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, Minister for Housing and Minister for Child Protection .................................................... The Hon. RW Wynne, MP
Cabinet Secretary .......................................................... Ms S Kilkenny, MP
OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY
FIFTY-NINTH PARLIAMENT—FIRST SESSION

Speaker
The Hon. CW BROOKS

Deputy Speaker
Ms JM EDWARDS

Acting Speakers
Mr Blackwood, Ms Blandthorn, Mr J Bull, Ms Connolly, Ms Couzens, Ms Crugnale, Mr Dimopoulos, Mr Edbrooke, Ms Halfpenny, Ms Kilkenny, Mr McCurdy, Mr McGuire, Mr Morris, Ms Richards, Mr Richardson, Ms Settle, Ms Suleyman, Mr Taylor and Ms Ward

Leader of the Parliamentary Labor Party and Premier
The Hon. DM ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier
The Hon. JA MERLINO

Leader of the Parliamentary Liberal Party and Leader of the Opposition
The Hon. MJ GUY

Deputy Leader of the Parliamentary Liberal Party
Mr DJ SOUTHWICK

Leader of The Nationals and Deputy Leader of the Opposition
The Hon. PL WALSH

Deputy Leader of The Nationals
Ms SM RYAN

Leader of the House
Ms JM ALLAN

Manager of Opposition Business
Ms LE STALEY

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
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PARTY ABBREVIATIONS
ALP—Labor Party; Greens—The Greens; Ind—Independent; LP—Liberal Party; Nats—The Nationals.
Legislative Assembly committees

Economy and Infrastructure Standing Committee
Ms Addison, Mr Blackwood, Ms Couzens, Mr Eren, Ms Ryan, Ms Theophanous and Mr Wakeling.

Environment and Planning Standing Committee
Ms Connolly, Mr Fowles, Ms Green, Mr Hamer, Mr McCurdy, Ms McLeish and Mr Morris.

Legal and Social Issues Standing Committee
Mr Angus, Mr Battin, Ms Couzens, Ms Kealy, Ms Settle, Ms Suleyman and Mr Tak.

Privileges Committee
Ms Allan, Mr Carroll, Ms Hennessy, Mr McGuire, Mr Morris, Mr Pakula, Ms Ryan, Ms Staley and Mr Wells.

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

Joint committees

Dispute Resolution Committee
Assembly: Ms Allan, Ms Hennessy, Mr Merlino, Mr Pakula, Mr R Smith, Mr Walsh and Mr Wells.
Council: Mr Bourman, Ms Crozier, Mr Davis, Ms Mikakos, Ms Symes and Ms Wooldridge.

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

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

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

Pandemic Declaration Accountability and Oversight Committee
Assembly: Mr J Bull, Ms Kealy, Mr Sheed, Ms Ward and Mr Wells.
Council: Mr Bourman, Ms Crozier, Mr Erdogan and Ms Shing.

Public Accounts and Estimates Committee
Assembly: Ms Blandthorn, Mr Hibbins, Mr Maas, Mr Newbury, Mr O’Brien, Ms Richards and Mr Richardson.
Council: Mr Limbrick, Mrs McArthur and Ms Taylor.

Scrutiny of Acts and Regulations Committee
Assembly: Mr Burgess, Ms Connolly, Mr Morris and Ms Theophanous.
Council: Ms Patten and Ms Watt.
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Wednesday, 3 February 2021

The SPEAKER (Hon. Colin Brooks) took the chair at 9.37 am and read the prayer.

Announcements

ACKNOWLEDGEMENT OF COUNTRY

The SPEAKER (09:38): We acknowledge the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future, and elders from other communities who may be here today.

Business of the house

ORDERS OF THE DAY

The SPEAKER (09:38): I advise the house that general business, orders of the day 1, 2 and 3, will be removed from the notice paper unless members wishing their matter to remain advise the Clerk in writing before 2.00 pm today.

Documents

DOCUMENTS

Incorporated list as follows:

DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT—The Clerk tabled the following document under an Act of Parliament:


Bills

CONSUMER AND OTHER ACTS MISCELLANEOUS AMENDMENTS BILL 2020

PUBLIC HEALTH AND WELLBEING AMENDMENT BILL 2020

Council’s agreement

The SPEAKER (09:39): I have received messages from the Legislative Council agreeing to the following bills without amendment: the Consumer and Other Acts Miscellaneous Amendments Bill 2020 and the Public Health and Wellbeing Amendment Bill 2020.

Members statements

LITTLE ATHLETICS VICTORIA

Ms STALEY (Ripon) (09:39): Last night I was contacted by a parent of a Little Aths participant in Ripon to tell me that the regional meets had been cancelled, and the reason they have been cancelled is that Little Athletics Victoria is unable to get a permit from the government to hold these events. Now, I went to the Little Aths website, and they have a statement on the website. They have said:

… advice suggested this process would take 4–6 weeks …

Well, it is apparent to them that the process is now taking 10 weeks. This is entirely typical of this government. The level of incompetence when it comes to actually implementing their plans in terms of COVID-safe plans or other aspects of this pandemic’s management is wholly flawed, and now we have Little Aths at the regional level cancelled.

I spoke to Paul Cleary, who is a coach for Little Aths in Ballarat. He told me he had 19 kids there last night in Ballarat just in his group, and he had a little nine-year-old girl crying because they had missed last year and they understood that, but to miss again this year—totally unacceptable. This government has failed these kids again, and it is completely unacceptable.
JESSICA DIBELLA

Ms SPENCE (Yuroke—Minister for Multicultural Affairs, Minister for Community Sport, Minister for Youth) (09:40): Today I pay tribute to the life of Jessica Dibella, a creative, passionate and persistent young woman who recently passed away far too young at only 26. Jess lived with autism, intellectual disability and Ehlers-Danlos Syndrome type 6, or EDS, which is a rare connective tissue disorder that is degenerative and incurable.

I came to know Jess, her mother, Michelle, and sister, Bree, around five years ago after Jess self-published her book, *Don’t Call Me Disabled I’m Just Like You*, just one example of Jess’s determination to raise awareness of EDS. Jess painted a picture for my office with one element being a zebra because, Jess told me, like a fingerprint, no two zebra stripes are the same, and the difficulty with EDS is that no two patients are the same. There is no doubt that Jess was her best advocate. She knew and understood her health conditions better than anyone else, much to her frustration sometimes.

In 2017 Jess and Michelle were featured in a TV documentary. Their good nature and positivity resonated so strongly that the public raised over $120,000, which achieved Jess’s goal of travelling to the US to meet the world’s best EDS specialists. Whilst this helped Jess and her family pursue treatment options and meet others with EDS, her condition continued to deteriorate.

Jess never stopped advocating for more awareness of EDS, and I have no doubt her incredible work will continue to leave its mark for years. Throughout this has been the incredible strength of her mother, Michelle, and to Michelle, Bree and Jess’s family and friends, including her grandparents Nola and Barry, I pass my sincere condolences.

PAUL PAYNE

Ms VALLENCE (Evelyn) (09:42): It is with a heavy heart I rise to pay tribute to Paul Payne. Our community was saddened to hear of the loss of Paul Payne after his recent illness in December 2020. Paul was the president of the Lilydale RSL after having in his earlier life a distinguished 20-year career in the Royal Australian Navy. Paul loved his sports too and was a board member of the Eastern Football Netball League, a life member of the Coldstream Football & Netball Club and a life member of the Coldstream sporting club.

Paul was a loving husband, dad and grandfather, an extremely valued member of our local community and generally an all-round great bloke. Everyone knew Paul as a gruff but wonderfully kind-hearted, hardworking, dedicated community member. He was a quiet achiever, always willing to help, and was central to many successful local campaigns, obtaining funding to upgrade Coldstream sporting facilities and community facilities. Paul was a great friend to me and to quite literally hundreds of members of the community across Coldstream and Lilydale.

Paul will be dearly missed in the Coldstream and Lilydale communities, and I extend my deepest sympathies to his wife, Jo; children Bec, Vanessa, Matt, Chris and Catherine; his grandchildren; and the Lilydale RSL sub-branch and the Coldstream football club.

WILLIAMSTOWN ELECTORATE SPORTING FACILITIES

Ms HORNE (Williamstown—Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Fishing and Boating) (09:44): This year has started so positively for so many families in my electorate of Williamstown. As we come away from 2020 and look to rebuilding our great state in 2021, I am thrilled to see my community come back to life. I saw this right off the bat in January when I attended the opening of a brand new sporting facility in Newport and Williamstown, made possible by a $2.3 million investment by this state government. It will give local rugby, soccer, footy, netball and cricket clubs access to modern facilities they deserve, like quality court and oval surfaces, upgraded floodlighting and female-friendly facilities. Community sport holds such a pivotal place in all of our communities, which is why I am so pleased to be supporting them to come back in 2021.
FOOTSCRAY HIGH SCHOOL

Ms HORNE: Last week I was also delighted not only to see my kids but kids right across Victoria walk back through the school gates for term 1. It was a big day for my community in the inner west, with the brand new Pilgrim campus of Footscray High finally welcoming its first students. Attending the opening with the Deputy Premier and the member for Footscray, I was simply in awe. From the library, STEAM facilities and learning spaces to the multisport courts and grass play areas, this campus is equipped to deliver world-class education right in the inner west. I am so proud to say that these kids will have the best start to their high school careers thanks to the work of my colleagues in this place, our predecessors Wade Noonan and Marsha Thomson, and most importantly the community.

FERNTREE GULLY ELECTORATE SMALL BUSINESSES

Mr WAKELING (Ferntree Gully) (09:45): During the lockdowns the Premier promised Victorian small businesses that they would be there to help them, but we now find that the Premier has been withholding millions of dollars that he had promised to support small businesses as a consequence of the pandemic. We know that small businesses are the biggest employers in this state, and they are what drives our economy and puts people in jobs. We have seen that of the 600 000 small businesses in Victoria the government has only supported around 129 000, which is a miserly 22 per cent. We now find that only 4000 of the approximately 400 000 sole traders are eligible for support, with the government confirming yesterday that only $15.2 million of $100 million has been allocated to support sole traders by this government. We know that the hospitality industry is suffering as a consequence of the lockdown. Small businesses across the Ferntree Gully electorate and throughout Knox are suffering. You only need to walk through Knox city and walk down our high streets to see the number of shops that are suffering, and it is imperative that the government does everything it can in its power to actually support small businesses. The government has now announced that it is going to extend the state of emergency for a further nine months. There is no justification by this government for this to occur, and this is of grave concern to many residents in the Ferntree Gully electorate.

AUSTRALIA DAY AWARDS

Ms EDWARDS (Bendigo West) (09:47): I rise today to congratulate Bendigo West’s citizens and young citizens of the year for 2021 and acknowledge their wonderful contribution to our community. Cathie Steele is the 2021 Citizen of the Year for the City of Greater Bendigo. Cathie is the chair of Bendigo Foodshare and has been involved with the organisation for seven years. In 2019 she oversaw work to increase local supermarket food rescue collections from 40 to 96 a week, and throughout the pandemic Cathie has been involved in dramatically increasing the organisation’s food collection and distribution. Greater Bendigo’s Young Citizen of the Year is Ma Aye Paw. Ma Paw is a Karen refugee from Myanmar and arrived in Bendigo in 2016. She is the secretary of the Karen community hub and language school and throughout COVID-19 worked to communicate important health messages to the Karen community.

Ian Gallagher is the Citizen of the Year in Mount Alexander shire. Ian has been involved in many organisations, including the Castlemaine Lions Club for 15 years. He is the driving force and key contributor to all Lions Club events and is always ready to lend a hand. Lorraine le Plastrier is the Senior Citizen of the Year in Mount Alexander. She has been a longstanding advocate for people in the shire who live with disabilities, including by helping to establish the Mount Alexander Shire Disability Advocacy Group. Jade Bujeya is Mount Alexander’s Young Citizen of the Year. Jade is an active volunteer and youth leader, and she has coordinated various youth events and activities. She founded the Young Makers Market and has been involved in council’s youth advisory group.

Congratulations, Cathie, Ma Paw, Ian, Lorraine and Jade, on this wonderful recognition, and thank you for your service to our community.
MEMBERS STATEMENTS

Legislative Assembly
Wednesday, 3 February 2021

RURAL AND REGIONAL EDUCATION

Mr RIORDAN (Polwarth) (09:48): I rise again today to raise the terrible issue of rural and regional educational outcomes right across Victoria—not only in my electorate but in electorates right across country Victoria. The electorate of Polwarth unfortunately again sees its single-school towns suffering at the hands of this government’s complete neglect of getting the best outcomes for students. This government time and time again love to tell people how much money they are putting into education and how much they support the funds going into education, but they will not address the single biggest problem we have in rural and regional schools—that is, lack of attendance.

Right across rural and regional Victoria rates of absenteeism and non-attendance are up to 60 per cent—that is, well over half the students enrolled in schools are not attending. And the questions need to be asked: why is this so? Why is this government year after year prepared to sit back while more than half the schools’ populations are not attending regularly? The net result of non-attendance is appalling results. Only 7 per cent of schools in the top 50 per cent of results this year in VCE are schools in the country—that is, 87 per cent of schools in country Victoria finish in the bottom 50 per cent. This is a terrible legacy from this government.

AUSTRALIA DAY AWARDS

Ms THOMAS (Macedon—Minister for Agriculture, Minister for Regional Development) (09:50): I was delighted to learn that some incredible people from my electorate have been awarded Australia Day honours. Congratulations to my friend and Labor Party stalwart Terry Larkins, OAM, who has been awarded a Medal of the Order of Australia for his tireless service to our Macedon Ranges community. Terry is a former CEO—or shire secretary, as they were called back then—of the Gisborne shire council; current board member at the Macedon Ranges Further Education Centre; chair of the northern Victoria metropolitan partnership; and board member of the Mount Macedon Anzac Day dawn service committee. He is also a champion of the ALP. On behalf of our community, thank you, Terry.

Gisborne South’s Marion Rivers, AM, was honoured for her remarkable work in eye care. Marion has been an orthoptist at the Royal Children’s Hospital, Princess Margaret Hospital and the Royal Alexandra Hospital for Children, and she is currently vice-president of Orthoptics Australia and chair of Vision 2020.

Ian Hay from Bullengarook is a recipient of the Australian Fire Service Medal for his dedicated commitment to the CFA and the safety of our community for over 43 years.

A big congratulations to Miranda Johnson-Jones, who is Macedon Ranges Shire Young Citizen of the Year. Miranda was a stand-out member of my inaugural Macedon Youth Advisory Council and a committed advocate on a range of social justice issues. She played a key role in developing the It’s Time to Talk video—a brilliant exploration of consent. Well done to all.

COVID-19

Mr TILLEY (Benambra) (09:51): I wish to pay tribute to a whole range of people in the north-east of Victoria and in fact the southern Riverina of New South Wales, but in particular to the community of people from the Benambra district over the last 12 months. Without downplaying Melbourne’s lockdown, I can say the north-east was one of the major casualties of this city’s second wave—collateral damage to appease your city mates. The Benambra district has not seen one single case of COVID-19—not before the second wave and not after it. Yet in July schools closed, parents homeschooled, cafes and restaurants became takeaways and Albury-Wodonga was divided. We wore masks and had four reasons to leave home. Five minutes away in Albury, it was life as normal. Victorian businesses failed, people lost jobs, loved ones were cut off and people were left homeless. The rules did not tally with our reality.
Then we had the high farce of the New Year’s Eve border barricades. People saw it as a political tit for tat that was payback. This is what is on the ground around southern Riverina, New South Wales and Victoria; that is how they see it. Still, they raced back from holidays, were trapped in traffic chaos in the middle of the night and then waited for 5 hours in 40-degree heat for a COVID test the next day. Our communities were once again cut in two. We have been stoic in a year of unnecessary protracted hardship that has never reflected the real threat. I say: well done to the Benambra district and shame on the Labor government.

DONATO POLVERE

Ms HALFPENNY (Thomastown) (09:53): I rise to pay tribute to Donato Polvere, born in Italy on 9 August 1936, who passed away on 21 January 2021. I have known Donato and his beautiful wife, Maria, for over 10 years and more recently their daughter Lina, with whom I would share a table at the numerous enjoyable dinner dances organised by Donato to raise funds for his spectacular feast of San Donato, a festival held every year in August to celebrate the saint with whom Donato Polvere shared his name. San Donato was a dragon slayer and miracle worker. St Luke’s church and primary school in Lalor hosted this celebration that was run continuously for 44 years, and while it was the work of many, no-one would dispute that Donato was the driving force.

Donato and Maria were warm and welcoming when I was elected the member for Thomastown. Donato was very much a community activist: kind, gentle and respectful but also persistent and assertive when required. Donato was a very strong, loyal and honourable man who had great pride in what he achieved and also in bringing joy to others. He was also very caring and worked tirelessly for others, whether organising the San Donato feast or initiating Father Christmas visits for the elderly at San Carlo aged care.

Donato was a longstanding member of the Australian Labor Party, with strong beliefs in justice, equality and rights. He also had a good sense of humour. Donato had the rare ability to bring people together and involve local people of all backgrounds in whatever activities and events he organised. Don Polvere will be missed by many but by none more than his family. I offer my deepest sympathy to Donato’s wife, Maria, and daughter Lina.

MURRAY-DARLING BASIN PLAN

Ms SHEED (Shepparton) (09:54): On 18 December 2018 water ministers, both federal and state, lauded the agreement they had reached on establishing a socio-economic test for the recovery of water under the Murray-Darling Basin plan. On that day hundreds of farmers from across the southern basin marched from Southern Cross station to the steps of the Park Hyatt near Parliament House to voice their concerns about the continuing removal of water from the consumptive pool used for irrigation to produce food.

The agreement required that future water recovery projects for the additional 450 gigalitres must demonstrate positive or neutral outcomes based on detailed socio-economic criteria. It did not take long to see the total disregard for that agreement being exhibited by the Department of Agriculture, Water and the Environment, the federal department rolling out these recovery projects. In the months and years that have followed we have seen project after project of on-farm projects being approved. The socio-economic test is not being applied as it should be, and as recently as September 2020 the federal Minister for Resources, Water and Northern Australia promised that the commonwealth would pivot away from these sorts of projects to those that saved water through other sorts of projects off farm, such as lining channels, river operations and metering. Just last month, however, we saw six new projects advertised. The federal government has breached the terms and the spirit of the agreement, and I urge the Victorian government to enforce the agreement by taking whatever steps are necessary.
GOVERNMENT ACHIEVEMENTS

Mr DIMOPOULOS (Oakleigh) (09:56): Everybody in and around my community of Oakleigh knows that the investment we have had over the last six years since 2014 has been unprecedented. You do not have to travel too far around Oakleigh and the surrounds of my community to see investments that have been either funded, started or finished by this government since 2014. Whether they be level crossing removals, school projects, local road upgrades, TAFEs, parks and sports facilities, bike paths, train station rebuilds, almost everywhere you look there have been enormous investments in the last six years.

After the pandemic last year the rebuild has begun again, and we have already seen the economy start to turn around. In and around my community just this year work will start on the Glen Huntly Primary School upgrade and the Monash Freeway widening, the Mordialloc Freeway work will continue and the larger emergency department at Monash Medical Centre in Clayton and the brand-new Victorian Heart Hospital are both due for completion in 2022. Work begins on the two Glen Huntly level crossing removals, stage 2 of the Oakleigh primary school upgrade, the South Oakleigh College upgrade and the Oakleigh South Primary School upgrade, and the work starts on the two pavilions at Lord Reserve and Koornang Park in Carnegie. The redevelopment of Murrumbeena Park has already started, and there are early works on the Suburban Rail Loop and new stations at Clayton and Monash—all this and much, much more that will create jobs and services in my community.

SAM HIGGINS

Mr NEWBURY (Brighton) (09:57): Sam Higgins might have been born profoundly deaf and with cerebral palsy, but he is an incredible young man who was recently awarded Bayside Young Citizen of the Year. With his mother, volunteers and the support of Firbank Grammar School, they run Allstars, a sporting program for disabled children. Congratulations to Sam and the family—Paul, Emily, Maddie, Lucy and Hannah. You are an incredible team.

GRENVILLE STREET, HAMPTON, PEDESTRIAN CROSSING

Mr NEWBURY: The safety-enhanced Grenville Street pedestrian rail crossing in Hampton is now open. Our collective voices were heard. Every petition signature, every minute spent at a community meeting and every ounce of support all mattered. Stuart Worn, who has been a tireless advocate for the community around the crossing, deserves special acknowledgement. This upgraded crossing is a win for our community, a win for Hampton.

ROTARY CLUBS OF BRIGHTON AND BRIGHTON NORTH

Mr NEWBURY: Rotary has an incredibly positive impact on our community and is part of the fabric of Bayside. To celebrate 100 years of Rotary in Australia, members of the Brighton and Brighton North clubs held a free sausage sizzle at North Point and then a fellowship event at Middle Brighton Baths. Congratulations to presidents Robert Ward and Peter Killey on hosting such wonderful events.

BAYSIDE COMMUNITY SPORTS DAY

Mr NEWBURY: And thank you to all of the sports clubs involved in hosting the recent Bayside Community Sports Day. Hundreds of children had a terrific day. Thank you to Bayside Hockey Club, Black Rock Sports Club, Sandringham Life Saving Club and East Sandringham Cricket Club. A big congratulations to Rachel Black, Bayside Hockey president, for overseeing the wonderful event.

BALLARAT VETERANS ASSISTANCE CENTRE

Ms SETTLE (Buninyong) (09:59): Last week I had the pleasure of welcoming the Minister for Veterans to Ballarat. The minister’s commitment to improving the lives of our returned service men and women is very clear, so it was with great pleasure that I was able to introduce the minister to the amazing work of the Ballarat Veterans Assistance Centre in my electorate. Greg Green, who leads this
volunteer group, saw a need for veterans who do not belong to one of the traditional groups and so he formed the Ballarat Veterans Assistance Centre in 2019. The centre connects veterans to the services that they need. It works with other support agencies, such as Open Arms, and the Department of Veterans Affairs counsellors operate out of the centre.

The Minister for Veterans in this government is an absolutely passionate advocate for veterans. He and Greg discussed the disproportionate unemployment levels amongst veterans and the need for industry to understand the breadth of skills that veterans can bring. As the minister described it, a unit has the capacity to build an entire city, and the skills of veterans can be of great benefit to employers. The centre opened in 2019 and has already had a huge impact on many people’s lives. As Greg says, his advice to any veteran is: if the flag is flying, the centre is open.

AUSTRALIA DAY AWARDS

Ms McLEISH (Eildon) (10:00): Congratulations to all Australia Day award winners and those who took citizenship out on that day. There are certainly very many inspirational and talented people in the community. In Mansfield, Gill Belle was named Mansfield Citizen of the Year. Gill is well known for her tireless work in the community. She supports local artisans. She is a board member at the Mansfield District Hospital and, with husband Dean, a wonderful advocate for tourism. The Produce Store is absolutely an icon on the main street of Mansfield, and Gill is a fabulous asset to that township.

Elise Anderson from Alexandra was awarded Murrindindi Citizen of the Year. Elise is passionate about the environment, advocates for climate change and is heavily involved in the Alexandra kindergarten. Nick Charles was awarded Murrindindi Young Citizen of the Year for his dedication in raising mental health awareness and helping young people access support. Operating the kiosk at the Y Water Discovery Centre, Nick has really put his name on the map in Yea. John Stewart from Kinglake is the Senior Citizen of the Year for his community work.

Anne Jenkins was awarded the Yarra Ranges council Citizen of the Year. Anne was a founding member of Oonah Health and Community Services Aboriginal Corporation, and she continues to work to establish a belonging place in that region for the First Nations people. Young Josh Martin has done a lot of work helping and advocating for men who feel lonely and isolated and are having mental health issues. Ashlee Shotter is Yarra Ranges Young Citizen of the Year. Ashlee won the Upper Yarra Community Enterprise’s youth initiative award in 2020.

DJERRIWARRH COMMUNITY AND EDUCATION SERVICES

Mr McGHIE (Melton) (10:02): On 12 November last year Djerrywarrh Community and Education Services held its annual general meeting. Nothing unusual in a community organisation holding an AGM, but this AGM highlighted some individuals whose dedication and commitment is second to none. It is rare these days to be celebrating 10-year service awards. It is even more rare to celebrate 20 and 25 years of service. Djerrywarrh Community and Education Services celebrated them all. Ten-year award recipients included Veena Karlekar. Veena commenced with Djerrywarrh on 6 October 2009 as a sessional trainer for the language, literacy and numeracy program and has continued in this role. Cath Daniels commenced with Djerrywarrh on 6 October 2009 as a sessional trainer for the language, literacy and numeracy program and has continued in this role. Cath Daniels commenced with Djerrywarrh on 18 January 2010 as a sessional trainer for the language, literacy and numeracy program and again is currently in that role. Doris Cunningham is the chair of the Djerrywarrh Community and Education Services board. Doris commenced on the board in December 2009 and held the position of treasurer before commencing as chair during the 2019–20 financial year.

