PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-NINTH PARLIAMENT

FIRST SESSION

THURSDAY, 10 FEBRUARY 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 KEN LAY, AO, APM

The ministry

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

Legislative Council committees

Economy and Infrastructure Standing Committee

Mr Barton, Mr Erdogan, Mr Finn, Mr Gepp, Mrs McArthur, Mr Quilty and Mr Tarlamis.
Participating members: Dr Bach, Ms Bath, Dr Cumming, Mr Davis, Mr Limbrick, 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 Taylor and Ms Terpstra.
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, Dr Ratnam and Ms Vaghela.
Participating members: Dr Bach, Mr Barton, Ms Bath, Ms Crozier, Dr Cumming, Mr Erdogan, Mr Grimley, Mr Limbrick, Ms Lovell, Mr Quilty, Ms Shing, Mr Tarlamis and Ms Watt.

Privileges Committee

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

Procedure Committee

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

Joint committees

Dispute Resolution Committee

Council: Mr Bourman, Ms Crozier, Mr Davis, Ms Symes and Ms Tierney.
Assembly: Ms Allan, Ms Hennessy, Mr Merlino, Mr Pakula, 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, Ms Hennessy, Mr Rowswell, Mr Taylor and Mr Wells.

Pandemic Declaration Accountability and Oversight Committee

Council: Mr Bourman, 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: Mr Limbrick, Mrs McArthur 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: Ms Patten, Ms Terpstra and Ms Watt.
Assembly: Mr Burgess, Ms Connolly, Mr Morris and Ms Theophanous.

Heads of parliamentary departments

Assembly: Clerk of the Legislative Assembly: Ms B Noonan

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

Parliamentary Services: Secretary: Mr P Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-NINTH PARLIAMENT—FIRST SESSION

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

Deputy President
The Hon. WA LOVELL

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

Leader of the Government
The Hon. J SYMES

Deputy Leader of the Government
The Hon. GA TIERNEY

Leader of the Opposition
The Hon. DM DAVIS

Deputy Leader of the Opposition
Ms G CROZIER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Maxwell, Ms Tania Maree	Northern Victoria	DHJP
Bach, Dr Matthew[1]	Eastern Metropolitan	LP	Meddick, Mr Andy	Western Victoria	AJP
Barton, Mr Rodney Brian	Eastern Metropolitan	TMP	Melhem, Mr Cesar	Western Metropolitan	ALP
Bath, Ms Melina Gaye	Eastern Victoria	Nats	Mikakos, Ms Jenny[6]	Northern Metropolitan	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Donohue, Mr Edward John[7]	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	Western Metropolitan	LP	Somyurek, Mr Adem[8]	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[9]	South Eastern Metropolitan	ALP
Hayes, Mr Clifford	Southern Metropolitan	SAP	Taylor, Ms Nina	Southern Metropolitan	ALP
Jennings, Mr Gavin Wayne[5]	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	Western Metropolitan	ALP
Limbrick, Mr David	South Eastern Metropolitan	LDP	Watt, Ms Sheena[10]	Northern Metropolitan	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling[11]	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] Resigned 23 March 2020
[6] Resigned 26 September 2020
[7] Resigned 1 December 2021
[8] ALP until 15 June 2020
[9] Appointed 23 April 2020
[10] Appointed 13 October 2020
[11] Resigned 28 February 2020

Party abbreviations

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

CONTENTS

Thursday, 10 February 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.

Petitions

Following petition presented to house:

BREAST SCREENING

We, the undersigned Citizens of Victoria, draw to the attention of the Legislative Council that 61,000 eligible Victorian women who would ordinarily be scheduled for a breast screening have not received it.

Victorians know that preventative measures such as breast screenings are vital and potentially lifesaving.

We therefore request that the Legislative Council call on the Andrews Government and the Minister for Health to reverse their cuts to delivered breast screening services in Victoria and fully fund the program so all eligible women have proper access to this essential, life-saving program.

By Mr DAVIS (Southern Metropolitan) (5 signatures).

Laid on table.

Papers

PAPERS

Tabled by Acting Clerk:

Family Violence Protection Act 2008—Report on the Implementation of the Family Violence Risk Assessment and Management Framework, 2020–21.

Public Health and Wellbeing Act 2008—Documents under section 165AQ of the Act in relation to—

The making of pandemic orders implemented on 15 December 2021.

The variation of pandemic orders implemented on—

20 December 2021.

23 December 2021.

30 December 2021.

6 January 2022.

12 January 2022.

25 January 2022.

Subordinate Legislation Act 1994—Documents under section 15 in respect of Statutory Rule Nos. 151/2021, 4/2022 and 6/2022.

Victorian Assisted Reproductive Treatment Authority (VARTA)—

Report, 2019–20.

Report, 2020–21.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Education and Training Reform Amendment (Senior Secondary Pathways Reforms and Other Matters) Act 2021—Part 2—11 February 2022—Remaining provisions—2 May 2022 *(Gazette No. S62, 8 February 2022)*.

Liquor Control Reform Amendment Act 2021—Sections 4(4) (except paragraph (a)), 8, 9, 10, 11(1), (2), (3) and (4), 12, 13, 15, 16, 17, 19(3) and (4), 39, 41 and 44—15 March 2022 *(Gazette No. S62, 8 February 2022)*.

Members statements

SIDNEY BAILLIEU 'BAILS' MYER

Ms CROZIER (Southern Metropolitan) (10:08): Sidney Baillieu 'Bails' Myer AC was an extraordinary Australian, a man of great principles and a man of great generosity. Yesterday at his memorial service his children, Sid, Rupert and Samantha, and his grandson Walter spoke about Bails—first and foremost a man who loved his family. They also spoke of his love of his farm, his love of the arts and the numerous successes he has had in business. Victoria of course has largely been the big beneficiary of what Bails has achieved, but so has Australia. He has been a mentor to so many of Australia's business and community leaders. His generosity, as his family described, was not about philanthropy but about giving. Bails gave back to the community in so many ways.

I was lucky to know Bails. He and my father were old friends, although Bails was slightly older than Dad. They went to school together and then attended Cambridge University together. They also served in the Royal Australian Navy through the Second World War. My father has recounted to me on numerous occasions that Bails served during World War II and became a recipient of the Distinguished Service Cross. Bails was a man of an era that served this country with distinction.

I spoke with Bails only a few weeks ago. I was organising a lunch with him and Sarah and Dad, and as always he was so enthusiastic and looking forward to catching up with his old friend. Sadly that did not happen. Bails certainly lived his life to the full, and that life was an extraordinary one of loyalty, devotion, success and generosity.

TATURA WATER TOWER ART

Mr GEPP (Northern Victoria) (10:10): I rise in this place to acknowledge the Tatura water tower mural again that my office and I worked so closely with the RSL over many years to achieve, and thanks to the Andrews government and the $27 800 grant that helped get the project off the ground. The project sees the Sir John Monash designed tower adorned with poppies on one side and Sir John Monash on the other. It was just recently recognised twice at the City of Greater Shepparton Australia Day awards, winning both the Community Event of the Year award and the overall award. The project was the brainchild of Rob Mathieson and the Tatura RSL and was unveiled by me, Rob, Goulburn Valley Water, the local council and the Monash family last June. Congratulations to all involved for the appropriate recognition of their hard work in the achievement of this water tower.

BLACK SATURDAY

Mr GEPP: On a more sombre note, of course it is February and we had the very recent anniversary of the Black Saturday bushfires that devastated many parts of this state, including many parts of Northern Victoria. We do not forget the devastation of that terrible day some 13 years ago, and in particular in places like Marysville and Kinglake. We wish all of those communities who are still recovering today all the very best.

NATHAN WARRICK

Mr GRIMLEY (Western Victoria) (10:11): Today I contribute some very happy and some very sad news, both from within the police family. Firstly, the sad news. We lost a member of our blue family this year—another one lost to suicide. It is just heartbreaking. Nathan Warrick was a great man and a great copper. I worked for a brief period of time with Nathan at Wyndham North police station when it first opened. As he was more senior than me, I relied upon him for guidance, advice and direction on more than one occasion. At all times Nathan was more than happy to help and chip in when the workload was becoming overwhelming. Clearly the challenges and struggles that Nathan was experiencing became too much. I have said it before and I will say it again: we need to be doing much, much more to support our frontline workers, even those who have left the job. They put their

lives on the line every single day for the safety of the community, and the least we can do is everything in our power to ensure their safety and wellbeing. There should be no-one left behind. Nathan was one of a kind and will be sorely missed by his family, friends and colleagues.

RAYMOND SHUEY

Mr GRIMLEY: In some brighter police news, it was pleasing to see former Victoria Police assistant commissioner Ray Shuey honoured this Australia Day. Ray was part of the honours list for significant service to road safety organisations and initiatives. I am so glad that Ray's work is being honoured, and his knowledge and continued advocacy in reducing road trauma and family violence is to be commended. Some may be very surprised at the links between road safety and the perpetration of family violence. Congratulations, Ray.

ROGER LAKKIS

Mr ONDARCHIE (Northern Metropolitan) (10:13): The Parliament break provided an opportunity to celebrate Jesus's birth and to welcome in a new year. But it was sad for me because I lost my dear friend Roger Lakkis, who was born on 21 March 1948 and passed away on 22 December 2021. He was one of my closest friends. He was a great businessman and a great entrepreneur.

After migrating from Lebanon, he made a significant impact on the Victorian business community. Many would know of his work. In 1999 he started Alf's Cafe at the Alfred hospital, where he rejuvenated the way people ate in the cafes at the hospital. He brought in a red, amber and green lighting system to provide healthy options. He transformed the way that cafes were run. He then went on to do that again at the Austin Hospital, at the children's, at Bendigo and at Sunshine. He was a kind man. He gave jobs to people who needed them, he helped new arrivals and everybody loved him. They called him Mr Roger or Uncle Roger.

Almost every day Roger and I would see each other, call each other or text each other. People exploited him, they stole from him, they cheated him and he forgave them. Roger got COVID. He was in the ICU, he was on a ventilator and he never recovered. I did not get to say goodbye to him. I miss him. I loved him dearly, and on his phone he still has an unanswered text message from me. He lives on through his five beautiful children, and I send them my love. I know my friend Roger and I will see each other through our shared beliefs in God's kingdom. Vale, Roger Lakkis.

DETECTIVE SENIOR CONSTABLE JAMIN MIDDLETON

Ms MAXWELL (Northern Victoria) (10:15): I pay tribute today to Detective Senior Constable Jamin Middleton, born and bred in Mildura, who has recently been awarded the 2021 Mick Miller Regional Investigator of the Year award. Senior Constable Middleton's work has focused on how child sex offenders share child abuse material overseas, and he utilised IT methods to examine bank accounts and domain purchases to pursue offenders. This complex work is vital to protecting vulnerable children against the international trade of child abuse material. It is not unusual for offenders to be found with hundreds of thousands of files of child abuse. At the other end of this abhorrent material are suffering, violated, exploited children. Offenders use technology to commit these crimes and then perpetuate further child abuse by sharing this vile material online.

This is a very prestigious award within Victoria Police. In fact the first recipient was another great regional investigator, Senior Sergeant Ron Iddles, awarded for his work investigating almost 250 homicides and solving about 95 per cent of them. I congratulate Senior Constable Middleton and thank him and our sexual offences and child abuse investigation teams for their important work.

AMANDA LAMONT

Ms BURNETT-WAKE (Eastern Victoria) (10:16): Today I would like to congratulate Amanda Lamont, who was yesterday presented with a National Emergency Medal by the Governor-General of the commonwealth for her volunteer work with the Australian Red Cross during the 2019–20 bushfires. I first met Amanda through my work as a councillor on the Yarra Ranges council, and I

witnessed firsthand her wonderful work in the emergency service sector, in which she has had a long and commendable career. Amanda is a Montrose local and dedicated member of the Montrose fire brigade. Amanda has a great passion for assisting her community. She is a compassionate and caring individual who is a true community leader. I would like to thank and acknowledge Amanda for her contribution. It is people like Amanda, with her dedication to voluntary work, particularly as a CFA member, that make our community surely great.

CHRISTINE MORRIS OAM

Ms BURNETT-WAKE: I would also like to acknowledge Christine Morris, who received a Medal of the Order of Australia on Australia Day for her work and dedication through the Anglican Church in the Eastern Victoria Region—so two great Eastern Victoria Region community members that I acknowledge here today.

VICTORIA HONGKONGERS ASSOCIATION

Mr LIMBRICK (South Eastern Metropolitan) (10:17): I would like to thank the Victoria Hongkongers Association for giving me the honour of giving the opening address at their Victoria Hongkongers Association event on Australia Day. At this event the Hong Kong diaspora in Melbourne came together to show their arts, their music and also their local businesses, which were in areas such as construction, crafts, trades and food. I also got to see some of the materials that they produce talking about Australian values, including upholding democracy, freedom of speech and freedom of religion and also the history of the Hong Kong diaspora in Melbourne.

Also I had the privilege of again meeting Ted Hui, who was a member of the Legislative Council in Hong Kong and was subsequently forced to flee due to the oppression there. I think all Australians should be honoured that he has chosen Australia to be his home now. He now lives in Adelaide. I had the honour of meeting him again and talking about what the situation is in Hong Kong at the moment. Although many Hongkongers have made successful lives here in Australia, we must always remember those that are still oppressed in Hong Kong. I would also like to thank the federal government for opening up new pathways for Hongkongers to come and live and work in Australia.

VICFORESTS

Mr RICH-PHILLIPS (South Eastern Metropolitan) (10:19): The Andrews Labor government has long sought to demonise and destroy the native timber industry in Victoria and by extension the regional workers and families it supports. The government has stood by while vexatious and frivolous litigation has been launched against VicForests, frustrating and undermining the livelihoods of timber workers and costing taxpayers millions of dollars. However, not only is the government failing to protect the interests of Victorian timber workers and taxpayers but now the government is actively intervening against those interests.

VicForests' annual report shows that it and by extension Victorian taxpayers are owed more than $2 million in costs and interest from MyEnvironment, as ordered by the Supreme Court from failed anti-logging litigation. Now the government has stepped in to direct or coerce VicForests not to collect that $2 million, which is owed to taxpayers and which VicForests under the State Owned Enterprises Act 1992 has an obligation to collect. Yesterday Mr Somyurek highlighted that government corruption is far more insidious than just brown paper bags for political favours. Governments and ministers have a sworn duty to ensure agencies act within the law and in the interests of Victorians. Coercing VicForests to ignore its legal obligation to act commercially because the government would rather see it fail than succeed is tantamount to misconduct in public office, an odious form of corruption which has become all too common in this government.

VICTORIA POLICE DEATHS

Mr BOURMAN (Eastern Victoria) (10:20): On Thursday, 3 February, I attended the state memorial for the police officers that were killed in the Eastern Freeway tragedy, being Leading Senior

Constable Lynette Taylor, Senior Constable Kevin King, Constable Josh Prestney and Constable Glen Humphris. It was very moving. These things are not fun, but it goes to prove that policing and other emergency services jobs are extremely dangerous. Losing four police officers in one go was just a tragedy that I had hoped I would never see, but unfortunately it came through. It was very moving. It affected a lot of people. It was very well attended, and I thank the government for putting it on.

INFANT LOSS REMEMBRANCE

Mr BOURMAN: Also on that day it was five years since I lost my little boy. I think it is just a good day to reflect on the little ones that are lost, whether it is through stillbirth, SIDS or even just a miscarriage, and the wreckage it leaves behind for the people. I think it would not hurt, if you know anyone that has had that happen to them, to give them a shoulder as they need it.

QUEEN ELIZABETH II PLATINUM JUBILEE

Mr FINN (Western Metropolitan) (10:22): I rise to offer my warmest congratulations to Her Majesty the Queen on a truly remarkable milestone that she passed just this week: 70 years on the throne. She has been and continues to be an outstanding monarch. In fact I do not think there has been a better monarch anywhere in the world ever. She is truly remarkable, an extraordinary and wonderful human being—not that you would know it, going on the attitude of the government or the Parliament, I have to say, because barely a mention has been made by either as to this particular milestone. I think it reflects very, very badly on the government and reflects very, very badly on the Parliament that we have not offered our congratulations or not offered members of Parliament even the opportunity, apart from a members statement, to congratulate Her Majesty on such an extraordinary feat. I think it reflects very, very badly on the government in particular that it has completely ignored what is being celebrated around the world. Why the Andrews government would think it is all so very, very special I do not know, but I think it is a disgrace that this government has ignored this feat. It is about time that it got its act together and congratulated Her Majesty on this extraordinary and wonderful milestone.

COLBINABBIN SILO ART TRAIL

Ms LOVELL (Northern Victoria) (10:23): I wish to tell the chamber about the opening of the Colbinabbin Silo Art Trail on Sunday, which I was fortunate enough to attend along with the whole town of Colbinabbin but also my colleague Steph Ryan and the Parliamentary Secretary for Regional Victoria. I would like to congratulate the chair of the committee, Mary Ann Morgan, her entire committee and also the artist, Tim Bowtell, on what is an absolutely stunning silo art exhibition for people to visit.

The silos in Colbinabbin feature scenes from the town's history—a town picnic in the 1800s, the railway station, the grain train, the tractor pull from the 1980s—and also one that honours the CFA, with the original tanker from the town, an LU600, featuring on that silo. That tanker now resides in Melbourne East up here at the Fire Services Museum of Victoria, but it actually made a return visit to Colbinabbin for the opening. It was fantastic to have the chief fire officer, Jason Heffernan; the CEO of the CFA, Natalie MacDonald; their chief information officer, Brendan O'Kane; and others from the CFA in Colbinabbin for the opening.

The silos are well worth a visit to Colbinabbin to see. They are a spectacular addition to the silo art trail in Victoria. To quote Julie Price, the manageress of the Colbinabbin Country Hotel, who wrote a beautiful song for the opening:

> Come to Colbo and see the silos
> It's a burst of colour in the town

They truly are a burst of colour, and they truly are well worth seeing.

PHILIPPINES-AUSTRALIA DIPLOMATIC RELATIONS

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood)

Incorporated pursuant to order of Council of 7 September 2021:

Recently, I had the great privilege of attending the 75th anniversary celebration of the establishment of Philippines-Australia diplomatic relations.

Alongside my parliamentary colleagues Ms Taylor and the member for Melton, we were treated to a vibrant evening of traditional dancing, singing and the best of Filipino fashion.

The gala showcased the history and importance of the Australian-Filipino community dating back to the 19th century. On the night, I spoke of the many contributions the Filipino community have made to our state, including through their leadership in various sectors from health care to manufacturing.

Anniversary celebrations are no easy feat, especially during a pandemic, so I would like to extend my appreciation and thanks to Philippine Consul General Maria Lourdes Salcedo, Deputy Consul General Anthony Mandap, Florence Dato, Al Noveloso, Dennis Sumaylo, Melvin Mata, Christian Ramilo, Gerard Felipe and the brilliant Melba Marginson for their hard work and dedication.

Finally, I am proud to represent a region where so many Filipino-Australian families call home. I want to thank them for all they do in Melbourne's west and throughout Victoria. It is without question that our state's rich cultural tapestry would not be complete without them.

LEARN LOCAL AWARDS

Mr MELHEM (Western Metropolitan)

Incorporated pursuant to order of Council of 7 September 2021:

In December last year, I had the pleasure of participating in the 2021 Learn Local Awards ceremony alongside Minister for Training and Skills Gayle Tierney and Adult, Community and Further Education Board chairperson Maria Peters.

In my remarks, I discussed what a great privilege it has been to visit so many of Victoria's Learn Local providers (virtually and in person) to meet the trainers, learners, and volunteers that contribute to making these centres truly incredible places.

I have seen firsthand the significant impact Learn Local courses have had on the educational, professional, and personal journeys of countless people. The tailored approach of preaccredited learning enables trainers to meet the individual needs of each learner, enabling them to respond to the complex challenges faced by the most vulnerable members of our community.

And as the coronavirus pandemic transformed our education system, the Learn Local sector proved that they were up to the task. The flexibility and resilience demonstrated by so many people enabled learners to stay on track with their studies and stay connected with their community.

I had the honour of announcing the winner in two award categories. The Pre-accredited Program Award for small providers went to Loddon Campaspe Multicultural Services for their Starting Work in Australia—Karen Engineering Studies course. This amazing Bendigo-based program, which supports the local refugee and migrant Karen-speaking community into training and jobs, won half the awards on offer—an amazing effort.

I also announced the winner of the Pre-accredited Program Award for large providers as the Catering for Success program run by The Basin Community House. I visited this centre just a few days later to meet the team behind this great program and celebrate their achievement.

Congratulations to the other 2021 Learn Local Award winners and finalists, particularly those who I had the opportunity to meet with throughout last year—you all deserve to be commended for your incredible contribution.

Business of the house

NOTICES OF MOTION

Ms TAYLOR (Southern Metropolitan) (10:25): I move:

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

Motion agreed to.

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

VICTORIAN INSPECTORATE

Performance audit

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (10:26): I move, by leave:

That the Council agrees with the Assembly and resolves:

That:

(1) under section 170 of the Independent Broad-based Anti-corruption Commission Act 2011, Callida Pty Ltd ('Callida Consulting') be appointed:

(a) to conduct the performance audit of the Independent Broad-based Anti-corruption Commission;

(b) in accordance with the agreement for the provision of services for the performance audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate; and

(c) at the following fixed-fee levels of remuneration:

(i) $66 000, plus GST, upon acceptance of Callida Consulting's audit plan, representing 20 per cent of the total fee;

(ii) $99 000, plus GST, upon acceptance of Callida Consulting's progress report, representing 30 per cent of the total fee; and

(iii) $165 000, plus GST, upon acceptance of Callida Consulting's final draft report, representing 50 per cent of the total fee;

(2) under section 90D of the Victorian Inspectorate Act 2011, Callida Pty Ltd ('Callida Consulting') be appointed:

(a) to conduct the performance audit of the Victorian Inspectorate;

(b) in accordance with the agreement for the provision of services for the performance audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate; and

(c) at the following fixed-fee levels of remuneration:

(i) $21 600, plus GST, upon acceptance of Callida Consulting's audit plan, representing 20 per cent of the total fee;

(ii) $32 400, plus GST, upon acceptance of Callida Consulting's progress report, representing 30 per cent of the total fee; and

(iii) $54 000, plus GST, upon acceptance of Callida Consulting's final draft report, representing 50 per cent of the total fee; and

(3) a message be sent to the Assembly informing them that the Council have agreed with the Assembly's resolution.

Motion agreed to.

Bills

SEX WORK DECRIMINALISATION BILL 2021

Second reading

Debate resumed on motion of Ms SYMES:

> That the bill be now read a second time.

and Mr ONDARCHIE's amendment:

> That all the words after 'That' be omitted and replaced with the words 'this house refuses to read this bill a second time until a redacted and de-identified copy of Ms Fiona Patten MP's government-commissioned review is released to members of Parliament to enable scrutiny of the recommendations that have led to the proposed legislation.'.

Mrs McARTHUR (Western Victoria) (10:29): I rise to oppose the Sex Work Decriminalisation Bill 2021 on a number of grounds. First of all, I should stress this is certainly not because I oppose deregulation of business or decriminalisation in principle—the opposite in fact. It is a mark of how flawed this bill is that I will have no hesitation in voting against it, despite this instinct. Nor is it because I do not support those impacted by the legislation. Far too often the Andrews government use the opposition's lack of support for a bill as the incorrect basis for a cheap attack, suggesting we do not care about the people they are pretending to support. That would be as false here as it always is. No, my opposition is based on a number of points surrounding the way this legislation has been created as well as around its actual content.

First of all, I am afraid we cannot escape the role that Ms Patten has played in this ever since being commissioned to review the topic in November 2019. She seems to have presided over a fait accompli—a piece of work which oddly enough endorsed her long-held position. The Sex Work Ministerial Advisory Committee did not get a look-in—indeed it is defunct—and nor did many with different perspectives, from the adult entertainment industry of Australia to smaller operators with different ideas or to survivors of the sex trade.

I note, for instance, the stance of the Coalition Against Trafficking in Women Australia, CATWA, which believes this bill and the approach it foreshadows could make sex workers less safe. CATWA work with former sex workers who have left the industry and called themselves survivors. The group claims four separate sex work survivor organisations were excluded from the government's consultation sessions. To quote their representative Tegan Larin:

> This improper process, lack of public consultation, lack of transparency, exclusion of survivors and conflict of interest leads us to believe it's been rubber stamped, it was a done deal …

My understanding is that this group and others would have proposed to the government an alternative model, the Nordic model, which criminalises those who pay for sex work but does not punish providers of sexual services. While the model has been adopted in a growing and varied list of countries and is endorsed by advocacy groups of surprisingly different standpoints, it is not a position I am going to argue for here. But was it discussed? Was it even considered? We do not know because we have not seen the detail, nor do we know in detail who was consulted. One important point Tegan Larin makes is relevant here:

> When we hear women talking about how great decriminalisation is, these aren't … migrant women who are working day in, day out in massage parlours … and aren't allowed to leave.

Now, perhaps all these voices were actually heard by Ms Patten, perhaps all the arguments were had, but we do not know that—and it is just not good enough. Of course no-one is arguing that names or details should be released. It would be a simple matter to redact names or to keep the evidence private

and yet make the commentary and recommendations public. This is not just petty party politics or personality. The victims of crime commissioner made the same points, noting:

> … I want to note my dissatisfaction and disappointment with the review process:
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> - the process has been a lost opportunity to transparently consider issues of violence and exploitation that sex workers experience in the industry and the most appropriate regulatory model to address these issues
> - a comprehensive report should have been made public to outline the review process, the stakeholders consulted, the research and findings, the proposed model, and the rationale for the regulatory model to be adopted

She pointed out a further significant flaw:

> - while the review was publicly announced in November 2019, stakeholders have … been given two weeks to consider complex and nuanced issues …

Now, all of this would have been bad enough in any normal process, but in this case there are two reasons why perhaps Ms Patten should have acted differently. The first is the suspicion, of which she is of course fully aware, of what lies behind the Andrews government's grant to her of effective authorship of this bill and the support given to the second injection room proposal and to the promise of the cancellation of the Lord's Prayer. Surely if she really wished to demonstrate that the price for this bill was not her support on the states of emergency and pandemic legislation, she could have gone out of her way to be transparent. And that is the second point: she is a consistent and enthusiastic advocate of just that virtue.

I have got a selection of quotes here. Back in 2018 in this place she said:

> My question is for the Special Minister of State and relates to government transparency and accountability …

On Neil Mitchell on 27 October last year she said:

> … I have been calling for … transparency and accountability.

To her credit:

> Ms Patten has been fighting for religious accountability and transparency for more than 20 years and was the first to call for a royal commission into sex abuse in religious institutions.

In the *Age* of 30 October, commenting on the pandemic legislation, Ms Patten complained that:

> … transparency about COVID-19 responses had been lacking …

and a few days later, on 2 November, she wrote in the *Age*:

> Victoria is poised to lead the country in replacing state of emergency powers with rules that vastly increase transparency and accountability …

and continued:

> I voted for the state of emergency on the condition that it had an end date and would be replaced by pandemic-specific legislation that would ensure—

guess what—

> transparency and accountability.

Mr Finn: What she says and what she does are two different things.

Mrs McARTHUR: You are absolutely right, Mr Finn. So these are just a few examples of Ms Patten's rightful attachment to those values. But where are they here in this process?

I come back again to my criticism of this bill. As a foregone conclusion the consultation was not wide enough, and the secrecy over its workings and recommendations undermines any confidence that

alternative provisions or solutions were considered. The truncation of the stakeholder review process leads to the same conclusion.

So what are we left with in the bill itself? Essentially we have a series of provisions which arise from the flawed idea that to remove discrimination against sex workers we must remove any form of regulation that does not exist in any other industry. It is an absurd starting point. Just because an industry or its workers are regulated in a tailored manner does not mean they are stigmatised. It is simple common sense that certain jobs, professions and businesses have specific conditions attached to them. It would be quite possible, for example, to retain legislation on safe sex provisions and on mandatory health testing, both ditched by this bill, without undoing its claimed purpose. These are both very poor decisions. In a similar vein is the removal of the ban on liquor licences. Does anybody reasonably think that these things reduce stigma? They are matters of safety. It is the decriminalisation of the industry itself, not the removal of rules like this, that would achieve that object.

Nor do I accept the necessity of amendments to the Equal Opportunity Act 2010 which further attack landlords and will remove their protections respecting the refusal of accommodation to those offering sexual services or the removal of permit conditions which could see neighbours landed with businesses which significantly affect their lives in a way which, let us be honest, other home workers might not.

Again, this is not about unfair stigma, it is about equality. If any other business was established which brought in outsiders to a residential complex, perhaps at all times of the day and night, it would rightly be subject to controls. In short, removing stigma should not be achieved by removing all controls. It should be achieved by making sex work subject to the same appropriate level of regulation as any other business. That is surely undeniable. Even I would agree and argue that some businesses require more supervision than others for the health and safety of employees or participants as well as for the good of neighbours, landlords and the community. In a virtue signalling attempt to seem supportive this bill goes beyond what is sensible and removes controls which exist for important reasons.

My colleagues in the lower house tried to improve this bill. Their reasoned amendment was rejected. They asked for evidence; that too was spurned. So despite the stated good intention of this bill, I will certainly not support it.

Ms TAYLOR (Southern Metropolitan) (10:40): Fundamentally the bill will repeal the Sex Work Act 1994 to decriminalise consensual sex work between adults, abolish the sex work licensing system and instead regulate sex work businesses through mainstream regulators. The reason I have been careful to be very specific in defining that is to say that, yes, we are decriminalising consensual sex work, we are regulating it differently but there is regulation.

It is important for many reasons. We know that workplaces across the state are regulated, and similarly sex workers should also have regulation that is fit and proper to ensure that we safeguard them and their rights and ensure that they are able to have safe work because all Victorians deserve that.

We know that there is a stigma attached. We just know. I think it is quite naive to suggest that with the status quo we can overcome that. We know that from the intensive research and the review that has been conducted and the genuine and authentic feedback from those with a lived experience—and I think we should be very clear about that, because it is so very easy to stand back and judge when you have not been through what the people relevant to this bill have been through in their lives.

Sometimes I think about how it is so easy for human beings to define some people as 'the other'. If I define them as 'the other', well, that means I do not have to look at myself and I do not need to look at the parts of me I do not like because I can see them as worse and me as better. I can define that difference and I can feel good about myself—and that is exactly what we should not be doing. What we should be doing here is remembering that we are looking at all Victorians. We are all the same, whether you like it or not; we are all equal—or we should be. I think I am actually being a little naive to suggest we are all treated equally, because we are not. Hence this is the impetus behind this reform: to drive a fairer and kinder Victoria that has respect.

Members interjecting.

Ms TAYLOR: Also can I pick up on the point—there were several points made—and I would like to be able to hear myself speak, thank you very much. Certain matters were raised about human trafficking, and I think there is a danger when you are suggesting—and I am not actually clear about the points that were being made about that by the opposition, but can I provide some clarity on this issue. There is no way that anyone in the Labor Party wants to in any way enhance or support human trafficking. Of course we do not; it is horrendous. But a core feature of human trafficking is that people have been brought into Australia against their will, meaning that solutions to address human trafficking must be coordinated with, and potentially led by, the commonwealth government, who have responsibility for immigration and border control—

Members interjecting.

Ms TAYLOR: Do you not want the facts? I am just giving you the facts. There is also no—

Members interjecting.

Ms TAYLOR: Do you want the answers or not? Or you can just make it up. Do you want to make it up? There is also no significant—

The ACTING PRESIDENT (Mr Bourman): Order! It is getting a bit loud to my left here. It is going to be a long day. Can we just get through this? Everyone will have their chance to say their piece.

Ms TAYLOR: Thank you very much. There is also no significant evidence of any increase in human trafficking following decriminalisation of sex work, as seen in New South Wales since 1995 and New Zealand since 2003. I do not actually resent the premise of people asking the question, but let us look at the facts, let us look at the evidence. That is all I am saying. That is where we are coming from. We are as concerned about that as anyone else should be, but let us look at the evidence. Both sexual assault and human trafficking remain criminal matters requiring attention, so there is nothing to suggest that the status quo in any way is going to enhance or improve that situation. Actually the impetus here is obviously to mitigate—I mean, who wants human trafficking?

I just wanted to pick up on that point because I felt it was being dangled around out there as to somehow suggest that we therefore should not be bringing these reforms through, and I think that is inappropriate.

Now, there has also been some discussion about the private nature of the report. I think it is important to note—and again, thinking about the lived experience of those for whom this legislation is most relevant—stakeholders engaged in Ms Patten's review, and I commend Ms Patten for her extensive work, very hard work, rigorous work, in the lead-up to this legislation—

Mr Finn interjected.

Ms TAYLOR: I am about to address that point—on the condition that their contributions would be confidential, and on that basis the government has not released her report. Because appreciating and thinking about the context, in which we are moving away from criminalisation to a different kind of regulation, you can understand why there might be some resistance for people, on trust elements et cetera, because of the nature of the way they have been treated to date. So instead of constantly putting that down and sowing seeds of doubt and inferring something sinister, maybe have a little respect for the premise upon which these persons involved in the review have been very brave in coming forward and assisting in bringing forward these reforms. I commend them for that, after all they have suffered for so, so long.

Of course we will not be supporting the reasoned amendment—

Members interjecting.

Ms TAYLOR: That does not go to my point in any way, shape or form. When we are looking at the alternative regulatory operating model, under this model the key regulators, as in other industries, will be WorkSafe, which will be responsible for workplace health and safety; the Department of Health, which will be responsible for public health and infection control matters; local governments, which will be responsible for planning and public amenity; and Victoria Police, which will be responsible for criminal matters. Law enforcement and community safety issues will remain the responsibility of relevant agencies, including Victoria Police, the Australian Federal Police and Australian Border Force; and the Victorian Equal Opportunity and Human Rights Commission, the Australian Transaction Reports and Analysis Centre and the Australian Taxation Office will provide an additional regulatory overlay. Following the repeal of the Sex Work Act 1994, the Minister for Workplace Safety will be responsible for the decriminalisation of sex work, including responsibility for leading the statutory review. I do not mean to labour these points, but I think today—as it is important on any day when we are debating legislation—it is important to adhere to the factual elements, to look at the evidence and to not just sow fear and undermine this very critical reform.

I should say further that this model was developed in consultation with impacted departments and agencies across Victoria and at the commonwealth level and is a key component of ensuring smooth and effective implementation of decriminalisation reforms.

Members interjecting.

Ms TAYLOR: From what I can see from the opposition I do not even get a sense of sincerity in the way that they are handling this bill. I have to say it is extremely disappointing when we know how important it is to make sure that sex workers, like all Victorians across the state, have a safe workplace and that appropriate measures are put in place to facilitate this. I get the sense that they are not—and I say this respectfully—applying the appropriate sincerity to this debate. In light of the fearful and I think just disturbing commentary that is coming through to say, 'The sky is going to fall in'—and I hate to use a trite comment—really this has been well considered. There has been extensive consultation and review.

The other point that I want to go to is that the status quo is not delivering what it should. Street-based sex work still occurs, and enforcement is low. It still occurs. It is naive to suggest, 'Oh well, if we bring through these reforms, somehow everything will evolve in a different manner'. We know, and we must not be naive about this, massage parlours continue to operate as unlicensed brothels. The law is difficult for sex workers to understand and comply with; that is blatantly unfair. Sex workers are unsafe and targets of violence. Sex workers experience stigma and discrimination even when operating in the licensed sector—further to the point that was made before. This is why it is so important. Engaging with the justice system, including as victims of crime, is incredibly difficult, as is accessing essential services such as health care, housing and financial services. And you can see why there is a disincentive to do so, because of the present legislation—not the one before us of course but the status quo. It is the same with seeking further education or alternate employment, travelling and migrating overseas. You can just see how it is incredibly limiting and soul destroying in fact. I think it could be soul destroying, and I do not think I am exaggerating that, when you are under the present circumstances, in spite of the best intentions.

I am not actually having a go at previous legislators. With every step we are always trying to ameliorate and improve the outcomes in the lives of Victorians at the end of the day, but there is resistance shown by those opposite. We have got to move away from the old tar and feather, that old judgement stick, because it ain't helping and it is not making any of us better as human beings. It is not making us happier, and it certainly is not safeguarding the health and safety of sex workers in Victoria. So I pray you will consider the facts and the evidence and remember that we are all Victorians, we should all be equal, and have consideration for that in this debate.

Mr MEDDICK (Western Victoria) (10:51): I am pleased to speak on this vitally important bill today. The decriminalisation of sex work in Victoria is long overdue. I want to thank first of all the

tireless advocates and sex workers who have done the hard yards, often at great personal expense, to make this happen. I also want to thank my crossbench colleague Ms Patten, vilified by some of those opposite on this, for her tireless advocacy and for leading the important review that brought us here today. To paraphrase that old expression, sex work is one of the oldest professions in the world, yet it remains one of the most stigmatised. It would be wrong to assume that by decriminalising sex work we will remove all of the harmful stigmas that come with it, but it is a vitally important first step.

Sex work comes in many forms. This Parliament has ties to sex work. One of my own staff has ties to sex work. Sex work is more common than we all know. I can guarantee you someone you know, someone you likely love, is a sex worker or was a sex worker, but the current restrictive laws and the narrative surrounding the industry often prevent workers from telling their stories. Many sex workers live in fear for their safety, in fear of being outed in their new places of employment or in fear for their privacy in their lives outside of work. The outing culture that impacts sex workers is something that needs to change, and I ask all supportive members here today to not stop at passing this bill but make a commitment alongside me to change that narrative and to put in the work to make sex work a safe and well-respected industry across the whole of society. Just like nobody should or would think twice about telling someone they were once a hospo worker or, like me, a construction worker, nobody should be made to feel shame or judgement around being a sex worker, but that is what they are being made to feel.

It has been wonderful to see the championing of this bill by groups like Scarlet Alliance and the Vixen Collective, all proudly run by current or former sex workers. It has been a real privilege for me and my office to form relationships with them over the course of this bill, and I want to thank them, especially Jules Kim and Dylan O'Hara, for the effort that they have put in to reach this point. Their passion and their commitment have been remarkable.

However, no bill is ever perfect, and while I support the decriminalisation of sex work and appreciate the government bringing this bill to this place I do have a range of amendments for its improvement, and I ask that those amendments now be circulated.

Animal Justice Party amendments circulated by Mr MEDDICK pursuant to standing orders.

Mr MEDDICK: My first amendment is in relation to retaining the criminalisation of street-based sex workers during certain hours and in certain places. This government acknowledges that the current approach of relying on police enforcement, including entrapment, does not work. It compromises safety and hinders business operation. Clearly sex workers should not be prioritising evading the police over their own health and safety. Placing periodic limitations on street-based sex work is not decriminalisation, and it directly contradicts the government's stated intentions of making sex work safer. It simply replicates the same issues for less hours of the day, and that is not good enough.

In the Northern Territory and in New Zealand there are no limitations on sex work hours or location and, tellingly, there are also no reported issues, nor has there been an increased prevalence of street-based sex work. It is true that there are likely to be schools and places of worship near where street-based sex work takes place. This is a reality, one that should be educated on, understood and accepted. In these time frames the government is proposing an offence literally defined as being 'present on the street'.

Another reality is that street-based sex workers make up as little as 1 per cent of all sex workers in Victoria. Sex-based street work is wrongly vilified by historical stigma and misinformation. Rory, a Victorian sex worker, says:

> As a former street based sexworker, with many years' experience working on the streets of St Kilda, I urge the government to uphold their commitment to fully decriminalise sexwork for all sexworkers in Victoria. We street based sexworkers are, by the government's own admission, the most vulnerable to abuse, stigma, police surveillance and harassment that criminalisation enables under the current two-tier licensing regime. I myself have been subject to all of these, as a sexworker forced outside the narrow constraints of Victoria's

> legalised sex industry; robberies, threats, violence, stalking, police harassment and police surveillance, both at work and while simply living my personal life in the local community.

They also say:

> Decriminalising street based sex work, alongside all other sex work, will remove our largest barrier to being able to report crimes committed against us and go towards rebuilding the severely lacking trust between us and the police, who are currently the regulators of our industry.

Rory's story is just one example of why this amendment should be supported.

My next amendment refers to the sex worker register. This government also acknowledges that the sex worker register is harmful, and this bill removes the discriminatory requirement for sex workers to register. While I applaud that important change I want to point out the intention to retain the very detailed information which is currently being stored. There are numerous accounts of how these systems have been used against sex workers and ex sex workers in relation to child custody or travel or relocation into jurisdictions where sex work is still criminalised. Other governments have repealed the registers and have destroyed the data, so it does not make sense why the Victorian government would want to retain them as historical public records. Retaining this data is a harmful form of surveillance. We want this legislation to offer real protection, and we want sex workers to have faith in the commitment. I have consulted with sex workers in the community on the real and perceived anxieties around data retention. Expunging sex workers' records is one of the only ways to prevent the perpetuation of sex worker misinformation and stigma. Ms Taylor mentioned in her contribution that the bill seeks to make everyone equal. By not expunging the records we fundamentally defeat the bill's purpose. Leaving people with a historical criminal record where something is no longer a crime is in fact discriminatory.

My next amendment relates to advertising. Advertising is an essential part of the health and safety strategies that sex workers use in their work to communicate with clients and negotiate consent. The proposed bill allows for the maintenance of sex industry specific advertising regulations. This is discriminatory and unnecessary. It has the potential to limit important communication and even prevent sex workers from being able to accurately describe their services. The ability to do this is entirely necessary to give and receive consent. This amendment is simple. It ensures Australia's national advertising standards apply to sex workers as they do to everyone else, not their own set of standards that once again perpetuate stigma. If sex work is to be recognised as a legitimate industry, we cannot place limitations on the way it operates based on unfair and inaccurate assumptions.

The bill also describes attributes for anti-discrimination protections, known as protected attributes. Currently they are profession, trade and occupation. My next amendment seeks to add 'sex' and 'sex worker' as protected attributes. This is a crucial step in providing sex workers with real protection in the legal and courts system. There is no doubt that other industries are not stigmatised in the same way sex work is, and this divide plays out when sex workers attempt to take cases to court. Discourse contributes to how legitimate people view the trade to be, and my amendments here will provide robust anti-discrimination protections that enable sex workers access to redress against this pervasive discrimination.

Finally I bring an amendment on the broad definition of 'commercial sexual services'. The bill as it stands does not include an accurate definition of 'sex work', putting us behind other states, which have implemented these reforms long ago. My proposed amendment in this space reflects the Northern Territory by introducing the best practice definitions of 'sex work' and 'commercial sexual services'. It is not necessary—in fact it is offensive to many sex workers—to specify 'drugs of dependence' in this clause of the bill. No other industry would have this included in its definition, and again it maintains the harmful stigmatisation of sex work.

Sex work is real work. Whether someone is a sex worker for a short period of time or their entire working life, they deserve safety and respect in their workplace and beyond. My amendments will

help to ensure that. They make a good bill even better, and I hope that they receive broad support. I also commend the bill to the house.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (11:04): I rise to speak specifically to a fairly narrow part of the bill, which is clauses 34 and 35, which seek to insert amendments into the Equal Opportunity Act 2010 in respect of the grounds on which discrimination is not permitted. It seeks to create a new protected attribute with respect to sex work. However, this is a provision which also has much greater application, which I would like to speak to.

What the bill seeks to do in clause 34 is insert a new provision in section 6(1) of the Equal Opportunity Act to create a new protected attribute, which is identified as 'profession, trade or occupation'. The existing framework of the Equal Opportunity Act provides that it would be an offence to discriminate against a person on the grounds of profession, trade or occupation. Under the Equal Opportunity Act, 'person' is taken very broadly to mean, of course, a natural person but also is explicitly defined as including an incorporated association and by extension non-natural persons—body corporates et cetera. So it is a very significant provision which the government is seeking to insert into the Equal Opportunity Act, and I think it has very wide-reaching consequences, perhaps beyond those which the government has contemplated.

The reason given for the government inserting this provision in the Equal Opportunity Act is to address examples of discrimination against sex workers. Two years ago I had the opportunity to meet with representatives from Sex Work Law Reform Victoria, who were very helpful through a number of discussions in outlining the way in which in this instance sex workers had been discriminated against in the provision of banking services—the fact that a number of retail banks were declining to provide services to people who were working in the sex industry. They had actually done a lot of work on identifying which banks were discriminating by not providing banking services to people in the sex industry and which banks were not in fact discriminating in that way. It was a very interesting insight into the way in which discrimination on the basis of occupation or trade was occurring in Australia.

The reason I was speaking to Sex Work Law Reform Victoria in that period—as I say, they were very, very helpful in those discussions—was that a number of instances had come to my attention in respect of other occupations and professions. One which I have spoken about in this place before which has been a significant ongoing problem is the way in which businesses seek to discriminate against people who are occupied in or have businesses in the firearms sector. We have seen over the last couple of years a number of companies—cancel culture is a growing problem in this country—seek to discriminate against people working in the firearms industry. We have seen firearms retailers denied basic banking services. The National Australia Bank was one which did that; in Queensland in this instance a person who operated a small business as a retailer of firearms and ammunition not only was denied business banking services but also had their personal bank accounts withdrawn by the National Australia Bank.

More recently we have seen FedEx-TNT, as a major transport business—which has in the past carried a lot of firearms interstate, between dealers, between wholesalers and retailers et cetera—withdraw its services to the firearms sector simply because it did not want to be associated with providing services to the firearms sector, just as the National Australia Bank did not want to be associated with providing services to people who ran a gun shop. More recently we saw the Australian Finance Industry Association, which is a peak body for buy now, pay later services, publish a code under which those participants—companies like Afterpay and Zip Pay—agreed that they will not provide services to people who sell firearms, to hunters, to recreational shooters et cetera. They will not provide services to people who provide gaming services.

Increasingly we are seeing discrimination in service provision in this country and in this state based simply on cancel culture, a woke outlook from big businesses who do not want to deal with small businesses in industries that they do not like, just as we have seen in the sex work industry over a period of time.

Can I say with respect to the discrimination that we have seen with gun shops and firearms dealers that Shooting Industry Foundation of Australia CEO James Walsh has been absolutely unrelenting in pursuing these cases of discrimination and seeking to have them overturned and seeking to ensure that banking services are provided widely for people in that sector, to ensure that transport services such as those which were withdrawn by FedEx-TNT are provided widely in that sector, and more recently to get the industry code from the Australian Finance Industry Association for the buy now, pay later services also overturned so that there is not discrimination in the provision of services to businesses simply because of the industry sector they are in.

The amendment this bill brings forward today to the Equal Opportunity Act is very, very significant, because although the government's intent—the intent of this bill—is to remove the discrimination in the provision of services to sex workers so that they are not discriminated against based purely on occupation, trade or profession, its application is much wider. The bill does not seek to limit that provision purely to the sex work sector. It is in fact going to be available in any sector, and I think this is a very, very significant change to the Equal Opportunity Act and it is going to have very, very significant ramifications. The fact that a bank will no longer be able to discriminate against a customer because it does not like the industry they are in, whether it is sex work, firearms, tobacco, gambling or something else, is very significant—likewise in the provision of buy now, pay later services, such as we have been seeing in the last year or two, as well as in other fields of service provision to businesses and to individuals. So while the coalition is opposing the bill in its totality for reasons that others have outlined, I think this is a very significant provision which we are seeing inserted into the Equal Opportunity Act, which will have implications and impacts far beyond the sex work sector.

It does raise a number of questions as to how it will work in practice. The bill provides for an exemption where the profession, trade or occupation is an inherent requirement of employment, but of course the way in which this provision will work is far beyond simply an employment relationship into service provision and other ways. As I said, the Equal Opportunity Act as it stands now has scope beyond simply the impact on an individual; it clearly identifies incorporated associations as covered by it as well as bodies corporate. So the implications of this provision are very significant.

I will have some questions for the minister in committee as to how it is going to work in practice, but this does highlight what has been an ongoing and worsening problem in Australia, not only for sex workers but for other sectors of the community, where large corporates because of their own woke culture seek to exclude customers and exclude the provision of basic services like retail banking—and who in 2022 can operate in this country without having access to a bank account? Limiting people from having a bank account in this country in this day and age is absolutely a very significant and impactful form of discrimination, and any measure which actually stops that, which ensures that banks and others must provide banking services to all customers and cannot discriminate simply on the basis of their occupation or profession or trade, is a positive step. I look forward to seeing how that will work in practice and hearing from the minister how the government believes that will work in practice.

