the profession of paramedicine, which is now a protected profession under Health Practitioner Regulation National Law.
>
> The operation of a strong public health system in Victoria is critical to our state's ability to prevent disease spread, provide better and more equitable health outcomes for the population, minimise hospital admissions, and strengthen our resilience to future health threats. And we have seen this throughout the past two years with the government's COVID-19 response.
>
> The changes in this bill will help to contribute to the continuation of this by ensuring that the day-to-day activities of our key public personnel are up to date with the current situation and function as best practice. This is why this bill is essential and common sense.
>
> With these comments, I commend this bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (17:03)

Ms SYMES: At the outset, for members' benefit, if people want to ask all their questions in clause 1, it might enable us to move through reasonably quickly, so I welcome that.

Ms CROZIER: Thank you, Minister. I have got a few questions, and some of them will be data questions, if you would not mind. I do not expect you to have those answers, but in the second-reading debate we heard from Mr Gepp and others about the workforce shortages in the agriculture sector and how that has impacted Victoria, especially over the last two years. In the Minister for Health's second-reading speech he said:

> The reforms will complement our significant investment to support the Victorian agricultural industry to meet workforce challenges.

I am just wondering if you could provide to the house on notice, probably, what the government sees as the numbers that are currently short in the agriculture sector.

Ms SYMES: Yes, not a problem, Ms Crozier. I will take that on notice and probably seek some information from Minister Thomas.

Ms CROZIER: Thank you very much for that undertaking, Minister. Just another data question: we have been talking about notifiable diseases and highly transmissible diseases, including infectious diseases, that this bill impacts—not only the notifiable diseases but also the Food Act 1984. But I am particularly concerned about reports of the rise of syphilis in the community, and I am just wondering, if the government has the latest figures for Victoria on syphilis cases, if those could also be provided.

Ms SYMES: I thank Ms Crozier for her question. I was also interested in the number of cases of syphilis. There is a little bit of information on the health.vic.gov.au website that certainly raises concerns about the tripling of cases since 2014. There is significant concern in some other states, particularly in remote communities, as well. It is an issue that is of concern. The actual stats I cannot quite see on the website, but I will take that on notice and indeed provide that to Ms Crozier and any other interested members.

Ms CROZIER: Again, thank you very much, Minister, for that undertaking. I agree and note it is on the rise in some remote communities, and clearly it is becoming quite prevalent. To try and stop that terrible disease I think it is important to understand the numbers.

If I could refer again to the minister's second-reading speech, which talks about the data and the collecting of the data, I understand that the intent of the bill is to understand those trends. It says:

> For example, aggregate data about influenza enables us to monitor trends, deliver responses to rising cases, improve how we assess the timing and peak of flu season and improve our preparedness activities.

Now, we are getting a lot of this information, and health experts are talking about COVID. There has been some messaging from the federal government about flu vaccination to ensure that those vulnerable communities, especially those in our ageing population, get the flu vaccination. I am just wondering what the government is doing to improve the preparedness around flu. I say that in the context that we have got COVID happening now, with the cases that are occurring—thankfully we do not have huge numbers in intensive care. But we do know that flu has a massive impact and thousands of Australians die at the peak of flu season. I am wanting to understand the government's preparedness to deal with the flu and COVID at the same time.

Ms SYMES: Thanks, Ms Crozier. You are raising really important issues, and they obviously are being discussed by government in the context of not having had flu cases for the past two years. That is not what is expected this season. There is evidence of flu already generating, particularly in the south-east of Melbourne—a short, sharp kind of flu that is concerning particularly for our older community. In relation to what is being done, it is obviously outside the bill, but I think it is an important question. I would be happy to ensure that we get you a bit of a run-down from the Minister for Health's office about the messaging and about what is being done. I think everyone is much more aware of preventing illness than they ever have been, particularly in relation to infectious diseases such as flu and COVID. I will get you a bit more information about some of the messaging and things, but it has certainly been a topic of conversation that the Minister for Health has been having.

Ms CROZIER: Thank you very much, Minister, for that undertaking again. I say that because with what we have been through in the last two years the flu vaccination has been mandatory in some sectors. Is the government considering mandating the flu vaccine? That is the first question I have. And will restrictions be applied if flu numbers get to certain numbers here in Victoria, like we have got with COVID and the pandemic declaration? Is that being considered by government?

Ms SYMES: Not in the way you have expressed it, no, in terms of restrictions and locking people down because of the flu. No, those conversations have not been happening. But in light of concerns about the peak of COVID, the upcoming winter and flu, promotions around 'Get your third vax booster. Get your fourth if you are eligible. Get your flu vax'—those messages will continue to remain important.

Ms CROZIER: Thank you, Minister. Look, I ask that with the best intentions because I think people are quite concerned. We know that flu can be as dangerous to the elderly as COVID in many instances, and for people with chronic disease and who are very immunocompromised it can be extremely serious. It can kill people. It kills thousands of people. And I say that because we have had such attention on COVID. We have had these issues. I am just curious: if flu takes off here in Victoria—we have got these numbers with COVID—just how will the government, as the minister says in his second-reading speech, assess the timing and the peak of flu season, which is within weeks?

Ms SYMES: Ms Crozier, I want, I guess, to take the opportunity to rule out any statewide lockdowns in relation to an outbreak of flu. I guess to back that up you would be aware that the pandemic legislation only applies to diseases and illnesses—and I said this a thousand times in the debate—of a pandemic potential. There is a particular term in relation to it having 'pandemic ability', and the flu is not in that category.

Ms CROZIER: Thank you very much, Minister, for that clarification. I appreciate that, and I appreciate you providing that assurance to the Victorian community.

If I can move on to an issue around the pathology response, the minister again in his second-reading speech said:

> Again, we are very aware of current demand on pathology services and will duly consult to inform implementation.

This is not expected to come into place until next year, but I am just wondering: what was the feedback from pathology around their ability to do this? I am sure they have been widely consulted, but was there any feedback or were there any concerns raised by the pathology departments around this?

Ms SYMES: I thank Ms Crozier for her question in relation to pathology services, and I am advised that we will continue to work with pathology services and laboratories through the department laboratory liaison committee and pathology networks to develop regulations and explore means to reduce barriers, such as streamlined reporting services—so there was broad consultation. The issues in this bill have been kicking around for some time, so this has been well discussed. But there is a commitment to continue those conversations.

Ms CROZIER: Thank you very much, Minister. I appreciate that and also that ongoing work so that they can undertake this. This question I have is slightly off mark, but I think it is important. A number of people have referred to the authorised officers in this bill, and they are certainly mentioned in the bill. They are part of the workforce in the department. I think it was Dr Kieu who referred to the public health officers. Of course we had hundreds coming on board through the peak of the pandemic and during lockdowns. As of 31 March it is my understanding that 250 had had their contracts ended, but they are yet to receive their final payment. Minister, I am just wondering: in light of this bill and how it applies to civil litigation and those former authorised officers not being paid—and you will have to take this on notice too: I would love to know the total accumulated entitlements that are required for those authorised officers that have been terminated, if we could have that on notice—could we have an assurance that they will be paid within the expected time frame, seeing it is one week and their contract said that it should be before that?

Ms SYMES: Thanks, Ms Crozier. I am more than happy to follow that up, noting that it is outside the context of the bill.

Dr CUMMING: From what I can understand, Attorney, the government is going to expand the scope of section 113 powers, which are relevant to a person's right to bodily privacy and autonomy in the way of allowing tests and what it actually is expanding on. This will actually allow for police officers to use reasonable force to detain a person to take them to a place for an examination and for testing orders to be carried out. Obviously it would sound well and good that we have removed a couple of references, such as HIV or hepatitis C, but this is actually broadening it to any infectious disease. What I can understand here is that now this strengthens the powers. Am I right in saying,

Attorney, that this strengthens the powers for police officers to detain people and to force them somewhere to get a test?

Ms SYMES: There is no change to police powers by virtue of this bill. In relation to some of the issues you are raising about people's compliance with examination and testing orders, a person must comply with an order and can be fined penalty units by a court for non-compliance. It means that fines can be issued. This is not a bill that allows people to use coercive force and pin people down. There are other methods to encourage people to comply that could result in penalties for failure to comply.

An authorised officer who is also a registered medical practitioner may enforce an examination order and may request the assistance of a police officer. Police may use reasonable force to take the person subject to the order to a place where an examination or test is to be carried out or to the place that the person is required to be under the order. An examination and testing order can provide for a person's detention, but detention cannot exceed 72 hours. An authorised officer may apply to the Magistrates Court for a warrant to arrest the person who is subject to the order if necessary to enforce the order. An examination and testing order cannot be enforced with, as I said, the use of force. The act does not permit an assault on any person, such as holding them down, for a test to be carried out.

Dr CUMMING: Attorney, in the statement of compatibility, which is from Martin Foley, our current Minister for Health and Minister for Ambulance Services and apparently Minister for Equality, it says in black and white that this expands the scope of section 113 powers and permits a police officer to use reasonable force to detain a person to take them to a place for examination and testing orders to be carried out. What stops this being in mass force, what stops us from seeing what we have seen in China and why would we want police officers being involved in a health response?

Ms SYMES: As I provided in my previous answer, there is no change to police powers. This is just reaffirming the capacity for health personnel to require the assistance of police.

Dr CUMMING: It says here that it 'permits a police officer to use reasonable force to detain a person to take them' to get an examination. Minister, currently, yes, it sounds well and good that we have a test—that is, a RAT that you stick up your nose—but this is virtually saying that they can actually drag people and possibly get any kind of pathology test for any kind of infectious disease at any time. These are setting things in stone. And the minister also talks in his statement about an 'undetectable viral load' and the importance of being able to hold people down to get people tested. Minister, is this what the government is proposing?

Ms SYMES: No, Dr Cumming. There are no changes to police powers through this bill. The police already have powers under the Public Health and Wellbeing Act 2008. You cannot drag people and use force to extract tests and the like. I think what is important for me to run through are some of the protections that are included in the act for people who refuse to comply: the chief health officer must choose the least restrictive measure if alternatives are available which equally minimise the risk to public health; the CHO must facilitate any reasonable request for communication made by a person detained under an examination and testing order; a person arrested or detained must be informed at the time of the arrest or detention of the reason why the person is being arrested or detained; if the CHO ceases to believe that an examination and testing order is necessary, the CHO must revoke the order; an examination and testing order cannot be enforced by the use of force; the act does not permit an assault on any person, such as holding a person down while the test is being carried out; when the CHO makes any decision under the act, they must have regard for the overarching principles of the act, including the principle of proportionality.

The examination and testing powers' compatibility with the Charter of Human Rights and Responsibilities is obviously something that was conducted in great detail, and the examination and testing powers in the bill are compatible with the charter. As outlined in the statement of compatibility, the bill engages and is compatible with the right to privacy, the right not to be subjected to medical treatment without consent and the right to equality.

Making the CHO aware of any potential risk of transmission serves a public health purpose. It enhances the CHO's ability to manage people known to have the disease, which increases the CHO's capacity to effectively respond to the risk. Granting the CHO the power to ascertain likelihood of transmission enhances the ability to manage people already known to have an infectious disease in a less restrictive way, in line with best practice guidelines. By better understanding the transmissibility risks, the CHO can tailor the use of public health orders according to the relevant information, and in some cases orders may not be required at all. In this way the powers to the CHO may safeguard individuals' rights, as the use of public health orders will be guided and informed by much more accurate risk profiling.

Dr CUMMING: Attorney, I would like you also to be aware—just from the statement that you have made—that Minister Foley, who is the health minister, said, and again I will refer to his statement of compatibility:

> The right not to be subjected to unwanted medical treatment is not, however, an absolute right in international … law. It is accepted that it may be legitimate to require a person to undergo medical treatment in exceptional circumstances, including where it is necessary for the prevention and control of infectious diseases.
>
> New subsection 113(1)(d) engages the right not to be subjected to medical treatment without full, free and informed consent because it expands the purposes for which the Chief Health Officer may make an order to require a person to undergo an examination and/or testing.

In other words, Minister, this is actually interfering with people's human rights. This government is actually saying that there are times and occasions apparently when you can actually abuse human rights with unwanted medical treatments or unwanted examinations because some chief health officer, like the current one that we have got, can deem it. You are giving him or her in the future these powers. And this government is actually saying, apparently, expansion of these powers would be reasonably justified. You are actually stating that in this government's mind it is okay to actually go against our human rights and the Equal Opportunity Act 2010 and others from what I can see. But there is no limit to that. This could be a mass examination. You do not know what the pathology or what the examination could possibly be.

Ms SYMES: Dr Cumming, I think that what is missing from your commentary is that these powers already exist. The new section will give the CHO power to make an examination and testing order in a few different situations. It actually already is a power, but what this bill does is bring in the ability to help determine the likelihood of transmission of an infectious disease to better inform the public health response and to keep in step with advances in treatment for infectious diseases. Examination and testing orders are used very infrequently. They are designed to give the department the information it needs to manage the risks to public health posed by individuals with infectious diseases.

The need to expand this power was highlighted in a situation where a person with an infectious disease was being managed for behaviours that were placing others at risks. This included breaching behavioural conditions of their public health order. To assess the risk to the public it was necessary to determine the person's ability to transmit the infectious disease and at regular intervals. Advice at the time indicated that the CHO could not request tests that helped determine the likelihood of transmission, so therefore it was a more restrictive power that was applied, because the knowledge was not there to ensure that the appropriate response could be taken.

The information about transmissibility of an infectious disease can inform a targeted and, in many cases, less restrictive order for the individual involved. For example, under the new power if a person with a sexually transmitted infection engages in behaviours that may put others at risk, the CHO could order tests to determine the person's viral load and whether they are infectious to others. So if the person is not infectious, orders would not need to be made to impact on that person's behaviour.