A 20-year award recipient was Julia Mortellaro. Julia commenced with Djerrywarrh on 21 February 2000 as a sessional trainer and is currently in that role. The 25-year award recipients, which is an amazing achievement, include Kim Leech. Kim commenced with Djerrywarrh in March 1995 and is currently the L2P project officer. Anita Cutler commenced with Djerrywarrh on 15 June 1995 and is currently the senior manager and deputy CEO. All I can say is congratulations and well done to all. Djerrywarrh Community and Education Services is obviously a great place to work.
AUSTRALIA DAY AWARDS

Ms GREEN (Yan Yean) (10:03): Today I rise to pay tribute to the Yan Yean locals who were in receipt of Australia Day awards. In Mitchell shire the community award for Citizen of the Year was John Simpson, the Access and Inclusion Champion was Wallan’s Adam Georgelin and the Community Group of the Year was Wallan Circle of Friendship.

The Nillumbik Australia Day awardees: Citizen of the Year was Josh Allen. At only 29 years old I could not be prouder of Josh and was honoured to have written in support of his nomination by Nick Brown. A dedicated father of two boys, partner to paramedic Megan and Diamond Creek dynamo, Josh started community life very young. He and I were on the same CFA truck on Black Saturday. He was merely 17 years old. Now a member of the Rotary Club of Diamond Creek, Josh’s work in the community has been notable for his energy and enthusiasm along with his ability to collaborate with various local groups and services, including the men’s shed, the Lions Club and the Diamond Creek Traders Association. He and his son Jake were instrumental in securing the W-class tram which now occupies such a prominent place in the new Diamond Creek Regional Playspace and operates as a community cafe. Josh was integral in getting SecondBite going during the pandemic, and he was instrumental in, I am sure, the Rotary Club of Diamond Creek being the Community Club of the Year.

I also want to congratulate Gary Doorbar of Mernda, who received the national emergency medal, and Terry Larkin, OAM— *(Time expired)*

BROADMEADOWS REVITALISATION BOARD

Mr McGuire (Broadmeadows) (10:05): Prime Minister Scott Morrison has responded to my call for a unity ticket to reimagine Broadmeadows. The vision is to turn Broadmeadows into a prototype for economic and social comeback. We have the opportunity to leverage investments to secure independent supply chains, national sovereignty and deliver local jobs for local people where they are needed most.

The city deal for Melbourne’s north-west provides a key mechanism to drive collaboration, and the unity ticket secured through the Broadmeadows Revitalisation Board 4.0 provides the blueprint. Broadmeadows is defined as a priority under the Victorian government’s historic $5.3 billion investment for affordable and social housing, the biggest ever in Australia.

The Australian government also invested $1 billion in CSL for life-saving vaccines. The Prime Minister’s recent visit to Broadmeadows to make this announcement vindicates my call to designate our precinct for advanced manufacturing made four years ago. The strategy is designed to fast-track Broadmeadows through deindustrialisation by attracting new investments. The Australian government has allocated a further $1.5 billion to rebuild scale for advanced manufacturing, really defining Broadmeadows as the epicentre for Melbourne’s north.

As chair of the Broadmeadows Revitalisation Board 4.0, our aim is to build on these investments by coordinating the three tiers of government, business and civil society to maximise results through the comeback strategy. This plan provides the unity ticket for social recovery, suburban revitalisation, investment attraction and job creation. *(Time expired)*

LUNAR NEW YEAR

Ms Suleyman (St Albans) (10:06): The famous Lunar New Year celebrations in St Albans are always a highlight each year. It is an opportunity to showcase the best that our community offers, from a delicious array of cuisine to celebrating each other’s cultural activities. This year we had to celebrate the virtual Lunar New Year festival hosted by the St Albans business group. I want to thank each and every trader in St Albans for making it possible. We had over 3000 views online, which is a tremendous effort.
FURLONG PARK SCHOOL FOR DEAF CHILDREN

Ms SULEYMAN: It is going to be a fantastic year for St Albans. Already we have seen the architects being appointed for the master plan for Furlong Park School for Deaf Children in Sunshine North. These works will make sure to modernise the school but also provide the best facility for kids in St Albans.

SUNSHINE HOSPITAL

Ms SULEYMAN: I am absolutely delighted to see the multistorey Sunshine Hospital emergency department nearly coming to a conclusion. This will be world-class medical care facility not only for the residents of St Albans but also the western region.

SUNSHINE BREASTSCREEN VICTORIA CLINIC

Ms SULEYMAN: Lastly, I would like to thank the BreastScreen Victoria clinic at Hampshire Crescent, Sunshine. I had the pleasure of joining staff to officially open the new centre, and I want to thank all of the staff there.

2021

Mr TAYLOR (Bayswater) (10:08): Happy new year, and welcome to 2021. Without getting ahead of myself, let us hope it is safe to assume that this year will be in most ways an improvement on the one that preceded it. I hope everyone got some R and R in, and to those who worked through and to those who helped keep us safe with very little rest, thank you so much.

BAYSWATER ELECTORATE

Mr TAYLOR: 2021 also brings with it my third year of proudly representing our community, and over the last two years I am equally proud to say that together we have gotten on with delivering nearly $300 million in local projects and creating local jobs. Importantly, I have heard from thousands of locals on their doorsteps, on the phone, at the shops and via my office about what matters to them, because as a local MP I do not take that responsibility lightly. And in 2021 I am very eager to continue getting out and listening to locals, because there is more to do. I am keen to report we are getting on with some massive things this year on the back of what was the biggest jobs-creating budget in history. I am stoked at the record investment in our patch in the outer east, because our community deserves nothing less.

SRI VAKRATHUNDA VINAYAGAR TEMPLE

Mr TAYLOR: I would also like to quickly acknowledge a significant event which I was honoured to attend recently, the reconsecration ceremony of the Sri Vakrathunda Vinayagar Temple. This event happens once every 12 years, and it was extra special because the temple has recently undergone some amazing renovations with a major grant and transformation of all its 11 shrines. With its completion it will become the largest stone granite temple in the Southern Hemisphere and the only temple dedicated to Ganesha in Victoria.

Obviously this was a very quick members statement because I only have a few seconds left, but I got everything in that I was after. And of course to anyone looking at this on social media, we only have 90 seconds for these things—don’t judge me.

Statements on parliamentary committee reports

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into the Victorian Government’s Response to the COVID-19 Pandemic

Mr ANGUS (Forest Hill) (10:09): I am pleased to rise this morning to make a contribution in relation to the Public Accounts and Estimates Committee report Inquiry into the Victorian Government’s Response to the COVID-19 Pandemic, dated February 2021 and tabled yesterday. I
particularlly want to speak on the second minority report, which is included in the volume three pages after page 387. That is down at the rear. I also note at the outset that there are two minority reports and that all of the non-government members signed off on the minority reports. I think that is quite unprecedented, and that is a damning indictment on the committee and the work that was done by the committee and the conclusions that were reached by the Labor government majority members.

I would commend this report to not only everybody in this house but to the general public as well, because I think this is finally a document that is going to show and shine a spotlight on the appalling behaviour that has gone on and the scandalous issues that have been just overlooked completely by the majority report and indeed in other fora. I think it should be compulsory reading for all Victorians. Let me read a couple of extracts from the minority report, page 2. It says:

Ministers would regularly avoid answering questions, and we were alarmed at the lengths the Labor Chair of the Committee would go to interrupt questioning, waste time or even mute non-government members’ microphones on matters that Ministers were sensitive about. On some occasions, legitimate questions within the terms of reference, were ruled out of order with no explanation or ability to put points of debate.

That is an extraordinary comment to be putting in there, and I watched some of the hearings but was not obviously aware of the extent of the goings-on during the course of those hearings. It continues on that same page. Let me quote again:

… it was extraordinary that none of the private security firms, or even their representative bodies, were invited by the Committee to appear during the hearings, despite attempts by the minority to have them included on the witness list.

Again, I think that that particular statement will resonate with the general public, because they would wonder why on earth wouldn’t the key players involved in the catastrophic failure of the hotel quarantine system have been called to give evidence. Rather, everything was done to ensure that they did not come and give evidence. And of course if they had have given evidence, they would have clearly been able to say who engaged them, which is one of the big outstanding questions that all Victorians are still waiting to get an honest answer—or any answer—for. Going on to page 3, it says:

Ministerial accountability is one of the finest traditions of the Westminster system. Regrettably, it’s a tradition that has been trashed by the Andrews Labor Government.

It goes on:

… the Andrews Labor Government has at every turn sought to avoid and shirk any responsibility for its disastrous Hotel Quarantine Program, which caused Victoria’s second wave outbreak of the virus and resulted in more than 800 Victorians losing their lives.

It goes on:

Not one Minister, not one Secretary, not even the Premier himself, could tell the Committee who was ultimately responsible for the Hotel Quarantine Program.

Again, you know, that is the question all Victorians are asking. For the lockdown, for the tragic loss of more than 800 lives here in Victoria, for the thousands and thousands of cases, for the millions of people locked down, for the thousands of businesses closed and for the hundreds of thousands of jobs lost, all Victorians deserve an answer. Page 4 of the report goes on:

The evidence provided by the Premier, Ministers and Senior Public Servants was mostly self-serving and sought to avoid questions, rather than answer them. The hearings were not assisted by the fact that a Labor MP presided as Chair and acted in a thoroughly partisan manner.

So this report just goes on and continues to go on. On page 5 under 2.6, in talking about Mr Eccles, a former Secretary of the Department of Premier and Cabinet, it goes on to say that:

… Mr Eccles was able to categorically state that he “would not and could not” have said anything to Mr Ashton in relation to engaging private security guards to manage Hotel Quarantine arrangements.
In paragraph 2.7 it says:

How is it possible, let alone credible, for anyone to categorically rule out anything discussed in a conversation they can’t remember?

So this, as I said, should be compulsory reading for all Victorians to try to shine some light on the scandal that has enveloped the whole state of Victoria. I congratulate the members, the deputy chair, the member for Polwarth; the member for Gippsland South; the member for Evelyn; and Mr David Limbrick, MLC, a member for South Eastern Metropolitan.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE


Mr McGUIRE (Broadmeadows) (10:14): I refer to the Public Accounts and Estimates Committee’s inquiry into the budget estimates and the contribution from the Treasurer as Minister for Economic Development on how Victoria is trying to strengthen economic performance with a range of mechanisms, and one of these is through the city deals proposal that we have. This is a key opportunity, and I want to highlight how Broadmeadows should be a critical epicentre for Melbourne’s north. The reason is this is not just about local matters. It has regional impact, it is of state significance, it has national, sovereign value, and it even leverages to our international position through our advanced manufacturing and how we actually are going to manufacture the vaccines for saving lives in Australia. So it is of that level of significance.

I want to elaborate on my members statement that Prime Minister Scott Morrison has responded to my call for a unity ticket to help reimagine Broadmeadows, and the vision is to turn it into a prototype for economic and social comeback. This fits into this Australian government’s big picture of what it wants to do—the Victorian government’s as well—so we do have unity tickets. I am aligning the local Hume City Council, businesses and service providers to make sure that we have this unity ticket, which we have now delivered through the comeback strategy.

Here is how we can make it work. The Australian government has invested $1.5 billion to bring back advanced manufacturing, because we need scale. How did we lose scale? Through the loss of our once-proud automotive industry, Broadmeadows was the first to be hit and was hit hardest when the Ford manufacturing plant closed just over four years ago now. We were devastated. Globalisation and digitisation devastated these communities. So we put together this strategy with ‘here is the vision, here is the plan, here are the partners and here are the investors—how do we coordinate to bring it back?’. Here is a great opportunity. The Prime Minister has come to Broadmeadows and announced a federal government investment of $1 billion into CSL to manufacture new vaccines against influenza. So that again is of national significance.

We have a host of other investors who have come as well. Sims are talking about a $50 million investment into a circular economy project that they want to do that is of high value as well—to turn waste into cleaner, greener energy at Sims Resource Renewal. They want this to be the showcase and the prototype for 11 new global resource renewal facilities. The first one is to be built at Campbellfield, and this will deliver re-useable material from metal recycling. They also want it to be a design landmark, and that is really important—that we do not have brutalist-style factories built in these communities. So I bring that to the attention of the house.

The triple-helix model of collaboration between research, industry and government has also been harnessed. This is to deliver local jobs for local people, so this is how we connect it back into the community so we get the community benefit. This is through the multiversity model in Broadmeadows that provides TAFE certificates from Kangan Institute and degrees from La Trobe, Deakin and Victoria universities, and partnerships have also been extended to other universities. I want to commend the University of Melbourne and particularly Professor Rob Moodie for his collaboration on how we bring together the social determinants of life, how we actually get a better coordinated strategy with the world’s leading insight from the scholars and how we bring that down, making
Broadmeadows the prototype for change—because this is a benefit not just for one community, this can be used right through all the other communities. By the social determinants of life, I am talking about how you get lifelong learning for skills, jobs and meaning; how you improve health for better wellness and longevity; and then how you connect the disconnected.

So Broadmeadows is where you get your start—in the land of opportunity, as my late father always said, and he was right. But you have got to make sure you have got connection into the broader Australian community and the opportunities that we provide. I remember Joe Biden was asked to describe America in one word, and he said ‘possibility’. On Australia Day, when we were signing up new people to become Australian Citizens, I said, ‘If you want to find one word for Australia, it is “opportunity”’, so we have to deliver this to as many people as we possibly can.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into the Victorian Government’s Response to the COVID-19 Pandemic

Mr RIORDAN (Polwarth) (10:19): I rise to speak to the inquiry into the Victorian government’s response to the COVID-19 pandemic, and I was deputy chair through the inquiry. This was to be our final report until we heard yesterday that the state of emergency is to be extended for quite some time. If the government gets its way, as it will attempt to do, we may find ourselves having to report again on this government’s handling of the COVID-19 response.

Firstly, before I go into a little detail on what this report is about, I acknowledge the team that I worked with and the non-government members: me, the member for Evelyn, the member for Gippsland South, a member for South Eastern Metropolitan and the Greens representative for Prahran. The reason it is important that there was such a list of non-government members is that each of us has contributed to a minority report and the bulk of us have not supported the main report presented and supported by the government, simply because this government used this opportunity over the last six months to do all it could to suppress vital, important information for Victorians to prevent them from getting a greater understanding of how this government handled its pandemic. The results could not be any clearer. In the minority report at the back there is a graph, and that graph shows Victoria’s performance compared to every other state in Victoria. And it is a damning record of the way Victoria handled its response to COVID compared to every other state.

In simple terms, under ‘Contact tracing’, page 36 of the minority report states that Victoria’s total cases and deaths compared to the rest of Australia show that Victoria accounted for 72 per cent of all COVID cases in Australia. We accounted for 90 per cent of all deaths in Australia, and all other states combined did not get close to the outcomes that we found ourselves suffering here in Victoria. When the government, in this report, is keen to draw our attention away from that, it points to countries many Victorians would never have heard of, many of them Third World despotic countries. They refer to them as countries that did similar to what Victoria did. That is not what we want to compare to; we need to compare to like jurisdictions.

Even the main body of the report cannot hide some of the facts that point to why Victoria did so poorly during 2020. I refer specifically to the area of contact tracing. In the area of contact tracing the report tries hard to put on a gloss and a spin and make this look like a rat with a gold tooth. What the government did was only provide details and data on contact tracing for a small window after the second wave had started to subside in Victoria. They have refused to present to this Parliament details on how they handled contact tracing from January through to the middle of August, and that is the period when Victorians suffered. That is the period when nearly 800 people died. That is the period where untold costs to livelihoods, jobs, businesses and families were endured. That is the time when people were not allowed to visit their mothers on Mother’s Day. That is the period when people were denied the ability to go to funerals and other family get-togethers, and this government will not reveal why it did so badly.
With the little evidence that we could get we learned, for example—and this was evidence given to the committee—that the investment in Victorian public health management is too low; it is poor and poorly funded, and the use of paper-based contact-tracing methods resulted in many of the failures. We heard evidence about fax machines. I mean, where the government sourced thermal rolls to put in their fax machines in this day and age I have no idea. While the rest of Australia was using modern, computer-based contact-tracing systems, Victoria was still rolling out the fax machine. Victoria was using post-it notes and sticky notes, and Victoria was centralising in a bureaucratic scene reminiscent of an office space in the 1950s, not the modern government that people in Victoria would expect to be managing this. We know this because in Victoria we were completely unable to get the outbreak and contact tracing under control. World’s best practice told us the government needed to do this within a window of 48 hours, and we learned in many cases it was 11 and 12 days later; hence the spread of the virus in Victoria.

LEGISLATIVE ASSEMBLY ENVIRONMENT AND PLANNING COMMITTEE

Inquiry into Tackling Climate Change in Victorian Communities

Mr CHEESEMAN (South Barwon) (10:24): I again take the opportunity to rise and speak today on the inquiry into tackling climate change in Victorian communities. I had the tremendous privilege, along with my colleagues on that particular inquiry, to get around and talk to regional Victorians about the things that they are doing in response to the significant challenges of climate change. Through the course of that inquiry not only did we hear firsthand what regional communities are doing in response to climate change, but we also heard firsthand what the actual challenges are. And I must say I was very moved by the contribution that regional communities are making with respect to responding to those climate change issues.

Of course, as we know, Victoria has some magnificent coastline. We have many communities and economies built along the Great Ocean Road and in places like Phillip Island and Port Fairy and the like. We have some beautiful coastline. But we also have many communities for which a sea level rise will provide significant challenges to protecting those communities from inundation. We also have some of Australia’s best farming lands, and regional economies and regional communities in large part in many parts of our state derive their income and their security of income from productive farmland. We know, through the science of climate change, that what we have been able to do in many parts of Victoria historically to generate an income for farming families indeed may change. The nature of farming practice, the types of crops and where we grow crops indeed may change. The economics of regional Victoria is very important for Victoria’s gross domestic product. It is very important for Victoria’s export income, and indeed it is very, very important for Australia’s income. And climate change—if you accept the science, as I do and as the committee did—will change fundamentally what we can do in some parts of Victoria. We know regional communities have to endure from time to time bushfires and grassland fires. And not only does that cause significant pain and human loss, it also again challenges where we live as regional Victorians and what we have been able to historically do.

Now, I remember vividly, as I am sure everyone here does, the Black Saturday fires and the fires of last summer. And we know the significant property loss and the significant number of lives lost. But one stat strikes me in a very, very profound way, and that is that despite the property loss, despite the human loss because of the direct consequence of fire, more people actually lost their lives through heatstroke through that period. That is a stark reality and often does not get the same attention. Often those that lose their lives because of extreme heat are those that can least afford to get out of that heat and those that can least afford to run an air conditioner or to put insulation in their properties and the like. And that is why having a social conscience when we deliver economic policy and climate change policy to make sure that we can provide the opportunity for those that can least afford it to get out of that heat is so important. We can provide them, as a government, the opportunity to retrofit their properties to make those properties comfortable and to ensure that people do not lose their lives through excessive heat and those particular challenges. So I very much would like to— (Time expired)
Ms VALLENCE (Evelyn) (10:29): I rise today to talk to the inquiry into the Victorian government’s response to the COVID-19 pandemic, and I specifically would like to commend to the house the minority reports after page 387 in the document.

First, I would like to acknowledge the members of the committee. As a member of the Public Accounts and Estimates Committee (PAEC), which was the committee that oversaw this inquiry, I would like to pay acknowledgement to my colleagues and team members on this committee, who worked tirelessly over many weeks, trawling through many documents and questioning the Premier and ministers of the Andrews Labor government and departmental heads in order to get to the bottom of the government’s response—in fact the government’s fatally flawed response—to the COVID-19 pandemic here in Victoria. The deputy chair, the member for Polwarth; the member for Gippsland South; a member for South Eastern Metropolitan; and the member for Prahran—these are the non-government members on this committee, and as I said, at page 387 you will find that all non-government members saw fit to submit a minority report because quite frankly the majority report, backed by the Labor MPs, is silent on many key and significant matters that have occurred over the past 12 months in Victoria, most notably the more than 800 Victorians who lost their lives as a result of the pandemic. If you look at this very lengthy majority report, the main report, you will not find any mention of the more than 800 people that lost their lives as a result of the hotel quarantine outbreak overseen by the Andrews Labor government. I would like to extend my deepest sympathies and condolences to the families and friends of those more than 800 Victorians that lost their lives. Their lives should not be forgotten. Their families deserve to know the truth, and that is precisely why the members of the minority have put forward this minority report.

Victorians are sick and tired of a government that dodges and weaves and seeks to pass the buck and the blame on to everyone else, and we have seen this government has spent millions and millions of dollars on legal fees to protect itself from the truth—to cover up the truth from Victorians about what it has done to mismanage the hotel quarantine program, which we know from the genomics is linked to 99 per cent of COVID cases in the second-wave outbreak. It was a fatally flawed program, and looking at all of the evidence put before PAEC—lots of evidence over three sets of hearings, in May 2020, August 2020 and November–December 2020—and piecing it together, it is clear that the Department of Premier and Cabinet was central to the decisions around hotel quarantine and in fact that the Premier would clearly have known about these decisions because of his statements made on the day that that program was presented to national cabinet. In fact in the minority report you will note that the Premier said this program, the hotel quarantine program, was set up and proposed by the Andrews Labor government, by the Premier, and he said it served us well. Well, how wrong did that statement prove to be? More than 800 lives, more than 200 000 job losses and thousands of businesses forced to close, some never able to reopen. This in turn led to a huge financial burden on and mental anguish for many Victorians who are still out of work, still unable to open their businesses and facing financial ruin and mental hardship—and this is all as a result of the decisions made by this government.

Also in the minority report there are many other aspects that I would like to talk about, perhaps on another committee report, but I commend the minority reports that are contained. All non-government members submitted minority reports to this inquiry.

Ms SETTLE (Buninyong) (10:34): In September 2020 the Legislative Assembly’s Legal and Social Issues Committee tabled its comprehensive report into early childhood engagement by culturally diverse families. This was the first committee report that I had worked on, and it was a wonderful introduction to the incredibly important work of committees.
The focus of this report is a very important one. We know how crucial the first years of childhood are in shaping the future of our children, and those advantages must be shared across all of our communities. Multiculturalism has benefited our state greatly, both culturally and economically. We welcome people from many countries every year—families who come to start their lives here in Victoria. These families, like all Victorian families, have the right to access and benefit from early education and health services to ensure that their children get the best start in life. This is especially important for children of a refugee background.

The committee explored a broad range of services relating to early childhood engagement, such as kindergartens and playgroups, maternal and child health, mental health and disability services. We heard about various integrated and play space service models that provide families with appropriate support. We also explored the importance of expanding workforce diversity, not only to provide more welcoming spaces for culturally diverse families but also to create meaningful employment opportunities for individuals from those culturally diverse backgrounds.

We know that the Victorian government is clearly committed to supporting multicultural communities, including refugees and asylum seekers. The committee heard, however, that more can be done to better connect with culturally diverse families. Families continue to experience barriers to accessing early childhood services due to things like language and communication barriers, costs, limited awareness of services and their benefits, discrimination and fear of judgement, among others. The purpose of the report and its 49 recommendations is to address those barriers and to ensure that services are inclusive in supporting families and their children. Families feeling like they belong in a community and in specific environments like kindergartens or schools is critical to successful engagement. This is important for children’s wellbeing and development and can help parents and caregivers build their own social connections, reducing isolation.

Key recommendations of the report include continued funding of community hubs as well-established and evidence-based models for engaging with culturally diverse communities; mandated training in cultural competency and trauma-informed care for state-funded services; strategies and actions to increase the number of bicultural and bilingual workers in early childhood services; enhanced support for refugee families by the maternal and child health services, identifying children of refugee background as a priority group for mental health services; culturally diverse speech therapy workers to ensure speech and language delay assessments can be conducted in a child’s first language; funding for playgroups that specifically target culturally diverse communities; targeted funding to assist people from culturally diverse backgrounds to engage in training and development, such as free TAFE in the early childhood sector; expanding Early Start Kindergarten to ensure children of refugee background are immediately eligible for free three-year-old kinder; and adopting a statewide approach to kindergarten enrolment, with a single easily accessible and central enrolment process across Victoria.

The committee received a range of submissions and held a series of public hearings and site visits in Melbourne and in Ballarat, Geelong, Bendigo and Shepparton. The committee is grateful to everyone who took part in those hearings.

Since the tabling of the report, I would like to acknowledge that the Ballarat Regional Multicultural Council have commenced a new program called Developing our Children Together. It is a multicultural information and mentoring project designed to support culturally and linguistically diverse parents to fully appreciate the value of early childhood.

I would also really like to extend my thanks to my fellow committee members, Christine Couzens, of course our chair, James Newbury, David Southwick, Meng Tak and Emma Kealy, for their commitment and contributions to the inquiry. And a big thanks to the secretariat, who did an absolutely amazing job on this report.

The DEPUTY SPEAKER: The time for making statements on committee reports has concluded. I just remind members to refer to other members by their correct titles in their contributions.
Mr WYNNE (Richmond—Minister for Planning, Minister for Housing) (10:41): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Planning and Environment Amendment Bill 2021.