Ms SHING (Eastern Victoria) (11:14): One of the things that has struck me throughout this debate, and indeed struck me throughout the debate in the other place, on this bill is the sense of distaste and stigma that has permeated much of the discussion from contributors. The notion that this is a somehow unsavoury industry to be part of has, I think—and not to be too cynical about it—underpinned almost all of the criticism that has come from those opposite.

I have listened very carefully to contributions which have called for the full release of a report, which have called for further consultation and which have called for a better explanation of what is proposed by this two-tier bill and the changes that will effect decriminalisation of sex work in Victoria. I cannot help but conclude that on each and every occasion the motivation for these objections lies with the nature of the industry that we are talking about, lies with the fact that it is an embarrassment for people in this chamber or as part of the parliamentary process to countenance the idea of something which is done in private, done under the cover of secrecy, done with a sense perhaps of shame or indeed a sense of entitlement in the worst of circumstances to violence, to fraud and to exploitation, something which

strikes a little too close to home in the context of the ubiquity of this industry. And that shame and that discomfort and that displeasure I am talking about come from consumers of product, people and services provided in the course of the sex industry.

What I would like to do with the time that I have available today, again along the lines of what others have said in the chamber, most notably Mr Meddick and indeed others, including Ms Patten in the extensive work that she has done as part of the review, is to focus on the nature of the workers who are providing this service as they are entitled to a safe and secure workplace and as they are entitled to better recognition of the work that they do and equality within the context of workplace health and safety regulations, protection from crime and indeed the opportunity and the context and the environment to report and have investigated and prosecuted matters involving their exploitation and their vulnerability.

This is an industry which generates a huge amount of economic activity. It is, however, an industry which operates at a regulated and unregulated level. It is an industry which is notoriously hard to gauge in relation to the numbers of people who are involved as sex workers in various industries or various subsets of that industry. It is a diverse industry, and it is one in which, again, activism and advocacy have been a long time coming and have been done at a very grassroots level and one which deserves the ear of parliaments as we work toward and through these challenging issues. It is well over time, as Mr Meddick pointed out in his contribution, that we turned our minds to an equality which is well overdue for workers in this industry, and that is uncomfortable for a lot of people in this chamber. That is an uncomfortable conversation for a lot of people in the community who would like to think and maintain the illusion that payment for sexual services is not going on all around them already. News for everybody maintaining this fallacy, excuse the pun: it is.

It is everywhere, and what we know is that despite its ubiquity and indeed its popularity and its longevity, if you ask people whether they are involved as consumers or clients of sex work, you will find that almost nobody wants to say that they are, and that undermines and diminishes the really important role that the sex work industry plays in Victoria. It ignores the depth and the breadth of the work that sex workers undertake, and that is uncomfortable for people to acknowledge or to accept. The idea that a sex worker might in fact be the victim and survivor of violence, of sexual violence, of financial disadvantage and fraud, of theft, is something which I think we as parliaments have gradually, slowly, painfully slowly, come around to accepting.

It is, however, a very slow process that has involved some of the most extraordinary comments from the judiciary and from parliamentarians—to their shame, to their disgrace, to our shame—that for some reason people who provide sexual services in exchange for money are less deserving of the protection and of the assistance of services provided through police, law enforcement, health services, regulation and indeed that aboveboard process which all other industries take for granted and, in the case of those opposite, often do not wish to have in their lives. This is not to verbal a member opposite, but we have in fact heard the quote, 'Government, just get out of our lives', in relation to health and the pandemic response.

Ms Taylor: It's very selective.

Ms SHING: It is so selective. What we see now is an opportunity for this place, for this Parliament, to do better, to do better by people who deserve better in an industry which has, for all of the social and cultural reasons, been subjected to this filter—this scum of shame—from consumers and from clients, because of the very uncomfortable nature of the intimacy that it involves, and not to deny on all sorts of grounds the need for change.

The review that was conducted by Ms Patten, which has led to recommendations, did not, despite the claims of those opposite, involve insufficient consultation. It involved exhaustive consultation. There have been numerous sessions, discussions, submissions and engagements not just in the course of this review but also in relation to ongoing work within the department and with agencies and stakeholders.

Of course there are matters to which government must turn our mind as we work toward the implementation of changes. Of course we need to focus on a whole-of-government approach to making sure that access to services is equally available to workers in the sex worker industry across the board.

It is a source of great frustration to me that we lack data on the number of workers in the industry. Not dissimilarly to a matter very close to my heart within the LGBTIQA+ context, it is hard to know where and how to direct services when you do not know how many people might need them. It is hard, when we lack data and information, to know about trends and about emerging issues, to be able to get in front of them. It is hard for us to turn our minds to uncomfortable truths around how we as parliamentarians need to do better by every worker when we do not have the depth and the context by which to understand what we can do, how we can contribute in a beneficial sense to the way in which people want to live their lives and conduct their work.

I am hopeful that within the course of this bill and its committee stage, in the course of discussion around amendments being proposed from in fact all parts of this chamber, we can enhance the work that has already been done in the context of the review, as I mentioned earlier, conducted by Ms Patten, the engagement of the Michael Kirby Centre for Public Health and Human Rights and the work done with Victoria Police and with others, including specifically WorkSafe on the occupational health and safety framework, to achieve reform that matters.

It is interesting that when those opposite and indeed a number of speakers in the other place talk about occupational health and safety they go down the path of talking about the availability and regulation of alcohol on premises. This is an opposition that voted against industrial manslaughter. This is an opposition that picks and chooses the arguments that it wants to advance for other purposes, and when we look at the other purposes that emerge here, they are in fact about turning away from the discomfort that this subject matter involves.

I am really grateful for the voices and perspectives that I have had the benefit of listening to not just since I was elected but for a really long time now—friends and colleagues who have been sex workers, advocacy organisations both directly engaged, such as the Vixen Collective, within the industry body as a peak body representative organisation, one of many, or indeed within the health and human services framework or within specific cohorts within the sex work industry, including LGBTIQA+ folk. It has been with a sense of tenacity that these groups and individuals—an incredibly tight-knit and supportive community to the best of what I have seen—have been able to push for a change which has been such a long time coming.

I am looking forward to seeing as we work through, with the benefit of passage of this legislation, the stages that will enable reforms to decriminalise street-based work in most locations a repeal of public health offences under the Sex Work Act 1994, amendment of advertising controls applicable to the sex work industry, amendments to the Equal Opportunity Act 2010—and hasn't that been at the forefront of our minds at a state level and now a federal level more recently; again, something which causes a great deal of discomfort for so many of those who sit on coalition benches—and a number of other transitional arrangements.

It is also then really important to note that once this stage is bedded down there will be a second tranche of changes that commence on or before 1 December next year to include an abolition of the licensing system, re-enacting offences relating to children and coercion in other legislation following their continued operation after the Sex Work Act is repealed, amending definitions across the statute book that relate to the sex work industry, further changes to advertising controls to reflect the repeal of the licensing system, establishing appropriate liquor controls for the sex work industry, amendments to the Public Health and Wellbeing Act 2008 and a number of other consequential amendments.

This bill deserves to be part of an ongoing conversation. This bill deserves to reflect the recognition and the respect that is required and indeed demanded of this industry. This bill needs to and must face

the reality of the industry, the ubiquity of the industry and the importance of respecting, recognising, assisting, supporting and resourcing the workers within that industry and of making sure that criminal activity and civil breaches are able to be investigated, prosecuted and indeed subjected to the same level of scrutiny and oversight as in every other industry.

I look forward to the discussion of this. I hope it will take place in a respectful way, and I thank every single sex worker and family member, loved one or colleague of these workers who has been part of this conversation. You have been a visible determinant of change. I hope that you know that your candour has not been for nothing and that with your support and the house's support we can achieve a long overdue and significant reform.

Mr LIMBRICK (South Eastern Metropolitan) (11:29): If this bill passes, hopefully today, it will put an end to more than a century of fear, prejudice and shame. I would call any day when this happens a great day. It is this generous spirit that I will grant you a rare day off from hearing libertarian quotes about bodily autonomy. Instead I will say this: sex work should be decriminalised because sex workers are not criminals. They should never have been treated like criminals, because consensual acts between adults where there are no victims should not be a crime. Today we can make it official that sex workers by and large do not need special laws. This finally recognises what sex workers have been trying to tell us for years: sex work is just work. At long last they are being heard. Sex work is nobody else's moral problem and it is definitely not the business of government. In fact we should all be thankful that sex work is not the business of government. But this is far more important than a symbolic act: this legislation will save lives. Sadly, because they have been forced to work in legal grey areas, many sex workers have felt that they could not seek help from police. This has made them particularly vulnerable, and as a result they have suffered from violence at work.

Thanks to some great advocacy work by people like Matthew from Sex Work Law Reform Victoria, I have had the chance to meet sex workers who feel this fear today. Sadly, over the years countless numbers of sex workers have been assaulted, and far too many have been murdered, at work. The numbers of assaults are countless because nobody has ever bothered to count, and sex workers have been afraid to report things to police. Once this bill passes, if it should pass, they should have no fear to seek help. It may take a little while to overturn historical attitudes, but my hope is that under these new laws Victoria Police will work proactively with sex workers to make them feel safe.

The historical oppression of sex workers by this state could be attributed to some of the earliest kinds of virtue signalling, where members of Parliament tried to signal their respectability by criminalising sex work. No doubt many of these moralisers were the same people who used to make the short walk to Little Lonsdale Street, which was once Melbourne's red-light district. In fact it is rumoured that the mace of the Victorian Parliament, which was stolen in 1891, was last seen at a brothel just across the road. And no doubt some of this great tradition of hypocrisy in this place will continue today, but hopefully not enough to prevent the passing of this bill.

These laws sent sex work into an era that lasted for more than a century. It created protection rackets. It meant sex workers, who were predominantly women, worked in fear of the law and under the control of men. Many sex workers of years gone by were single mothers who were trying to make a living in an era without welfare. As a result of these laws they were jailed, separated from their children and forced into a criminal underclass. Thank goodness those days are over, but I note there is still much to be done to improve the lives of sex workers, including the removal of financial barriers or, to use a term I have used in this place before, corporate shaming. As other members have noted, these barriers to financial services are not just around sex work but also those in other industries such as gold dealers, cryptocurrency, vape shops, tobacconists, firearm dealers and many others. We have done a lot of work in this area. Frankly, the root cause of all this is the federal regulations, and if the Liberal Democrats manage to get representation in the next election, we will be holding them to account over this.

The Liberal Democrats believe private relationships and what consenting adults choose to do with their own bodies is none of the government's business. That is why we supported same-sex marriage

and that is why we oppose vaccine mandates. I also cannot help but see some parallels between these soon-to-be-former sex work laws and our current archaic drug laws. But I digress.

Today is not a day for politicians. It should be a day of joy for sex workers and a great day for freedom in Victoria. I would like to thank those sex workers who reached out and spoke to us and helped to make this happen. Today we will make it official that you are not criminals and never should have been. Your courageous advocacy is a massive achievement for which you will rightly be seen as heroes within your community. The ghosts of Little Lonsdale Street—the women who were jailed and the children who were taken from them—are cheering you on. Today I hope we end more than a century of injustice. What a great day. The Liberal Democrats commend this bill to the house.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (11:34): I want to make a brief contribution to the Sex Work Decriminalisation Bill 2021. The opposition has a range of views on this, and certainly my colleagues have made a number of points. I understand the logic of the decriminalisation. I see why some want to do that, and I see why some in the industry want to do that. I do think there is much that has not been thought through about the implementation of these changes, though. I am particularly aware, through my local councils, of the issues around planning that have not been dealt with in these current arrangements. It is clear that the sex work activities that are contemplated here and are being decriminalised in this process do need to be regulated in a normal planning way, at a minimum. And there does not seem, as far as I can see from what councils have said to me, to be any sensible way forward that the government has proposed to ensure that there are proper planning processes here.

The activities of work at home are obviously quite varied, and you could draw a continuum between very low impact activities that are work at home in a particular setting and work at home in a more impactful way. It does seem to me that where someone runs a small—I will pick—consultancy business that is fundamentally online, the impact of work at home in a particular setting is likely to be very low. But where customers move in and out of a premises in significant numbers there may well be impacts on neighbours with parking, and a number of these scenarios have certainly been pointed to by councils in my area—Whitehorse, Boroondara and other councils. It seems that with the decriminalisation or the removal of any particular control on sex work, councils and communities will be powerless where there is a business that is operating in a particular setting to manage the impacts on others. That is the nature of planning laws in many respects in this sense. It seems to me that the government has not thought through the consequences of that.

Now, some people have strong moral views about these matters and would not want to see sex work located close to schools and other places. I think there are some legitimate points to be made there. Others have views about the placement of brothels in shopping centres and so forth, and these are also points that are in effect planning related. But I do think in particular the regulation of businesses that are located in apartment complexes and in more densely populated areas are legitimate questions to be raised with this bill. It is material if people are moving in and out at a reasonable frequency of particular locations. We see, for example, in a very different context, concerns about the short-stay letting that occurs in apartment complexes that impacts on neighbours and the call for regulation of the short-stay industry. I can see a similar set of scenarios occurring here, where there will be concerns expressed by those in apartment complexes in particular and the need to ensure that there is proper regulation to ensure that the impact on neighbours and the impact on others is properly managed. That is everything from traffic through to the impact on a particular floor.

I think that these are very legitimate points that are being raised with me and others by local councils in my area. These seem to me to be points that have not been thought through properly by government in this process, and there seems to have been no forward thinking about how these changes are going to be implemented. There are medical and social aspects that are being pointed to here—I am not here to judge these points, but others have made some of those points there.

There is a raft of amendments, and I will leave the discussion of those to Mr Ondarchie. He will manage the matter for us in committee, but I think my main purpose today is to point out that the representations to me and to other coalition MPs by municipal councils in our areas have been very direct and clear. They see that these changes will leave them unable to properly regulate and unable to properly put in place a planning regime that will provide security to local people.

A member interjected.

Mr DAVIS: Well, this bill in effect overrides their provisions there. There is an argument that local council is where that sort of regulation should happen, I think—where local communities are able to make decisions in that way, reflecting their needs and their requirements at a local level. With those comments, I think the bill is flawed in a number of ways, but that is the principal concern I want on record today.

Dr RATNAM (Northern Metropolitan) (11:40): I am very pleased to rise to speak in support of the Sex Work Decriminalisation Bill 2021. This bill has been a long time coming, and it is a very welcome reform. Sex work is work and should be treated as such by our laws. The criminalisation of sex work has caused so much harm. It has reinforced social stigma and put sex workers at risk. The two-tiered licensing scheme in Victoria has had a similar impact, with the majority of sex workers working unlawfully. The decriminalisation of sex work is a recognition of the reality that sex work is a part of our society, that it is work and that sex workers, like all other workers, have the right to be protected.

I want to acknowledge all the people that have fought so hard and so long to see this day: all the sex workers and their allies who have petitioned, shared their stories, lobbied, written submissions, met with politicians, protested and had the courage and the conviction to stay the course for decriminalisation and the safety and wellbeing of sex workers. In particular I want to acknowledge the work of Vixen, Scarlet Alliance and the other organisations that have advocated over so many years for decriminalisation. Peer-based organisations like Vixen and Scarlet Alliance are vital. The reality is that sex workers are best placed to know how best to keep safe, how best to stay healthy and the ins and outs of their industry. We in this place should always make the effort to listen to those most affected by the laws we make here.

I further commend the government on granting Vixen funds to engage in vital health work with sex workers around Victoria. There is no question that peer-based organisations can provide effective outreach and support, particularly to more at-risk groups, and will be important in rolling out the reforms in this bill. I hope the funding can be secured on an ongoing basis. I also want to acknowledge the work of Ms Patten in shepherding this bill into existence through her work on the task force and also over her many years of advocacy.

Sex workers in this state have lived far too long with laws that single out their work from all other work and that put them at risk. The Greens have had a longstanding policy position of supporting the full decriminalisation of sex work. It is the right policy, the right thing to do, and I am proud to put our position on the record and into action by supporting this bill today.

Other speakers today have detailed the specific provisions of the legislation and its two-stage approach. It is a thoughtful and practical way to manage a significant reform like this. Overall this is a good piece of legislation that mostly does what it says it does: decriminalise sex work in Victoria—except for one glaring inconsistency. It is extremely disappointing that the bill continues the criminalisation of street-based sex work and that it does so in a way that makes the law confusing and inconsistent, singling out particular places and particular times when certain forms of sex work remain criminal acts. It is almost as though the government does not have the courage of its own convictions and is still being held back by some outdated moralistic views. It makes no sense in the logic of this important reform to keep in place barriers to services and support and continue to put at risk street-based sex workers and, even more than that, keep workers at the mercy of the police. I note Mr Meddick has circulated

amendments to remove these offending provisions, and I will be supporting those amendments. Decriminalisation of sex work needs to be full decriminalisation of sex work.

Sex workers have also raised with us other concerns with the legislation that we are debating. The legislation as it is, while removing the need for sex workers to be registered, actually retains a register of sex workers as a historical document. This makes no sense and is deeply disrespectful and potentially harmful to sex workers past and present. I am pleased to hear the government has changed its mind and is now indicating an intention to destroy the register, but we would like to see this intention reflected in the bill.

Another area where sex work specific regulation is maintained in the legislation is with respect to advertising regulations. We see no reason why sex work should have specific regulations different from general advertising regulations. I understand the issue of sex work advertising regulations has been a real problem for sex workers and can inhibit their ability to frankly and safely negotiate services. I will be supporting amendments moved in the committee stage on these two issues as well as amendments to incorporate sex work specifically as a protected attribute in the Equal Opportunity Act 2010 and to provide a better definition of 'sex work'.

There are a couple of other issues I also want to briefly touch on. I know there has been some disquiet in the local government sector concerning this bill and the interaction with local government and its regulatory roles and responsibilities. I appreciate the sector was given little time for consultation by the government on this important reform, but I really urge councils to respect the intent of these laws and engage in the transition process in good faith. I am confident that the local councils can get this right.

My Greens colleague in the other place, Dr Read, in his contribution on this bill spoke to the misplaced concerns regarding decriminalisation and public health. I too want to reiterate that all the evidence demonstrates that decriminalisation is key to better health outcomes for sex workers and the broader community and that voluntary health checks are more effective than mandatory health checks. The bill before us has got this right. Further to that, concerns around the influence of organised crime and sex work are best dealt with by decriminalisation. Decriminalisation empowers sex workers. It removes barriers for reporting crimes, including crimes of violence. I understand the government will move an amendment to push back the start date for the bill, given we are debating it now in 2022 instead of the end of last year. I feel the disappointment of those that have been waiting a long time for these reforms at this further delay. We will not oppose the amendment, but it is very unfortunate that it has come to this.

The unnecessary stigma around sex work continues to have very material consequences. During the COVID lockdowns sex workers struggled to access financial support available to other workers. I heard from sex workers who were down to their last dollars during that time. Sex workers themselves set up a fund to assist each other with financial support. Today is an important step towards ending that stigma and recognising and protecting the rights of sex workers to safe workplaces and to go about their lives free from discrimination. The bill is not perfect, and I look forward to the committee stage and supporting amendments to fix some of the issues in the legislation, but it is a lot overdue and a significant reform. I once again congratulate all those who have helped bring decriminalisation of sex work to Victoria and the recognition that sex work is work.

Mr GRIMLEY (Western Victoria) (11:48): I rise to speak on the Sex Work Decriminalisation Bill 2021, and at the outset I will say that Derryn Hinch's Justice Party will be supporting this bill. I look forward to making a respectful contribution to this debate given the stigma attached to sex work, but I suppose my contribution might be a little bit different in that I want to acknowledge the inherent vulnerabilities associated with sex work. It is only fair to the victims of crime who have been sex workers that we recognise this. I would like to state that given decriminalising street-based sex work will make this group of vulnerable women safer we think it is a good step forward, but I will discuss further our position on brothel workers and the missed opportunity this bill has faced.

However, the way this bill has been put together is, quite frankly, unprecedented. On such an important issue it is imperative that we get this right, and on so many levels this consultation has let some people down. Two weeks at the end of August was the consultation period. Interestingly, the bill was presented to Parliament just six weeks later. The government apparently conducted the consultation and then considered the 900-plus submissions and introduced a bill six weeks later. Now, I could be cynical, but I could bet that this bill was partially, if not completely, drafted before the August consultation period. It went ahead anyway to give the impression that the government consulted everyone. This is because many stakeholders were excluded from the Patten review months and months earlier, brothel owners and women's advocacy groups among them. Well, the victims of crime commissioner was not fooled. She issued a statement when the bill was released. In it she noted that the government was implementing the review's recommendations but would not publicly release the Patten review itself. She stated:

> … I want to express my dissatisfaction and disappointment with the review process …

It goes on to list a number of ways the consultation was anything but satisfactory. What was most poignant about this letter were these words:

> Without a transparent approach to the research and consultation, it is not clear how the Patten Review assessed the safety and wellbeing of sex workers and their risks of violence and exploitation.

The Municipal Association of Victoria had issues along similar lines, saying:

> We are surprised and deeply disappointed in the limited amount of time Victoria's 79 councils and the MAV have been provided with to respond to the proposed changes.

This just demonstrates the double standard that we have witnessed throughout this whole debate. Ms Patten and the sex work lobby want to recognise the sex industry as any other type of industry but will not release any details about this report. The irony here is that in the response to an FOI request for the report by another stakeholder, the government stated:

> Disclosure of the document would be contrary to the public interest because they relate to matters on which government has not yet made a final decision. Such disclosure could lead to debate outside of the established decision-making processes that are in place for such matters, which would interfere with and potentially undermine the process.

What process? The process of democracy. Given the government has made a final decision on the policy, why shouldn't it be released now if this was indeed the basis for refusal? The government has since told my office that privacy concerns are the reason for not releasing the report, because it names sex workers who were consulted. Notwithstanding that most sex workers use pseudonyms, my office communicated that we would be happy to receive a redacted version—but we have heard nothing.

On asking at the crossbench bill briefing, we were told there would be a feedback report provided to MPs, and this was supposed to capture the consultation, including generally who was consulted and more importantly who was not. To date, as of today, we have not seen a feedback report.

It is not surprising to see the bill being more contentious than it needed to be. The person asked to conduct the review, Ms Patten, has petitioned for the sex industry in the past and is the head of a key lobby group. In 2015 my colleague acknowledged that women with heroin addictions would not often choose to be sex workers if they thought they had an alternative but stopped short of calling it exploitative. She has lobbied for decades for the availability of liquor in brothels and a number of other things that the bill will also codify.

I am trying to ensure that this does not happen again with my amendment, which will require the Victorian Law Reform Commission to conduct a review of the legislation in five years, which I shall speak about later. We do not even know if the New Zealand model or any other country's approach has been considered. New Zealand's law decriminalised street-based sex work offences, providing more rights for sex workers, such as work cover, removed the policing approach and replaced it with a workplace health and safety approach. Importantly, though, it still maintains a certification system

for brothels that have more than four workers, called a brothel owner certificate. This is sensible, and even if it was considered, we do not know why it was not backed through the review that we cannot see.

The victims of crime commissioner's submission called for a fit and proper person standard as is required in other industries, with which I completely agree, and I am curious as to if this was considered or not.

To make all of this just a little bit more archaic, we also do not know what regulations will be in place to promote or require safe sex practices or on advertising or any other regulation for that matter. That will apparently be sorted out later.

One of the main reasons, aside from reducing stigma, that we will support the bill is encouraging sex workers to come forward with intelligence about crime. We believe and hope that the intel given to police by sex workers would benefit hugely. By decriminalising street-based offences we also hope that relationships with police benefit.

My staff have been met with a question from pro sex work lobbyists that echoes the discussion paper of why sex work should be different to any other workplace. The victims of crime commissioner puts this best, and I quote:

> While this is an admirable objective, it is potentially naïve to hold other industries up as safe workplaces that can be replicated in the context of the sex work industry and its complexities of workplace safety.

In my words, it is an inherently dangerous occupation for workers—maybe not all, but certainly many. We know that many violent sexual predators often exploit sex workers as a precursor to more heinous crimes. Adrian Bayley is a sick and tragic but prime example.

While this all makes sense to us as a justice party, it is really the way the bill has been put together that we find issue with.

I want to reiterate something I said earlier about some people not acknowledging or recognising the inherent vulnerabilities of sex workers. To reduce stigma we need to recognise those that are sex workers. They can be someone who is a single mother, someone who has a substance abuse issue, someone who is homeless, someone who has a history of trauma and of course there are those who choose to be sex workers.

This is not the entire industry. My office spoke to some incredible people speaking on behalf of the sex work lobby, and I thank them for their time. Our party was designed to support children and the vulnerable, and whether people choose to admit it or not, sex workers are vulnerable. Studies have shown that involvement in sex work tends to be transient and opportunistic. According to the AIDS Council of New South Wales, the average period spent in the sex industry is about 2½ years. This is backed up by a Crimes and Misconduct Commission report from Queensland which found that most sex workers indicate they would like the opportunity to retrain for another career. To reinforce this, a 2015 Australian Institute of Criminology report, *Migrant Sex Workers in Australia*, found that half of such workers would stop sex work if they found other ways to earn money.

I would like to reiterate that you can have a respectful debate and encourage destigmatising of the industry whilst acknowledging the complex reality of sex work. A range of research pieces by Perkins, Pivot Legal Society, Sanders and Campbell, Child Wise and Lantz found that the people most likely to become sex workers were women entering sex work because of childcare responsibilities, supplementing the family income, following relationship breakdowns finding themselves to be single-income earners, leaving state care and needing to find an income, and increasingly university students needing to support themselves through university.

The evidence is very, very mixed when it comes to drug use, but there is certainly substantial evidence to suggest that the sex worker community have a high incidence of drug use. One of my staff visited St Kilda Gatehouse's CEO, who provided a world of knowledge about the street-based sex work

industry. For those unaware, the Gatehouse is a safe space for women involved in street-based sex work in St Kilda. Over 98 per cent of their clients have heroin or other substance abuse issues, are homeless, experience intergenerational poverty or have other challenges. They have 350 people coming through their drop-in centre every year needing help. Now tell me how this problem does not exist? I was glad to read that Ms Patten actually visited the facility, back in December, because I know she is familiar with the vulnerability that I am referring to.

This is not to say that all sex workers are vulnerable or have dependencies. That is not what I am saying. My point here is that by acknowledging the evidence and clear reality that many sex workers actually need help with these things, like long-term employment, housing, alcohol and other drugs, mental health and other issues, you may find less dependence of such persons on sex work. Just on this, we have been informed that there are no longer any outreach programs for sex workers in Victoria. So despite the government's and Ms Patten's intention to provide a safer place for sex workers, for those who want to leave the industry there is no outreach help available, and this is incredibly disappointing.

If you speak to Victoria Police's specialist unit, you will realise that things you did not think could happen in this state actually do: women are exploited for money; there are pimps; international students are pushed into sexual servitude to repay debts. This happens right here in this state. Here are some of the facts. One Melbourne study found that nearly all of the participants had experienced sexual assault or other violence 'at least once' since they started working, according to Child Wise. Of concern is that a number of studies from the 1970s until recent years have established clear links between childhood sexual abuse or other trauma and sex work. According to research, the correlation between intrafamilial childhood sexual abuse and sex work as an occupation varies between 31 and 73 per cent.

One sex worker my office spoke to told of her 11 years experience as a sex worker in Queensland, New Zealand, New South Wales and Victoria. In each jurisdiction, despite their different laws, she would experience some sort of physical or sexual assault, including choking, which is one of the most common, bruises, bite marks and a range of other coercive behaviours. She said she had experienced stealthing at least 30 times. A 2015 survey undertaken by the Australian Institute of Criminology and the Scarlet Alliance that informed their migrant sex worker report found that 80 per cent of respondents came from Chinese-speaking countries. Shockingly more than half of them had experienced domestic violence in the past, with some still seeking basic financial stability after fleeing abusive relationships.

Business interrupted pursuant to sessional orders.

Questions without notice and ministers statements

MEMBER CONDUCT

Dr BACH (Eastern Metropolitan) (12:00): My question is for the Attorney-General. Attorney, in February 2015 the Premier was asked about the red shirts scandal. He said Labor members would 'absolutely' be speaking to Victoria Police if asked and that 'every single Victorian should cooperate with Victoria Police'. Yet late last year, when asked if you would cooperate with a reopened investigation into the scandal, you said, 'I'm pretty sure if asked to do so, I would'. Then you said you would consider cooperation 'on its merits'. On the matter of Labor members' cooperation with investigations into the red shirts scandal, why has the position of the government changed so significantly?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:00): I thank Dr Bach for his question. As I have said on numerous occasions in this chamber, I expect all Victorians to comply with their legal obligations, and of course the expectation on members of Parliament is to also do that.

Dr BACH (Eastern Metropolitan) (12:01): I thank the Attorney for her response. Attorney, we learned some years ago now through freedom-of-information requests that were submitted by the opposition that what the Premier said in 2015 simply was not correct. Labor members refused to cooperate.

Mr Leane: Is that right?

Dr BACH: Mr Leane interjects. Yes, it is right. One police email gained through freedom of information said 'the 16 MPs had declined to be interviewed'.

Mr Leane: Is that right?

Dr BACH: That is correct. The Premier had one position, and that position was incorrect. You had an entirely different position late last year. What is the government's position today, Attorney? Should its members cooperate with investigations by Victoria Police and by IBAC?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:02): Dr Bach, there is obviously some conjecture to your question, so I refute the accuracy of your preamble. However, I repeat my answer: I expect all members of Parliament to comply with their legal obligations.

SENTENCING REFORM

Mr GRIMLEY (Western Victoria) (12:02): My question is for the Attorney-General. Attorney, I was humbled to pass an amendment to the Sentencing Amendment (Emergency Worker Harm) Bill 2020 that requires you to cause a report on the effectiveness of the amendments made by this act to be undertaken. New section 116A, as you would be aware, requires the relevant minister to table this report before each house of Parliament as soon as practicable after the review is completed. The review was to be completed soon after 12 months after the day on which the act came into operation, which as I read it was due on 30 June 2021. Attorney, when can we expect the review to be tabled given it is now eight months since the reporting period?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:03): I thank Mr Grimley for his question. I am pleased to be able to advise that the review into the operation of the 2020 sentencing amendments has now been completed and the report is being finalised and will be tabled shortly. I have not read the report, but I have been advised that the report's findings indicate that the reforms are operating as intended. The review commenced in mid-2021 in line with the statutory requirements and required collection and individual analysis of cases across multiple courts as well as further consultation with those jurisdictions. The review will update Parliament on the operation of this legislation, and I look forward to tabling the report in due course.

Mr GRIMLEY (Western Victoria) (12:03): Thank you, Attorney. I look forward to reading the report. Section 115F of the Sentencing Act 1991 provides for the reporting of mandatory treatment and monitoring orders to be made each year. These MTMOs were legislated in 2018 as an alternative to the often useless community correction orders. MTMOs were tipped to be a more intensive sanction for those who assault emergency services workers. You may be aware that I recently submitted an FOI on the data for MTMOs, and I found out through the response that just one MTMO has been handed down through our courts since their inception in 2018. Minister, does this indicate that MTMOs are not understood across the judiciary or that they are not effective, or are there any other reasons for this poor implementation?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:04): Mr Grimley, you have asked me for an opinion. I have not seen the response to your FOI request in relation to that data. They do not have to be tabled either, but I can seek some further information and get you some more details in relation to that. There are obviously a range of responses to conduct in the justice system, and that is just one particular measure.

MINISTERS STATEMENTS: JOBS VICTORIA

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:05): I would like to update the house on some of the work of Jobs Victoria. Since the house last met back in December Jobs Victoria has been busy supporting jobseekers and small businesses. It has also been on the front line of response as the state has dealt with the omicron COVID-19 variant. While general unemployment is historically low across Victoria, we still see particular sections of our community experiencing difficulty finding work. This includes young people as well as other groups.

So far at Jobs Victoria over 30 000 Victorians have interacted with our jobs advocates, over 20 000 Victorians have received support from our jobs mentors and career counsellors and over 7000 Victorians have been supported into new jobs. Over 4000 Victorians have been supported into work through the Jobs Victoria Fund in industries including logistics and transport, disability and aged care, local government, construction, warehousing, and hairdressing and beauty. I can advise the house that I was able to resist the temptation to wash anyone's hair at the media event for that one.

Ms Shing: You don't need two people holding the hose.

Ms PULFORD: No, that is right. Also over the summer it was a delight to announce two important jobs programs that have started and will continue into the year, providing more jobs in swim teaching and land management. 280 people looking for work will become swim teachers in a partnership between Jobs Victoria and the Australian Swimming Coaches and Teachers Association—a $3.4 million partnership. The jobs are not only addressing a shortage of swim teachers but also giving young swimmers an opportunity to catch up on vital water safety education. The initiative targets women over 45, people under 25, multicultural communities and people with a disability in particular.

Finally, the other week Jobs Victoria started a new partnership with the four big supermarkets' distribution sections to support them to connect jobseekers during the food supply chain pressures as a result of omicron. Programs received around 3000 EOIs— *(Time expired)*

MEMBER CONDUCT

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:07): My question is to the Leader of the Government. Leader, I note the passage yesterday of motion 698 from Mr Somyurek, referring matters concerning the red shirts and other corruption to the Ombudsman, and I ask: will the minister assure the house that every member of the Australian Labor Party in both houses will cooperate fully with the Ombudsman and IBAC as they conduct their inquiries?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:07): I am not going to speculate on or predict what the Ombudsman is going to do with the referral from this house; that is a matter for her. I would repeat my earlier answer to Dr Bach in that I expect every member of Parliament to comply with their legal obligations, and I expect that will be the case.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:08): Minister, during the Ombudsman's previous investigation into the red shirts rorts, your government fought all the way to the High Court to prevent the Ombudsman's inquiry from proceeding, squandering in fact over a million dollars in taxpayers funds, and I ask, therefore: will you assure the house there will be no further legal challenges to the Ombudsman's powers and the conduct of an inquiry?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:08): Mr Davis, I was pretty clear in my answer to your substantive question that I am not in a position to speculate or provide commentary on a hypothetical situation.

VOLUNTARY ASSISTED DYING

Mr QUILTY (Northern Victoria) (12:09): My question is for the Minister for Health. In 2020 an application to the Voluntary Assisted Dying Review Board was appealed at VCAT. The VAD review board had denied the application on the grounds that the applicant did not ordinarily reside in Victoria. The initial application was made in March 2020 and was rejected three days later. The applicant provided a statutory declaration explaining that they were born in Victoria and had been living in Victoria for the previous 14 years. A day later the application was rejected again and more information was requested. The applicant provided Medicare and Centrelink statements showing a Victorian address. Seven days later the applicant was rejected yet again and more information requested. Victorian hospital records were provided along with copies of the Victorian registration for several vehicles. The application was rejected again. At this point the applicant lodged a complaint with VCAT, who five days later found in favour of the applicant. Minister, why is the VAD review board spending weeks rejecting valid applications?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:10): I thank Mr Quilty for his question. It is an important issue that you raise. We are very proud of our government's introduction to allow assisted dying for eligible Victorians. I too have been made aware of cases such as the one that you have indicated, so thank you for raising that. It is inappropriate for me to comment on individual cases, and obviously the panel is independent of government, but I will seek further advice from the Minister for Health and give you a more comprehensive answer.

Mr QUILTY (Northern Victoria) (12:10): Thank you, Minister. The VAD review board's most recent report shows that of 524 applications made to the board 342 were withdrawn. The report explains that withdrawn applications are almost entirely the result of applicants dying while waiting for a determination. Legislation requires the VAD review board to make a decision about an application within three days of an application being lodged, and it seems implausible that a majority of applicants die within three days of their application. What is actually happening is the VAD review board avoids the three-day requirement by claiming that applications are not lodged correctly. The purpose of voluntary assisted dying is to reduce the suffering of patients with debilitating and painful conditions. Instead the VAD board is using bureaucracy to frustrate and stall applicants until they suffer due to an often painful or undignified death. Minister, what actions have you taken to reduce the number of applications that are withdrawn because the applicant died whilst fighting for approval?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:11): Mr Quilty, I will pass your further question on to the Minister for Health. You have made some assertions in there about the intents of the panel, and I think that is quite unfair. I think you would acknowledge that it is really important to ensure that the appropriate paperwork is lodged. But the issues you have raised are a matter for the Minister for Health, and I am sure that that office will be happy to give you more information.

MINISTERS STATEMENTS: TAFE FUNDING

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:12): I am pleased to update the chamber on how the Andrews Labor government is making record investments in TAFE and making it the best it has ever been. Late last year the Premier and I visited William Angliss Institute to announce an additional $108 million in TAFE funding for the sector for the next three financial years. This funding will support TAFEs to deliver critical student services across the state, services like counselling, disability support and on-campus activities. The additional funding recognises the central role that the public training system has here in Victoria.

This government is unequivocal in its commitment to public education and training. You will not ever see us taking a sledgehammer to our TAFE system like some others have been known to do. What Victorians will always see is proper investment in TAFE from this government. This funding announcement is part of a $156.2 million package announced in the 2021–22 budget update to build

upon and deliver a new funding arrangement for TAFEs. We need the pipeline of skilled workers that TAFE provides, and this record support will go a long way to delivering that.

It was fitting to make this announcement at William Angliss, Australia's best large training provider in 2021. It was the sixth year in a row that Victoria had taken out the award. The Andrews Labor government has consistently backed in TAFE because it believes in the importance of TAFE. Whether it be record capital investment right across the state, reopening previously closed campuses, introducing free TAFE, investing in our fantastic TAFE teachers or this recent funding boost, we are giving TAFEs the resources they need to build the skills up in our state. And there is more to come.

SCHOOL CAMPS AND EXCURSIONS

Ms LOVELL (Northern Victoria) (12:14): My question is for the Minister for Small Business. Minister, contrary to previous guarantees by your government that school camps would take place in term 1, many school camp operators have been inundated with cancellations during the first few weeks of the school year. This is because schools have been directed by the department of education's school operations guide to reschedule staff-intensive activities such as school camps. These family-run small business operators have been on their knees under financial stress for the last two years because of constant lockdowns and homeschooling decisions of this Labor government. Will the government immediately reverse its decision to direct schools to cancel school camps so that these small businesses and this sector can survive?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:15): I thank Ms Lovell for her question around the impact of restrictions and health advice to schools and to families and the impact that that is having on the camp sector. My ministers statement not very many minutes ago was reflecting on some work that we had done with the swimming instructing industry—very similarly affected by the interruptions to normal school activity. I am certainly well aware of the issues that Ms Lovell speaks of and had, with Minister Merlino, toward the end of last year been involved in a sort of surge in camp and excursion activity to support a catch-up both in all those educational opportunities that kids have missed but also of course in recognising that these have a very significant impact for the kinds of businesses that Ms Lovell is referring to.

In terms of the return to school, which is now just a week or two in, depending on what day people started, there certainly has been a large increase in the number of school camps and excursions occurring. But in terms of omicron impacts on those and the effect of advice to schools changing in the last week or so, what I would like to offer to do is to take the opportunity to confer with the Minister for Education, because obviously that is not advice I provide—about activities for teachers and staff and students—and provide you with a written response at the earliest opportunity.

Ms LOVELL (Northern Victoria) (12:17): Thank you for that undertaking, Minister. But, Minister, with schools cancelling camps at short notice these small businesses are unable to pay the bills and people will lose their jobs. What financial compensation will you provide to these small school camp businesses that are suffering as a direct result of government policy?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:17): The pandemic is a relevant factor here, which I know the opposition sort of run hot and cold on in recognising the existence of.

Ms Crozier: What a ridiculous thing to say.

Ms PULFORD: Well, you know, you all kind of let it rip and then you pretend it does not happen. Anyway, back to Ms Lovell's important and serious question—

Members interjecting.

Ms PULFORD: Well, Ms Crozier does not really do important, serious questions so much, but Ms Lovell has on this occasion I think asked a very important question. So, as I said, I will confer with the education minister and Deputy Premier about the latest advice in the last week or two and decisions that have been made as a result of government policy. But what I would indicate is that the businesses in this sector, like many in many other sectors, particularly those that bring people together in groups, have all been eligible for the supports that have been provided through the pandemic and would all be eligible for the programs that are currently running as well.

CAULFIELD RACECOURSE RESERVE

Mr HAYES (Southern Metropolitan) (12:18): My question is to the minister representing the Minister for Planning regarding the approval of amendment C229glen and its devastating impact on the Caulfield Racecourse Reserve. Glen Eira City Council and residents are outraged by the approval process whereby, despite formal communication from the Department of Environment, Land, Water and Planning that council would be included in formal consultation, notice was given on Christmas Eve that the minister had approved this development in favour of the Melbourne Racing Club without any consultation with council or providing any documentation. Council has written to the minister to express disappointment at the lack of consultation and transparency. Can the minister please provide me with reassurances to the community that work will cease on this site until the concerns of both Glen Eira City Council and the Heritage Council, which was granted an interim protection order, have been considered?

The PRESIDENT: Before I call the minister, please, members in the gallery, you are not allowed to take photos, and we expect you to cooperate with that.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:19): Mr Hayes, I have missed being the representative minister taking planning questions for Mr Wynne in the other place, so it is a pleasure to pass on, again, a planning question to Minister Wynne.

Mr HAYES (Southern Metropolitan) (12:20): Thanks, Minister, and I have missed asking you the questions too. I have got a supplementary for you too. Minister, this planning chaos has resulted in the unnecessary loss of 42 mature heritage trees, including an Aleppo pine grown from seed obtained from the historic Lone Pine at Gallipoli. Glen Eira City Council believes this decision undermines the strategic work that has been undertaken in relation to tree canopy retention and open space planning. Local groups, including the Caulfield Racecourse Reserve Trust, which was specifically established to oversee any development of this historic site, have been disappointingly ignored. Given the site's historical, social and environmental importance, I ask that the minister provide me with reassurances for the community that this unnecessary destruction of heritage and urban tree canopy will be addressed.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:21): I thank Mr Hayes, and I will also pass on that further question to the Minister for Planning.

MINISTERS STATEMENTS: VICTORIAN PRIDE LOBBY

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:21): It is nice to hear a bit of love in the chamber with that last question. Speaking of love, I would like to update the chamber on councils that have signed up to the Rainbow Local Government pledge. The Victorian Pride Lobby have done an enormous amount of work with councils to improve LGBTIQA+ inclusivity and equality in local government. In the lead-up to the 2020 council elections the Victorian Pride Lobby worked with candidates and asked them to take the rainbow pledge to support the following initiatives: undertake the Rainbow Tick accreditation for council-run services, establish a council advisory committee, develop and implement an action plan, fly the rainbow flag on the council's building on LGBTIQA+ awareness days, march in the annual Pride March and participate in local pride events.

I am very pleased to report since my last update on this initiative that Manningham, Moira, Baw Baw, Kingston, Buloke, Campaspe, Nillumbik, Mansfield, Bendigo, Wodonga and Pyrenees have all agreed to fly the rainbow flag on international days against homophobia, biphobia and transphobia. Ballarat, Port Phillip, Kingston, Hepburn and Maribyrnong have all established or are in the process of establishing advisory committees. Ballarat, Port Phillip, Kingston, Maribyrnong, Darebin and Central Goldfields are all in the process of developing and redeveloping their action plans, and Kingston I think was among other councils that participated in the Pride March on the weekend. I congratulate the pride lobby and the councils that have enacted these important initiatives, and I look forward to giving the chamber a further update on how this is proceeding.

ON-DEMAND WORKFORCE

Mrs McARTHUR (Western Victoria) (12:23): My question is for the Minister for Innovation, Medical Research and the Digital Economy. The Department of Premier and Cabinet released late last year new standards for parts of the digital economy. Titled the *Fair Conduct and Accountability Standards for the Victorian On-demand Workforce*, it claimed the proposed standards are justified as 'implementing recommendations 13 and 14' of the Natalie James inquiry. Yet in fact the James inquiry's primary recommendation was that the commonwealth should lead the development of fair conduct and accountability standards. Isn't it a fact, Minister, that your government's report and direction for the gig economy is directly at odds with the James inquiry's view that the commonwealth should lead?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:24): Well, the commonwealth government leading things is not their super specialty. I might take that question on notice because parts of those areas of portfolio responsibility sit with Minister Pearson. The difference between the minister for digital services and the minister for the digital economy is ultimately a private sector/public sector line, so I will need to confer with Minister Pearson on that. The gig economy work is led by Minister Pallas in his capacity as Minister for Industrial Relations. So obviously this is relevant to the smooth functioning of the digital economy. I am not suggesting for a second that I do not have an interest in it, but I think if I can take that on notice and confer with my colleagues I will be able to provide Mrs McArthur with a more fulsome answer that takes into account the intersection of all of those things.

Mrs McARTHUR (Western Victoria) (12:25): Thank you, Minister. I look forward to the collaboration of the three of you getting to an answer. My supplementary question relates to the fact that the Victorian economy is on its knees after two years of this government's debilitating lockdowns, and I therefore ask: why does the Labor government choose now to implement a shadow state-level industrial relations system with all the risks that will stifle the productivity of flexible digital platforms and entrepreneurial gig workers?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:26): On the state of the economy, can I just indicate that Victoria is currently leading all states on construction activity. Deloitte Access Economics are predicting the Victorian economy will grow by a combined 7.2 per cent over this and the next financial year, outperforming the nation as a whole. Unemployment in regional Victoria, as Mrs McArthur would no doubt know, is 3.3 per cent and statewide it is 4.2 per cent, at or close to record lows, and we are leading the nation in new housing approvals. So the economy is strong in spite of the pandemic, and it is a reflection of the ingenuity and entrepreneurship of people right across the Victorian community. They should be incredibly proud of the role that they are all playing in that, whether they are business owners, operators, employees or indeed people working in the public sector supporting their effort.

On those questions around the gig economy and the roles of the commonwealth government in industrial relations and the state in industrial relations, there were about 6 million questions in that. It

might take a couple of days to work out who I need to check with to answer and who the responsible minister is for that half a dozen or so different things.

DUCK HUNTING

Mr MEDDICK (Western Victoria) (12:27): My question is for the minister representing the Minister for Agriculture in the other place. Minister, it would not be the start of a sitting year if I did not raise the issue of cruel duck shooting. Ending this wildlife thrill kill remains a priority of mine and the Animal Justice Party. Once again data from Professor Kingsford's eastern Australian waterbird survey conducted in October last year found 48 per cent of surveyed wetlands held no waterbirds and total game duck abundance was down 58 per cent on 2020. It is clear no duck-shooting season should proceed this year. Based on this concerning information about bird numbers and dire conditions, will the minister ensure there is no duck-shooting season in 2022?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:28): Consistent with my comments to Mr Bourman earlier this week in terms of the question, it would not be a first week of Parliament of any year if we were not to receive a question on this matter from either you or indeed Mr Bourman. With that crystal ball that I had I think on Tuesday it has come to fruition, and I will relay this question to the Minister for Agriculture, and I am sure that Minister Thomas will respond as per the standing orders.

Mr MEDDICK (Western Victoria) (12:29): Thank you, Minister. It is now 10 February, and the government has said no word about a duck-shooting season. This is the longest we have ever waited for an announcement. When will the minister share if there will be a duck-shooting season?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:29): Again I thank Mr Meddick for his question. Indeed he had the crystal ball in respect to Tuesday as well, because the timing of the announcement of duck shooting or not duck shooting or variations thereof was certainly pertinent to one of his questions, so again I will forward that to the Minister for Agriculture.

MINISTERS STATEMENTS: LILYDALE DEVELOPMENT

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:29): Today I would like to update the house on the government's suburban revitalisation program in the great suburb of Lilydale. The Lilydale Sailing Club is getting an upgrade to include the extension of the storage and workshop shed, a safe path to travel from the boat storage shed to the launching ramp and a 60-metre path to enable instructors and participants to move equipment to and from the boatshed. This project is made possible through a $150 000 investment from the Lilydale Revitalisation Board. The Lilydale Sailing Club is a much-loved club and an important one that supports disability organisations. They have done this for over 30 years; they are a fantastic club. Our government is investing $1.9 million through the suburban development program in Lilydale, and that has happened over the last 20 months. Can I congratulate the Lilydale board members and the super, super wonderful chair of the revitalisation board, Harriet Shing, who is doing a spectacular job.