Dr CUMMING: So in saying that, Attorney, if the chief health officer wants to know if the whole of the Victorian community has HIV, he or she can create the order that everyone needs to actually go

and get a blood test to determine that, and now it can be forced according to this. Previously, Attorney, you could only force a medical procedure onto somebody who was mentally incapable of actually making that decision for themselves, right?

Ms SYMES: No, that is not true.

Dr CUMMING: I will take that from the floor, and I will allow you to answer that. So you are saying at this current time a police officer or a chief health officer can actually go and make you get a medical exam of any description or go and make you get a pathology test because they think that you might be infected with something. I am upset with the assertion that you do not believe that I understand the Public Health and Wellbeing Act or that I have read it before. I have read it numerous times over the last couple of years.

Ms SYMES: The powers already exist.

Dr CUMMING: The powers that already exist talk about 28 days and mental health. This is actually inserting examinations, and Attorney, this is why I am using the language that I am using at this time: this is well and good with the current crisis and the current problem—and I understand—but you are also retrofitting something that is not needed, and the way that it is actually put in could be used in the future en masse. And it could be quite the exam that nobody should be allowed to actually mass request.

Ms SYMES: I do not agree with your assertion of what you think this bill is going to result in, Dr Cumming, because there has to be a serious public health risk. There is no scenario that applies where that can be enforced en masse. This is about orders for individuals. The CHO currently has the power to make an examination and testing order in relation to a person who may have an infectious disease and who is, as a result of their behaviour, a serious risk to the public. That already exists; that can be ordered. What this is doing is expanding it so that it gives a more fulsome picture about that risk. The act, for your benefit—or for the house's benefit; I acknowledge that you said you are quite across it—defines what a public health risk is, and that is:

> … a material risk that substantial injury or prejudice to the health of human beings has occurred or may occur having regard to—
>
> the number of persons likely to be affected;
>
> the location, immediacy and seriousness of the threat to the health of persons;
>
> the nature, scale and effects of the harm, illness or injury that may develop;
>
> the availability and effectiveness of any precaution, safeguard, treatment or other measure to eliminate or reduce the risk to the health of human beings …

The current power does not enable determination as to whether a person is able to transmit the disease, so as such this limits the ability to understand and determine if a person is in fact a serious risk to public health. The amendments seek to address that issue.

Dr CUMMING: But, Minister, I understand that. How are you meant to know? But we have normally lived in an environment where people make those medical decisions themselves to understand what infectious diseases they have.

Ms SYMES: That is fine. They can volunteer that, and they do not need an order.

Dr CUMMING: That is right. You are right, Minister. You can volunteer that currently. But what this is inserting is an order from the chief health officer of any particular persuasion from now and in the future as well as retroactively.

Ms SYMES: They can already do that. This just adds a more defined ability to test transmissibility.

The DEPUTY PRESIDENT: Sorry, Attorney, Dr Cumming has to finish her question.

Dr CUMMING: Attorney, you have answered my question. This is not going to stop a chief health officer enforcing a mass exam of our community for—add the infectious disease: add HIV, add AIDS, add hep B, add COVID or add a new name of a new disease in the future. It does not give me any assurances that it is not going to be invasive, that it is not going to be en masse. It does not give me any assurances that the community will actually be able to freely make those choices. This is enforcement, and then police enforcement, from what I can read from this. And it says 'undetectable viral loads'. So in other words, you just need to just suspect it—or a possible paranoid health minister or a paranoid Premier.

Ms SYMES: Dr Cumming, I have already outlined that the references in the bill are to 'persons' and 'assessed individually'. Your assertion that there will be mass examination is not what the bill says. I would urge you to come back to what the bill says rather than what you think it may mean, because I can assure you that this is about ascertaining the likelihood of a person transmitting an infectious disease. This is about extending examination and testing powers that already exist. It is just making sure that they can be more targeted and ascertain whether the person has an infectious disease and the likelihood that a person with the infectious disease may transmit that disease. It is all about individuals and their risk to others.

Dr CUMMING: But, Minister, you have not said that that is not going to be a mass order. You have not said in this place that that is not going to be a mass order.

Ms SYMES: I will say it will not be a mass order.

Ms CROZIER: One last question. Thank you, Attorney. Just in relation to some feedback I got from the Municipal Association of Victoria, they raised with me the concerns about the proposal to allow for one-off and open-ended registration periods for lower risk prescribed accommodation. Businesses at this end of the market can change their offerings quite quickly, so questions arise about the extent to which they will be aware that they need to notify councils if their activities change, triggering the need for a change in registration status. So the question is: what advice have you provided to the MAV that could be passed on to the councils regarding those concerns?

Ms SYMES: Ms Crozier, a little bit similar to an answer to your previous questions—there has been consultation, and the smart people in the box tell me that they will continue to go back to the MAV as this rolls out.

Clause agreed to.

Committee divided on clauses 2 and 3:

Ayes, 29

Barton, Mr	Hayes, Mr	Quilty, Mr
Bath, Ms	Kieu, Dr	Ratnam, Dr
Burnett-Wake, Ms	Leane, Mr	Rich-Phillips, Mr
Crozier, Ms	Limbrick, Mr	Shing, Ms
Davis, Mr	Lovell, Ms	Symes, Ms
Elasmar, Mr	McArthur, Mrs	Tarlamis, Mr
Erdogan, Mr	Meddick, Mr	Taylor, Ms
Finn, Mr	Melhem, Mr	Tierney, Ms
Gepp, Mr	Patten, Ms	Watt, Ms
Grimley, Mr	Pulford, Ms	

Noes, 1

Cumming, Dr

Clauses agreed to.

Clause 4 (17:44)

The DEPUTY PRESIDENT: We now move to Dr Ratnam's amendments 1 and 2, which are a test for all her remaining amendments.

Dr RATNAM: I move:

1. Clause 4, after line 18 insert—

"***notifiable drug, poison or controlled substance*** means a drug, poison or controlled substance that is—

(a) declared to be a notifiable drug, poison or controlled substance by an Order in Council made under section 126; or

(b) prescribed to be a notifiable drug, poison or controlled substance;

poison or controlled substance has the same meaning as in section 4(1) of the **Drugs, Poisons and Controlled Substances Act 1981**;".

2. Clause 4, after line 25 insert—

'(da) in the definition of ***notification details***—

(i) in paragraph (a)—

(A) for "or a micro-organism" **substitute** ", micro-organism or a drug, poison or controlled substance";

(B) for "or notifiable micro-organism," **substitute** ", notifiable micro-organism or notifiable drug, poison or controlled substance,";

(C) for "or micro-organism;" **substitute** ", notifiable micro-organism or notifiable drug, poison or controlled substance;";

(ii) in paragraph (b)—

(A) for "or a micro-organism" **substitute** ", micro-organism or drug, poison or controlled substance";

(B) for "or notifiable micro-organism," **substitute** ", notifiable micro-organism or notifiable drug, poison or controlled substance,";

(C) for "or micro-organism;" **substitute** ", micro-organism or drug, poison or controlled substance;";'.

These amendments create a mechanism for certain drugs, poisons and controlled substances to be prescribed or declared as notifiable in the Public Health and Wellbeing Act in the same way as microorganisms and conditions may be. Clause 4 of the bill is amended to define a notifiable drug, poison or controlled substance and further provides a mechanism for the Minister for Health or the Governor in Council to declare these as notifiable. Exactly what substances, if any, will be declared or prescribed as notifiable under this new condition will of course be determined based on expert health assessment and advice as to their potential to cause serious risk to public health.

These amendments will also establish a consistent framework to specify the details, time lines and manner for notifications. As I outlined in my second-reading contribution, there is currently an informal notification process between hospitals and the Victorian Poisons Information Centre that feeds to the Department of Health's drug alerts, but this system is ad hoc, inconsistent and without clear guidance to hospitals about what specific substances they should be reporting to the Department of Health. Illegal drugs are usually composed of multiple substances that carry varying levels of risk to health. New and novel synthetic substances are also being developed all the time.

Importantly, these amendments do not broaden the existing requirements in sections 126 and 127 of the act to set explicit requirements for medical professionals and pathology services to notify the Department of Health of notifiable drugs, poisons or controlled substances. This is because there is a current informal arrangement, and we do not feel that the prescribed penalties in these sections for medical professionals or laboratories for non-compliance will always be appropriate in regard to notifiable drugs, poisons or controlled substances. It is therefore more appropriate that regulations

determine what notifiable drugs, poisons or controlled substances may also be considered as notifiable conditions to engage these sections of the act for medical practitioners or laboratories.

So all my amendments 1, 2 and 3 really do is replace the existing ad hoc system with a consistent mechanism for the Department of Health to provide hospitals and medical practitioners with clear public health guidance surrounding if, when and how they need to be notified when certain substances are identified in drugs, for the purposes of public health. For those who believe notifiable conditions are a vital part of our public health response, I expect that you will support these amendments.

I will now turn briefly to talk about some aspects of amendment 4 in this contribution, as it is contingent on amendments 1, 2 and 3 passing. Amendment 4 does require an additional group, Victoria Police, to notify the Department of Health when they encounter a notifiable drug, poison or controlled substance in the course of their work. It is important for Victoria Police to notify the Department of Health for exactly the same reason that our hospitals currently do: because this intelligence can be used for the existing drug alerts and potentially other public health responses. In fact Victoria Police in their enforcement role have the potential to provide drug intelligence to the Department of Health at a far earlier stage than hospitals, as well as with all notifiable conditions. Speed is critical in the effectiveness of any public health response.

At this stage our minds may immediately turn to young people and party drugs, but in fact I anticipate that it will be substances found in emerging drugs, vape as well as counterfeit tobacco, alcohol, benzodiazepines and opioids, where early warning intelligence sharing of specific drug threats may be the most beneficial to public health.

I should also note that public health responses can be far broader than just drug alerts. I am aware the Centers for Disease Control and Prevention in the United States use drug enforcement intelligence on the whereabouts of fentanyl to coordinate the distribution of the drug naloxone, which is effective in reversing opioid overdoses.

I know the Department of Health would be certainly keen to consistently receive this police analysis about what is circulating in drugs, and I thank the Minister for Health's office for facilitating some discussions with the Greens about how we could achieve this outside of these amendments. There is only one problem, and it is the real reason why amendment 4 is necessary, and that is Victoria Police seem reluctant to share their analysis of what is in specific drugs with the Department of Health unless they are forced to by legislation. Victoria Police have also made it very clear that they oppose the public health advice from the Department of Health and the department's issuing of specific drug alerts. I do not believe this is for any operational or enforcement reason—they just prefer a general deterrence public health strategy on drugs. So we have a situation currently where the government is effectively running two separate and contradictory public health strategies in regard to drug harm minimisation at the same time in Victoria. This is an untenable lack of coordination that would be bordering on farcical if it did not endanger lives.

We think that public health policies should be determined by public health experts in the Department of Health, and Victoria Police functions should support this policy. The tail should not wag the dog. But police have been clear that legislation is required for them to comply with the Department of Health's policy on this issue, so legislation and legislated reporting requirements are the only way to ensure Victoria Police adheres to and supports the Department of Health's public policy to ensure coordinated, effective, statewide harm minimisation strategies.

Ms CROZIER: I just want to make a few comments. I actually had a very good conversation with Dr Read when he spoke to me about the amendments that Dr Ratnam has just gone through. We had a really excellent conversation around the concerns that he had and why he thought these amendments needed to be moved. We were talking about the issue which you touched on: the very severe nature of what is happening with fentanyl, which is 100 times stronger than many opioids—morphine and the like.

But as I have undertaken, I have asked the government and others about their concerns. I do not think this bill is the right place for these amendments and for these particular concerns that Dr Read has raised around this very severe drug issue. I wish there was more education on the terrible effects of this drug abuse on young people, because what is happening in international jurisdictions and here in Australia around drug use is very, very concerning. I am not sure that the bill we are discussing tonight is the correct bill. We have got the Drugs, Poisons and Controlled Substances Act 1981, which deals with this. Police labs do notify the department. They do that through their mechanism, and I know there are concerns that Dr Read raised with me in relation to that. But it is my understanding that the police have not been fully consulted on this, and I think they need to be brought into this debate on these amendments and understand exactly what it would mean for their members—what they need to do and what the police drug lab would be required to do—and work with the government on that.

On that basis, I do want to thank Dr Read for the very considered discussion we had, and I think it was an excellent discussion. But on this occasion the Liberal-Nationals will not be supporting the Greens amendment.

Ms PATTEN: Certainly the Reason Party will absolutely support these amendments, and I think this is completely the right place for these amendments to sit. We need to treat drug use as a health issue, and if we are going to do that and we are going to say that seriously, then this is the place that we need to say it. To suggest that this is difficult for the police—it would require an email; it would not be difficult. And can I say that five people in Chapel Street, five people in South Metro, may still be alive had this process been in place three years ago—had this process been in place when five people died in Chapel Street from a drug that the police knew was out there and knew was dangerous.

Yes, we are seeing fentanyl coming through our borders. Fentanyl, as Ms Crozier quite rightly places it, is far stronger than something like heroin. But think about carfentanil, which is stronger again. That is what we starting to see out there. We are starting to see these types of early warning programs everywhere.

It is dangerous for us to say, 'Now is not the time. Could we just tell people, "Drugs are dangerous: just say no"?'. We have been doing that for decades, and can I tell you: people are dying from drugs. People are dying from overdoses. As Dr Ratnam said, some of the highest overdoses we are seeing are from black-market prescription medication. It is from benzodiazepines. The carfentanil that is out there and the fentanyl that is out there, which are being sold a lot in North America, are sold as OxyContin. That is sold as something else. So this early warning system is absolutely crucial. This will save lives.

I cannot even imagine that the police would not support this. In fact the drug law reform inquiry that was done in the last term made this recommendation. We know that the police's own drug strategy is saying that drug use must be treated as a health issue, not as a criminal one. So the police are saying this now, and we have the opportunity to actually do something that will save lives, that will hopefully change the course of a young person's life.