Opening paragraphs

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the ‘Charter’), I make this Statement of Compatibility with respect to the Planning and Environment Amendment Bill 2021 (the Bill).

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

Overview

The Bill makes a number of amendments to the Planning and Environment Act 1987 (‘the Act’) which:

- strengthen local heritage protection in the Act through new disincentives to deter the unlawful demolition of buildings that have been given heritage protection under a planning scheme and to deter those buildings being allowed to fall into disrepair;
- reduce the risk to government of compensation claims associated with land proposed for future public uses as part of the structure planning process;
- allow for document inspection requirements in the Act to be satisfied by online publication;
- enable Planning Panels to hold hearings using electronic means;
- provide greater flexibility in relation to the validity of planning permits for extractive industry;
- empower the Minister to collect the information needed to comply with the Minister’s obligations to give notice under the Act; and
- provide greater equity in funding precinct structure planning costs by enabling the Victorian Planning Authority to cost-recover structure planning costs from those who benefit from the value uplift of structure plans.

Human Rights Issues

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

The human rights protected by the Charter that are relevant to the Bill are:

- the right to privacy and reputation (section 13)
- the right to property (section 20)
- the right to freedom of expression (section 15)
- the right to take part in public life (section 18)

For the following reasons, I am satisfied that the Bill is compatible with the Charter and, if any rights are limited, those limitations are reasonable and demonstrably justified having regard to the factors in section 7(2) of the Charter.

Local heritage protection (Part 2 of the Bill)

Clause 4 of the Bill provides that planning schemes may regulate or prohibit the development of land on which a heritage building has been unlawfully demolished or has fallen into disrepair, and require that a permit for the development of land must not be granted unless the development is for or includes the reconstruction, reinstatement or repair of a heritage building that is or was on the land. The Bill expressly permits planning schemes to provide for these matters for the purpose of deterring unlawful demolition or falling into disrepair of heritage buildings.

These amendments engage the right to property. Set out in section 20 of the Charter, this right provides that a person must not be deprived of his or her property other than in accordance with the law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than arbitrary or unclear, are accessible to the public, and are formulated precisely.
The planning scheme amendments can prohibit or limit the development potential of the land, however, in my opinion this does not amount to deprivation or a limitation of the right. The planning scheme measures introduced by the Bill cannot be arbitrarily applied. They only operate in relation to land on which a heritage building has been unlawfully demolished or has fallen into disrepair, and operate to enshrine local heritage protection in the planning scheme by allowing the granting of permits for development that include reconstruction, reinstatement or repair of a heritage building.

Clause 6 of the Bill inserts a new Division 2A in Part 6 of the Act which allows the Governor in Council, on the recommendation of the Minister, to order that land must not be used and or developed, other than as specified in the order, for a period of up to 10 years if the owner of the land has been convicted of an offence against section 126 of the Act (being an offence relating to the unlawful demolition of a building). The Bill provides that the effect of the order is to make any permits or building permits made in relation to the land be of no force unless it is for a use or development specified in the order, and prevents responsible authorities and relevant building surveyors from granting permits or building permits other than for a use or development specified in the order.

These provisions also engage the right to property as the order may deprive the landholder’s development potential of the land, however, any such deprivation is set out and clearly circumscribed in the order. The order may only be made if a person has been found guilty of an offence against section 126 of the Act, and the order is limited to up to 10 years. The order runs with the land, in order to ensure that the order is not defeated by a change in title.

Accordingly, I consider that these provisions are compatible with the right to property.

Planning compensation (Part 3 of the Bill)

Clause 9 of the Bill clarifies that compensation may be claimed under section 98(1)(a) only if the provision of the planning scheme that reserves the land expressly states as a purpose ‘to reserve the land for a public purpose’, such as under a Public Acquisition Overlay (PAO) as set out in clause 45.01 of the Victorian Planning Provisions. Previously, it could be argued that a claim for compensation under section 98(1)(a) could be made if the planning instrument had the effect of restricting the development of land to protect a public purpose, under for example, an Infrastructure Contribution Plans, Development Contribution Plans, or Precinct Structure Plans in addition to PAOs. A similar amendment has been proposed in clause 10 of the Bill in relation to a claim for compensation under section 107 of the Act.

These provisions engage the right to property by clarifying that compensation may not be claimed when a planning instrument indicates an intention that the land may be used for a public purpose in the future. However, compensation may still be claimed if this intention is formalised and the land is then reserved for a public purpose. The latter step is considered more appropriate in triggering potential rights to compensation and any limitation on the right to property is demonstrably justified and reasonable.

Notices, publication and inspection of documents and panel hearings (Part 4 of the Bill)

Currently, the Act requires certain entities (such as the Minister for Planning, municipal Councils and other authorities) to make certain documents available to the public for inspection free of charge at their offices. These documents include planning scheme amendments, planning permit applications, planning permits granted, submissions and objections, and planning panel reports. These requirements are important in supporting the Act’s objectives to support public participation in decision making processes. Making this information publicly accessible is also consistent with the right to freedom of expression in section 15(2) of the Charter, which includes the freedom to seek and receive information.

With the measures put in place under the Public Health and Wellbeing Act 2008 to address COVID-19, it has not been possible for members of the public to attend the relevant offices to access these documents in person. As a result, temporary measures were introduced under the COVID-19 Omnibus (Emergency Measures) Act 2020 to enable entities to make these documents available on the internet free of charge instead. These measures currently located in Part 10A of the Act will sunset on 26 April under section 205C.

The Bill will effectively enable these temporary measures to become an ongoing alternate option to inspection at the relevant office. Clause 45 inserts new Division 6A of Part 9 of the Act to establish the new public availability requirements and create the ongoing option of publishing documents online. Making the documents available online means that any personal information of individuals in these documents is more accessible by a wider audience. This engages the right to privacy in section 13(a) of the Charter, which provides that a person has the right not to have her privacy, family, home or correspondence unlawfully or arbitrarily interfered with, and not to have their reputation unlawfully attacked. An interference with privacy will not be unlawful where it is permitted by a law which is precise and appropriately circumscribed. Interferences with privacy will not be arbitrary provided they are reasonable in the particular circumstances.
While the online publication of documents necessarily engages the right to privacy, the notification, publication and inspection provisions of the Bill have been framed so as not to limit this right and to align with the information privacy principles contained in the Data and Information Privacy Act 2014. For example, new sections 197F and 197G specify that in making documents available online, the entities must not disclose personal information without an individual’s consent. The Bill therefore significantly reduces any potential interference with individuals’ privacy. The only information that may be published without consent is the address of the land that is the subject of a permit application, planning scheme amendment or agreement under Division 2 of Part 9 of the Act, as this information is necessary to understand the permit application, planning scheme amendment or agreement being considered. Further, the Bill preserves the existing practice for inspections at an office where a person may inspect a hard copy document that includes personal information. However, this does not give a right to the public at large to gain access to such information. There will need to be a basis under the Act as it currently stands that justifies the information being made available. An example would be to enable a person to ascertain the identity of relevant parties for the purposes of conducting and commencing proceedings in the Tribunal.

As such, in my opinion, the Bill is compatible with the right to privacy.

The temporary measures introduced under the COVID-19 Omnibus (Emergency Measures) Act 2020 also included measures to enable planning panels to conduct hearings using electronic means, and provide for Panels to require those who have a right to be heard to contribute using electronic means. When these temporary measures are repealed under section 205C, this will no longer be possible, and panels will be required to sit and conduct hearings in public.

Clause 49 of the Bill inserts new section 160A to allow the option of planning panel hearings being via audio or audio video link, in addition to the option of in person hearings. This engages the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds in section 15 of the Charter, as well as the right to participate in the conduct of public affairs in section 18 of the Charter.

For hearings that are conducted publicly by audio or audio visual link, new section 160A requires panels to make their hearings available to be heard (and viewed for audio visual links) by the public, either while the hearing is being held or as soon as reasonably practicable afterwards. Panels will still be bound by the overall obligation to provide a reasonable right to be heard to relevant persons under the Act. As such, the amendments create alternative measures to facilitate rights to freedom of expression and to take part in public life and do not, in my view, limit these rights.

For these reasons, in my opinion the proposed Bill is compatible with the right to freedom of expression and the right to take part in public life.

Miscellaneous amendments (Part 5 of the Bill)

Part 5 of the Bill makes a number of miscellaneous amendments to the Act, one of which has Charter implications. Clause 71 inserts section 185B into the Act. This provision empowers the Minister to request the personal information of any person to whom the Minister is required to give notice under the Act from a municipal council, public authority or public entity. New section 185B requires municipal councils, public authorities and public entities to comply with any such request. The purpose of this provision, which engages the right to privacy contained in section 13 of the Charter, is to ensure that the Minister has the information needed to fulfill the Minister’s obligations in the Act to give notice to owners of land in circumstances where it may not be readily apparent who the land owner is. While clause 71 engages the right to privacy, it does not limit the right—disclosures of personal information would only be made in accordance with the law and would not be arbitrary but would rather be made in response to requests pertaining to persons required to be notified under the Act.

HON RICHARD WYNNE MP
Minister for Planning

Second reading

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing) (10:41): I move:

That the bill be now read a second time.

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

Incorporated speech as follows:

Victoria is widely regarded as having the best planning framework in Australia. This has given Victoria a significant competitive advantage over other states. However, we do not rest on our laurels. This government has
long recognised the need to continually review the Planning and Environment Act 1987 and the planning system to make sure that it is modern and fit for purpose, recognising the changing times and needs of the community.

In December 2019, the Government commissioned the Commissioner for Better Regulation to review the planning and buildings approvals process and make recommendations to government on ways to streamline local and state government planning to remove delays and further support the delivery of essential housing and infrastructure.

As our economy recovers from COVID-19 and we look to maintain and build on our competitive advantage, the key will be to ensure that the planning system efficiently enables state infrastructure and urban and regional development projects. The planning system must continue to efficiently support government efforts to deliver the homes, jobs and services needed to support population growth and to support the economic growth that will drive Victoria’s recovery. The Commissioner’s recommendations have never been more important.

This Bill continues the commitment to strengthen the planning system. It is part of a record commitment of $111 million in the 2020-21 State budget to unlock Victoria’s planning system. It is only part of that commitment, there is much more to come, much of which does not require legislative change. However, this Bill demonstrates that we know that improving the efficiency of Victoria’s planning system will help make sure our state’s recovery isn’t held back by bureaucratic red tape or unnecessary delays. It does so by introducing essential protections and enforcement measures to deliver on the Act’s overarching objectives to provide for the fair, orderly, economic and sustainable use and development of land and balancing the present and future interests of all Victorians.

I will now outline the major provisions of the bill.

**Strengthened protection for buildings of local heritage significance (Part 2 of the Bill)**

Victorians were rightly outraged by the illegal demolition of the Corkman Hotel in 2016. For too long many developers have simply factored fines into the cost of doing business, as the current enforcement system in the Planning and Environment Act can inadvertently incentivise people to unlawfully demolish buildings of local heritage significance without a planning permit. While it is an offence under the Act to demolish a heritage building without a planning permit, the current maximum penalty of $198,264 is often significantly less than the potential economic value of developing the land. Even with a successful prosecution with a maximum penalty, a planning permit application can still be made to develop the land.

The measures in this Bill are aimed at stopping this from happening. Developers will no longer benefit or profit from unlawfully demolishing heritage buildings. The Bill proposes that a planning scheme may regulate or prohibit the development of land on which a ‘heritage building’ has been unlawfully demolished or allowed to fall into disrepair. The Bill therefore also includes a new definition of a ‘heritage building’ to mean a building which is a place, or forms part of a place, that has been given heritage protection under a planning scheme. Under these circumstances, the Bill provides that a planning scheme may require that a permit for the development of the land must not be granted unless the development is for or includes the reconstruction, reinstatement or repair of the heritage building that is on the land or was on the land.

These provisions are strong deterrents and disincentives to the illegal demolition or allowing a heritage building to fall into disrepair, in addition to the penalty and enforcement regime in the Act. The aim is to prevent relevant persons from benefitting from these unlawful actions.

Importantly, the Bill also inserts a new Division 2A—Order prohibiting use or development of land for a period of time, in Part 6 of the PE Act. This new division will enable the Governor in Council, on recommendation from the Minister, to make an order that land must not be used and/or developed for a period of up to 10 years if the owner of the land has been convicted of a relevant offence (being an offence relating to unlawful demolition of a building) against section 126 of the Act.

The Bill also provides that this order runs with the land, to prevent the order being undermined by the sale of the land to another person. This is similar to existing enforcement provisions in the Heritage Act for buildings on the Victorian Heritage Register.

Consequential amendments are also made to the Building Act 1983 to prohibit a building surveyor from issuing a building permit in relation to land subject to the order.

These new provisions are a significant strengthening of the current enforcement regime and are expected to act as powerful disincentives to the unlawful demolition of buildings of local heritage significance, such as the Corkman Hotel.

**Planning Compensation (Part 3 of the Bill)**

Part 5 of the Planning and Environment Act currently contains a scheme by which an owner or occupier of land affected by a ‘planning blight’, that is, land reserved for a public purpose, may claim compensation. The Bill makes amendments to this part to address issues and risks related to the operation of that scheme.
The risk primarily exists where structure plans are incorporated into the planning scheme proposing public uses without a public acquisition overlay (PAO). The risk can be usefully captured by the question of whether parts of a structure plan amount to a 'de facto PAO' that would trigger compensation under Part 5 by virtue of section 98(1).

The introduction of the new Infrastructure Contributions Plan (ICP) regime in mid-2018 substantively overcomes this issue where an ICP is in place. However, the risk remains where there is no ICP, be that because an ICP is not in place yet or because an ICP is not proposed.

There is also a theoretical risk associated with permit refusals on the basis of inconsistency with the relevant structure plan, whereby a responsible authority may be liable to pay compensation under section 98(2) of the PE Act.

Only planning provisions that expressly state that land is reserved for a public purpose under the instrument will attract the operation of section 98(1)(a). At present, the only instrument intended to attract the operation of this provision is clause 45.01 (PAO) of the Victoria Planning Provisions. However, to enable flexibility as to the future form and content of planning schemes, the intent is to do so without specific reference to clause 45.01 or the name of a particular subordinate instrument (the PAO). The Bill makes the necessary amendments to section 98 to address this risk.

The Bill also removes the risk that a right to compensation under section 98(2) may exist where:

- a provision of a planning scheme indicates that a particular parcel of land is intended for a future public use;
- an owner or occupier of land applies for a planning permit that is not generally in accordance with the planning scheme provision because it proposes a use or development that is inconsistent with the proposed future public use set out in the relevant plan; and
- for these reasons, the responsible authority is required by the planning scheme to refuse a permit (and the responsible authority does refuse a permit).

Other technical drafting amendments to the ICP provisions also better reflect the intent that where land is identified as inner public purpose land, the compensation provisions of Part 5 of the Planning and Environment Act do not apply to that land.

**Notices, publication and inspection of documents (Part 4, division 1 of the Bill)**

The Planning and Environment Act contains a range of notification and publication requirements, as well as requirements that certain documents are made physically available for inspection. The COVID-19 pandemic and the need for social distancing measures highlighted the limitations in these requirements and the need for more flexibility.

Temporary measures are currently in place until 25 April 2021, that have enabled councils and other government offices to keep the planning system operating while access to offices for both staff and members of the public has been restricted. These temporary measures ‘deem’ the Act’s requirements to be met if a notice or documents are made available on the entity’s internet site.

As the temporary measures have been welcomed by local councils and the community, the Bill proposes to replace them with permanent provisions that reflect a more flexible and modern approach to making information available to members of the public.

The requirements for publication of notices or inspection of documents must be met by the new publication and inspection of documents and register requirements. New provisions clearly set out how the public availability requirements of the Act can be met through in person, electronic publication and electronic register requirements. This means requirements to make documents available for inspection will be able to be complied with by either online publication on an internet site maintained by the relevant entity or in-person inspection at the entity’s offices during office hours. Where these requirements are met by online publication, it is intended that entities would be required to continue to facilitate in-person inspection upon request. The documents or register can be made available at an agreed time and during the entity’s office hours.

The requirements for making a register available electronically are that a responsible authority or referral authority makes the register searchable and free of charge on an Internet site maintained by that authority.

The Bill also includes provisions to ensure that individuals are afforded appropriate privacy protections where the notice and publication requirements are met electronically. A responsible authority must not disclose personal information about an individual, other than the land subject to an application or permit, without the individual’s consent.

These important new flexible provisions are also in line with recommendations from the Commissioner for Better Regulation, who has called for a more modern and user-friendly basis for public notice of an application.
The Bill also delivers two of the Commissioner’s recommendations that require legislative change to implement.

Firstly, currently when Planning Panels Victoria (PPV) reviews a proposed planning scheme amendment, the Panel provides a report to the relevant planning authority (most often the council or the Minister for Planning). The planning authority can embargo the release of the report for up to 28 days. The Bill amends section 26 of the Act to require that the planning authority must make the panel’s report available within 10 business days after the day the planning authority received the report. This represents a significant reduction in time for the proponents of the amendment and any other affected parties to be able to access the report.

Secondly, the Bill includes a further amendment aimed at speeding up time and providing greater access to information. Currently, councils (as the planning authority) can abandon an amendment at any time during the planning scheme amendment process. While section 28 provides that they must notify the Minister if they abandon an amendment there is no requirement for councils to inform the community of their reasons for abandoning an amendment. The Bill amends section 28 to require that within 10 business days after the day on which a planning authority tells the Minister about its decision to abandon an amendment or part of an amendment, the planning authority must publish a notice of the decision on its internet site. The notice of decision must include a statement of reasons for the decision and any other prescribed manner and be published for a period of at least two months. This amendment will ensure that proponents and the community can easily access the information.

**Panel Hearings (Part 4, Division 2)**

Part 8 of the Act deals with the operation of planning panels, which independently assess planning proposals and major projects. This work involves considering submissions, conducting hearings and preparing reports. COVID-19 restrictions have also highlighted that the current provisions in Part 8 do not allow PPV to readily conduct hearings remotely using digital technology.

The Bill inserts new provisions that will enable PPV to conduct hearings in person or by audio- or audio-visual link, including allowing PPV to require a person or the person’s representative to appear or be heard in person at a specified location or by audio link or audio-visual link.

These new provisions aim to improve the efficiency of the panel system, contributing to Victoria’s post COVID-19 economic recovery. For example, these provisions will make it cheaper for all parties and more efficient to conduct small hearings with one or two submitters in regional Victoria. They also provide greater flexibility for PPV to continue to hold hearings and reduce delays during other emergency situations such as bushfire or flooding.

To ensure that PPV hearings are still a public process, the Bill also includes new provisions that require the audio link or audio-visual link to be available to be heard by members of the public as either an audio link or audio-visual link.

**Extractive industry permit expiry (Part 5, Division 1 of the Bill)**

Victoria needs access to high quality and competitively priced extractive resources to ensure we have the sand, rock and gravel to make affordable housing, roads and infrastructure.

To give effect to a government commitment in the 2018 Joint Ministerial Statement—Extractive Resources (Minister for Resources and Minister for Planning) to protect continuity of supply from existing quarries by amending planning rules to provide greater flexibility on inactivity of greater than two years, the Bill amends section 68A to provide that a permit authorising the use of land for extractive industry expires if the use authorised by the permit is discontinued for a period of 10 years.

This will enable quarries to quickly increase or decrease production in response to market conditions. Currently, where the use of a permitted quarry is discontinued for a period of two years, the permit may lapse. This poses risks for the sector where a quarry may pause extraction, enter a care and maintenance phase and subsequently risk the security of their planning permit.

**Miscellaneous Amendments (Part 5 of the Bill)**

In preparing a planning scheme amendment a planning authority must have regard to the Minister’s directions. The Bill inserts a new section 12(1A) to expressly provide that the Minister has the power to issue such directions in relation to the preparation of an amendment to a planning scheme.

Following reforms to the structure and operation of policy frameworks in the VPPs and all planning schemes in July 2018 (Amendment VC148) it is no longer necessary for planning schemes to be required to include a Municipal Strategic Statement.

To ensure the PE Act is consistent with VC148 the Bill makes the necessary amendments to omit reference to Municipal Strategic Statements.
The Bill also introduces amendments to establish a transparent and equitable funding system for structure planning costs whereby all landowners who benefit from the Precinct Structure Planning (PSP) approval contribute to the costs. The Victorian Planning Authority (VPA) currently undertakes the preparation of structure plans and associated planning scheme amendments which rezone land for a variety of urban purposes. This work results in a significant uplift in the value of the affected land.

A portion of the VPAs costs for precinct structure planning are third party funded via voluntary agreements, but not necessarily by all landowners. This means that while all landowners may enjoy the benefit, they can choose not to contribute to the cost. The voluntary nature of these agreements tends to cap the amount that can be recovered.

The Bill amends sections 46GG, 46I and 46IA which will enable the VPA to cost recover and establish a transparent, efficient and equitable approach to PSP planning.

Conclusion

Improving the efficiency of Victoria’s planning system will help ensure the State’s recovery isn’t held back by red tape and unnecessary delays. As Victoria continues to rebuild from the COVID-19 pandemic, we need a planning system that is set up to drive growth and create jobs. These reforms alone will not do this, but they are an integral part of our significant investment and plan to revamp the planning system.

These reforms build on our strengths and will help us keep our competitive advantage over other jurisdictions as we deliver major projects and boost construction of social and affordable housing and the jobs that go with them.

I commend the Bill to the house.

Ms McLEISH (Eildon) (10:41): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday, 17 February.

PUBLIC HEALTH AND WELLBEING AMENDMENT (STATE OF EMERGENCY EXTENSION) BILL 2021

Statement of compatibility


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 Public Health and Wellbeing Amendment (State of Emergency Extension) Bill 2021 (the Bill).

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

Overview

The Public Health and Wellbeing Amendment (State of Emergency Extension and Other Matters) Bill 2020 previously amended section 198(7)(c) of the Public Health and Wellbeing Act 2008 (the Act) to extend the total period for which a declaration of the State of Emergency in respect of the COVID-19 pandemic may continue in force from 6 months to 12 months. This Bill amends section 198(7)(c) of the Act to further extend the total period the State of Emergency declaration made in respect of the COVID-19 pandemic may continue in force from 12 months to 21 months.

This Bill also extends the operation of the temporary COVID-19 measures in Part 13 of the Act that were inserted by the COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Act 2020. The temporary measures modify the operation of the Act to allow for the Secretary to the Department of Health to appoint certain persons such as WorkSafe Inspectors, police officers, and health service providers to be authorised officers for the purposes of the Act and for the Chief Health Officer to authorise such persons to exercise a specified suite of the public health risk powers under section 190 of the Act.
Human Rights Issues

The decision to make or extend a declaration of a State of Emergency does not, in itself, limit the Charter rights of any person. Nonetheless, the existence of a State of Emergency means that the Chief Health Officer and authorised officers may be authorised to exercise extensive emergency powers under section 200 of the Act in ways that may limit various Charter rights. Given what we know about how the section 200 emergency powers have operated during the COVID-19 pandemic, it is clear that the Bill will have the effect of allowing restrictions to be put in place (in accordance with comprehensive public health advice), and that those restrictions will have an impact on the human rights of Victorians. For this reason, it is my view that those rights that will be indirectly affected by this Bill should be canvassed in this Statement of Compatibility.

Since the initial State of Emergency was declared on 16 March 2020 arising out of the ongoing serious risk to public health in Victoria from the COVID-19 pandemic, the section 200 emergency powers have been exercised in a significant number of ways that have made substantial changes to the ways in which Victorians have lived, moved and worked. The powers have been used to, for example:

- require Victorians to stay at home unless they have a permitted reason for leaving their home;
- impose time and distance limits on Victorians leaving their homes, and require the wearing of face coverings;
- prevent gatherings or limit the number of people who can gather, either indoors or outdoors;
- prevent people from participating in certain recreational, religious and cultural activities or using certain public facilities and services, including childcare and schooling;
- close certain businesses and prevent other businesses from operating, other than in strictly prescribed ways;
- require people returning from overseas to be temporarily detained in a quarantine facility;
- require people who have been diagnosed with COVID-19, or come into close contact with such a person to self-isolate or self-quarantine for certain periods;
- require people in high risk work premises to be temporarily detained in those premises or at a quarantine facility;
- place restrictions on the circumstances in which people can visit hospitals and other types of care facilities;
- impose strict requirements and obligations on workplaces, including additional requirements on workplaces in higher risk industries; and
- impose strict limitations on travel into Victoria, first from South Australia, then from New South Wales, and more recently from Queensland.

The full scope of the rights that will be engaged by the exercise of the powers can only be determined when it is known exactly how the powers will be used and implemented (at which time the decision makers will be able to, and must, give proper consideration to relevant rights in light of the precise ways in which they are limited). However, the use of the powers, to date, have engaged the following rights:

- equality (section 8);
- right to life (section 9);
- protection from medical treatment without full, free and informed consent (section 10);
- freedom of movement (section 12);
- rights to privacy, family and home (section 13);
- freedom of thought, conscience, religion and belief (section 14);
- freedom of expression (section 15);
- peaceful assembly and freedom of association (section 16);
- protection of families and children (section 17);
- cultural rights (section 19);
- property rights (section 20);
- right to liberty and security of person (section 21);
- right to humane treatment when deprived of liberty (section 22).