Members interjecting.

Mr LEANE: On the suburban development program, it is a great program which includes metropolitan partnerships, which do great work right through the metropolitan area. The inner south-east metropolitan partnership takes in a number of suburbs, including Kew. It is very popular in those suburbs, including Kew. It is more popular than Mr Davis, I would say, in Kew, where his own party members sent him to far, far Kew, where he probably belongs. Imagine, 20 years and your local members do not like you. That is some sort of magic act, that one.

Mr Atkinson: On a point of order, President, our standing orders indicate that ministers should not reflect on the opposition in their responses, and the comments that have been made by this minister in respect of the Leader of the Opposition are totally irrelevant in terms of the rest of the statement.

Ms Shing: On the point of order, President, I would just like, in the event that you are inclined to rule in Mr Atkinson's favour on this point of order, to suggest that perhaps we set a precedent whereby those opposite do not engage in the same behaviour.

The PRESIDENT: The standing orders are clear. I uphold, first of all, the point of order. Secondly, I agree with you because of the interjections. Minister, please, back to the subject.

Mr LEANE: Just imagine someone being completely irrelevant. That is all.

WRITTEN RESPONSES

The PRESIDENT (12:33): In regard to questions and answers today: Mr Meddick, two days, question and supplementary, Ms Tierney; Ms Lovell, one day, question, Ms Pulford; Mr Quilty to Ms Symes, health, two days, question and supplementary; Mrs McArthur, one day, question, Ms Pulford; and Mr Hayes to planning, question and supplementary, two days.

Constituency questions

EASTERN METROPOLITAN REGION

Dr BACH (Eastern Metropolitan) (12:34): (1610) My constituency question is for the Minister for Transport Infrastructure, and it refers to the progress and costs of the much-needed Hurstbridge rail line duplication. Recently I was fortunate enough to speak with Jason McClintock, who is a powerful local community advocate. He is a small business person in Melbourne's north-east, and he is also the newly named Liberal candidate for the seat of Eltham. He shared with me the many concerns he has heard about this project from residents. The scope of this project has been reduced by about 950 metres between Montmorency and Eltham after the failure of the level crossing removal authority to identify habitat areas for the Eltham copper butterfly. As a result the LXRA has scrapped its initial plans to construct a widened road bridge at Mountain View Road. When residents have asked questions of the minister, she has cited the redesign costs of the elements, which should have already been included in the original scope. The local member, Vicki Ward, has also said that the reduction of the project's scope will result in a budget surplus which could be put towards bike and walking trails. My question to the minister is: will this be the case, or is this reduction simply to recoup losses from another infrastructure blowout?

WESTERN VICTORIA REGION

Mr MEDDICK (Western Victoria) (12:35): (1611) My constituency question is for the Minister for Racing in the other place. Last year greyhound racing across the country saw over 10 000 injuries to dogs on the track and hundreds of dogs killed. This includes 44 deaths here in Victoria and includes 16 from tracks in my electorate of Western Victoria. About 10 times this amount were euthanised, killed, for unknown reasons. Many of these dogs died with horrific and catastrophic limb injuries from racing. They died distressed, confused, panicked and in pain. Even this year it has started badly, with nine dogs already dying horrifically, including on tracks in Geelong and Warrnambool. The greyhound track in Geelong is on a terrific piece of land. If you were to build affordable housing there, it would be a wonderful new suburb close to amenities, transport, parks and shops, and I am sure the new residents would look after their dogs a lot better than the racing industry does. Will the government look at better uses for land in Geelong than cruel dog races?

NORTHERN METROPOLITAN REGION

Mr ONDARCHIE (Northern Metropolitan) (12:36): (1612) My constituency question today is for the Minister for Roads and Road Safety. Fawkner residents are concerned about traffic congestion and

the time it takes to get to work. I am very thankful to those residents in the Fawkner area who completed my recent community survey.

A member interjected.

Mr ONDARCHIE: They did; they responded. And they have told me they do not have jobs that will easily allow them to get to work or home using public transport. The top two industries of employment in the most recently available census are child care and cafes and restaurants. Many have been hurt by the state's lockdown, and they need to get back to work to support their families. They tell me it is a nightmare to access Sydney Road each day. Trying to get to work on time in peak hour and trying to get home in time have been very, very difficult with the increased traffic on the roads. So the question I have for the minister is: will the minister, by way of directing the Department of Transport, investigate the light sequencing and safety of the following intersections, Jukes Road and Sydney Road, Anderson Road and Sydney Road, and Lynch Road and Sydney Road, so my Fawkner residents can get home to their families safely?

WESTERN METROPOLITAN REGION

Dr CUMMING (Western Metropolitan) (12:37): (1613) My question is for the Minister for Health in the other place, and it is from a resident in Tarneit. Dr Daniel Nour was appointed Young Australian of the Year. He identified a gap in the health care of vulnerable people in New South Wales, so he set up a not-for-profit mobile medical service for people experiencing homelessness. It has changed the lives of more than 300 patients. It has treated many illnesses, and it has dealt with neglected medical needs and detected conditions that would otherwise have gone unnoticed. They include diabetes, hepatitis C, HIV, heart disease and cancers. My constituent sees a need for such a service in western Melbourne, so his question is: will the government urgently look at establishing such a service in Western Metropolitan Region?

WESTERN METROPOLITAN REGION

Mr FINN (Western Metropolitan) (12:38): (1614) My constituency question is to the Minister for Roads and Road Safety. I am sure the minister is very aware of the mess that is Point Cook Road. For many thousands of my constituents Point Cook Road and the entry to the freeway through Laverton is the bane of their existence. The trip down—

Mr Ondarchie: Did you do a survey?

Mr FINN: Well, look, I do not need to do a survey, Mr Ondarchie. I have been there. I have seen it. It is a shocker. The trip down Point Cook Road is slow and painful. The road was built when Point Cook was largely occupied by sheep, and not many of them had licences. The only experience on par with Point Cook Road is the painful journey down the Princes Freeway and the West Gate Freeway, particularly right now. Residents of Point Cook pay tax too. They deserve a decent road to allow them to get to work. At the moment this is far from the case. Minister, what plans do you or your department have for the duplication of Point Cook Road and the restructure of the entry to the Princes Freeway?

EASTERN METROPOLITAN REGION

Mr BARTON (Eastern Metropolitan) (12:39): (1615) My question is for the Minister for Public Transport. Last week I met with the lovely, hardworking team of Yarrunga Community Centre. Yarrunga Community Centre offers a number of health and wellbeing programs, social groups and adult learning services. From what I could see they manage to get a lot done with very little. Prior to COVID the centre had an average of 1200 visitors a week. Unfortunately, despite being such a critical destination for the community and having so many visitors, there is no bus stop outside the centre. The nearest bus stop is some distance away, which makes it difficult for seniors and those with disabilities as well as those who feel a little unsafe walking this distance in the dark. So the information I seek is: has the government considered extending the local bus route to include the Yarrunga Community Centre?

WESTERN VICTORIA REGION

Mrs McARTHUR (Western Victoria) (12:40): (1616) My question is for the Minister for Regulatory Reform and concerns the Regulatory Legislation Amendment (Reform) Bill 2021. Not only are local newspapers a vital source of news in regional Victoria; they are at the heart of community life. Their service has been even more significant during COVID, not just for spreading important information but for keeping people connected. At the same time their revenue has suffered, with many businesses unable to advertise. Craig Wilson, publisher of the *Pyrenees Advocate* and the *Ararat Advocate* in my electorate, is a great example of a community-focused news provider. This new government bill will make his life even harder. Councils will no longer have to place public notice classifieds in regional papers. It may then lead to all local government classified advertising migrating to a purpose-built government web platform. My question to the minister is: what will you do to replace this revenue? How do you expect local newspapers to survive?

EASTERN VICTORIA REGION

Ms BATH (Eastern Victoria) (12:41): (1617) My constituency question is for the Minister for Regional Development. Yallourn power station is slated to close four years early, by 2028, and today we see that AGL has announced that Loy Yang will close by 2045. One of my constituents, who lives in the valley, really understands the fact that we need—Victoria-wide we need—baseload power, reliable and affordable power. The Latrobe Valley particularly needs ongoing sustainable jobs, targeted investment, new technologies and industries. But the role of the Latrobe Valley Authority is most uncertain. Its current funding concludes in June, only five months away, and the constituent really needs to understand what its future will be. There is no new grant money. Apparently at the moment they are just facilitating through salaries. So my constituent wants me to ask: what is the future of the Latrobe Valley Authority and when will you inform the community?

NORTHERN VICTORIA REGION

Ms LOVELL (Northern Victoria) (12:42): (1618) My question is for the Minister for Health. Now that the management of Mildura Base Public Hospital has been returned to the state government it is imperative that the government invest in the redevelopment of the hospital, starting with the completion of a detailed clinical services plan. In an article published on 3 July 2021 in the *Sunraysia Daily* a Department of Health spokeswoman said that the clinical services plan was expected to be completed by the end of that year. On 8 September 2021 in a response to a question the minister indicated that the clinical services plan would be released in the very near future. The 2021 end-of-year deadline has passed, and we are now well into 2022. Any further delay in delivering the clinical services plan can only be viewed as a stalling tactic by the government, as this plan is necessary to start the planning for the redevelopment of the hospital. When will the minister release the completed clinical services plan for the Mildura Base Public Hospital?

EASTERN VICTORIA REGION

Ms BURNETT-WAKE (Eastern Victoria) (12:43): (1619) My constituency question is for the Minister for Energy, Environment and Climate Change. Deer control remains an unaddressed issue in Eastern Victoria, and I would like to thank Carol Soloff from Sassafras for raising the issue with me. Carol has seen around a dozen deer roaming for over four months in Sassafras. They have significantly damaged private property, run across roads and caused road safety issues, and they are increasing in number. According to the *Victorian Deer Control Strategy* deer can be controlled by landowners on private property, but Department of Environment, Land, Water and Planning authorisation is required when on public property. For locals like Carol this strategy is simply not practical, given that these feral deer frequently roam across various private properties of different landowners as well as across public land. The minister in October 2020 said, 'This strategy will address feral deer numbers in the outer suburbs of Melbourne'. My question to you is: what reduction in deer, if any, has taken place since that announcement was made, and what should Carol Soloff do to address the growing number of roaming feral deer in Sassafras?

SOUTHERN METROPOLITAN REGION

Ms CROZIER (Southern Metropolitan) (12:44): (1620) My question is to the Minister for Community Sport, and it is in relation to the Albert Park sailing precinct, a wonderful resource there for sailing boats, yacht clubs and the community. The Albert Park Yacht Club is a facility that requires a significant upgrade. It has been around for quite some time. At present it is also facilitating Albert Park College by having 50 to 60 students in the Albert Park sailing club each day to help with their educational learning requirements. But the whole precinct requires a significant amount of money. The City of Port Phillip is very supportive of the upgrades. $15 million is required. So the question I have to ask the minister is: will that funding be provided in this year's upcoming budget?

NORTHERN VICTORIA REGION

Mr QUILTY (Northern Victoria) (12:45): (1621) My constituency question is to the Minister for Emergency Services. Minister, will you remove the threats of fines and arrest on farmers trying to return to their farms and livestock during fires? In a recent visit to Corryong I heard many concerns locals had regarding the recovery process after the 2020 fires. There were some repeating themes, one being the roadblocks set up during the fire. Farmers were told they could not return to their properties to protect livestock or buildings. Some were threatened with $150 000 fines. Others were too afraid to leave their farms for urgently needed medical treatment or supplies in case they could not return. Many found ways back to their farms through well-known local backtracks. These roads were much less safe than the main roads they were initially on. Many of these locals have far more experience of bushfires than those making decisions to stop them. I experienced this issue myself during the 2020 fires. The community has given this feedback in debriefing meetings, but they feel they have been ignored.

EASTERN METROPOLITAN REGION

Mr ATKINSON (Eastern Metropolitan) (12:46): (1622) I am interested in a matter with the Minister for Health, and that is concerning a community health hub for the Eltham area. The government was looking at a site in Greensborough near the Nillumbik council shire offices, but that has been rejected, and in fact as a site it probably was somewhat problematic in terms of public transport access. I am interested now as to what the current status is of that community health hub project and whether or not the government is going ahead with a new site at Wattle Glen.

NORTHERN METROPOLITAN REGION

Ms PATTEN (Northern Metropolitan) (1623)

Incorporated pursuant to order of Council of 7 September 2021:

> My constituency question is for the Minister for Health and relates to COVID regulations as they apply to a specific venue in my electorate.
>
> Simone Pulga, the owner of the Butterfly Club, a theatre venue in Melbourne's CBD, has difficulty interpreting the density limits. The theatre is allowed 100 per cent, but he can only have 50 per cent density in the bar—which patrons must walk through to access the theatre. He would like to know whether he should comply with the 50 per cent density for the entire venue, or can he open the theatre to 100 per cent density?

Mr Ondarchie: On a point of order, President, I draw your attention to standing order 8.08, particularly part (4), which requires ministers to reply to constituency questions to the Clerk within 14 days of them being asked. I have constituency question 1573, which was asked of the Minister for Roads and Road Safety 69 days ago; one to the Minister for Transport Infrastructure, question 1548, which was asked 72 days ago; and one to the Minister for Health, question 1208, which was asked 247 days ago. I have still not received answers, and I seek an explanation as to where they are.

The PRESIDENT: Thank you, Mr Ondarchie. You know there is no way I can direct the ministers on that.

Ms Pulford: I thank Mr Ondarchie for bringing those to my attention as the minister representing those ministers in this place, and I will seek to follow those up for you.

Bills

SEX WORK DECRIMINALISATION BILL 2021

Second reading

Debate resumed.

Mr GRIMLEY (Western Victoria) (12:48): Child Wise research with young people in sex work in Melbourne found that 16 out of 30 participants had been in the state care system, while 13 had left home because of physical or sexual abuse or neglect. For many sex workers on visas and migrant sex workers, family violence is also a common experience. We need transition services for these women who do not want to be part of the industry anymore, and they need to be funded properly. If the sex work lobby tried to turn this into a discrimination, I would ask them to consider that whilst they may be educated, enjoy their work immeasurably and be huge advocates for sex work and its perks, there are others who are not doing this work by choice. There are others being exploited, and there are those who have left the industry after traumatic experiences.

You may have read in the explainer that I sent out with my amendments that the sex work industry in the Netherlands is moving away from the full legalisation of sex work. They have the most well known industry in this space in the world, yet they are moving away from the system which we are about to adopt. Shortly after legalising the sex industry in the early 2000s the USA's Department of State ranked the Netherlands as one of the top five countries of origin for trafficking victims worldwide. Given this, it is not shocking to see the Netherlands moving towards requiring all sex workers and sex work businesses to have a permit as well as raising the age of legal prostitution to 21. They say:

> A national register of sex business with a permit will be set up. There will also be a register of prostitution permits.

They say that this is due to the growth of the industry and the fact that it is 'unchecked'. Basically this means that with the passing of this bill without amendments we will have an unchecked industry with virtually no oversight. As other evidence shows, we will also continue to have a two-tier system like they still have in the Netherlands, where certain businesses avoid all planning processes and local compliance despite the bill seeking to move away from this two-tier system.

Victoria Police, Professor Peter Miller, the Uniting Church, Project Respect, the Coalition Against Trafficking in Women Australia (CATWA) and a whole range of other bodies are not happy with the supply of liquor in brothels. I have to say that I was a bit perplexed as to why we need to supply a substance that blurs the lines of consent in places where sexual services are offered. A review of literature on alcohol use among female sex workers and their male clients published in 2010 reviewed 70 articles covering 76 studies. The review found that alcohol use by female sex workers and their male clients was associated with adverse physical health, illicit drug use, mental health problems, victimisation and sexual violence. A study from the Netherlands found that sex workers working in contexts where alcohol was sold drank more than other sex workers and that clients' use of alcohol increased aggression towards sex workers. Further, there are concerns among several groups that some brothel owners may adopt a practice of having their employees promote the sale of alcoholic beverages to their clients to drive up the profits of the alcohol side of the business. I really hope that this is not the case. Interestingly the discussion paper for the bill points to how the industry might benefit from liquor licensing but does not talk about the benefits for the workers themselves. This is disappointing.

I will speak further about my amendments in the committee of the whole, but I would like to have these circulated now if I can.

Derryn Hinch's Justice Party amendments circulated by Mr GRIMLEY pursuant to standing orders.

Mr GRIMLEY: In short, these amendments will seek to, firstly, transfer the minister's delegate review to the Victorian Law Reform Commission; secondly, introduce an offence for prohibited persons owning or running a brothel; and, thirdly, introduce a brothel owners certificate.

In summary, despite all of this talk of sex work reform and reducing stigma around the occupation, it seems to have been lost on the policymakers that there are many sex workers who want to leave the industry. The government needs to provide a commitment that programs assisting with the transition from the industry will be available to all sex workers, whether citizens or those on visas.

I would like to thank the number of people my office has met with in preparation for this bill, as we have not found it easy to assess and form an opinion on it in the absence of the review on which the bill is based. There are good bits in the bill, but as you can tell by my contribution, we do not think it is perfect. We have tried to get as many perspectives on the legislation as possible to make sure as many voices are heard as possible. I would like to thank the New South Wales police and Victoria Police members, including those from the sex industry coordination unit, who do a tremendous job in trying to keep sex workers safe; Professor Peter Miller; Uniting; CATWA; Project Respect; Sex Work Law Reform Victoria; Scarlet Alliance; Vixen Collective, especially Dylan, who my office met with a few times; Tish Sparkle; St Kilda Gatehouse; Jade—a pseudonym—a former sex worker; a number of university professors who have researched in this area; the Queensland sex industry licensing unit; the owner of Lorraine Starr and other premises where sex work occurs; and a range of others. As you can see, we have not taken this bill lightly at all and have sought opinions from far and wide. The welfare and safety of sex workers should be at the forefront of this bill.

In conclusion, we will support this bill due to its decriminalisation of street-based sex work but would caution that this bill does nothing to help women transition out of sex work, nor does it have any prohibition on criminals, sex offenders or other questionable persons owning premises or managing sex workers. This is a problem that we will seek to address through the amendments later.

Sitting suspended 12.54 pm until 2.03 pm.

Mr FINN (Western Metropolitan) (14:04): I rise to speak on the Sex Work Decriminalisation Bill 2021. There would be a good number of people around this state at the moment who would be asking just one question: 'Why?'. Why would we have this legislation when we have a pandemic to worry about? Why would we be pushing through this legislation when we have a health crisis? We have 80 000 Victorians—many in pain, many in agony—who are on a waiting list for elective surgery. Why would we be pushing through this legislation when we should be concentrating on getting them the treatment that they deserve? Why would we be concentrating on this bill when in fact there are thousands of people who have been forced out of work because of mandates, because they have decided that their right to choose is more important than the government's right—right, maybe—to tell them how to live their lives? Why are we debating this bill at a time when the Melbourne CBD is dead? Shouldn't we be concentrating on putting a bit of life back into it? Why are we doing this when small businesses around this state are turning up their toes?

Mr Ondarchie interjected.

Mr FINN: Don't start that again about going down Bourke Street. We know, Mr Ondarchie, what is going on in this state, and it is tragic. There is so much misery in Victoria, and here we are decriminalising sex workers. Well, that mystifies me. To anybody who asks why we are doing this and why our priorities are the way they are, well, I am going to reply to them in two words—

Mr Ondarchie interjected.

Mr FINN: And that is not it. The two words are 'Fiona Patten', because this is the Fiona Patten pay-off bill. It comes very shortly after the pandemic legislation at the end of last year, and of course we know that Ms Patten's vote was crucial to getting that legislation through, as indeed a whole range of legislation has gotten through—

Mr Ondarchie interjected.

Mr FINN: Well, she said she was not going to vote for it, but she did, and we know why—because this legislation was coming. Basically the government gave her a clean sheet. 'Do whatever you like', they said, so she did, and this legislation is a result of that.

I do not know who it was who said this originally, but I recall the late great Senator Frank McManus saying it some years ago. He said—

Mr Ondarchie interjected.

Mr FINN: 'Vote Mac Back' indeed, absolutely—when 'Big Mac' was not a hamburger. I recall Senator McManus saying that the definition of an honest politician is a politician who, when bought, stays bought. If that is the definition of an honest politician, Ms Patten is a very honest politician because this government has bought her, body and soul, and this legislation is a part of the payment.

We have heard during this debate—and I heard some speakers on Tuesday talking about this—about the need to legitimise prostitution. It is very important, apparently, that we legitimise prostitution. I have to say this confused me a great deal, because I always thought, from listening to many women activists over the years, that prostitution was in fact exploitation of women. This was the argument that was put for many, many years by many feminists. But here we have these same people—or people of the same views—now saying that we have got to legitimise it. It is a total mystery to me. It seems to me that we can do a lot better for marginalised women than to legitimise putting them into prostitution. It seems to me that we can do a lot better for many women by actually helping them. Instead of saying, 'Go and sell your body on the streets' or 'Go and sell your body in a brothel' or whatever, we could actually help them.

I am grateful to a dear friend of mine over in New Orleans who actually goes out to the brothels and the strip clubs. She and her fellow workers offer help to the women and help them get out of the industry. That might be something that this legislation should look at, but no, not at all, and I think that is pretty sad. Over I am not sure how many years, but certainly over recent years, we have seen women who have been brought to this country, predominantly from Asia, who have had their passports confiscated by people who they trusted, people they believed, people who then went on to exploit them, sometimes for years. They were basically kept captive. They had to sell their bodies, and they got a pittance for that. And you know, there is really nothing in this legislation which is going to challenge anybody who wants to do that, and I think that is very sad.

Now, I want to make it clear that I do not condemn sex workers. I do not condemn anybody who freely wants to involve themselves in sex work. That is up to them. That is their choice, and I wish them well. But there are a lot of women who wish, desperately wish, that they did not have to do this. They want to get out, and this is something that we have not addressed at all. We are saying to these women who find themselves in a situation where they have to do this, otherwise they starve or perhaps their children starve, 'Well, that's just the way it is'.

In my view that should not be the way it is. If we are a compassionate society, if we are fair society, we should be giving women more choices. We should be giving women a greater opportunity to live the life that they want to live without having to prostitute themselves. That, to my way of thinking, would be fair, would be compassionate, would be a very reasonable thing. Instead we have legislation which is just going to basically legalise prostitution on every street corner. That in itself is somewhat of a problem, and I will get to that in a minute. But as I say, there are some women, I am sure, I have no doubt, who enjoy the sex work, who enjoy the sex involvement—

Ms Patten: Having sex.

Mr FINN: Well, having sex. They probably enjoy that too. There are a lot of people who enjoy having sex. Ms Patten might be interested to know there are a lot of people who enjoy having sex, and a lot of them are not paid for it. You would not believe it. You would not believe it, would you? That

is just extraordinary. I know Ms Patten is really going to struggle to understand it, but that is the simple fact of the matter.

As I said, if people want to do that and they are proud of that, well then I say good luck to them. But you know, where I come from there are not too many little girls—when you say, 'What do you want to do?' and they say, 'I want to be a nurse' or 'I want to be a doctor' or 'I want to be a teacher'—who say, 'I want to grow up to be a prostitute'. You do not get that. You know, I would hate to see, if this legislation gets through—and it probably will, I have to concede—this profession legitimised to the point where little girls will say, 'I want to grow up to be a prostitute'. I think that would be very sad indeed.

Now, I want to get to the planning side of this, because I think this is vitally important. Over the last year or two in my own electorate in the suburb of Williams Landing, a new suburb that has sprung up in the western suburbs, we have been dealing with an illegal brothel which just popped up. They have been using a home in a residential area as an illegal brothel, the owners, and this obviously has caused some consternation, to say the very least, among the neighbours, many of whom are families, many of them with children. That is not something that they want in their neighbourhood.

I just wonder if this legislation is only going to encourage what we have already seen. I do not want to see people having this profession springing up around them in their neighbourhood. I do not think that anybody would really want that. I am not reflecting on the women involved, but certainly I am reflecting on some of the clientele involved, I think it would be fair to say. And whilst I have not surveyed them—Mr Ondarchie might like to; he is particularly good with surveys, I know—I would suggest that there would be at least an element in the clientele that would be undesirables.

You would not want them coming to your own home or indeed to a residence nearby—you would not want them there—and if we have widespread prostitution, brothels, in residential areas, then we are going to have big trouble for a lot of people. All they want to do is live a quiet life. They want to go to work, look after their kids, pay their mortgage, pay their taxes, do all that sort of thing. All of a sudden they have got an illegal brothel next door and everything that goes with it. We do not want that and I would hope that this legislation would not allow that, although listening to Ms Terpstra in particular on Tuesday speaking about the need to legitimise, as she said, sex work, it seems to me that she would have one on every block. It just astounded me, and I am sure it would astound anybody and everybody who has a home.

The question is: is this legislation necessary? I do not think so. We have had legal prostitution in this state for years. I think it was the late John Cain Jr in fact who legalised prostitution back in the 1980s. So we are looking at nearly 40 years of legal prostitution in this state. I am not sure why we need to take it further. Police are not raiding legal brothels and arresting women and locking them up—that is not happening. It has not happened for a very, very long time. God knows it is hard enough to get street prostitutes off the streets, much less those who work in a legal brothel. There is very little need that I can see, if indeed any, for this legislation at all.

Instead we have a wide variety of needs in this state. In fact I would go as far as saying that the needs in this state are more than we have seen probably in the past hundred years. There is an enormous need for government to get out there, roll up its sleeves and do the things that make people's lives better. This legislation I do not think will do that. Certainly for the average person it will have absolutely no impact at all, and that pretty much sums up the position of most people. If you went out there and told people in the general community that that is what we are debating today, they would look at you sideways. They honestly would be stunned, given the needs and the desperate situation that so many people are in in this state at the moment. If you told them we were voting to decriminalise prostitution, they would be stunned, and they would wonder what the hell the MPs in this state, and particularly the government of this state, are thinking about. I think that is a particularly fair question.

I will be supporting the amendment moved by Mr Ondarchie, and if that amendment is defeated I will be joining with the opposition in opposing this bill.

Ms WATT (Northern Metropolitan) (14:19): As a little girl in the 1990s I lived on Vale Street, St Kilda. I have indeed lived in a number of places, but there was something about that place in particular that has stuck in my memory even all these years later. Anyone that has lived in St Kilda, particularly in those gritty days, will know of Vale Street. It was the centre of street sex workers in St Kilda. I must confess, when my folks moved into St Kilda we were a little naive as to the neighbourhood. Little did we know that, fast-forward a few weeks, we would be all too aware of why the rent was so cheap. My late father was appalled at what was happening on our street and in particular the working conditions, lives, health and safety of those women.

He decided to be a one-man safety and support crew for these workers and for these women. He cleaned the streets, provided medical care and talked to the police all too frequently when required. I often wondered when I was little why it was up to Dad to ensure a safe street for the residents and to support these workers when they lived with violence all too much? So today I am feeling pretty reflective of those early years in the 1990s as I rise to speak on the Sex Work Decriminalisation Bill 2021.

I am just flooded with memories, and I just want to take a moment to thank the friends that I made on that street as a little girl. I am hearing all sorts of stories about little girls and what they dream about, but I dreamed about being as nice and compassionate, kind and warm as those women were to me as a little girl. I made some very foundational judgements about women in those years. I saw women working, and I saw women being proud of who they were. Sometimes I became enormously proud of my dad. More and more I think about those years. I think about how many times he was arrested for coming home. I think about the fact that I learned about dealing with police and talking with police when we lived on Vale Street. I do not have this in my remarks. I am just completely flooded with the memories of those years. And I am thinking now about coming full circle and now being able to speak here as a member of Parliament in defence of sex workers. So this is pretty special.

This is a pretty big reform. It is one that is wildly overdue. Currently in Victoria sex work is regulated under a legalised model. This means that sex work is only legal if it takes place within the licensing and registration system established by the Sex Work Act 1994. Any sex work that occurs outside this act is criminalised. At the core of this current system is the underpinning ideology that sex work is not real work, that sex workers do not deserve to be treated in the same way as other workers—that is something my family rejected a really long time ago and we continue to reject now—and that sex workers do not deserve protection in their workplace or access to health and safety mechanisms that keep other Victorian workers safe when they go to work each day.

But from the outset can I just say this: sex work is legitimate work, and it is time that Victoria recognised this. This bill affirms this statement, ensures that we can support sex workers' safety and ensures that sex work is safe work. Our current system of criminalisation is not fit for purpose. It is complex, it is costly and it is onerous. Because of this we see poor compliance and the growth of a large unlicensed sex work industry here in our state. As a result we see a two-tiered system for the safety of sex workers based on where they work, with many sex workers in unlicensed workplaces facing unsafe working conditions, exacerbated by the stigma, discrimination and lack of autonomy experienced by sex workers. This impacts the health and safety of these workers at work and in our community.

The stigmatisation of sex work is a key factor in the need for this reform. Criminalisation perpetuates the stigmatisation of sex work, and it helps to entrench our dated negative perceptions of the industry, perceptions which impact the mental health of these workers; drive violence against sex workers; create barriers to accessing appropriate health care—hopefully that health care is much better than we provided back in the 1990s on Vale Street—social services and housing; and limit educational and employment opportunities for workers. And we know that sex workers working in unlicensed sectors

are even more vulnerable in the system. They are often the most disadvantaged sex workers, those from migrant communities and gender-diverse sex workers. These are the workers who are more likely to be in the illegal area.

The consequences are clear. They are not safe. They do not feel they have the agency to report unfair work practices even all these years later. They do not feel like they have the ability to report crimes to police. I am just so surprised that this is still the case—when I think about the women that my dad supported near on 30 years ago that in fact it is still the case. This is discrimination and stigma in action impacting the health and safety of workers in our state. We know that many sex workers are afraid to report crimes to the police out of fear of self-incrimination. This approach pushes bad behaviour in the industry further underground, out of the eyes of regulators, social services and the community. It does not help anyone. It does not reduce harm or reduce the impact on the community. Rather it increases it. Decriminalisation is a much, much needed reform.

This bill recognises that sex work is a legitimate form of work and enshrines that position in law. The reforms in this bill will safeguard sex worker safety and rights and ensure that sex work is safe work. Under this bill and the decriminalisation framework sex work businesses will be treated in exactly the same way as other Victorian businesses and will be regulated through standard planning, occupational health and safety and all the other business regulations that apply to businesses in Victoria. Victoria Police will remain responsible for enforcing criminal laws. This bill repeals the Sex Work Act of 1994, an act that criminalises any sex work outside of its bounds. As I said earlier, this system is clunky, it is complex, it is costly and it is onerous. Indeed it does not make the community or sex workers any safer. This bill repeals the act and will make amendments to other acts to decriminalise consensual sex work between adults. It will abolish the sex work licensing system and instead will regulate sex work businesses through mainstream regulators.

This bill brings in a range of reforms to be implemented over two years after royal assent. These reforms will increase safety, reduce stigma and improve access to government health and justice services. Stage 1 will commence no later than 1 March this year and will include the following reforms: decriminalisation of street-based sex work in most locations, repeal of public health offences under the Sex Work Act, repeal of the small owner-operator sex work service provider register, amendment of advertising controls applicable to the sex work industry, amendments to the Equal Opportunity Act 2010 and a number of other transitional arrangements.

Stage 2 will commence no later than 1 December 2023 and will include the following reforms: abolishing the licensing system, re-enacting offences relating to children and coercion in other legislation to ensure their continued operation following repeal of the Sex Work Act, amending definitions across the statute book that relate to the sex work industry, making further changes to advertising controls to reflect the repeal of the licensing system, establishing appropriate liquor controls for the sex work industry—I have got a couple more here—amending the Public Health and Wellbeing Act 2008 and a number of other consequential amendments.

A number of other speakers have spoken about the planning rules and what that will mean. These parameters will create new guidance for local governments and the community about where sex work premises can be located. These parameters include that sex work premises should be treated the same as shops, which is a category of land use across the Victorian planning system, with no additional controls or conditions. This means that sex services premises will be encouraged to be established in mixed use and commercial 1 zones and be able to apply for permits in a wide range of relevant zones. Sex services premises should also be able to continue to operate in industrial areas with a permit. Sex workers working from home will be treated like any other home-based business with no additional controls or conditions. These businesses should be subject to the same restrictions on the number of workers and permit thresholds. Statutory guidance should be issued to ensure local governments cannot introduce measures that conflict with these policy parameters or undermine the intent of decriminalisation. The Minister for Planning will be responsible for implementing these under the

Planning and Environment Act 1987, including further technical consultations with local government that will occur.

This is a really complex reform, and I have got much more to say. But it does cover a range of areas and issues to ensure that this is done right and it is done properly and achieves the desired outcomes. And of course it comes after a very comprehensive piece of work. As this place would know, in 2020 before I got here the Victorian government asked Fiona Patten, one of my fellow representatives in Melbourne's Northern Metropolitan Region, to lead a review into the decriminalisation of sex work in Victoria. I recall it because at that time I was involved in Women's Health Victoria, and I believe we made a submission, and by 'we' I mean that organisation which I was previously affiliated with. As part of this review there were 54 individual consultation sessions as well as 64 written submissions. I know that this is an issue that can be polarising in the community, and I have had a wide range of stakeholders and constituents contact me about this issue. I am confident, after listening to these voices and knowing the large amount of engagement no doubt that was done throughout this review, that the balance here is right and it is appropriate. Can I thank those that contacted me about this bill before us today.

I note the submission from the Victorian Equal Opportunity and Human Rights Commission discussing what the evidence shows with respect to other jurisdictions that have decriminalised sex work and have regulated it in a consistent manner and that in that we have seen far greater public health and human rights outcomes, health care access for sex workers increases, access to the justice system and community services increases. Equal opportunity and human rights law support the decriminalisation of sex work. So thank you to Ms Patten, who had been advocating for this reform long before she came into this place and before I did and who has done the work to get it done. Thank you, Fiona, for helping to push for this reform to happen. It is important work, and I am just so proud to be here.

This is indeed a complex issue, but ultimately, regardless of one's personal views and beliefs about sex work, one thing can be certain: Victorian workers have the right to be protected at work. For far too long we have allowed a group of workers in this state to be exposed to unsafe and in many cases harmful situations at their workplace, and for far too long the stigma and entrenched and outdated ideology have been reinforced through the frameworks that deal with sex work, which are worse. They are ineffective. This is a reasonable and balanced step forward. This is about listening to sex workers and the industry, and this is about making sure that they can go to work and be safe. Sex work is real work, and sex work should be safe work. This is a message this bill sends loud and clear. I know that this is a reform that many have been waiting for—and for a long time. It is time to get it done.

I just want to take a moment to reflect on Vale Street. I know how much of a tough street that is and the folks that have been involved in that for such a very long time, and I cannot help but, when I go past it, each and every time that I do—and I was reflecting with the member for Albert Park very recently about the history of Vale Street—not only reflect on my history there in the early 1990s but proudly sit up and say I did something for the memory of Vale Street, for the memory of those women who I had seen one day and never saw again and for my late dad, who stood up for them all too many times that I can count. This is for me a really special day, so thank you. I commend this bill.

Ms LOVELL (Northern Victoria) (14:34): I rise to speak on this bill before the house, the Sex Work Decriminalisation Bill 2021, as well. I just want to make a very short contribution. There are a couple of points in this legislation that do concern me. Victoria has had a very highly regulated sex worker industry for a long time now. I think that all of us are adult enough to know that this is the oldest profession in the world, it will not go away and it serves its purpose. But it also needs to be regulated in a way that protects both the workers and their customers. The two sections of this bill that do worry me are the removal of the health checks and also the changes to the Equal Opportunity Act 2010.

A brothel owner from my electorate has written to me, and I would just like to read a very short piece of his letter to me to indicate his concerns about this legislation too. This owner said he has had 20 years of being a licensed sex service provider and that has taught him a lot about the sex industry. He writes:

> One feature of my learning has been the respect I have for women working in the sex industry.
>
> I am proud of my record of helping women in and out of the sex industry.
>
> I am not proud of what the Andrew's Government is doing with the Sex Work Decriminalisation Bill 2021.
>
> The Bill sets out to threaten the well-being of sex workers, their clients and the community at large; I refer to the transmission of sexual infection and disease.
>
> The Bill now before the Parliament if passed in its current form will remove in March 2022 the need for sex workers to have their medical checks.
>
> Minister Melissa Horne is wrong when she says the incidence of STI is now very low so we don't need the medical checking of the sex workers. The Minister is right that the incidence of disease is down, but wrong because it is the very medical checking that has brought the incidence of the disease down.
>
> The Minister says she will develop a program to educate the sex workers but she has done nothing about that at his moment.

I think that owner of that brothel has a very good point. It is a concern that the medical checks are being removed, and that may place sex workers and their clients at risk of the transmission of sexually transmitted diseases and infections. Of course these changes to the Sex Work Act 1994 will bring a whole new cohort of workers under the new regulation—people who were not regulated before. They will not be required to have health checks, and they have not been required to because they were not operating within the boundaries of the law, so we do not know what that may mean for the incidence of sexually transmitted diseases in the future. I think that that owner of that brothel has a very legitimate point and that the government should not be seeking to remove those health checks, because they are there for the safety both of the workers and their clients.

The other part of the bill that particularly concerns me is the repealing of section 62 of the Equal Opportunity Act 2010, which is of course the section that gives people the right to refuse accommodation to a person who intends to use that accommodation for sex work. I remember when there was a brothel application before the Greater Shepparton City Council some years ago, and it was very contentious. As we know, whenever there is a planning application for a sex shop or a brothel it is always very contentious in communities. The council in Shepparton approved that application because they knew that if they opposed it and it went to VCAT it would get up anyway and it would only cost the community a lot of money, but approving the application actually cost many of the councillors their positions on council because there was a great deal of opposition to the brothel within the community of Shepparton.

As we know, most people do not really understand the difference between what is a council issue and what is a state government or federal government issue, and they come to our offices on a range of things. We had many approaches about the planning application for the brothel. We had an elderly lady come into the office one afternoon, and she said to the staff that she wanted to talk to me about the brothel. The staff explained to her that that planning application was an issue for council and that really she should be talking to the councillors. She said, 'I just want to talk to Wendy about it'. So the girls came in and said to me, 'The lady wants to talk to you', and I said, 'Fine. I'm happy to talk to anyone about anything. It's just not within my jurisdiction'.

When I brought her into my office and she sat down to talk to me, she said, 'Wendy, you probably think I'm here to lobby you against the planning approval of the brothel, but actually I'm here to ask for you to lobby the council to make sure that they approve the brothel'. She went on to explain to me that she was the mother of an adult disabled son, and because her adult disabled son had the mental capacity of maybe a 12-year-old, she tried to suppress in her mind for many years that he would have any sexual urges. Then she said one day there was a girl walking past their house, and her son grabbed

the girl by the hair and was dragging her into the house. She said, 'I had to come to terms with the fact that my son did have these urges and that I needed to do something to ensure that he did not put anyone in the community at risk'.

So she said, 'Did you know there's three mobile brothels that operate in this town?', and of course, yes, I was aware of that. One of them was not far from our office, and we used to see the girls sitting outside having a cigarette. She said, 'I have to have those girls in my home', and she said, 'They come into our street, into a suburban street where children are playing in the street, and they are totally inappropriately dressed. Not only do the children see them coming and going from the house, my neighbours see them coming and going from my house, which is an embarrassment to me'. She said, 'I also can't stay in the house while they are there. I just can't bear to be there', and she said, 'I worry for the security of my home while I'm not there, and I would far rather take my son down to the industrial area where they plan to build this brothel and drop him off and pick him up later than have the sex workers coming into our suburban environment, have my neighbours seeing them coming and going from my house, have that feeling of being insecure about somebody I don't really know being in my home when I'm not there'.

I thought this was a very, very good argument for why the council should approve the brothel. I totally agreed with her. The sex work was happening in our town, people were going into environments where there were children and it made perfect sense to me that she would rather drop her son off at the brothel than have to have a sex worker in her home. She was not being discriminatory about those girls at all, but she was concerned about what her neighbours thought and concerned about children being exposed to sex work activity—which, as we have just heard, Ms Watt was exposed to as a child as well.

So it does concern me, the removal of this section from the Equal Opportunity Act, because it does mean that once again we could have sex work operating in an environment where people who do not want to be exposed to it are now going to be exposed to it. Take the apartment building that I have an apartment in, which I use when I come down here for Parliament. On our floor there are many retired people who have chosen to buy apartments in the city and retire into the inner-city area. We often have a drink on a Sunday afternoon—if I am down, I join them, and they always talk about how lovely our floor is and how lovely the neighbours are and how lucky we are to have such a nice environment that we have our apartments in. It worries me; these people have bought into apartment buildings that have high security: they have fobs to get in and out; there are security officers roaming around in the car parks and stuff. And they have bought into areas with security for a reason. The removal of this section from the Equal Opportunity Act would allow for somebody to rent an apartment on that floor, to be conducting sex work on that floor and to be allowing entry to their clients, which would not only mean that the security of the building was lesser but also that the physical enjoyment and the amenity for the people who actually owned those apartments and who have retired there—for a reason, because it is a secure spot and because they enjoy that location and they own those apartments—was lesser. They could possibly have a lesser enjoyment of their environment.

So I am really concerned about those two sections of the bill, amongst other things in the bill that a lot of my colleagues have already set out very clearly. The Liberal Party do have a reasoned amendment. I recommend to other members in the chamber that they support the Liberal Party's reasoned amendment and that we go back and look at this bill more holistically. All of us should have the opportunity to see that report before we pass legislation that has been based on a report that we have not been allowed to see. I would say to other members of the Parliament, please consider the reasoned amendment that will be put forward by Mr Ondarchie and support that. Let us start again and let us come up with legislation that we can all support.

Ms PATTEN (Northern Metropolitan) (14:46): I am pleased to speak to the Sex Work Decriminalisation Bill 2021—2021. We first started fighting for the decriminalisation of sex work in Victoria in the 1980s, so it has been nearly 40 years in the making. We have gone through many iterations. We have had two steps forward, a couple of steps back—forward, back—but I hope today we will finally see a bill that decriminalises sex work in Victoria passed.

I have been around since the 1980s in this debate, and I have seen a lot of this debate from a lot of areas, so it is interesting to see this culmination in this chamber. Certainly when I was sitting in the Prostitutes Collective of Victoria in Grey Street, in a ridiculously smoke-filled room, talking about decriminalisation, talking about how we were going to get changes, I do not think I ever expected to be in this place talking about the legislation from this side of the chamber. So I am proud to be part of this campaign.

This bill is for everyone. It is for everyone who has been working under these draconian laws that have not protected us. They have not protected sex workers; they have not protected the community. They have not protected the people in the industry—the sex workers, the brothel owners, the managers, the receptionists. Fundamentally the current legislation is not fit for purpose. I will talk later about this, but I do want to acknowledge that Victoria has actually made progressive steps in the past, and this is another progressive step for Victoria in this area. But I really want to acknowledge all of the people who have probably knocked on your doors, who have probably written submissions to you all, who have been fighting for this for decades. I acknowledge the sex worker organisations, the sex workers, the advocates and our allies—so many countless individuals, hundreds of people, since, as I say, the early 1980s. Actually I think the Australian Prostitutes Collective started in 1975, so we have had a sex worker voice since the 1970s in Australia, and that is actually quite unique around the world. There are so many giants of this industry, so many passionate people in this industry. I am not going to name people because there are too many to name and some of them are no longer with us, sadly, but right now this is a very proud moment for all of us and it is a very momentous occasion for all of us.

The other reason I cannot mention everyone's names is that still we live double lives. Still sex workers act under pseudonyms. Still sex workers cannot tell their family what they do and cannot tell their lecturer what they do. Still we turn up at Parliament in wigs, we turn up with masks—we turn up in disguise because we are still fearful of being outed. We are still fearful of speaking about being a sex worker.

I remember the time I was outed. It was a fairly spectacular outing; it was on the front page of the *Sydney Morning Herald*. It was before the internet, thankfully, but my parents did have a fax machine, so my parents' friends in Sydney were delighted to send them the article that made the front page of the *Sydney Morning Herald*. It was a conversation that probably should have happened long before, but we were able to have that conversation. I had a very supportive family and we worked through it. There may have been some tears at times, but we worked through it. But for many people it is not as easy, and coming out as a sex worker is not easy, And for many it is still impossible. This legislation will help change that because it decriminalises sex work. It decriminalises consenting sex acts between consenting adults. It is pretty simple. It is just that.

But it is more than that, because that sex, as we have heard today—and I know some of it is joking. I know when Mr Finn gets up and tells us a couple of jokes and writes down for the speakers list that it is the hookers and knocking shop bill, it is done in humour. I understand that, but it still hurts, it still has an impact and it still stigmatises people who work in this industry. Right now we have legislation that has created two tiers. We have legislation that has created illegal brothels and has meant that sex workers have had to work illegally, which has put them at risk. It has made it very difficult for them when a crime might be committed and they want to report a crime to report that as someone who is committing a crime at the same time. That law has made our sex workers vulnerable to violence and vulnerable to coercion, so decriminalising it will do just the opposite. It will help prevent coercion, it will help prevent violence against sex workers.

And I hope it changes the stigma, changes the view. Mr Finn was saying: what is wrong with having sex? Well, there is nothing wrong with it, but for some reason if you get paid for it, you are somehow a victim. You somehow never wanted to do that. You somehow would only do that because you were absolutely desperate and had no other way of supporting your family and had no other way of putting yourself through school. This is not the case, but this is the stigma and this is the rhetoric that sits around sex workers. I hope that this bill when it passes will change some of that rhetoric. And I do not

think I am alone in that—I know I am not alone in that. I have listened to some great people speaking about that today, but even those that have not spoken in favour of this bill have also pointed out the failings of the existing legislation, so I think if there is one thing we can all agree on in this chamber it is that what we have got now is not working. What we got now is not fit for purpose.

Much has been made about things like sex workers possibly having alcohol at work and having a drink with sex. This bill is not about me, but I have to say I may have been guilty of having a drink and possibly getting cosy with my partner afterwards. It reminds me I have been reading this great book, *The Women of Little Lon*. It was written by Barbara Minchinton, and I really commend it to the house. It is a terrific read. It is a book written by a historian and an archaeologist, and they looked at this precinct and the history of sex work in this precinct, which pretty much started with this precinct. When Melbourne was first settled sex workers came. It is a romp of a read and it is brilliant.

But it reminded me of John Pascoe Fawkner, who we all know was one of the founding fathers of Melbourne. Much of Melbourne is named after John Fawkner. Interestingly, he was a teetotaller, but he was also the publisher of the *Port Phillip Patriot and Melbourne Advertiser*. He was scathing of brothels—they set people off dancing in the streets, they were a disgrace, they were disgusting. When you dig a little deeper, the other thing that we know about Mr Fawkner is that he was also a publican, and what he did not like about the brothels was that they sold alcohol. That was what he really did not like about them. And what he also did not like about them was that they sold good alcohol—they sold absinthe, they sold champagne. He was quite often stuck with just colonial wine—I think 'wine' is probably a big stretch for what you would call that drink.

So we have had sex work and we have had brothels around this area. I think Mr Limbrick mentioned the missing mace from Parliament. There was a very brilliant building on Little Lonsdale Street called the Boccaccio, and that is apparently where it found its home. The Duke of Edinburgh, when he came to Parliament, did not stay at the Governor-General's house—I do not think the Governor-General's house was there then. He stayed at Mrs Fraser's on Stephen Street, which was a brothel. He had a woman he was very keen on there, so he stayed there. In fact some wag actually put up the Duke's coat of arms outside the front of the brothel. It is also reported, as I mentioned, that there were lots of debates about criminalising sex work and lots of debates about, 'We must close this industry down; it's terrible, it's terrible, it's terrible'. However, we never did, and in fact what was found and what has been discovered is that many of the landlords of those actual brothels that many of the women rented were elected representatives of this house. While I know I quite cheekily in my inaugural speech said I may have been the first sex worker to stand in this place, many clients had come before me, and it would appear landlords of brothels have also had a seat in this place.