As I said in my substantive contribution, we have seen this overseas where police are putting that early warning system onto social media and we are seeing the nightclubs putting it out to all of their patrons and literally saving lives. We could have done that for Chapel Street. We could have done that; we could have not seen those five people die in Chapel Street in South Metro had we had such a system. So I commend Dr Ratnam and I commend Dr Read as well for this amendment.

Mr LIMBRICK: The Liberal Democrats will also be supporting Dr Ratnam's amendment. We think it is absolutely vita that, if there are poisonous or adulterated substances, warnings be given out and intelligence be disseminated as quickly as possible. As Ms Patten has pointed out, people have died because these warnings were not given out, because there were dangerous substances and that was not widely disseminated. So any method for dangerous substances to be notified to the health

department and given out to the wider market so that people are aware of these and can avoid them and take appropriate actions we will absolutely support.

Dr CUMMING: I understand what Dr Ratnam is trying to achieve, but I do not believe that this is the place where you would actually put it. We are talking about the control of communicable diseases. To actually place in here drugs, poisons and controlled substances—I do not believe this is where you would actually place it. We are talking about microorganisms, we are talking about viruses and now we are adding drugs, poisons and controlled substances. I cannot support the amendments proposed.

Ms SYMES: I find myself agreeing and disagreeing with you a lot at the same time, Dr Ratnam. The government certainly supports the concept of drug alerts, but as both Dr Cumming and Ms Crozier have identified, this is not the vessel to achieve that outcome. This bill is expanding testing, data collection and further analysis powers to help improve management and understanding of infectious diseases and the risk to public health. The proposed amendment is beyond the scope of the intention of this bill as applicable to 'Part 8—Management and control of infectious diseases, micro-organisms and medical conditions' of the Public Health and Wellbeing Act 2008.

The notification scheme detailed in this particular act is for infectious diseases, microorganisms and medical conditions, and it is designed to work between medical practitioners, pathology services, food laboratories and the Department of Health. It does not have an information-sharing arrangement with Victoria Police for the purposes of drugs, poisons and controlled substances, so to insert this in this bill at this point in time would be a bit messy and would need more work, more consultation and formal arrangements to be set up.

So we are not in a position to support your amendment, but we do acknowledge the public safety risks, particularly to young people. Everything that we can do to ensure that they know what is about on the streets is something that we should all endeavour to do, and that is not something that we are shying away from, but today's bill is not the way to achieve that outcome. Perhaps we might want to give a little bit more time to consider where that might be best placed and how we can bring about greater improvements in relation to alerts of that nature.

Committee divided on amendments:

Ayes, 7

Barton, Mr	Meddick, Mr	Quilty, Mr
Hayes, Mr	Patten, Ms	Ratnam, Dr
Limbrick, Mr		

Noes, 24

Bath, Ms	Finn, Mr	Pulford, Ms
Bourman, Mr	Gepp, Mr	Rich-Phillips, Mr
Burnett-Wake, Ms	Grimley, Mr	Shing, Ms
Crozier, Ms	Kieu, Dr	Symes, Ms
Cumming, Dr	Leane, Mr	Tarlamis, Mr
Davis, Mr	Lovell, Ms	Taylor, Ms
Elasmar, Mr	McArthur, Mrs	Tierney, Ms
Erdogan, Mr	Melhem, Mr	Watt, Ms

Amendments negatived.

Clause 4 agreed to; clauses 5 to 27 agreed to.

Reported to house without amendment.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (18:05): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (18:06): I move:

That the bill be now read a third time.

The PRESIDENT: The question is:

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

House divided on question:

Ayes, 27

Barton, Mr	Grimley, Mr	Pulford, Ms
Bath, Ms	Hayes, Mr	Ratnam, Dr
Burnett-Wake, Ms	Kieu, Dr	Rich-Phillips, Mr
Crozier, Ms	Leane, Mr	Shing, Ms
Davis, Mr	Lovell, Ms	Symes, Ms
Elasmar, Mr	McArthur, Mrs	Tarlamis, Mr
Erdogan, Mr	Meddick, Mr	Taylor, Ms
Finn, Mr	Melhem, Mr	Tierney, Ms
Gepp, Mr	Patten, Ms	Watt, Ms

Noes, 3

Cumming, Dr	Limbrick, Mr	Quilty, Mr

Question agreed to.

Read third time.

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

ROAD SAFETY LEGISLATION AMENDMENT BILL 2022

Introduction and first reading

The PRESIDENT (18:12): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Road Safety Act 1986** and the **Transport Accident Act 1986** and for other purposes'.

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (18:13): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms PULFORD: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (18:13): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

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

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

Overview of the Bill

The Bill makes miscellaneous amendments to the *Transport Accident Act 1986* (**TAA**) and to the *Road Safety Act 1986* (**RSA**).

The amendments to the TAA make a number of changes in relation to the payment of benefits under the Act.

The amendments to the RSA are principally intended to support the implementation of new road safety camera technology to detect distracted driver and seatbelt offences, and to expand the circumstances which enliven the power to suspend driver licences and learner permits or to disqualify drivers from obtaining them.

Human rights issues

The amendments to the TAA which may engage rights protected under the Charter include expansion of the circumstances in which the Transport Accident Commission (**Commission**) is not liable to pay compensation, the requirement for indemnified persons to give notice of an accident to the Commission, and empowerment of the Commission to commence prosecutions for a broader range of offences.

The amendments to the RSA which may engage Charter rights include the imposition of an evidential burden in relation to evidence from road safety cameras, and expansion of the types of offences for which an accused may be suspended or disqualified from driving.

Right to equality

Section 8(3) of the Charter provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. The purpose of this component of the right to equality is to ensure that all laws and policies are applied equally, and do not have a discriminatory effect.

'Discrimination' under the Charter incorporates the definition in the *Equal Opportunity Act 2010*. Direct discrimination occurs where a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. Indirect discrimination occurs where a person imposes a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with a protected attribute, but only where that requirement, condition or practice is not reasonable.

Evidence indicated by prescribed road safety cameras is, absent evidence to the contrary, proof of certain facts

Clause 3 of the Bill enacts new provisions into the RSA. These provisions create a presumption that, without prejudice to any other mode of proof and in the absence of evidence to the contrary, evidence indicated by an image or message produced by a prescribed road safety camera, or a prescribed process used in a prescribed manner, is proof of a relevant fact. Relevant facts include the touching of a portable device by a driver and failure to wear a seatbelt.

This clause is relevant to the right to equality as the presumption may disadvantage persons with a disability (a protected attribute in section 6 of the *Equal Opportunity Act 2010*) who have a medical exemption from the requirement to wear a seatbelt pursuant to rule 267 of the *Road Safety Road Rules 2017*. The potential disadvantage would result from the fact that such a person is more likely to be served with an infringement notice for failure to wear a seatbelt and to elect to have the offence heard and determined in court. Therefore, the evidential presumptions introduced by clause 3 are more likely to be engaged.

However, in my view, clause 3 of the Bill does not result in indirect discrimination and is not incompatible with the Charter right to equality. The relevant evidential presumptions only establish that prescribed road safety camera evidence is (absent evidence to the contrary) proof of a 'relevant fact' on a 'relevant occasion'. The relevant fact is that the accused was not, while the vehicle was moving or stationary but not parked, wearing a seatbelt for the relevant seating position in a properly adjusted and fastened manner (new sections 80C(1), 80D(1)). A person with a medical exemption would not be expected to rebut the presumption that they were not wearing a seatbelt. Rather, they would raise a defence to the offence on the basis of the medical exemption. Accordingly, any disadvantage suffered by an accused person with a disability does not flow from clause 3 of the Bill.

In addition, a number of reasonable safeguards mitigate any disadvantage caused to a person with a disability, who has a medical exemption from the requirement to wear a seatbelt, as a result of the issuance of an infringement notice for a seatbelt-related offence. The Department of Justice and Community Safety is developing a process that will enable persons who have received an infringement notice to lodge evidence of a medical exemption online, which will then allow the infringement notice to be cancelled administratively. And, if an accused person elects to challenge an infringement notice in court, clause 5 of the Bill enacts a new provision in the RSA which requires the accused to give written notice of a medical exemption to the Chief Commissioner of Police 28 days before the hearing of the charge. The notice requirement facilitates the ability of the Chief Commissioner to withdraw a charge before trial.

Right to privacy

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

Indemnified person to give notice to Commission

Clause 35 of the Bill substitutes three new subsections for subsection 99(1) of the TAA. New subsection (1) requires an indemnified person (defined in relation to section 94 of the TAA) to notify the Commission in writing of the fact of a transport accident resulting in death or injury. The notice must include particulars as to the date, nature, and circumstances of the accident. The indemnified person must also provide the Commission any other information, and take any steps, the Commission may reasonably require to perform its functions under the TAA.

This amendment does not, in my opinion, limit the right to privacy in section 13(a) of the Charter, because any interference with an indemnified person's privacy is neither unlawful nor arbitrary. The nature of the information which a person must provide to the Commission is confined to what is 'reasonably' required to facilitate the Commission's provision of indemnification in relation to liability for damages for a transport accident.

Moreover, the purpose of the notice requirement is to facilitate access to a benefit (namely, indemnification for civil liability) under the TAA. Failure to provide notice simply gives rise to a right for the Commission to recover, from the indemnified person, an amount in damages that is reasonably attributable to the failure (section 99(4)). The provision of information by an indemnified person to the Commission is therefore voluntary.

Secrecy provision substituted for section 131 of the TAA

Clause 38 of the Bill substitutes a new secrecy provision for section 131 of the TAA. The new provision prohibits a specified person (as defined) from making a record of, disclosing, or using 'restricted information' unless an exemption applies. 'Restricted information' is defined to mean information that 'identifies or could lead to the identification of any person' and 'that is or was acquired by the person by reason of being or having been a specified person.'

Section 131(3) permits disclosure where the person to whom the information relates consents, or where it is in the public domain. In these circumstances, it is my view that the privacy right will not be limited as there is no reasonable expectation of privacy in that information.

To the extent that clause 38 may interfere with the right to privacy by authorising disclosure of personal information in the circumstances specified in subsections 131(2) and (4), any such interference will be lawful and will not be arbitrary.

Section 131(2) permits a specified person to disclose restricted information to 'a person' for the purpose of performing a function or duty under the TAA, where authorised to do so under another Act or law, or in connection with legal proceedings. Section 131(4) permits disclosure (where authorised by the Commission) to certain entities, such as insurers or regulatory bodies, in prescribed situations. Disclosure in those situations is for legitimate purposes reasonably connected to the TAA scheme, including to combat fraud or where necessary to prevent a serious threat to health or safety. Provided disclosure is made in accordance with these criteria, any interference with privacy will be lawful and not arbitrary.

Moreover, to the extent that the Commission and a 'specified person' are public authorities under the Charter, they must give proper consideration to, and act compatibly with, human rights in making decisions to disclose (or to authorise disclosure of) restricted information (section 38(1) of the Charter). This will oblige the Commission and specified persons to ensure that the extent of disclosure is proportionate to the purpose for disclosure in any given case. The Commission is also bound by the *Privacy and Data Protection Act 2014* in respect of the use and disclosure of personal information, and the *Health Records Act 2001* in respect of health information more specifically. These Acts provide further safeguards against unlawful or arbitrary interferences with privacy.

Right to freedom of expression

Section 15(2) of the Charter provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds. However, section 15(3) provides that the right may be subject to lawful restrictions reasonably necessary to respect the rights and reputations of others, or for the protection of national security, public order, public health or public morality.

Secrecy provision substituted for section 131 of the TAA

The new secrecy provision in clause 38 of the Bill, which replaces section 131 of the TAA, prohibits 'specified persons' from disclosing restricted information acquired by reason of having been a specified person, unless an exemption applies. Specified persons are defined as persons who are or have been appointed under the TAA, employed or engaged by the Commission, or authorised to perform functions or powers of or on behalf of the Commission.

In my view, this clause does not limit freedom of expression. Any restriction on freedom of expression is reasonably necessary to respect the rights of other persons, including the right to privacy, and is therefore permitted by section 15(3) of the Charter. Additionally, the persons to whom these restrictions will apply have voluntarily assumed the obligations and duties that attach to these roles.

Rights of children

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child. This right recognises the special vulnerability of children. The scope of the right is informed by article 3 of the United Nations *Convention on the Rights of the Child*, which requires that in all actions concerning children, the best interests of the child shall be a primary consideration.

In the context of the criminal process, section 23(3) of the Charter provides that a child who has been convicted of an offence must be treated in a way that is appropriate for their age.

Disentitlement to benefits for dependent child survivor convicted of certain offences

Clauses 30 and 32 of the Bill expand the circumstances in which a surviving dependent child will not be entitled to benefits under the TAA in relation to the death of their parent in an accident. In particular, the amendments provide that the Commission is not liable to pay compensation to a surviving dependent child who is convicted of an offence of murder or manslaughter involving use of a motor vehicle, or an offence against section 318(1) or 319(1) of the *Crimes Act 1958*, for the death of their parent in the relevant transport accident.

The rights of children under sections 17(2) and 23(3) of the Charter are potentially relevant to these clauses. Disentitlement to benefits in relation to the death of a parent may adversely affect the interests of children who would otherwise be dependent on the parent for economic support (section 3 of the TAA, 'dependent child'). Any impact is likely to be limited to children above the age of 10, as children under that age are conclusively presumed incapable of committing an offence (section 344, *Children, Youth and Families Act 2005*), and under the age of 18 (according to the definition of 'child' in section 3 of the Charter).

In my view, however, section 23(3) of the Charter is not engaged because it is concerned with the conditions under which children, convicted of offences, are detained. It does not extend to treatment of children in civil contexts such as the TAA.