The nature and scope of each of those rights is considered below, along with examples of how the use of the powers could engage those rights.
Right to equality

Section 8(3) of the Charter relevantly provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. The purpose of this component of the right to equality is to ensure that all laws and policies are applied equally, and do not have a discriminatory effect. ‘Discrimination’ under the Charter is defined by reference to the definition in the Equal Opportunity Act 2010 (EO Act). Discrimination is prohibited by the EO Act if it occurs on the basis of an attribute in section 6 of that Act, which includes age, race, sex, disability and parental status amongst many others. Section 7(1)(a) of the EO Act defines discrimination to mean direct or indirect discrimination on the basis of an attribute.

The use of the powers may potentially amount to either direct or indirect discrimination under the EO Act because of the differential effect that their use may have on certain groups. Indirect discrimination occurs where there is a requirement, condition or practice imposed that is the same for everyone but disadvantages a person, or is likely to disadvantage a person, because they have one or more of the protected attributes, and the requirement, condition or practice is not reasonable. Direct discrimination occurs where a person treats a person with an attribute unfavourably because of that attribute. Any use of exercise of powers that may give rise to direct or indirect discrimination will need to be reasonable and proportionate in all the circumstances in order to be compatible with the right to equality.

Rights to life and health

Firstly, it is important to recognise that the declaration of a State of Emergency and the powers they enable will promote the right to life by enabling positive steps to protect the public health of Victorians. Section 9 of the Charter provides that every person has the right to life and the right not to be arbitrarily deprived of life. Because COVID-19 is life-threatening, the Bill furthers that right, particularly in relation to vulnerable members of society who are at particular risk from a broad and unrestricted spread of COVID-19, by empowering the Chief Health Officer to use the emergency powers to respond to, limit the spread of, and act to contain the virus.

A State of Emergency was first declared in Victoria on 16 March 2020 in relation to the COVID-19 pandemic. Under the current amendments, the total period of the current State of Emergency cannot be extended beyond 15 March 2021. Although there is currently a low rate of community transmission of COVID-19 in Victoria and there have been periods of no community transmission, the virus continues to present internationally and in other parts of Australia and the re-opening of Victoria to international arrivals poses a continued risk of future outbreaks of the virus. The recent emergence of more virulent strains from overseas, and their appearance in returned travellers to Australia, is clear justification for Victoria taking decisive steps to manage and control the pandemic. Without the power to declare a State of Emergency, those steps cannot be taken. Accordingly, the amendments are considered necessary.

Protection from medical treatment without consent

Section 10(c) of the Charter provides that a person must not be subjected to medical treatment without consent. The Charter does not define ‘medical treatment’; however, it may encompass medical testing. The emergency powers enlivened under a state of emergency declaration could be used to require people to undergo medical testing for an infectious disease, including COVID-19, if powers in addition to the examination and testing order powers in section 113 of the Act are required. The Act clearly envisages that there will be circumstances in which it will be reasonably necessary to require a person to undergo medical testing in order to ascertain whether a person has an infectious disease. However, a person cannot be forced to take the test, but is able to be detained for 72 hours should they refuse. Provided such testing is reasonable and proportionate in all the circumstances, it will be compatible with the right to protection against medical treatment without consent.

Freedom of movement

The right to freedom of movement is contained in section 12 of the Charter. The right comprises the right to move freely within Victoria, the right to enter and leave Victoria and the right to choose where to live. The right has been described as providing protection from unnecessary restrictions upon a person’s freedom of movement. It extends, generally, to movement without impediment throughout the State and a right of access to places and services used by members of the public, subject to compliance with regulations legitimately made in the public interest.

Relevantly, the right to freedom of movement will be engaged where a person is required to move to, or from, a particular place or is prevented from doing so; prevented from crossing a State border to enter Victoria (or subject to strict requirements in order to do so); subjected to strict surveillance or reporting obligations relating to moving; or directed or ordered where to live.
Many of the ways that the powers have been and are likely to be used will limit people’s freedom to move about, both indoors and outdoors. Any such limits will need to be reasonable and proportionate in all the circumstances in order to be compatible with the right to freedom of movement.

Rights to privacy, family and home

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family or home unlawfully or arbitrarily interfered with. Section 13(a) contains internal qualifications; namely, interferences with privacy only limit the right if they are unlawful or arbitrary. An interference with the right 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 to be achieved by the limitation.

‘Privacy’ in section 13(a) is a very broad right. The right to privacy reflects and protects fundamental values essential to a person’s physical and psychological integrity, individual and social identity and autonomy and inherent dignity. It protects the individual’s interest in the freedom of their personal and social sphere. Relevantly, this encompasses their right to establish and develop meaningful social relations. The right to privacy may also potentially incorporate a right to work, of some kind and in some circumstances.

The Charter does not define the term ‘family’; however, extrinsic materials and judicial consideration confirm that it is to be given a broad interpretation and “a meaning which recognises the diversity of families that live in Victoria, all of whom are worthy of protection”. It at least includes ties between near relatives, with other indicia of familial relationships including cohabitation, economic ties, and a regular and intense relationship.

Cultural traditions may be relevant when considering whether a group of persons constitute a ‘family’ in a given case. In this respect, the cultural right in section 19(2)(c) of the Charter, which states that Aboriginal people must not be denied the right to maintain their kinship ties, is also relevant.

The ‘family’ aspect of the right in section 13(a) is related to section 17(1) of the Charter, which states that families are entitled to protection by society and the State. However, whilst the two rights overlap, they are not co-extensive. Section 13(a) is a negative obligation that prohibits unlawful or arbitrary interferences with family; whereas section 17(1) is a positive obligation on society and the State to take steps to protect families.

The ‘home’ aspect of section 13(a) refers to a person’s place of residence, regardless of whether they have a legal interest in that residence. What constitutes an interference with this aspect of the right to privacy has been approached in a practical manner and may cover actions that prevent a person from continuing to live in their home, as well interferences with the home and home life itself.

All three aspects of this right may potentially be limited by the directions that could be made in reliance on the emergency powers following the making of a declaration of a state of emergency, which could affect personal autonomy and private relationships, require the disclosure of private information (including medical information), affect the ability of families to gather with members, to gather in groups, and to see those, who are quarantined, live interstate, or who live outside their relevant areas during lockdown, as occurred as a result of the 5km rule, the 25km rule and the travel restrictions between metropolitan and regional Melbourne. The ability of people to reside in their own homes may also be affected if they are quarantined at another location. Any such limits will need to be reasonable and proportionate in all the circumstances in order to be compatible with the rights to privacy, family and home.

Freedom of religion

Section 14 of the Charter provides that every person has the right to freedom of thought, conscience, religion and belief, including the freedom to demonstrate one’s religion or belief individually or as part of a community, whether in public or private, through worship, observance, practice and teaching. A person must not be restrained or coerced in a way that limits their freedom to have a belief. The freedom to hold a belief is absolute, however the other aspects of the right are not.

The powers could be used to continue to limit the size of gatherings and the use of places of worship, in addition to social distancing requirements, which place limits on the freedom to demonstrate one’s religion or belief as part of a community. Any such restrictions will need to be reasonable and proportionate in all the circumstances in order to be compatible with the right to freedom of religion.

Freedom of expression

The right to freedom of expression in section 15(2) of the Charter extends to the freedom to seek, receive and impart information and ideas of all kinds, including orally, in writing, in print, by way of art or in another medium. The right contains an internal limitation in section 15(3)(b), which permits lawful restrictions on the right that are reasonably necessary, for, among other aims, the protection of public health. This would include limitations to deal with a serious threat to the health of the population or to prevent widespread disease. The
internal limitation may limit the scope of the right or it may indicate the kinds of limits that will be considered reasonable under section 7(2).

In the present environment, the right might be engaged by limiting the size of gatherings in which freedom of expression occurs, such as political or artistic expression. The right could also be engaged by requiring people to provide information, such as disclosing a COVID-19 diagnosis. Any such restrictions will need to be reasonable and proportionate in all the circumstances in order to be compatible with the right to freedom of expression.

Freedom of peaceful assembly and association

Section 16(1) of the Charter provides that every person has the right to peaceful assembly. This provision reflects the right of persons to gather as a means of participating in public affairs and to pursue common interests or further common purposes.

Similarly, section 16(2) of the Charter provides that every person has the right to freedom of association with others. This right is concerned with allowing people to pursue common interests in formal groups, such as political parties, professional or sporting clubs, non-governmental organisations, trade unions, and corporations.

This right may be limited by prohibitions on large gatherings or directions that place limits on who a person can have contact with. Any such restrictions will need to be reasonable and proportionate in all the circumstances in order to be compatible with the right to freedom of peaceful assembly and association.

Protection of children and families

Section 17(1) of the Charter recognises that families are the fundamental group unit of society and entitles families to protection by the society and the State. Section 17(1) is related to the section 13(a) privacy right and an act or decision that unlawfully or arbitrarily interferes with a family is also likely to limit that family’s entitlement to protection under section 17(1).

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child. It recognises the special vulnerability of children, defined in the Charter as persons under 18 years of age. ‘Best interests’ is considered to be a complex concept which must be determined on a case-by-case basis. However, the following elements may be taken into account when assessing the child’s best interests: the child’s views; the child’s identity; preservation of the family environment and maintaining relationships; care, protection and safety of the child; situation of vulnerability; the child’s right to health; and the child’s right to education.

These rights could be limited where families are prevented from having contact with each other, for example, as a result of stay at home directions or limitations on visiting care homes, or where children are detained under quarantine restrictions or prevented from attending school when self-isolating because of their own diagnosis or close contact with a diagnosed case. Any such measures will need to be reasonable and proportionate in all the circumstances in order to be compatible with the right to protection to families and children.

Cultural rights

Section 19 of the Charter protects the right of all persons with a particular cultural, religious, racial or linguistic background to enjoy their culture, to declare and practise their religion, and to use their language, in community with other persons of that background. In particular, section 19(2)(c) of the Charter provides that Aboriginal people must not be denied the right to maintain their kinship ties.

Limits on large gatherings and social distancing may limit the right to enjoy one’s culture in community with other persons. Any such restrictions will need to be reasonable and proportionate in all the circumstances in order to be compatible with cultural rights.

Right to property

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. There are three elements to this right:

(a) the interest interfered with must be ‘property’, which includes all real and personal property interests recognised under the general law;

(b) the interference must amount to a ‘deprivation’ of property, that is, any ‘de facto expropriation’ by means of a substantial restriction in fact on a person’s use or enjoyment of their property; and

(c) the deprivation must not be ‘in accordance with law’ in that the law must be adequately accessible and formulated with sufficient precision to enable the person to regulate their conduct.

It is possible that directions made under emergency powers that prevent certain types of business from operating could restrict the use or enjoyment of property that is used to conduct those businesses. Any such
limits will need to be reasonable and proportionate in all the circumstances in order to be compatible with property rights under the Charter.

**Right to liberty**

Section 21 of the Charter protects the right to liberty. The liberty rights in section 21 reflect aspects of the common law right to personal liberty, which has been described as ‘the most elementary and important of all common law rights’. In particular, section 21(2) prohibits a person from being subjected to arbitrary detention, whilst section 21(3) prohibits a person from being deprived of their liberty except on grounds, and in accordance with procedures, established by law. Together, the effect of sections 21(2) and (3) is that the right to liberty may legitimately be constrained only in circumstances where the deprivation of liberty by detention is both lawful, in that it is specifically authorised by law, and not arbitrary, in that it is reasonable or proportionate in all the circumstances.

The scope of the right in section 21 extends beyond detention as part of the criminal justice system to protective or preventative forms of detention, including to prevent the spread of infectious diseases. Whether a particular restriction amounts to a ‘deprivation of liberty’ for the purpose of the right in section 21 is a question of degree or intensity. Detention or deprivation of liberty does not necessarily require physical restraint; however, the right to liberty is concerned with the physical detention of the individual, and not mere restrictions on freedom of movement.

**Exercising powers under the Act to detain people, such as those detained in Hotel Quarantine, or require people to self-isolate and self-quarantine, may amount to a deprivation of the right to liberty. Any such measures will need to be reasonable and proportionate in all the circumstances.**

**Humane treatment when deprived of liberty**

Section 22 of the Charter requires that all persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person. The right to humane treatment while deprived of liberty recognises the vulnerability of all persons deprived of their liberty and acknowledges that people who are detained should not be subject to hardship or restraint other than the hardship or restraint that is made necessary by the deprivation of liberty itself. This right requires that public authorities take positive measures to ensure that detained persons are treated with dignity and humanity.

The use of powers under the Act may involve deprivations of liberty. Where the powers are used in this way, the agency responsible for that deprivation must ensure that the needs of those deprived of liberty are provided for so that any such deprivation is humane.

**Martin Foley MP**  
Minister for Heath

**Second reading**

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (10:43): I move:

That this bill be now read a second time.

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

**Incorporated speech as follows:**

In September of last year, we met in this place to debate how long a State of Emergency could be declared in Victoria. Since that time, the strict restrictions imposed by the stage 3 and stage 4 restrictions have been lifted as Victoria moved in to ‘COVID Safe summer’. While the case numbers have remained low over the past few months, risks have emerged with the return of international travel into Victoria. In particular, a new, more infectious strain of the virus has been detected in returning travellers in Australia’s hotel quarantine program.

In Victoria some of the key public health measures required to manage COVID-19 are only available when a ‘State of Emergency’ has been declared under the Public Health and Wellbeing Act 2008. A State of Emergency across Victoria in response to COVID-19 was first declared on 16 March 2020 for a period of four weeks and has now been extended a number of times. In September, amendments were made to the Public Health and Wellbeing Act 2008 to allow for a State of Emergency to be declared, in relation to the COVID-19 pandemic, for a total period of 12 months. In recognition of the extraordinary nature of the State of Emergency, the extension period was time-limited and would sunset after 12 months. This means that the current State of Emergency in response to COVID-19 cannot be extended beyond 11:59 pm on 15 March 2021.
The ability to extend the State of Emergency beyond the initial six-month period has been critical in protecting Victorians during these unprecedented times and to make sure that public services and the public health response continue its essential role in effectively managing the pandemic. These public health directions have been a vital part of the State’s response to the COVID-19 pandemic and underpinned the State’s successful response to the COVID-19 outbreaks throughout 2020 and in the first weeks of 2021.

Unfortunately, the pandemic is not yet behind us. Victoria and the world continue to grapple with the challenges of the pandemic. The extension to the maximum period of a State of Emergency declaration introduced by the Bill continues to be necessary to rapidly respond to the risks posed by COVID-19. In light of the ongoing challenges, this Bill lengthens the Minister’s ability to declare a State of Emergency, in relation to the COVID-19 pandemic, for a further nine months.

**Extending maximum period of a state-of-emergency declaration**

Unless there are new significant developments that alter the risk profile of COVID-19 to the Victorian community, it is expected that public health measures will continue to be required to mitigate the serious public health risk of COVID-19 well beyond 16 March 2021.

To ensure appropriate public health measures can continue to be implemented in Victoria, the Bill will amend the Public Health and Wellbeing Act 2008 to allow a State of Emergency declaration in response to a serious risk to public health to continue in force in respect of the COVID-19 pandemic for up to a total of 21 months (an additional 9 months longer than is currently allowed).

Even when an effective vaccine has been widely distributed, the risk of COVID-19 may persist for years to come. That is why the Victorian Government is exploring options to ensure the government has the right tools to respond to prolonged health emergencies such as COVID-19. The nine-month extension sought in this Bill ensuring that the ongoing public health risks posed by the COVID-19 pandemic can be managed, including the vaccination roll-out. This time period extension also gives certainty to the public and industry and helps to set expectations around the fact that a range of public health actions and measures are likely to be in place throughout 2021.

The extension of the maximum period will not change the current accountability and reporting requirements in place when a State of Emergency is extended. The power to issue directions restricting or prohibiting specified activities by the Chief Health Officer or authorised officers must still be proportionate to the public health risk posed at the time and will still be subject to timely and expert public health advice on reducing the public health risk of COVID-19. Compliance with the Charter of Human Rights and Responsibilities Act 2006 and public accountability to Parliament will remain unchanged.

**Extending operation of temporary COVID-19 measures in Part 13**

This Bill also extends the operation of the temporary COVID-19 measures in Part 13 of the Act that were inserted by the COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Act 2020. These temporary measures will only be extended for another nine-month period, with the provision self-repealing on 16 December 2021.

The temporary measures allow for the Secretary to the Department of Health to appoint certain persons such as WorkSafe Inspectors, police officers, and health service providers to be authorised officers for the purposes of the Public Health and Wellbeing Act 2008 and for the Chief Health Officer to authorise such persons to exercise a specified suite of the public health risk powers under section 190 of the Public Health and Wellbeing Act 2008. These measures also form an important part of Victoria’s COVID-19 public health response and allow for compliance with public health directions to be monitored and enforced.

I commend the Bill to the house.

Ms McLEISH (Eildon) (10:43): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday, 17 February.
Debate resumed on motion of Ms HENNESSY:

That this bill be now read a second time.

Mr WAKELING (Ferntree Gully) (10:44): I am pleased to rise to speak on the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. The bill before the house seeks to amend the Workplace Injury Rehabilitation and Compensation Act 2013 and also the Accident Compensation Act 1985, and its proposed amendments seek to provide mental injury claimants with access to provisional payments to cover the reasonable costs of their medical and like services while their claims are being assessed. The bill seeks to make a number of amendments, which include the entitlement for all mental injury claimants to receive provisional payments for the reasonable costs of medical and like services, the right for a worker to choose their own service provider, the exclusion of provisional payments from the employer’s excess in respect of medical and like services and additional notification determination obligations for employers, self-insurers and WorkSafe Victoria to enable faster access to treatment—for example, employers will now have three business days to notify their insurer from the receipt of a mental injury claim in addition to their existing obligations under the act.

There will be a higher threshold in terms of WorkSafe or a self-insurer’s right to recover provisional payments paid to an unentitled worker—WorkSafe and self-insurers must now determine that the provisional payments were obtained fraudulently—and classifying provisional payments as compensation for the purposes of calculating premiums will allow WorkSafe to recover the costs of rejected claims at the industry level via the premium order. Also there will be an entitlement for mental injury claimants to receive provisional payments for a total period of 13 weeks from the date their eligibility arose even if the claim is rejected during that period of time by their insurer.

This bill before the house, according to the second-reading speech, delivers upon the government’s 2018 election commitment, but when one looks at the commitment versus what we see in this bill we would say that it is far from delivering on their election commitment. In their commitment of 2018, the government stipulated that they were exploring introducing provisional payments on claim lodgements to ensure workers receive an income while their claim is being progressed. This bill does not ensure workers will receive an income while their claim is being progressed. The bill excludes weekly payments, as I said, but more importantly does not apply to all claimants. It will only apply to mental injury claimants.

We know, as identified in the second-reading speech, that there have been a growing number of mental injury claims across the state. In the consultation paper in the lead-up to the bill the government noted that in 2007 mental injury claims comprised about 9 per cent of workplace injuries. The 2019–20 WorkSafe annual report highlights that that figure had risen to 14.3 per cent of new claims. And in the second-reading speech, the government estimates that mental injury claims will increase to about 33 per cent of new claims by 2030. This clearly is of concern to the Victorian community.

The second-reading speech also notes that mental injury claims take longer to determine than physical injury claims. The consultation paper stated that the median determination period for physical injury claims is seven days and for mental injury claims it is 27 days. This means that mental injury claims take agents the full statutory period of 28 days to determine, and it also means that workers suffering mental injuries are unable to access mental health support for up to 38 days, when the employer’s 10-day period for notification for submitting a claim to an insurer is factored in.

The second-reading speech also notes the disparities in return-to-work rates for physical and mental injuries. The consultation paper states that return-to-work rates within six months of injury lodgements
highlight that 50 per cent of workers with a mental injury claim have not returned to work as opposed to 19 per cent of workers who have experienced a physical injury.

The second-reading speech also notes that the higher prevalence and longer lasting mental injury claims will place increased pressure on the scheme’s financial sustainability. Without data as to the proportion of liability shared by mental injury claims, the financial impact a relatively small percentage of claims can have on the WorkCover scheme is best illustrated in the case of complex cases, many of which would involve mental injury, which are claims that progress beyond the second entitlement period or 130 weeks. The discussion paper for the current independent review into the agent model and the management of complex claims shows that as at June 2018 complex claims made up a quarter of active weekly payments, or 7 per cent of active claims, representing approximately 90 per cent of the scheme’s liabilities.

The second-reading speech also picks up what was identified in WorkSafe’s 2019–20 annual report as one of the four major causes of WorkSafe’s dismal performance from insurance operations—the PFIO—for the 2019–20 financial year. They were: reduced premium revenues, largely as a result of COVID; reduced investment revenues, again because of COVID; the increasing cost of claims, directly and indirectly caused by COVID; and the continued growth in mental injuries coming into the scheme. It is worth noting that WorkSafe’s deficit in its performance from insurance operations amounted to $3.5 billion in the 2019–20 financial year, with WorkSafe reporting an overall deficit of $3 billion in its annual report. These figures do not factor in the second wave of the pandemic in Victoria.

To date the government has done little to address these issues. It has done little to bolster premium revenues by enabling Victorians to get back to work and back in business as soon as practicable. For example, during the pandemic, of the more than 600,000 small businesses in Victoria the government has claimed to have only supported around 129,000 businesses of all sizes in Victoria, which is less than 22 per cent; and of the government’s 20 business support programs, 14—or 70 per cent—of them were unable to provide any details of their efficacy or how much money was actually given out. Of the six packages reported on by this government, less than half of the promoted value of the packages was actually distributed by 4 December 2020—six months past the introduction of restrictions and forced business closures. Half of the six packages had distributed 12 per cent or less of their value, and only 4000 of the approximately 400,000 Victorian sole traders were eligible for support.

Mr Edbrooke: On a point of order, Deputy Speaker, I ask you to bring the member back to the bill.

The DEPUTY SPEAKER: The member has strayed a little bit from the bill. I do ask you to return to speaking to the bill.

Mr WAKELING: Clearly the bill before the house is of significance when we take into account the economic impact on the state with respect to WorkCover premiums. It is therefore difficult to accept that this government, with its come one, come all attitude to the WorkCover scheme, is now embarking on a course to seriously address the many pressures on its financial viability. The come one, come all attitude is evident in the scope of this bill, particularly as it relates to eligibility for provisional payments and scheme liability for rejected claims, about which I will have more to say.

That being said, the Liberal-Nationals in principle support efforts to better assist workers suffering mental injuries and to curb the financial pressures on the WorkCover scheme caused by lower return-to-work rates for mental injury claimants, and for those reasons we will not be opposing the bill before the house. The second-reading speech notes that recent inquiries into mental health highlight the growing need to proactively support workers and volunteers who suffer a mental health injury to quickly get the help they need. It is important that we support proactively assisting workers and volunteers suffering from mental injuries to help them to get back to work by ensuring they get the help they need. However, I harbour serious doubts about the efficacy of the measures proposed in this bill to achieve this objective. The bill only provides workers suffering a mental injury with access to mental health support at that point of the claim. Arguably by this point it is too late to achieve any
meaningful early intervention by way of mental health treatment and support. While mental injury claims do take the full statutory period to be determined, this is a result of difficulties in diagnosing mental injuries in comparison to physical injuries and in assessing their linkage to the workplace. The question must be asked whether reducing delays to treatment access after a claim for a mental injury has been lodged, which amount to five weeks, will significantly increase return-to-work rates for these claimants. The question must also be asked about what access to provisional payments for medical and like services will mean for mental injury claimants in rural and regional Victoria.

The Productivity Commission’s recently published Report on Government Services 2021 illustrates the devastating impact a lack of access to these services is having in rural and regional Victoria. These areas account for less than a quarter of Victoria’s population yet one-third of deaths by suicide. Making payments available for mental health treatment and support does little to address the availability of these services across our state. There is also little evidence the government has done any serious thinking about providing meaningful early access to mental health treatment and support and little evidence the government has done any serious thinking about prevention measures before a claim is lodged.

The bill also does not address the work-related factors which facilitate or hinder the return to work of a mental injury claimant. The significance of work-related factors in return-to-work rates for mental injury claimants was highlighted in Safe Work Australia’s Return to Work in Psychological Injury Claims report, which finds that major factors associated with higher return-to-work results include an employer’s response to mental injury claims and early contact received by claimants from employers. Efforts such as WorkSafe’s WorkWell program, which could be expanded if its objectives are currently being achieved, would be welcomed by all.

Some serious thinking also needs to be done around the suitability of the WorkCover scheme with its focus on returning to work in addressing mental injury arising in the workplace. I look forward to hearing more from WorkSafe Victoria about the results of its mental health improvement pilot, which the WorkSafe Annual Report 2019–20 notes sought to challenge the notion that it was most difficult to support a return to work for workers with mental injury claims. True to form, however, the government is not interested in achieving better outcomes, only the appearance of achieving better outcomes.