There is this concern about what will happen if sex workers have alcohol and what will happen if we change the mandatory sexual health requirements—it will mean that somehow sex workers will become vectors of disease and will go out there and infect the hapless clients. It is just not true, and it further perpetuates this idea that sex work is immoral, that it cannot be trusted, that sex workers are untrustworthy. You could not possibly think that a sex worker could have alcohol and still look after themselves—that they could offer a client a glass of wine and that they could look after their own health without being told by the government to do so. I would just like to remind everyone that in the 1980s, when HIV landed on our shores, sex workers were the first to start acting on it, the first to be buying condoms in bulk, the first to be insisting on condom use. And may I also note that that was long before any form of sexual health was mandated. It was long before many of those brothels and places where they worked were legal. They were working illegally, and surprise, surprise—no, not a surprise at all—they were looking after their own health.

A lot of people have been concerned that there are going to be sex workers on every corner of the street, that their lovely neighbourhood is going to have sex workers in it, that in some of the apartment buildings around the city there may be sex workers. I am sorry to break it to you: they are there now. While back in the 1800s there was a lot of dancing in the street, there was a lot of live music and there were a lot of folk whooping up a good time, the industry is a lot more discreet these days. I have not

met a client or heard of a client wanting to make a big song and dance about going in to pay for sex; it is not something that necessarily they want to share with the world.

So it is a discreet industry, which is why you are already living next door to a sex worker. You are already living next door to a client. You may be living with a client for all you know. Like Ms Lovell's story: there was her constituent's son, who was a client of a sex worker. She was happy for her son to be a client of a sex worker; she was not happy for the sex worker to be there. This is what I hope this legislation changes, this attitude around sex work.

Just to, I guess, allay the fears of everyone, sex work has been decriminalised in a number of other jurisdictions and nothing happened. It was really boring. We expected some explosion on the streets. We expected something monumental in Mosman and up in Palm Beach. We were expecting something quite extraordinary when they decriminalised sex work in New South Wales. It was a real let-down. Not much happened. Sex worked continued.

I go back to the 1980s. There was not a single case of HIV transmission between a sex worker and a client ever—not in Victoria, not anywhere in Australia—because sex workers look after their health whether it is legal or illegal. Decriminalisation will not change that and has not changed that. It did not change it in New Zealand, it did not change it in New South Wales, it did not change it in the ACT, it did not change it in the Northern Territory and it will not change it here. So I hope that I can allay some of those fears. Full decriminalisation of this business will do nothing more than regulate this business in the same way as other businesses are regulated—in the same way.

In New South Wales I used to speak to Sydney city council a lot about sex work matters, and more recently while preparing for today I got an update. I said, 'Look, how many complaints are you getting about the brothels or sex on premises or people working?'. They said, 'None. We actually don't get complaints about sex workers'. In one particular building they were telling me that there was a sex worker in the building, but the complaint was not about the sex worker, it was about the music teacher teaching piano and, sadly, trombone. Now, that did cause a complaint, but again we have body corporate rules and we have all of these rules that mandate and act around these types of planning policies. This will continue in this piece of legislation. There will still be planning controls, there will still be health and safety controls, and there will be greater WorkCover care controls. I envisage a much better industry, a much safer industry, an industry where people do not have to be scared of saying what they do.

This decriminalisation is supported by Amnesty International. It is supported by the World Health Organization. It is supported by Human Rights Watch. It is supported by Anti-slavery International because decriminalising sex work does not make it legal to traffic people. It does not make it legal to stealth someone. That still remains illegal—absolutely illegal—and it is in the Crimes Act 1958, where it should be. So we are not talking about somehow allowing people to be exploited or trafficked or harmed in any way. We are just saying that sex workers will be treated equally under the law and sex work businesses will be treated equally under the law.

As you know, I could probably talk for a long time about all of this; however, I think just the part I really am pleased about is the changes to the Charter of Human Rights and Responsibilities. This is really important, and I hope that one day we do not need it. I hope that one day the stigma and discrimination that sex workers experience disappears, because I hope actually that we are having a conversation about what consenting adults do and that somehow this actually might change some of our attitudes around sex and sexuality. I hope that this actually helps. I think of Ms Lovell's constituent talking about her son with disability, and I think about talking to a sex worker just the other day who has a masters in sex therapy. She would love to offer her services through the NDIS, but she does not want to tell the NDIS that she is a sex worker. I hope that this legislation will change that. I hope that what we pass today—and I hope we pass it today—will change that. I hope that sex workers can talk to their mothers group about the trials and tribulations of their work. I hope that sex work businesses

are not ostracised and kicked out of Rotary clubs, as we have seen in the past, because of the moral judgement on this industry. I hope that changes.

I do not think we will use the charter's new protected attributes of trade, calling or occupation often, but when it was introduced in the ACT in 1992 or 1993—around then—there was a claim. The first claim that came out was directly to the *Canberra Times*, because the *Canberra Times* used to charge sex workers $15 a line in the classifieds and plumbers $3 a line in the classifieds. It was completely discriminatory, it was completely unfair and it has changed. The most recent case—and I think it goes to Mr Rich-Phillips's contribution—that has been heard in the ACT under this protected attribute of occupation, trade or calling is by a crypto trader who has had his bank accounts closed. He is challenging that closure on the grounds that it was discrimination on the grounds of his occupation, trade and calling, and it looks like he will be successful. So yes, this legislation and this new protected attribute may actually protect other people. It may actually protect other businesses, and I see no harm in that.

What I do know is that this will reduce harm to sex workers. It will reduce harm to the families of sex workers. I know this will change people's lives. I do not know whether people are going to say, 'When I grow up I want to be a sex worker'. Who knows? I did not say, 'When I grow up I want to be a waitress'. Actually I did not grow up saying I wanted to be a politician either, but here I am. This will enable us to have those conversations. This will enable us to ensure that there are good work practices at all levels, that the industry is protected, that sex workers are protected and that their families are protected.

I did not want to mention this, but this idea that somehow I did a deal to get this legislation up is not only insulting to me, it is insulting to every single person who has fought for decades for this legislation. We fought for this. In 2019 the government said, 'Let's look at ways to decriminalise sex work'—in 2019. Now, I am not even sure COVID was a twinkle in anyone's eye then. It was in 2019 that I was asked to look at how we would decriminalise sex work. So to say that I sold myself on pandemic legislation for this—and let us just make a point. The government did not want pandemic legislation, actually. We pushed them into pandemic legislation. So I do not know how they would say, 'We'll give you this if you support pandemic legislation', when the government did not support pandemic legislation until we really pushed the point that we would not support continued states of emergency and we wanted to see specific legislation. So I just make that point.

I look forward to the committee process, and I will speak about the amendments, of which there are many, during the committee process. But I am so proud, and I am grateful, and on behalf of all the sex workers and all of the people who have worked so hard to get this bill to where it is, I commend this bill to the house.

Mr QUILTY (Northern Victoria) (15:09): I will be brief, and I apologise to Fiona for—

Ms Patten: I heard the joke; don't!

Mr QUILTY: jumping in at the end of her. I did not intend it; it was not a deliberate thing. I was not going to speak and then I got inspired by the debate, and I was trying to finish it before Fiona started, but I did not quite get there.

Anyway, the Liberal Democrats did not have a hard moral decision to make when we decided to support this bill. Our position is very clear: a belief in freedom means believing that adults are able to make decisions for themselves, and if people are free, they own their own bodies and they can choose to consent to what they do with their bodies. In the same way that adults should be free to decide what medical treatments they are subject to, they should be free to decide who they have sex with. Just as they should be able to freely choose their employer and their working conditions, they should be free to charge money for services supplied. The Liberal Democrats will always stand for individual choice. It is why we fight against vaccine mandates, it is why we fight for drug law reform and it is why we support sex law reform. We will always be consistent. Freedom, choice and consent should be the

drivers of all human activity, and if that consistency makes MPs from the major parties uncomfortable, good. You should be uncomfortable, pushing your morality onto others.

I do not have to approve of something to support it. It is not my place to sit in judgement on other people's choices. I just have to know that adults are freely making choices to engage in an activity. Governments should be empowering individuals, not repressing them. Let me say that I do not have a problem with the sex industry at all. I am happy it exists. I could talk about consequentialist arguments about why sex work should be liberalised, why prohibition does not work and why these industries are better off out of the black market, but I will not, because individual rights matter and that is enough argument to support this.

Very often I criticise the government—I attack the things they do—so let me take this opportunity to praise them for bringing this forward. This is a step for human freedom—

Ms Patten: This is a red-letter day.

Mr QUILTY: it should be acknowledged—and also to Ms Patten and the Reason Party for steering it through. It is good. The Liberal Democrats support this bill.

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (15:12): I will just take the opportunity to attempt to briefly sum up and put on the record up-front the government's position around some of the flagged amendments. I thank all the speakers in the second-reading debate for their contributions. In advance of the committee and for interested people—I know there is a lot of interest in this bill—can I apologise in advance if the committee stage we go through is a bit clunky. Up until Monday night/Tuesday morning my excellent colleague Minister Stitt had carriage of this bill and was to take it through the committee stage, and through no fault of her own she has to isolate this week—so I have been called in without, I suppose, the opportunity that Minister Stitt has had. She has done a lot of work, a lot of study, on this bill. But we will not adjourn the bill. I just want to let the committee know that it might be a bit clunky, but as I have said before in this chamber, if we all stay calm, we can get through anything, and I am sure we will.

This bill repeals the Sex Work Act 1994 to decriminalise consensual sex work between adults, abolish the sex work licensing system, legalise street-based sex work in most locations and regulate sex work businesses through mainstream regulators. Sex work is legal in Victoria, and the bill will ensure sex workers have access to the same rights as any other Victorian employee regardless of the work they do themselves for a small employer or a large company. The legislation will be complemented by non-legislative reforms to the public health framework and planning controls.

I would just like to touch briefly on some of the amendments flagged during the second-reading contributions. I thank members for flagging their amendments. The opposition has proposed an amendment to release Ms Patten's report to the Victorian government, which made recommendations on the decriminalising of sex work. Participants engaged in Ms Patten's review on the basis that it was and would remain confidential. Participants have expressed to the government their privacy concerns about the report, even a redacted version, being released in public. That is a commitment we will keep. We will keep Ms Patten's commitment to those people that it will not be released. I know Mr Ondarchie flagged that the opposition will not support this bill unless that report is released via his amendment. I have got to say that a lot of opposition members said that they were not going to support this bill whatsoever, so I think there were some conflicting contributions about which way the opposition are going to go on this bill.

Mr Meddick has proposed a number of amendments covering six main themes. We understand his concern about the bill's limitation on street-based work and have sought to balance the strong and diverse stakeholder and public views on this issue. On sex work advertising regulations, the bill implements significant repeals to industry-specific regulations. The government has committed to a stakeholder review of the regulations and will ensure the voices of those with lived experience are

closely engaged. In relation to the destruction of the small owner-operator register, I can confirm this will be destroyed in accordance with the Public Records Act 1973. Can I add on behalf of the government that I can assure Mr Meddick the government will destroy the register in accordance with the Public Records Act. The department can brief interested stakeholders on the process and keep them updated as the register is destroyed.

We do not agree with specific sex work as a protected attribute against discrimination. By introducing protection against discrimination based on profession, trade and occupation, sex workers will be protected now and into the future as the industry evolves. The definition of 'sex work': the bill draws on existing definitions in Victorian legislation, importantly ensuring that those who are forced or coerced into sex have access to justice. In stipulating drugs as a form of reward for sex work, the bill ensures that workers in those types of arrangements are not excluded in seeking justice under the Crimes Act 1958.

Mr Grimley proposed a number of amendments covering two main issues related to the statutory review of legislation and the introduction of an industry certification system, including a criminal penalty for non-compliance. The introduction of an industry-specific certification system essentially maintains the current licensing and regulation system and is fundamentally at odds with what this bill is doing, which is decriminalisation. There is significant evidence that the current system is not working to protect sex workers. In fact it undermines sex worker rights and erodes working conditions. Establishing a similar licensing system, albeit with slightly different criteria or procedural requirements, would result in a continuation of the current harms. Further evidence demonstrates that the certification of brothel managers is not effective, and for practical reasons a certification process is not able to consider what makes a person a good brothel owner. There are no examples of certification systems that effectively guarantee a person will provide a safe workplace or promote staff wellbeing.

In relation to the statutory review, under the bill it must be undertaken within three to five years after the commencement of stage 2, and importantly it must be tabled in the Parliament. The proposed amendment is inconsistent with the Victorian Law Reform Commission Act 2000 and sets out the limited circumstances in which the VLRC can undertake a review. As such, the proposed amendment cannot be adhered to by the VLRC. Mr Grimley, can I, on behalf of the government, put on record in regard to this particular issue—which I understand you have a concern with, and I understand that you have your very valid reasons—that I can commit that if our government is in government when this review takes place within the legislated framework, it will be conducted by relevant government departments. Given the wide scope of governing legislation once the Sex Work Act is abolished in tranche 2 of the amendments, these governing bodies will include: WorkSafe, Victoria Police, the Business Licensing Authority and other relevant government and non-government agencies.

Dr Cumming's amendment seeks to essentially maintain the health settings under the current regulatory model. There is significant evidence that the bill's current provisions will not negatively impact workers' behaviour or health. The bill will be complemented by non-legislative support to promote safe sex practices and access to health care and testing to ensure sex workers have the tools they need to make safe choices. Feedback from the workforce has been that sex workers have a vested interest to maintain their sexual health and they are highly capable of doing so. Current evidence indicates that mandatory testing does not improve rates of sexual health testing among sex workers.

With respect to preventing sex workers from creating a risk to the public, there are existing powers under the Public Health and Wellbeing Act 2008 in addition to the brothel and escort agency provisions being retained until stage 2. They are available to manage any serious risks to public health related to transmission of notifiable STIs during the transition to decriminalisation after 2023. They include public health orders, which could be used if there is a serious risk to public health constituted by an infectious disease or the combination of an infectious disease and the likely behaviour of a person.

In summary, the contributions of members have shown there are a diverse range of views on the issue of decriminalisation. The bill will deliver strong protection for Victorian sex workers under the decriminalised model. It is a result of a thorough review by a member of this Council, Fiona Patten, and extensive public stakeholder consultation. I am confident we have found a balance of community concerns while delivering, most importantly, decriminalisation for Victoria's sex workers. So in closing, the government believes that sex workers should be treated, regulated and protected the same as any other worker, and I think that is a simple message that I will be giving during the committee stage. I look forward to all questions and once again ask everyone for their patience, but we will get through it.

House divided on amendment:

Ayes, 12

Bach, Dr	Crozier, Ms	Grimley, Mr
Bath, Ms	Cumming, Dr	Lovell, Ms
Bourman, Mr	Davis, Mr	Maxwell, Ms
Burnett-Wake, Ms	Finn, Mr	Ondarchie, Mr

Noes, 21

Barton, Mr	Limbrick, Mr	Shing, Ms
Elasmar, Mr	Meddick, Mr	Symes, Ms
Erdogan, Mr	Melhem, Mr	Tarlamis, Mr
Gepp, Mr	Patten, Ms	Taylor, Ms
Hayes, Mr	Pulford, Ms	Terpstra, Ms
Kieu, Dr	Quilty, Mr	Tierney, Ms
Leane, Mr	Ratnam, Dr	Watt, Ms

Amendment negatived.

House divided on motion:

Ayes, 23

Barton, Mr	Limbrick, Mr	Shing, Ms
Elasmar, Mr	Maxwell, Ms	Symes, Ms
Erdogan, Mr	Meddick, Mr	Tarlamis, Mr
Gepp, Mr	Melhem, Mr	Taylor, Ms
Grimley, Mr	Patten, Ms	Terpstra, Ms
Hayes, Mr	Pulford, Ms	Tierney, Ms
Kieu, Dr	Quilty, Mr	Watt, Ms
Leane, Mr	Ratnam, Dr	

Noes, 10

Bach, Dr	Crozier, Ms	Finn, Mr
Bath, Ms	Cumming, Dr	Lovell, Ms
Bourman, Mr	Davis, Mr	Ondarchie, Mr
Burnett-Wake, Ms		

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (15:35)

Mr ONDARCHIE: With your permission, Chair—and I seek the Minister for Local Government's agreement—I have a lot of questions to ask through the whole of this bill, from clause 1 through to clause 83, but with the consent of the minister I am happy to deal with all of those in clause 1 should the minister consent.

The DEPUTY PRESIDENT: The minister is happy with that, so we might deal with the questions on clause 1 before we move any of the amendments to clause 1.

Mr ONDARCHIE: Minister, in my second-reading speech I related the fact that the government had indicated on a number of occasions and certainly through their second-reading speeches that the strength behind this bill was the result of an inquiry that had been undertaken by Fiona Patten of the Reason Party. Minister, have you seen that report?

Mr LEANE: The report was used as the basis for a submission by the minister responsible, the Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister Horne, for the cabinet to go through the recommendations, and the outcome was that the majority of the recommendations were accepted in principle or accepted fully. The previous consumer affairs minister to the one now appointed Ms Patten to do this work, and there was a commitment that the people that had given submissions to this particular report would have anonymity. So that was always the basis of the work being done by Ms Patten. I really want to acknowledge and thank everyone that contributed to Ms Patten's work and of course Ms Patten, and the result is the bill that was created out of that work, which we are debating now.

Mr ONDARCHIE: Minister, whilst not directly answering my question, are you confirming that cabinet have seen that report?

Mr LEANE: Mr Ondarchie, I think my answer stands for itself that cabinet did have the recommendations, which were reported in a submission by the minister responsible, to have a discussion, and the discussion led to accepting some recommendations—and there were a lot of recommendations as well—completely and some in principle, which helped perform the drafting of this bill to enact what we believe is an important reform.

Mr ONDARCHIE: That is probably the closest to the political answer I have ever seen. Minister, are there any members of the government party that are not in cabinet that have seen this report?

Mr LEANE: Mr Ondarchie, as far as the report goes we kept a commitment—to not make this report public—to the people that actually contributed to this important piece of work. We keep discussions around the recommendations cabinet in confidence, but I can only reiterate that this particular report is obviously a great piece of work, because it has resulted in the drafting of the bill which we are debating here today.

Mr ONDARCHIE: Minister, I did not ask you in any of my three questions why this has not been released to the public. I have not asked that at all. I am simply asking which sworn members of Parliament on the government side—indeed I can change the nature of this question so I am not repeating myself. Minister, which sworn members of Parliament who reside in this chamber have seen the report?

Mr LEANE: It kind of feels like that text message thing that was debated in the federal Parliament recently, and who did that? Mr Ondarchie, the appropriate cabinet processes were gone through as far as this report goes, being a cabinet-in-confidence document, given there was a commitment to the people that contributed to it that it would not be made public. Mr Ondarchie, you can ask me about numbers and people all day, and I will give you the same response: that this report was used—partly—as a basis to form the legislation on the decriminalisation of sex work which we hope to get through today.

Mr ONDARCHIE: I will take that as a confirmation, then, that some but not all of the members of this house have seen this report, which makes it interesting that the government is asking us to pass legislation based on a report that not all the people who are making a decision about this have seen. One wonders why a government that often—maliciously, I think—talks about transparency will not be transparent about this. In fact my reasoned amendment would have given them the protection they were looking for—to redact and de-identify any elements of that report so that you could then deliver

on the commitment you made to those people who were part of the inquiry. One wonders if there is an actual evidence base for that, but I will come back to that.

Minister, there are a number of recommendations that have been put forward as part of this legislation—I have not seen the recommendations, but in the legislation—that the minister's own ministerial advisory committee have disagreed with. Why has this legislation gone in contrast to what the ministerial advisory committee had recommended?

Mr LEANE: Mr Ondarchie, this was a comprehensive process which we asked one of the members of this chamber to head, and there were a number of submissions and a number of conversations. There were 528 stakeholders alerted as far as consultation goes. There were 101 face-to-face meetings with important stakeholders. There were surveys which were responded to and received through the Engage Victoria platform. There were 156 written submissions that were received through the Engage Victoria platform and through emails to the Department of Justice and Community Safety. So there was a comprehensive process.

I appreciate that there are certain individuals and bodies that may not agree completely with all the provisions that have come out of this work that are part of the bill, but the government stands by this process and it stands by this bill. I take previous comments around transparency and so forth, but there are points where government and a committee have to give an assurance, and they gave an assurance to people giving submissions to this particular report that this report would not be publicly released, whether it be redacted or not, because there were individuals that were concerned that it could not be redacted so that they could not be identified from their contribution. We stand by the work that has been done on this report and we stand by the end result, which is this bill.

Mr ONDARCHIE: Minister, apart from Ms Patten, what other elected representatives of the people of Victoria sat on that review and gave recommendations?

Mr LEANE: It was just Ms Patten.

Mr ONDARCHIE: Minister, let me then take you to some specific items in this bill, given that the responses thus far have been opaque at best. In summing up the last little bit before I get to those clauses, given Ms Patten was the only elected representative in the whole of this Parliament, 128 people, is the message of the government that Ms Patten's view of what needed to be done was more important than the minister's own ministerial advisory committee?

Mr LEANE: I think I will just take that as a comment. I am not going to be drawn into who thought what and so forth. I will just take that as a comment.

Mr ONDARCHIE: Minister, who else did the government consider—other MPs—to be a part of this review?

Mr LEANE: I suppose that in consideration to be part of or to lead this review Ms Patten has never not been open about her life experience and never not been open about the views that she has gained through life experience. I think if the opposition are saying that from time to time the government should not draw on expertise—

Mr ONDARCHIE: I did not say that.

Mr LEANE: No, well, I am answering the question. I think you are trying to infer that the government should not from time to time call on expertise of other members of this chamber or the other chamber because of their actual life experience.

Mr ONDARCHIE: Do not verbal me, Minister. I did not say that.

Mr LEANE: I think you have had a go at verballing me a few times.

Mr ONDARCHIE: It is blatantly obvious that they did not consider anybody else, and we cannot get to the grounds of why there were no other elected representatives, of the 127 other people across both houses, that were considered. One can draw their own conclusion from that.

Minister, I take you to—as I said, we are going to do all of this in clause 1 as you agreed—an element in clause 4 that talks about a review somewhere in the period of three to five years. But in the briefing the department would not confirm whether it would be after three years or four years or five years or if stakeholder groups would be involved. When is it going to occur, and will it involve stakeholder groups?

Mr LEANE: Yes, Mr Ondarchie. This review will be undertaken after the second stage has been enacted. I am sorry, Mr Grimley, I may be stealing a bit of your thunder in answering one of your amendments, but as the representative of the government in this committee stage I can confirm and put on the record that the review will include a number of stakeholders, which include WorkSafe, Victoria Police, the Business Licensing Authority and other relevant government and non-government agencies.

Mr ONDARCHIE: Minister, clause 8 looks to repeal section 18A of the Sex Work Act 1994, which talks about the determination for sexually transmitted infection and tests being removed, if I could paraphrase. Why is that? Why do they have to be removed? If the government have been talking about, as they do often, the protection, safety and health of workers, why are they taking this element out?

Mr LEANE: Mr Ondarchie, the general tenet of this amendment is that sex workers get treated the same as any other workers and come under the same regulations, come under the same responsibilities and also, importantly, come under the same protections as any other worker. So this part of this amendment affords the reality that sex workers, as far as their sexual health is concerned, could be the healthiest people in our community, given that it is very important to them in the line of work they are in to be cautious about their health. If you look at other jurisdictions—and I know some changes like this people think are outrageous—as Ms Patten said in her contribution, this change has been in place in New South Wales for over 20 years, and as far as other jurisdictions go which were looked into when developing this bill, there has been no adverse effect whatsoever. There has not been any great or even further transmission of STIs because of those changes. Hopefully that answers your question.

Mr ONDARCHIE: I have just one more question before I have a pause and then hand over to my learned colleagues to ask some questions on clause 1. Just on that, I did not ever suggest that this was outrageous, Minister. I was just trying to seek an explanation, because we could not get one at the bill briefing. Minister, clause 28 creates a section 38A in the Summary Offences Act 1966 that talks about a law that will come into place where:

> … a person must not intentionally solicit or invite any person to engage in sex work in a public place that is at or near the following premises—
>
> (a) school premises;
>
> (b) education or care service premises;
>
> (c) children's services premises.

Could you define what 'near' means to us, please?

Mr LEANE: Thank you, Mr Ondarchie. The term 'near' does not have a fixed legal definition. It is currently used in similar street-based sex work offences under the Sex Work Act 1994. If an offence is disputed on the basis that the conduct did not occur near one of the specified locations, then this will be a matter to be determined by the courts. Recent case law indicates that the courts may consider more than just the physical proximity in determining the nearness of a person or a loitering offence. For example, consideration may be given to how busy the area is, as well as the objective facts around the person's premises. As outlined in section 32 of the Charter of Human Rights and Responsibilities, all statutory provisions must be interpreted in a way that is compatible with human rights insofar as is

possible to do so consistently with the purpose of this bill. The bill's purpose is to decriminalise sex work and provide for the reduction of harm to and decriminalisation of sex workers, and this will be considered in any interpretation of the word 'near'.

Mr ONDARCHIE: Thanks, Minister. The Police Association Victoria, as do the Australian Sex Workers Association, want an objective definition of the word 'near', and we do not have that yet. So what is your response to them?

Mr LEANE: I stand by the answer that I gave to your previous question, Mr Ondarchie. As I said before, there may be some different bodies that have some issues with this particular bill, but we think it strikes the correct balance for the community and the objective of decriminalising sex work.

Mr ONDARCHIE: Minister, still on this same clause—I will hand over to my colleague shortly—as outlined in clause 28, the bill defines this as school premises, education premises or children's services premises. Why is it just those three?

Mr LEANE: Mr Ondarchie, I explained before some of the extensive consultation that was had in developing this bill, taking into account concerns from some of the community, which identified these particular locations.

Mr ONDARCHIE: Thank you very much, Minister. Then why doesn't it apply to other precincts, like a children's playground, like an elderly citizens facility, like a church, like a convent, like a retail precinct, like Parliament? Why aren't they included in considerations associated with this clause?

Mr LEANE: Look, it is the balance that was identified in this particular part of the bill. I think the aspirations are to decriminalise sex work and have sex workers actually treated the same as any other worker. We found that this was one of the balances that we could strike that was identified through the consultation on these particular three locations. Those other locations were not necessarily indicated, so we think that we have struck the right balance.

Mr ONDARCHIE: It is interesting then that the government seemingly are okay with this element of the bill and with these activities being within the area of a playground, within the area of an elderly citizens home or within the area of a retail precinct or a church or a convent or somewhere else that is not specifically these three. Could it be at a sporting ground while the kids are playing cricket, for example? Could it be alongside an A-League game at AAMI Park? Could it happen there? I think there is a danger for the government, if this is your true intention, to just limit it to those three and not think about other areas as well.

I have a further question, Deputy President, but I am conscious of the fact that you are about to suspend the chamber for a small period of time to allow for a COVID clean. May I suggest to you that I hold this question and you suspend now, because this question is going to go beyond the time that—

Mr LEANE: Can I respond? I know that was a comment, but I am just going to respond to the comment with a comment that I think the concern around those particular areas is weighted towards it being about societal expectations around the three locations identified. But to suggest that there is a danger assumes that sex workers are dangerous. That is not what we are indicating.

The DEPUTY PRESIDENT: Minister, I do not think it is helpful to put words in anybody's mouth or to misrepresent what they say, so we will allow people to speak for themselves and to be interpreted by the written record.

Sitting suspended 3.59 pm until 4.17 pm.

Mr BOURMAN: Minister, I want to drill down around locations and things like that a little bit. It is set out relatively straightforwardly in the bill, but there are a whole lot of things that I do not know are covered. They may be, but they may not be. We have covered things like religious events and things like that, but what is going to happen if you want to do the thing around youth groups—nippers, Auskick—where there are children, basically school events that are away from school? We will get

into the prescribing of those sorts of things later, but I am not entirely sure how things that are not in a regular educational setting are going to be affected by this, so if you could explain that.

Mr LEANE: Mr Bourman, some of the response I gave to Mr Ondarchie before we had a break. There has been consultation around these particular locations where there are not to be sex workers near during a number of hours. We mentioned before basing the legislation on different jurisdictions. What has been prescribed is not dissimilar to what has been in New South Wales for 20 years, and there have not been any great concerns about what you may or may not be concerned with, Mr Bourman—I am not putting anything into your mouth or into your thoughts.

Can I just confirm that there will be an offence for sex workers and their clients to loiter, solicit or invite for the purpose of sex work at or near, given the definition we had before, a place of worship, a school, an education and care services premises or a children's services centre. The offence will apply between 6.00 am and 7.00 pm daily. The offence will also apply at or near places of worship for the entire day on the prescribed religious dates.

Mr BOURMAN: Thank you, Minister. I do not think I actually got an answer that I can work out from there about things that are not in the normal childcare setting. When you think of a school camping trip, you go to Port Campbell or whatever it might be and you do your thing there. I think these are reasonable concerns. I might put on record my concerns with this whole thing are not the prostitutes themselves—the sex workers, whatever you want to call them. I dealt with a lot of them in the force back in the day, and I would say that the vast majority of them were people just making their way in life the way they needed to. But I think the way we are doing this here, there is enough wriggle room for—how shall I put it?—bad actors to create issues. I do not think the world is going to fall in, but I think about things like weddings and funerals and things like that and whether people are going to be allowed to solicit out the front of them. Funerals happen during the day. Weddings happen at all sorts of times. Then we get to the point of the hours when they are not allowed to solicit around prescribed areas. It is, I think, 6.00 am to 7.00 pm. What about synagogues? They generally work on a Friday sundown to Saturday sun-up arrangement, which particularly in summer is well and truly after 7.00 pm.

Mr LEANE: I will go to the box for further clarification around synagogues, Mr Bourman. Getting back to that, these sorts of provisions have been in place in other jurisdictions and in particular in the state of New South Wales for a couple of decades now. There was no concern brought about sex workers soliciting around some of the events that you describe, and it has not come up in any of the consultations—or concerns around that. I do not know if they are the sorts of events that would be a good place for these particular workers to solicit work, so I think it is sort of counterintuitive. But let me double-check the response around the synagogues.

Mr Bourman, the holy days around different religions will be set in regulations, and there will be a whole lot of consultation with religious groups and others, so they can put their views in that consultation. It is envisaged that the holy days will include a 24-hour process on those particular prescribed days, given your concern around after 7.00 pm.

Mr BOURMAN: Thank you, Minister. Going down the Jewish faith, which I have a little bit of knowledge about, you have Pesach, you have Yom Kippur, you have these other holidays and things like that, which I can see are easy enough to prescribe. But notwithstanding that it is a good business model, this idea I have heard, a lot of churches will also hold services after those hours, not necessarily as part of a high holy day.

I was doing some research, and it is not common but also not unheard of for some churches to run night services for whatever reason on nights that are not a holiday. I will make it a statement more than a question, because I could just ask you about every single one. I think this was an opportunity missed in this bill to just tighten that up a little bit so that there are no real concerns about the whole thing.

And just on the subject of prescribing places, how is it envisaged that is going to work? Who is going to let the police know? Who is going to let the sex workers know? Who is going to let the council know? Is there a mechanism envisaged to let people know what is and what is not okay, and what is that mechanism?

Mr LEANE: Mr Bourman, I appreciate that was a comment. On your comment around development, and as far as different holy days of different religions go, that will be fleshed out in the consultation and eventually worked through in the regulations, but I will get an answer from the box in terms of the nuts and bolts of the implementation.

Mr Bourman, it is based on, I think, a bit of common sense. The visibility of these particular facilities is clear—with the schools there are school signs. I think it is not going to be hard for any authority to determine where these particular facilities are. And that also goes for the practitioners. I think it is pretty clear what these locations are.

Mr BOURMAN: Thank you, Minister. You can take this as kind of a statement too. I think it is not fair to the sex workers, because in most instances you will be right, but in some instances some childcare centres are in private houses, and it may not be easy for them to tell. In the interests of making it fair for all I think that the prescribing of an address must be easily available for all involved.

Mr LIMBRICK: I would just like to follow on with this question about prescribed locations. If the intent of the bill is to treat sex work the same as other work, why is it necessary to prescribe times and locations in this bill? If I can think of an example, if I was going to stand out the front of a school with a table and set up a shop selling things out the front of the school, I imagine someone would come and tell me to move on, and I imagine that would be the same with sex work or any other type of business that I wanted to do on the street out the front of a school. So why was it necessary to come up with something specific for sex work in this case?

Mr LEANE: That is a very fair question, Mr Limbrick. I think that we had to take into account a wide range of views. I agree with you to the extent the aspiration is to treat sex workers as other workers as far as the rights they have are concerned—the rights to criminal justice, the rights and the responsibilities around the Occupational Health and Safety Act 2004—but this is about a community consultation, and this is where the balance landed.

Mr BOURMAN: Minister, I am going to move on to another subject at the moment, and it gets down to payment. I want to be corrected. I have read—and I have forgotten what the section is—that as payment for services rendered a drug of dependence is okay. Is that correct?

Mr LEANE: I think it goes to making sure that all sex workers have the rights to criminal justice, and that comes under how some sex workers may be—and this is the terminology—given a reward rather than money or a cash transfer. So it is really about forms of reward that determine that that person, despite not getting cash, is a legitimate sex worker and deserves protection in terms of the right to criminal justice if anything happens to them in their role as a sex worker.

Mr BOURMAN: Thank you, Minister. I do not want to put words in your mouth, but is that a yes?

Mr LEANE: Mr Bourman, I suppose we are working through the reality of what is happening in our society without putting our head in the sand. This is from part of the consultation that we had—that these instances may occur. Our goal through this bill is to afford sex workers the same rights, particularly to criminal justice, as any other worker, and this reward system is deemed a form of payment to make sure that they get criminal justice as deemed as a sex worker.

Mr BOURMAN: Thank you, Minister. I am going to take that as a yes, because my next question is—assuming that is okay and that I have got it right in this bill—about how the definition of 'trafficking a drug of dependence' would fall under it. What I can see as a problem is that what will be legal in this instance will actually be caught under another statute. I mean, if the government wants to do this, it is going to get through, but it puts a large amount of doubt onto whether that can work,

because if someone is paying for something with a drug, they are transferring that drug for money, for services or whatever, which is trafficking for want of a better term. I mean, you can traffic drugs for free if you want; the payment is not necessary. But that transfer of the drug from one person to another would be deemed trafficking. So it might be okay in this, and it is a reality—I am not disputing that—but I can see a problem down the track. If I am not completely mistaken, they will be caught up under—I cannot remember which—the Drugs, Poisons and Controlled Substances Act 1981 or the Crimes Act 1958. Again, you can take it as a statement or a question, but I think there is quite a large problem there.

Mr LEANE: Before I take it as a statement I will just check with the box.

Mr Bourman, none of the crimes of drug trafficking are amended in this bill. We just wanted to make sure we caught what may be, as I said, payment that we deem as a reward to make sure that sex workers who get this form of payment are deemed as sex workers as far as the criminal justice system goes.

Mr BOURMAN: Thank you, Minister. I hope you are right. Time will tell. Moving on from that—I am not going to flog that forever—clause 27, on page 9 of the bill under 'Amendment of Summary Offences Act 1966', is headed 'Section 18 repealed'. I had a look at section 18, and it is to do with offensive behaviour of people in a motor vehicle. Now, on first glance I do not actually understand why this is part of the bill.

> A person is guilty of an offence if—
>
> (a) the person uses words, or makes a gesture, while in a motor vehicle; and
>
> (b) the person does so within the view or hearing …

and it goes on with the penalty units and that. But it is about words or a gesture whilst in a motor vehicle. I have got the act here if it helps. But I am kind of a little bit lost as to the relevance, and then, if it is relevant, I am kind of completely lost as to how it is relevant. So if I could get an explanation of that, thanks.

Mr LEANE: Mr Bourman, do you mind if we come back to you later in the committee stage with our response?

Mr LIMBRICK: As I indicated earlier, with the consent of the minister, I will acquit all my questions in clause 1. My first questions relate to clause 3, which is around potential conflicts with local laws made under the Local Government Act 2020. Would it be possible for the minister to provide some examples of the types of local laws that might conflict with this legislation?

Mr LEANE: Thank you, Mr Limbrick. The feedback received during the consultation was that clarification was needed about the role of local governments following the decriminalisation, given the broader powers available and potential community expectations. This clause provides clarification in that area. The explanatory memorandum provides further background. The intent is to provide that local laws are required to be consistent and not in conflict with or undermine the purpose of the policy intent of the bill. For example, a local law could not re-enact a provision that is repealed by this bill or provide for sex worker businesses to be treated differently to other businesses. Examples of provisions that are repealed by the bill include those requiring businesses to be licensed or registered, those relating to street-based sex work and those relating to mandatory distancing between sex work businesses and other land use groups.

Mr LIMBRICK: I thank the minister for his response. If a local government were to enact some law, what would be the effect of them breaching that? What would happen in that case?

Mr LEANE: Thank you, Mr Limbrick. The intended effect is that such a proposed local law would be found not to meet the local law requirements under section 74 of the Local Government Act 2020 and thus would not become a local law. If an error is made, a non-compliant law may be revoked by the local government themselves or by the Governor on the recommendation of the Minister for Local Government. Furthermore, a person can contest the validity of a local law at a court.

Mr LIMBRICK: I thank the minister for his answer. During this consultation was it found that there are existing local laws that would conflict with this bill and therefore would have to be repealed immediately?

Mr LEANE: That is a very good question, Mr Limbrick, and potentially there may be. So there is going to be a process that will be led by the Department of Environment, Land, Water and Planning, DELWP, as far as consultation with local governments about how those local laws need to be amended goes. There will be a process, and part of it is during the process around the planning laws, which, as far as your question goes, could mean that potentially some existing by-laws could be in conflict with this legislation during that process.

Mr LIMBRICK: I thank the minister for his response on that. What body or regulator would be responsible for ensuring compatibility between local government laws? The minister mentioned that someone could challenge it in court or that the local government minister, who is the responsible minister, could recommend that something be removed, but I imagine that this is quite complex with a large number of councils, so someone would have to coordinate this to make sure that this is compatible. How would that work?

Mr LEANE: Thank you, Mr Limbrick. Through the process with DELWP, as cases are identified there will be consultation with local governments about any by-laws or any local government laws that will be in conflict with this bill. We envisage the consultation process to involve peak bodies, Local Government Victoria, the department and a number of other stakeholders in that area to ensure that we support local governments in getting this right.

Mr LIMBRICK: I thank the minister for his answer. I will move on to a different topic, as I have covered everything about local laws that I would like to cover.

Clause 7 talks about altering advertising restrictions. One of the concerns that we had here was around ensuring that, like with any business when they advertise something, they can advertise what the product or service is that they are advertising, the price, conditions and this sort of thing. How will it be managed so that people who are offering these services can advertise those things that would be required for any other type of business that was offering those services so that consumers are able to properly transact and consent to that service?

Mr LEANE: The bill makes significant changes to the advertising controls in the current act. These changes will come into effect in stage 1 and mean that many of the sex industry specific advertising regulations will be repealed, and therefore providing sex workers with more safety and freedom in how they provide their services. In addition, as publicly committed to by the government, further advertising regulations contained in the Sex Work Regulations 2016 have been reviewed, and they will be amended to align with the objectives of decriminalisation. The amendments will ensure that the sex work industry is not subject to explicitly discriminatory advertising controls and instead is regulated in a manner consistent with similar industries, as you have mentioned, Mr Limbrick, in your question. Amendments to the Sex Work Regulations are still under development and will progress upon, hopefully, the passage of this bill. These amendments are expected to take effect at the same time as the commencement of stage 1 of the reforms of the bill.

Mr LIMBRICK: I thank the minister for his answer. Could I summarise that by saying that, similar to any other business where it is required to show the conditions of the transaction that you are about to perform, it would be the same for sex work as well?

Mr LEANE: Yes, that would be the case.

Mr LIMBRICK: I thank the minister for that clarification. I would like to move on to clause 15 and to clarify something about this, where it is talking about warrantless searches of unlicensed premises. Could the minister please explain the intent and effect of clause 15?

Mr LEANE: Because of the framework being removed as part of this bill and because the police will treat it as any other private premises around that, it will not be a licensed premises anymore because the licence will be removed.

Mr LIMBRICK: I thank the minister for his answer. So would I be correct in saying that this is basically a clean-up for something that is now redundant?

Mr LEANE: That is correct.

Mr LIMBRICK: Okay. That makes total sense. I would like to move on to clause 34. It has been put to me in consultation—and this is referring to the new protected attribute in the Equal Opportunity Act 2010 of profession, trade or occupation—that 'sex worker' is not the only occupational title that would potentially be discriminated against. I would just like to get clarification around other job titles, such as—the examples given to me are—escort agency driver, brothel manager, escort agency receptionist, stripper, exotic dancer and adult product bookshop retailer. Is the intent of the government that these are all included?

Mr LEANE: Thank you, Mr Limbrick. That is a very good question. The intent of the clause is to protect all persons from discrimination based on their profession, trade or occupation, regardless of what their profession, trade or occupation is. So that would encompass those examples. It is not intended to apply solely to sex workers or professions, trades or occupations within the sex worker industry. For the avoidance of doubt, the explanatory memorandum of this bill clarifies that the new attribute is intended to address discrimination against sex workers and other persons based on their participation in sex work as a profession, trade or occupation.

Mr LIMBRICK: I thank the minister for that clarification. I would like to touch on something that was brought up by me and I think Mr Rich-Phillips during debate, being the potentially unintended consequence of this protected attribute: that it would protect other business types as well. Now, this is actually something that I have had a lot to do with, in industries such as were mentioned in the second-reading debate, such as cryptocurrency traders, vape shops, firearm retailers and gold dealers. These are all industries that, along with sex workers, have been suffering discrimination from financial services providers. Is the intent of the government that not only sex workers would be covered by this new protected attribute but that all of these types of professions would be covered by this attribute?

Mr LEANE: Thank you, Mr Limbrick. If it is legal, yes.

Mr LIMBRICK: I thank the minister for that answer. I am sure many people will be happy to hear that. Now, one thing that has been brought to my attention is in the ACT they have a similar definition of 'profession, trade or occupation', and it has been interpreted very, very narrowly, it is my understanding, as the job descriptor. So it protects the job description but does not actually protect the activities undertaken in that job. Is it the intent of Parliament that it would capture not just someone's professional title but also the activities that they may undertake?

Mr LEANE: The new protected attribute is intended to operate to protect persons against both direct and indirect discrimination on the basis of their profession, trade or occupation. So section 6 of the Equal Opportunity Act prohibits discrimination on the basis of a listed attribute in a specified area of activity. Part 4 of the Equal Opportunity Act lists the specified areas of activity. This includes division 4, 'Discrimination in the provision of goods and services and disposal of land'. Guidance on the application of the new protected attribute will be provided by the Victorian Equal Opportunity and Human Rights Commission (VEOHRC).

Mr LIMBRICK: I thank the minister for that clarification. I have no more questions for the moment.

Dr CUMMING: I guess I would like to start by just saying that I am a big fan of our current act, which is the Sex Work Act 1994. I am really happy with this act, so I actually struggle a lot with this current bill, because I feel that there are a lot of things that are missed in repealing our current Sex

Work Act 1994. I think it is very well written. If only there were others in this place that wanted just to amend our current Sex Work Act 1994, because I think there are a lot of things with merit from the bill that we have before us, which is the Sex Work Decriminalisation Bill 2021. One of them is around, in the current act, causing or inducing a child to take part in sex work. In the current act it is a level 5 penalty, imprisonment of 10 years, but in this new bill it is actually a level 4 and it is 15 years. The improvement of having a more lengthy penalty within this bill I 100 per cent agree with. But I do struggle; I feel that we could have amended the current act, we did not need to repeal it. That is just me from the onset.

I guess my first question to the minister is this: one of the things that I picked up on is a change from the current act, which is the Sex Work Act 1994, and what I can see is a difference in this new bill. I will read them both so that you can see the difference. Under 'Causing or inducing child to take part in sex work' the current act says:

> (3) In a proceeding for an offence against subsection (1)—
>
> (a) it is not necessary for the prosecution to prove that the accused knew that the person concerned was a child; but
>
> (b) it is a defence to the charge for the accused to prove that, having taken all reasonable steps to find out the age of the person concerned, the accused believed on reasonable grounds, at the time the offence is alleged to have been committed, that the person concerned was aged 18 years or more.

In this current bill, which is a big change for me, it says:

> (2) In a proceeding for an offence against subsection (1)—
>
> (a) it is not necessary for the prosecution to prove that A knew that B was a child; and
>
> (b) if B was aged 16 years or more at the time the offence is alleged to have been committed, it is a defence to the charge for A to prove that, having taken all reasonable steps to find out the age of B, A believed on reasonable grounds, at the time the offence is alleged to have been committed, that B was aged 18 years or more.

Minister, is it actually saying within this bill that you believe that sex workers will be 16 years and above?

Mr LEANE: Dr Cumming, the answer is no. The legislation is based on people being an adult, and the definition of 'adult' is 18 years and over.

Dr CUMMING: Minister, just to go on with this clause, then, this is obviously talking about an offence. Under the new bill it says, 'Agreement for provision of commercial sexual services by a child' and in the current act it is in the same vein but is 'Causing or inducing child to take part in sex work' or 'Obtaining payment for sexual services provided by a child'. They are the headings within the Sex Work Act 1994. Why is there a difference, Minister, for the purposes of an offence being committed, if they find out the child was aged 16 years or over? Under the offence of causing or inducing a child—which I would consider as being under 18, for sex work especially—to take part in sex work or commercial sexual services or allowing a child to take payment for sexual services provided by a child, why is it okay here that if it would seem that the person who is a child is 16 they can create that defence?

Mr LEANE: Thank you, Dr Cumming. I am sure I can alleviate your concerns that the crimes in relation to children in the Sex Work Act are replicated in the Crimes Act through this bill. So your concern around that age and insofar as you are wedded to the old act—actually what we are doing through this bill is replicating it in the Crimes Act.

Dr CUMMING: Minister, I believe the Crimes Act would probably talk about sexual offences with a person under the age of 18 and being 16, and I am seeing little nods from your box. But to me it would seem that there is a differentiation—between a child being possibly induced into sex work, so there is a commercial arrangement—in the current act, which is talking about you having to be over 18, but a sexual offence, as in, you know, under 16. I struggle to understand why you did not keep the

stronger Sex Work Act 1994, where you had to be 18 years and over. I understand what you are saying, but this is talking about a sex worker or inducing a child and being paid, rather than just a normal act of having sex with a minor—or someone between 16 and 18. Do you know what I am getting at?

Mr LEANE: Dr Cumming, I think I will take that as a comment. I am not too sure if there was a question around that, but I am happy to flesh it out further if you like.

Dr CUMMING: Thank you, but I am feeling reassured that you believe a sex worker is—and I guess this is a question—somebody 18 years and above. Is that correct, Minister?

Mr LEANE: Yes.

Dr CUMMING: Minister, the bill, under 'Sex work at or near certain places', talks about school premises, children's services and educational premises. This bill actually says that it is an offence to be near those places or engage in sex work in public places between the hours of 6.00 am and 7.00 pm. What is the definition of 'near', seeing that, say, in the Electoral Act 2002—

A member interjected.

Dr CUMMING: That is okay; thanks, echo. I guess, to make the point, I find that the Electoral Act, when we talk about a polling booth and where you can hand out a how-to-vote card, is extremely prescriptive about how many metres you are meant to be away, how far from the door. But here it just says 'near'. I wish the Electoral Act just said 'anywhere near' you can hand out a how-to-vote card.

Mr LEANE: I read this in before, but it is a fair question from Dr Cumming. The term 'near' does not—

Members interjecting.