Any limitation upon the rights of children protected by section 17(2) of the Charter is, in my opinion, reasonable and justified. The purpose of clauses 30 and 32 is to ensure that a child does not unfairly benefit from the commission of an offence which results in the death of their parent, not to punish the child. That purpose is consistent with the objects of the TAA, including to reduce the cost to the community of compensation for transport accidents, and to provide *just* compensation for injuries and deaths resulting from accidents (section 8). It also promotes the right to life enshrined in section 9 of the Charter.

In addition, surviving dependent children are only disentitled to benefits upon conviction for a motor vehicle offence which causes death or serious injury, not for a minor or unrelated offence. Children convicted of those offences are not deprived of vested benefits, but rather the ability to claim benefits under the TAA. Further, the amendments do not limit protections for children under other Acts, such as under Chapter 4 of the *Children,*

Youth and Families Act 2005, or entitlement to benefits under legal instruments such as wills. Any limitation upon section 17(2) of the Charter is therefore narrowly tailored and proportionate to the legislative objective.

Right to fair hearing and presumption of innocence

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. In the criminal context, the fair hearing right protects the ability of an accused to prepare and mount their defence without suffering any substantial procedural disadvantage in relation to the prosecution.

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. One dimension of this right is the requirement that the prosecution prove the elements of an offence beyond a reasonable doubt.

Evidence indicated by prescribed road safety cameras is, absent evidence to the contrary, proof of certain facts

Clause 3 of the Bill enacts new provisions into the RSA. These provisions create a presumption that, without prejudice to any other mode of proof and in the absence of evidence to the contrary, evidence indicated by an image or message produced by a prescribed road safety camera, or a prescribed process used in a prescribed manner, is proof of a relevant fact. Relevant facts include the touching of a portable device by a driver and failure to wear a seatbelt.

This clause is relevant to the presumption of innocence in section 25(1) of the Charter because it requires that, in proceedings for 'operator onus offences' under section 66 of the RSA, an accused person bears a burden to adduce (or point to) evidence of certain matters. However, these clauses do not limit the right to be presumed innocent as they only place an evidential (rather than a legal) burden upon an accused. Once the accused has adduced (or pointed to) some evidence to the contrary of the relevant fact, the onus shifts to the prosecution to prove the existence of the relevant fact beyond a reasonable doubt. The Court of Appeal has held that an evidential onus to establish a reasonable excuse exception does not limit the Charter's right to a presumption of innocence, as such an onus falls short of imposing any burden of persuasion upon an accused.

Even if the clause is considered to limit the right in section 25(1) of the Charter, any such limit is, in my view, reasonable and justified. The clause is necessary to ensure the effective administration of a regulatory scheme designed to protect the public from safety risks arising from the use of portable devices while driving and the failure to wear seatbelts. The use of road safety cameras will support enhanced enforcement of distracted driver and seatbelt offences, which otherwise depends upon roadside observation by police.

The nature of any limitation is minimal, as the relevant offences are regulatory offences enforced by way of fines, not imprisonment.

I do not consider there are any less restrictive means reasonably available to achieve the legislative purpose, as it would be impractical to require prosecutors to establish the veracity of road safety camera evidence in relation to every infringement in which the accused elects to have the matter heard in court.

Requirement to give notice of intention to raise exemption under Road Rules

Clause 5 creates a new provision in the RSA which requires an accused in a proceeding for a camera-detected seatbelt offence, who intends to invoke an exemption under the *Road Safety Road Rules 2017*, to give written notice of the matter to the Chief Commissioner of Police 28 days before the hearing of the charge.

I do not consider that this clause limits the fair hearing right in section 24(1) of the Charter. A requirement for the accused to give notice of their intention to raise a specific defence does not constitute a burden which could affect the fairness of the hearing as a whole. The purpose of the notice requirement is to promote early settlement, which furthers the public interest in the fair and expeditious administration of justice.

Immediate suspension of, or disqualification from obtaining, driver licence or learner permit

Clauses 8 and 14 expand the types of offences in sections 85I(4) and 85ZH(4) (respectively) of the RSA which, upon a person being charged, enliven the power for a senior police officer to immediately suspend that person's driver licence or learner permit, or to disqualify the person from obtaining one. Clauses 9 and 15 introduce new provisions which extend the immediate suspension or disqualification powers to persons charged with specified driving-related offences, including failure to render assistance under section 61(1) of the RSA.

These clauses may diminish the presumption of innocence protected under section 25(1) of the Charter because they enable the suspension of a person's driver licence or learner permit, or their disqualification from obtaining a licence or permit, on the basis that the person has been charged with a specified offence, but before that person has been found (or has pleaded) guilty.

However, I consider that any such limit is reasonable and justified under section 7(2) of the Charter.

The purpose of the immediate suspension/disqualification regime is to ensure the safety of road users. Driving a motor vehicle poses a risk to public safety. The specified offences which engage the suspension/disqualification powers are serious driving-related offences, not minor infractions. Prohibiting a person from driving, pending the resolution of a charge for a specified offence, promotes the safety of all road users. The clauses therefore reflect a proportionate balance between individual liberties and public safety.

I do not consider there are any less restrictive means of achieving the important public safety objective of these amendments. The suspension/disqualification powers are confined to drivers who are charged with specified, serious driving-related offences in circumstances where a senior police officer is satisfied the accused poses an unacceptable risk to road safety until the charge is determined. The availability of an immediate suspension or disqualification is necessary to prevent the risk of harm from dangerous driving in the time between a person being charged with a specified offence, and the resolution of criminal proceedings.

Safeguards ensure the extent of any limitation upon rights in criminal proceedings is minimal. A licence suspension or disqualification from obtaining a licence does not occur automatically upon a person being charged with a specified offence, but upon the exercise of discretion by a senior police officer (sections 85I(1), 85IA(2), 8ZH(1), 85ZHA(2)). The senior police officer must first be reasonably satisfied of certain facts which are connected to the legislative objective, including that the person poses an unacceptable risk to road safety (sections 85I(2), 85IA(3), 85ZH(2), 85ZHA(3)).

Moreover, a suspension under section 85I or 85IA or a disqualification under section 85ZH or 85ZHA may be revoked by the Chief Commissioner of Police (sections 85Q, 85ZO). A person can also appeal a decision to suspend their licence or permit, or to disqualify them from obtaining one, to the Magistrates' Court (sections 85S, 85ZQ). In the context of an appeal, there are protections against self-incrimination, including a prohibition on using information or documents as evidence in the proceeding for the hearing of the underlying criminal charge (sections 85V and 85ZT, clauses 11 and 17).

Right against self-incrimination

Section 25(2) of the Charter sets out minimum guarantees for accused persons in the context of criminal proceedings. These are considered aspects of the broader fair hearing right in section 24(1) of the Charter.

Relevantly, section 25(2)(k) provides that a person charged with a criminal offence must not be compelled to testify against themselves or to confess guilt. This right is at least as broad as the common law privilege against self-incrimination. It prevents incriminating material obtained from a person, under compulsion, from being admitted in subsequent criminal proceedings against that person. The protection applies regardless of whether the information was obtained prior, or subsequent to the criminal charge being laid.

At common law, the protection accorded to pre-existing documents is considerably weaker than that accorded to oral testimony or to documents that are brought into existence to comply with a request for information. Accordingly, any protection afforded to documentary material is limited in scope and does not fall within the core of the right.

Indemnified person to give notice to Commission

Clause 35 of the Bill substitutes three new subsections for subsection 99(1) of the TAA. As described above, new subsection (1) requires an indemnified person to notify the Commission in writing of the fact of a transport accident resulting in death or injury, including particulars as to the date, nature, and circumstances of the accident.

In my opinion, this amendment does not limit the privilege against self-incrimination protected under section 25(2)(k) of the Charter because the obligation to provide information to the Commission does not rise to the level of compulsion. It is not an offence to fail to comply with the notice requirement. Rather, non-compliance simply gives rise to a right for the Commission to recover, from the indemnified person, an amount in damages that is reasonably attributable to the failure (section 99(4)).

Moreover, the predominant purpose of the notice requirement is to facilitate the requirement in section 94 of the TAA for the Commission to provide indemnification in relation to civil liability for damages flowing from a relevant transport accident, not to support the investigation or prosecution of criminal offences.

In addition, because clause 35 of the Bill does not expressly abrogate the common law privilege against self-incrimination, it would be required (in accordance with the principle of legality) to be construed as being subject to that protection. For this additional reason, the amendment does not limit the right in section 25(2)(k) of the Charter.

Expanded power of Commission to commence prosecutions and substituted secrecy provision

Clause 37 of the Bill expands the power of the Commission, in section 120 of the TAA, to commence prosecutions. In addition to offences under the TAA, the Commission will be empowered to commence

prosecutions for offences against the *Crimes Act 1958* which occur in connection with a claim for compensation under the TAA. For example, the Commission may lay charges for offences against sections 81 (obtaining property by deception) and 82 (obtaining financial advantage by deception) of the *Crimes Act 1958*. As described above, clause 38 of the Bill substitutes a new secrecy provision for section 131 of the TAA. The new secrecy provision permits specified persons to disclose restricted information in certain circumstances, including with respect to legal proceedings.

The interaction of clauses 37 and 38 of the Bill, with existing powers of persons employed in administration of the TAA to compel production of documents for the purpose of enforcing the Act (section 127A of the TAA), may engage the right against self-incrimination. Specifically, it is arguable that Commission employees are empowered to compel production of documents from a person which could subsequently be used in a criminal proceeding commenced by the Commission against that person.

However, in my view, any limit upon the privilege against self-incrimination protected under section 25(2)(k) of the Charter is reasonable and justified.

The purpose of the Commission's expanded prosecution powers is to protect the integrity of the claims process. This is consistent with the scope of the power to compel documents in section 127A of the TAA: that power can only be exercised for the purposes of determining whether provisions of the TAA are being contravened or in order to enforce the provisions of the TAA. Therefore, any limit upon the protection from self-incrimination is circumscribed to the legislative purpose.

Although there is no explicit immunity from using documents compelled under section 127A of the TAA in subsequent proceedings, the principle of legality also operates to ensure that Commission employees cannot abrogate the common law right against self-incrimination without express statutory authority. Employees are not authorised by the TAA to compel production of documents for purposes of enforcing the *Crimes Act 1958*. Additionally, section 127B of the TAA provides a reasonable excuse defence for a failure or refusal to comply with a requirement made by a person exercising powers under section 127A, which will include a refusal on the grounds of invoking the privilege against self-incrimination.

Moreover, the protection from being compelled to produce pre-existing documents receives less protection than compulsion to provide oral testimony. The extent of any limitation upon the right is therefore minimal.

Right not to be tried or punished more than once

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

Disentitlement of persons charged with specified offences from benefits under the TAA

Clauses 24 and 30–32 of the Bill expand the circumstances in which a person will not be entitled to benefits under the TAA by virtue of having been convicted of an offence. In particular, the amendments provide that the Commission is not liable to pay compensation or benefits to a person injured in an accident (clause 24), to a surviving partner (clauses 30–31), or to a surviving dependent child (clauses 30, 32), who is convicted of an offence of murder or manslaughter involving use of a motor vehicle, or an offence against sections 318(1) or 319(1) of the *Crimes Act 1958*. Clause 24 also extends the disentitlement to benefits to an injured person who is convicted of the offence of child homicide in section 5A of the *Crimes Act 1958* involving the use of a motor vehicle.

In my view, these clauses do not limit the protection against double punishment in section 26 of the Charter, because they do not impose penal consequences. The legislative purpose is to ensure that persons who commit driving-related offences which result in death or injury do not benefit from the commission of those offences. That purpose is consistent with the objects of the TAA, including to provide *just* compensation for injuries and deaths resulting from transport accidents (section 8). The amendments do not impose a financial penalty upon persons convicted of the specified offences, but rather deprive them of access to a statutory benefit.

The Hon. Jaala Pulford MP
Minister for Employment

Second reading

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (18:13): I move:

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

Motion agreed to.

Ms PULFORD: I move:

That the bill be now read a second time.

Incorporated speech as follows:

The primary objective of the Bill is to support the delivery of the Road Safety Strategy and the Government's aim of reducing the road toll by 50 per cent by 2030 through the following measures:

- Enabling better enforcement of distracted driving and seatbelt wearing offences by giving evidential status to images from new types of road safety cameras; and
- Adding to the list of serious offences that Victoria Police may use to trigger immediate licence suspension and disqualification when charges are laid under the *Road Safety Act 1986*.

The Bill is also intended to improve and make the transport accident scheme fairer by making various amendments to address identified anomalies in the *Transport Accident Act 1986*.

Enforcing distracted driving and seatbelt wearing offences

In 2021, 31 people died while not wearing a seatbelt. That is 13% of the road toll in 2021.

We all know that seatbelts save lives and reduce the severity of injuries and that wearing a seatbelt is one of the easiest and most important things to do to protect yourself in the event of a crash. Every car has them and it doesn't take long to click in. There really is no excuse.

Yet, more than 50 years after Victoria was the first jurisdiction in the world to introduce mandatory seatbelt laws in 1970, too many people are still not complying.

I say to those people that are not buckling up—you are not just risking your own wellbeing.

You are risking the safety of those in the car with you. You are risking the future of the family you leave behind and you are risking the mental wellbeing of everyone that will miss you when you're gone.

If you survive, you face the prospect of severe injury and significant impacts on the family and friends that will need to care for you. Your actions will also impose significant costs on the health system.

To prevent lives being lost and severe injuries being sustained, the Government is taking action to improve compliance with seat belt wearing requirements.

The Government has committed approximately $34 million over five years to roll-out new detection cameras and enforcement systems as a priority project under the Road Safety Strategy Action Plan 2021–2023.

The new cameras will detect persons not wearing seatbelts and drivers using portable devices when driving.

Reducing the use of mobile phones and other portable devices by drivers when driving is another vitally important part of the Victorian Road Safety Strategy 2021–30 because driver distraction is estimated to be the contributing factor in 11% of road fatalities, amounting to approximately 24 lives lost each year. Driver distraction is also estimated to be the cause of over 400 serious injuries per year.