With respect to the government’s provisional payments pilot, which it conducted for emergency workers, the government’s consultation paper in the lead-up to this bill stated that the pilot is still in operation and key insights to date will be considered when developing the statutory provisional acceptance scheme. Many of the features of the pilot can be identified in this bill. The pilot, like the bill, offered provisional payments to emergency workers, which included volunteers, for medical and like expenses if they suffered a work-related mental injury and made a claim for compensation under WorkCover or another relevant insurance scheme. If a claim was rejected, this pilot also provided payments for a period of 13 weeks from claim lodgement. I am reliably informed that in terms of volunteers the pilot had minimal uptake across Victoria’s emergency services, and this is, we would surmise, largely due to the reluctance of volunteers, given their commitment to selflessly serving their community, to make claims for compensation. This bill, by extending provisional payments to volunteer claimants, does nothing to address this reality and to proactively provide volunteers with the mental health support and treatment that they rightly deserve. There is more evidence of the government’s sole interest in achieving a veneer of meaningful reform.

The Liberal-Nationals recognise that businesses, particularly small and medium-size enterprises, have done it tough and continue to do it tough during the pandemic. For these businesses WorkCover premiums represent a significant cost burden, particularly in these challenging times. This is illustrated in WorkSafe’s Annual Report 2019–20 in the average age of past due premium receivables. In 2019 the average age of these receivables was 73 days. In 2020 it was up to 147 days. The report shows that included within premium receivables in 2020 this was $81 million of past due receivables for which WorkSafe has provided provision for impairment. In 2019 it was $54 million. This again highlights the struggle that many businesses face in paying their WorkCover premiums.
Again, these figures do not represent the impact of Victoria’s disastrous second wave, and this struggle for businesses will only continue to worsen in a couple of months time, when JobKeeper runs out. Provisional payments will, if this bill is passed, count as compensation for the purposes of calculating premiums.

**Business interrupted under resolution of house of 2 February.**

Questions without notice and ministers statements

**LITTLE ATHLETICS VICTORIA**

Ms McLEISH (Eildon) (11:01): I have a question for the Minister for Community Sport. Late yesterday Little Athletics Victoria were forced to cancel their seven regional track and field carnivals, letting down thousands of children, because the government failed to issue a permit to let them run their events despite the documentation being lodged on time. Why is the government so incompetent that it cannot get a permit issued in time to support sport for thousands of Victorian children?

*Members interjecting.*

The SPEAKER: Order! The member for Sandringham!

Ms SPENCE (Yuroke—Minister for Multicultural Affairs, Minister for Community Sport, Minister for Youth) (11:01): I thank the member for the question. Nobody wants to hear that an event has been cancelled, and particularly a community sport event, after a year where we had to see all community sport events cancelled. We were all really thrilled when this year we were able to get community sport events back up and running.

Little Athletics events are particularly exciting because there are hundreds of young people running around and jumping, and they are terrific. So yesterday when I first heard about this cancellation I was as devastated as anybody. The minister for sport and I were on the phone, and we were talking about it, both shocked and devastated. The minister for sport was on the phone with the CEO of Little Athletics Victoria, and very promptly we were at work to see what could be done to resolve this issue. I am happy to advise that the COVID-safe plan was indeed approved yesterday. Efforts were made to put in place support so that the carnivals could be run on 13 and 14 February, and they will indeed be taking place on 13 and 14 February.

*Members interjecting.*

The SPEAKER: Order! I warn the Minister for Disability, Ageing and Carers.

Ms McLEISH (Eildon) (11:03): I think the minister may need to get Little Athletics to update their website and contact all of those people who are still absolutely worried about it. I can see this is very sensitive for the government, because this is a shambles.

*Members interjecting.*

The SPEAKER: Order! There is too much shouting in the chamber. Members will be removed from the chamber without warning. I particularly ask the Minister for Disability, Ageing and Carers not to shout across the table.

Ms McLEISH: Given the government was in a shambles and raced around at the last minute being shamed into having to rescue this event, will the minister guarantee that no other community sports events will be forced to cancel because the government will not provide the necessary approvals in a timely manner?

Ms SPENCE (Yuroke—Minister for Multicultural Affairs, Minister for Community Sport, Minister for Youth) (11:04): I thank the member for her supplementary question, and I would just note that the event is not cancelled. The carnivals will be going ahead on 13 and 14 February.
Ms Staley: On a point of order, Speaker, I understand that the minister is new to her job at answering questions; however, the standing orders—

Members interjecting.

The SPEAKER: The Minister for Health is warned.

Ms Staley: require answers to be factual. It is entirely factual that the event was cancelled. She must not mislead the house.

Mr Pakula: On the point of order, Speaker, it is not for the minister to do the research for the shadow minister, and for the minister to provide the shadow minister with the correct, proper and up-to-date information, I would have thought, is no more than an assistance to the house.

The SPEAKER: There is no point of order. The minister has concluded her answer.

MINISTERS STATEMENTS: ECONOMY

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (11:06): Thanks very much, Speaker, and it is good to be back. The Victorian economy is roaring back, and it is demonstrating that it is back in its natural place of leadership of the nation’s economy, with the latest jobs figures and the latest retail trade data showing that the Victorian economy rebounded more strongly than any other state in the final quarter of 2020. Consumer and business confidence, of course, are above the national average, and job advertisements in January are up 2.3 per cent—the eighth consecutive monthly increase. It is a full 5.3 per cent bigger, larger than pre-pandemic levels. Not only are businesses looking to hire, but people are also looking to invest in this great state. The Age this week reported that:

Victoria has led the way in the past two months with the value of loans in the state jumping by 43.6 per cent to a record $5.6 billion in December. In NSW, loans increased by 8.3 per cent over the same period …

So yes, we are roaring back, which I know will come as a disappointment for those who specialise in tales of woe—those who love to talk down the Victorian economy—but the facts do not bear it out. They were wrong; the figures prove it. More than half of the new jobs in Australia in the December quarter were created right here in Victoria. Deloitte Access Economics forecasts that Victoria will be the fastest growing economy in the nation this year, with growth at 5.4 per cent. Their report states that:

… Victoria’s recovery to date has been remarkable.

I hope that these figures are an eye-opener for those who said that Victoria was done for. The Victorian economy is resilient, and our economic fundamentals are strong.

REGIONAL VICTORIA EVENTS

Ms McLEISH (Eildon) (11:08): I have a question for the Minister for Tourism, Sport and Major Events.

Members interjecting.

The SPEAKER: Order! Without the assistance of members on my right.

Ms McLEISH: Across regional Victoria events are being cancelled because the government has failed to approve the required COVID-safe event plans. Last week the Lost Trades Fair, which attracts 20 000 people to Bendigo and brings millions of dollars to the local community—

Ms Allan interjected.

The SPEAKER: Leader of the House!

Ms McLEISH: was cancelled in a decision organisers describe as ‘heartbreaking’. Why is the government prepared to sign off on thousands of people attending elite sporting events while forcing the Lost Trades Fair to cancel?
Mr PAKULA (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (11:09): I thank the honourable member for her question, and all I can say is, ‘Dear, oh, dear’. The event in question did not go ahead based on health advice. There are hundreds of events which are going through the public health panel process, the public events process, and they are having their COVID-safe plans assessed and addressed. The Leader of the House and I were in fact at one such event in Bendigo on Sunday. There are an enormous number of events, the vast majority of which are in fact being approved. And they are being approved in a timely way.

I make the point to the honourable member that she tried to differentiate between, for example, major events like the tennis and community events. The approval processes are taking about the same amount of time. In fact the Australian Open’s COVID-safe plan was approved 10 or 11 days in advance of the event taking place. The summer series was approved three or four days ahead of the event taking place. There are hundreds of events, there is a public health panel assessing all of them and we make no apology for the fact that we are rigorously scrutinising COVID-safe plans and ensuring that they can take place not just in the interests of the community but they can take place safely. We are not going to apologise for that. We are going to continue to place a rigorous lens over all those events, and we will ensure that when they go ahead they go ahead in a way that ensures that those local communities are safe, the participants are safe and that the community more generally can remain open.

Ms McLEISH (Eildon) (11:11): The Seymour farming expo is Seymour’s major event, contributing $6 million each year to the community. Organisers are now considering cancelling the event, as are Farm World in Warragul, the great outdoor expo in Ballarat and the Alexandra rodeo, because they have not received approval to proceed. While the government are happy to accommodate major events like football and tennis in Melbourne, why are they abandoning key events in the country?

Mr PAKULA (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (11:12): I scarcely need to commence my remarks with ‘I reject the premise of the question’, but I reject the premise of the question. I am certainly not going to take at face value the honourable member’s assertions about those events. As I have already done with a number of members who have brought matters to our attention, if there are those which are getting to critical points in terms of the approval process needed and if the honourable member wants to bring those directly to our attention rather than simply raising them in the house, we will—

Members interjecting.

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

Ms McLeish: On a point of order, Speaker, the minister is required to be factual. If he checks his email, he will know that these have already been brought to his attention and they have continued to be ignored.

The SPEAKER: Order! That is not a point of order.

Mr PAKULA: As I was in the middle of indicating, we are happy to see where those events are in the public health assessment process, but those public health assessment processes are appropriately rigorous and the vast majority of events—the overwhelming majority of events—have been approved in time for them to proceed, and we expect that that will continue to be the case.

MINISTERS STATEMENTS: CREATIVE INDUSTRIES SECTOR

Mr PEARSON (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (11:13): I rise to update the house on the commitment of the Andrews Labor government to the entire creative industries sector. We are supporting these industries and their practitioners to recover, and we are cementing Victoria as a creative state, the Australian capital of culture and a place with an ethos where creativity is at the heart
of our future. In a creative Victoria we can see an economic future built on that very creativity. These industries lead new approaches to the creation of jobs and give flight to all kinds of innovation. We are making investments in summer activations across Melbourne and peri-urban and regional areas. Last month I joined the team at the beloved Espy with the local member for Albert Park and Minister for Health, Ella Hooper and Isaiah Firebrace to announce grants. These grants will revive our music culture by supporting local businesses and workers to get back on their feet and allowing musicians to hone their craft and connect with audiences once more. Victoria’s creative industries are driven by a powerhouse of small organisations, microbusinesses and sole practitioners, and we are committed to their growth and their success. Our $1.46 billion investment in the Melbourne arts precinct transformation has kicked off with a design competition to build the largest contemporary art gallery in Australia. This competition will not only cement Victoria’s place as a top cultural destination in the region, it will also support local jobs by offering Australian architects and designers an unprecedented platform to showcase our world-leading design and architecture expertise.

I can advise that we will soon welcome a new resident to Melbourne. After lengthy negotiations a 67 million-year-old triceratops skeleton will soon call the Melbourne Museum home. It is one of the most complete and best preserved dinosaur fossils ever unearthed and will go on display at the museum in Carlton later this year. It is another in the long list of investments we are making in the creative industries.

ELECTIVE SURGERY WAITING LISTS

Mr M O’BRIEN (Malvern—Leader of the Opposition) (11:15): My question is to the Minister for Health. Minister, Amanda is suffering severe neck and lower back pain from a degenerative disc. She has been on a waitlist to see a neurosurgeon at Monash Health for six years and is taking anti-inflammatory medication and painkillers daily. Minister, how much longer will Victorians like Amanda have to wait for your government to fix this hospital waiting list crisis?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (11:15): Can I thank the Leader of the Opposition for his question. Can I use it as an opportunity to say that whilst I am not aware of the particular case that the honourable member refers to, we are always happy to look at the clinical advice on the best way in which to deal with the many Victorians who are facing, mostly as a result of the global pandemic, the delays in deferred care that we have seen as a result of the public health measures that were particularly put in place in 2020. I do point out for the edification of the house that when it came to urgent surgery issues in category 1 there were no delays over the course of the global pandemic and in fact both those areas and subsequently category 2 and category 3 surgery waiting lists have improved substantially since the easing of the restrictions associated with the pandemic.

In regard to the specific case, should the honourable member provide me with the details I will of course take those on advice and, based on the clinical advice from the professionals—as I understand it, from Monash Health—I will undertake to deal with that particular case. But in regard to the broader issue that it points to, the some $200 million injection that the government in its most recent budget has brought forward into this deferred care issue has started already to have an impact in the areas that the honourable member points to. I point out that in fact an estimated 42,500 catch-up surgeries will begin to take place to prevent any of the further delays that the honourable member points to. 42,500 additional surgery catch-ups is a good start. It is nowhere near enough in terms of the processes and there are issues that we are dealing with as a state and as a nation, but it is very much a reflection of the significant extra resources that the government has brought forward into this area.

I should also point out that even though we have seen an increase in demand as a result of that, as you have to run faster to essentially stay where you are, let alone make an impact on those lists, I have been pleased to note that in the most recent reports the surgery waiting lists have not grown any longer as a result. So that is already a reflection of the work that has been done, and in certain areas, particularly when it comes to category 1, we have seen a marked decrease in waitlist— (Time expired)
Mr M O’BRIEN (Malvern—Leader of the Opposition) (11:19): Amanda and thousands like her have spent years—six years in Amanda’s case—on the hospital waiting list even before COVID hit. Minister, in December last year Department of Health and Human Services deputy secretary Terry Symonds gave evidence to the Public Accounts and Estimates Committee that it is ‘going to take at least a couple of years’ to get hospital waiting lists back to pre-COVID levels. Minister, is your deputy secretary correct?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (11:19): Can I just take this as an opportunity to say what a remarkable public servant Terry Symonds has been. He has recently retired, and of course we wish him well in his retirement and any new prospects. Terry Symonds has been one of the most loyal servants to Victoria’s health system, disability system and mental health system that any community would want. I wish him well in whatever new category of life he seeks to pursue, and I want to thank him for his outstanding service.

Mr M O’Brien: On a point of order, Speaker, the minister has used over half of his allocated time to give a farewell to the former deputy secretary. All I want is for the minister to confirm—

Members interjecting.

The SPEAKER: Order! The member for Ivanhoe! The Premier will come to order. The Leader of the Opposition has the call.

Mr M O’Brien: All I want the minister to do is answer the question: was the deputy secretary correct when he said it is going to take two years just to get back to where they were before COVID?

The SPEAKER: Order! I ask the minister to come back to answering the question.

Mr FOLEY: Thank you, Speaker. As I was sitting next to Terry during that Public Accounts and Estimates Committee hearing, in the wider context the deputy secretary was making the point that it needs sustained and continued investment to deal with these issues. He was making the point that what you need to do to have a world-class health system is be in there for the long haul, to sustain year in, year out, investment in—

(Time expired)

MINISTERS STATEMENTS: CRIME PREVENTION INITIATIVES

Ms HUTCHINS (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (11:21): I rise to update the house on crime prevention initiatives undertaken by our government. We know that the pandemic has had a profound effect on many Victorians, particularly in those communities that were already vulnerable before the pandemic, and this is why the government’s crime prevention work is even more important than ever. This is particularly important for children and young people in the youth justice system who have histories of abuse, neglect and trauma. This is why at the first building safer communities forum, which was held in the local government area of Brimbank, I announced a new grant structure that will be available to communities to invest in innovative crime prevention projects. At that forum, which was held virtually, we had young people telling their stories; we had community leaders from across Brimbank, including the mayor, leaders of Victoria Police and of course the member for St Albans, who attended as well. We also held a second forum in Craigieburn where the local community and leaders joined together with the member for Yuroke to discuss crime prevention in Hume.

These grants will build upon the expertise of local communities to come up with place-based solutions. The program includes two categories of grants, which are open right now, the first being the creating safer places program for councils to fund urban design projects to improve safety; and the second, the Crime Prevention Innovation Fund, which is available to councils and not-for-profits to make applications to prevent crime in their area. I would like to encourage all members who believe their communities would benefit from these grants to apply for them before they close in mid-March. I have seen firsthand that when communities work together on a place-based solution they can make real differences in reducing crime rates and also making local communities safer.
ELECTRIC VEHICLES

Mr HIBBINS (Prahran) (11:23): My question is for the Minister for Energy, Environment and Climate Change. The latest Victorian Greenhouse Gas Emissions Report, released in December last year, found that transport had Victoria’s largest growth as a source of emissions, now accounting for a fifth of our state’s entire emissions and in fact is our state’s second-biggest source of emissions outside our coal-fired power stations. One way to reverse this is to replace petrol cars with electric vehicles, and with price being the biggest barrier to the uptake of electric vehicles, I ask: why is the government still committed to putting a new tax on electric cars that would make them even more expensive for people to buy instead of making them more affordable?

Ms D’AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (11:24): I thank the member for Prahran for his question. There is no government that is more serious about tackling climate change than this government in all of this country. Our government has led the way with legislated emissions reduction targets, not just an aspirational 100 per cent that is carbon neutral by 2050 but interim emissions targets. That is what industry and the broader community are wanting to be able to make investment decisions and plan and for the fantastic jobs that come out of it. You only have to look at our recent budget to see the leadership, real action, continuing to deliver to reduce our carbon emissions as we actually reduce power bills for consumers—whether it is businesses, whether it is households—and of course creating the thousands of jobs. In terms of the transport sector—

Mr Hibbins: On a point of order, Speaker, we are into the minister’s answer and she has not actually referred to electric vehicles yet. I would ask you to bring her back to the substance of the question.

The SPEAKER: Order! It was a very long and broad-ranging question. The minister is being relevant to it.

Ms D’AMBROSIO: Let me be really clear that very shortly we will be announcing our interim emissions reduction targets. We will also be releasing our climate change strategy, together with the sector pledges, including the transport sector. But let me point to the facts. As an indication of the leadership of this government you only have to look at the last budget, which shows that we are putting $45 million into charging stations right across the state, because the reality is that that is a preparatory move that needs to be in place before we have the major uptake of electric vehicles in this state. We will have more to say in terms of tackling climate change and emissions issues to do with the transport sector, including of course the record investment that we are already making in public transport, which is part of the transport sector. We will certainly have more to say in terms of zero-emissions vehicles and the role that they will play in reducing our carbon emissions and meeting our pledges when it comes to climate change action.

Mr HIBBINS (Prahran) (11:26): The minister did not actually mention the words ‘electric vehicle tax’ in her answer, but I will move on. The newly elected US President recently announced new plans to replace the entire US government fleet of over 600 000 vehicles with electric cars and trucks. Yet Victoria only has five electric vehicles and 29 plug-in hybrids out of a fleet of 10 000 vehicles, with no target to increase that. Minister, why is Victoria lagging behind the rest of the world when it comes to transitioning to electric vehicles?

Ms D’AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (11:27): I absolutely reject the phrase and the way that the member for Prahran wishes to characterise our state. Our state continues to lead this country in climate change action, backed up by real investment. We will have more to say with respect to the transport sector, including electric vehicles. Right now I am actually working on a ZEV road map, and we will certainly have more to say in this area. I am not here to take any lessons from the Greens or anyone opposite when it comes to tackling climate change. Our record speaks for itself. Our legislative commitments speak for...
themselves—unlike those who knocked back legislated reform at a federal level and turned their backs on it because purity got in the way of real action. Not this government—not ever.

MINISTERS STATEMENTS: ENERGY POLICY

Ms D’AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (11:28): I am absolutely delighted to report to the house on the ways that this government is reducing the costs of energy for Victorians doing it tough. One in three Victorian households are now able to claim our power-saving bonus. That is a one-off $250 payment to help with Victorians’ energy bills. This is thanks to our unprecedented $797 million energy affordability package that came out of the recent budget. Since the Power Saving Bonus program opened on Monday, as of 9.00 am this morning a staggering 15 000 Victorians right across the state have taken up this offer and applied for the bonus online.

This is just one part of the ongoing support. We are providing real tangible support to Victorian households as we rebuild from the pandemic. Through our recent budget we are delivering the biggest household energy fairness package in any state’s history, right across the country, creating thousands of jobs, reducing power bills and reducing carbon emissions. This includes $335 million for 250 000 low-income houses to replace old heaters, money for 35 000 social housing properties to become more energy efficient and $191 million to expand the landmark Solar Homes program. And there is more to come, including 42 000 additional solar rebates—and for the first time small businesses will be able to apply for a rebate, with 15 000 solar rebates for businesses—and of course our power-saving bonus for 900 000 Victorian households over the next 12 months.

As the Victorian Council of Social Service said last year, these initiatives are good for people, they are good for the economy and they are good for the planet. Those opposite pay lip-service. All of those opposite pay lip-service except for perhaps a couple, and it is only this government that delivers real, tangible benefits in terms of energy affordability.

JUSTICE SYSTEM

Mr SOUTHWICK (Caulfield) (11:30): My question is to the Minister for Corrections. Victorians were locked down in their homes for 111 days, with only 1 hour allowed outside for exercise for most of that time. By contrast, Victoria’s 5000 sentenced prisoners have had almost 365 years taken off their sentences for doing what every other Victorian was compelled to do. Minister, why does your government treat prisoners better than law-abiding Victorians?

Ms HUTCHINS (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (11:31): I thank the member for his question. I thank him for the opportunity to talk about emergency management days, which have been in existence in this place since 1992 and have actually been utilised by those on the other side of the table to manage our prison system. These emergency management days have provided for prisoners that have been sentenced who experience harsher lockdown than what they were sentenced by the courts—for example, being detained in their cells for longer than usual. These were mechanisms taken on board by the commissioner for corrections in this state to ensure that EMDs were utilised so that we could continue to provide a safe prison system during COVID, during the pandemic, to stop the spread. And can I thank the staff of our corrections system for the fantastic job that they have done in preventing the spread of coronavirus across our prison system.

Mr Southwick: On a point of order, Speaker, if you could bring the minister back to answering the question, which was why Victorians were treated worse than prisoners, who received a two-for-one deal, a get-out-of-jail-free card, for what every Victorian was doing each and every day being locked in their homes.

The SPEAKER: Order! Points of order are not an opportunity to repeat the question. The minister is being relevant to that question.
Ms HUTCHINS: Well, I actually dispute the premise of the question and the comment that is made by the member opposite. Certainly prisoners who experienced isolation and lockdown that were new to the system were locked up for 23 hours in a cell—not in a house, in a cell.

Members interjecting.

The SPEAKER: Order! Members on my left! Order! The member for Polwarth has been warned.

Ms HUTCHINS: In a cell. The corrections commissioner has exercised the power to grant EM days—

Members interjecting.

The SPEAKER: Order! There is too much shouting. We cannot hear the minister’s answer.

Ms HUTCHINS: These prisoners were not granted four reasons to leave the prison—or four reasons to leave their cell. I am proud that this state government has been able to protect our broader community.

Mr Riordan: On a point of order, Speaker, could the minister clarify whether she seriously considered giving prisoners four reasons to leave jail during the lockdown?

The SPEAKER: Order! That is not a point of order.

Ms HUTCHINS: We had no transmission of COVID through our prison system, unlike other systems across the world, particularly in the US, where over 2000 prisoners have died due to the coronavirus spread in those prisons. We had not one case spread across our prison system. We had none of our officers infected from being at work in the prison system. I think that is a great tribute to both the corrections commissioner and the leadership across our entire prison system, our workforce that have prevented COVID from spreading across our prison system and beyond into the community and kept our community safe, and I want to commend them for the job that they have done. They utilised the laws that have been in place for over 30 years that those opposite never amended, and in fact they utilised those laws when they were in power. I want to commend the corrections commissioner for the work that she has done.

Mr SOUTHWICK (Caulfield) (11:35): Minister, will you rule out the application of emergency management days for Victoria’s most serious offenders, including James Gargasoulas, Sean Price, Adrian Bayley and Tony Mokbel?

Ms HUTCHINS (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (11:36): Emergency management days are applied by the commissioner for corrections under the same law that has been in place for over 30 years. Those opposite in fact have not brought any amendments to that law. It was actually this side of the Parliament that did.

Members interjecting.

The SPEAKER: Order! I need members to stop shouting across the minister when she is trying to give an answer.

Mr Southwick: On a point of order, Speaker, I ask you to bring the minister back to answering the question: will murderers, rapists and serial killers get a get-out-of-jail-free card—

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

Mr Southwick: as part of these emergency management days? It is very clear: will rapists, serial killers and murderers get a get-out-of-jail-free card? Yes or no?

The SPEAKER: Order! The member for Caulfield will resume his seat. It is not a point of order.
Ms Hutchins: The short answer is no, but EMDs are not a right, and it was this side of Parliament that passed laws just last year to ensure anyone who is involved in a disturbance that creates an emergency would lose their privilege to be considered for future EMDs. That was our side. This side has not brought an amendment to any of these laws and in fact—

Members interjecting.

Ms Hutchins: You know, you are the ones that are saying there is a problem. There is no problem. This is a process that is undertaken by our corrections commissioner to keep our community safe.

MINISTERS STATEMENTS: TRANSPORT INFRASTRUCTURE PROJECTS

Ms Allan (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (11:37): I am delighted to provide an update to the house on the summer of progress that the Andrews Labor government’s Big Build program has undertaken over the last couple of months. Last week the Treasurer and I were there at Werribee Street, Werribee, marking the 45th level crossing to be removed, and there are another 20 under construction right across—

Mr Andrews interjected.