Mr LEANE: I thought I did. I was going to give the same answer. The term 'near' does not have a fixed legal definition as currently used in a similar street-based sex work offence in the Sex Work Act 1994. If an offence is disputed on the basis that that conduct did not occur near one of the specified locations, then this will be a matter for the determination of the courts. Recent case law indicates that the courts may consider more than just physical proximity in determining nearness of a person for a loitering offence. For example, consideration may be given to how busy an area is as well as the objective facts surrounding the person's presence. In these examples a person may be on the other side of the street of a school, but if the street has several busy lanes—for example, a highway—or there is no direct line of sight with, for example, trees or a park in between lanes obstructing the view, then it may not be appropriate to consider the other side of the street near the school. As outlined in section 32 of the Charter of Human Rights and Responsibilities, all statutory provisions must be interpreted in a way that is compatible with human rights insofar as it is possible to do so consistently with the purposes of the bill. The bill's purpose is to decriminalise sex work and provide for the reduction of discrimination against and harm to sex workers, and this would be considered an interpretation of the word 'near'.

Dr CUMMING: Thank you, Minister. I can understand half of that answer, but the other half I really struggle with. Minister, as someone who understands the Planning and Environment Act 1987 very well, the Local Government Act very well and the Electoral Act very well, I can name a whole heap of acts that are very prescriptive in the way of metreage. The current planning act would say that you cannot put a brothel 500 metres away from a place of worship or a school, or, say, currently if you were to go and get yourself an intervention order, the courts would be quite prescriptive and say, 'You can't be within 5 metres of whoever has the order' or 'You can't be within 200 metres of that person's home' or '500 metres of that person's home or their place of work'.

In law there is a lot of prescription in metreage and as the crow flies for varied reasons. It does not normally say with an intervention order, 'Well, there was a tree between there and that or across the road' or 'They weren't in plain sight, so they were following you around but they were sneaking

behind a tree. So therefore the 5-metre rule doesn't apply; you couldn't really see them'. So I struggle with removing all the prescriptive nature of where a sex worker can actually work, seeing that it flies in the face of current planning controls and other very prescriptive acts that talk about metreage. They do not use words like 'near'.

Mr LEANE: Thank you for the question. Can I just confirm that the Sex Work Act currently uses the word 'near', as does the Crimes Act.

Dr CUMMING: Minister, I guess that I have just said that I am not happy with the word 'near'. I would like a prescription in the way of '200 metres from a school or a place of worship'—in that manner.

The DEPUTY PRESIDENT: The minister has indicated he will just take that as a comment.

Dr CUMMING: Yes, 100 per cent. I just wanted to execute that argument.

Mr ONDARCHIE: Minister, just a couple of things before I hand over to my learned colleague Mr Grimley: following on from Mr Limbrick's line of questioning, particularly around the concerns of local government and their relationship to the planning matters associated with this, firstly, local government have said to me the two-week consultation process on such a sensitive topic was hardly long enough. The comment I would make is there is opportunity for government to go back to local council now and to have more extensive consultation with them about how this is going to work. One of the things that local government said to me, and they have asked me to bring this forward to you in the committee stage, is that businesses that operate along a footpath need to obtain appropriate footpath trading approvals and also have public liability insurance to manage any litigation claims that come as a result of them operating on a footpath. Would that same set of circumstances apply to street sex workers?

Mr LEANE: As far as the answer to your second question goes, yes, they do have to have public liability insurance. As for your explanation about putting in placards, what I will mention is that on a footpath—

Mr ONDARCHIE: No, just trading approvals to trade on the footpath.

Mr LEANE: Well, to put placards upon a footpath there has to be a permit, so that permit would apply.

Dr CUMMING: Just in the same vein, the current Sex Work Act talks about advertising regulations, and this would be not dissimilar to how in planning controls there are a lot of specific permits around advertising and placing advertising on your place of business—the same as with an A-frame sign. The current act actually talks about how a sex worker service cannot advertise using certain words. Among the words that they cannot use are the words 'massage' or 'remedial' and combinations so as not to confuse anyone out there about the work that they are doing, which is sex work. They cannot advertise—or they have to advertise appropriately—because in the past there was confusion. So currently there are places that say they are massage places or say 'Young Asian massages', but they are brothels or—I have used the term before, Mr Leane—rub and tugs.

A member: Excuse me!

Dr CUMMING: That is what they are called. So they are massage places, but they provide extra services rather than just a remedial massage—extra sexual services.

Mr LEANE: If I can touch on the advertising first, I think the second part of your concerns is one of the reasons why we are introducing the bill—to make sex work and sex worker enterprises legal and come under the same frameworks and same protections. But as far as the advertising goes, I will put this on the record again. The bill makes significant changes to the advertising controls in the current act. These changes will come into effect in stage 1 and will mean that many of the sex industry specific

advertising regulations will be repealed, therefore providing sex workers with more safety and freedom in how they promote their services.

In addition, as publicly committed to by the government, further advertising regulations contained in the Sex Work Regulations have been reviewed and will be amended to align with the objectives of decriminalisation. The amendment will ensure that the sex work industry is not subject to explicitly discriminatory advertising controls and instead is regulated in a manner consistent with similar industries, and you can probably imagine the similar industries that advertise different services now. Amendments to the Sex Work Regulations are still under development and will progress upon the passage of the bill. These amendments are expected to take effect at the same time as the commencement of the stage 1 reforms in this bill.

Dr CUMMING: Mr Leane, the current act very explicitly says that a sex worker cannot, when they are advertising their services, use the words 'massage' or 'masseur' or 'remedial' or imply that their business provides massage services. The reason why it is explicit in the current act is so that they cannot falsely advertise. So they cannot say that they are a practitioner of massage or remedial massage or that they provide massage services to actually protect people who are masseuses. In other words it is false advertising. Minister, how is this bill making sure that sex workers cannot falsely advertise their services so that other industries are protected?

Mr LEANE: False advertising will still be illegal under the Australian Consumer Law and Fair Trading Act 2012, so we are not changing anything there. I suppose your concern is that there may be premises that are advertising massages that go further. With this decriminalisation I think you would probably find that those premises may actually not have any artifice around what they are, because the licensing system has been removed. I think that is part of the barrier.

Dr CUMMING: So with what currently is in the Sex Work Act 1994, regarding massage and remedial massage will the government make a commitment that in the new sex worker regulations when they talk about advertising there could possibly be a commitment around false or ambiguous advertising? Because, for me, otherwise it creates those problems. That is why it is there.

Mr LEANE: The protection against—

Dr CUMMING: It's not about discrimination.

Mr LEANE: No, it is not about discrimination at all. I think, on the commitment you are looking for, those provisions already exist under the Australian consumer law act. False advertising is illegal under that particular act. So, yes, I do not think there is any need from our end to go over and above that particular act, which still exists. Some of the concerns around some illegal activities outside the legitimate sex workers and sex worker enterprises are covered in a number of different acts other than in this bill.

Dr CUMMING: Minister, I understand the intent of the government currently to make sure that sex workers feel free to advertise their business. I hope they advertise their business loud and proud. It would not necessarily be discreet. I do not want a sex worker to feel that they have to advertise their business discreetly. I would want them to be loud and proud in the way they want to advertise, but I do not want the false advertising, which is the problem currently. Obviously there are certain sex workers that are using certain words, such as 'massage parlour', 'massage services', 'remedial massage' or whatever the service is, rather than saying that they provide sex work at that premises.

Mr LEANE: I think we are probably in furious agreement about what we can see as the outcome of this bill. It may be that some enterprises are acting in a certain way because they have not actually been licensed, and this way, with our removing the license framework, why wouldn't those enterprises act freely in the way they are acting now but without any false pretence?

Mr LIMBRICK: I apologise for coming late in the game with another question, but I would like to ask a question about clause 31, which I have got some concerns about. This is to do with the

Summary Offences Act clause. I accept that the intended effect of this power is to prescribe holy days and make offences. I have got some concerns, though, about the actual wording of it and that it might give far broader powers far outside the intended application in sex work. Can the minister please confirm that the summary offences will be limited to prescribing holy days, or are there far broader summary offences that may be enabled under this clause 31?

Mr LEANE: Yes, Mr Limbrick, I can confirm that.

Mr LIMBRICK: I am sorry. Minister, can you confirm that it will be limited?

Mr LEANE: Yes. Sorry, when I answered that I was halfway through your question—but yes.

Mr ONDARCHIE: Minister, I am sure you will be pleased this is my final question to you. In Ms Taylor's contribution, in response to some of the commentary by my colleagues on this side of the chamber, Ms Taylor said that a number of government departments were consulted who would be impacted by this bill. Which were those government departments?

Mr LEANE: I am getting you a number. I will get it in 2 seconds. I will come back to it when we are concluding the committee stage. Sorry about that.

Mr GRIMLEY: Minister, in the review that was held was it ever recognised or acknowledged that any exploitation or trafficking exists within the sex work industry?

Mr LEANE: The short answer, Mr Grimley, is yes.

Mr GRIMLEY: Thank you, Minister. Continuing on from that one, under this bill what tests or thresholds will a brothel owner need to undergo or meet in order to become a brothel owner?

Mr LEANE: The short answer is there will not be any, but the long answer is that the reason for that is that research has shown that certification of brothel managers was not effective, and for practical reasons the certification process was not able to consider what makes a person a good brothel owner. The criteria proposed by the amendments to prohibit a person from working in the sex work industry are broad and perpetuate the stigma associated with the sex work industry, creating further barriers for sex workers and operators. The amendments in essence would introduce a harmful regulatory system at odds with the decriminalisation model. Sorry, I have already jumped to your amendments, but that is what I think you are getting at.

Mr GRIMLEY: Thanks, Minister. So would I be correct in saying that if, for instance, I was a member of an organised crime gang or a member of an outlaw motorcycle gang or a person who is on the sex offender register then I would be eligible or able to own or manage a brothel?

Mr LEANE: The answer is yes, but I think some of the descriptions that you gave there are of people that are committing crimes anyway, despite that. I respect where you are coming from, Mr Grimley, but probably the possibility of those sorts of people being in charge of these sorts of enterprises is less and less once they are decriminalised, because the criminal nature at the moment is in the non-licensed areas, which, as we know, are prevalent. There is no point in us pretending otherwise.

Mr GRIMLEY: Thank you, Minister. Just on that, on 3AW this morning Charlie Bezzina raised concerns just on that point. He was very concerned. This is a person with many, many years of experience within Victoria Police; he knows a few things. He was very concerned that organised crime gangs would take this opportunity and begin to look at getting into the industry. Just a question on that: did the Patten review include any prohibitions at all on certain persons being able to run brothels outside of the licensing or certification system? And if not, was that ever considered by the government?

Mr LEANE: With the review and its recommendations around decriminalising sex work and also the treatment of sex workers, the theme or the goal that came out of that review and the eventual

development of this bill was the tenet to treat sex workers the same as other workers when it comes to their OH&S, what regulates them and what protections they have as far as the Crimes Act goes. The tenet of the bill is also to treat sex worker enterprises the same way as other enterprises are treated currently. So as far as what was discussed in the report is concerned, I think the end result is what we have got to today in this bill, which the government is passionate about getting through this house if possible.

Mr GRIMLEY: Thanks, Minister. I do understand your response, but I will speak, obviously, to my amendments later on. It is interesting that the New South Wales police, despite the decriminalisation a couple of decades ago, state that criminal gangs and drug trafficking are rife in brothels. That is something I will talk about later.

Just on that point, the victims of crime commissioner also echoed similar statements about the consultation that we spoke about before, but she also made it very clear that in no explicit way has the bill addressed the inherent criminal involvement in some sex work, including coercion, exploitation, debt bondage and slavery. I have seen criminal activity in brothels firsthand myself, but after speaking with specialist officers within Victoria Police I know it can be much worse than what I have seen. Apart from transferring a few offences to different acts, how will this bill prevent the continuing commission of these offences, especially in the absence of any checks or oversight?

Mr LEANE: Mr Grimley, the crimes you have described are crimes under other acts, and they were crimes under other acts before the introduction of this bill. I take from your comment that New South Wales police have concerns about the way that certain entities may be introduced into this particular sector, but there is other conflicting evidence around that less organised crime has been involved since the decriminalisation, which would intuitively make sense. Those particular crimes that you mentioned are also moved across to the Crimes Act and the Summary Offences Act with respect to any concerns you have around the amendment that we are discussing today. To improve the safety and wellbeing of sex workers, including to reduce the risk of violence, coercion and exploitation, the bill will enact a number of criminal offences from the Sex Work Act to the Crimes Act, including section 8, 'Forcing person into or to remain in sex work', section 9, 'Forcing person to provide financial support out of sex work', and section 10, 'Living on earnings of sex worker'. In addition, it is anticipated that the decriminalisation will result in higher reporting of crime due to increased access to justice, reduced barriers to reporting and reduced stigmas and decriminalisation.

Mr GRIMLEY: Thank you, Minister. The sex industry coordination unit, otherwise known as SICU, are a specialist unit within Victoria Police. They investigate crimes associated with sex work premises and also human trafficking and often women on visas. They also work with victims of crime in this space, and they disrupt the involvement of criminals in brothels. Minister, will the government be retaining the SICU once part 2 of the bill passes, the repeal of the Sex Work Act, and if not, where will they go?

Mr LEANE: Thank you, Mr Grimley. Any changes particularly to that unit or any unit that report to the Chief Commissioner of Police will be a matter for the police commissioner.

Mr GRIMLEY: Thank you, Minister. This is in relation to WorkSafe compliance checks, Minister. Are you able to elaborate to the chamber—and you will probably have to take this one on notice, I would imagine—how many WorkSafe compliance checks have been undertaken in the last financial year in relation to licensed brothels?

Mr LEANE: Thank you for the offer to have that on notice, Mr Grimley. I imagine that we will try and get that number and get it to you before the end of the committee stage.

Mr GRIMLEY: Just in relation to WorkSafe, continuing on that theme, according to the minister's office the intention is that the review be conducted by WorkSafe. This is not made clear in the legislation, although it was elaborated upon earlier, which I acknowledge. But this gives a way for any

individual to conduct the review solely. If the intention of the bill is to have it reviewed via WorkSafe, then why are we not specifying this?

Mr LEANE: Thank you, Mr Grimley, for the question. If I can on behalf of the government alleviate your concern about one agency taking a lead and not involving other agencies, I can give the commitment. There is going to be a review in a number of years time, Mr Grimley. I am not going to be so arrogant as to say that this government will be the government at the time, but if this government is the government at the time when the review takes place within the legislative framework, it will be conducted by the relevant government departments.

It may be led by WorkSafe, but it will be given a wide scope of governing legislation once the Sex Work Act is abolished through tranche 2 of the amendments. These governing bodies will include WorkSafe, as you mentioned, Victoria Police, the Business Licensing Authority and other relevant government and non-government agencies.

Mr GRIMLEY: Thanks, Minister. Moving on to consultation, the Municipal Association of Victoria (MAV) have made a statement in relation to expressing I suppose their exasperation at the meetings being held two days before the consultation closed and there being only a short consultation period of a little more than a week prior. Can the minister elaborate or respond to this comment and explain perhaps to the chamber why the short time frame was there and the overall consultation process with the councils? You may have crossed it off earlier on, I am not too sure.

Mr LEANE: I was asked a similar question but not to that extent. Mr Grimley, as you know, I think the main concern around local councils for the MAV—without putting words in their mouth—is the change to the planning act, and there will be a lot of consultation. That is why the eventual changes to the planning act are designed for stage 2, which is for completion in 2023.

As far as the consultation previous to that goes, individual councils aired their concerns to me a while ago in my role as Minister for Local Government. My department arranged those two sessions with the department responsible for this legislative change and for them to be available and give a briefing and answer questions from all the CEOs, including in a forum that the MAV sits in on with the CEOs. There was also one with all the mayors that made themselves available. It was indicated to me personally that they wanted more eyeline and more discussion and more consultation and a briefing around these potential changes to the act, and we made sure that was available to them. Any time that the sector says to me that they are concerned about a legislative change by the state government I always endeavour to get the right people in front of them, particularly at these CEO meetings, which occur every two or three weeks.

Mr GRIMLEY: Thanks, Minister. I appreciate that response. I have just got two final questions, and they are in relation to transitioning from sex work. The Sex Work Regulation Fund is a fund where the money from brothel licensing and fines goes. Can the minister elaborate? What is the Sex Work Regulation Fund currently spent on year to year?

Mr LEANE: Thank you, Mr Grimley. The Sex Work Regulation Fund is a trust fund established under section 66 of the Sex Work Act 1994 and is administered by Consumer Affairs Victoria. Under the act income for the fund comes from fees, fines and penalties paid under the act. Costs and expenses incurred by Consumer Affairs Victoria and the Business Licensing Authority in the administration of the act are paid from the fund. The Sex Work Regulation Fund will continue to operate until it is repealed with the Sex Work Act. The fund will remain available for transitional matters and will be wound up and ultimately closed in accordance with the Financial Management Act 1994. So the answer is it is available for transitional matters.

Mr GRIMLEY: Thanks, Minister. I struggled to hear that last bit; you had your mask on. I just could not understand that last bit.

Mr LEANE: I will get you a further answer, if that is what you want.

I think this is a more succinct answer. I apologise, Mr Grimley. It is for licensing and educational funds and industry initiatives like Resourcing Health and Education.

Mr GRIMLEY: Thanks, Minister. That makes a bit more sense. I am sure that the government would acknowledge that there are a few sex workers that wish to transition out of the job and into something else. I am just curious to know what assistance there is for these sex workers who wish to transition out into another sector. It is my understanding that the last publicly funded outreach service for sex workers was called Pathways to Exit, and it was axed under the former Liberal government. Will the government commit to funding this program or anything similar for that matter that will assist women who want to transition out of sex work?

Mr LEANE: Thank you, Mr Grimley. We are aware of this issue, and we are exploring options about how we may facilitate assistance in this area.

Dr CUMMING: This vein of questions is around sex workers and clients. Under the current Sex Work Act of 1994, sex workers and clients must adopt safer sex practices, and in the current act it actually says:

> A person must not provide or receive sex work services unless he or she has taken all reasonable steps to ensure a condom or other appropriate barrier is used if that sex work involves vaginal, anal, or oral penetration or another activity with a similar or greater risk of acquiring or transmitting sexually transmissible infections.

Mr FINN: Will they have to wear a mask?

Dr CUMMING: No. So, Minister, from what I can understand of the current bill that this government is proposing, am I correct in saying that for a sex worker and his or her or their client, if they consent to not having protected sex, that is no longer going to be seen as an offence?

Mr LEANE: The answer is yes.

Dr CUMMING: So, Minister, I guess back in the day of this actual act, the Sex Work Act of 1994 and the 1980s of course, when HIV was a new virus, one of the reasons why this act for sex workers, the Sex Work Act, came into play was to stop transmission of STIs.

At that time, back in the day, they were called STDs. Minister, have viruses changed somewhat in 2022, or how is this going to be picked up? I understand it is said that there is potential under the Public Health and Wellbeing Act 2008 for something dissimilar, or not similar—that transmissible diseases that are currently prescribed in the health and wellbeing act will be dealt with. Infectious diseases, I should say, are currently dealt with under the health and wellbeing act, so is there going to be a special section to look at STIs, STDs and sex workers specifically as a higher risk, seeing that the government is pretty prescriptive in suggesting that nurses and aged-care workers sit in professions that we wish to make sure there are extra protections around, around infectious diseases? Therefore will this government still consider that sex workers are in a high-risk occupation for infectious diseases but specifically STIs and STDs?

Mr LEANE: Could I sort of paraphrase that and answer with how the government will manage public health risks of STI transmission in the sex work industry and in the broader community. The review found that the STI public health risk in the sex work industry has steadily decreased over recent decades. A low rate of STI in Victorian sex workers is supported by academic literature, including evidence provided by the Melbourne Sexual Health Centre during the consultation. Sex workers have a vested interest in maintaining their sexual health and are highly capable of doing so, based on the experiences of other jurisdictions that have decriminalised. It is anticipated that decriminalisation will not lead to an increased rate of STIs in Victoria. The introduction of voluntary testing during decriminalisation in New South Wales and New Zealand in 1995 and 2003 respectively has not led to significant increases in STIs among sex workers or the broader community. The bill will be complemented with sexual health resources and education for sex workers to promote safe sex practices and to access health care and testing.

It will be still illegal under the Crimes Act to cause injury intentionally or recklessly to another person, which includes knowingly infecting someone with a disease. There are existing powers under the Public Health and Wellbeing Act 2008, in addition to brothel and escort agency provisions, that are available to manage any serious risk to public health related to the transmission of notifiable STIs during the decriminalisation and post 2023. These include public health orders, which may be used to prevent a person from recklessly continuing to engage in sex work if other less restrictive mechanisms are not appropriate. These decisions would be made in accordance with the decision-making framework in the act. These provisions of general application are sufficient to manage any risk to public health and would apply equally to both sex workers and clients.

Dr CUMMING: Just currently there are suggestions that there may be a vaccine for HIV, and there may be vaccines in the future for STIs. Would the government be considering mandating vaccines?

Mr LEANE: That is not part of this bill.

Dr CUMMING: So, Minister, when it comes to infectious diseases, are you suggesting that this government would not consider the possibility of mandating any STI vaccines that are possibly available and currently available, not just for sex workers but for their clients as well?

Mr LEANE: There is no reference to what you are describing as part of this bill.

Mr MEDDICK: I move:

1. Clause 1, page 2, lines 7 to 9, omit all words and expressions on these lines.

The DEPUTY PRESIDENT: The question is that Mr Meddick's amendment 1, which is a test for his amendments 5 to 8 and 31 to 33, be agreed to.

Amendment negatived; clause agreed to.

Clause 2 (17:57)

Mr LEANE: I move:

Clause 2, line 26, omit "1 March" and insert "10 May".

This is just to align and change the date from 1 March to 10 May given the time of the carriage of the bill and also to give us a bit more time for the consultation, particularly around some issues that have been raised by Mr Grimley and others.

Ms PATTEN: First off, I just would like to say thank you, Minister. I think you are doing a very good job in a fairly foreign land that you are working in here.

Mr LEANE: You are being too kind.

Ms PATTEN: I think this has been a very good committee of the whole so far. I think the community and I think many of the people who have been advocating for this bill for so many decades are disappointed to see yet another delay. However, I respect that it has taken time to get things in place and that the consultation process does take longer than sometimes we all would like.

Mr LEANE: I will just take that as a comment. I understand that for a number of people it has been a long time coming. We do apologise that we did have to push this back. As I said, it is the carriage to this house and the legislative program and also just that couple of months more that gives us that consultation period. But it is enshrined on 10 May if we pass the amendment.

Amendment agreed to; amended clause agreed to; clauses 3 and 4 agreed to.

Clause 5 (17:59)

Dr CUMMING: My amendment 1 is to omit this clause.

Ms PATTEN: I would just like to say that I will be opposing this amendment. This bill is actually about decriminalising sex work, and you cannot decriminalise sex work while maintaining attempts to continue to criminalise sex workers. You cannot have it both ways. This is a decriminalisation bill. It is about removing the criminal sanctions that have weighed down on sex workers for so many decades. There is absolutely no evidence that sex workers do not look after their health. In fact all of the evidence is absolutely to the opposite, that sex workers take great importance in their own health and they do not require the government to criminalise them for not doing so. Frankly for many of us it is actually offensive to think that we are so immoral that we need to be told what to do and how to look after our own health, the health of our loved ones, the health of our business and the health of our clients.

Mr LIMBRICK: The Liberal Democrats will be opposing this amendment on the grounds that the intent of the bill is to make sex workers the same as all other workers. If there are specific occupational risks, then they would be handled in the normal way like other workplace safety issues, so we do not feel it is necessary to have these requirements.

Mr LEANE: The government will be opposing the amendment as well, and I think Ms Patten and Mr Limbrick pretty much outlined our position.

Dr CUMMING: On hearing the contributions to my amendment, I just wish to say that it would be great if others had the same vigour when it comes to allowing everyone in the community to have a say in their own health outcomes. Because currently we mandate for a vaccine, so it would seem that we are happily discriminating at the moment with people's health choices. When it actually comes to what is within the current act, what I am suggesting is not to omit it until the work is actually done on the Public Health and Wellbeing Act. I am not saying or suggesting at all that sex workers do not understand their own bodies and cannot look after their own bodies or that it is not in their own interest to look after their bodies. I reject that assertion.

Ms SHING: I just want to add to a couple of the comments that Ms Patten has made in relation to this idea of personal responsibility, which is being bandied around a lot lately, particularly in relation to some of the subject matter that Dr Cumming has just gone to. Again it comes back to the idea of stigma and the idea and the perception of the longstanding pall that is cast over sex workers about being dirty and therefore somehow being neglectful of their own health and safety. To that end I think it is really, really important to note that given the occupational vulnerabilities that exist for people working in the sex industry it almost defies belief that it could not be reasonably concluded that people will take extra steps to ensure their own health and safety. But nonetheless they deserve the protection and the regulation and the oversight of the occupational health and safety framework and the workers health and safety system as it operates within other sectors and industries.

Dr CUMMING: On that, I totally agree with Ms Shing's intent that we should not stigmatise—100 per cent. We should not stigmatise anyone when it comes to their health and their health choices, as well as if they have a disease or do not have a disease or if they are vaccinated or not vaccinated. There is a lot of stigmatisation at the moment. This government loves to throw that around, stigmatising the unvaccinated and considering them dirty or to be possibly giving out diseases. But yes, I totally agree with the sentiment of this.

Mr Meddick: On a point of order, Deputy President, I was going to ask you to bring Dr Cumming back to relevance. What she is prosecuting is a completely different concept in terms of what this bill is trying to achieve, exactly what Ms Patten and Ms Shing are talking about.

The DEPUTY PRESIDENT: Okay. I think she was responding to Ms Shing's comments, but she has finished now anyway so let us just move on. If that concludes the debate on Dr Cumming's

amendment, we might just go back and tidy up the new clause insertion that we overlooked before. We just need to jump back. After clause 2 Mr Meddick has an amendment to insert a new clause. Mr Meddick, would you like to move that now, please?

Mr MEDDICK: I move:

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

"**2A Definitions**

In this Act—

sex work means the provision by a person of services that involve the person participating in sexual activity with another person in return for payment or reward;

sex worker means a person who performs sex work.".

Just by way of explanation here, just a very short one, the reason I am bringing these amendments is that sex workers experience high levels of discrimination in every facet of their lives and must have access to robust anti-discrimination protections. 'Profession', 'trade' and 'occupation' are important protections; however, they are insufficient in providing necessary protections for sex workers who face widespread systemic and personal discrimination. The attributes 'sex work' and 'sex worker' are advocated for by the sex worker community because they represent sex workers regardless of the form of sex work they engage in. Whether or not the complainant identifies as a sex worker, whether their industry is regulated or unregulated and regardless of the regulatory, political and judicial environment in which the complaint was made, the proposed amendments address the barrier sex workers will continue to face in making successful anti-discrimination complaints if sex work and sex worker are not listed particularly as protected attributes.

Mr LIMBRICK: The Liberal Democrats will be opposing this amendment. Our view is that with the intent of this bill to treat sex work the same as any other industry we think it is inappropriate to separate out this particular definition. I think in my questioning of the minister earlier he satisfied me that under the existing bill it would be covered fairly completely, so we do not have concerns with the current bill and will not be supporting this amendment.

Mr LEANE: Thanks, Mr Limbrick. And thank you, Mr Meddick, for your amendment. The bill includes a new protected attribute which will apply broadly to protect all persons, including sex workers, from discrimination based on their profession, trade and occupation. The specific inclusion of the reference 'sex work' or 'sex worker' as a part of the protected attribute is unnecessary to achieve the policy intention of protecting sex workers from discrimination. This is in line with the policy intent of decriminalisation. Treating sex work equally to all other legal professions in Victoria and not singling it out ensures the protections in the Equal Opportunity Act are not at risk of becoming out of date with the emergence of new types of sex work. If 'sex worker' or 'sex work business' were defined in defined terms, they would be required to be prescriptive definitions that may inadvertently exclude some workers or businesses who may experience decriminalisation as a result of sex work.

New clause negatived.

The DEPUTY PRESIDENT: Okay, so now we go back to clause 5. We will just put the clause, so anyone who is supporting Dr Cumming's amendment should vote against the clause.

Clause agreed to; clauses 6 and 7 agreed to.

Clause 8 (18:11)

Dr CUMMING: My amendment 2 is to omit clause 8.

Mr LEANE: The government will be opposing this amendment.

Clause agreed to.

Clause 9 (18:12)

Dr CUMMING: My amendment 3 is to omit clause 9.

Mr LEANE: The government will be opposing this.

Clause agreed to.

Clause 10 (18:13)

Dr CUMMING: Amendment 4 in my name is to omit clause 10.

Mr LEANE: The government will be opposing that amendment.

Ms PATTEN: Look, just for those playing at home, clause 10 repeals section 20 of the act, which provides for the Minister for Health to determine the time period for swab tests to be taken by sex workers. Just to be clear, this is actually about a minister deciding when a sex worker should have a swab test. This is a decriminalisation bill, and obviously I will oppose this amendment.

Clause agreed to; clauses 11 and 12 agreed to.

Clause 13 (18:14)

Dr CUMMING: Amendment 5 in my name is to omit clause 13.

Mr LEANE: The government will be opposing this amendment.

Clause agreed to; clauses 14 to 21 agreed to.

Clause 22 (18:15)

The DEPUTY PRESIDENT: Mr Meddick, I invite you to move your amendment 8, which the sheet says is a test for your amendments 9 to 13 and 34 and 35.

Mr MEDDICK: I move:

8. Clause 22, lines 6 to 10, omit all words and expressions on these lines and insert—

> 'The register maintained under section 24, as in force immediately before its repeal, must be destroyed as soon as practicable after that repeal.".'.

I will just make a short statement and then I will ask a question of the minister if that is fine. This is an extremely important amendment. It requires the sex work service provider register to be destroyed as soon as practicable after the repeal of section 24 of the Sex Work Act. I just want to make a brief explanation as to why this is being moved before I ask the minister a question.

Maintaining the register as a historical register allows the sensitive personal information of Victorian sex workers to remain intact. The bill recognises the harms of the registration of sex workers, so there can be no justification for retaining these records as a historical register. I understand that in the minister's contribution prior to us going into the committee of the whole there were some comments made around that. Unfortunately I was actively engaged in trying to garner support for this amendment so I did not hear what it was that the minister was saying. My question to the minister is: would he care to please repeat what it was that he said?

Mr LEANE: Thank you, Mr Meddick. Look, I can assure Mr Meddick that the government will destroy the register in accordance with the public records. The department can brief interested stakeholders as far as this process goes and keep them updated as the register is destroyed. I can assure you, as the minister at the table, that that is what will happen.

Mr MEDDICK: Thank you, Minister. I know that for many in the gallery this evening and for those watching on at home that is a very, very important commitment, and I am pleased to hear that it

is now on the record in *Hansard* so this can then be referred back to. My only other question then is: what will be the time frame surrounding that for that consultation?

Mr LEANE: The short answer, Mr Meddick, is by 10 May.

Mr MEDDICK: Fantastic.

Ms PATTEN: Thank you, Minister. This is terrific news. It is a long-held belief by sex workers in Victoria that this needs to be destroyed. We were concerned, and I know the public servants were saying that there were difficulties with this. My question might be: can we attend the destruction?

Mr LEANE: I will stick to the lines: the department can brief interested stakeholders as far as the process goes and keep them updated with the register being destroyed.

Mr LIMBRICK: The Liberal Democrats are supportive of Mr Meddick's intent to destroy the register as soon as possible. We are concerned about supporting an amendment that may be unnecessary. One other question relating to the time frame: how will confirmation of destruction be provided in a way that would satisfy stakeholders?

Ms PATTEN: Three puffs of grey smoke out the chimney.

Mr LEANE: Look, we can commit as part of the consultation and keeping stakeholders up to date with the process to having a conversation on how they would like to see that confirmed. So Ms Patten's idea might actually be a reality.

Mr LIMBRICK: I thank the minister for providing that information. I would just like to put on the record that my concern is not around destroying the records but that in any computer system there are backups and all these sorts of things floating around. I know it is quite difficult to make sure it is all gone, and that is why I asked for some sort of method of confirmation.

Mr LEANE: Yes, and that is why we have taken the opportunity to give us until the 10 May date, because we do have to make sure that other agencies that may have access to that data have also removed that data in terms of destroying the register.

Amendment negatived; clause agreed to; clauses 23 to 27 agreed to.

Clause 28 (18:22)

The DEPUTY PRESIDENT: Mr Meddick, I invite you to speak to your amendment 14, which tests your amendments 15, 17 and 26 to 30.

Mr MEDDICK: My amendment is to omit this clause. I just want to make a couple of very short statements and then ask a question to the minister again on this. For everyone who might be watching and might be unsure of the processes—about what we are talking about with testing and groups of amendments here—often where an amendment that you are making to a particular bill or a particular clause falls under a particular act, you have got several under the same act. If you have got several other amendments under the same act, then they all fall under the amendment, which is a test. And so it falls for this one, which is actually falling in clause 28—covered in this—and is a test of 26 to 30.

What this one pertains to is street-based sex work. It was covered off several times in members' contributions during the second-reading debate. The concern that we have—why I am bringing this amendment—is in relation to the retaining of the criminalisation of street-based sex workers during certain hours in certain places, which was prosecuted quite definitely here. Essentially, retaining an offence, even for a shortened period of hours or in certain places, means it is still an offence, which by definition means that the intent of the bill—to decriminalise—is thwarted. So I have enormous concerns around that.

My question arises out of that and pertains to the role of police in this regard because of the concerns that the sector have, and the government has acknowledged that the current approach of relying on

police enforcement around street sex work, including entrapment, does not work. My question is: will police be able to continue to conduct entrapment operations in these circumstances—during those prohibited times and at particular places?

The DEPUTY PRESIDENT: Are there any further questions or comments on Mr Meddick's amendment?

Ms PATTEN: It is a comment while I am waiting for the minister's answer, I suppose. I will be supporting this amendment. I think Mr Meddick quite articulately put this. This goes to the crux of decriminalisation. You cannot have decriminalisation when you still criminalise certain activities.

In this case these activities are so strange. I know during clause 1 we heard a number of questions around this clause: whether a sex worker could stand outside a synagogue during Yom Kippur or whether a sex worker could stand outside a church during a wedding. It seems like it is a solution looking for a problem. I do not think we have got any experience of people being concerned about people soliciting or working outside religious institutions, churches or childcare centres. I am not aware of a single complaint about this, and so again I think this clause is a solution looking for a problem.

Mr LEANE: The answer to Mr Meddick's question is that the way the police police is a matter for the police. I will say, getting back to some of the early commentary—it seems like we have been at this for a while—that there has been similar legislation in other jurisdictions, including in New South Wales for over 20 years, in the decriminalisation of sex work that has taken similar positions about operating near similar types of institutions, so it is not a unique thing that we are embracing here in our jurisdiction. It is around the balance. I have had a number of members of the committee that thought there should be more types of institutions added to this list; it could have been endless. Our role in government is to try to find a balance and reassure society. Getting to Ms Patten's comment, maybe it is not something to be concerned about at all, because it is not going to happen, but in this bill we are just giving some people some sort of comfort that it is here anyway.

Mr LIMBRICK: The Liberal Democrats will be supporting this amendment. We believe that this part of the bill goes against the intent of treating sex work the same as every other type of commercial activity, and therefore having special limitations on where and when this activity can take place for this particular type of business we feel is inappropriate. Therefore we will support removing it.

Committee divided on clause:

Ayes, 29

Bach, Dr	Finn, Mr	Ondarchie, Mr
Barton, Mr	Gepp, Mr	Pulford, Ms
Bath, Ms	Grimley, Mr	Shing, Ms
Bourman, Mr	Hayes, Mr	Symes, Ms
Burnett-Wake, Ms	Kieu, Dr	Tarlamis, Mr
Crozier, Ms	Leane, Mr	Taylor, Ms
Cumming, Dr	Lovell, Ms	Terpstra, Ms
Davis, Mr	Maxwell, Ms	Tierney, Ms
Elasmar, Mr	McArthur, Mrs	Watt, Ms
Erdogan, Mr	Melhem, Mr	

Noes, 5

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

Clause agreed to.

Ms TAYLOR: I move:

That the dinner break be shortened to 45 minutes.

Motion agreed to.

Sitting suspended 6.36 pm until 7.29 pm.

Clauses 29 to 33 agreed to.

New clause (19:31)

The DEPUTY PRESIDENT: Mr Meddick, I call you to move your amendment 18, which inserts a new clause and is a test for your amendments 19 and 20.

Mr MEDDICK: I move:

18. Insert the following New Clause before clause 34—

'**33A Definitions**

Insert the following definitions in section 4(1) of the **Equal Opportunity Act 2010**—

"***sex work*** means the provision by a person of services that involve the person participating in sexual activity with another person in return for payment or reward;

sex worker means a person who performs sex work;".'.

New clause negatived.

Clause 34 (19:32)

Mr RICH-PHILLIPS: Minister, I spoke about this clause in the second reading. The government has indicated its intention with this clause, which is the amendment to the Equal Opportunity Act, is to create a new protected attribute of profession, trade or occupation in order to remove discrimination from sex workers in relation to accessing services. Can you clarify, though, that this new protected attribute will not apply only to sex workers; it will in fact apply to any person?

Mr LEANE: It applies to any person.

Mr RICH-PHILLIPS: Thank you, Minister. Given the way 'person' is defined in the Equal Opportunity Act, it does not just mean 'natural person'. It is defined as including incorporated associations and would also include bodies corporate.

Mr LEANE: The definition of 'person' is a trade, profession and occupation—so trade, profession and occupation.

Mr RICH-PHILLIPS: But Minister, as that would apply to a person in its broadest definition—so a person in relation to a trade or profession—it could be a business, not just a natural person.

Mr LEANE: If it is okay, Mr Rich-Phillips, can we just take that on notice and get you an answer before the committee stage ends? We will confirm that with you.

Mr RICH-PHILLIPS: Thank you, Minister. I am happy to receive that on notice. The reason I asked the question is that 'person' is defined in the Equal Opportunity Act more broadly than just 'natural person'. Obviously the existing protected attributes in the list largely are personal things—for example, their age, if they are breastfeeding, their gender identity, disability. Currently they are things that can relate only to a natural person, but this new one can relate to a business—for example, a business in a particular trade or profession. So it is just to clarify that this will apply not only to individuals but also to businesses—and I used the example earlier in the second reading where businesses had been discriminated against because they were in a particular industry, they had been denied banking services et cetera—and to clarify that this provision would apply not only to an individual but also to a business in a particular trade, profession or occupation.

Mr LEANE: Thanks, Mr Rich-Phillips. I did hear your contribution and did not understand where you were coming from. Let us do some more research before the end of the committee stage and give you the answer around that.

Mr RICH-PHILLIPS: Thank you, Minister. On the other element of related questions: the bill seeks to insert an exception, being a 'genuine occupational requirement'. Obviously that would only apply in circumstances of a person being employed. The example I would like to raise with you is not necessarily an employment relationship but a service provision relationship, and again it goes to the issue of banking. One of the arguments that has been put forward by banks as to why they have refused service to particular professions or occupations is that they do not fit their risk profile. So they are arguing it is not necessarily because a person is working in the sex industry or the firearms industry, it is because the riskiness of that particular profession or occupation does not fit the risk profile of a particular bank. Given the exemption is only for a genuine occupational requirement, how would the argument of a particular occupation not fitting the risk profile fit within this discrimination provision?

Mr LEANE: Thank you, Mr Rich-Phillips. I think there is a position around what you are rightly concerned about, and the advice I am getting is that if there is a case where it is believed that someone's equal opportunity rights are being impinged on because of, as you said, the risk profile of that particular nature of the business, then there is a dispute resolution process where an individual or a business can go to VEOHRC over that dispute. Then if it is not settled by that, there is the opportunity to go to VCAT. I completely understand your concerns, and they are actually good ones. We are kind of going a little bit outside of the scope, but they actually are good concerns. So I think that there may be tests in the future around this risk profile.

Mr RICH-PHILLIPS: Thank you, Minister. I would argue whether it is going outside the scope. It may be broader than the sex work industry, but the provision you are putting in the bill is broader than the sex work sector. However, thank you for that answer, and I look forward to receiving your other answer, before we conclude committee, as to the scope.

Mr LIMBRICK: Further to this conversation that Mr Rich-Phillips was having, one of the issues with people who have been potentially discriminated against is that, for example, when they have an interaction with a financial institution, the financial institution does not give reasons for terminating their accounts. How might someone who has had their account terminated understand whether or not they were being discriminated against under this new attribute, because I have spoken with many people who have been de-banked, not just in sex work, in other industries as well? And Mr Rich-Phillips has spoken about other industries. How would they actually know, because the bank does not tell them, normally? They just say, 'Your account has been terminated. We have the commercial right to determine who we deal with'—and goodbye, basically, is what the banks say. I have seen copies of these letters. How would someone even know?

Mr LEANE: Look, it is a very good question, Mr Limbrick. How they would know is a very good question, and it is one that is very difficult to answer for anyone in terms of how they would know the reasons. I think we fall back on that someone who feels like they have been discriminated against in this way has got the provision through VEOHRC and VEOHRC's dispute resolution procedure, and if they are not happy with that then they have got the same provision that I mentioned to Mr Rich-Phillips around VCAT. How they know is a very good question. If we can get any further information to you, we will.

Clause agreed to; clauses 35 to 38 agreed to.

Clause 39 (19:41)

The DEPUTY PRESIDENT: Mr Meddick, would you like to move your amendment 21 to clause 39, which is a test for your amendments 22 to 25?

Mr MEDDICK: Again, I will keep my comments brief on this, but I think it does need some clarification about the reasons behind it. It would be easy because of the subject matter to get caught up in rhetoric and not really understand what this amendment is actually about. It is very easy to go down a path, when drugs are mentioned, to just think that there is criminal activity happening there and there is coercion happening and violence et cetera. So it does need clarification, and that is that the bill classifies the supply or offer of supply of a drug of dependence wholly and solely as an indicator of force. This implies that supplying or offering to supply a reward in and of itself is considered an indicator of forcing someone to engage or continue to engage in sex work. This will have unintended harmful consequences for sex workers choosing to do sex work who use drugs, such as criminalisation, oppositional contact with police and resulting barriers to accessing essential services, including health promotion and peer education, housing, health and even legal services. In a situation where someone is forced to engage in or continue to engage in commercial sexual services for payment or reward—

The DEPUTY PRESIDENT: Sorry, Mr Meddick. I need to interrupt you. There appears to be some filming going on from the gallery. I just remind you once again that you cannot take pictures or videos of proceedings, thank you.

Mr MEDDICK: So for payment or reward—and drugs of dependence would already be captured under 'reward'—it is therefore not necessary to specify it. The amendments that I am bringing address those harmful impacts on sex workers while retaining protections in the bill for sex workers in the instance of force. I move:

21. Clause 39, lines 14 to 17, omit "(including the supply of a drug of dependence within the meaning of the **Drugs, Poisons and Controlled Substances Act 1981**)".

Mr LIMBRICK: The Liberal Democrats will be supporting this amendment. We agree with the context here. Really, this is sort of one of these 'double illegal' things. It is already illegal to traffic drugs. Making it an indicator of force I do not think is sensible, because these can be consensual relationships, and therefore we agree with this amendment.

Ms PATTEN: I certainly do support this amendment as well. I would be curious as to why it became necessary to be part of the bill, and I am sure the minister is about to tell us that, because really it seems to further send a message that sex work is other. We would not add this 'for payment or reward' in other activities or other occupations. This does seem to be quite unique to sex workers, and so we will support the amendment.

Mr LEANE: I suppose my response to Mr Meddick, Ms Patten and Mr Limbrick is I think we are probably in furious agreement in some way, wherein the intent of this description around drugs being exchanged, maybe for monetary reward, is that we would deem it as a reward so that the person who is receiving that reward for those services can be deemed as a sex worker, and therefore as a sex worker, under the description in this bill, they are afforded criminal justice if need be. So I kind of feel like we are in furious agreement, but I do take into account the concerns. But from the consultation, one of a lot of things that were fleshed out was that we do not think it needs to be concentrated and misinterpreted; it is purely to make sure that particular individual is deemed as a sex worker via that reward.

Amendment negatived; clause agreed to; clauses 40 to 43 agreed to.

New clause (19:47)

Mr GRIMLEY: I move:

Insert the following new clause after clause 43—

'**43A Amendment of Crimes Act 1958**

After Division 11A of Part I of the **Crimes Act 1958 insert**—

"**Division 11B—Owning or operating a sex work service provider**

321LE Definitions

In this Division—

sex work service provider means a business offering or providing sex work services at a premises.

sex work services means the provision by one person to or for another person (whether or not of a different sex) of sexual services in return for payment or reward.

321LF Prohibition on certain persons owning or operating a sex work service provider

(1) A person must not own or operate a sex work service provider, either individually or with another, if the person—

(a) has been convicted a disqualifying offence specified in subsection (2); or

(b) is or has been a member of a declared organisation for the purposes of the **Criminal Organisations Control Act 2012**; or

(c) is or has been a declared individual for the purposes of the **Criminal Organisations Control Act 2012**; or

(d) is a member of an organisation identified in a corresponding declaration that has been registered under section 86 of the **Criminal Organisations Control Act 2012**; or

(e) has been named in a corresponding declaration that has been registered under section 86 of the **Criminal Organisations Control Act 2012**.

Penalty: 240 penalty units or 2 years imprisonment or both.

(2) The disqualifying offences referred to in subsection (1) are the following—

(a) an offence against Divisions 1, 2 or 2A that is punishable by 2 years imprisonment or more;

(b) an offence against the **Firearms Act 1996** that is punishable by 4 years imprisonment or more;

(c) an offence against Part V of the **Drugs, Poisons and Controlled Substances Act 1981** that is punishable by 2 years imprisonment or more;

(d) attempting or conspiring to commit, or being an accessory after the fact to, an offence specified in paragraph (a), (b) or (c);

(e) an offence equivalent to an offence specified in paragraph (a), (b), (c) or (d) that was committed in another state or a territory or in New Zealand.".'.

This amendment proposes a standalone criminal offence for prohibited persons who are found to own or manage a brothel. I will just speak briefly on this. We have used the current 'prohibited persons' definitions that exist in the New Zealand act as well as Victoria's current act as a basis for this amendment, which refers to offences punishable by two or more years imprisonment, of which a list was provided to members previously by email. I will not go through it now.

To be very clear, this will not provide a barrier for former sex workers who wish to run their own sex worker premises, even if they have been convicted of street-based sex working offences in the past. This amendment is aimed at only the most serious criminals. We have used common sense and existing legislation in other jurisdictions to include offences that have a known history of having negative effects on the sex industry, such as drug and sexual offending. The penalty for contravening this is 240 penalty units, two years in prison or both. We also know that offenders rarely receive the maximum sentence, and therefore this will be reserved for the most serious circumstances.

What we hope is that through this amendment police will be able to protect more workers but also disrupt businesses that are run by people who should not be involved in the sex work industry. When we spoke to New South Wales police, it was clear that despite decriminalisation around 25 years ago criminal gangs and drug trafficking are rife in brothels. New South Wales police—through speaking to my office and also in the 2015 parliamentary inquiry into the regulation of brothels—cannot enter or disrupt illegal behaviour in illegal brothels without proof of drug trafficking, human trafficking or other illegal behaviour.

We need a way to disrupt this involvement and the business practices of criminal organisations. A criminal offence for involvement in such businesses like we are proposing would be a deterrent to criminals, including gang affiliates. As I said in my earlier amendment, what is being considered

through this bill is no longer best practice. We need additional protections for women by having the ability to outlaw the criminal element from running brothels.

The question you need to consider in deciding whether or not to support this amendment is: do you think it should be completely legal to run a brothel if you are convicted of a serious crime or, worse, a violent crime against a person? For those opposed to a certificate or permit process, which is my next amendment, this amendment is a step down from that.

Ms PATTEN: I certainly cannot support Mr Grimley's amendment, and I am not saying that it comes from a bad place. However, this is a bill about decriminalisation, so to add further criminal penalties into a bill that is about decriminalisation goes against the actual spirit of the bill at hand. I would also note that in 2015 the New South Wales Parliament did an inquiry looking into just this, because New South Wales decriminalised it in 1994, so it was kind of a 20-year review in some ways. Now, they looked at this exact issue and decided against it, and in fact what they found was that the existing system was working quite well. Then in New Zealand there is something like this, but actually it is not upheld, and certainly the industry in New Zealand is not in favour of it. It is not proved to be best practice by any means, and in fact it is rarely practised. So I do not think this is good practice.