In 2020, an investigation found one in 42 drivers to be illegally using their mobile phones while driving. Because there were limitations surrounding how this information was collected, the real amount of mobile phone use by drivers when driving is expected to be much higher.

Using available data, the Monash University Accident Research Centre has estimated an automated enforcement camera program focused on mobile phone use and seat belt wearing could prevent 95 casualty crashes per year and save taxpayers $21 million annually.

The proposed investment in new camera technology to support the enforcement of existing laws on seat belts and mobile phone use is therefore well justified.

New South Wales and Queensland have already deployed camera detection technology. Victorian officials are working with counterparts in those States and other States and Territories to align laws and systems to ensure consistency between jurisdictions. This includes recently agreeing a nationally consistent approach to the road rules relating to drivers touching portable devices while driving.

The amendments to the *Road Safety Act 1986* that are specified in Part 2 of the Bill will enable the use of images captured by the new cameras as evidence.

The Bill provides that images from prescribed devices can evidence the following relevant facts:

- That the driver of a motor vehicle was, while the vehicle was moving or stationary (but not parked), touching a portable device, or had a portable device resting on their body or on clothes being worn by them or on an item in their lap; and

- That the driver or passenger of a motor vehicle was, while the vehicle was moving or stationary (but not parked), occupying a seating position in the vehicle fitted with an approved seatbelt and the driver or passenger was not wearing the seatbelt, or was not wearing the seatbelt properly.

The Bill provides that evidence of a relevant fact is, without prejudice to any other mode of proof and in the absence of evidence to the contrary, proof of the relevant fact on the relevant occasion.

The technology uses an artificial intelligence-enabled camera system to capture high-resolution images of passing vehicles in all traffic and weather conditions—day and night.

Images that are deemed likely to contain a portable device offence are then verified by appropriately trained personnel.

If an offence is detected and verified, then an infringement notice is issued to the registered owner of the vehicle.

As with other camera-detected road safety offences, drivers will have options to seek a review of any fine issued by the new cameras, have the matter determined in court or nominate another person as the driver of the vehicle if the registered owner was not the driver when the offence was committed.

The amendments in the Bill anticipate Victoria adopting recently agreed national reforms to the Australian Road Rules. Reforms include extending the scope of the rule from mobile phones to all portable devices; removal of the defence of passing the portable device to a passenger; and specifying that resting the portable device on the driver's body is an offence.

Adoption of the Australian Road Rule reforms will be implemented by amendments to regulations made under the *Road Safety Act 1986*. These amendments are being prepared in parallel to Parliamentary consideration of the Bill. Subject to the enactment of the Bill and commencement of the new laws, the automated camera enforcement system is planned to commence in early 2023.

While camera operations are proposed to start in early 2023, it is planned that there will be a three-month period whereby warning letters will be issued instead of fines. Both before and during this period there will be extensive communications campaign informing all Victorian motorists about the deployment of the new technology and the commencement of their operation.

Before and after the commencement of new camera systems, Victoria Police will continue to issue on the spot fines to drivers caught committing these offences. That will not change and will remain an important part of the compliance monitoring and enforcement scheme.

Strengthening license suspension powers

The other road safety matter that the Bill will address is the capacity for Victoria Police to immediately suspend licences or disqualify a person from driving in circumstances where the person has been charged with committing a serious road safety offence and is considered to be a threat to other road users. The Bill addresses gaps in the current legislation by adding hit and run and other serious offences to the list of offences that may trigger immediate licence suspension or disqualification.

The Government acknowledges that members of the Legislative Council have previously identified these gaps and have moved amendments in June 2021 to address them. At that time, the Government indicated in-principle support, however, the Government could not support the house amendments due to concerns about the breadth of offences that would trigger immediate licence suspension. The house amendment referenced all the offences prescribed in section 61 of the Road Safety Act—not just the "Hit and Run" offence. For example, it could be applied to people that fail to stop and provide their contact details when there is an incident involving minor property damage. This was not intended.

Clauses 9 and 15 of the Bill add "hit and run" offences specified in section 61 of the Road Safety Act and other serious road safety offences, such as culpable driving causing death and dangerous driving causing death or serious injury, to the list of offences that enable Victorian Police to immediately suspend licences and disqualify persons from driving.

As is the case now under the *Road Safety Act 1986*, suspension of a driver licence or disqualification from applying for a licence occurs when persons are charged by Victoria Police and Victoria Police is satisfied that the person is an unacceptable risk to road safety until the charge is determined.

The amendments provide assurance to the community that persons who have been charged with committing a serious road offence, and are thought to be a threat to others, are able to be removed from driving on the roads as soon as practicable.

Improvements to the Transport Accident scheme

Victoria's transport accident insurance scheme provides world leading care and support to victims of road trauma. It helps thousands of people each year get back on their feet and provides care and support to those

that need it most. In the 2020–2021 financial year, 53,705 Victorians received $1.57 billion in support and benefits after an accident. In addition, $192 million from the insurance fund was invested in measures to prevent accidents.

The Transport Accident Commission does a great job administering the current scheme. As an organisation they are always looking to find better ways of doing things in the interests of their clients and the community. However, when making decisions about treatment and services the TAC can pay for, it must follow the Transport Accident Act 1986.

Through experience, the TAC, its clients and their egal representatives and other stakeholders have identified anomalies and inequities that need to be addressed to ensure we get the best possible outcomes for victims of road trauma and their families.

Part 3 of the Bill specifies amendments to the *Transport Accident Act 1986* that will:

- Increase the age of a "dependent child" from under 16 to under 18 years old to align the Act with the Victorian *Charter of Human Rights and Responsibilities Act 2006*;
- Provide that a TAC client who has a subsequent road accident is not, by reason of that subsequent accident, financially disadvantaged by having their entitlement to loss of earnings payments reduced;
- Increase the amount of the deemed Loss of Earning Capacity for clients whose pre-accident earning capacity cannot be determined from 64% to 80% of Average Weekly Earnings;
- Provide that dependent children orphaned when both parents are killed in the same transport accident are entitled to the same lump sum, education and weekly benefits as apply when parents are killed in two separate transport accidents;
- Remove discrimination for older workers by increasing loss of earnings and loss of earning capacity entitlements from 12 to 36 months and providing a total income benefit of up to 3 years;
- Expand the definition of "member of immediate family" to include a grandchild;
- Expand TAC's scheme coverage to cyclists injured as a result of a passenger opening a car door;
- Deprive a person from receiving dependency benefits, if they caused the death of their partner or parent in a transport accident and are convicted of murder, manslaughter, culpable driving causing death or dangerous driving causing death under the Crimes Act 1958;
- Deprive a person who is injured in a transport accident from receiving compensation from TAC (apart from medical and like benefits) if the person is convicted of child homicide under the *Crimes Act 1958* because of their use of a motor vehicle in that incident (in addition to the currently included offences of murder, manslaughter and dangerous or culpable driving causing death); and
- Amend the power of the Commission to direct dependency benefits to the most appropriate person for the benefit of dependent children, by providing that the benefit must be paid to the person who has the daily care and control of the child and making related amendments.

These reforms mainly address anomalies in eligibility and the benefits that are able to be paid under the *Transport Accident Act 1986* in specified circumstances.

The Bill also makes the following changes to the *Transport Accident Act 1986* to improve administrative arrangements:

- Align the current information handling legislation with other more contemporary provisions in the transport portfolio so that the TAC can release information to, for example: Victoria Police to protect a person's health and safety and authorities like the Coroners court to pursue guardian and administration orders.
- Update a superseded reference to the Transport Accident (Impairment) Regulations 2010; and
- Give the Commission the power to lay fraud charges under the *Crimes Act 1958* in connection with claims.

In respect to the last amendment the intention is that the TAC will work with the Director of Public Prosecutions in relation to the conduct of prosecutions for fraud in relation to the transport accident scheme. The TAC will undertake initial investigations and ensure that there is sufficient evidence to lay charges. After proceedings have commenced, the case will be handed over to the Director of Public Prosecutions to progress.

Conclusion

The initiatives supported and enabled by this Bill will make a tangible contribution towards reducing the road toll as we work towards our goal of zero fatalities by 2050.

We need to take action to reduce the number of accidents caused by driver distraction or where people aren't wearing seatbelts. The impact of these behaviours on the road toll is significant and we will pay the consequences if we do not act now.

Education will continue to be an important part of the Government's strategy to improve road safety. However, active enforcement of the law is also needed, and new camera technology will allow us to do this more effectively.

Our focus is always on preventing accidents, but if they do occur, the Government acknowledges that help and support needs to be provided to those that are injured and those that are left behind. The Bill makes important contributions to delivering fairer and just outcomes for persons that are affected by transport accidents.

I commend the Bill to the house.

Mr FINN (Western Metropolitan) (18:13): On behalf of Mr Davis, I move:

That the debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

TRANSPORT LEGISLATION AMENDMENT (PORT REFORMS AND OTHER MATTERS) BILL 2022

Introduction and first reading

The PRESIDENT (18:14): I have another message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Transport Integration Act 2010**, the **Port Management Act 1995**, the **Marine Safety Act 2010**, the **Rail Management Act 1996**, the **Tourist and Heritage Railways Act 2010** and to make related amendments to other Acts and for other purposes'.

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (18:14): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms PULFORD: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (18:15): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

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

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

Overview of the Bill

The Bill makes amendments to the *Transport Integration Act 2010* (**TIA**), *Port Management Act 1995* (**PMA**) and the *Marine Safety Act 2010* (**MSA**). The amendments to the TIA reflect and relate to the establishment of Ports Victoria, a sector transport agency established on 1 July 2021, and change the scope of compensation entitlements following exercise of the Secretary's power to enter land for investigative

purposes. The amendments to the PMA enable Ports Victoria to set standards and requirements relevant to towage services providers and provide for a non-exclusive licensing scheme for pilotage services in all commercial trading ports, to be administered by Ports Victoria. The amendments to the MSA empower harbour masters to give directions to pilots/vessels operating in pilot required waters.

The Bill also makes a number of amendments to other Acts; however, none of these amendments are relevant to this Statement of Compatibility.

Human rights issues

The amendments to the PMA which may engage Charter rights include new clauses to regulate towage services and pilotage services.

The amendments to the MSA which may engage Charter rights include provisions that empower harbour masters to give directions, whether written or oral, to pilots/vessels operating in pilot required waters.

Right to fair hearing

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

Decisions taken by Ports Victoria

Clause 32 (that substitutes a new Part 4A for the PMA) and clause 33 (that inserts a new Part 4B to the PMA) of the Bill allow Ports Victoria to make decisions in relation to the provision of towage services and pilotage services. The right to a fair hearing may be engaged by the interaction between the requirement in clause 5 and Ports Victoria's licensing functions. Section 133E(4)(b) of clause 5 requires that Ports Victoria perform its functions in a commercially sound manner, to the extent it is possible with the functions conferred on it to act consistently with State policies and strategies for the development of the Victorian port and freight networks. Therefore, the question may arise as to whether Ports Victoria can be taken to be impartial in making the required decisions. However, the right of review is sufficiently broad in that any decisions taken by Ports Victoria are subject to an internal review and are reviewable by the Victorian Civil and Administrative Tribunal so that any lack of independence at the point of initial decision is "cured". Consequently, section 24 of the Charter is not limited.

Right to freedom of movement

Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely within Victoria, to enter and leave Victoria, and to choose where to live in Victoria. The right extends, generally, to movement without unnecessary impediment throughout the State, and a right of access to places and services used by members of the public. The right is directed at restrictions that fall short of physical detention (restrictions amounting to physical detention fall within the right to liberty, protected under section 21 of the Charter).

Power of harbour masters to give directions

Clause 70 of the Bill substitutes a new provision for section 232(1) of the MSA and empowers harbour masters to give written and/or oral directions to vessels/pilots entering or within waters for which the harbour master has been engaged. The power to give directions is for the purposes of ensuring the safety, management and operation of the waters for which the harbour master has been engaged. Further, clause 71 inserts a new section after section 237(1) of the MSA that provides a 'reasonable excuse' defence for not complying with directions. On one view, clause 70 does not limit freedom of movement because the directions to be provided by the harbour master will be necessary on safety and management grounds (and therefore any impediment on freedom of movement will not fall within the scope of the right). In any event, if the right to freedom of movement is limited, the provision amounts to a reasonable limitation for the same reasons.

Presumption of innocence

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. The right is 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 they are not guilty of an offence.

'Reasonable excuse' defence for not complying with directions

Clause 71 of the Bill inserts a new section after section 237(1) of the MSA that creates an offence containing a 'reasonable excuse' exception, which may place an evidential burden on the accused. The relevant offences relate to the refusal or failure of a pilot who has the conduct of a vessel in pilot required waters to comply with a direction by a harbour master to the pilot under section 232 of the MSA. The penalty for the relevant offence is a pecuniary fine.

By creating a 'reasonable excuse' exception, these offences place an evidential burden on the accused, in that they require the accused to raise evidence of a reasonable excuse. However, in doing so, this offence does not transfer the legal burden of proof. Once the accused has pointed to evidence of a reasonable excuse, which will ordinarily be peculiarly within their knowledge, the burden shifts back to the prosecution to prove the essential elements of the offence. The imposition of these evidential burdens is necessary to ensure the management of the operation of the vessels in the waters for which the harbour master has been engaged. The presumption only requires a pilot to adduce evidence that is within their personal knowledge. In the circumstances, I do not consider that an evidential onus of this kind limits the right to be presumed innocent.

Right to property

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. The right will not be limited where the law (whether legislation or the common law) authorising the deprivation of property is clear and precise, accessible to the public, and does not operate arbitrarily.