Ms Allan: Number 45, Premier—45 have gone. But, Premier, there are 20 more underway right now.

Also four tunnel-boring machines are hard at work right now beneath the CBD, digging out the Metro Tunnel, which is a year ahead of schedule. The Cranbourne duplication is underway. The Hurstbridge duplication is about to start. If you had tried to head out of the city over summer, you could not have avoided any of the major road projects that are underway—the Mordialloc bypass and the Monash widening; the North East Link early works have started; the ring-road in the north has started; and there is the Hume Highway project at O’Herns Road, the West Gate Tunnel Project and even the Echuca–Moama bridge, which is underway as well. In regional Victoria, we finished the Ballarat line upgrade last week, and it was great to bring in the new services on the weekend. Trains are running over the Avon River Bridge and works are underway at the Waurn Ponds station.

While the Leader of the Opposition wants to blue with his federal counterparts and with the Prime Minister, we are working with the federal government on many of these projects.

Members interjecting.

Ms Allan: Oh, it is. These projects are just a snapshot of the work that is underway, and the workers—it is the workers—our expert engineers that we employ directly, the construction workers, the team of administrative support that sits around them. We are creating jobs, we are building better transport infrastructure, and those opposite just keep knocking it.

Constituency questions

RIPON ELECTORATE

Ms Staley (Ripon) (11:40): (5469) My constituency question is to the Minister for Education, and it relates to the level crossings that need to be put in around the Miners Rest Primary School. Now, these have not occurred, and I do actually understand that the reason is the Ballarat council; it is a council issue. However, my question is: what has the minister done to fix this and ensure the safety of students at the Miners Rest Primary School?

IVANHOE ELECTORATE

Mr Carbines (Ivanhoe) (11:41): (5470) My constituency question is for the Minister for Community Sport, and I ask: what is the latest information available regarding the expenditure of funds to upgrade the Ivanhoe golf course clubrooms? Golf in Victoria contributes $883 million to the state’s economy and supports some 6900 jobs. My Ivanhoe electorate is of course home to many
fantastic golf clubs, including Ivanhoe Public Golf Course along the banks of the Yarra River. I can also say that the Andrews government committed some $130 000 at the 2018 state election for clubhouse improvements at Ivanhoe golf course, and I am certainly looking forward to the latest information from the minister with regard to works that deliver on that very popular and welcome election commitment in the Ivanhoe electorate.

GIPPSLAND SOUTH ELECTORATE

Mr D O'BRIEN (Gippsland South) (11:41): (5471) My constituency question is to the Minister for Energy, Environment and Climate Change, and I ask: when will the government take action to address ongoing erosion on the foreshore of Lake Victoria at Loch Sport, particularly in the area of Seagull Drive? The minister will be aware: I first raised this not long after I was elected, in 2015, and I wrote to the minister again last year. There is a significant amount of erosion that is washing away the foreshore, particularly in the area of Seagull Drive, and the voluntary foreshore committee of management has been seeking assistance from the Department of Environment, Land, Water and Planning for some time to address this. Now, right along the foreshore we have groynes in place that minimise and address the erosion issue, but the area around Seagull Drive does not have any groynes in place, and as a result it is coping the brunt at the moment. This is not only affecting the walking track—which the government has provided funds to realign, but that is a bandaid fix—we raise the real risk of private land being inundated. The government needs to act, and I want to know when.

WENDOUREE ELECTORATE

Ms ADDISON (Wendouree) (11:42): (5472) My question is directed to the Minister for Housing regarding the $10 million investment this government is making to revitalise the Delacombe estate. This is an important project as it will improve housing and public areas as well as create better connections that will improve access to community facilities including the Doug Dean Reserve and Delacombe Primary School. I wish to thank the Delacombe community members who have been in the consultation process to date. My question to the minister is: what are the next steps being taken to move forward with this important $10 million community revitalisation project in my electorate of Wendouree to transform lives in this area and make things better for our residents? I look forward to the minister’s response and reporting back to the Delacombe community about what we are doing to make Delacombe an even better place to live.

MORNINGTON ELECTORATE

Mr MORRIS (Mornington) (11:43): (5473) My question is to the Minister for Energy, Environment and Climate Change. I have frequently raised the issue of sand loss and erosion at Mount Martha north beach, most recently via an adjournment matter on 12 November last year. In her response the minister claimed that despite strong community support the construction of a groyne to protect the beach would not be effective in keeping sand on it. The Department of Environment, Land, Water and Planning’s Mount Martha North Options Analysis, dated June 2019, suggested two options. The first was a do-nothing approach, which does not protect the headland middens that are there or provide a beach; and alternatively the construction of a groyne, which would maintain a beach of, in their words, ‘usable width’ and also protect the middens. So the question to the minister is: why has she decided to abandon this beach when a clear alternative exists and federal funding is available?

TARNEIT ELECTORATE

Ms CONNOLLY (Tarneit) (11:44): (5474) My question is for the Deputy Premier and Minister for Education. Over the past couple of months residents living in Elements estate in Truganina have contacted me to express their disappointment that the Catholic Education Office has decided not to build a school in their estate. I share their disappointment, and I understand their frustration and feelings of being let down. As the Deputy Premier knows, the Tarneit electorate has seen a great deal of investment by our government when it comes to schools—about $206 million over the last six years, including four new schools being opened and four other schools getting capital upgrades. We
have just funded the acquisition of land for three more schools in last year’s budget. We have also
delivered more new schools across Wyndham than any other part of the state. Residents, along with
the Wyndham City Council, have proposed that our government purchase this land for a future school.
So my question to the Deputy Premier is this: can the department confirm that the currently planned
new schools and those schools identified in precinct structure plans will provide for the growing
population across this part of my electorate? And is there a need— (Time expired)

MILDURA ELECTORATE

Ms CUPPER (Mildura) (11:46): (5475) My constituency question is for the Minister for Agriculture and relates to foreign seasonal workers. Could the government outline when the workers will arrive in Victoria, how many will be made available to growers in my electorate and what the cost of quarantine will be for farmers per worker? After battling drought and high temporary water prices over the past few years, growers have faced more burdens this harvest with a lack of access to foreign seasonal workers due to COVID-19. The Victorian government recently entered into a partnership with the Tasmanian government to quarantine 1500 Pacific Islander workers in Tasmania before they are made available to work in Victoria. It has been announced there will be a cost-sharing arrangement with farmers for quarantine, and our growers are anxious about the finer details of that arrangement. I urge the government to ensure the cost on farmers is minimised.

SUNBURY ELECTORATE

Mr J BULL (Sunbury) (11:46): (5476) My question is to the Minister for Energy, Environment and Climate Change. What is the latest information on remediation works at the Australian Recycling Corporation site located at 500 Sunbury Road in my electorate? A number of local residents and community groups have rightly written to me to inquire about the current state of the site, which is visible as you drive in and out of the city along Sunbury Road. It is currently my understanding that ARC are completing extensive remediation works right across the site, and I again ask the minister for the latest information on these works.

BRIGHTON ELECTORATE

Mr NEWBURY (Brighton) (11:47): (5477) My constituency question is to the Minister for Education, and I ask: can the minister advise me what investment the Andrews Labor government has ever committed for major capital works at Hampton Primary School in Hampton? Hampton Primary School is an incredible school that has been teaching our local children since 1913. In many ways the school is not only the centre of Hampton, it is also its heart. As Hampton has grown quickly over the last decade, so too has the school population. There are almost 625 students there. This year the school community has been excited to welcome new principal Joshua Sheffield into Hampton. Despite many schools in adjacent Labor electorates receiving shining upgrades, the historic Hampton Primary’s aged infrastructure has been ignored by successive Labor governments. The school and the local community need community space, and the school has developed a plan to build a multipurpose netball facility that can serve as a sporting hub, a school meeting place and a community facility. It is time for Labor to stop ignoring Hampton Primary School.

NORTHCOTE ELECTORATE

Ms THEOPHANOUS (Northcote) (11:48): (5478) My constituency question is to the Minister for Employment and relates to job creation as Victoria forges on with our economic recovery plan. What is the latest information on the number of jobs created in the electorate of Northcote through the Working for Victoria program and other Victorian government jobs initiatives?

Late last year I joined Bridge Darebin to induct their newest team members, 15 positions made possible by the fantastic $500 million Working for Victoria program. Local businesses and workers in Northcote have been hit hard by the pandemic, particularly in our vibrant hospitality, retail and creative industries. Workers have been doing it tough, and even as Victoria kickstarts its recovery, locals are reaching out to me, anxious about the Morrison government’s premature and heartless plan to axe JobKeeper. Our
Labor government will keep driving jobs creation in our communities, and I look forward to sharing an update on the difference our programs are making for my community in Northcote.

Bills

WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (PROVISIONAL PAYMENTS) BILL 2020

Second reading

Debate resumed.

Mr WAKELING (Ferntree Gully) (11:49): As I was indicating before question time, there are many businesses that have been facing significant pressure due to COVID. Clearly WorkCover premiums are another cost burden that businesses will be facing, and any increase in WorkCover premiums is going to place significant pressure on Victorian industry.

As I indicated, businesses are going to face challenges shortly with the end of JobKeeper and it is imperative that the government does everything in its power to put downward pressure on WorkCover premium rates for businesses, whereas we know the piece of legislation before the house will in fact do the opposite—it is actually going to have an upward pressure on WorkCover premiums for Victorian industry. So I am deeply concerned about the impact the bill will have on business premiums, and it is imperative that the government looks at the proposals that the opposition has put forward in its Back to Work and Back in Business plan, which talks about reducing the cost of premiums on businesses during this very, very difficult period.

During the second-reading speech it was claimed that the impact of provisional payments on employer premiums will be minimal. In its first year of operation the government estimates that an additional $6.1 million would need to be collected in the 2020–21 financial year, representing an impact of 0.03 per cent on the premium rate. Financial modelling highlighted that there will be a growth of 1.8 per cent assumed in the future years. The second-reading speech cites extensive financial modelling in coming to these estimates; however, I am yet to see that modelling. I put questions on notice to the Minister for Workplace Safety seeking the particulars of this modelling, and responses to these questions remain outstanding. I have lodged a freedom of information request in relation to this modelling, which also remains outstanding. I would like a further explanation of what a growth in the premium rate of 1.8 per cent in future years actually means. Is this next year, the year after or by 2030? Again, this is something that the government needs to come clean on. The minister’s office has also just confirmed this week that the modelling does not incorporate the operating cost of running this provisional payment scheme, so we already see that the costs are higher than what was estimated by the government in its second-reading speech.

I am also concerned about the justification in the second-reading speech for why the funding responsibility for this scheme will rest with employers at the industry level. In the second-reading speech the minister claimed that this is a reflection of ‘where the risk or hazard lies’. As I will go into shortly, this is perverse logic for a bill that seeks to extend WorkCover liability to rejected claims for a total period of 13 weeks. Workplaces are not where the risk or hazard lies in respect of a rejected claim. All things considered, I am reassured by the exclusion of weekly payments from the scheme, and I am glad the government has backed down on delivering its full election commitment in this regard. I am also reassured by the second-reading speech that payments for the rejected claims will not impact an individual employer’s claims history or premiums but will still be allocated at the industry level.

Another area of concern in this bill is the relative ease of access to these payments. This is yet more evidence of the government’s come one, come all attitude to the WorkCover scheme here in the state. I think it would have been more prudent for some mechanism for preliminary assessment of the merits of a claim to be included in this bill.
Another area of concern I have in relation to this bill is its creation of yet another employer obligation, enforceable by way of significant penalties. The bill will see employers required to notify their insurer of a mental injury claim within three business days of receipt of the claim from the worker. This provision is in addition to—not excluding—their existing obligation under section 73 of the Workplace Injury Rehabilitation and Compensation Act 2013 and will not affect the periods within which a claim must be dealt with under section 75 of the act. Now, whilst I am reassured by the government’s commitment in the second-reading speech to delaying the commencement of the penalties attached to this new obligation by six months and by the commitment to carrying out education and awareness activities, I am interested to know what these activities will involve and their likely reach. The WorkCover scheme is already difficult for employers to navigate. Adding additional obligations, enforceable by way of a significant penalty, will not make the scheme any easier for these employers to navigate.

Now, this brings me to my most fundamental concern and objection to the bill. This bill seeks to extend provisional payments for rejected claims for a total period of 13 weeks. What that means is if somebody lodges a claim for mental illness, they will automatically, within five days of notifying the claim, potentially be eligible to receive provisional payments for their medical expenses. But if that claim is assessed and it is deemed that either the person does not have a mental illness or the mental illness is not related to work, then they will still be entitled under this scheme to receive ongoing payments for 13 weeks. Now, let us just think about that: it has been deemed that the claim is rejected, and we are saying we are still going to have to pay the scheme but it only applies to mental illness. Think of every other worker in the state for every other claim; they do not have a benefit like this. If their claim is rejected, their claim is rejected. But under this proposal a worker will still be entitled to a benefit for either a mental illness that is not work-related or an alleged mental illness which has been deemed to not be a mental illness. They will still be entitled to these benefits with no explanation.

The original intent of the act, as evident in section 39 of the act, is to provide compensation to workers suffering injuries:

… arising out of … the course of any employment …

That is the whole purpose of WorkCover; it is about work-related injuries. It is not related to any injury, it is a work-related injury. This bill will see employers paying the costs for mental health treatment and support for workers whose claims are rejected and whose injury is not—and I quote, taken from the government’s own act—

… an injury arising out of … the course of any employment …

Again, this is a come one, come all approach. It is no surprise, given the government’s recent attempt in its recent budget and the Minister for Workplace Safety confirming before the Public Accounts and Estimates Committee that it has now backed away, given the parlous state of WorkSafe Victoria’s finances, from taking $700 million out of the scheme to fund its infrastructure projects. This government sees the WorkCover scheme as an endless pot of gold to fund its unfunded election claims, but clearly, there are problems with the scheme. And this attitude could not be any more different to the way those who sit in the government view the WorkCover scheme. Premiums paid by their employers are paid for the principal purpose of indemnifying them in respect of claims for workers compensation. Put simply, it is their money and WorkSafe holds that money on trust for their benefit. The purpose of WorkSafe—the reason the employer pays premiums—is to deal with workplace-related injuries. They should not, through the industry rate being increased, be paying for medical expenses for claims that have actually been rejected. And that is why at this point, under standing orders, I wish to advise the house of amendments to this bill and request that they be circulated.

Opposition amendments circulated by Mr WAKELING under standing orders.

Mr WAKELING: The house amendment that we are seeking to move is to ensure that if a claim is rejected, then the provisional payments in relation to that particular claim would cease. Now, this is a logical amendment to the bill before the house. What it simply says is if somebody lodges a mental
health claim, they will be entitled within the statutory period of five days to have access to medical expenses, but if that claim is then rejected, there should not be an onus on the insurer on behalf of an employer to continue those payments for the 13 weeks. We are simply saying if the claim is rejected, the payments should then cease.

Now, anyone who has a WorkCover claim rejected, for a mental illness or physical injury, has a right to appeal that decision, and that should remain the same. Nothing changes. And on that appeal, they will make a determination whether or not a claim is accepted or rejected. But the amendments before the house put in place a logical and, we believe, a sensible solution to make it such that an employer should not be compelled through their insurer to be paying up to a 13-week period for a claim that is actually for payments for a scheme for medical expenses, when in fact it has been rejected—a provision that is not afforded to any other worker within the state of Victoria.

So, as I have indicated, I am deeply concerned about the impact that these changes will have on WorkSafe’s premiums for employers. We understand and we believe it is important to support workers who have indicated that they are suffering from a mental illness. This scheme of provisional payments will give them quicker access to treatment for their mental illness, noting, as I have, that in large parts of Victoria access to mental health services is difficult and that the five days, whilst good in theory, may not be actually deliverable, given people’s access to services. But putting that issue to one side, this scheme will provide people with access, and I hope if people do get access to these services earlier, it will provide them with a greater opportunity to return to work. I think all Victorians would agree with that as a concept. For people who put in a claim for a workplace injury, the purpose of this scheme is to provide them with the assistance they need, not just financial but, more importantly, in terms of medical services to provide them with the support they need to return to work. I think that is not an unreasonable measure.

However, I do believe that it is not appropriate for people to be accessing services for a total period of 13 weeks when that claim has been rejected. I think in that period of time it is not unreasonable for access to those medical services to cease, bearing in mind it is only a small number of claims that are actually rejected, and of that small number of claims rejected not every person who has their claim rejected actually then appeals that decision. It is open to a worker if they still believe they have suffered a workplace-related mental injury to appeal that decision, and they would be automatically entitled to go through that process. I am concerned about the real impact that this will have on WorkSafe’s dismal performance from insurance operations and employer premiums for struggling businesses. As was indicated by the government itself, we know these claims are going to blow out to 33 per cent. Now that is an acknowledgement of people’s willingness to put claims in, but the fact is we believe, according to the government’s own commentary, that claims by 2030 will increase to 33 per cent. So clearly with those claims, they will have access to these provisional payments. I am also concerned about the ease of access to these payments in the absence of any preliminary assessment of the merits of the mental injury claim before these claims are made.

I am chiefly concerned, however, by the bill’s radical expansion of the original objectives and purposes of workers compensation, which is to provide workers with compensation for injuries that arise out of the course of their employment. For that reason, as I indicated, the opposition will not be opposing the bill before the house, but we have circulated a house amendment. We believe it is a reasonable house amendment. It does not seek to stop the scheme from operating. It does not seek to stop the scheme from operating within the time frames developed by the government, but it applies a reasonable approach if a claim is rejected. At that point we believe it is not unreasonable for access to those medical expenses to cease. I would urge the government to consider and adopt the house amendment that has been circulated by myself on behalf of the opposition.

Mr EDBROOKE (Frankston) (12:04): It is with absolute pleasure that I rise today and speak on the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. On top of our record investment in emergency services and of course in mental health, this bill will deliver on the government’s 2018 election commitment to introduce a provisional payments
scheme for workers with mental health injuries covering medical expenses and Workplace Injury Rehabilitation and Compensation Act 2013 issues. On Thursday we will see this government’s Royal Commission into Victoria’s Mental Health System findings and recommendations released publicly. But we have not been standing still and waiting for these. There are certain things in industry that we know we cannot walk past and accept and that we need to change. This bill is addressing those. So besides investing $870 million into reforming our mental health system, this bill is designed to help injured workers get support sooner and get back to work quicker, saving money and saving lives. And although I heard a lot of the opposition’s points and can rebut them in a moment, there is much of me that thinks that the opposition’s amendment is very uneducated.

Mental health injury claims have grown significantly in recent years. We expect them to account for a third of all workers compensation claims by 2030. The nature of mental health injuries, as we know, is complex. Many mental health injuries that people have cannot just be confined in a box to a catalyst from home or a catalyst from work, but they do affect both those things. I guess to break it down to a level that the opposition might understand, if you get a physical injury right now in Parliament or at work—and touch wood, you will not—the process begins immediately. If you have got a broken leg; you will immediately get medical attention, medications. You will immediately get a rehab plan; you will immediately get a return-to-work plan when you can. Currently though it can take up to 38 days or five and a half weeks for someone to be signed off to gain access to payments from WorkCover for a mental health injury. That is a long time for someone with a mental health injury to deteriorate—for their mental health to deteriorate.

Only recently on some of the current affairs programs we have seen police in New South Wales and Victoria who I think are the victims of this, where they do not receive any payments or recompense to go and get treatment, and they believe, without officially being rejected, that they have been rejected or not believed as well. So this 38-day delay limits the ability of some workers to get the help they need and to get access to treatment quickly, right when they need it, increasing the chance of a deterioration in mental health and relapses and also a plethora of other issues that go along with those as well. The time it takes for a claim to be determined can also discourage injured workers from actually making a claim. Incurring out-of-pocket costs while a claim is being determined may also add to a worker’s stress and negatively impact their wellbeing.

It was my absolute honour to chair the workplace rehabilitation provisional payments pilot steering committee over the last year, and it has been an education. It is amazing to be standing here and seeing it rolled out. What began as a pilot in June 2019 for frontline workers will now be available for all Victorian workers. We have seen how important this is for frontline workers in Victoria—to be able to access the support for medical and like expenses when they need it. This bill ensures that all Victorian workers and eligible volunteers, including Emergency Management Victoria volunteers, volunteer school workers and jurors, will be able to benefit from these changes.

Now, I notice that the opposition have circulated an amendment, which formerly I said is uneducated. I do not think it is based on consultation, I do not think it is based on data, and it is actually assuming a couple of things like that this scheme would actually be abused by people. To that I would say that the stakeholders on the steering committee, including the Police Association Victoria, Ambulance Employees Association, United Firefighters Union, CPSU, Australian Nursing & Midwifery Federation, AWU, Communications Workers Union, Victoria Police, Ambulance Victoria, Volunteer Fire Brigades Victoria, MFB, CFA, Emergency Services Telecommunications Authority, Victoria State Emergency Service, WorkSafe Victoria, health and safety representatives, Department of Premier and Cabinet, Department of Treasury and Finance, Department of Justice and Community Safety, Department of Health and Human Services and Department of Environment, Land, Water and Planning as well as employers and employees who were consulted, all agreed that this is a good thing. It was amazing to sit in a room with so many people all nodding in the same direction, saying, ‘This is the way we need to go’.
I assume the opposition is talking about people making false claims, but that was not found to be the case in the pilot. The key findings from our interim report include that pilot participants with accepted claims accessed treatment earlier than participants with rejected claims—and there were 129 participants, who all got better outcomes. So there is no questioning whether early access to payments leads to better outcomes.

I guess the other question that came up with the opposition’s lead speaker was around people who might have their claim rejected still accessing payments for that 13 weeks. It is an interesting concept, but during our discussions in the steering committee it was very obvious that this was required for many reasons, and one of them was that especially in the police force there are many WorkCover claims that are actually rejected and later on found to be signed off and supported by WorkCover as well. So that is one of the reasons that is in there.

A national survey was undertaken by Beyond Blue that is called Answering the Call. It found that one in three emergency services workers had high or very high psychological distress, and this is compared to one in eight in all adults in Australia. So I believe we owe it to our brave police officers, emergency services workers and other sector workers to have a mental health claim system that supports them, responds to their needs, and encourages recovery and return to work outcomes.

We have listened to workers, we have listened to employers, and the design of these reforms has involved extensive consultation with unions, employer groups, injured workers, and legal and medical representatives. I would like to also take the opportunity to thank the former Minister for Workplace Safety, the member for Altona, who is in the chamber right now; the current minister in that portfolio in the other place; the Minister for Mental Health; and also the fantastic Minister for Police and Emergency Services. I also say thank you to all the stakeholders I mentioned before. As I said, extensive consultation has gone into this bill.

I want to be very, very clear that this bill, as well as being an investment in saving lives, is also an investment in the truest financial sense of the word. It saves our community money in time off work, getting people back to work quickly, on the costs of retraining members and employing new people, on health and medical expenses in the long term. If we get people back to work and healthy more quickly, it saves money, basically.

The most comprehensive attempt to quantify that financial cost of mental illness and suicide in Australia has been the well-known Productivity Commission’s report into the effect of mental illness, which revealed a $220 billion annual cost to the economy, and that is a cost that does not discriminate. It is across the board, but that is more than a tenth of Australia’s entire economic production in 2019. So this is an investment. This is saving money.

Under this bill WorkCover insurers will only have two days to assess a worker’s eligibility to provisional medical and like expenses for a mental injury claim. This is coupled with a new notification requirement of three days, ensuring employers are passing on the details to WorkCover as soon as possible. Again, the opposition raised this, but during the steering committee discussions, which were long and varied, it was noted that some employers did need this. They did need to be shown that this is serious, and they did need to be putting this as a priority in their business—that if someone makes a mental health claim, why does it sit there for a day, why does it sit there for two days, why does it sit there for two weeks? It should be there. We are trying to look after people, and three days is reasonable.

Look, mental illness can affect all of us. It is not a personal failing to ask for help, and that also comes into this bill. We are encouraging people that they will not be at a financial loss if they need help. Workers whose claim might ultimately be rejected will continue to receive the payments for medical and like expenses for up to 13 weeks after they lodge their claim form, because that is what we were told by employers and stakeholders.
It was in 1985 that the Cain government established Victoria’s safety and compensation scheme. More recently this government has overseen the historic workplace manslaughter laws, and today these landmark reforms before us will ensure that Victorian workers get the urgent support they deserve and need and they can get better and return to work as soon as they can. This bill is about our government’s support for workers, and it implements the election commitments we made at the 2018 election. It removes barriers that may prevent workers getting help. This bill should be close to all of our hearts for everyone in this chamber. Everyone knows someone who has mental health issues. I am very proud to have worked on this reform and commend it to the house.

Mr McCURDY (Ovens Valley) (12:14): I am delighted to rise and make a contribution on the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. As my colleague has pointed out, although there are benefits in the bill, we certainly do have some concerns. I think the member for Frankston has certainly highlighted those concerns as well, and we would certainly like to see some of those concerns followed through. With the house amendment that has been tabled, I am hopeful that the backbench of the government will seek to genuinely improve this bill and try to support genuine improvements; or will they just march to the beat of their political masters? That is in their hands, and I certainly do genuinely hope that they will assist to try and improve this legislation.