Certainly if you were looking at doing this and singling out the sex industry, why wouldn't you single out fruit wholesalers or vegetable markets and things like that, where we have also seen involvement in crime? We have some very good organised crime legislation in this state, and that would apply to anyone in the sex industry, the same as it applies to anyone in the fruit and vegetable industry.

Mr LIMBRICK: The Liberal Democrats will also be opposing this amendment on similar grounds. The principle of equality under law means that if we are going to decriminalise this industry, having specific prohibitions on people who can participate in that industry does not make sense. If people are conducting criminal activity within the industry, they should be prosecuted in the same way as any other industry, and therefore we do not think it makes sense to add a specific prohibition for this type of industry. Therefore we will oppose the amendment.

Mr ONDARCHIE: This is consistent, Mr Grimley's amendment, with a lot of the contributions that the Liberal-Nationals coalition have made in this debate. We in fact raised some of the issues that Mr Grimley raised today in his second-reading speech, and I note the minister was asked earlier if crime gangs or outlaw motorcycle gangs can operate these things, and reluctantly he said yes. So the Liberal-Nationals coalition will be supporting Mr Grimley's amendment.

Mr LEANE: I thank Mr Grimley for his amendment. We will be opposing the amendment. The amendment prohibits certain persons from owning or operating sex work service businesses, such that their intent is similar to the suitability assessment in the current regime, which we are decriminalising. Research has shown that certification of brothel managers is not effective, and for practical reasons a certification process is not able to consider what makes a person a good brothel manager. The criteria proposed by the amendment to prohibit a person from working in the sex work industry are broad and perpetuate the stigma associated with the sex work industry, creating further barriers to sex workers and operators. The amendment in essence will introduce a harmful regulatory system at odds with a decriminalised model.

Committee divided on new clause:

Ayes, 13

Bach, Dr	Cumming, Dr	Maxwell, Ms
Bath, Ms	Davis, Mr	McArthur, Mrs
Bourman, Mr	Grimley, Mr	Ondarchie, Mr
Burnett-Wake, Ms	Lovell, Ms	Rich-Phillips, Mr
Crozier, Ms		

Noes, 21

Barton, Mr	Limbrick, Mr	Shing, Ms
Elasmar, Mr	Meddick, Mr	Symes, Ms
Erdogan, Mr	Melhem, Mr	Tarlamis, Mr
Gepp, Mr	Patten, Ms	Taylor, Ms
Hayes, Mr	Pulford, Ms	Terpstra, Ms
Kieu, Dr	Quilty, Mr	Tierney, Ms
Leane, Mr	Ratnam, Dr	Watt, Ms

New clause negatived.

The DEPUTY PRESIDENT: The minister has a response for Mr Rich-Phillips from earlier on.

Mr LEANE: Thanks for your patience. I am unsure whether this acquits Mr Rich-Phillips's concern, but the bill does not displace any parts of the Equal Opportunity Act, including the definition of 'person'. Under the Equal Opportunity Act section 4 states:

> ***person*** includes an unincorporated association and, in relation to a natural person, means a person of any age …

Mr RICH-PHILLIPS: Thank you, Minister. I take from that the scope is as broad as we discussed, including other incorporated entities and bodies corporate, and therefore this protection would extend to those in respect of a trade, profession or occupation.

Mr LEANE: Yes.

Clauses 44 to 56 agreed to.

Clause 57 (20:02)

The DEPUTY PRESIDENT: Mr Grimley, I invite you to move your amendment 1 on your sheet SG23C, which is a test for all remaining amendments on that sheet.

Mr GRIMLEY: I move the amendment standing my name, which seeks to introduce a brothel owner certificate:

1. Clause 57, after line 9 insert—

'(2) After section 6(a) of the **Business Licensing Authority Act 1998 insert**—

"(ab) to administer the sex service operator certification provisions in Part 2A; and".'.

We have done extensive consultation and redrafts of this to try to strike a nice balance between decriminalisation and destigmatisation and also keeping tabs on the ownership of brothels. This certification system is similar to that in New Zealand, but in some ways our proposal is less strict. Some detail of this certification system is that it will only be required for brothels where there are four or more workers. This ensures that sex workers who want to work in a partnership do not need to take part in the certification process. Scarlet Alliance and Sex Work Law Reform Victoria have made it clear that sex work premises are owner-operated or in partnership, so this will remove the requirement for most sex work premises to gain certification. To be clear, it is only the operator, including those who might gain financial benefit from the business—not the workers—who need to gain certification.

On the recommendation of the sex work lobby, it will be the Business Licensing Authority that will conduct the certification, with Victoria Police able to provide information pertaining to the disqualifying offences. This has been unavoidable, because the Business Licensing Authority clearly does not have access to criminal records. This amendment includes a fit and proper person test to be submitted through the BLA as well as an offence for those knowingly providing false information. The fit and proper person test currently exists in other legislation and could also be known as a suitable person test or an honesty and integrity test, which all hold different thresholds depending on the industry. VicPol do it for liquor licensing. In all instances the overarching agency uses its subjectivity in determining the suitability of a person in managing or owning a business.

Whilst the narrative conveyed to MPs by certain groups that sex work business should be treated like any other business is well intentioned, it neglects that sex work service providers are inherently a high-risk workplace. I spoke on this at length in my contribution earlier. Like any other business that is high risk for employees, there are restrictions or tests applied to regulate who can and cannot operate in such an environment. For example, fit and proper person tests exist in many industries where there are vulnerable people or animals concerned or where corruption might be likely, including but not limited to real estate, law, labour hire companies, child care, horse and greyhound racing and even environmental licences, plus many more.

I think in Mr Leane's remarks earlier he stated that certification does not prevent criminals from entering any industry or ensure the safety and wellbeing of any employees, but if that is the case, then why do we have the fit and proper person test at all in any industry? As you can see, this test is not specific to the sex work industry and should not be seen as stigmatising. We believe this strikes the balance of regulation on the industry without stigmatising or creating a criminalised environment for sex workers, given this amendment does not criminalise sex workers. Through this amendment we are seeking to criminalise the criminals who seek to exploit sex workers.

Mr LIMBRICK: The Liberal Democrats will be opposing this amendment. To be frank, we see this as one of the best free market reforms that Labor has done in this term of government. Normally I stand here and complain about new licensing and new certification regimes. This time they are getting rid of one and there is no way I want this certification to come back. I congratulate the Labor Party on getting rid of this certification regime, and I oppose this amendment.

Ms PATTEN: At risk of getting the government to change their mind, which I hope Mr Limbrick has not encouraged, the body of this amendment is about suggesting that the sex industry is inherently high risk, and I reject that the industry is inherently high risk. The criminalisation of the industry has created criminals. By decriminalising the industry we will change that.

Mr ONDARCHIE: I have just watched Mr Limbrick and Ms Patten in lockstep tonight. There is something in the water here. For sure, there is something in the water. The Liberal-Nationals will be supporting Mr Grimley's amendment tonight.

Mr LEANE: The government will be opposing Mr Grimley's amendment. I think I actually outlined our reasons in my answer on his previous amendment. I thank him for giving me the heads-up around that. I will not repeat what is on the record but just say that introducing a new regulatory system is at odds with what we are trying to do with this bill in decriminalising sex work.

Committee divided on amendment:

Ayes, 13

Bach, Dr	Cumming, Dr	Maxwell, Ms
Bath, Ms	Davis, Mr	McArthur, Mrs
Bourman, Mr	Grimley, Mr	Ondarchie, Mr
Burnett-Wake, Ms	Lovell, Ms	Rich-Phillips, Mr
Crozier, Ms		

Noes, 21

Barton, Mr	Limbrick, Mr	Shing, Ms
Elasmar, Mr	Meddick, Mr	Symes, Ms
Erdogan, Mr	Melhem, Mr	Tarlamis, Mr
Gepp, Mr	Patten, Ms	Taylor, Ms
Hayes, Mr	Pulford, Ms	Terpstra, Ms
Kieu, Dr	Quilty, Mr	Tierney, Ms
Leane, Mr	Ratnam, Dr	Watt, Ms

Amendment negatived.

Clause agreed to; clauses 58 to 83 agreed to.

Reported to house with amendment.

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (20:15): I move:

That the report be now adopted.

In saying that can I acknowledge the Deputy President's work and the contributions in the committee stage from Ms Patten, Mr Meddick, Mr Ondarchie, Mr Grimley, Dr Cumming, Mr Rich-Phillips and Ms Shing. It has been a robust but very successful committee stage.

Motion agreed to.

Report adopted.

Third reading

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (20:16): I move:

That the bill be now read a third time.

The PRESIDENT: The question is:

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

House divided on question:

Ayes, 24

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

Noes, 10

Bach, Dr	Cumming, Dr	McArthur, Mrs
Bath, Ms	Davis, Mr	Ondarchie, Mr
Burnett-Wake, Ms	Lovell, Ms	Rich-Phillips, Mr
Crozier, Ms		

Question agreed to.

Read third time.

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

CHILDREN, YOUTH AND FAMILIES AMENDMENT (CHILD PROTECTION) BILL 2021

Second reading

Debate resumed on motion of Mr LEANE:

That the bill be now read a second time.

Dr BACH (Eastern Metropolitan) (20:25): It is good to rise to make a contribution on the Children, Youth and Families Amendment (Child Protection) Bill 2021. At the outset I should indicate that the opposition parties will not be opposing this bill. It is an omnibus bill and does a whole range of things, many of which I hope will have a positive impact.

The purpose of this bill really rests upon three pillars—so says the government, and I concur—which are modernising the legislative framework by decreasing the over-representation of Indigenous children in our care system, an incredibly important thing; implementing the Home Stretch program, a program that has always enjoyed and continues to enjoy the most fulsome bipartisan support; and shifting in some small ways from a crisis management response in our child protection system to one of earlier intervention. These are all good things.

The amendments to the principal act include, well, many, and I will mention only a few: incorporating further Aboriginal child placement principles into the Children, Youth and Families Act 2005; extending the secretary's powers to provide advice and assistance if there is significant concern for the wellbeing of an unborn child; amendments relating to the use of seclusion in secure welfare services; and amendments relating to childcare arrangements, and those are under the Children, Youth and Families Act of 2005 as well. As I say, this is an omnibus bill, and there are many other changes, some of them minor and technical, that I do not think necessarily need to be remarked upon by me now, given that they were broached and unpacked in some detail in the other place.

This ongoing process of modernising the legislative framework of our child protection system is a positive one. It was commenced when the Liberals and Nationals were last in government from 2010 to 2014, and many of the positive changes that will be enacted when this bill passes—I have no doubt of that—stem from the work that started in that period.

Important stakeholders across our child protection and family services systems have been calling for legislative change in Victoria to improve the transition for young people leaving out-of-home care for a long time. New reporting shows that 54 per cent of young care leavers in Victoria, for example, experience homelessness within four years. As a consequence of some of the really poor outcomes we have seen for young people leaving the care system over a long period of time the government, to its credit, recently launched the Home Stretch program to provide young people with support to transition into adulthood once leaving out-of-home care. It is worth underscoring that this is a program that enjoys the most fulsome bipartisan support. The program applies to young people up to the age of 21 and provides an accommodation allowance, casework, employment and other wellbeing supports. What this bill seeks to do is to give force to this program, which is strongly supported, like I say, not only around this chamber but by the sector.

In addition, and as I have already touched upon, the over-representation of Indigenous children in our child protection system is a longstanding issue and a growing concern. One in 10 Indigenous children in Victoria is in the care of the state tonight. This bill takes some steps, some small steps, in the right direction, the direction of giving greater powers to our Indigenous-led organisations, and there are many wonderful Indigenous-led organisations in our state. The government recently entered into an Aboriginal children and families agreement, and part of this agreement entails facilitating autonomy and self-determination among Aboriginal groups. As part of this, the bill seeks to endow Aboriginal organisations with greater power to enable Aboriginal children to be reunited with their families where it is appropriate to do that.

There are very few concerns that my colleagues and I have with this bill, and yet there are one or two. Members of the chamber are aware that a little later, perhaps when we next sit, I will move just one amendment. That amendment will seek to deal with an issue that many organisations have brought to my attention, including the Law Institute of Victoria, many women's legal services and also Indigenous legal services. It is regarding the time frame for filing emergency care applications. Currently the act requires that the application must be heard as soon as practicable and within one working day, and what the government seeks to do through this legislation is to double that time period. The effect of the proposed change is to extend and expand that time period in which the secretary must produce any evidence or justify in any way the removal of a child. As the Law Institute of Victoria says, under this bill that time frame in some circumstances will be able to be extended out to up to six days. I would like to quote briefly from a document that was provided to me by the law

institute and also to the government—my understanding is that this is now a public document. The law institute said its members:

> … routinely appear in cases before the Children's Court where, once a parent or child has had the opportunity to present their case, the Court determines that the removal of the child is not warranted nor does it meet the threshold requirement of unacceptable risk. The extended period for filing coupled with the removal of the requirement for a bail justice hearing, risks extremely worrying and unjust outcomes for children resulting from an unwarranted removal and extended period out of parental care. It is likely to lead to the physical and emotional impact of forced weaning of breast-fed babies, and for older children, potentially causing irreparable harm in the form of separation anxiety and attachment issues with potentially lifelong consequences.

This is from the Law Institute of Victoria. The paper goes on to say:

> We submit that this change contained in the Bill is extremely ill-considered as it prioritises the workload of the Child Protection workforce in preparing their case, over the rights of the child and parents to a fair judicial process within the shortest time available to ensure a child is only removed in accordance with law.

I have stated in this place and elsewhere on many occasions my deep admiration for Victoria's child protection workers. Many people in this place recently have been waxing lyrical about the extraordinary job of our healthcare workers over the period of the pandemic, and they have every reason to do so. Quite frankly I cannot think of a workforce that is more essential and I cannot think of a workforce that does more important work with such high stakes, and so I will never be critical of our child protection workers. Nonetheless my view is the same as the view of the Law Institute of Victoria—that in seeking to make this change what we are doing is putting the rights of children behind workload considerations and concerns for child protection workers. If child protection workers need to be provided more resources to enable them to efficaciously prepare documentation, well then, fine, the government should go ahead and do that. However, we must always put the rights of children first.

There are one or two other concerns that the law institute raises and that, again, numerous other bodies have raised with me. After I had made some public statements about my concerns regarding this bill, I was very pleased to receive further invitations to discuss these matters from the minister's office, and in those discussions I was convinced that the government is cognisant of these concerns and keen to allay them through non-legislative means. Nonetheless I will briefly put those concerns on the record.

The second one is regarding clause 68—the care of a suitable person—and broadly speaking my concern is regarding a decrease in discretion. Again, in the interests of brevity, I may simply quote from the Law Institute of Victoria. The institute said:

> The proposed change seeks to remove the discretion of the Court to make orders in the best interests of the child in accordance with the well-established paramountcy principle, and is therefore inconsistent with Section 10(3) of the Act.

It goes on to provide examples of negative outcomes that may flow from this change. It also is likely to lead to unfair outcomes and is disempowering, especially to young parents or parents with a disability, who may live with their grandparent or other relative and where some limited aspects of their care of the child may require the supervision of that relative. In the committee stage in particular I will be interested to have some discussions with the relevant minister about ways to mitigate the potential impact of that change.

Finally, numerous bodies wanted to speak with me about concerns regarding clause 60 and the expansion of proof. The Law Institute of Victoria says on this matter:

> **Clause 60** of the Bill extends the circumstances under which a finding can be made under the Act that a child is in need of protection to include any circumstance of when a parent is *unable to protect* a child, as well as the current circumstances that only allow for a finding of proof when a parent has not protected or is unlikely to protect.

I was pleasingly informed by the government that some of the eventualities that the law institute had spoken with me about and, I understand, the government about and some of the eventualities that in

particular women's legal services had spoken with me about and, I understand, the government about were not intended to be covered whatsoever by this change. Nonetheless I will have some discussions in the committee stage with the relevant minister.

So broadly speaking, the three overarching elements of this bill, the three elements that the minister highlighted in his second-reading speech, are elements that on this side of the house we care deeply about. We must shift our child protection system further and further towards early intervention. We must make sure that we take meaningful steps to reduce the shocking over-representation of Indigenous young people in our child protection system, and of course, as I say, there is full-throated and wholehearted bipartisan support for the notion that further support needs to be provided for those leaving our care system. For those reasons, whilst I will move at a later stage of our discussions one amendment to seek to retain the status quo when it comes to emergency protection orders, this bill will have the support of the opposition parties.

Dr RATNAM: I rise on behalf of the Greens to speak on the Children, Youth and Families Amendment (Child Protection) Bill 2021. This bill is making some significant amendments to our child protection system. Many of these reforms are reasonable improvements and have been welcomed by the sector. However, there are a few provisions of concern. I wanted to thank the many individuals and organisations across the sector who reached out to my office with their concerns about the bill, including the Victorian Aboriginal Legal Service, the Women's Legal Service Victoria, the Law Institute of Victoria and Star Victoria. In fact many of the organisations I heard from had very similar concerns, and they all felt that this bill had been brought before the Parliament very quickly and that there had been extremely limited sector consultation on the bill. It is disappointing to hear that, especially as it is not surprising. I am frequently contacted by sector groups who are dismayed that a new piece of legislation has been introduced with no notice or engagement. Even where consultation is done, it often seems to only be on the surface level, and the very real concerns raised by sector groups are not addressed by the resulting legislation. It is even more disappointing with this bill, which was introduced into this place in October, giving the government the whole summer to go back to the drawing board on the problematic clauses and work with the sector to improve the legislation. Yet that is what we are debating today—it is exactly what was introduced last year.

There are a number of sensible reforms in this bill. In particular it is really good to see the codification of the Home Stretch program, which helps young people transition out of care into adulthood and provides support up to the age of 21. We know that care and support should not just be cut off the second a person turns 18. The Greens have been calling for this change for years and took it as an important policy proposal to the 2018 election, and we are really pleased to see this put into law today. However, it is concerning that a number of the amendments in the bill seem to miss the purpose of this legislation, which is to protect and act in the best interests of the child. We have heard serious concerns from across the sector that elements of the bill will have serious impacts on already disadvantaged families and parents and will accelerate the permanent removal of children.

One of the most concerning changes in this bill relates to the extension of time for an application for an emergency care order to be heard by the Children's Court. Currently after a child has been taken into emergency care the department must appear before the Children's Court the next working day or before a bail justice if the child is taken into protective custody on a Friday or weekend or public holiday. The bill proposes to extend this to two working days or the next working day if on a weekend. The sector has rightly been alarmed at this change. Removing a child from parental care is one of the most extreme actions within the child protection system and is incredibly traumatic for and harmful to a child.

The court provides a really important check on the use of the emergency care orders, ensuring that there is some external scrutiny on the removal of a child from a home, but the new time frames mean that the secretary will not have to produce any evidence or justify the removal of a child from parental care for days. For example, if a child is taken into care on a Thursday, then the court will not need to hear an application until the Monday. I have heard that more often than not the court finds that the

removal of a child was not justified and does not meet the unacceptable risk standard in the act, and the child is returned to parental care. Extending these time frames seems like it will only exacerbate the already considerable harm done to a child who is removed from the family home. This is particularly concerning because it appears that a key motivation seems to be to allow the department more time to prepare its case before appearing before the court. If the child protection workforce is struggling with the one-day time frame, then surely the answer is to increase departmental funding and worker training and support, not to extend the time frames for really important judicial oversight.

We have also heard concerns around the new provisions that limit the types of interim accommodation orders that can be made. The bill provides that an interim accommodation order cannot be made if the order is made to the parent but also requires that another person provides a supervisory role. Instead the order must be made to the supervising person so that they have primary care of the child instead. We have heard from the sector that this will limit the discretion of the court in making orders in the best interests of the child and it will have a disproportionate effect on families who are already vulnerable and need additional support. There are many instances where another person, such as a family member, may be involved in the care of a child and where it might be appropriate to issue a care order that keeps the child with the family but requires another person to assist—for example, where a young parent is caring for a child with the support of grandparents or where a parent with a disability may need extra help and support. Yet this amendment appears to prevent such orders from being made, instead requiring that if there is another person providing a supervisory role the care order must be made in their name instead.

I have heard this means that the parent will no longer be able to access parenting payments through Centrelink as they no longer have primary custody of the child. For a parent who is already struggling, the loss of these payments can be the difference between keeping a roof over their head or affording food for the week, and worryingly it also begins the clock towards permanent removal of the child. Once a child is removed from parental care the statutory time frame for permanent removal begins—starting the clock ticking towards the child being permanently separated from their family—which means this bill actually has measures that would accelerate the permanent removal of children. These changes are also likely to disproportionately affect families that are already vulnerable, such as parents with a disability or First Nations families, the latter of which is extremely disappointing as these amendments are completely out of line with the government's commitments to Closing the Gap and its commitment to reverse the over-representation of First Nations children in out-of-home care. Given we are here debating a bill designed to better protect children from harm and to prioritise the best interests of the child, the government really needs to go back to the drawing board on this provision, which will have the opposite effect.

The bill is also making amendments to the role of Aboriginal community controlled organisations by expanding the role of Aboriginal agencies within the child protection system. However, I am not sure that it is appropriate to describe what is simply the delegation of existing powers as self-determination. Given the ACCOs' expanded role within the child protection system still requires working within the rules and confines of the current system, it is disappointing that the government seems to have missed an opportunity to consult more fully with Aboriginal organisations on these provisions and to more fully empower First Nations communities. It is also disappointing that this bill contains no statement of recognition that ACCOs have been advocating for the inclusion of such a statement in the act to acknowledge the over-representation of Aboriginal and Torres Strait Islander children in the child protection system and to provide binding guidance for decision-making regarding Aboriginal children. I would really encourage the government to continue working with ACCOs and First Nation stakeholders in the development of this statement and look forward to seeing this introduced into legislation in the near future.

This bill is also introducing no-fault language to the act to include the term 'unable to protect' in the list of grounds for protective intervention so that a child may be found in need of protection where a parent has been unable to protect the child from harm. I understand that the intention is not to create a

new ground but to remove fault-finding language from the current ground and to recognise a fuller range of instances where a child may need protection. However, the sector has raised really important concerns that these amendments will actually put responsibility on the family violence survivor to protect their children from violence rather than holding the perpetrator to account. These reforms really need to go hand in hand with more funding for support services, for the child protection system and for family violence services. I would encourage the government to work closely with the sector as these changes are implemented to ensure that the new language does not end up being used against survivors of family violence.

The Children, Youth and Families Act 2005 is an odd piece of legislation, as you have one part governing the child protection system and another part focused on youth justice. So part of the act is about protecting children from harm, but then another is designed to actually cause more harm to children and young people. One part treats children based on the current scientific understanding of a child's relative age and development and in another part directly contradicts these same understandings.

It will recognise that a child under 14 is yet somehow also not, developmentally, a child under 14 when they are accused of committing an adult criminal offence. It will recognise solitary confinement as a form of prohibited torture, yet also provide that these conditions are not torture when they occur in youth detention settings. It will say we should recognise the rights of the child, uphold their best interests and promote their development, except in the youth justice system, where it provides that we should act in a way that knowingly contradicts the science of children's age and development and is known to lead to catastrophic damage to the future health and development of the child.

For the small yet extremely disadvantaged and complex-needs cohort of vulnerable children that are frequently caught in between the child protection and the criminal justice systems, such contradictions, providing that the same child will not always have their rights protected, depending on the setting they find themselves in, are unacceptable. In crude terms we might ask: what is the point of ensuring that a child moving from youth detention into the child protection system or vice versa, as so many sadly do, will be treated in a way that upholds their best interest and promotes their healthy development when they have already been so badly traumatised from their experience in youth detention that their future development is irreparably damaged?

I understand the government intends to separate the child protection and youth justice legislation and that we expect to see this later this year. I think this is probably a good thing to do, but such a promise of future legislation does not permit the government to delay overdue reforms to bring Victoria consistently up to the minimum international human right standards in terms of the treatment of all children in all state-run facilities, nor does it overcome the fact that the bill in its current form will be unable to achieve its stated objectives by allowing many vulnerable children to fall outside its protection in certain circumstances.

The Greens have prepared amendments to the bill to rectify this, to ensure the bill actually meets its stated intention and protects children from harm. Our amendments will restore the one working day time frame for a court to hear an emergency application, remove the restriction on making a care order where another person is providing supervision and assistance to the parents, ban solitary confinement in youth detention centres and of course raise the age of criminal responsibility to 14. I ask, please, that my amendments be circulated.

Greens amendments circulated by Dr RATNAM pursuant to standing orders.

Dr RATNAM: It is appalling that in this state we still allow children as young as 10 to be sent to prison—kids who should be at school, playing sport or seeing friends instead charged as adults and locked away behind bars. The Greens know that this no longer aligns with contemporary understandings of childhood wellbeing and development, and the Victorian community knows this too, with the campaign to raise the age picking up momentum every day.

Victoria is ready to raise the age, but the government continues to drag its feet on this long-awaited reform, and we keep debating legislation like this which amends the relevant legislation but totally fails to address the elephant in the room. When I introduced the Greens' own bill to raise the age, I noted that:

> … the decision we have is not really whether to raise the age. It is whether we decide to act now to raise the age, or whether we go home and wait for more cost, more tragedy, and more crime, before returning back here to the same place, but in a worse state than today, to raise the age.

This is the same choice we have today. If we return to this bill in two weeks time and this place refuses to agree to raise the age of criminal responsibility, then we have completely failed our young people and our duty to protect children from harm. I urge all of us in this place to have a good think about this over the next week and whether we want to start this year off by condemning more kids to prison.

Dr KIEU (South Eastern Metropolitan) (20:52): With great pleasure I rise to contribute on and support the Children, Youth and Families Amendment (Child Protection) Bill 2021. Ensuring the safety and the protection of our children is amongst our most important responsibilities and reflects our shared goals and aspirations as a society to have a strong society with strong families in which children can grow and thrive and get a good start—each and every one of them.

This amending bill is a bill to further our achievements as a government. The Victorian government has a landmark reform to support all care leavers to the age of 21, which now will be enshrined, if the bill is passed into law, as part of the significant amendments to the Children, Youth and Families Act 2005. The bill streamlines and strengthens the child protection system and creates a contemporary, rights-based legislative framework to support children and families. We are leading the biggest ever investment and reform agenda in the child protection system to transform it from a crisis response model to earlier intervention and prevention. The Andrews Labor government is providing more support than ever before, with a massive $1.2 billion to boost funding for the children and family system in the Victorian budget 2021–22, which is already on top of the unprecedented $1 billion in last year's budget.

Due to the time available to me, I can only highlight some of the points in the bill. This is a very substantial bill, so let me go to some of the points that I would like to highlight. The bill will modernise the legislative framework and enhance early intervention, prevention and diversion. The bill will clarify that with the consent of the mother of an unborn child anyone likely to assume parental responsibility for the child once born, and anyone else who will be significant to the child, may be offered advice and services. This is to reflect a more contemporary understanding of family types and makes clear that advice and services can be provided to all persons who will assume the responsibility as parents for the child or have a significant relationship to the child. Importantly, it retains the need to obtain the consent of the mother of the unborn child before advice and services can be provided to another person. By focusing the investment in this way and spreading the availability of specialist support and therapeutic intervention for families in crisis, we will have the best possible chance of keeping families together, and more importantly of keeping children safe, which will in turn prevent a number of cases in which they would otherwise end up in court with a decision to be made about placing that child in state care.

The bill also clarifies and modernises volunteer childcare agreements. Currently childcare agreements can be negotiated by a parent or young person 16 years or older directly with a community service via a written care agreement. To modernise and clarify the circumstances in which a volunteer childcare agreement can be made, the bill will make clear that the childcare agreement does not confer parental responsibility for the child on the service agency caring for the child. Rather, the parents will retain all of the decision-making responsibility other than for daily care matters.

The bill also introduces the principle of family group conferencing. It is a new decision-making principle which requires the secretary to consider whether the decision-making process should include a family group conference. The family group conference can be achieved by identifying appropriate

support and service needs for the child by planning in partnership with families for children's safety and wellbeing and also building safety within the family to minimise the need for further statutory intervention. In 2021–22 the state budget provided nearly $20 million over three years to trial an approach to family group conferencing, and work is currently underway on the design of the model that will include protection for families where family violence is a concern.

Another point I would also like to highlight is the prohibition of personal cross-examination of victim-survivors by perpetrators of family violence. The bill will expressly prohibit the cross-examination of witnesses by an unrepresented party in the family division of the Children's Court where it is determined to be inappropriate. But to provide procedural fairness, a referral to Victoria Legal Aid will allow the cross-examination to be conducted by a legal practitioner acting on behalf of the legally unrepresented party.

The last point I would like to highlight is about elevating the rights of the child to increase the age at which intervention can occur to protect a child. Currently provisions prevent the reporting of abuse and neglect regarding 17-year-olds who are not already under a protection order from being received and investigated. The lifting of this will bring Victoria in line with all other jurisdictions in Australia.

Also the bill will introduce and legislate supporting out-of-home-care leavers up to the age of 21. It is to be enshrined in law in Victoria's landmark reform to support out-of-home-care leavers up to the age of 21. This is a reform by the government that the CEO of Anglicare and the Home Stretch coalition called 'the single most significant reform in child welfare in a generation'. Young people supported by the transition-to-adulthood allowance will have a key worker from Better Futures who will support them across a range of life areas, including housing, education, training, finding employment and also obtaining legal advice and assistance with gaining access to health and community services and counselling and support.

I would like to take this opportunity to thank the member for Narre Warren North in the other place for his time as Minister for Child Protection, as well as a member for Northern Metropolitan, Ms Fiona Patten. Both have been champions of outstanding care for young people, and I congratulate them for their advocacy.

The bill introduces many important amendments and new principles to protect the children, to ensure their safety and wellbeing and to provide more coordinated and effective community services to further progress key Victorian government reform priorities. I therefore commend the bill to the house.

Ms BATH (Eastern Victoria) (21:01): I am pleased to rise this evening to speak on the Children, Youth and Families Amendment (Child Protection) Bill 2021. In doing so, I would like to reiterate the comments of the Liberal lead speaker, Dr Bach, my colleague, and say that The Nationals will be supporting this bill that overwhelmingly has very positive aspects to it and, as has been said, much-needed modernisation of this child protection area. It is an area that, when you come into this role, you get to meet an enormous number of wonderful people both in the departments, where they absolutely care about their work and the integrity of their work, and also those families who extend themselves, their lives, their pockets and their families to look after vulnerable and often quite traumatised children. That is very much the case in Eastern Victoria Region—I have met with some absolutely fantastic people in the out-of-home care, kinship care and foster care areas. I am still learning about the magnitude of the work and the debt that we in this place in Parliament but also Victoria owe them for their care of vulnerable children.

I would like to start off and just make mention of the Home Stretch program and endorse this program. It has been trialled and then adopted in other jurisdictions around the world—in the US, the UK and Canada, across the ditch in New Zealand and certainly in other parts of this country. When I first came in, Georgie Crozier was the shadow minister in the child protection space and very able she was. I invited her down to the Latrobe Valley area and we spoke and had many forums where we learned and spoke about the issues that face parents—foster care parents in the whole. Through that process

we also spoke with Quantum around a Home Stretch program, a program where when children get to that point of being 17, rather than moving out of the home care area they are actually supported in a looser sense potentially in their own home or a rental or a shared rental or still in the family's home until they reach 21 years of age.

I happen to be the proud mother of two—I call them boys but they are certainly young men. I understand that as a young man reaches 18, whilst he can drive and he can go to the pub, if I can say that, and he can also vote, he is still developing. They are still becoming adults. They are still learning their way through life. My sons have been in a reasonably well adjusted home, but they still need those conversations and wraparound care of people who love them. In an out-of-home care system we see that children come in, and they come in because their initial home environment is either dangerous, abusive, neglectful or just not fit for their stability and nurturing. So they come into that sector and the longer they can have a good and stable support system, the better they will be. Indeed The Nationals and the Liberals in the last Parliament actually put forward a Home Stretch program, and we are very pleased that the Andrews government then adopted it as well. They took it up, and here it is being embedded into jurisdiction in terms of legislation.

Now, one of the things that the Home Stretch program really provided—and this is published literature from around the world—is that homelessness was halved in certain jurisdictions, hospitalisation was halved, arrests were reduced, alcohol and drug dependency was reduced and educational attainment and engagement was extended. These are things that should ring true in our ears, because that is what we need to see for our young people—and that is why the Home Stretch program certainly is most worthwhile. It is not early intervention by the time they hit 17, but that aftercare into their early adult life certainly helps to prevent a whole raft of further pain and cost on the state system in terms of extended medical care, drug rehab or unfortunately incarceration. We are preventing these sorts of things, so I certainly endorse that.

One fantastic person who I have come to know well in the Eastern Victoria Region is a lady by the name of Heather Baird. She and her fabulous team run A Better Life for Foster Kids. It is a volunteer system. It is certainly a charity. She does an amazing job, as do all of her workers and her committee. They participated in a Victorian survey with some alarming results, but not really surprising in effect. This survey was in 2021, *Strong Carers, Stronger Children*: *Victorian Carer Strategy—Findings of the Home-Based Carer Census*, and it was reported to the Department of Families, Fairness and Housing. There was a strong contingent from the Gippsland region, which is really useful for me as well.

Some of the information that came through that was that there is a desperate need for mental health supports in the out-of-home care sector. Children have assessments on their physical health. They have oral assessments and assessments for whether they are seeing well or need glasses. But again, Heather will always stress the importance of that mental health support and the need for a mental health assessment when they walk through the door. Of children in out-of-home care in Victoria, the report showed 69 per cent of them have a history of trauma. Unsurprisingly, 56 per cent of them have behavioural issues, 44 per cent have attachment issues and 40 per cent are identified as having mental health difficulties. They are coming in with clouds over their heads. The report also found that close to a third of carers had ended a placement with a child or children because of these behavioural issues within the children—violence, anger and behavioural issues. I am sure that is unfortunate, but it is the reality that these out-of-home carers have to deal with.

Now, Heather has been so passionate about this, and I know she actually met with Minister Donnellan when he was in this space. She met with him—I had advocated for her to meet with him—and she certainly had a productive meeting with him. She has called for the Andrews government to present a pilot program about mental health assessments. Now, to date that request was received, but nothing has been actioned to have these wraparound services so that within the first three weeks of going into care a child has a proper mental health assessment. That does not mean that they are going to get all the services instantaneously, but they will have an assessment. She just said, 'Children need to tell

their story'. Whatever that story may be, they need to be able to express it, get it out there, unpack it, go through it and have help—professional help—when needed to pass through that. I think we should all relate to that.

Now, it is not coming from the government at the moment, so the pilot program is being run by A Better Life for Foster Kids. They are putting forward $20 000. It sounds like chickenfeed to big business and big budgets, but it will mean a lot to children in the area that they identify. They are going to have these assessments and pay those bills and then present that back to government as a really important way of showing the significance of having that early intervention for children. She certainly has some questions that she would like me to ask in the committee stage, so I am just flagging that with the minister. It will probably be next week, I am assuming. But it is really important that we follow up on these things.

Through the meeting she had with Mr Donnellan—Minister Donnellan at the time—there was a real issue around statistics. She wants to understand about a child that has no reunification order—so they are not ever going to go back to the parent; it is too unstable, too dangerous. She has cases where the child is languishing on the list in limbo land, unable to get heard in the court system, and she has seen instances where a child has gone in almost at birth and they have still been in the system two years later. Now, if you are not going to reunify them with the parents and there is no hope of doing that, then that child needs to be fast-tracked through the system into a loving home, a permanent home, a permanent care arrangement, so I want to ask some questions about how that process is going, how many children are put into permanent care within the two-year period and how many are still waiting on lists. I think we need to see some of that data, because we need to see it and government needs to understand how it can target its investment in this space. There are other questions, but I just would like to touch on a couple of other things from the bill, so I will save some of those questions certainly for the committee stage.

When we see people calling life as it is I think we need to endorse them and encourage them to go further. There is a sensational lady who I think is well known if you look on any sort of social media; she is Jacinta Nampijinpa Price, and she actually calls it as she sees it because she lives it and she understands what happens in her Indigenous community. But she is looking at what is in the best interests of those children and the women around those children, youth and families. I really endorse her courage, because sometimes she is actually not seen to be trendy. There are some in society that would push back on her and tell her to sit down and be quiet, but I want to encourage her to keep working.

Fortunately we do see—and this bill starts to look into this in detail—a modernising of legislation and frameworks to decrease the overrepresentation of, as in this case it is saying, Indigenous children in the system. Again, speaking with Heather, she does see that there is often a bouncing, unfortunately, of Indigenous children from kinship care to kinship care and then out into the foster care sector, and it really sometimes does not serve the child. Heather will often say the system is back to front, because quite often it is around the parent or the kinship parents or even the original parents. So I think this system really needs to be overhauled. If this can do it and provide strength to support the children, then this is a very good thing.

With that I think I will leave my contribution there for this evening, endorsing this bill. I know that my colleague Dr Bach spoke about the time frame, and this bill lengthens the time frame for protection—youth protection, child protection—to be able to have those children assessed and put through the courts. I endorse his position about bringing it back and keeping it in the status quo, as the Law Institute of Victoria have put forward in their very strong position. We have heard from them in the past, and I think they are reasonably wise individuals in terms of the law. So I endorse his position in terms of our amendment, and with that I look forward to the committee stage of the bill.

Ms PATTEN (Northern Metropolitan) (21:15): I am very pleased to speak somewhat briefly and somewhat specifically to the Children, Youth and Families Amendment (Child Protection) Bill 2021, which as we have heard from Ms Bath just now, is an omnibus bill with lots of features and tendrils to it. But I would like to focus my attention on part 19. Two years ago I introduced the Children, Youth and Families Amendment (Out of Home Care Age) Bill 2020. Back then in Victoria exit care planning for kids in foster and state care began at 15 years of age, and every child must have left the nest by their 18th birthday. As many as 800 young people were leaving care in Victoria every year. In Victoria somewhere around 11 000 children are unable to live with their parents at any given time and find themselves in the statutory care of the state—that is, their legal guardian or parent is the government. Most of these children are living in foster or kinship care, but around 6 per cent live in residential or group homes. Now, this may be the result of violence in the home or issues with their parents' drug use or mental health. There is a plethora of reasons why children can no longer live in their homes.

When we think about who these children are and the trauma that these children may already have experienced in their young lives, there is no doubt many will remain vulnerable. While 85 per cent of 18- to 21-year-olds in Australia are still living at home with one or both parents—and I know many of us would have experienced having adult children still living at home with one or both parents—we were expecting, until this bill, our vulnerable care leavers to fend for themselves at age 18. It was quite simply a recipe for disaster, and the statistics have borne that out. Care and support, financial and emotional, is withdrawn by the state. It is abrupt, and it is no surprise that within 12 months of leaving care 50 per cent of our care leavers were homeless, in jail or unemployed—50 per cent. For those reasons, countries like the USA, England, Scotland, Northern Ireland, Wales, Canada, New Zealand, Sweden, Germany and Portugal extended care to 18-, 19- and 20-year-olds with, not surprisingly, incredible results. And that is why I introduced a bill some time ago to do the same here in Victoria, because it simply stood to reason. In Leeds, England, the year after they extended their leaving-care age, only one young care leaver ended up in custody, as compared to 102 in the year before implementation. So it went from 100 kids ending up in custody to just one—just by this simple model.

Deloitte Access Economics estimated that continuing care in Australia to 18-, 19- and 20-year-olds would almost halve homelessness, reduce hospitalisation by one-third, reduce mental illness by over 40 per cent, increase engagement in education, significantly decrease arrests and massively decrease alcohol and drug dependence for this cohort. So this amendment—part 19 of this bill—is really a no-brainer, and I am pleased that we got there. And I have to say I am pleased that we were able to nudge the government in that direction. It is very good evidence-based policy. It is a platform of the Reason Party. It is why we brought the issue to this place. To the government's credit, they acted almost immediately to extend the Home Stretch program administratively in 2020, but legislating this change just guarantees that reform.

Today we see lasting legislative reform being locked into our statutes. This will save and change lives. Ms Maxwell and I have been working on the justice inquiry and we have seen the effect of—you would not even almost call this 'early intervention' at 18—providing safety and security to our young people, the impact that will have on their lives in the future and the impact that will have on our justice system, on our homelessness system, on so many other factors in our society.

This bill will expand the secretary's responsibilities to provide services to assist young people under the age of 21 who are transitioning from out-of-home care to adulthood to include young people who have grown up in permanent care. I think all of us can think of that 18-year-old, and the thought of just closing the door, changing the locks and saying 'You're on your own now' when some of them may be still trying to finish year 12 and some of them are just still trying to find their way—most of us cannot even conceive of doing that with our children.

The bill also creates a legal obligation for the secretary to provide a transition to adulthood allowance for all eligible care leavers. The allowance will contribute to the costs of accommodation and support for young people who have left care as they transition to adulthood where the young person is living independently or where they are remaining with their existing home-based carer. This is how the

wonderful Home Stretch program will be delivered, via this reform, to the 500 or 600 young people who leave care this year and in years to come. I congratulate the government for listening and for acting on this really important policy.

I did not write this section, but I think this is how having a crossbench does impact in here. It does enable us to nudge on policy. I do not want to take credit for this because I know there are the Home Stretch campaigners and there have been so many people campaigning for this change. But sometimes it takes someone to bring it into the house, to just push it that little bit further and push it over the hill so it gets onto the legislative agenda of the government, and I will take some credit for doing that. But this is very pragmatic change, as I just would like to reiterate—change that has been campaigned for by many organisations. I certainly would like to congratulate all of them, and I know that all of them are feeling really good in the knowledge that we are legislating for these changes.

As I said, this is an omnibus bill, and I only wanted to touch on that part specifically, but I would like to make the point that I recognise the issues that stakeholders, including the Law Institute of Victoria, Women's Legal Service Victoria and the Victorian Aboriginal Legal Service, have raised with respect to time frames for emergency applications, care of a suitable person, reunification time frames and other matters. I look forward to discussing more of those in the committee process, and I will certainly support amendments in this house that go to those matters.

Dr Ratnam's out-of-scope amendments are around increasing the age of criminal responsibility. That is an issue that I also am passionate about, and I will be very interested to see how we go in the committee process for that. It is certainly a Reason Party policy as well. Kids should be treated as kids, not criminalised before their young minds have even developed, not thrust into a criminal justice pathway that they cannot escape. We know the younger a child enters into the criminal justice system the more likely they are to stay in it. One of the facts that a number of us on the Legal and Social Issues Committee heard is that 44 per cent of the crimes are committed by 6 per cent of people, and of those 6 per cent almost all of them started hitting the justice system at around the age of 10, so increasing that age of criminal responsibility could have a dramatic impact on our crime stats, on our prisons, on our justice system.

To return to my principal point, I am so glad to increase the care-leaving age in this state to give some of our most vulnerable Victorians a much better chance, and that is the reason I commend the bill to the house.

Mr GEPP (Northern Victoria) (21:25): I too rise to speak on the Children, Youth and Families Amendment (Child Protection) Bill 2021. It occurred to me as I was listening to all of the different speakers that I am so pleased to be part of a Parliament where people with different points of view can come in and talk about such an important reform, such an important piece of legislation, looking after our most precious commodity, and that is our children. There is nothing more noble, I do not think, that a Parliament can do than to deal with legislation that has as its objective to provide the best possible protection that we can provide our children. I said when I first started in this place that the ultimate Sisyphean task in my view was to identify inequality and then deal with it, because each and every time when you think you have found it and you have dealt with it, you turn over the next page and there is more, and it is that constant challenge.

Of course I contrast the discussion that is occurring in this place at this time around this bill with what is going on in our nation's capital, where this week has been dominated by a bill purporting to support each and every child, but of course what it was doing was providing state-based sanctions for discrimination against certain children. If I might just digress for a moment in talking about that, my very dear friend is the member for Whitlam, Stephen Jones. Stephen and I go back a long way. We were baby organisers in the CPSU. We then became industrial officers, and we shared a portfolio around social security and employment services. Ultimately Stephen and I became the national leadership of the CPSU. I was very, very proud. Stephen has always been an exceptional talent, but there are moments in people's lives where they shine, and what shone through from Stephen was love

for children. That is what it was; it was just love. It was non-judgemental, it was supportive, it was caring love. Stephen's child was on the ABC this morning. Paddy was interviewed, and what an outstanding young person Paddy is. Michael Rowland asked Paddy, 'So how do you define yourself?'. This extraordinary young person, 14 years of age, just looked straight down the camera and said, 'I don't feel a need to have to define myself. I am who I am. I'm comfortable in my own skin and I'm happy', and that said it all.

But of course what precipitated those things this week was a debate in our nation's capital that I do not think stood our country in the best light. Rather than the opportunity to unite and come together and try and advance the interests of children it sought to segregate certain children and ultimately became a very divisive and divided debate. I think those that took part in it and led that process may well reflect in time to come on their role and I think, if they had their druthers, would probably approach it from a different perspective. As I said, I contrast the approach there in Canberra with the approach here today. We do not have cameras everywhere. We do not have journalists hanging over the rafters. Maybe that is the Legislative Council.

Dr Bach: Because it is 9.30 at night.

Mr GEPP: Well, it is. But they were there at 4 o'clock this morning up in Canberra when they were debating these things. But they are not here, because it is not divisive. What we have got is a group of people in this chamber who are all committed, I believe. We may have different views about how we are going to get there, and I accept that, but it is so important that on important issues such as this, where it comes to our most precious commodity, that we all strive, we bring out the best in each other to try and achieve something for our kids that will be long lasting but importantly be beneficial to them. I want to congratulate former minister Mr Donnellan for the work that he has done in this space over a long period of time.

Dr Bach: And Dick.

Mr GEPP: And Dick. I also particularly want to thank Minister Carbines, who has taken up the challenges as well, and everybody who has participated in the formulation of this policy.

As has been noted by many speakers before, this is an omnibus bill. It is very complex, it is very large and it is very detailed, and it is not possible in a second-reading speech to go through it. I am sure that the committee process will be long—I am certain of that—but I am also confident that it is going to be a very, very productive process, listening to the contributions that have been made in the chamber here tonight.

I do want to perhaps deal with one issue that I did hear Dr Ratnam raise in relation to consultation. I think it is important just to put on record my understanding of what actually has taken place in the formulation of this bill. My understanding is that there have been 68 stakeholder groups that we have met with. There have been six information sessions. There have been 57 tailored consultation sessions. There have been workshops with the Children's Court. I think there have been multiple workshops with the Children's Court. Dr Ratnam talked about Aboriginal community controlled organisations and the work that we have done with ACCOs, and of course we have done a lot of work in this space with ACCOs and more broadly Aboriginal child protection in the formulation of this bill. Dr Ratnam encouraged us to continue to consult with those groups. Of course we will.

One thing that we recognise as a labour party is we acknowledge the traditional owners of this land. We acknowledge the oldest living culture on this planet. We value that culture. We value all that they bring to this nation, and we understand that self-determination, self-management and all the things that go with it are so important. Advancing Aboriginal self-determination and self-management are key aspects of this bill.

I just want to touch on a couple of things that we are doing. The one thing that we do not claim is—using the Sisyphean task—that it stops here, but we keep going, we keep going, we keep going. We

keep advancing. We keep moving forward. That is what this is about. We are legislating five aspects underpinning the intent of the Aboriginal child placement principle. The bill expressly includes all five aspects of that, and they are prevention, participation, partnership, placement and connection. Section 13 of the current act, the Children, Youth and Families Act 2005, describes matters that must be considered when placing an Aboriginal child in care, and this has the effect of placement being incorrectly considered as the sole or most important principle.

This is one element of a suite of reforms introduced by this bill to achieve self-determination and self-management for Aboriginal people and to strengthen provisions that uphold the primacy of culture for the safety of Aboriginal children. As has been noted by at least two speakers, we have an unacceptably high number of Aboriginal children in care and in contact with child protection, but we also know that the reasons around those numbers are very, very complex and they must be understood in the context of a long history of racism, dispossession, marginalisation and poverty. The evidence is clear that the single biggest factor in improving health and social outcomes is self-determination. We recognise that Aboriginal people are best placed to lead and inform responses for Aboriginal children and families and that Aboriginal people have the strengths and right to lead change for their children.