Power of harbour masters to give directions

Clause 70 of the Bill substitutes a new provision for section 232(1) of the MSA. The new provision empowers harbour masters to give directions for, or with respect to, vessels entering of within waters for which the harbour master has been engaged (or to pilots with conduct of such vessels). This includes the power to control and direct the time and manner of the taking in or discharging from any vessel of cargo, stores, fuel, fresh water and water ballast, and to control and direct the securing or removal of any vessel from the relevant waters (section 232(1A)).

The property rights protected in section 20 of the Charter are relevant to clause 70 because the directions of the harbour master may result in deprivation of property in some circumstances (e.g. If perishable cargo spoils prior as a result of a direction regarding the time of discharge). The right is only relevant where a human being might be deprived of their property (not, for example, a corporation).

In my view, clause 70 does not limit the right to property because any such deprivation would be 'in accordance with law'. The harbour master's discretion to issue directions is not at large. Rather, it is constrained by section 230(2) of the MSA, which provides that a harbour master must carry out their functions in a manner that ensures the safety of persons and the safe operation of vessels, and that minimises the effect of vessel operations on the environment. Therefore, any deprivation of property resulting from a lawful direction will not be arbitrary.

Right to privacy

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

Ports Victoria may request conditions on harbour master licences

Clause 60 introduces a new provision (section 91AA) into the PMA that enables Ports Victoria to request that the Director, Transport Safety (N.B. Safety Director means the Director, Transport Safety within the meaning of section 3 of the TIA), impose or vary a condition of a harbour master licence of a harbour master engaged for port waters for which Ports Victoria is responsible for ensuring that a harbour master is engaged. A request must relate to a marine incident with the meaning of the MSA, operational safety performance, participation in training and safety development programmes, any prescribed matter, and that limits or restricts a function of the harbour master that holds that licence.

The privacy rights protected in section 13 may be relevant to clause 60 because the request made by Ports Victoria of the Safety Director may contain information that is personal in nature. For example, if Ports Victoria considers that a condition should be considered for imposition on a harbour master licence by the Safety Director, it would need to provide details of that harbour master. Other information that would be provided by Ports Victoria to the Safety Director in addition would depend on the reason for asking that a condition be considered.

However, in my view, clause 60 does not limit the right to privacy because any interference is permitted by a law (this Bill) which is precise and appropriately circumscribed and is not arbitrary because it is for a clear and legitimate purpose. The names of harbour masters are publicly known, and the Safety Director, who is also responsible for licencing harbour masters, would likely possess the personal information that would be provided by Ports Victoria. Further, harbour masters are unlikely to have an expectation of privacy with

respect to the relevant information, as they are operating in a highly regulated industry and would expect such information to be shared in the context of licencing matters.

The Hon. Jaala Pulford MP
Minister for Employment

Second reading

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (18:15): I move:

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

Motion agreed to.

Ms PULFORD: I move:

That the bill be now read a second time.

Incorporated speech as follows:

Overview

Over $26 billion of exports pass through Victoria's commercial ports annually. With freight volumes expected to more than double over the next thirty years, our ports' safe and efficient operation remains key to our state's economic growth.

The Government has recognised the importance of getting the governance and regulatory settings right. We have had an independent review. We have accepted all 63 recommendations and published our response. Importantly, we have already implemented the main recommendation—to establish Ports Victoria.

The main purpose of this Bill is to get on with the job of implementing other commitments the Government has made in its formal response.

Specifically, the Bill:

- Embeds the establishment of Ports Victoria in legislation and provides for the abolition of the Victorian Ports Corporation (Melbourne) and the Victorian Regional Channels Authority;
- Adapts the charter of Ports Victoria to implement specific recommendations made as an outcome of the review;
- Implements review recommendations in relation to local ports, Port Development Strategies and regulatory arrangements relating to harbour masters, towage and pilotage; and
- Changes the Port of Hastings Development Authority's name and object to reflect its current role, and likely future function, in the Victorian port system.

I am very pleased to progress these matters promptly so that we make the Victorian port system agile and efficient—ready to play its part in supporting economic growth and recovery, and ready to adapt as circumstances change.

On behalf of the Minister for Roads and Road Safety and Public Transport, I am also pleased to use the Bill to support the implementation of other reforms in the transport portfolio.

The Bill makes improvements to transport restructuring order provisions and other matters in the *Transport Integration Act 2010*. The Bill also makes other minor and technical amendments, including amendments to the *Tourist and Heritage Railways Act 2010* the *Rail Management Act 1996* and the *Conservation, Forests and Lands Act 1987*.

Implementing port governance reforms

The Port of Melbourne is the largest port for containerised and general cargo in Australia, handling around 36 per cent of Australia's container trade. The Port of Geelong is the sixth-largest Australian port by tonnage, responsible for approximately $7.8 billion of trade each year. The Port of Portland is the largest sustainable hardwood woodchip port in the world while the Port of Hastings is a key entry point for bulk liquid imports.

Victoria's ports system has undergone significant changes in the past 30 years. The ports of Geelong and Portland were sold to private companies and the Port of Melbourne Authority was commercialised during the 1990s. These commercialisation processes culminated in the 50-year lease of the Port of Melbourne in 2016.

The complexity of these legacy arrangements prompted the review to examine whether port governance and regulatory requirements remain fit for purpose to deliver on the Government's economic objectives.

The Review found that the high level of fragmentation that existed in 2020 impacted the State's ability to plan and coordinate. It has also reduced confidence in the safe, efficient, and effective functioning of the ports system. Further, the disruptions and stresses placed on supply chain arrangements during the early stages of COVID-19 pandemic also highlighted some specific safety related challenges. It demonstrated some of the dangers associated with fragmentation of harbour master functions. It also highlighted that the Victorian Government had limited ability to influence or control the provision of key port operations functions, such as pilotage and towage.

The establishment of Ports Victoria is central to addressing fragmentation, delivering better operational coordination and supporting improvements in local ports and waterway management capability to more effectively support and enable the high economic and community value of local ports.

The Bill will embed the role and function of Ports Victoria in primary legislation and provide it with the tools it needs to implement improved coordination, resilience and agility in relation to the safe provision of essential port services.

Part 2, Division 1 of the Bill amends the *Transport Integration Act 2010* to provide for the repeal of the provisions relating to the Victorian Ports Corporation Melbourne and the Victorian Regional Channels Authority, including all references to those entities in the Transport Integration Act.

Ports Victoria already exists as a legal entity following the making of a Transport Restructuring Order in 2021. The Bill therefore does not establish Ports Victoria, but instead, provides for its continued operation in accordance with the new charter that the Bill establishes.

The Bill defines, in very broad terms, the Victorian port system. It then links the objectives of Ports Victoria to this definition. The implications are that Ports Victoria responsibilities are to promote and facilitate trade; support strategic planning and development; undertake operational activities; and provide technical and consultancy services in relation to the whole of the Victorian ports system, not just the commercial trading ports. The Bill elaborates on the expectations for Ports Victoria by specifying the functions it is expected to fulfil in new section 133E (refer to Clause 5of the Bill).

New section 133F provides the Minister with a specific directions power that can be used to expand or limit the functions to be performed by Ports Victoria subject to consideration by the Minister as to what is in the public interest. If Ports Victoria suffers financial detriment due to a direction to perform or not perform a function, then Ports Victoria may be reimbursed by the state from the Consolidated Fund.

New Section 133G provides that when Ports Victoria provides a service to a port, local port or waterway manager, then Ports Victoria may do so without imposing a fee or charge. Ports Victoria may impose a fee that does not exceed the cost of providing the service in circumstances that are prescribed by the Government.

Part 2, Division 2 of the Bill specifies the additional functions that are to be performed by Ports Victoria in relation to licensing of towage and pilotage service providers. These functions are specified separately on expectation that new licensing requirements specified in the Bill will commence on proclamation after the commencement of Ports Victoria's other functions. This will allow time for relevant standards and requirements to be developed before new licensing requirements commence.

Part 2, Division 3 of the Bill provides for the renaming of the Port of Hastings Development Authority to the Port of Hastings Corporation and the modification of its objects to reflect its current role, and likely future function, in the Victorian port system.

Improving the safety of essential port services

Pilotage and towage services are an essential part of port operations, which are delivered by a small number of highly qualified providers. While harbour masters have clear responsibility and powers to ensure navigational safety in their ports, the Review recommended that Ports Victoria should have greater influence and control over the provision of these essential port services in the interests of public safety.

Part 3 of the Bill makes amendments to the *Port Management Act 1995* to provide for the establishment of the new towage and pilotage licensing schemes.

Part 3, Division 1 inserts into the Port Management Act a new Part 4A that provides for the licensing of towage service providers. New Part 4A makes it an offence to provide towage services without a licence. New Part 4A also:

- Specifies the process that Ports Victoria must follow when specifying requirements and standards that are to apply to the provision of a towage service in a commercial trading port;
- Provides power to Ports Victoria to specify licence conditions that apply to licence holders;

- Sets the licence period to 5 years;
- Specifies the application process for licences and renewal of licences;
- Specifies the processes by which licences may be suspended or cancelled by Ports Victoria if Ports Victoria has reason to believe that the licence holder is not complying with licence conditions or requirements; and
- Establishes review rights in relation to licensing decisions made by Ports Victoria.

The Bill provides that Ports Victoria may set different standards and requirements across different ports and port waters.

The new licensing scheme will come into effect after Ports Victoria has developed the standards and requirements that it wishes to apply across different ports and port waters.

Clause 67 of the Bill provides for transitional regulations to be made under new section 189 of the *Port Management Act 1995*. It is intended that a transitional period will be prescribed in regulations. Existing towage service providers will have the transitionary period to; comply with the standards and requirements set by Ports Victoria for specific port waters; and apply to be licensed to provide services in those port waters.

Part 3, Division 2 of the Bill inserts new Part 4B into the Port Management Act to provide for the licensing of pilotage service providers by Port Victoria. Consistent with the licensing scheme to be applied to towage service providers, new Part 4B makes it an offence to provide pilotage services without being licensed and then specifies the process by which licensing requirements are determined, how licences may be obtained, and the review rights that are available.

The *Marine Safety Act 2010* requires masters of vessels to use the services of a licensed pilot in pilot required waters unless they are pilot exempt masters.

Transport Safety Victoria currently registers pilotage services providers, licenses pilots and develops appropriate standards for the training of pilots and pilot exempt masters. Transport Safety Victoria must register a person as a pilotage services provider if the Safety Director is satisfied that the person has the competence and capacity to carry out pilotage services safely. It is an offence to provide pilotage services if unregistered.

Transport Safety Victoria will retain responsibility for licensing individual pilots and registering pilotage service providers, however, the Bill provides that registration must follow the issue of a licence by Ports Victoria.

The issue of a licence by Ports Victoria effectively certifies the applicant as demonstrating to Ports Victoria that the applicant has sufficient knowledge, skills and expertise in relation to Victorian port navigation systems and harbour master directions etc; and that it has sufficient processes and procedures in place to instil that knowledge and expertise in the pilots it engages, so that it can provide pilotage services safely in port waters.

Ports Victoria will be required to cancel or suspend a pilotage services licence if notified by Transport Safety Victoria that it has cancelled or suspended the registration of a pilotage services provider. The Bill will also require Transport Safety Victoria to notify Ports Victoria if it cancels or suspends that registration.

Providers of pilotage services who are registered under the Marine Safety Act at the time the provisions commence are deemed to be licensed. Accordingly, there is no immediate impact of implementing the new licensing scheme on existing operators.

To complement the new licensing requirements and ensure that Ports Victoria has a level of operational control over the provision of pilotage services, the Bill also includes amendments to the *Marine Safety Act 2010* in clauses 94 and 95 that specifically authorise harbour masters to give oral or written directions to pilots operating on the waters under the relevant harbour master's control. This is the same directions power harbour masters have over the master of vessels that may be under pilotage. The amendments put it beyond doubt that pilots must comply with directions received from harbour masters for the purposes of navigational safety.

Harbour master governance and oversight

The Review found that, while our ports are being safely managed, there are some current oversight arrangements that are, at times, unclear across multiple governance bodies. The Review recommended some targeted reform to give Ports Victoria a specific role overseeing the operational performance of the State's harbour masters to ensure their safety roles and functions will be reliably and consistently applied across Victoria's commercial ports. Clause 60 of the Bill does this by giving Ports Victoria the power to request that Transport Safety Victoria impose or modify conditions on harbour master licences. Clause 74 of the Bill makes complementary changes to the *Marine Safety Act 2010*.

The expectation is that, unless the licence condition or limitation requested by Ports Victoria is unreasonable, then it should be implemented by Transport Safety Victoria. It is intended that licence conditions will be imposed to ensure that harbour masters not directly employed by Ports Victoria are required to participate in

training and safety development programmes, report marine incidents and provide information when requested on operational safety performance.

Other Port reforms

The *Port Management Act 1995* requires ports to prepare a Port Development Strategy. The Response indicated that all port managers will continue to prepare a Port Development Strategy, however, legislation will be amended so that the Minister may declare that a particular entity is responsible for preparing a port development strategy for a specified commercial trading port. Transitional provisions provide that the port of Geelong Port Development Strategy will be prepared by Geelong Port Pty Ltd and that Port of Portland Pty Ltd will be responsible for the Port Development Strategy for the port of Portland. Clauses 65 and 66 in the Bill gives effect to this recommendation.

The Response committed the Government to enable Ports Victoria to provide technical support to local port managers. It also provided that the functions and powers of local port managers be amended so that, with the approval of the Minister, a local port manager may apply its resources and services outside its declared port areas on a commercial basis or to provide assistance to other local port managers. Clauses 62, 63 and 64 implement this recommendation.