By way of background, the government made an election commitment, as we know, in 2018 to explore introducing provisional payments on claim lodgement to ensure workers receive an income while their claim is processed. This bill has partially delivered on that commitment. It is an extension to the government’s provisional payments pilot for emergency workers. This pilot, which is similar to the bill before us, offers provisional payments to emergency workers—and certainly to volunteers as well—for medical expenses if the worker suffers mental injury or illness while at work. I understand that the justification behind these measures is quite sound, particularly where delayed treatment and assistance in addressing mental health issues can certainly exacerbate mental health issues. It can increase time frames for return to work, and we know that returning to work is critical in assisting wellbeing and mental health.

I support the fact that we need to help workers and assist workers where the workplace has created mental anguish and mental stress, but at the same time we need to be mindful. Going down this rabbit hole opens up a Pandora’s box which includes greater scrutiny of employment, greater research on previous employment history issues and certainly mental health assessments. Again I want to say that I support workers who have genuinely acquired mental health issues as a result of the workplace, but we are adding to a system that is already broken, in my mind. The system needs to be fixed first before we start throwing additional benefits in, and I would have hoped that the broken parts of the system could have been addressed by this bill as well fixing those failings that currently exist.

Over my 10 years as a local member I have stopped counting the amount of times employers have contacted me angry and frustrated at the system that rewards dishonest employees. Most employees are honest—we get that—and most employees are genuine. But when the system waves through the deceitful claims and the employer picks up the tab, so to speak—whether it is through higher premiums or whatnot—the employees are not even challenged, even when they admit to making false claims. They are still rewarded. It demonstrates that there are bigger issues at play and there is still more work to be done in this whole area.

In my electorate we have many, many hardworking families and many good local businesses, as we all do in our electorates. Here is one example. Without wanting to name the business, they have told me that an employee claimed a back injury which CCTV footage showed clearly did not occur. A false statement was made after 10 days at work without reporting the incident. There is no ability for the employer to appeal, and the employer is fighting to ensure that the false claim does not get settled. But that fight is in vain.
The legislation that we are debating today I think also has an extremely high chance of abuse and false claims. Of course I want to see genuine cases settled—I have got no problem about that—but far greater resources must go into this system or clearly there will be rorts throughout the system. The amendments put forward would assist the government to ensure a more balanced outcome for all parties, and again I reiterate that genuine claims require genuine support. There is no doubt that this will increase costs. In fact the minister has already stated it will increase premiums—over $6 million—but we do know the track record of this government in managing money. If they say they think it is going to be $6 million, we know it will be far greater than that. History will show this will turn out to be another cost blowout, but it is a cost blowout to employers through higher premiums. It is not something that is going to concern the government because it is not coming out of their pocket; it will be coming out of employers’ pockets, one way or another.

Whilst I believe that all members in this place support employees’ rights and certainly want to provide assistance when it comes to mental health injury at the workplace, I do have great concerns that without making amendments to this we could find ourselves back here again at another time fixing up a mess with this bill, because we missed an opportunity to cover off on some of the broken parts in this area before adding to it. I think by adding to it and compounding this problem, as I say, we will see ourselves back here at another time to try and fix up the mess that we have created. But at the same time I continue to say that mental health injury in the workplace needs to be addressed and needs to be supported; we just need to have closer scrutiny of the genuine claims versus the mental health illnesses that have been acquired outside of the workplace, and somebody else is not just going to pick up the tab for them.

Ms HALFPENNY (Thomastown) (12:20): I rise to speak in support of the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. This is yet another Labor reform for fairness, to do better for workers sustaining mental injury through their work. It is a reform that also acknowledges the very real and very serious nature of work-related mental injury. Mental injury may not be seen, but it is just as real and just as debilitating as other workplace injury. The Andrews Labor government knows that we need to do more to support injured workers sustaining mental injury and that early intervention and treatment are essential and greater effort in prevention a must. This is also another Labor reform that has been made possible by the labour movement working together—the union movement and the Labor Party working in cooperation—to improve the lives of working people. I want to congratulate the former Minister for Workplace Safety, the member for Altona, for all her work in putting this legislation together and of course also the current minister, Minister Stitt, who is continuing that great work.

I will go into some of the issues that have been raised by the opposition after I have gone through some of the details of the legislation that we are debating today, but before I go into maybe addressing some of the more sensible opposition remarks I just want to make a few comments about the contribution from the member for Ovens Valley. I think what he has done and what he says sum up the opposition’s attitude to working people. Let us talk about the sorts of descriptions and words he used: ‘deceitful’, ‘abusive’, ‘dishonest’—these are the sorts of words that he uses to describe working people. But I would find it very difficult to think that there are many people who get their thrills by going to see a psychologist just for the sake of it when there is actually nothing wrong with them. I know, as was mentioned by the member for Frankston, that whilst claims may be rejected in the very initial stages of a WorkCover claim by an employer or an insurer, the fact is that with most of those claims, once they get to the conciliation process or the courts, those decisions seem to be lacking and wrong, and the worker is then able to access their rights under the workers compensation system.

First of all, as other people have mentioned, some of the history around mental injury compensation claims—they are rising rapidly, and they are predicted to continue to rise as a proportion of all workplace injury claims. It is estimated that by 2030 about a third of all workers compensation claims will be due to mental injury. It is also true that mental injury claims have lower return-to-work rates that are successful and are also longer lasting. We also know that mental health injury is exacerbated
by delays in the acceptance of claims, delays in treatment and the nature of the compensation scheme itself. Mental injury claims are more likely to be rejected, adding to delays in claims processing and further anxiety to the person for not being believed. Working people should not have to wait months to receive critical treatment that may prevent long-term injury and support earlier return to work. Mental injury can occur in any workplace setting for frontline workers in emergency services. It can arise from the horrors seen and experienced in the work they do, but it can also result from how people are treated at work, and all forms of mental injury and the reasons for them are legitimate and serious.

The essence of this bill is to provide provisional payments for medical and like treatment and workplace support and rehabilitation services. As the member for Frankston discussed, this legislation came about as an election commitment from the Andrews Labor government in September 2018. There was a commitment to introduce legislation around provisional payments for mental injury and also to establish a pilot program for emergency services workers and volunteers to establish best practice for the legislation.

The pilot was launched in June 2019. It involved a number of workers accessing support earlier, and from that pilot the legislation was then developed. It vindicates the argument that early intervention does in fact work and does allow people to get better quicker—or not so ill if they are unable to get treatment. The pilot program was for two things: one, to establish best practice but also it is a recognition that Labor governments listen to people. We want to hear from those with lived experience, we want to hear from the experts and we want to be guided by what they tell us is the best way in terms of using legislation to support Victorians in the workplace and throughout society. Workers were consulted, including those that had been injured at work; their unions were consulted, employers, medical representatives and the list goes on. I want to thank all of those people and their voices, because their voices have contributed to the legislation that we are dealing with today. I also acknowledge the member for Frankston for the work he has done around the consultative parts of the pilot.

Just quickly, because I have got so much to say and so little time to say it in, I want to address some of the issues that were raised by the other side of the chamber. The Australian Labor Party has a very long and proud history of health and safety reform, going way back. I will cite the current basis of the health and safety legislation, which is the 1985 act. This was all about putting workplace health and safety at the front and centre of workplaces for workers and empowering working people to take some control over their health and safety—for themselves and those they work with. It also revolutionised the thinking about health and safety for both workers and employers, and of course, the sky never fell in, as many employers and the opposition would have had us believe at the time.

When looking at the legislation we are talking about today, we look at the complaints from the opposition. They are complaining about ease of access, they are complaining about cost to the scheme and they are complaining about cost to employers. But I think it is just like the response that the opposition has had to the pandemic—it is not scientific, it is not listening to the experts and it is not based on any factual information. The same theory or analysis is being used if we look at their complaints about this legislation that we are debating today. Because if you do look at the science and if you do look at the facts, if you do look at the evidence, if you look at the royal commission, if you look at the Productivity Commission, they are all saying that it is an absolute requirement that when it comes to mental injury and mental health, people need services early and they need early intervention. They need to get the medical treatment they need early, and this will allow them to recover in a much better way than having things drag out.

These are the things that we need to make sure we continue to argue and debunk, because really the evidence shows that early intervention is required, and so therefore there needs to be access to provisional payments for those suffering a mental injury at work to ensure that people can get better and can return to work. Yes, it is frightening, the 30 per cent mental injury claims expected by 2030, but invariably if people get well quicker because they get the support that they need, then of course they are able to return to work and are not lingering and languishing on payments away from work. I think there is some idea that people actually like to not be at work and like to be at home, feeling sick...
and not well, and this is just not the case. People want to be at work. They enjoy their work in most cases, they enjoy the income and they do not want to be suffering at home as a result of mental injuries that have been imposed on them at work. The pandemic has really highlighted this and shown how essential legislation like this is. When you look at, for example, the horrific story of neglect by the Epping Gardens private aged-care facility and the federal government watchdog’s oversight of aged care, what the health workers saw when they went into that place to look after the elderly residents there was so shocking that that trauma has continued to this day.

Mr MORRIS (Mornington) (12:31): I must admit just listening to the member for Thomastown’s assessment of the opposition’s response, it sounded more like it was an assessment that was predetermined rather than of what I actually heard from the member for Ferntree Gully. In fact, as the member for Ferntree Gully made it clear, we are not opposing this bill at all.

The bill before the house is about facilitating provisional payments for mental health claims in the workplace. Workplace safety is a critical issue, and I think everyone in this house would agree on that point. If we have differences, they are generally about the best way to achieve a safe workplace and are not about the principle at all. This bill is intended to tackle a significant workplace safety issue: mental health. But mental health is not only a significant workplace safety issue, it is a significant community issue and of course a significant community safety issue as well. So while this bill picks up some part of it, it needs to be addressed in all forms.

As the member for Ferntree Gully identified, the bill does have some shortcomings. He has foreshadowed some amendments that are intended to improve the bill, but as a general principle the need to address mental health challenges in the workplace is not in dispute. Let us make that clear: it is not in dispute. To a certain extent the bill actually reflects the position the ALP took to the 2018 election. The platform, on page 17, talks about exploring ‘provisional payments on claim lodgement to ensure workers receive an income while their claim is progressed’. But that was not just about mental health injuries. It is not a complete acquittal, what we have before us in terms of this bill, and I think it is reasonable to ask: why is it not a complete acquittal? Perhaps the minister, while no longer in this house due to the change in arrangements, may be able to advise when the rest of those planned reforms are likely to be made available.

Part 2 of the bill outlines a provisional payments scheme, which will be inserted in the principal act. Part 3 proposes some complementary amendments to the Accident Compensation Act 1985, which is an important part of this regime. Part 4 proposes changes to a number of acts with regard to personal injury compensation for volunteers. I do want to take the opportunity to recognise those volunteers, and particularly our frontline volunteers. It has been a hell of a year—a hell of an 18 months—for them, and I think it is fair to say that it would be very, very difficult and probably impossible to provide the sort of comprehensive emergency management services in particular that are absolutely essential to this state without the enormous contribution we get from volunteers. But it is not just about frontline services, it is about services more broadly. One of the acts to be updated in part 4 is the Juries Act 2000, and that of course is another critical service which can only be provided by members of the public. So it is important that not only are they protected from out-of-pocket expenses and so on but, if there is a risk of injury, they are appropriately protected.

There is not a significant level of detail in this bill beyond the design of the scheme itself, but it is also not a bill that requires you to dive into the minutiae. It is a discussion largely about principles, and where there is divergence, as I mentioned, the member for Ferntree Gully has proposed some amendments to those provisions.

Mental health issues generally are, in my view, one of the greatest challenges of the 21st century. For whatever reason—and I certainly do not consider myself qualified to expound at length on the cause—it is a great challenge. It is generally not seen as an existential challenge in the way that climate change is rightly seen or the pandemic has rightly been seen, but it is a potential threat. Is it an existential threat? Not yet, but if we do not do something about it, if we do not address it, if we continue to treat
the symptoms and not the causes, if we do not get those growing numbers under control, then it is going to be a problem. We will have a serious problem.

It is now generally accepted that mental health problems are illnesses; they are illnesses capable of being treated and they are being treated in a much more effective way. We have come a long way as a society, and we have come a long way when it comes to treatment, but certainly when it comes to treatment we have a long, long way to go. We simply do not have the capacity as a society to manage the issue on the scale that is required, and we certainly do not have the capacity or even apparently the plans to manage the issue on the scale that is going to be required in the future if we do not get it under control.

When you think about physical health, yes, treatment measures—the manner in which we treat physical health problems—have developed enormously. Particularly post-World War II there have been some incredible strides forward. But some and probably most of the significant change in recent years at least has occurred because of preventative health measures. Many, many more people understand that if they look after themselves a little bit better, if they get a bit of exercise, if they do not have quite so many drinks at night, if they do not eat quite as many fatty foods and they select their diet more discriminatingly, then they can have a big impact on their general health. But unfortunately we have not seen that sort of progress when it comes to mental health.

Now, I am sure every member of the house is aware to a greater or lesser extent of the impact of the pandemic on mental health, particularly during the lockdown period and the immediate aftermath of the lockdown period. It is an impact which—I am not qualified to measure it but according to the professionals—is way beyond the capacity of the public mental health system to manage.

To a large extent that impact arose directly from measures taken to prevent the spread of disease. Now, I do not intend to relitigate the efficacy of those measures in this debate. That is a question we are talking about in many other forums, but in the context of this bill I do not intend to relitigate it. But in the context of this bill it is worth asking the question: could we have done better from a mental health perspective? And I think the answer is undoubtedly yes. We could have done a lot better from a mental health perspective.

Now, just looking at the WorkSafe Victoria annual report for 2020, it indicates there that claims for mental injury grew to 14.3 per cent of new claims in 2019–20, up from 14 per cent in 2018–19 and 12.6 per cent in 2017–18, which does not sound like a particularly high growth trajectory. But if you look at the overall numbers and you look at the trend across the century so far, it has come from almost nowhere. Some of that is because these injuries may not have been recognised as such at the time, but it is growth and it is significant growth. I think there are some significant issues there. In the last 40 years we have seen enormous improvement and enormous change in the way things are built, the way they are moved, the way they are handled, the way they are maintained—driven by improvements in workplace safety. We are not seeing those sorts of changes in terms of mental health injuries. The number of physical injuries that have been prevented, the reduction in the loss of life and the reduction in the impact of permanent incapacitating injury have been tremendous. We are not doing the same thing in terms of mental health. We need to rethink that approach. This is a good start, but we need to be doing more on the prevention side as well.

Mr FOWLES (Burwood) (12:41): It is indeed a pleasure to make a contribution on the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. It is quite the title, but it is ultimately a bill that reflects a pretty simple premise, and that is that we want to get injured workers support sooner and get them back to work quicker, one would think not a difficult concept to support. I think it is important to come back to the issue about providing early access to treatment and support for a worker suffering any mental injury. That early access to treatment, that support, is so, so critical in not exacerbating that injury. Ultimately this bill benefits not just those workers but the employers, the scheme itself and the Victorian community as a whole.
For that reason it is a bill worthy of support, and I am disappointed, though not surprised, that members opposite are not supporting this bill in its entirety. I think they misunderstand somewhat the nature of mental injuries. When we think about mental injuries we cannot view them through the prism of kind of classic workplace injuries, if you like. If you break your leg at work, you will almost certainly bring that immediately to someone’s attention. There will be immediate medical assistance rendered, and you will be on the path to gaining the appropriate care, the appropriate supports and a return-to-work plan. All those things naturally slot into place pretty neatly with those sorts of injuries.

Mental injuries are different. They are harder. They are more difficult to diagnose, they are more difficult to treat, typically, and they present a range of challenges not just for the health system more broadly but for insurers and for employers. I think one of the things that is most instructive here, to return to my broken leg analogy, is that if you break your leg it is broken and it does not—other than by doing something daft like walking on it—typically get more broken. A mental injury, however, can worsen with the effluxion of time. An untreated mental injury can get worse, and perhaps significantly worse.

We have come a long, long way from the days of World War II—which I noticed my friend the member for Mornington referenced, presumably his school days were around that time—we have come a long, long way since the days of people coming back with shell shock and we are better at recognising these things. The member for Mornington referenced the increase in claims activity anticipated. I think that does not reflect necessarily a worsening of the rate of mental injury; I think it reflects only better levels of awareness about the importance of treating these injuries, about the importance of identifying what is going on in workplaces that is causing these injuries and about making sure that people are given every opportunity to return to work, having dealt with a mental injury properly. All of those things, in my view, ought be supported. We know that those claims have grown significantly in recent years, and the expectation is that they will account for a third of all workers compensation claims by 2030. This is clearly a very, very important part of the health system, and—but that is not a topic for today—that is why this government has done so much in this space. But it is also a very important part of the workers compensation arrangements and this scheme more broadly.

Undoubtedly we need to get better at prevention, we need to get better at intervention and we need to get better at treatment, but it is the prevention and particularly the intervention part here that I think is most directly addressed by this bill. By allowing workers to access that treatment quickly and without the risk of a denied claim upsetting their treatment program, that will ultimately ensure at the aggregate level that the mental injuries that people suffer will be of a lesser degree than would otherwise be the case. Ultimately that is a motivation that very much runs in the interests of employers. It runs in the interests of the scheme to ensure that at the aggregate level mental injuries are less severe, and to me that seems a premise that, whilst it has perhaps been lost on others, is one that we really, really ought to strongly support.

I want to turn to the pilot scheme, which has been a successful scheme that was put in place for emergency services workers and volunteers in the middle of 2019. The feedback that we have had from that scheme has been positive. It was focused on emergency services workers because of some of the inherent risks that those workers face. It was very strongly supported at the time by Wayne Gatt, the Police Association Victoria secretary. He said that we are all different, we all confront mental health injuries that are different, and we all confront them differently. I am paraphrasing here, but he said that the good part of this scheme was that it does not put people in their little boxes, it treats them as different individuals and it provides tailored support to meet their needs. So having that patient-driven outcome, where you know that the scheme will support you by meeting those costs of care, is a far preferable model than the model that exists in place at the moment. That is why we put the pilot scheme in place. We developed the response from government for that, and as a result we are going to be providing treatment that is not delayed. I will quote Mr Gatt here:

… we know that when treatment is delayed, it delays recovery and it delays—
the ability of the injured worker—
... to get back into work ... and into the job that they love doing. That is a really, really important aspect of this—that the early treatment ultimately delivers an earlier return to work. The clinical path for mental injury is not like that of a broken leg, where it is pretty linear in broken leg land. You break your leg, the bones knit together over the course of six weeks and at the end of that time you should be, with the appropriate rehabilitation and support, able to walk on it again. Mental injuries do not operate in that way. They simply do not, and it is so important to get people back to work earlier. If the intervention comes in week two or three of the injury being recognised, you are going to get a far better clinical outcome at the aggregate level overall—a far better clinical outcome than if that treatment is delayed to five, six and eight weeks time. It is a far better clinical outcome. These injuries do not typically self-resolve. They do not get smaller with time, they get bigger. That makes them very different to broken legs.

I want to address this issue and the opposition’s amendment, which are about the scheme not meeting claims that are ultimately rejected. There is very real risk around exacerbation of the original injury, and it is really, really important that we do not put in place a structural block that means that it is easy to reject claims, and further then, if your claim does get rejected, all of a sudden your treatment pathway is interrupted. The pilot experience was that there was not a sea of fraudulent claims or in fact any fraudulent claims coming in, that in fact the only change that the pilot achieved from a claimant-by-claimant perspective was the ease and the timing of the treatment they received. And why wouldn’t we support easier access to treatment? Why wouldn’t we support more timely treatment?

It is important too to recognise that whilst we have got a royal commission on foot, there has been a Productivity Commission report into these matters as well. You will not often hear me agreeing wholeheartedly with the Prime Minister, but when he said that the costs of mental ill health are borne by those people but also the people who care for them and by governments, employers, insurers and the wider community, he was right. That is why reforms such as this are so important. It is why we have reforms such as this to support people who have experienced an injury—to make sure they get the appropriate care and get it quickly and get onto the path to recovery as soon as they possibly can.

Ms McLEISH (Eildon) (12:51): I rise to make a contribution on the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. The bill that we have before us actually seeks to provide provisional payments to workers and sometimes volunteers to cover the reasonable costs of their medical and like services while their mental injury claims are being assessed. First of all, I want to have a look at what we are referring to when we talk about a mental injury claim. It is very clearly a claim for an injury that arises because of your employment or in the course of your employment. So it is very specific to that. When we are looking at mental and like claims, what are we talking about? We are talking about the types of services that somebody would normally have other than just their weekly payments. So we will have doctors payments, and I imagine in this instance, where we are talking about mental injuries, the types of payments would be for psychologists or psychiatrists. Depending on the level of debilitation, stress and tension in one’s body, it may extend to massage, acupuncture or various different things. If somebody suffers very badly, it may even extend to home help and services at home because they are unable to do certain things. The extent of an injury is dependent on the type of medical and like expenses that would be seen to be reasonable.

As I did mention, this bill does exclude weekly payments, and what we are looking at here is providing services to people who have lodged a claim for a mental injury. It is so the services can get moving straightaway. We know a number of things actually: we know that the quicker you have an issue addressed and start treatment, the better the chances of the outcome. We know also that it is exceptionally difficult with entrenched disability from these sorts of situations that bring about claims like this for people that experience this type of injury to get back to work. In fact if you had a look, it certainly used to be at WorkSafe Victoria that the people that had mental health injury claims would
be off work for a lot longer than people that just had physical injuries. WorkSafe over the decades have had many efforts put in place to address this situation, and I know this quite intimately. Clearly, though, things have not worked so well in the last few years, because we can see the number of mental injury claims in 2007 was 9 per cent and it has jumped up to 14.3 per cent in 2019–20. That is pretty well a 50 per cent increase, so I think that there is a lot that needs to be done on working with employers and workers about managing mental health. We do talk a lot about our physical health, but it is really important that we do manage our mental health.

The mental health injuries that we would be looking at are simply work-related stress—not just the regular stress that you and I would be expecting as an everyday part of a job. Sometimes that stress can be absolutely dominant. I think particularly of people that have been through hold-ups or who have worked in retail and their shop has been robbed—a jewellers store or anybody that has had somebody come in and throw things off the counter or abuse them. We have seen paramedics that have been abused dreadfully by people having episodes, and the paramedics or the person working in retail—whatever it is—they do need to be supported. It could be bullying, it could be discrimination or any other contributing factor. What is important is that we really do get the ball rolling.

What I am concerned about, though, and this is where the shadow minister has put forward house amendments, is the time that these services are paid for. At the moment the legislation is they are paid for the 28 days, even if a claim has been denied. Now, we know when a claim is lodged it gets assessed. It does take a little bit of work to assess mental health injuries. They are very different from physical injuries, and they may result in a couple of different medical opinions and certainly some information from the GP. It is not always as black and white as for other physical injuries, so they do take a while to assess. You do not want to see a situation where somebody has to wait before they are allowed to have the treatment that they desire paid for. So it does, on one hand, get this moving quite quickly, but in the event that a claim is denied, we think that the payments should then cease, because at the end of the day it is the employer that is picking the tab up through their insurer, which can impact on their premiums. If we think about a 13-week period, if you are seeing a mental health practitioner, if you are seeing a psychologist that might be a $200 session, and you might have six of those, which will be $1200. If it is a psychiatrist, they range from somewhere between $270 to $400, which is about $1600 to $2400. That can be quite a significant sum. Our house amendment is that once a claim is denied that ceases.

Certainly we are mostly supporting the bill through its path here. I do absolutely recognise the importance of that early intervention. The quicker that you can intervene and help people, the better it is. The longer the gaps and the longer the delays, the harder it is. These sorts of injuries are very, very difficult. They are very difficult for so many: for the injured worker and for their families but also for their employer to maintain that positive relationship with that person. The end situation is that you want people to get back to work. We do not want people lingering at home for a long time, and the longer with mental injury claims that you do that, often the worse it is for your mental health. You can absolutely be on this downward spiral. It is so important to stop that downward spiral, to try and get hold of it early on so that the individual who is impacted can get back into their normal life, because this would not just be stopping them from being at work; this would be stopping them from doing many, many activities that they would ordinarily do. It might impact on their family life and, if it is an adult, the way they are treating their children or their spouse. They may not want to go out, and that also can impact on their mental health and make it worse. So getting that treatment in early I think is a very positive sign, because we do not want to see the tail and the cost of this go on for a particularly long time.

Sitting suspended 12.58 pm until 2.01 pm.

Business interrupted under resolution of house of 2 February.
GRIEVANCE DEBATE
Legislative Assembly
Wednesday, 3 February 2021

Grievance debate

The SPEAKER: The question is:

That grievances be noted.