They are just some of the aspects of the bill before the house. As I said, it is a very detailed bill. There is much detail to go through, and I am sure that, as I said, the committee stage will be a very robust process. It will be thoughtful. It will be thought provoking. There will be lots of challenges and amendments put forward and ideas discussed and kicked around, and I welcome that, particularly if tonight's debate is a measure of how that process will occur. I am confident it will be because I am confident that everybody in this place is coming at it from the same perspective, and that is: let us get the best outcome for our kids that we can get. I commend the bill to the house.

Ms MAXWELL (Northern Victoria) (21:37): I rise to speak on the Children, Youth and Families Amendment (Child Protection) Bill 2021. I would like to thank everybody for their contributions so far, but in particular there were a lot of remarks that Mr Gepp made that really resonated I am sure not only with me but with other members and people who are listening. I commend you on your dedication to children, and you have conveyed that in many of your speeches, Mr Gepp, over time in this place. I think that certainly needs to be acknowledged.

We know that this bill makes a number of improvements to a system that quite often fails vulnerable children in its care. I have seen it. I have worked in it. I applaud those workers who are in that position, who are doing their best. I can remember working with a woman, and she used to carry tins of tuna and biscuits and things in her handbag. And I said to her, 'Michelle, how do you go when you go into a supermarket? Why have you got all this food in there?'. And she said, 'Because when I work with these vulnerable children I never know when I'm going to get a meal break. I never know where I might be in 2 or 3 hours from now. I could be out the back of Bourke. I could be anywhere'. I was more concerned about her getting picked up for shoplifting, but that is the life they lead.

Those workers are so incredibly dedicated. This bill needs to make our system easier for those workers. They do live and breathe their work, and I commend every child protection worker who commits their life to supporting these vulnerable children. We know that there has been report after report from the Commission for Children and Young People, and we know there is still such a long way to go to achieve safety and good outcomes for these children. When the system fails these children, there is pure heartbreak. It is children who live without the benefits of lasting connections, trust, safety and security. These children are shuffled through multiple out-of-home placements and multiple caseworkers, never really knowing where they belong, some never really knowing and understanding why they been removed. A child has so much love for a parent no matter how that parent treats them.

It is up to us as a Parliament to do better for these children—not only these children but the families they are born into. It is imperative that we do not just work with the child but we work with the family, we work with support organisations and we make easier those necessary changes to prevent these

families from being vulnerable, to assist these families to become stronger and to give them the support, the knowledge and the education so these children do not need to be removed.

Many of these children have suffered trauma. Then with their being removed from the home the trauma perpetuates and then as they are returned and are removed again, and then they go back and then they are removed again—it goes on and on and it becomes a revolving door of chaos. I have often used a really bizarre analogy, but it is one that I think is so true: you cannot take a child out of Afghanistan, send them to Hawaii for a week, bring them back to Afghanistan and expect them to make changes to their behaviour. It is not realistic. It is not practical without us supporting the families that these children live in. Why are we so dependent on the children making the changes to their own behaviour? That is something that really has always resonated with me. We put so much focus on the child changing their behaviour without giving them and their family the supports to do so.

A lot of these vulnerable children are more likely to suffer mental illness and substance abuse, endure sexual abuse and violence, have low educational attainment and ultimately, for some, have contact with juvenile justice. Ultimately they become adults who are more likely to experience poverty, continued mental health challenges, ongoing substance abuse and unemployment—or worse. They are more likely to commit crime, to perpetuate abuse themselves—and against themselves—and to have their own children removed and to end up in prison.

This is not some far-flung thought process; this is what I have worked with. I have spoken to so many organisations and stakeholders who live with and see this time and time again. These are not the outcomes that they want for vulnerable children and families. This is not the outcome we want for adults. Nobody wants children left in homes where they are unsafe and neglected, but unfortunately that is a regular occurrence across our state every day—and we simply must do better.

The system is under such strain that often it is only in the most critical of cases where children are removed, and when they are there is sometimes nowhere for them to go—perhaps a hotel room accompanied by a revolving door of caseworkers or a residential setting that is not matched to their age or circumstances and possibly does not offer therapeutic care. We see what happens when intervention programs are too short and where the workforce and funding are stretched too thin.

I keep harking back to the need for early and intensive support to get families back on track and to help them stay on track. I must say at this point that I think the decision to reduce and in many cases stop child protection workers having face-to-face visits with at-risk children during the pandemic is one we should never see again. In 2020–21 the commissioner for children and young people was notified of 45 children who died after having contact with child protection. In two of those cases the face-to-face contact reduced and the direct supports ceased during such a critical time. As the commissioner said, this meant children already at risk of abuse and neglect were even less visible to organisations and critical services. This should never be repeated, and we must do better.

There is a plethora of people working in the sector who, as I said before, give their heart and soul to helping these children and families that they work with. These are people who are born to do this work. Their passion and their commitment are just absolutely so appreciated, and the gratitude I have for those workers is beyond belief.

There are incredible foster carers and kinship carers, but there are not nearly enough of them. There are others who play a vital role in these children's lives, such as teachers, social workers, occupational therapists, caseworkers and volunteers. Volunteers in our community play an enormous role in supporting these young people and their families. I recognise also that this is very complex work. It can be overwhelming, frustrating and bureaucratic. The policy development itself is very complex, and I am grateful to the minister, staff and department, who have provided me with briefings on the work being done to improve the system. I do say that I am very grateful to the government for bringing this bill to us, and I think it is an enormous start to better protecting our vulnerable children.

Clause 35 of this bill makes a symbolic change to best-interest principles that I hope will deliver a more child-centred approach to decision-making in the future. The focus of decision-making should be orientated to the wellbeing of the children, and sometimes this should be over the rights of parents. This includes making decisions in the best interests of the child and ensuring the child has a voice in the process.

A case in point was made to my office by someone who is working with a sibling group, noting they had been removed from their home 18 months ago for very serious family violence, parental drug use and neglect. They are now safe, cared for, learning, sleeping, eating. Most importantly, they are being children. Unfortunately contact visits trigger trauma behaviours every time. Often the parent does not turn up for their visit, which further traumatises the children. This happens nearly every week. In this case, these children live in a state of confusion because their lives are so uncertain. They live in fear of being returned to their parents or constantly disappointed because their parents do not turn up to their contact visits. How many times do we put a child through this before we change the approach? When a child has contact visits it should be a positive experience. We need to secure this outcome for them and find appropriate alternatives when contact simply compounds trauma.

There is much we can do to help preserve the parental-child bonds without the child experiencing recurring trauma that often accompanies that bond, whether it is responding to drug use, alcohol, family violence or homelessness, and this is where I reiterate the importance of working with not only the child but the family. There is also much to be said for those programs and organisations who work from a strength-based approach, who not only support the child but help the entire family and empower them to make positive change. I firmly believe these interactions need to be early, intensive and enduring. The crisis point is simply far too late.

I would like to see work with vulnerable and at-risk mothers and their families delivered more intensively as part of a sustained nurse home visiting program, like a super-nanny model who would help parents get the family and home on track and keep it there. My intern, Vera Boylan, did some great work on investigating the feasibility of this model, and I will continue my discussions with the government on these preventative approaches.

This bill is a stepping stone to reducing the number of traumatised children ending up in care, and this government must ensure a therapeutic and holistic approach is embedded across the system. I have heard positive things about how the therapeutic treatment board has worked through the Children, Youth and Families Act 2005. It has not required many more resources; however, it has implemented the right resources to support decision-making for children with concerning sexual behaviours. The act has worked well for these children, and the board provides the expertise in guiding decision-making.

There have been some concerns raised that the provision in this bill to extend the time frame for reducing emergency care applications will have adverse consequences. I know those who have this view have the best interests of the parents at heart, but I can see the government's perspective that giving child protection a little more time to prepare, including undertaking proper assessment of placements, will also be beneficial.

We need to think about this through the experience of the child. We often see that by the time children are removed and all that goes with that chaos—and it is chaos—if they go to an emergency respite carer, they might not get there until late; sometimes they have not eaten, have not bathed or have not slept. They have had a terrible day or many terrible days. They get to bed late, and first thing the following day they are picked up by yet another child protection worker to head to court. These children have not had the chance to take a breath, to eat properly, to have some playtime or to have some rest. Is rushing this process really in the best interests of the child? We do need to make sure, however, that if children need to be in emergency care for longer as a result of this change to the act, the care is available for them and the time frames do not drag the timing of a hearing out unnecessarily.

Interim accommodation orders are another change that some stakeholders raised concerns about with us. The change will provide the person they are residing with with more power in urgent situations and the capacity to receive an allowance. I think there could be opportunities to sort out funding issues so that carers can access financial support through ways other than legislation. The Law Institute of Victoria is concerned that the provision will be a disincentive for leaving family violence and perhaps place children at greater risk.

The bill creates family group conferences, which appear to have some positive effects in other jurisdictions, avoiding court proceedings and offering alternative intervention practices. The bill changes the definition of 'seclusion' and prohibits the solitary confinement of children. The delegate has the power to seclude children for a maximum of 12 hours. Restriction of children in such a way is definitely an extreme action, and I do not suggest isolation is the appropriate intervention. However, I do not have a great understanding of what the alternative is, and once again I would like to know what supports will be put in place for children and workers when things get so out of hand that seclusion is considered necessary. Seclusion is sometimes also used for the safety of that person and the safety of others, so I will be very interested to ask some of those questions in committee as to what the actual alternative is.

Regarding the Greens' proposed amendment to raise the age of criminal responsibility, I do not think there is anyone in this place that wants to see young children incarcerated. The ultimate way to achieve this is through intensive early intervention that diverts children away from criminal offending. Children do not just wake up one day, commit serious crime and end up in juvenile justice. There are opportunities for intervention and diversion that are missed along the way. From the very early years there is a gap we need to fill urgently. I have real concerns that raising the age without proper supports in place could see children targeted by criminals who would use them to commit crimes on their behalf—and we are already seeing that; those numbers are increasing.

I will leave my points there in relation to this bill and would like to finish on that early intervention focus—that we will deliver big returns, reducing the number of children entering out-of-home care and improving their lives, the lives of young people. A report released by SVA Consulting which was commissioned by major players in the community services sector provided an economic case for investment in early intervention and recommended five programs to support vulnerable children and families at different points in the system. Turning up the dial in these programs over a 10-year period could remove more than 1200 children from the out-of-home care system every year. It requires big dollars—$150 million every year—but the returns will be delivered downstream through reduced pressure on the justice, health and homelessness systems.

The government has invested in some of these measures—I am very grateful for that—and we are starting to see a greater focus on those therapeutic interventions. I recognise there is not an endless supply of funds, but both our child protection and justice systems need this intensive and sustained funding from end to end if we are to make real inroads into change. I look forward to seeing those reforms unfold and hope they will deliver better outcomes for every vulnerable child. I look forward to participating in committee of the whole, and I thank the government for bringing this bill to the Parliament.

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (21:56): I move:

> That the debate be adjourned until later this day.

Motion agreed to and debate adjourned until later this day.

Business of the house

ADJOURNMENT

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (21:56): I move:

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

Motion agreed to.

Bills

JUSTICE LEGISLATION AMENDMENT (CRIMINAL PROCEDURE DISCLOSURE AND OTHER MATTERS) BILL 2021

Council's amendments

The ACTING PRESIDENT (Ms Patten) (21:57): I have a message from the Assembly:

The Legislative Assembly informs the Legislative Council that, in relation to 'A Bill for an Act to amend the **Criminal Procedure Act 2009** in relation to disclosure obligations and applications for orders relating to non-disclosure, to amend the **Magistrates' Court Act 1989**, the **Supreme Court Act 1986**, the **Constitution Act 1975** and other Acts in relation to dual commission holders, to amend the **Criminal Procedure Act 2009** and the **Victims' Charter Act 2006** in relation to sentence indications, to amend the **Victims' Charter Act 2006** in relation to information required to be given to victims, to amend the **Personal Safety Intervention Orders Act 2010** in relation to applications for personal safety intervention orders, to amend the **Children, Youth and Families Act 2005** in relation to the Family Division of the Children's Court and to amend the **Criminal Procedure Act 2009** and the **Family Violence Protection Act 2008** in relation to giving evidence remotely in certain proceedings and for other purposes' the amendments made by the Council have been agreed to.

HEALTH LEGISLATION AMENDMENT (QUALITY AND SAFETY) BILL 2021

Introduction and first reading

The DEPUTY PRESIDENT (21:59): 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 **Health Services Act 1988** to provide for the appointment of a Chief Quality and Safety Officer, to provide for quality and safety reviews of health service entities, to create a new statutory duty of candour for health service entities, to amend the **Public Health and Wellbeing Act 2008** to confer additional functions on the Victorian Perioperative Consultative Council, to make consequential and miscellaneous amendments to the **Ambulance Services Act 1986**, the **Mental Health Act 2014** and the **Health Complaints Act 2016** and for other purposes'.

Mr Ondarchie: On a point of order, Deputy President, I bring to your attention that the 10 o'clock mark has passed in this house, and there has been an absence of an extension by the minister, so I will leave it with you.

The DEPUTY PRESIDENT: It is just right on 10 o'clock, Mr Ondarchie.

Business interrupted pursuant to standing orders.

Ms PULFORD: I did not want to interrupt the Deputy President while she was reading the title of the bill. So, without assistance, pursuant to standing order 4.08(1)(b), I declare the sitting to be extended by up to 1 hour.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (22:01): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (22:01): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Health Legislation Amendment (Quality and Safety) Bill 2021 (the **Bill**).

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

Overview

The Bill:

- amends the *Health Services Act 1998* (**the Act**) to:
  - provide for the appointment of a Chief Quality and Safety Officer (**CQS Officer**);
  - provide for quality and safety reviews of health services entities and to introduce protections for serious adverse patient safety event reviews (**SAPSE Review**) conducted by health services entities;
  - create a new statutory duty of candour for health service entities;
  - extend protections for apologies offered by health service entities for harm suffered by patients; and
  - make other amendments to the Act;
- amends the *Public Health and Wellbeing Act 2008* to confer additional powers on the Victorian Perioperative Consultative Council (**Council**); and
- makes consequential amendments to the *Ambulance Services Act 1986*, the *Mental Health Act 2014* and the *Health Complaints Act 2016*.

Human rights implications

The Bill engages the rights to privacy (s 13(a)), freedom of expression (s 15) and fair hearing (s 24) under the Charter, discussed below. Relevantly, all measures in the Bill are directed at improving the quality and safety of health services. To the extent, if any, that the clauses limit a Charter right, those limits are justified measures to achieve the overarching purpose, being to improve the quality and safety of health services.

Right to privacy (s 13)

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

A number of clauses in the Bill engage the right to privacy, as set out below.

Identity cards

The Bill provides for the appointment of authorised quality and safety officers (clause 5, s 121). Authorised quality and safety officers are required to be issued with an identity card containing their photograph and the signature (clause 5, s 122). The authorised quality and safety officer must, unless it is impracticable, produce

the identity card before exercising a power under the Act or regulations or when asked to do so by the occupier of any premises during the exercise of a power under the Act or regulations (clause 5, s 123).

These clauses may interfere with the authorised quality and safety officers' right to privacy, to the extent they are required to disclose their name, photograph and role in specified circumstances. However, the interference with privacy is neither unlawful nor arbitrary, as it is a proportionate and necessary measure to ensure that persons dealing with authorised quality and safety officers are able to identify them, as well as providing some protection against people fraudulently claiming to be authorised quality and safety officers and seeking to exercise their powers. I therefore consider that these clauses are compatible with the right to privacy.

Quality and Safety Reviews—investigations

The Bill enables the appointment of a CQS Officer, who may conduct a standard or a protected review of the quality and safety of service provided in or by one or more health service entities. Reviews may be conducted if the CQS Officer is of the opinion that certain grounds apply, including that the health, safety or wellbeing of a person is or was endangered as a result of the provision of the services (clause 5, s 124(1)(a)).

The primary distinctions between a protected and standard quality and safety review are the confidentiality and disclosure provisions that apply with respect to information relating to a protected review (clause 5, ss 128I, 128J) that do not apply to a standard review, discussed further below. Further, when determining whether the circumstances warrant the conducting of a protected quality and safety review, the CQS Officer must consider the reasonableness and necessity of providing additional protections to ensure honest and open engagement with the review whether the circumstances warrant the imposition of the confidentiality and disclosure provisions, having regard to the reputation, privacy, safety and wellbeing of the persons involved in the services the subject of the review (clause 5, s 124(4)).

When conducting a quality and safety review, the CQS Officer, or an authorised quality and safety officer at the direction of the CQS Officer, may:

- enter the health service entity and, among other things, may inspect, examine or make enquiries (clause 5, s 128(2)(a)); and/or
- direct a member of staff of a health service entity to produce documents or answer questions (clause 5, s 128A).

A person the subject of such a direction must provide reasonable assistance to the CQS Officer or authorised quality and safety officer (clause 5, s 128B).

These clauses may interfere with the right to privacy to the extent that they allow investigative powers to be exercised. Although the powers of entry are limited to workplaces, investigations may require disclosure of sensitive information, including health records. However, the interference will be neither unlawful nor arbitrary. The provisions will be authorised under legislation and a review may only occur if the CQS Officer or the Secretary is of the opinion that one or more of the relevant grounds apply (clause 5, s 124).

Various safeguards are available to ensure that information obtained through the use of the investigative powers is not inappropriately disclosed. In particular, where a person is conducting a protected quality and safety review, strict confidentiality obligations apply to the CQS Officer or an authorised quality and safety officer (clause 5, s 128I). Penalties are imposed for making records of, divulging, or communicating information obtained while conducting a protected quality and safety review, other than in the performance of relevant functions under the Act (clause 5, ss 128I(2) and (3)).

While the Bill does not provide specific confidentiality obligations with regard to information obtained during a standard quality and safety review, such information is subject to the protections arising under the *Health Records Act 2001* (**HR Act**), the *Privacy Data and Protection Act 2014* (**PDP Act**) and the exemption in the *Freedom of Information Act 1982* (**FOI Act**) relating to the unreasonable disclosure of personal information.

Given the existence of these safeguards, and the restrictions on when investigative powers may be exercised, I therefore consider that these clauses are compatible with the right to privacy.

Quality and Safety reviews—reports

The CQS Officer must prepare a written report of the findings of the review (clause 5, s 128D), and provide a copy to any health service entity to which the report relates. The health service entity has an opportunity to respond (clause 5, s 128D(4)) and both the report and any response are to be given to the Secretary (clause 5, s 128E). The Secretary may, if of the opinion that it is in the public interest to do so, publish a copy of the report and any health service entity's response to the same. However, information other than role titles or specialist areas of practice must not be published without a person's consent if it identifies or is likely to lead to the identification of that person (clause 5, s 128F).

A report of a protected quality and safety review is subject to particular confidentiality provisions (discussed further below). However, a summary of the report of a protected review, or the report itself, may be provided

to prescribed persons or persons with sufficient personal or professional interest in the subject matter of the report (including the patient, their nominee, or the patient's family carer or next of kin where the patient is deceased or lacks capacity) (clause 5, s 128G(2).

The CQS Officer may make a referral to the chief psychiatrist or the Chief Health Officer if the CQS Officer reasonably believes that a matter is relevant to the statutory responsibilities of the chief psychiatrist or Chief Health Officer (clause 5, s128L).

These clauses interfere with the right to privacy to the extent that they allow information to be shared, and may, by the inclusion of role titles or specialist areas of practice within the report, allow for persons to be identified in published material. However, any interference will be authorised under legislation, and not arbitrary as:

- the sharing of information in those circumstances is reasonable and necessary to achieve the overarching purpose of the review, being to improve the quality and safety of the provision of health services; and
- the inclusion of role titles or specialist areas of practice may be necessary to ensure that the report can meaningfully explain the relevant issues. Notably, publication can only occur in circumstances where the Secretary is of the opinion that publication of a report containing such details is in the public interest (clause 5, s 128F(1)).

I therefore consider that these clauses are compatible with the right to privacy.

SAPSE Reviews

A serious adverse patient safety event (**SAPSE**) means an event of a prescribed class or category that results in harm to a person or persons (clause 4). If a SAPSE occurs, a SAPSE review may be conducted by a SAPSE review panel (clause 5, s 128N). Reviews must establish the relevant facts, identify factors that may have contributed to the SAPSE, and identify appropriate remedial measures to prevent similar events occurring in future and improve the quality and safety of the services (clause 5, s 128O).

Members of the SAPSE review panel are appointed by the chief executive officer of the health service entity. Panels must include a person who is not employed or engaged by the health service entity, and may include independent experts and consumer representatives (clause 5, s 128Q).

A SAPSE review panel is required to prepare and produce a report for the health service entities which appointed it (clause 5, s 128T). The report must not contain the name or address of a person involved in providing the relevant health service, a person who received the relevant health service or a member of the SAPSE review panel (clause 5, s 128T(3)).

Members of a SAPSE review panel are subject to confidentiality obligations and may only disclose information obtained in the course of their SAPSE review functions for limited purposes related to the SAPSE review (clause 5, s 128X). Confidentiality obligations also apply to documents created for the sole purpose of providing information in the course of a SAPSE review or provided in the course of a SAPSE review (clause 5, s 128U(1)). Such documents must not be required to be produced before any court, tribunal, board, agency or other person, although a SAPSE review report may be produced to a coroner in certain circumstances (clause 5, s 128U).

Reports can be shared with the Secretary or the Secretary's nominee, prescribed persons, and persons with personal or professional interest in the subject of the report (such as the patient, a person nominated by the patient, or the immediate family, carer or next of kin of the patient, if the patient is deceased or lacks capacity) (clause 5, s 128V).

These provisions may interfere with the right to privacy to the extent that SAPSE review panel members will have access to information likely to include information of a private nature. Further, the provisions allow reports to be shared in the limited circumstances set out above—although we note the prohibition on including names and addresses of certain persons in a report will reduce the privacy impacts of sharing a report.

However, any interference will be neither unlawful nor arbitrary. The provisions will be authorised under legislation and a SAPSE review may only occur if a SAPSE event occurs (clause 5, s 128N) and for limited purposes associated with reducing future risks (clause 5, s 128O). The measures are reasonable, proportionate and necessary to improve the quality and safety of health services, and appropriate safeguards are in place to ensure information is not inappropriately disclosed. I therefore consider that these clauses are compatible with the right to privacy.

Victorian Perioperative Consultative Council

The Bill amends the *Public Health and Wellbeing Act 2008* to provide for the Council, whose functions include various matters concerned with reducing the risk of perioperative mortality or morbidity (clause 13, s 48D(1)). The Council may, among other things, collect information from health services in relation to the

preparation of its guidelines and the monitoring of compliance with those guidelines (clause 13, s 48E(4)(c)) and request a person who provided care or services to a person before the person's death to provide information relating to studying, researching and analysing the incidence and causes of perioperative mortality or morbidity (clause 13, s 48F(1)).

In limited circumstances, where the Council considers there is a continuing risk to health, safety or wellbeing, the Council must provide a report to the Secretary with specific details (clause 13, s 48G). The FOI Act does not apply to the report, nor is it required to be produced before a court, tribunal, board, agency or other person (unless the Secretary considers it in the public interest) (clause 13, s 48H).

These provisions interfere with the right to privacy by enabling collection of certain information and sharing of information in limited circumstances. However, the circumstances in which private information may be collected or shared under these provisions are very limited and for important purposes concerning promoting health, safety and welfare and reducing the risk of perioperative mortality or morbidity. I therefore consider that the provisions are compatible with the right to privacy.

Duty of Candour

If a patient suffers a SAPSE in the course of receiving health services, the relevant health service owes a duty of candour to the patient. This means that it must, unless the patient has opted out, provide the patient with certain things, including information about the SAPSE, an apology for harm suffered, a description of the health service entity's response, and the steps it has taken to prevent a re-occurrence.

The *Health Complaints Act 2016* is also amended to permit the Health Complaints Commissioner to disclose to the Secretary information relating to a health service provider's non-compliance with the duty of candour (clause 29). Similarly, the *Mental Health Act 2014* is amended to permit the Mental Health Complaints Commissioner to disclose to the Secretary information relating to any non-compliance with the duty of candour by a mental health service provider or the Victorian Institute of Forensic Mental Health (clause 21).

There is a low risk that these provisions will interfere with privacy, as to the extent that the duty of candour requires disclosure of private information, that information is likely to relate to the patient, who will also be the recipient of the information. To the extent that private information disclosed under the provision may relate to other persons (such as employees of the health services provider), the disclosure will relate to such persons in their professional capacity, rather than in their private capacity, and as such their privacy interests will be lower. Further, the disclosure will be neither unlawful nor arbitrary because there are clear parameters identifying the information that must be disclosed, and the disclosure will be justified in the interests of the welfare of the patient and for the important purpose of ensuring a compassionate and transparent response where a SAPSE has occurred.

Confidentiality provisions

As set out above, various clauses in the Bill insert confidentiality provisions which limit the disclosure of certain information other than as provided for by those sections. These provisions relate to protected safety and quality reviews, SAPSE reviews and reports prepared by the Council. The provisions engage the right to privacy to the extent that:

- They protect the right to privacy by limiting the circumstances in which information may otherwise have been disclosed (clause 5, ss 128I(2), 128J(1), 128X(2) and cl 13, s 48H(2)).
- They allow information to be shared in circumstances where the information may not otherwise have been able to be disclosed under the HR Act or the PDP Act (for example, clause 5, ss 128I(3), 128X(3), cl 13, s 48H(2)), thereby interfering with the right to privacy.
- They interfere with the right to privacy by excluding the application of Part 5 and HPP 6 of the HR Act in relation to documents created in investigations or reviews under the Bill (clause 5, ss 128I(6) & (7), 128J(3) and (4), 128U(4) and (5), cl 13, 48H(4) and (5)). Those provisions of the HR Act concern individual rights to access their own health information. However, the provisions that apply to protected quality and safety reviews and SAPSE reviews preserve an individual's right to access their own medical file (clause 5, ss 128K, 128I(6) and (7), 128J(3) and (4), 128U(4) and (5)). With respect to reports prepared by the Council, while a patient's right to access their own medical file is not retained by the confidentiality requirements under clause 5, s 48G, those confidentiality requirements apply specifically to a report prepared by the Council. As a result, an individual will continue to be able to access their own medical file directly from a health service.

To the extent that the provisions interfere with privacy, the interferences will be neither unlawful nor arbitrary, noting that:

- Where the provisions enable disclosure of information in circumstances where it would otherwise not be permissible, those circumstances are tightly constrained, clearly prescribed in the legislation,

and relate to important purposes concerning the promotion of quality and safety in health care, including through SAPSE reviews and Council reports.

- Where the provisions preclude the operation of aspects of the HR Act, the interference is necessary to encourage full and frank participation to ensure comprehensive consideration of risks and recommendations, without fear of repercussions in the event that individuals will then access information provided under those provisions. As individuals retain the right to access their own medical files, the provisions go no further than is reasonably necessary.

The measures are reasonable, proportionate and necessary to improve the quality and safety of health services. I therefore consider that these clauses are compatible with the right to privacy.

Freedom of expression (s 15)

Section 15 of the Charter provides that every person has the right to hold an opinion without interference and has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds. Section 15 also provides that lawful restrictions may be reasonably necessary to respect personal rights and reputations, or for the protection of national security, public order, public health or public morality.

The confidentiality provisions described above (clause 5, ss 128I, 128J, 128U, clause 13, s 48H), which, in essence, prevent disclosure in relation to quality and safety reviews, SAPSE reviews and reports to the Secretary by the Council, may interfere with the right to freedom of expression to the extent that the right extends to the freedom to impart information.

However, to the extent that the right is engaged, any limitation imposed would fall within the internal limitations of the right in section 15(3), as reasonably necessary to respect the rights and reputations of other persons (in essence, those of the individuals the subject of the quality and safety review) and also for the protection of public health, insofar as the quality and safety reviews work to achieve the overarching purpose of the Bill, being to improve the quality and safety of health services. By limiting the circumstances in which documents may be produced, including to a court or a tribunal, under the FOI Act or HR Act, the Bill intends to encourage candour and engagement to improve the quality and safety of health services. Therefore, these provisions are compatible with the right to freedom of expression.

Fair Hearing (s 24)

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. The term 'civil proceeding' in section 24(1) has been interpreted as encompassing proceedings that are determinative of private rights and interests in a broad sense, including some administrative proceedings.

Immunity from civil liability

The Bill provides immunity from civil liability for:

- members of a SAPSE review panel for any act done in good faith in the performance of their functions (clause 5, s 128R); and
- persons who provide information in good faith to a SAPSE review panel (Clause 5, s 128S) or a quality and safety review (clause 5, s 128M).

Liability that would otherwise attach to a person who provides information to a quality and safety review will be transferred to the State. Liability that would otherwise attach to members of the SAPSE review panels or those providing information to those panels will transfer to the health service entities tasked with appointing the SAPSE review panel.

These clauses may engage the right to a fair hearing, by limiting access to courts from persons seeking redress against those who enjoy such immunity. These clauses are designed to preserve the ability of those exercising their functions or otherwise complying with requirements under the Bill, which are directed to improving the quality and safety of health services. These individuals must also be able to exercise their statutory functions or comply with their obligations under the Bill without fear of litigation.

Further, these clauses only extend to acts done in good faith, and liability will still arise for any bad faith or improper exercise of power. The individuals will remain accountable for any improper or unauthorised acts, and a cause of action will remain for any person who has suffered injury or damage in such circumstances. In other circumstances, liability will attach to the State or the relevant health service entity. As a result, these clauses do not limit the right to a fair hearing.

Accordingly, these provisions do not limit the right to a fair hearing under the Charter.

Confidentiality Provisions

The confidentiality provisions at clause 5, ss 128I, 128J, 128U and clause 13, s 48H preclude documents from production with respect to proceedings before a court or tribunal. These clauses may interfere with the right to a fair hearing, insofar as they may limit the requirements of discovery and production of documents for inspection and this may limit the ability of a litigant to obtain or rely on information or documents material to issues in dispute.

The restrictions on disclosure of information and documents relate to:

- information and documents created or provided during a protected quality and safety review;
- documents and reports created or provided in the course of a SAPSE review; and
- reports prepared by the Council.

The purpose of the limitation is to enable persons to engage with relevant reviews and investigations with full candour, with the ultimate aim of ensuring that issues with the quality and safety of health services can be appropriately identified and rectified. The restrictions on the use of the information enables people to assist with this process without fear of legal or professional repercussions. Further, the restrictions will only relate to documents created or provided during the course of a quality and safety or SAPSE review or a report prepared by the Council and thus other information relevant to the litigation may be accessible in other ways, such as by a patient accessing their medical file. In some cases the Secretary may also authorise disclosure of documents in legal or other proceedings where it is in the public interest. Accordingly, I consider that these restrictions do not limit the right to a fair hearing.

Jaclyn Symes MLC
Attorney-General
Minister for Emergency Services

Second reading

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (22:01): I move:

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

Motion agreed to.

Ms SYMES: I move:

That the bill be now read a second time.

Incorporated speech as follows:

Introduction

Victorians should have confidence in the safety and quality of our health system. In the unfortunate event that harm does occur, Victorians should have a right to an apology, an explanation of what happened and why, and to be informed of lessons learnt and efforts made to ensure it does not happen again.

That is why the Victorian government has proposed Australia-first duty of candour law and related proposals aimed at further strengthening the culture of our health services. The reforms are seeking to achieve the important balance between transparency and accountability and protections to prevent harm through robust review. Extensive consultation with the health sector and the public has confirmed broad support and helped us to get the balance right.

The Bill supports the last tranche of key legislative reforms recommended by *Targeting Zero*, the report of the Review of Hospital Safety and Quality Assurance in Victoria led by Dr Stephen Duckett. The Bill will establish:

- a Chief Quality and Safety Officer
- statutory duty of candour
- protections for apologies and serious adverse patient safety event reviews
- powers for the Victorian Perioperative Consultative Council.

These reforms will mark another milestone in strengthening the quality and safety of healthcare for all Victorians. Their purpose is:

- to increase our ability to identify quality and safety risks and support improvement where risks are found
- to strengthen an open and honest culture in health services
- to extend additional powers so that the Victorian Perioperative Consultative Council can continue to operate effectively.

A significant finding of the *Targeting Zero* was that the events that prompted the review occurred in the context of catastrophic failures in clinical governance at all organisational levels. Importantly, the review found that the conditions that led to these failings were not unique to any hospital, and that there was a need to elevate safety and quality across the hospital system as a whole.

Improving quality and safety requires a more active approach to serious adverse patient safety event review including the authorisation of a Chief Quality and Safety Officer to inspect and audit hospitals. The Chief Quality and Safety Officer, similar to the Chief Psychiatrist, will be appointed by the Secretary to conduct quality and safety reviews. Authorised officers will have powers to enable this function.

The Bill would also directly implement the recommendation from *Targeting Zero* that the Minister establishes a statutory duty of candour and associated apology protections.

In 2018, an Expert Working Group appointed to advise on *Targeting Zero* consulted on an Australian-first statutory duty of candour. The Expert Working Group recommended that candour be legislated. The Expert Working Group's consultation process and further consultation in 2020 has yielded valuable insights. The reforms it proposes represent an important step in improving the quality and safety of services across Victoria's hospital system and reducing avoidable harm to consumers.

The proposed duty of candour will apply to incidents of a high severity rating and will complement existing obligations under the Australian Open Disclosure Framework. The legislation will be high level. Consultation will inform the development of a subordinate legislative instrument. The Victorian Statutory Duty of Candour guidelines will offer detailed instructions to health services on apologies, explanations, and details of preventative action.

The fundamental purpose of a statutory duty of candour—and open disclosure in general—is to engender a culture of honesty and openness in our hospitals and to improve the quality of health care, with a focus on safety and person-centeredness. Open and honest communication with consumers and their families following healthcare incidents is designed to contribute to a more patient-centred approach to healthcare provision and thereby improve patient experience, patient outcomes and quality of service provision.

The duty will apply to the following specified entities:

- public health services
- public hospitals
- multi-purpose services,
- denominational hospitals
- private hospitals
- day procedure services
- ambulance services
- non-emergency patient transport services
- the Victorian Institute of Forensic Mental Health; and
- other entities set out in regulations that provide health services.

Under the duty of candour law, health service entities will have an obligation to

- apologise to any person seriously harmed while receiving care
- explain what went wrong
- describe what action will be taken and what improvements will be put in place.

Saying sorry will not be an admission of fault for the purposes of civil court proceedings concerning the death or injury of the person seriously harmed.

The Expert Working Group report also recommended statutory protections for serious adverse patient safety event reviews as are in place in New South Wales, South Australia and Queensland. The protections for serious adverse patient safety event reviews will mean that working documents are exempt from Freedom of

Information requests and are not admissible in court proceedings. However, a report from a serious adverse patient safety event review will be made available to the Coroner's Court for the purposes of an investigation or inquest. Review reports will be offered to patients, family members and carers. These protections will increase the benefits that flow from the reviews. In an open and transparent culture, staff will be more likely to spend time learning from incidents rather than trying to hide or defend themselves.

In 2020, we released the report of the Expert Working Group and a government response indicating an intention to legislate. We also commenced further public consultation to develop the Victorian candour and open disclosure guidelines and protections for serious adverse patient safety event reviews. Consultation closed in April 2021 and has informed the development of the Bill and guidelines.

Finally, the newly formed Victorian Perioperative Consultative Council started on 1 July 2019. The Bill ensure that the new Council will now have the same powers and protections as the Consultative Council on Obstetric and Paediatric Mortality and Morbidity (CCOPMM) so it can more effectively recommend systems improvements to reduce perioperative mortality and morbidity.

Openness, honesty and transparency builds trust between patients and health practitioners and improves quality and safety outcomes. It also leads to more learning, and improvements that build a stronger and more accountable health system to benefit all Victorians.

I commend the Bill to the house.

Mr ONDARCHIE (Northern Metropolitan) (22:02): I move, on behalf of my colleague Ms Crozier:

That debate on this matter be adjourned for one week.

Motion agreed to and debate adjourned for one week.

LIVESTOCK MANAGEMENT AMENDMENT (ANIMAL ACTIVISM) BILL 2021

Introduction and first reading

The DEPUTY PRESIDENT (22:02): 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 **Livestock Management Act 2010** to provide for biosecurity management plans, to create an offence relating to contravening prescribed biosecurity measures and for other purposes'.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (22:02): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (22:03): 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 Livestock Management Amendment (Animal Activism) Bill 2021.

In my opinion, the Livestock Management Amendment (Animal Activism) Bill 2021 (**Bill**), as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

Relevant to human rights, the Bill amends the *Livestock Management Act 2010* (the **Act**) to provide for biosecurity management plans and offences relating to contravening a prescribed biosecurity measure, and makes miscellaneous consequential amendments, including to inspector powers.

Human Rights Issues

The human rights under the Charter that are relevant to the Bill are the right to freedom of movement (section 12), and right to privacy and reputation (section 13).

Biosecurity Management Plans and offences

Clause 6 inserts provisions related to the voluntary implementation of biosecurity management plans (**BMPs**) by persons who manage livestock activities at premises where livestock management activities occur, or by a person included in a prescribed class. Clause 13 provides for new powers of the Governor in Council to make regulations relating to prescribed biosecurity measures that are to be included in a BMP (including mandatory and optional measures). Clause 13 relevantly provides the Governor in Council power to make regulations with respect to:

- prohibiting or regulating entry to, or remaining at, a premises, or specified part of a premises, to which a BMP applies without the consent of a person or persons;
- requiring persons to record their entry to and movements at a premises, or a specified part of a premises, to which a BMP applies;
- prescribing the circumstances in which a person may enter or remain at a premises, or a specified part of a premises, to which a BMP applies;
- requiring persons entering a premises, or a specified part of a premises, to which a BMP applies to provide such identification as is prescribed;
- requiring compliance with specified protocols and procedures in respect of a premises, or a specified part of a premises, to which a BMP applies; and
- the creation, keeping and maintenance of records, including the information to be included and the retention period, about persons who enter or remain in a premises, or a specified part of a premises, to which a BMP applies.

New section 50A creates an offence for contravening a prescribed biosecurity measure that applies to a premises, or a specified part of a premises, pursuant to a BMP that is in force. For an offence to be committed, a sign must be affixed and conspicuously displayed as prescribed in the regulations, that includes a summary of any prescribed biosecurity measures that apply to the premises and the name of the regulations under which they are prescribed, and states that contravention of such measures is an offence. The provision includes exceptions for persons who are at the premises subject to statutory authority or by other exceptions to be prescribed by regulation. New section 50B makes it an offence to damage, deface or remove a sign of the kind referred to above.

The prescribing of measures that prohibit or regulate entry, require a person to provide identification or record information relating to entering or remaining in a premises engages the rights to freedom of movement and privacy in the Charter.

Right to freedom of movement (section 12)

Under section 12 of the Charter, every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live. The right includes freedom from physical and procedural barriers, such as notification or authorisation requirements, or reporting obligations relating to movement. However, the right does not extend to a freedom of access to all places, such as another person's private property.

The implementation of prescribed biosecurity measures under the Bill may engage this right, including prohibiting or regulating entry to or remaining at a premises, requiring persons to record their entry to, and movements at, a premises and to provide identification when entering a premises. However, in my view the right is not limited as any interference with this right either occurs in the context of a person's entry onto another person's property without consent, in circumstances that would otherwise constitute a trespass, or in circumstances where a person is entering a premises conducting a regulated activity, and thus voluntarily assumes the conditions and special duties that apply to entry to such a place.

The purpose of BMPs is to manage biosecurity risks on agricultural premises, including those posed by persons entering the premises without consent. Such unauthorised access can lead to feed tampering, the release of animals and the compromising of animal security, which can increase the introduction and spread of disease, negatively impact on animal and human health as well as compromise a livestock manager's

industry accreditation and market access. The preparation of a BMP is voluntary, and the BMP is prepared by a livestock manager. For the offence provision to be enlivened, there must be a clear sign that meets the prescribed requirements and sets out the prescribed biosecurity measures in effect at the premises. Accordingly, I do not consider the right to freedom of movement to be limited in this context.

Right to privacy (section 13)

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

The imposition of prescribed biosecurity measures also engages the right to privacy to the extent that it may require visitors to provide identification and have their entry at a premises recorded. However, as above, such measures will be adopted by the manager in relation to a premises or part of a premises, and will function as entry requirements to a premises that is conducting a regulated activity posing biosecurity risks. Accordingly, any person voluntarily entering such premises will be aware of the conditions of entry, and will assume a reduced expectation of privacy in relation to the provision of identification or recording of their attendance. Such requirements are necessary to manage attendance at sites where access by unauthorised persons may pose a biosecurity risk, and thus protect public health, animal safety and the operation of the agricultural industry. Accordingly, I consider these amendments do not arbitrarily or unlawfully interfere with the right to privacy.

Inspector search powers on entry

Clauses 8 and 9 of the Bill expand the purposes for which the search powers of inspectors can be exercised under sections 38 and 43 of the Act, to include circumstances where the inspector reasonably believes new section 50A or 50B has been contravened. This includes in relation to searching any premises, livestock, livestock product, equipment, machinery, item of plant, facility, or vehicle, and includes the power to stop and detain a vehicle in order to conduct a search. The inclusion of new purposes for exercising existing powers may extend the scope of interferences with the right to privacy provided by the Act.

However, in my view, any such interferences will be lawful and not arbitrary. The powers are necessary to ensure the new offence provisions can be enforced and the required evidence gathered. The search powers are only enlivened if an inspector has entered a place or vehicle pursuant to their powers of entry under the Act, which require the consent of the occupier, a warrant or an emergency. The powers can then only be exercised for clearly defined purposes, being that the premises, item or vehicle being searched is related to a suspected contravention of a prescribed biosecurity measure in a BMP or defacing, damaging or removing a prescribed sign under the Act. The powers do not extend to providing for personal searches or seizure of property (with the exception of taking samples and copies of documents). The powers must also only be exercised at a reasonable time and for no longer than necessary. To the extent that these provisions relate to private information and permit searches of residences or private vehicles, they arise in the controlled and prescribed circumstances set out in the Bill, and require reasonable suspicion of conduct that would otherwise amount to trespass or criminal damage. Consequently, I consider these amendments compatible with the Charter.

The Hon. Gayle Tierney MLC
Minister for Training and Skills
Minister for Higher Education

Second reading

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (22:03): I move:

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

Motion agreed to.

Ms SYMES: I move:

That the bill be now read a second time.

Incorporated speech as follows:

Throughout 2018 and 2019, the Victorian agricultural community was subject to a series of events involving animal rights activists intimidating farmers, stealing livestock, and disrupting businesses.

In response to these events, the Victorian Legislative Council's Economy and Infrastructure Committee (the Committee) conducted the 'Inquiry into the impact of animal rights activism on Victorian agriculture' and tabled its report (the report) in Parliament on 5 February 2020.

The report included findings regarding the serious impacts of trespass on the agricultural community, including:

a. Finding 3—Acts of trespass, including the threat of trespass, by animal rights activists have caused physical and mental distress to many people in the agricultural industry, including farmers, their families and employees.

b. Finding 5—Animal rights activists who trespass onto agricultural facilities pose a biosecurity risk. All people who enter agricultural facilities must consult with property owners or managers and comply with their biosecurity protocols.

The report also found that penalties handed out in certain incidents of trespass had not met the expectations of many stakeholders in the Inquiry and some sections of the community.

The Victorian Government strongly supports our agricultural producers and rural and regional communities. Farmers and agricultural businesses should be free to do their work without fear of being targeted by animal activists, who put hard working farming families, biosecurity, and the animals they purport to protect at risk. Biosecurity breaches caused by animal rights activists who trespass onto premises where livestock activities occur can affect human and animal health, and adversely impact market access.

The Government's response to the report, tabled in Parliament on 4 June 2020, supported 13 of the 15 recommendations in full, including recommendations to incorporate in legislation on-the-spot fines for biosecurity breaches caused by trespassers. The Government has committed to legislation that includes fines for this behaviour among the heaviest in Australia.

The Bill amends the *Livestock Management Act 2010* (LMA) to give effect to recommendations 4 and 5 of the report, which the Victorian Government supported in its response. The Bill will reduce biosecurity risks caused by unlawful entry onto agricultural premises and provide additional means of prosecuting trespassers.

The Bill inserts provisions related to the voluntary implementation of biosecurity measures by persons managing livestock activities at premises where livestock activities occur, including an offence for non-compliance. The provisions will require that for the offence for breach of a prescribed biosecurity measure to apply to an area where a livestock activity occurs, a biosecurity management plan (BMP) containing mandatory content must have been prepared and compliant biosecurity signage must be erected at all main vehicular access points.

The biosecurity measures, mandatory content of BMPs and biosecurity signage requirements will be prescribed under the Livestock Management Regulations. The Bill introduces offences for non-compliance with the prescribed biosecurity measures on agricultural premises with penalties of up to 60 penalty units for a natural person and 300 penalty units for a body corporate. Importantly, to provide broad enforcement options, infringement notices for this offence may be issued, for up to 7 penalty units for a natural person and 45 penalty units for a body corporate. An offence has been introduced for a person damaging, defacing or removing biosecurity signage erected as part of this framework, with a penalty of 20 penalty units and an infringement penalty of 3 penalty units.

The Bill proposes offences and penalties to strengthen and support existing offences associated with trespass which provide for fines of over $4,500 or imprisonment for six months under the *Summary Offences Act 1966*.

Victorians managing livestock activities experiencing harassment or trespass may contact Victoria Police to assist them as the Bill provides Victoria Police members with powers to enforce the new offences. Persons managing livestock activities may also contact Agriculture Victoria for assistance.

The Bill aligns with the recent amendments to section 401A of the *Land Act 1958* in relation to recreational use of licensed water frontages that are on Crown land and which form part of a premises on which a livestock activity is undertaken.

This Bill and its passage will fulfil the Government's commitment to implementing recommendations 4 and 5 from the Parliamentary Inquiry and in doing so provide Victorian livestock managers with additional tools to deter and deal with unlawful interference in their businesses.

I commend the Bill to the house.

Mr ONDARCHIE (Northern Metropolitan) (22:03): I move, on behalf of my colleague Ms Bath:

That debate on this matter be adjourned for one week.

Motion agreed to and debate adjourned for one week.

REGULATORY LEGISLATION AMENDMENT (REFORM) BILL 2021

Introduction and first reading

The PRESIDENT (22:03): 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 **Child Wellbeing and Safety Act 2005**, the **Children's Services Act 1996**, the **Education and Care Services National Law Act 2010**, the **Education and Training Reform Act 2006**, the **Electoral Act 2002**, the **Electoral Boundaries Commission Act 1982**, the **Essential Services Commission Act 2001**, the **Financial Management Act 1994**, the **Housing Act 1983**, the **Industrial Relations Legislation Amendment Act 2021**, the **Interpretation of Legislation Act 1984**, the **Local Government Act 2020**, the **Parliamentary Committees Act 2003**, the **Pharmacy Regulation Act 2010**, the **Public Health and Wellbeing Act 2008** and the **Tobacco Act 1987** and to make minor and technical amendments to other Acts and for other purposes'.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (22:04): I move:

> That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms SYMES: I move, by leave:

> That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (22:05): 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 Regulatory Legislation Amendment (Reform) Bill 2021 (**the Bill**).
>
> In my opinion, the Bill, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.
>
> **Overview**
>
> The Bill amends laws across a range of ministerial portfolios to:
>
> - increase the flexibility for regulators and agencies to provide fee relief to citizens and businesses during emergencies by amending the *Financial Management Act 1994*;
> - modernise requirements for public notices to be published in newspapers by amending the *Interpretation of Legislation Act 1984*, and requirements for the publication of electoral boundaries by amending the *Electoral Boundaries Commission Act 1982*;
> - implement the Government's response to the recommendations of the Electoral Matters Committee into the conduct of the 2018 state election by amending the *Electoral Act 2002*;
> - streamline reporting arrangements for registered housing agencies and ensure that boards of registered housing agencies certify reporting against performance standards by amending the *Housing Act 1983*;
> - make permanent the ability of certain bodies to meet electronically, namely, local councils and regional libraries, and Joint Investigatory Committees of Parliament, under the *Local Government Act 2020* and *Parliamentary Committees Act 2003*, respectively;
> - make permanent the ability of the Victorian Institute of Teaching to extend the registration of certain teachers by amending the *Education and Training Reform Act 2006*;

- allow the Secretary of the Department of Health to appoint inspectors from a wider range of eligible persons to enforce the *Tobacco Act 1987* including in alpine resorts, and make other improvements to that Act;
- remove impediments to a range of virtual or electronic activities under the *Pharmacy Regulation Act 2010* and make other improvements to that Act; and
- make minor corrections and updates to various Acts.