Amendments to other transport portfolio laws

The Bill makes the following changes to the *Transport Integration Act 2010*:

- Building on the experience of using transport restructuring orders to make changes to V/Line and establish Ports Victoria, Part 2 Division 4 of the Bill makes some changes to improve the content of orders and the effect of those orders on restructured entities.
- Clauses 27 and 28 change the scope of the compensation entitlement owed to landowners following the exercise of the Secretary's or Head, Transport for Victoria's power to enter land for investigative purposes so that there is alignment between these powers and those established under the *Suburban Rail Loop Act 2021* and the *Major Transport Project Facilitation Act 2009*.
- Clause 29 provides VicTrack with the explicit power to licence (in addition to the power to lease) rail infrastructure that is located on Crown land under the control and management of VicTrack.

Part 6 of the Bill amends the *Tourist and Heritage Railways Act 2010* to make it clear that it is not necessary to prescribe a fee to be paid by applicants for registration in the Tourist and Heritage Railway Group Register.

Part 5 of the Bill amends the *Rail Management Act 1996* to avoid any doubt that it is up to the Government to determine when the Victorian Rail Access Regime commences.

Part 8, Division 2 of the Bill amends section 11 of the *Conservation, Forests and Lands Act 1987* to put it beyond doubt that the powers and functions of the *Minister under the Fisheries Act 1995* can be delegated to the Chief Executive Officer of the Victorian Fisheries Authority.

The Bill also makes a range of technical amendments.

Conclusion

The Bill is a significant step forward in implementing the Government's response to independent review of the port system. Less than 12 months after establishing Ports Victoria, we are fulfilling our commitment to the sector to implement all of the recommendations of the review.

I commend the Bill to the house.

Mr FINN (Western Metropolitan) (18:15): I move, on behalf of Dr Bach:

That the bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (18:15): I move:

That the house do now adjourn.

ROSEBUD PRIMARY SCHOOL

Ms BURNETT-WAKE (Eastern Victoria) (18:15): (1879) My adjournment matter is directed to the Minister for Education, and the action that I seek is for landscaping works at Rosebud Primary School to be completed as soon as possible so that students have somewhere safe to play. The Rosebud Primary School yard is currently a construction site full of dirt. The school is undergoing works on new classrooms and play areas at a cost of $13.77 million, which were due to be finalised in term 2 this year. However, those works suddenly stopped in February without warning or explanation. I thank the Liberal candidate for Nepean, Sam Groth, for raising this issue with me, as these delays are simply not good enough.

Parents have expressed their concerns over their children, who have been left to play in the dirt as their previous play spaces have been dug up but no new play spaces have been completed. Children have been going home covered in filth from playing near the unearthed sports oval and construction site. There is no grass for the children to play on, as grass has not yet been laid over the new oval the kids are eagerly waiting to use. The front of the school is an eyesore covered in dirt and dust. A recent article by the *Herald Sun* explains that the works were halted at the school when Probuild collapsed in February.

The parent company, WBHO, pulled funding from Australia due to 'severe COVID-19 restrictions', creating hardship and business uncertainty. Probuild was a significant company based right here in Melbourne. There were in fact many businesses that were forced to close when the Andrews Labor government imposed the longest lockdown in the world, and it is unfortunate that Probuild was another to suffer at the hands of the pandemic. I understand the company had quite a few government projects underway in Victoria at the time it was put into administration. How these will be completed still remains unclear.

These works at Rosebud Primary School were halted over two months ago, and there is still no talk of who will be completing the landscaping. The parents and students of Rosebud Primary School do not want to see this drag on. Their children deserve a place safe place to play that is not a pile of dirt. The action that I seek is for the minister to ensure landscaping works are completed as soon as possible so that students can get back to enjoying recess and their lunchbreak.

TIMBER INDUSTRY

Mr BOURMAN (Eastern Victoria) (18:17): (1880) My adjournment matter is for the Minister for Energy, Environment and Climate Change in the other place. This week I met with a delegation from the Victorian timber industry to discuss their concerns relating to both the proposed wind-down and closure of the native timber industry and, importantly, the immediate issue concerning large swathes of central Victorian forests that sustained significant damage during the ferocious storm of June 2021, which caused unimaginable damage to unharvested trees and dramatically increased the threat of devastating bushfires.

There are hundreds, even thousands, of trees lying on the ground, and all it would take is a single lightning strike for it all to burn. Immediately permitting logging of the storm-felled timber is not a zero-sum game; it is a win-win-win scenario where the timber industry can continue to operate, saving jobs, livelihoods and struggling regional businesses from going bust. It is a win-win because with the processing of the fallen timber we are reducing the very real risk of life-threatening bushfires as well as keeping the industry viable for the time being.

There are a few points: (1) there is a huge renewable resource of naturally felled timber available that is currently being curtailed from collection; (2) timber mills and logging businesses are ready, willing and able to step in and process it; (3) if left for much longer, the timber will be unusable and wasted; (4) if left to decay, the bushfire risk to Victorians is a genuine concern, (5) timber mill business operations have pivoted during COVID and are capable of improved protocols in reducing waste pulp, resulting in more usable timbers; (6) we are currently experiencing a timber shortage which is

negatively impacting the housing market and mum-and-dad renovators; and (7) if the native timber industry closes, our state will lose access to valuable expertise and equipment used by logging coupe workers to create breaks and containment lines for fires. So the action I require from the minister is to immediately release this timber for harvesting.

MELTON ROAD INFRASTRUCTURE

Mrs McARTHUR (Western Victoria) (18:19): (1881) My adjournment matter is for the Minister for Roads and Road Safety. On Monday the City of Melton launched its Fix Our Roads campaign, noting that Melton has been ignored for far too long by the Andrews Labor government. This is in contrast to the federal budget last week, which delivered $740 million for the western interstate freight terminal in Truganina, within the City of Melton; $920 million for the outer metropolitan ring, the connection into the western interstate freight terminal; and more than $1 million for the city from the Local Roads and Community Infrastructure Program.

Meanwhile at state level it is not just distant, rural and regional Victoria this government neglects, Melton is outside the tram tracks too. While the Premier sports his hard hat, spruiking a handful of over-time and over-budget big-ticket items, thriving Melton is kneecapped by his government's failure to deliver nuts-and-bolts infrastructure. At the city's campaign launch, the Labor member for Melton, Steve McGhie, in a spat of victim blaming, scorned drivers for the state of congestion on the Western Highway, absolving the Andrews government of their fundamental responsibility to provide safe and efficient roads.

Melton's demand is simple: cut congestion and make roads safe. They want the government to upgrade the Western Highway, including at Bulmans, Ferris, Mount Cottrell and Paynes roads; duplicate and upgrade the Melton Highway; duplicate Christies Road; duplicate and upgrade Hopkins Road; duplicate the Robinsons Road–Westwood Drive–Calder Park Drive corridor; and build the Calder Park interchange. I have previously visited the councillors of Melton and discussed the issue and have today been fully briefed by our excellent candidate for Melton, Graham Watt, who attended this event this week.

Mr Finn interjected.

Mrs McARTHUR: A very good man doing a great job out there in Melton—unlike Steve McGhie—doing a fantastic job. As Graham asks:

> Will the government accept responsibility for the state of our roads and provide the funds needed to upgrade the Western Highway in the Electorate of Melton …

The action I seek is for the minister to reject his Labor colleague's victim blaming and to join Graham and me in visiting Melton and experiencing the congestion residents face on a daily basis. While the minister is on the job he could sign the petition at www.fixourroads.com.au.

COVID-19 VACCINATION

Dr CUMMING (Western Metropolitan) (18:22): (1882) My adjournment matter is to the Minister for Health in the other place. The action I seek is for the minister to ensure that hospitals provide consistent guidelines for entry requirements that also show common sense rather than strictly following a set of protocols. Yesterday I received an email from Paul. He wrote:

> I just want to post my story of how my wife was refused entry to the Austin Hospital to pick up my mother of 86 years of age because she was unvaxxed with a medical exemption for 4 months from Covid Vaccines as she recently recovered from Covid.
>
> My mother … was admitted to the Austin Hospital for a bowel issue. Upon her release, I was called up by the hospital to pick her up. My wife Maria … went to pick her up.
>
> … Maria had a conversation with the security Guard and informed the Hospital representatives that she had a medical exemption as she had covid.
>
> The Hospital representative refused her entry because she was unvaccinated!

> Maria is a type two diabetic and she asked the representatives if she can purchase food from the cafeteria. Again she was refused access on the unvaccinated basis.

Paul said that the care his mother received was excellent but he was upset at the treatment of his wife.

Looking at the Pandemic (Visitors to Hospitals and Care Facilities) Order 2022, there is no exemption for those who have had COVID—natural immunity. Surely common sense should prevail—not with this government, not with this health minister, not with this chief health officer and not by following the science of our natural immunity. A person who has recovered from COVID—it does not matter if they are vaccinated or not—has immunity, natural immunity, running through their veins. And they apparently become a risk—how? In Parliament in the last couple of weeks we have had members who have had COVID and been able to come to work. Minister, when are you going to drop all these mandates and restrictions, start making some sense when it comes to having COVID and natural immunity and allow people to actually live?

BOWEL CANCER SCREENING

Ms CROZIER (Southern Metropolitan) (18:25): (1883) My adjournment matter this evening is for the attention of the Minister for Health. Now, as we know, elective surgery waitlists are, goodness knows, in excess of 100 000. They will be much more than that because there is a hidden waitlist. There is the private waitlist, but the public waitlist will be well in excess of 100 000. The government still will not tell Victorians what that waitlist number is. But the issue I want to raise tonight is the very serious issue around colonoscopies, and I want to place on record that former colleagues of ours Margaret Fitzherbert, who was in this place, and Donna Bauer, who was in the other place, who both suffered bowel cancer and who are both ambassadors of Bowel Cancer Australia, are doing a tremendous job in raising awareness and speaking out about the signs and symptoms to prevent what has occurred to them happening to others.

I want to say that this is a really significant issue because, as we know, prior to COVID there were years of wait times for colonoscopies in the public health system, and the last two years, with six lockdowns, have only exacerbated that wait time for many people waiting for colonoscopies—and of course the code brown. The impact of the lockdowns and the code brown has put a greater emphasis on the need for colonoscopies for those people, as has been highlighted in public reports. There has been Tanya Hartman and her terrible story—she lives in Portland, and she had a referral in mid-2019—and Rhiannon Coombs, who waited almost three years for a colonoscopy at a Melbourne hospital. That was partly due to the wait times in the hospitals, but, as I said, it was exacerbated by the lockdowns.

So there are many, many people who have missed out on colonoscopies. These are vital for surveillance of cancer. They are cancer screening tools, and they are absolutely critical to pick it up. Anyone who knows of anyone who has suffered from bowel cancer understands the true impacts of that. The action I seek is for the minister to provide to the house the number of Victorians who are waiting for colonoscopies as of today, 7 April. The minister needs to provide to the house the number of Victorians that need that vital surveillance that potentially will save their lives, and I think it is critical that Victorians have a transparent and thorough account from the Minister for Health and the Andrews government.

WOMBAT STATE FOREST

Mr BARTON (Eastern Metropolitan) (18:28): (1884) My adjournment tonight is for Minister D'Ambrosio. I am told there are at least 500 000 tonnes of windblown trees that have been left lying on the floor of the Wombat State Forest after a significant storm in June of last year. Experts believe that this has created a ticking firebomb that has the potential to engulf nearby towns.

It is my understanding that the Department of Environment, Land, Water and Planning has blocked a bid by VicForests to clear tens of thousands of these trees from the forest. Drone and satellite imagery of the region shows how many large areas of forest have been flattened on the hills and the ridge lines,

covering a total of about 2000 hectares. I have been informed this has the potential to cause devastation similar to what was recorded at Marysville during the 2009 Black Saturday bushfires, with Daylesford, Barkstead, Bullarto, Lyonville, Blackwood and other nearby settlements considered in danger. The vast amount of fuel on the ground would create fires that could produce cyclonic-force winds.

It should be an urgent priority to reduce the fuel load lying on the forest floor through timber harvesting. This is an opportunity to save jobs in Victoria's timber communities and help alleviate the timber shortage which is being experienced. Forest contractors and workers are out of work. Sawmills are running out of logs, and these fallen trees pose a significant fire risk if left unharvested. Time is running out to harvest any of the timber. These fallen trees must be harvested this winter given they are starting to crack. To be used for high-value timber such as floors and furniture the timber cannot have cracks, obviously. The solution is clear: the department needs to move quickly and to approve the bid for harvesting of the timber.

The forestry industry needs support now, our Victorian communities need timber to build their homes and delays put our regional communities at risk of severe bushfires. So the action I seek is: will the minister instruct the department to move quickly and approve VicForests' bid to clear the fallen trees in the Wombat State Forest?

NORTHERN VICTORIA REGION TRANSPORT INFRASTRUCTURE

Ms LOVELL (Northern Victoria) (18:30): (1885) My adjournment matter is directed to the Minister for Transport Infrastructure, and it is following the recently announced federal government funding for the Beveridge intermodal freight terminal and the Camerons Lane–Hume Freeway interchange. The action that I am actually seeking from the minister is that she ensures that the state government's share of funding for these projects is included in the upcoming 2022–23 state budget.

The Beveridge intermodal freight terminal is one of two freight terminals that are part of the Melbourne intermodal terminal package. Locating a terminal in Beveridge is essential to connect the Melbourne intermodal scheme with the inland rail project, a 1700-kilometre freight line connecting Melbourne and Brisbane via country Victoria and New South Wales. The Beveridge terminal will create 20 000 new jobs within the northern growth corridor, an area that is projected to have a population of 150 000 in the next 30 years.

The importance of the Beveridge intermodal freight terminal has not been lost on the federal government, with the Treasurer, Josh Frydenberg, last week announcing an additional $1.2 billion for the project, taking the federal government's total investment in the project to $1.62 billion. This investment is in addition to $740 million for the western interstate freight terminal at Truganina, bringing the federal government's total investment in both terminals to $2.36 billion. Despite the importance of the Beveridge intermodal freight terminal to Victoria's freight network, the Andrews Labor government has failed to commit any funding towards construction of the project.

Similarly, the Camerons Lane–Hume Freeway interchange is another vital project that the federal government has committed to, announcing $280 million towards the interchange and other road connections in last week's federal budget. The Camerons Lane interchange will improve connectivity to the new estates, opening land for 30 000 homes and supporting the creation of local jobs. The interchange will enable one of Melbourne's fastest growing communities to move around and allow them to access employment, public transport, sporting precincts and other services. Most importantly, the interchange is essential to ensure full accessibility to the Beveridge intermodal freight terminal.

Once again the Andrews Labor government has refused to commit any funding for this project. Both the Beveridge intermodal freight terminal and the Camerons Lane–Hume Freeway interchange are vital projects that will transform the communities within the northern growth corridor. The terminal is an essential piece in transforming Victoria's freight and rail networks, and the interchange also plays a vital role in this. It is time the Andrews Labor government committed their share of funding for both these projects. I call on the minister to make sure the funding is included in the upcoming state budget.

INDEPENDENT PANDEMIC MANAGEMENT ADVISORY COMMITTEE

Mr LIMBRICK (South Eastern Metropolitan) (18:33): (1886) My adjournment matter is for the Minister for Health. When the government gained the powers of the pandemic legislation one of the safeguards included was the creation of the Independent Pandemic Management Advisory Committee. Given the government was the one to select and appoint this oversight committee, it is vital that they be seen as independent and as transparent as possible. I must say that following the creation of IPMAC it was disappointing that there was no transparent information provided to the public about when the committee would meet or exactly how it would function. Months after its creation this is still the case today.

The Premier extended the original pandemic declaration on 12 January 2022. This was the trigger for the formation of IPMAC to be required within 30 days, as based on the legislation. This was stretched to the limit, with the appointments being publicly announced by the health minister on 14 February. On 23 February my motion successfully passed this house calling on IPMAC to review certain pandemic orders. Following this it took over a month to receive any kind of public statement from IPMAC about their activities, despite my office also inquiring about their progress.

In a letter released last week, on 30 March, they stated they had met on 21 March for the very first time, where they officially received their communication from the Clerk of the Legislative Council and have confirmed their own terms of reference. There is currently no communication to the public about why the committee took over a month to meet for the first time, what discussions were had, what these decided terms of reference are or when they are to meet again.

Minister, will you request that IPMAC publish the full minutes of their meetings, their terms of reference and their schedule of meetings on a website that is accessible to the public? It is imperative that the committee charged with being the single independent oversight mechanism of the extreme pandemic powers being wielded by this government is able to have their actions be considered transparent by the public.

DELBURN WIND FARM

Ms BATH (Eastern Victoria) (18:35): (1887) My adjournment matter this evening is for the Minister for Planning, and it relates to the Delburn wind turbines. The action I seek from the minister is to halt the planning permit process until he has met with the members of the Strzelecki Community Alliance to go through their many serious issues in relation to the proposal. The Strzelecki Community Alliance is an incorporated entity of over 1000 community members who either live or hold property in the areas of Yinnar, Boolarra and Hernes Oak in Central Gippsland. They oppose the development and cite a number of concerns.

The wind facility is being proposed in a densely populated community. It is also being proposed over a pine plantation with a history of devastation from fires in that area and two royal commissions within the last five years. There is a community of approximately 6000 residents that live within 5 kilometres of these wind turbines. They are very concerned about the inadequacy around the fighting of bushfires, and indeed in the planning project report a submission from the CFA states that the project is likely to be impacted at some stage by uncontrollable landscape bushfires, fires that cannot be managed by site-based mitigation or broader emergency management. Damage and destruction of assets by bushfire is likely if this proposal proceeds. You are going to put 33 wind turbines over the top of plantations, and the CFA is saying that it is likely that there will be bushfire through this. That has huge and significant ramifications that the minister has not adequately considered. Other issues go to noise infringements, and they have concerns around that.

The Bald Hills wind farm had a Supreme Court judgement come back and say that they had not met specification. They have huge concerns around the visual amenity. Indeed some of the proposals say to plant more trees to hide them. Well, those trees will in fact grow into and be fuel risks and fire potential in the future. The Latrobe airport needs to be addressed. The wind turbines' position is too

close to public roads. They also place restrictions on landowners' use of their land. There is a delay in the air ambulance. There is a huge raft of concerns that they have. There is a disregard for property devaluation costs borne by the neighbouring owners—regarded as irrelevant—so they are not considering the loss to the community. There is insufficient feedback from roads and highways. As I said, there are significant concerns. The minister needs to stop this proposal, stop the planning, meet with the Strzelecki Community Alliance—they are well organised and have a detailed outline—and speak to them about this proposal.

JACKSONS CREEK, BUNDALONG

Mr QUILTY (Northern Victoria) (18:38): (1888) My adjournment matter is for the Minister for Water. Last week I met with constituents in Bundalong. They told me about Jacksons Creek and the Bundalong lagoon downstream from the junction of the Murray and Ovens rivers. There is an infestation of *Egeria densa* weed. Swimming is unpleasant and dangerous, there are no fish and boating has become impossible. I am told that in 2009, with no evidence of any study having been done, the first and deepest of the two creek inflows into Jacksons Creek was obstructed by the construction of a track which involved filling in the first opening to the creek to allow construction of a retaining wall and walking path on Jacksons Island. This work was performed under the approval of either Moira shire or Goulburn Murray Water. Jacksons Creek is now shallow, stagnant, full of weeds and has a very reduced flow. The pipes that were installed under the walking track have since silted up and been sandbagged over. This reduced flow in Jacksons Creek results in no measurable flow in the Bundalong lagoon, making it the perfect environment for silt to deposit and result in weed growth.

This summer, 13 years after the works to close the opening to Jacksons Creek, the long-term effects of the reduced flow from the creek to the lagoon are very evident. The lagoon has become so clogged with weeds that it is now almost impossible for swimming, fishing or boating to take place. The current environment ensures that there will be little chance that the once-prolific Murray cod will survive under such conditions. The float of the lagoon can be restored by the appropriate works to Jacksons Creek, including the reopening the first Jacksons Creek inflow, gentle dredging to remove silt deposition and removal of large logs and weeds from the first section of the creek branch. Once natural flow is restored to Jacksons Creek and the Bundalong lagoon, the conditions for the breeding ground for *Egeria densa* weed will be seriously disabled and the water quality improved. Unless there is an intervention, and soon, the problem of decreasing flow, silting up and escalation of weed growth will continue to compound each year. The lake is being drained in May 2022. This is perfect timing. Minister, the action I seek is to have Jacksons Creek restored to its natural state. Water flow must be restored to Jacksons Creek and the Bundalong lagoon.

GOVERNMENT ADVERTISING

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (18:40): (1889) My matter for the adjournment tonight is for the attention of the Premier. People will be aware of what has happened this week with the Auditor-General's report on government advertising. The indication, the clear position that the Auditor has taken, is that illegal action occurred. The government actually broke the law in running party-political advertising in the 2019 election campaign. In the so-called 'fair share' campaign, most of the ads were clearly lopsided, designed to spruik the government or attack the commonwealth. We are within days of a new federal election. We have got clear indications from the Auditor's report that the actual law that was changed in 2017 has not been properly communicated to departments and that there is a clear and illegal set of actions that have happened by the government.

The Premier went on a rant in the lower house and has sought to defy the material that has come from the Auditor, whereas I think the independent Auditor-General ought to be adhered to and listened to and the government ought to be putting in place steps to stop this happening again. Since I can only, through this forum, appeal to the Premier I would ask that the Premier pass my adjournment to Jeremi Moule, the Secretary of the Department of Premier and Cabinet, and that Mr Moule take on board what has been put forward by the Auditor and Mr Moule intervene immediately, urgently, this week,

before a federal election is called and insist that departments obey the law and go through the proper processes—insist, as he should as the head of the Department of Premier and Cabinet—and proceed to make sure that proper guidelines are in place and that there is no deviation from those guidelines.

We know from what the Auditor said that the Department of Premier and Cabinet has not promulgated adequate guidelines to explain what is required, and the Department of Premier and Cabinet should do that forthwith. Indeed the urgency of this cannot be overemphasised. I do not think we want to get down the track in the next couple of weeks and see the Premier and his government launching more illegal and corrupt advertising campaigns—more advertising campaigns that are designed to force a particular view on the community using taxpayers money. I would also ask Mr Moule, through the Premier, to not only move very quickly here but to institute procedures to force the Labor Party to pay the taxpayers money back from 2019.

SOUTH EASTERN METROPOLITAN REGION BASKETBALL FACILITIES

Mr RICH-PHILLIPS (South Eastern Metropolitan) (18:43): (1890) I wish to raise a matter for the attention of the Minister for Community Sport in the other place, and it relates to the provision of basketball facilities in the south-east. Basketball is in fact one of the most popular and largest community participatory sports throughout the south-east community. The Frankston & District Basketball Association oversees some 15 000 games a year from 8000 participants in some 900 teams, so it is an incredibly popular sport throughout the south-east. Much of the competition is conducted at the existing, dated Frankston basketball stadium, and indeed the competition relies on eight other satellite locations throughout the greater Frankston area in order to accommodate the extent of the activity. Increasingly the association is required to use courts earlier and later in the day because the existing facilities simply do not accommodate the level of demand that now exists.

There is a proposal on the table for the redevelopment of the stadium into a new Frankston basketball and gymnastics stadium. This is a facility which would meet the long-term needs of the Frankston & District Basketball Association and meet the long-term needs of those families and those communities participating in basketball throughout the south-east. It is a redevelopment that requires a capital commitment of some $45 million. The City of Frankston has already agreed to commit one-third of the funds—that is, $15 million—towards the proposal, with a view to having construction commence in 2024–25. Critical, though, for the project commencing—for the design work being done and the construction to commence—is for the Victorian government to make a commitment to the project. The association and the City of Frankston are seeking a commitment of $15 million from the Victorian government to make that project a reality. As I said at the outset, basketball is an incredibly popular community sport in the south-east and in Frankston, and this is a very important project for the community. So the action I am seeking from the Minister for Community Sport is to ensure that in the budget, which will come down next month, the commitment of $15 million to the new redeveloped Frankston basketball and gymnastics stadium is made by this government so that the project can commence as a matter of urgency.

VOLUNTEER SUPPORT SERVICES

Dr RATNAM (Northern Metropolitan) (1891)

Incorporated pursuant to order of Council of 7 September 2021:

> My adjournment matter is for the Treasurer, and the action I seek is that he commits to additional funding for weVolunteer and for volunteer support services in next month's budget.
>
> Volunteers are an essential but often underappreciated part of our community. Volunteering is a way to strengthen community connections, has enormous health and wellbeing benefits for all involved, and is the foundation of many of our community services and organisations.
>
> In the last couple of years, volunteers have been crucial in times of crisis, whether it's the many who stepped up to help test and vaccinate our community, or those who pitched in with bushfire clean-up and recovery in the state's east after the devastating bushfires in the summer of 2020.

But like so many other sectors, volunteering has suffered during the COVID-19 pandemic. People whose volunteering was interrupted by stay-at-home orders have not returned. Those who have picked up their volunteering once again have been hit with higher workloads. And the many industries and organisations that rely on a volunteer workforce are struggling.

Volunteers and the organisations that support them are in need of extra support from the government to help volunteering once again thrive in Victoria.

In particular, Victoria needs a well-resourced and coordinated spontaneous volunteer engagement strategy. Spontaneous volunteers are those who are motivated to help out in the aftermath of a disaster or emergency and want to assist with relief and recovery efforts. As per its nature, it often occurs in surges, and requires a specific coordination program to help communicate with, recruit and manage volunteers and ensure their safety.

Much of this coordination work is currently delivered by weVolunteer, a community recovery volunteering program within Volunteering Victoria funded through the Department of Families, Fairness and Housing. weVolunteer provides a way for people to volunteer when they are needed urgently, and gives organisations access to a pool of ready volunteers.

While weVolunteer have funding until 30 June 2022, there is no ongoing funding allocated from 1 July. Extending this funding would improve spontaneous volunteer coordination and allow weVolunteer to expand services, and help address emerging needs in volunteer coordination and support.

Additional funding is also needed for Victoria's state volunteer support services, which provide crucial support and advice to volunteer organisations and volunteers. These services have developed strong local connections and partnerships in their communities, and are uniquely positioned to provide local, place-based volunteering support to volunteers and organisations.

They are also uniquely placed to help with the recovery and revitalisation of local volunteering communities post COVID.

However, many are under-resourced and overstretched, and in need of extra funding support to help them develop sustainable service delivery models.

I ask the Treasurer to commit to additional funding for weVolunteer and for volunteer support services in next month's budget.

RESPONSES

Ms LOVELL (Northern Victoria) (18:46): I want to raise some outstanding adjournment matters. I have nine outstanding adjournments. They are adjournment numbers 1521, 1622, 1638, 1652, 1688, 1702, 1706, 1724 and 1779. They date back to September last year. I would also like to raise eight outstanding constituency questions, 681, 1325, 1417, 1504, 1583, 1618, 1653 and 1668, which date back to 4 August 2020. I am seeking for the minister to seek answers for me on those, please.

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (18:47): On Ms Lovell's outstanding matters first, if Ms Lovell would be so kind as to email those numbers, or maybe hand them over if that is easier, to the Government Whip, we will follow those up and chase up those responses for you.

In relation to the matters that were raised by members over the course of the adjournment debate this evening, thank you for doing so. I will seek responses from my cabinet colleagues in the usual way.

I take the opportunity to wish everyone a nice few weeks while we have a little break for Easter and the like and school holidays and things and wish everyone safe and happy travels if they are having any.

The PRESIDENT: Thank you, and I take this opportunity too to wish that every member has a break and enjoys it. The house now stands adjourned.

House adjourned 6.48 pm until Tuesday, 10 May.