Human Rights Issues

Some of the proposed measures will engage one or more of the following human rights under the Charter:

- right to recognition and equality before the law (section 8);
- right to life (section 9);
- right to freedom of expression (section 15);
- right to take part in public life (section 18); and
- right to a fair hearing (section 24).

For the following reasons, I am satisfied that the Bill is compatible with the Charter and, to the extent that any rights are limited, those limitations are reasonable and demonstrably justified in a free and democratic society having regard to the factors in section 7(2) of the Charter.

Modernisation of public notice requirements in print newspapers

Part 11 of this Bill includes proposed measures to modernise public notices by providing that requirements in Victorian legislation or regulations for public notices to be published in a print newspaper may be met through electronic publication—for example, on an approved alternative publication Internet site or in another prescribed way (clause 38). Section 15 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. These measures engage these rights. To some extent, freedom of expression under section 15 will be limited due to the reduced availability of information in print newspapers.

The limitation is necessary, in my view, to enable the consolidation and improved dissemination and receipt of information online, as well as enhanced user functionality (for example, the ability to search for and locate previous public notices in one online repository, and to set up alerts for certain kinds of public notices).

The proposed amendments will also promote section 15 by reducing the risk that public notices may be missed by newspaper readers where the notice is at the back of the paper, for example, and the reader has not turned every page on the day(s) the notice is published.

By providing an alternative to publishing public notices in print newspapers, rather than mandating the use of electronic notices, the proposal is no more restrictive than is necessary to achieve its objectives of modernising the publication and consolidation of public information. Proposed guidelines will assist departments and agencies in determining whether print publication may still be appropriate in specific circumstances (most likely, this would be additional to electronic publication). For example, regional print newspapers may

remain the most appropriate and targeted way to reach remote towns and specific cohorts when notice of appointees to a board in a local community is required. Further, clause 39 of this Bill includes a regulation-making power to prescribe (among other things) exceptions to provide for circumstances where it is appropriate for newspaper-based publication to remain mandatory.

The proposed measures also promote section 15 by providing necessary flexibility for government, businesses and other persons or entities in reaching their desired audience(s) given recent closures of many regional print newspapers where public notices may be required under legislation, and the potential for further newspaper closures in the future.

Electoral reforms

Part 6 of the Bill proposes measures to require the Victorian Electoral Commission to provide a period of notice to candidates and parties about a recount, including specified details about the recount. Part 6 also requires the Victorian Electoral Commission to notify the relevant registered officer of registered political parties and the contact officers identified in nomination forms for non-party-endorsed candidates, as well as the candidates (clause 25)

These measures engage and promote the right to take part in public life under section 18 of the Charter, which includes the right under section 18(2) to vote and be elected at periodic State and municipal elections that guarantee the free expression of the will of the electors. These measures engage and promote this right under the Charter by fostering greater transparency and notice to parties and candidates about recounts, and allowing them more time to organise scrutineers to attend recounts. Scrutineers play an essential role in preventing

errors and fraud counting. Scrutineers are particularly important in recounts, which generally only occur where there are close results.

The Bill also proposes measures to allow early votes to be processed earlier and at the same time as postal votes, that is, from 8 am on election day, rather than 4 pm (clause 24). This measure engages and promotes the right to take part in public life under section 18 of the Charter by allowing more votes to be counted by the end of election night, allowing the quicker release of results to the public and reducing the administrative pressure on the Victorian Electoral Commission. It is also proposed that scrutineers have access to observe the earlier processing of early votes, to ensure there are no errors or fraud in how they are processed.

The Bill further includes measures to clarify the number of political signs candidates and registered political parties may have at the designated entrance to the premises in which a voting centre is located, and prohibit any billboard being displayed while being transported within 100 metres of voting centres (clause 26). These measures engage and may limit the right to freedom of expression under section 15 of the Charter by restricting the amount of political information that can be displayed and received at voting centres. Specifically, 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—whether orally, in writing, in print or by way of art or other medium.

In my view, these measures may be a lawful restriction reasonably necessary under section 15(3) to respect the rights and reputation of other persons, and to protect public order, as they apply on the grounds of enabling citizens to engage their right to vote and promoting the right to take part in public life under section 18 of the Charter.

In the alternative, if these restrictions do not fall within section 15(3), and 'limit' the right, these restrictions are justified as they are necessary to ensure a level footing for candidates and parties when campaigning to electors, promote public confidence in the fairness of the electoral system, and ensure the efficient running of voting centres. By doing so, they will also engage and promote the right to take part in public life.

A proposed measure in the Bill to prohibit any person or organisation, other than the Victorian Electoral Commission from distributing postal vote application forms (clause 23) will engage, and limit the right to freedom of expression under section 15 of the Charter by restricting the means for disseminating and receiving information.

This limitation is reasonable, proportionate, and necessary to address concerns and perceptions that the Victorian Electoral Commission may be biased resulting from campaign material being attached to postal vote application forms. The proposed measure will ensure that the public maintains confidence in the Victorian Electoral Commission, and the voting process more generally, thereby engaging and promoting the right to take part in public life. Further, the proposed measure will provide that it is not an offence for a person to make available at a post office an application to vote by post, which is provided by the Victorian Electoral Commission, to allow for the collection of applications at post offices.

Publication of electoral boundaries

Part 7 of the Bill includes the proposed measure to replace requirements for hardcopy maps of electoral boundaries to be displayed at the offices of municipal councils with requirements to publish the map on the website of the Electoral Boundaries Commission, with hard copies to be available on request (clause 28) will engage the right to freedom of expression, which includes the right to receive information, in section 15 of the Charter.

The measure will not limit the forms in which information will be available because hard copies will remain available on request for those who are not digitally literate or who would otherwise prefer a hardcopy.

The Victorian Electoral Commissioner wrote to the former Special Minister of State in February 2020 advising that in the 2013 redivision, the Electoral Boundaries Commission received no evidence that members of the public inspected maps of the proposed boundaries at municipal offices.

In my view, these measures will engage the right to freedom of expression but will not limit them.

Electronic communications

Parts 12, 13 and 14 of the Bill include proposed measures to allow the following to occur by electronic means: meetings, inspections and panel hearings of the Victorian Pharmacy Authority (clauses 51 to 55), meetings of local councils and regional libraries (clauses 40 to 43), and sittings of the Joint Investigatory Committees of the Victorian Parliament (clause 46). These measures engage the right to freedom of expression, which includes the right to receive information, in section 15 of the Charter.

In the case of local councils, regional libraries, and Joint Investigatory Committees, the amendments also engage the right to participate in the conduct of public life under section 18(1) of the Charter, by limiting a person's physical presence at the meetings in some circumstances. In the case of electronic meetings and

panel hearings of the Victorian Pharmacy Authority, a person's right to engage in public life as member of a profession may be engaged. The right to participate in the conduct of public life applies to a wide range of activities such as state and local politics and public administration, and includes the right to vote and access public services offered by government and local councils.

However, I am satisfied that the proposed measures do not limit the right to freedom of expression, or to participate in public life, as they provide an alternative way to exercise these rights in response to the impact of the coronavirus (COVID-19) pandemic and any future emergencies that may limit the feasibility or legality of face-to-face meetings.

Subject to any other laws and public health directions, the format of local council meetings will remain accordance with the councils' own within the Governance Rules.

A local council is also required to ensure that meetings are open to the public (clause 42). For council meetings held by electronic means, the council must stream the meeting live on the council's website, or follow any other prescribed means of communication. In the case of delegated committee meetings, a further alternative to live streaming is to record the meeting and publish it as soon as practicable afterwards on the council's website.

The proposed measures also provide added flexibility to accommodate participation from regional, remote or mobility-challenged individuals or those with care responsibilities. In doing so, promote the right to participate in public life, which applies to a wide range of activities such as state and local politics and public administration. By enhancing participation, these measures also engage and promote the right to recognition and equality before the law under section 8 of the Charter, which recognises that all Victorians have the right to be recognised as a person, to enjoy their rights without discrimination, and to be treated equally under the law.

The provision for virtual panel hearings of the Victorian Pharmacy Authority may engage and promote (or otherwise be consistent with) the right to a fair hearing under section 24 of the Charter, which includes the right to a fair and public hearing, and to have their case decided by a competent, independent and impartial court of tribunal.

While the panel is not a court or tribunal, the ability to attend a panel hearing by virtual means allows a pharmacist and their legal representative flexibility in terms of time and expense, by permitting their presence by remote access at a panel hearing. The ability to attend virtually also means that the selection of panel members may be drawn from wider sources, thereby drawing on pharmacists with a greater range of experience.

Enforcement of the Tobacco Act 1987

Part 16 of the Bill includes proposed amendments to the *Tobacco Act 1987* seeking to extend where tobacco inspections can take place, including to enforce provisions of the Act in alpine resorts; and the capacity of inspectors, by virtue of being authorised (clauses 57 to 58). These proposed amendments may engage and protect the right to life under section 9 of the Charter, requiring public authorities to respect the right to life when using force, delivering medical treatment or examining their own conduct if someone dies in their care.

By providing inspectors with an authorisation which gives them the capacity to enforce the ban on smoking in certain areas, this measure further protects the community from the detrimental health effects of second-hand smoke, further protecting the right to life.

Jaclyn Symes MLC
Attorney-General

Second reading

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (22:05): I move:

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

Motion agreed to.

Ms SYMES: I move:

That the bill be now read a second time.

Incorporated speech as follows:

I am immensely proud of the way Victorians have risen to the challenges posed by the COVID-19 pandemic, and the way businesses and citizens have pivoted their daily activities—it has been a big ask of them, and not without economic and social impacts.

As the pandemic continues to test the global community for the foreseeable future, the Victorian Government remains committed to supporting Victoria's economic recovery.

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

The Regulatory Legislation Amendment (Reform) Bill 2021 before the house today will strengthen the ability of Victorian regulators and regulatory systems to respond to emergencies such as the COVID-19 pandemic both now and for times to come. This Bill has four main objectives.

Firstly, it will help regulators deal with the next emergency by increasing flexibility for regulators to provide fee relief during emergencies through amendments to the *Financial Management Act 1994*.

The current pandemic and 2019 bushfires have shown that not all Victorian regulators and agencies have adequate powers to waive, defer, refund or reduce fees or other charges, putting Victorian citizens and businesses at risk of financial hardship. The proposed amendments will enable agencies to whom a fee is payable to waive, defer, refund or reduce a fee in whole or part where a person or entity is suffering from financial hardship or special circumstances exist.

Regulators and agencies must have regard to guidelines on the use of fee waiver powers during emergencies, and the power will have effect for up to six months after the end of the emergency period (or consecutive sequence of emergencies). This will ensure that lingering financial detriment can be addressed.

The Assistant Treasurer and Treasurer will be jointly and severally responsible for the provisions in the Financial Management Act relating to the general fee relief power (proposed Part 7C) and for the regulation-making power to the extent that the regulations relate to the general fee relief provisions (proposed section 59(1)(da)).

Secondly, this Bill will make permanent some of the regulatory changes made in response to the pandemic on a temporary basis. It includes measures to:

- maintain the ability for local councils and regional libraries to meet virtually under the *Local Government Act 2020*; and
- provide flexibility to Joint Investigative Committees of Parliament to continue to meet virtually under the *Parliamentary Committees Act 2003*.

These measures will provide ongoing flexibility for these bodies to meet virtually. This flexibility is to be used at the discretion of these bodies, subject to any other laws and health directions. These measures will facilitate ongoing participation from regional, remote or mobility-challenged individuals, or those with care responsibilities.

They also mean that meetings held by local councils and regional libraries, and by Joint Investigatory Committees, can occur safely where health directions may limit face-to-face contact, or where a virtual meeting may be more appropriate for other reasons.

This Bill also helps schools that may be dealing with an undersupply of registered and suitable teachers by reinstating the ability of the Victorian Institute of Teaching under the *Education and Training Reform Act 2006* to extend certain types of registrations for up to 12 months, these being the provisional registration of teachers and early childhood teachers, non-practising registration of teachers and early childhood teachers, and permissions to teach.

This measure is consistent with the existing ability for other types of registration under that Act to be extended, and will reduce the financial and administrative impacts on teachers who may otherwise need to renew their registrations sooner.

Thirdly, this Bill will support technology-neutral legislation and the use of digital communications and technologies by government, businesses or citizens.

It includes measures to remove impediments under the *Pharmacy Regulation Act 2010* to the Victorian Pharmacy Authority conducting meetings, inspections and panel hearings by virtual means. This provides increased flexibility, participation by those who are remote or regional, mobility-impaired or with care responsibilities, and the capacity for this Authority to continue its work when health directions or other circumstances may limit face-to-face contact.

This Bill will also update requirements under the *Electoral Boundaries Commission Act 1982* for maps of proposed boundaries of electoral regions and districts to be exhibited at every municipal office, which is currently a costly exercise delivering few practical benefits. This outdated requirement will be replaced with publication of the map on the Electoral Boundaries Commission website, with hard copies available on request.

Further, this Bill will modernise public notice requirements by amending the *Interpretation of Legislation Act 1984*, to allow any requirement in Victorian Acts or regulations for public notices to be published in print

newspapers to be met by online publication on a designated website, subject to certain exceptions that may be prescribed. This will reduce costs and administrative burdens associated with print newspaper publication requirements, and consolidate information for the public in a more user-friendly way.

There are over 400 requirements across Victorian Acts and regulations for public notices to be published in print newspapers with most (approximately 80 per cent) relating to government activities. However, this does not necessarily reflect where the burden of compliance falls, as some obligations disproportionately affect certain businesses or individuals (such as publication under planning laws), and some are more costly (such as notices relating to environmental impact statements).

The central website will be available at the vic.gov.au domain, and include enhanced search functionalities for readers, allowing them to share public notices and set up alerts. It will also allow government to create prompts, where needed, to assist businesses and to upload compliant notices. Businesses that are currently required to publish public notices in print newspapers are expected to save approximately $400 to $1,700 in print advertising costs per notice, as well as make time savings.

These measures will particularly help new businesses that need to issue public notices before trading, as well as businesses pivoting their operations during emergencies and other times of change.

This Bill will not remove the option of print publication, which may in certain circumstances remain best means of reaching certain audiences, including vulnerable, multicultural or elderly audiences, and local newspapers will generally remain the best way to notify a community of local issues. There will also be guidelines to assist government departments and public statutory agencies to adopt a consistent and principled approach in determining the appropriate means of publication for particular types of notices that are intended to reach certain audiences.

Additional safeguards are provided through this Bill's provision for a regulation-making power to prescribe exceptions where certain public notices will not be deemed satisfied by electronic publication, and print newspaper publication will remain mandatory. The need for these regulations will be closely monitored and assessed.

This Bill also provides flexibility for parties where closures of print newspapers would make, or have made, compliance with the current requirements to publish in print newspapers under Victorian laws difficult or impossible.

This Bill also gives departments and agencies the flexibility to phase in electronic notices over the timeframe that best suits their stakeholders and intended audiences, ensuring that businesses and the public have time to adjust to the changes. These changes are being supported by a plan to communicate the changes to non-government stakeholders, including businesses and the broader community, to ensure a successful transition to online notification and ensure that the public knows where to access information.

In modernising various print and other requirements, this Bill also supports Victoria's commitment to the national Council on Federal Financial Relations to promote technology-neutral legislation.

The Assistant Treasurer and Attorney-General will be jointly and severally responsible for the provisions in the Interpretation of Legislation Act relating to the publication of public notices (proposed sections 38M to 38P) and the regulation-making power (in proposed section 65) to the extent that those regulations relate to the publication of public notices.

Lastly, but not least, the Bill will make miscellaneous changes to support efficient and effective regulatory systems.

These include measures to improve the conduct of Victoria's electoral system under the *Electoral Act 2002* by implementing the Victorian Government's response to the August 2020 report of the Electoral Matters Committee of the Victorian Parliament. The Electoral Matters Committee was tasked by the Parliament in May 2019 to conduct an inquiry into the conduct of the 2018 Victorian state election, and the Government's response was tabled in Parliament on 16 February 2021.

The Bill will ensure clarity and transparency in the way candidates and political parties are notified of recounts of votes by providing an explicit and clear process for the Victorian Electoral Commission to communicate its decision to carry out a recount. New recount requirements will specify what details must be included in the notification, and the minimum period between notification and commencement of a recount. The Victorian Electoral Commission will also be required to notify the relevant registered officer of registered political parties and nominated contact persons for non-party-endorsed candidates, as well as the candidates. The new requirements are important given the essential role scrutineers play in preventing errors and fraud in vote counting.

The Bill also increases clarity about the use of political signage. New requirements were introduced in 2018 in the Electoral Act to limit the amount of political signage that can be exhibited within 100 metres of a

designated entrance to a voting centre. The Electoral Matters Committee found that these new requirements were unclear about the number of signs that can be set up and who is responsible for displaying the signs as well as concerns about inconsistent enforcement by the Victorian Electoral Commission, likely due to the confusion about the new requirements.

To address these concerns, this Bill proposes to clarify that a candidate can have two signs at voting centres, and in addition to this registered political parties can have two signs of the specified size at voting centres. However, if a registered political party has endorsed two or more candidates for the Legislative Council in an election, no more than two signs in total may be displayed by those candidates. This will mean that where a party has endorsed a candidate in the Lower House and one or more candidates in the Upper House, there could be a total of six signs displayed at an entrance: two for the Lower House candidate, two in total for the Upper House candidate(s), and two for the political party that has endorsed those candidates. Candidates must also designate a person responsible for the electoral signs. This will ensure a level footing for all political parties and candidates.

Further, the Bill will clarify the use of mobile billboards that were transported and displayed by vehicles near voting centres during the 2018 state election where the relevant political party already had the maximum number of signs permitted at these voting centres. The Bill will ensure that billboards cannot be displayed while being transported by any means within 100 metres of voting centres.

This Bill also provides for the Victorian Electoral Commission to recommend that regulations be made to prescribe certain premises as being exempt from the 100-metres restriction where appropriate. This is to address the issue raised in the Electoral Matters Committee report that the signage restriction in the Electoral Act may prevent a candidate's office from displaying political signage if it is within 100 metres of a voting centre. Regulations will be developed in consultation with the Victorian Electoral Commission.

Additionally, the Bill also proposes measures to allow early votes to be processed earlier and at the same time as postal votes. This reform will result in the quicker release of results to the public, and allows for a more efficient distribution of the workload for the Victorian Electoral Commission. As recommended by the Electoral Matters Committee, the Bill will change the current time that the Victorian Electoral Commission can process early votes from 4 pm on election day to the earlier time of 8 am on election day (at the same time as postal votes). The Bill will enable scrutineers to observe the earlier processing of early votes, to ensure there are no errors or fraud in how they are processed.

Further, this Bill will promote public confidence in the electoral system and impartiality of the Victorian Electoral Commission by prohibiting any person or organisation, other than the Victorian Electoral Commission, from distributing postal vote applications, as recommended by the Electoral Matters Committee. The proposed measure will provide that it is not an offence for a person to make available at a post office an application to vote by post, which is provided by the Victorian Electoral Commission, to allow for the collection of applications at post offices. This measure responds to increasing complaints about political parties sending voters postal vote applications and the risks of perceived bias on the part of the Victorian Electoral Commission.

Collectively, these electoral reforms will strengthen democratic processes in Victoria, and are supported by the Victorian Electoral Commission.

Other measures in the Bill to promote efficient and effective regulatory systems include amendments to the Pharmacy Regulation Act to reduce regulatory burdens on pharmacy businesses by allowing for late applications (through a 28-day late lodgement period) and late fees for the annual renewal of licences and registration. This ensures that owners do not become unlicensed, and pharmacy premises do not become unregistered, simply because the owner is late is submitting the annual renewal. This prevents licensees unnecessarily needing to make a new application, which is more onerous than the renewal process.

Further, while the owner is unlicensed and/or the premise is unregistered, the Victorian Pharmacy Authority is unable to regulate its operation other than through a prosecution for operating without licence/registration.

Additionally, the Bill also seeks to strengthen the governance of registered housing agencies under the *Housing Act 1993*. These agencies are not-for-profit organisations that provide community housing to people on low and very low incomes through the Victorian Housing Register, including crisis housing, specialist disability accommodation and rooming houses. These agencies play a key role in providing housing for the vulnerable and disadvantaged in our community.

The Bill seeks to streamline annual reporting requirements for registered agencies by requiring reporting against performance standards by 31 October each year, and financial performance reports to be provided to the Housing Register no more 14 days after an Annual General Meeting, rather than the current 28 days after an Annual General Meeting for both reports. Earlier provision of this information will facilitate the earlier completion of compliance assessments. This will enable the Registrar to provide registered agencies with

earlier and more responsive feedback that can inform registered agencies' planning and improvement processes for the subsequent financial year.

Further, these measures will allow any compliance issues to be addressed earlier, for example, through regulatory action plans. These measures will also facilitate the earlier publication of performance and compliance information, which is used by a range of different stakeholders including funders, other parts of government, advocates and the industry body. The industry body, Community Housing Industry Association (CHIA) Vic, has indicated this compliance and performance information is much more valuable to the sector if it can be produced earlier.

While these reporting requirements will be streamlined, the policy intention is to allow for some additional flexibility elsewhere by giving registered agencies more time in which to notify the Housing Registrar of changes to information recorded in the Register of Housing Agencies (28 days rather than 14 days).

The Bill will also require an agency's board to certify an agency's self-assessment against performance standards, to ensure appropriate board oversight and support a positive compliance and risk culture. This is the level of oversight the Housing Registrar would expect from a board and provides confidence in the self-assessment of compliance status and performance information. This approach is considered best practice and is consistent with the approach of the Scottish Housing Regulator. Consultations undertaken by the Housing Registrar indicated general support from registered housing agencies for these reforms. In strengthening governance processes, the Bill supports a robust and responsive regulatory framework for registered community housing agencies that support the needs of vulnerable Victorians.

Additionally, the Bill will promote regulatory flexibility in the *Tobacco Act 1987* by allowing the Secretary of the Department of Health to appoint inspectors from a wider range of eligible persons, and not only inspectors from local councils or from the public service. This will address shortages of inspectors, such as when local council inspectors are diverted to COVID-19 or other emergency activities, and provide greater flexibility to increase the Victorian Government's capacity to address priority issues.

This Bill will also ensure that inspectors can be appointed for alpine resorts that are not part of any local council area, and can enforce the Tobacco Act in Victorian alpine resorts located on Crown land. The Secretary must be satisfied the appointees are appropriately qualified or trained, for example, as Environmental Health Officers, and will have power to issue directions to them.

The Bill will further amend the Tobacco Act to allow fines to be imposed for the existing offence for smoking in an outdoor drinking area that is not separated from an outdoor dining area, at a minimum, by a 4-metre buffer zone or 2.1 metre wall. This means that occupiers (persons or bodies corporate who are in charge of the area) who breach the law are subject to more proportionate penalties (rather than larger penalties at court) enforceable as an infringement offence meaning that a fine can be imposed, and that the costly exercise of prosecution is only reserved for more serious breaches or recalcitrant offenders. This will enhance compliance outcomes to protect Victorians from the serious health risks posed by second-hand smoke.

The Bill also seeks to amend the *Essential Services Commission Act 2001* to allow information-gathering powers of the Essential Services Commission to a be delegated to a Commissioner of the Essential Services Commission, or to executives and senior staff in the Victorian Public Service administering that Act, to support the efficient exercise of those powers.

Finally, this Bill will make minor 'housekeeping' amendments to correct inaccurate or outdated legislative references, or make technical consequential changes to, the *Education and Care Services National Law Act 2010, Children's Services Act 1996, Child Wellbeing and Safety Act 2005, Public Health and Wellbeing Act 2008*, and *Industrial Relations Legislation Amendment Act 2021*.

The Bill will also amend outdated legislative references to Fair Work Australia to now refer to the Fair Work Commission in the *Country Fire Authority Act 1958*, *Disability Act 2006, Equality Opportunity Act 2010, Offshore Petroleum and Greenhouse Gas Storage Act 2010, Pre-school Teachers and Assistants (Leave) Act 1984* and *Public Sector Employment (Award Entitlements) Act 2006*.

This Bill will further replace, in all identified Victorian laws, outdated references to the Council of Australian Governments (COAG) and other intergovernmental bodies, following the disbandment of COAG in May 2020 and the establishment of National Cabinet. Although the timing for the progression of the Commonwealth's COAG Legislation Amendment Bill 2021 is still unclear, the drafting adopted in the Bill is intended to future proof references against other changes over time. Other jurisdictions have committed to updating the outdated references and have commenced this process.

In summary, this Bill covers a wide range of matters but its objectives are clear and focused on supporting regulatory resilience, clarity and flexibility, and supporting economic recovery. This includes reductions in regulatory fees and burdens, where appropriate.

I note the importance of these reforms being passed both to assure the public about the robustness of Victoria's electoral processes ahead of the 2022 state election, and ensure that our regulators have important emergency preparedness measures in place before the next emergency occurs.

I commend the Bill to the House.

Mr ONDARCHIE (Northern Metropolitan) (22:05): I move, on behalf of my colleague Mr Davis:

That debate on this matter be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (22:06): I move:

That the house do now adjourn.

YOUTH VIOLENCE

Mr RICH-PHILLIPS (South Eastern Metropolitan) (22:06): (1731) I wish to raise a matter for the attention of the Attorney-General, who is at the table tonight, and it arises from an email I have received from a constituent in the south-east. I will not name the suburb, but I will read the email:

On Saturday night, my 17 year old son was beaten by 8 youths in—

the suburb—

… They repeatedly kicked him, punched him, and stomped on his head. All for his mobile phone. Even when he told them to take the phone, they continued to stomp on his head and one of them was chanting "he's going to snitch, kill him" They also filmed the attack.

I managed to obtain cctv footage of the horrific event, from a house near where it happened.

To watch my child beaten, kicked, have his head stomped on by 8 people is the most sickening, heartbreaking thing I have ever seen. They even tried to steal his tracksuit pants off him.

The police attended, and I must say they were amazing. One of the many problems we are now faced with is, the police have told us that one of these boys has been arrested before and is continually given bail, only to reoffend. They also said there is zero chance a Magistrate will punish them. This must frustrate the police to no end, they get them off the streets, only for them to receive no form of punishment, and are sent out to reoffend. There's no lesson there. They know they can do whatever they want with no repercussions.

My son is now withdrawn, wont eat, not to mention the physical injuries he is recovering from. He has withdrawn his statement, as they have our address (they stole his … license) And the police have informed us that the perpetrators will know my child gave a statement, and it will be read out in court along with his name. But we don't get the perpetrators names. My son is living in fear that they will come to our home, or wait for him on the way to school, so he doesn't want the mental anguish of them knowing he "Snitched"

This seems extremely unjust. Where is my child's protection? Why do these thugs get let off all the time? Apparently it's because they are children … my son is also a child! They could have so easily killed my boy. Would they get a slap on the wrist then too? Too many times I read about these delinquents getting away with their violent crimes. This will live with my son forever. And we can't even push forward with his statement as he will not be protected.

I guess my question to you is, do you know if anything is being done to protect the innocent people? Will these gangs ever be held accountable for destroying other peoples lives?

Something has to give, and I'm at a loss as to where to start.

So the action I seek from the Attorney-General is to advise me as to what I can tell my constituent in a situation where her family has no confidence in the justice system and they have experienced the revolving door of these youth thugs going through the system and being put out on the street and where her son does not even have the confidence to give a statement to the police so a prosecution can take place.

WESTERN METROPOLITAN REGION HOSPITALS

Dr CUMMING (Western Metropolitan) (22:09): (1732) My adjournment matter is for the Minister for Health in the other place, and the action that I seek is for the minister to prioritise the construction of the Melton and Footscray hospitals. The new Footscray Hospital is under construction. It will cut wait times and reduce pressures on nearby hospitals, and it will have an increase of nearly 200 beds and will treat an additional 15 000 patients each year and around 20 000 a year through the emergency department. It is meant to be completed in 2025.

In July last year the government identified a site in Cobblebank for a new Melton hospital. At that time the minister said money was expected to be put aside in this upcoming budget for construction, which he hoped would commence within the next 12 months. The hospital is expected to be in operation in 2026–27.

Melton is one of the biggest growth areas in Victoria, and by 2050 over half a million people will call the City of Melton home. The population of Maribyrnong will increase by 67 per cent in the next 20 years. While the hospitals are needed to cater for the growing population, they are needed now. Last year we saw Sunshine and Footscray hospitals unable to cope with the demand. Earlier this year we saw them both under extreme pressure. We are in the grips of a health crisis with a healthcare system that is unable to cope. It is not just COVID, it is the mental health crisis that we also are in. The long-term effects of COVID will need ongoing treatment, so we need these hospitals for catching up with surgeries and for catching up with diagnostics. They have been delayed in the last two years. So what are the priorities of this government? We do not need the rail loop now; we need hospitals, and Footscray and Melton hospitals need to be made a priority.

We have on Facebook Melton Hospital Group, which almost has 3000 members, and I encourage that group and I wish that the government would actually look at the concerns of the local residents in Melton. They have had many concerns around Meadowbrook and the maternal and childcare services that are there, but they are also concerned about if this government have actually transferred the ownership of land, and they want it recorded in the registry.

YOUTH MENTAL HEALTH

Dr BACH (Eastern Metropolitan) (22:12): (1733) My adjournment matter tonight is for the Minister for Education. Recently the Murdoch Children's Research Institute issued a further damning report linking lockdowns and school closures to a whole series of adverse impacts for Victorian children: increased anxiety and other forms of serious mental ill health. Suicidal ideation was referenced in the report, as were massive learning losses. It was reiterated by the institute that the greatest threat to Victorian children right now is certainly not COVID-19, it is ongoing restrictions and ongoing school closures.

So the brains trust in the Andrews Labor government got together in an effort to ascertain what to do, and we found out what the response was on 7 February—that is this Monday—when they issued a media release. I have it here. Would you believe it, the response to this extraordinarily serious mental health crisis is a new multimillion-dollar program to encourage Victorian children to walk their dogs more:

> The Andrews Labor Government is giving Victorian kids more opportunities to lace up the boots, hit the dance studio or slide down to a skatepark …

Let us unpack this for a moment. The Andrews Labor government banned Victorian children last year and the year before from lacing up their boots, then it banned them from dancing, then it put enormous bollards that are normally used for counterterrorism in the middle of skate parks. These people have more front than Myer. They went on—this is a media campaign, by the way, a multimillion-dollar media campaign to encourage kids to do things like:

> … walking their dog, riding to school, or kicking a football …

Victorian kids do not need another slick social media campaign from the Andrews Labor government. They are desperate to do these things. It is this government, the first government in the long and wonderful history of our state, that has actively stopped them from doing them. How about this nugget of gold:

> Active Schools supports schools to take a holistic approach to physical activity—

bear with me—

> recognising there is no single solution to shifting inactivity—

I am not sure what that means—

> and encourages kids to be active through quality physical education—

this is all one sentence—

> quality school sport, active classrooms—

I am a schoolteacher; I have no idea what that means—

> active travel, active recreation and a supportive school environment.

I am not sure which Rhodes scholar wrote that, but they certainly wrote it on the fly in an effort to make it look as if something was being done to deal with the appalling mental health shadow pandemic. So the action that I seek from the minister who came up with this utter rot and piffle is for him to release to me the health advice on which this program, this multimillion-dollar spin campaign to encourage kids to walk their dogs, is predicated and the criteria upon which its success will be determined.

HEALTH SYSTEM

Mr QUILTY (Northern Victoria) (22:15): (1734) My adjournment matter is yet again for the Minister for Health. Victoria has the highest taxes of any state in Australia yet has some of the worst health outcomes in the country. The government is eager to convince people that our hospital system is struggling solely because of coronavirus, but it is not just COVID. The president of the Australian Medical Association backs this analysis, saying that Victorian hospitals have been faring extraordinarily poorly for decades and that COVID is merely exposing the problems that were already there. Victoria has worse emergency performance than every other state in Australia, except South Australia. A 2021 report found that only 62 per cent of level 2 emergency patients were seen on time in Victoria, compared to 79 per cent in New South Wales. Health economist and secretary of the commonwealth Department of Health Professor Stephen Duckett argues that waiting times for emergency care in hospitals in Victoria are longer than they should be and that this is a sign that emergency departments are not doing well.

The government has responded to the problem by pointing to new spending on additional beds and hospital infrastructure, but Professor Duckett explains that fewer beds per patient is a sign of an efficient health system. The goal is not to spend the most, it is to get the most out of your spending. And the problem is not the lack of government revenue—again, this government taxes more than any other state government in Australia—the problem is the government is wasteful. The system is crumbling as the backlog for elective surgeries continues to grow. President of the Royal Australasian College of Surgeons Sally Langley explains that elective surgeries often address life-threatening and severe conditions and that blanket bans on elective surgeries are wrong. She is concerned that the lack of screening will result in patients presenting with more advanced cancers and severely diminished outcomes. Banning elective surgery kills. The only responses this government knows are to ban things and to throw money at them. It does not work. I call on the minister to lift the ban on elective surgery and to improve our hospital outcomes, preferably without increasing our already highest taxes.

NORTHERN METROPOLITAN REGION ROADS

Mr ONDARCHIE (Northern Metropolitan) (22:17): (1735) The adjournment matter I have this evening is for the Minister for Roads and Road Safety. Fitzroy North residents are concerned about the traffic and the congestion and the time it takes them to get to work and school. The many residents who responded to my Fitzroy North community survey just recently I thank dearly for their feedback. They have told me that many young people do not have jobs that easily allow them to work from home, and some of them that have jobs in Melbourne's north are hesitant to use public transport. We have some challenges on our public transport system in Melbourne's north. They report it is a nightmare on St Georges Road trying to get to work on time in the morning through the peak hour and for school drop-off, and it has been difficult to get home in time to see their families. Before COVID-19 the majority of people in Fitzroy North—31 per cent—used a car to get to work. The action I seek from the minister, by way of directing the Department of Transport, is to do something about the light sequencing and the safety at the intersections where Holden Street crosses Nicholson Street and St Georges Road and where St Georges Road crosses Alexandra Parade and Scotchmer Street. I would like my residents to get home more safely and spend more time with their families.

INVERLOCH SURF BEACH

Ms BURNETT-WAKE (Eastern Victoria) (22:18): (1736) My adjournment matter is for the Minister for Energy, Environment and Climate Change, and it concerns the erosion of Inverloch beach over the last decade. Minister, on 12 January I joined hundreds of passionate Inverloch residents in gathering for the Rally 'Round Our Dunes event at Inverloch beach. Tragically the beach has endured dramatic erosion over the past 10 years, with up to 70 metres of the vegetated dune having been swept away. The total loss of the dune is now over 8 hectares and is equivalent to an area of 4½ MCGs. Even worse, if the current rate of erosion continues without intervention, the remaining dunes will most likely be gone in around four years. The loss of the beach and its dunes would have a devastating impact on residents, visitors and the local economy as well as the natural environment. The only action that the government has taken so far was to fund a report back in 2019 on management strategies. Three years later this report has still not been delivered, and during that time a further 10 metres of dune has been lost out to sea.

The South Gippsland Conservation Society has closely followed this issue for years and has released a slow-impact, short-term dune management proposal for the Wreck Creek and Flat Rocks sections of Inverloch surf beach, the two sections of coastline that are currently at most risk. The proposed program, developed in collaboration with Professor Rodger Tomlinson, foundation director of the Griffith Centre for Coastal Management, is based around restoring the dunes over the 325-metre-long Wreck Creek section of coastline to what existed in 2018.

The approach of providing short-term protection while longer term planning is underway has been followed at other at-risk Victorian beaches, such as Apollo Bay, as this approach is not new, and it works. The proposed restoration would involve transporting the sand from the Point Norman and Point Hughes sandbar barriers at Andersons Inlet to the Inverloch beach, delaying the Wreck Creek estuary and lagoon system from being washed away during future storm surges. This renourishment is urgently needed before the onset of the autumn and winter storm swells. Therefore my adjournment issue to the Minister for Energy, Environment and Climate Change is very clear: the action is to urgently pledge funding for the immediate restoration of the Inverloch beach dunes.

SHEPPARTON SPORTS AND EVENTS CENTRE

Ms LOVELL (Northern Victoria) (22:21): (1737) My adjournment matter is directed to the Minister for Regional Development, and it concerns funding for the redevelopment of the Shepparton Sports Stadium. The action I seek from the minister is that she gives a commitment to provide funding of $20 million, being the state government's share of the approximately $60 million first stage of the redevelopment of the Shepparton Sports Stadium to create the Shepparton sports and events centre.

The Shepparton Sports City precinct is home to world-class facilities for many different sports, including soccer, netball, BMX racing, hockey and athletics. The facilities are of such high standard that Shepparton regularly hosts national and international sporting events, generating substantial economic benefits for the region. The final piece of the sporting infrastructure required to complete the sports city precinct is the transformation of the Shepparton Sports Stadium into the Shepparton sports and events centre.

The current stadium opened in 1972 as a two-court facility, the only major upgrade occurring in 1994 with the construction of two additional basketball courts. Greater Shepparton City Council plan for the Shepparton sports and events centre project to be delivered in three stages, with stage 1 costed at approximately $60 million, jointly funded by the state and federal governments, Greater Shepparton City Council, the Munarra Centre and user groups. Stage 1 of the project includes the design and construction of three new multipurpose courts, a 3000-seat retractable grandstand, new wet area amenities, an administration hub and a car park.

A full cost-benefit analysis has been completed, which found the project will have a total regional benefit output of $68 million and create 235 jobs in the local community during construction. Additional events attracted because of the completed project would generate an additional 24 000 visitors to Greater Shepparton each year, equating to an annual visitor spend into the local economy of $12.3 million.

I have advocated for the Andrews Labor government to help fund this project for over four years, but the only response I receive is the advice for the local council to apply for a grant of up to $1.5 million. This is in stark contrast to the generous financial support provided by the Andrews Labor government for similar facilities in Ballarat, Traralgon and Knox. Labor provided $9 million, or close to 40 per cent of the cost of the Ballarat Sports and Events Centre; $17 million of the $19 million cost of the Traralgon Sports Stadium; and $82 million of the $107 million to build the basketball facility in Knox. The Shepparton sports and events centre will change the face of sports and entertainment in the Goulburn Valley, and I urge the minister to commit the state government's share of the funding for the project.

MATERNAL AND CHILD HEALTH SERVICES

Ms CROZIER (Southern Metropolitan) (22:23): (1738) My adjournment matter this evening is for the Minister for Health, and it is in relation to the suspension of maternal and child health nurse visits during this code brown that has been declared by the government. I am very concerned about this move by the government to do this, and I know that there are many new parents and new mothers that have been experiencing very difficult times not just at this current stage but over the last few months and obviously the last few years, which have seen significant services being disrupted as a result of COVID. But to deny basic services through maternal and child health nurses I think demonstrates just what a dire situation our health services are in. It is leaving these new mothers to fend for themselves, and critically it is not providing the support services that they need at this very time. At such a time I know, being a former midwife, how critical it is for new mothers to be able to have that support from a maternal and child health nurse to come in, give them the support, see if they are settling okay, see that the baby is feeding—just those basic reassurances to say that you are doing the right thing—and look at the baby's developmental stages. So it is a very critical service, and it is extraordinary that it has been suspended.

Also, these maternal and child health nurses pick up things like family violence, and at a time when we have had so much family violence that has occurred over the last two years because of lockdown we do not need any more. These maternal and child health nurses have a great role in providing that support and advice to new mothers if they detect it.

At present there are 543 Victorians in hospital with COVID and 75 in ICU. Of those 75, 23 are on a ventilator. So the action I seek from the minister is a full breakdown of where Victoria's maternal and child health nurses have been redeployed within the public hospital system since the government's

announcement on Friday, 28 January, and where these nurses were required during the current code brown until the end date, which has been put to Friday, 11 March. When I say the full breakdown, I am asking, on the redeployment of these nurses, from which services in which local government areas to which hospitals they have been deployed and for how many shifts they are actually working.

VICFORESTS

Mrs McARTHUR (Western Victoria) (22:26): (1739) My adjournment matter is for the Minister for Agriculture and concerns the shocking political interference in, indeed total politicisation of, VicForests. Just yesterday we memorably heard from Mr Somyurek:

> What is happening right at the moment is the destruction of the public service and government agencies by stacking ALP activists and mates … Going to a government department is like going to a state conference of the ALP. Looking at a list of departmental heads—well, not heads, but people high up—is like looking like a Labor Party branch list. It is amazing. This needs to stop. This is where you have corruption creeping into your system. This is where corruption takes hold.

That was Mr Somyurek. Is this just hyperbole? The case of VicForests suggests it is not. On the very day of these insightful words, the *Weekly Times* reported that:

> … Labor loyalists have been appointed to departmental positions overseeing forestry policy …

One has recently been:

> … preselected as the party's candidate in the key electorate of Preston.

Ms Crozier: Where do they live?

Mr Rich-Phillips: Probably not Preston.

Mrs McARTHUR: Yes. And this is far from the only way in which VicForests has been politicised. This government does not just seek its ends by regulation or legislation, though the absurd ban on native timber harvesting is catastrophic enough. When it sees a target, it adopts an even wider range of methods of attack. We have heard a number of times in this house how VicForests cannot perform their lawful business due to numerous vexatious activist court cases quite rightly termed 'lawfare'.

Today the *Weekly Times* reports the minister has told VicForests not to take legal action to recover $2 million in taxpayers funds from anti-logging group MyEnvironment. This is beyond disgraceful. It is surrendering taxpayers money to pander to Green-voting inner-city seats in an election year. When will this stop? When will the Andrews Labor government stop treating the public service as a plaything and the state coffers as an electoral expense account?

The action I seek from the minister is a response to the allegations in yesterday's *Weekly Times* article, a straightforward and unequivocal denial that favouritism has been shown to Labor members in appointments and an acknowledgement that there has been no advice whatsoever given against recovering a debt lawfully owed to VicForests by the MyEnvironment activist group.

TEMPLESTOWE COLLEGE

Mr ATKINSON (Eastern Metropolitan) (22:29): (1740) My matter in the adjournment is for the Minister for Education, and it concerns Templestowe College. Templestowe College some years ago—around 10 years ago—had slipped to around 250 students and was looking down the barrel as far as closure goes. Now, perhaps it is for that reason that the government has not really invested much money of a capital nature in that college over the intervening years. But today Templestowe College is a flourishing school with 1250 students, and it is very progressive. Its approach to learning has been quite innovative and very successful, clearly successful, in attracting students but also in the learning outcomes of those students at that school.

The school has a plan for a multi-use community sports hub which would be used by the school during school hours but would be made available to the community for combined use at other times—weekends, evenings and so forth—which is obviously a good investment in terms of that community. Particularly given the shortage of sports facilities there, especially for basketball and similar indoor sports, they have the support of Manningham council, and obviously the school itself is prepared to put money towards this project. But what I am seeking from the Minister for Education is a commitment in the forthcoming state budget of education department funds for some capital investment in this particular facility. Given that the school has had very little funding other than some very basic maintenance over the last 10 years, I think that the case is well made for their need.

CAULFIELD RACECOURSE RESERVE

Dr RATNAM (Northern Metropolitan) (1741)

Incorporated pursuant to order of Council of 7 September 2021:

My adjournment matter tonight is for the Minister for Planning, and my ask is that the minister ensures that the Glen Eira council immediately receives all relevant planning documents that allowed the destruction of heritage trees and buildings at Caulfield Racecourse.

I was disappointed to hear that under the cover of Christmas Eve the minister—at the request of Melbourne Racing Club—approved the amendment for the redevelopment of the Caulfield Racecourse.

Caulfield Racecourse is set to be redeveloped into a new public recreation space, including much-needed green open space for Melbourne's south.

However, following the approval of the amendment, 42 trees on the site were destroyed almost immediately, one of which was a pine grown from the seed of Gallipoli's Lone Pine. The remaining trees—some more than 100 years old—are set to be removed soon.

While the racecourse was subject to local heritage protection, this was overridden when the planning amendment was approved, making it possible for the trees and other buildings on the site to be destroyed.

And while Heritage Victoria has since received a nomination for an interim protection order for the precinct, which has put a temporary stop on works at the site, the damage has already been done.

The community is rightly outraged at the loss of these much-loved heritage trees and at the actions of Melbourne Racing Club in pushing the minister to approve the amendment and authorise the works.

Because the minister has taken control of the redevelopment, there's been no public exhibition of plans for the redevelopment. Even Glen Eira council has been totally cut out of the process and has not been able to see the new plans for the development.

In Glen Eira, open and green space is sorely needed. It has the second-least amount of open space of any Victorian council region. But now the council and community are worried that being shut out of the redevelopment process will prevent them from saving the existing trees and buildings on the site and will lead to the loss of precious local heritage.

It's disappointing to so frequently hear stories exactly like this, where the minister has overridden council and community concerns and imposed his own vision onto a development, especially as this usually results in the loss of trees, green space or local heritage that the community is desperately trying to save.

Our councils should be part of every key planning decision for their local communities, not completely locked out of the process and unable to even see the relevant documentation.

I ask the minister to provide Glen Eira council with all relevant planning documents that allowed the destruction of heritage trees and buildings at Caulfield Racecourse.

RESPONSES

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (22:31): Tonight we had 10 adjournment matters. I will pass eight of them on to the relevant ministers, and I would like to make some comments in relation to Mr Rich-Phillips's adjournment matter and also Mrs McArthur's.

I might start with Mrs McArthur's. Of course I will pass that on to the Minister for Agriculture, but I did just want to make the point that some of your comments I need to respond to. Public sector workers

are employed by department heads—not ministers, not members of the Labor Party—and they are merit based. I personally have worked with several former Liberal ministerial advisers, including the chief of staff to the former Premier, who work in very high positions in the Victorian public sector and are really good at their jobs, and I think it is very unfair to cast aspersions on highly qualified people because they may have worked somewhere previously.

In relation to your comments regarding not pursuing legal costs, all government offices and agencies have to follow model litigant guidelines. Decisions such as that would be made by the VicForests board. And as for your point that these decisions would be made for political purposes, I can point out that most recently in another situation of a failed hotel quarantine legal action case we decided not to pursue legal costs against those applicants. Decisions are made for appropriate reasons, not political reasons, and it is not uncommon to not pursue costs in certain matters. You have raised issues for the minister and I will be happy to pass them on, because she will be more across the detail, but I just wanted to make those points.

Ms Lovell, I was just a little bit concerned about your matter going to the Minister for Regional Development. I think it is probably more appropriate for the Minister for Tourism, Sport and Major Events, but I do not know. You might get an answer that just says, 'It's not for me'. That would be my guess.

Ms Lovell: The reason I referred it to regional development is that it is a sports and events centre, and most of those larger projects are funded out of regional development. But I am happy for you to send it to the minister for sport.

Ms SYMES: In my experience it would be sport.

Ms Lovell: Okay. Well, can we redirect it to the minister for sport then?

Ms SYMES: Yes, I think that would be good. Let us do that, and that is on me if it should be for regional development. But that would be I think more appropriate.

Mr Rich-Phillips, that was awful—a really heartbreaking story from your constituent. Obviously it is difficult to comment on individual cases. Bail for children can be decided by a bail justice, the police themselves or in certain cases, depending on the defence, court. If it is denied by police or a bail justice, then it has to go to court for a decision. I can give your constituent more information on bail, conditions of bail, breaches of bail and how that works, but what I was more concerned about in the issue that you raised was the hurdles that your constituent's son is facing in pursuing this matter. And I was hoping, if I could get a bit more detail, that I could provide some clearer advice on perhaps some victim support services or even some court advice in relation to that matter. Those privacy concerns affected me, and I would really like to look more closely at that matter if that is okay.

The PRESIDENT: On that basis, the house stands adjourned.

House adjourned 10.35 pm until Tuesday, 22 February.