COVID-19

Mr WALSH (Murray Plains) (14:02): I rise today to grieve for all those cross-border communities, all those hospitality and accommodation businesses and everyone else that relies on employment from tourism and hospitality, particularly all the way along the New South Wales-Victorian border. What happened on New Year’s Eve was absolutely appalling. We had the Acting Premier of the day go out at 11 o’clock and do the normal COVID update, and although we have heard since that police were already being mobilised to actually set up roadblocks, nothing was said at 11 o’clock about any talk of closing the Victorian-New South Wales border.

The Acting Premier went back out at 3.30 pm—this is 3.30 pm on New Year’s Eve—and made an announcement that at midnight the Victorian-New South Wales border would be closed, and people effectively had 8 hours to pack up and get back into Victoria, otherwise they would have to go into quarantine. People had been starting to enjoy New Year’s Eve. Some people had been enjoying getting on the beers, as the Premier would say, but they were absolutely forced to drive, probably when they should not have driven, or have someone in their family drive to get back across the border so they were not put into quarantine.

That announcement at 3.30 pm absolutely created panic right along the New South Wales-Victorian border and for hundreds of kilometres up into New South Wales where people were enjoying their Christmas-new year break. Bear in mind that a lot of those communities were at least 700 kilometres away from the outbreak in Sydney—700 kilometres from any active COVID cases. Communities that had not had COVID cases through the whole pandemic were all of a sudden told that they had to pack up and get back to Victoria. It created absolute panic, right from Genoa in the east all the way through to Mildura but particularly probably for Echuca-Moama, Swan Hill and Murray Downs, which is probably the furthest west where the huge queues were.

If you take Genoa on the Princes Highway in the east, there was a queue 70 kilometres long—a 70-kilometre long queue of people trying to get back into Victoria. It took hours and hours. You had families with young children stuck in their cars for literally 5, 6, 7 hours trying to get back through. Fortunately some common sense prevailed at midnight when the police just said, ‘We give up. We’ve just got to get these people through before there are actually some serious issues here’, and they let the cars go through. But why couldn’t they have had more notice or why couldn’t the police have actually shown that discretion a lot earlier so those families were not trapped in their cars for so long?

What was even more amazing was that in the announcement that the Acting Premier made, the Acting Premier never mentioned the fact that anyone that lived in the cross-border bubble did not actually have to go home. They could have actually stayed in New South Wales. So a lot of the people that rushed home, that drove when they should not have driven, that spent hours in a car with a young family to get back actually heard the next day when the announcement was formalised that those in the cross-border bubble still could qualify to go across the border; they did not actually need to have rushed home. So again, it is a case where there was a lot of misinformation. As a lot of people would say, ‘Never destroy a good crisis’. Never destroy a really good headline for the government to actually go out and create this panic for everyone to rush back to Victoria, when a lot of the people that rushed back did not actually have to rush back. It was just crazy.

Then we had the Minister for Health come out a couple of days later and say, ‘Well, we told you not to go to New South Wales. You shouldn’t have gone to New South Wales’. The Minister for Health in his press conference actually warned people not to go to Sydney; he did not say anything about not going to New South Wales. Again, a lot of mistruths to justify the decision were used, and I think the Andrews
government, particularly the then Acting Premier and particularly the health minister, actually owe an apology to all those people that were forced to come back through at that particular time.

So, if you think about all the industries that were impacted, Murray Regional Tourism has done an economic survey—a border closure impact survey, an estimate of the costs. It was done by Urban Enterprise. If you actually go through that, and this is the sector right from Genoa all the way through to Mildura, 52 per cent of respondents—401 businesses actually responded in 13 local government areas along the river there—said that they had between a 60 and 100 per cent drop in forward bookings over that particular summer period. Bear in mind all these businesses were affected through the winter time with the New South Wales lockdown. Particularly the businesses in the north-east and in eastern Victoria had been affected by the bushfires last year and effectively lost all their tourism season here; 52 per cent of respondents said they had had between a 60 and 100 per cent drop in their forward bookings. Fifty per cent of respondents said they saw customers reduced by between 50 and 100 per cent because of that border closure. Forty-four per cent of respondents said future revenue would drop between 40 and 100 per cent—so future revenue would be down by between one half and 100 per cent. Seventy per cent reported losses in cancellations for January of between 40 and 100 per cent. So you had businesses that were fully booked for all of January, and in that 6-hour period—that fateful 6-hour period after the Acting Premier made that announcement—they went to zero. If you take the caravan park in Barham: full, 200 sites all booked; in 6 hours they were back to four sites with people there—absolutely devastating for that particular business.

January revenue, the respondents said, fell between 80 and 100 per cent. You cannot operate businesses in your peak season, the cream for the year, when you are absolutely gutted because of the border closures through that particular thing. Sixty per cent of respondents said they had had reduced staff time, so a lot of the people that relied on the casual work to clean hotel rooms and to work in the restaurants all of a sudden did not have shifts and were out of work. If you take some of the comments that came through in that particular report, a comment from one of the clubs along the border was:

In the first 14 days of January 2021, the border closure has resulted in revenue for our Club being $500 000 down …

an estimated reduction in profit of $300 000. If it went for all of January, which it did, it was going to be down $860 000 in revenue.

The other day we met with all the hospitality industry and the clubs in Moama. A lot of the clubs with poker machines—community clubs—have community sponsorship into their community. Between the Moama Bowling Club, the Moama RSL and the Rich River Golf Club they estimate they will be about $800 000 down in the sponsorship they put into the community because of what happened over New Year’s Eve. This is the sort of damage that happens.

The member for Benambra, I note, is in the room, and he would relate to this. A lot of the service sector that services both sides of the river would not cross the river to actually do service call-outs because they could not justify an hour and a half sitting in the queue. Post New Year’s Eve at Echuca-Moama, Albury-Wodonga and a lot of those places, everyone still had 1–1½ hours in the queue whenever they wanted to cross the border—an absolutely crazy situation. The overwhelming majority of people that were being inspected by the police actually were local residents that just had to hold up their licence and say, ‘I come from Wodonga’, or, ‘I come from Albury. I’m in the bubble’—and the same all the way down. So people’s lives were totally destroyed by this particular thing. The queues were horrendous.

If you actually look at the economic loss, the Murray tourism survey showed that between 137 000 and 170 000 visitors did not visit the region because of that particular lockdown over the New Year. There are losses of between $75 million and $93 million to the visitor spend into the economy there—a huge impact. And there were somewhere between 750 and 930 tourism-related jobs actually lost over that particular period of time. Bearing in mind, as I said, this is for communities that were 700 kilometres away from the COVID outbreak in Sydney. Do not destroy a good panic and a good
headline by actually having some logic and some facts and not locking down those particular communities through that particular time.

Bear in mind I have talked about the New South Wales-Victorian border, but similar things happened in South Australia. South Australia seems to get forgotten by the Andrews government when it comes to announcements around borders. Everyone over there has to get a permit, but there has actually never been anyone inspecting those particular permits. Through this process we have now gone to the traffic light process, where you have got the green, the orange and the red zones. If you go into New South Wales and you go into the green area and you are not from a cross-border community and you have to get a permit to come back, now that there are no roadblocks no-one ever inspects them. We have got this huge bureaucracy with all of these permits that do not mean anything. It is Stockholm syndrome. It is about frightening the people of Victoria and having all these controls over their lives.

Now, I suppose the ultimate insult for those cross-border communities and all those people who put up with a panicked shutdown on New Year’s Eve and put up with those long queues effectively for all of January is that everyone kept asking, once New South Wales went green and once Cumberland shire went orange, ‘When are the roadblocks going to come down?’. The Andrews government did not have the decency to actually make a formal announcement that the roadblocks were ceasing. Having panicked everyone on New Year’s Eve—’You’ve got to get back or you’re locked out. You’re going to do quarantine if you don’t get back’—when it was actually lifted no-one officially said anything. We actually went and asked the police, ‘When are you going to actually lift the roadblock?’; because there were a lot of rumours around. I note the member for Benambra nodding his head again. We actually went and asked the police, and they said, ‘We’ve been given orders to stand down at 6.00 pm’—on that day—and not inspect any more cars. We’re going to stay here and guard all the infrastructure for the roadblock. And that’ll be packed up next morning and we’re gone’. There was no official announcement from the Andrews government. They knew they had done the wrong thing. They knew the community was so angry with them about these particular issues that to make an official announcement would have just made it worse. So what did they do? They told the coppers to lock down.

Bearing in mind in the communities I represent the police were actually bussed up to an hour away to stay. Tooleybuc is a small community of north Swan Hill; a club and two motels there went from 100 per cent to empty on New Year’s Eve. The police that manned that roadblock were actually bussed back into Swan Hill for accommodation—40 minutes in a bus—and did not have the decency to stay in the community where they were working. We spoke to deputy commissioner Rick Nugent about this and he was going to take it up, but nothing changed. They could have stayed on the other side. They had an exemption, as emergency services personnel, to cross the border, so they could have stayed there. Moama was stripped of all of the tourists, but the police were actually bussed back to Bendigo to have their accommodation.

Mr D O’Brien: You’re joking.

Mr WALSH: No, I am not joking. It is crazy. They spent a long, hot day standing out in the sun and then they had to get in a bus for an hour to go back to their accommodation—absolutely ridiculous. This whole cross-border lockdown process was just a debacle from start to end.

Mr R Smith: They had nine months to prepare.

Mr WALSH: As the member for Warrandyte interjects, we have had COVID now for nearly a year. You would think that any responsible government would actually scenario-plan what had to happen if certain events happened; but no, we have just had panicked decision after panicked decision. I think that just reinforces people’s cynicism about this government when it comes to their COVID response.

But, you know, I met with a number of the businesses in Moama last weekend. Take the Rich River Golf Club that I just talked about: they believe they are $550 000 down in revenue because of that month of lockdown. Eighty per cent of their visitors actually come from Victoria, but there is nothing—no help from Victoria at all. What Murray Regional Tourism is asking for is a substantial
advertising package that can actually get back the visitors that normally come from Melbourne, from Geelong, from south of the divide—that the cross-border Murray region is actually open again.

What we also need is a cast-iron guarantee from the Andrews government. Now, I know it is not worth the paper it is written on usually, but we need a cast-iron guarantee from the Andrews government that we will not make panicked decisions in the future and that if someone books a motel room in Barooga, if someone books a motel room in Mulwala, if someone books a motel room in Moama, they will not actually get told with 6 hours notice they have got to vacate and go home.

Regional tourism in the rest of Victoria is going very well. Regional tourism in the rest of New South Wales is going very well. Regional tourism along that border community is suffering because the brand has been effectively destroyed by the Andrews government and the announcements they made. So they need certainty and they need money to actually tell their prospective visitors that they are open for business and there will be certainty into the future, and then those businesses actually need financial support. Most of the businesses you go and talk to end up bursting into tears. They are just so gutted by this particular decision and so gutted by the fact that a government that supposedly governs for everyone could be so callous that they could actually just do what they did on New Year’s Eve and leave these industries so exposed. So I grieve for those communities, those businesses and those people because of how they were treated by the Andrews government on New Year’s Eve and the ongoing ramifications of that.

COVID-19

Mr STAIKOS (Bentleigh) (14:17): Welcome back to everyone. I certainly was very keen to join this grievance debate today because I certainly grieve over the standard of political debate over the last 12 months. I do not need to tell anyone that last year was an extraordinary year. It was a year like no other. We have faced a very, very significant test, not just as a government and a parliament but as a community, as a society. It has required all of us, whether in elected office, whether in business or whether members of community, to pull together and to do our bit to get through it. And we have seen example after example across the world, across the globe, of countries that have taken this probably not as seriously as they wish they had initially.

Look at the United Kingdom. The United Kingdom, it is fair to say, at the beginning of this crisis did not take the pandemic seriously at all. The Prime Minister, Boris Johnson, who is a favourite of the member for Kew, of course declared that he would happily shake the hand of a person infected with the coronavirus, and he ended up contracting the virus himself and in intensive care and nearly losing his life. That is how seriously the United Kingdom took this virus at the beginning of the pandemic. Perhaps that is because they prioritised the economy over public health. And what we have found a year later is when you make that decision—when you decide you are going to prioritise the economy over the lives of your citizens—in the end you achieve neither. The United Kingdom is now starting to understand that, and tragically the UK has had 3.4 million cases of COVID-19 and has recently surpassed 100 000 deaths. Despite their efforts to live with the virus, they are not living with the virus.

The UK gross domestic product is currently, since the beginning of the pandemic, down 7.9 per cent, and that is before we factor in this third hard lockdown that they are currently enduring. So anybody who gave the gratuitous advice to this government to prioritise the economy over public health now really does have egg on their face. And I would compare that with Victoria’s gross state product, which in 2019–20 declined by 0.5 per cent and was forecast to decline 1.7 per cent in 2020–21—but we see significant growth of 5.2 per cent in 2020–21. Perhaps a little later in my contribution I will come back to the very obvious economic recovery in Victoria.

But during the last sitting week last year there was a matter of public importance proposed in this place by the member for Ripon, and during that debate I did appeal to those opposite to perhaps reflect on the year that we had just had—that it was an extraordinary year—but also to reflect on the way that they had handled the year, their response to the year, which frankly was to undermine the public health response by this government and by our health professionals and our scientists against this pandemic.
They now see that that tactic did not work—and it was very evident that they could identify that that tactic did not work—because they were contemplating very hard in December replacing their leader. Now, they did not do that, and I would have hoped that they had used the summer to reflect on their approach to the pandemic over last year and try and turn a new leaf. Clearly they have not done that. In fact in response to the state of emergency they have gone back to old tactics. Talk about a dog returning to its vomit. They have gone back to even the same—

Mr R Smith: On a point of order, Speaker, for someone who began his contribution by saying he grieved for the level of political discourse in this state and in this Parliament, he is actually going down the path of lowering the debate level. I ask you to ensure that he does not impugn members of the opposition or the opposition more broadly.

The SPEAKER: Order! I do not believe the member has impugned anyone, but I do just warn members to be mindful of the way they participate in this grievance debate.

Mr STAIKOS: Thank you, Speaker. It was a ridiculous point of order. I have not impugned anyone. I have pointed out the obvious, and that is that the opposition have again decided to pick up where they left off last year—and that is in ensuring that they do everything they can to undermine the public health response by this government to this virus. Anybody who declares that the threat is over is, frankly, kidding themselves or being disingenuous. The fact of the matter is that the threat is still very much alive. Last year was by no means a normal year, and it is unlikely that this year is going to be a normal year. We are going to require cooperation, and we are going to require everybody to pull together to continue the great work that Victorians have done in suppressing this virus. I mean, today we have once again reached the official definition of elimination. These are all great things, and it is success that has certainly been achieved by Victorians. But the job is not over, and I think we require a higher standard from everybody in this place when it comes to fighting the virus.

Now, the previous speaker, the Leader of The Nationals, accused the Victorian people of having Stockholm syndrome. What I would say is that that is a very, very common accusation by the nutters on ‘Sky after dark’, accusing Victorians of having Stockholm syndrome. But I have to say that everyone on this side of the house is very proud that unlike many other jurisdictions, many other countries across the world, the people of Victoria pulled together and they overwhelmingly followed the rules, whether that was social distancing, whether that was mask wearing or whether it was during the period when we had stay-at-home directions. That is why—because of that significant level of compliance—we have gotten to where we are today. That is why we have gotten to where we are today. It is not Stockholm syndrome, it is actually having respect for everyone around us and people with underlying health conditions—following the rules and ensuring that we get through this very, very difficult period in our history, an extremely difficult period in our history.

Of course the public health emergency also was an economic emergency, and the government certainly did everything it could to ensure that we were assisting business and we were assisting job creation and people to keep their jobs during particularly the hard lockdown period. During that time I certainly assisted the Treasurer in holding a number of consultations with traders associations and chambers of commerce across Victoria in my capacity as the Parliamentary Secretary to the Treasurer, whether that was in Eltham, in my own electorate, in Hawthorn, in Geelong, in Ballan or in a number of other parts of the state.

A lot of what came back to us during those consultations ended up being in our business support package—the support for licensed premises, for instance, which were disproportionately hit hard during the lockdown, and the support for traders associations and chambers of commerce to be able to support their members during this difficult period but also to support them to provide assistance to their members during the post-lockdown recovery. These were all very important initiatives that we delivered that ensured that a lot of businesses managed to get through that hard lockdown and are now managing to rebuild.
Our most recent budget, handed down in November, is what will kickstart our recovery. It is a budget that at its centre includes a jobs plan, a plan to create 400,000 new jobs by 2025 and 200,000 by 2022. It is an ambitious jobs target, but the people of Victoria can trust that this government will deliver on that jobs plan, because we have done it all before. In the last term under us in Victoria 524,000 jobs were created. Prior to that, under the last coalition government, we had the highest unemployment rate in mainland Australia. We created 524,000 jobs, most of them full-time jobs, and there is nothing more important, frankly, than having a job, because a job brings with it of course the human dignity of being able to provide for yourself and your family. We are delivering on this ambitious jobs plan in a number of ways through the budget. One of them is the $2 billion Breakthrough Victoria Fund to position Victoria as an international leader in research and technology, and there is also $619 million to assist Victorians looking for work, $836 million in new jobs tax credits for small and medium businesses to rehire staff, restore hours and create new jobs and $5 million to develop a new secure work pilot scheme. That is going to be very, very important, because what this pandemic has done is expose gaps, frankly, in our society where people in insecure work and casual workers have found it difficult to follow some of the public health directions as far as they relate to having to isolate or quarantine. We have had a significant problem when it comes to insecure work in this country, and we are now discovering that in fact insecure work in an increasingly casualised labour market is bad for our health as well. In my capacity as Parliamentary Secretary to the Treasurer I have been doing a bit of work on the inquiry into the on-demand economy, and I can tell you that this is a much bigger problem than a lot of us anticipated. So that is going to be very welcome and I think will go a very, very long way.

Another centrepiece of the recent budget was the $6 billion Big Housing Build to give thousands of Victorians a place to call home. We know when it comes to getting a job and lifting yourself out of poverty you cannot do that if you are homeless—you cannot do that if you have not got a roof over your head. I think successive governments have dropped the ball. I am not just accusing those opposite; I am saying successive governments have dropped the ball on social housing. This is the biggest injection of its type in social housing across the country, and we are very proud of it because what it will do is deliver 12,000 new dwellings and of course create 10,000 jobs as part of the construction. That is something we all want, because it is about making sure that people have a roof over their head so that they can lift themselves out of poverty and get stable and secure employment, but it is also about stimulating the construction sector.

When we talk about stimulating the construction sector and when we talk about skills we are investing heavily in the TAFE sector—$1 billion for TAFE, including 80,000 new free TAFE and subsidised training places—and we are investing significantly in infrastructure. In the last term we invested I think on average about $13 billion on infrastructure a year. We are investing significantly more in this budget just handed down.

Part of that is a significant investment in rebuilding schools, building upon the literally billions and billions of dollars that have been invested in rebuilding schools across the state over the last six years. I saw the other day that the Premier and the Minister for Education, the Deputy Premier, have celebrated the opening of 14 new schools just this year in our state. Under the last government no new schools opened. I am proud that next year we will have more new schools opening, including the second McKinnon campus, which is currently well underway. It was a key election commitment we took to the people of Bentleigh at the last election. It will cater for 1100 students. It has certainly caused a lot of excitement in our local community and opens in January 2022.

I certainly hope that over this coming year there could be a better standard in terms of coming together and fighting the virus. At the end of the day it is the virus that is the enemy. The threat is not over. It is going to be with us for some time yet. It really is time that we lifted the standard of debate in this place and showed some leadership to the people of Victoria, because as I said, this pandemic is far from over.
GOVERNMENT PERFORMANCE

Mr GUY (Bulleen) (14:32): This afternoon I grieve for the lack of direction that this government is giving Victorian business as we face a COVID-normal, post-COVID—whatever you want to call it—future in this country. And what we have certainly heard from the other side over, well, this week and obviously the sittings at the end of last year is I think textbook delusion. I mean, this view that they can explain away what has occurred in this state over the last 12 months I think is not only concerning for Victorians, that this is the attitude of our government, but it worries all who actually care about business—small businesses, those who make a living by employing others and taking risks—that the state government and indeed the Premier of this state frankly just do not care about them. They do not have them on their radar; they will never have them on their radar. Whether it is people trying to operate a farm business, people operating a newsagency in a country town or people operating a manufacturing business in the northern suburbs of Melbourne—whatever it might be—the reality is we have a government that is punch-drunk on power and frankly is operating in a realm of delusion that I think most Australians are now becoming increasingly concerned about.

The fact is we have not heard on a proactive basis anyone from the government, well, certainly in the last few months that I can remember, even acknowledge that 800 Victorians have lost their lives in this pandemic. People have not even acknowledged this—that 800 Victorians have lost their lives. That is 800 families who have suffered: friends, workmates, colleagues. Eight hundred people have lost their lives. We have heard nothing from the other side to even acknowledge the pain, the hurt and the suffering. More Victorians have died in this pandemic than on Black Saturday.

Mr Newbury: Than in the Vietnam War.

Mr GUY: As the member for Brighton says, more Victorians died last year than in the Vietnam War. Now, that is incredible when you put it in such a terrible and awful circumstance. But the fact that when that figure is raised—

Ms Ward interjected.

Mr GUY: And I still hear it from the other side—we are talking about people dying here. When that figure is raised, people on the other side—and this is a feature of the left in Australia—are so worried about the truth of this virus being told they say, ‘That is politicking’. Well, 800 funerals is not politicking; it is fact. Eight hundred Victorians who have died because of a failure of government policy is not politicking. To raise that, to talk about it, to ask who is responsible, that is important and that is, frankly, necessary.

But today, as I said, I want to grieve about what is happening with Victorian business, because if we are going to move on as a state and a country out of this pandemic and the economic consequences that have been brought around it, then we actually have to start to talk about what is next. I know the Premier likes to talk about the ‘today’ and the ‘now’, and he only wants to focus around his little prism, but the rest of the state wants to move on. The rest of the state wants to know what comes next, because this and living like this cannot go on forever.

The Leader of the National Party made some very good points, some very important points, about border closures. They are immensely important for economies and job growth, whether it is in our rural sectors, whether it is in our towns and cities now located on our borders that appear to have been completely ignored by people down here in Spring Street.

How is it that the Acting Premier had a press conference at 11 o’clock in the morning on New Year’s Eve and mentioned nothing about border closures, and then by 3 o’clock had declared huge areas of New South Wales effectively off-limits and that if people did not get across the border, they would be locked out of their own state? Surely that was known at some stage before 3.00 pm when the Acting Premier had done a press conference at 11 am. As the Leader of the National Party said, what about the people who were caught over there? Let us start to think about the impact on those economies,
because what Victoria needs is confidence, confidence to go forward, confidence that there is consistency of policy. Well, consistency of policy is not saying, ‘This is our policy today’, which says ‘Please go on holiday outside of Melbourne’. ‘Go and enjoy it’, as the Premier said. ‘Get back on the beers’, or whatever he said over Christmas. So Victorians went and rightly did that. Why wouldn’t you? They had been told they could do that. They were then told at 3.00 pm that, ‘If you’re not back within 6 or 7 hours, you are going to be locked out of your own state with no plan to have you return’. Who bears that cost? Who foots that bill?

Member: The Victorians.

Mr GUY: The Victorians who got locked out of their own state, and do not think that people have forgotten about that. But the impact that had on rural and regional economies is profound. The way the government has devastated those economies over summer is obscene, with almost total disregard for what it did to those economies. There was no level of apology. If there are decisions we need to make around coronavirus prevention, we understand. This side of the house supports it. We understand. We will deal with it, we will manage it. But give us consistency. Consistency is not the Premier coming out and declaring, ‘I’ve decided that I want to have a state of emergency for the next 10 months’. What the hell is that? Let us be realistic: this is just madness. If we need a state of emergency or equivalent in legislation and operating procedures, sure, then let us see some legislation that specifically relates to the operation of hotel quarantine. We will look at it, as you would expect any reasonable opposition to do, and we will come back with a point of view. Of course if it is around the prevention of the virus, which as we know is very, very deadly, we understand that from what this state experienced last year, then we will obviously do our best to be a positive force in that.

But to simply say, ‘We want a state of emergency from Mildura to Mallacoota to Montmorency to Lorne for the next 10 months’ with no health advice presented. Remember that; remember the Premier saying that everything we do is based around health advice. Where was the health advice presented to the media yesterday around the necessary extension of the state of emergency for 10 months? None. It was his view, just like it was his view to have the 1-kilometre limits or whatever it was last year. That was not based on health advice, it was based on his advice. It is a one-man band. I said that in this chamber last year and nothing has changed. It is a one-man band.

We need consistency of policy to give our economy the strength to keep going. A state of emergency for 10 months says, ‘Don’t come here. Don’t invest here. There is nothing to do here’. It destroys people’s psyche, their confidence, the ability for this state to grow. And we all know that we have got to come out of this. There is a lot of rhetoric over here, but there is nothing in the way of action. A case in point: I again for the fifth time say when you declare a state of emergency with no health advice presented to it, what is everyone meant to think? As the Premier said, why would you go to South Australia? I can think of a lot of reasons for those investing in this country from overseas when it comes to consistency of government policy as to why they would want to invest in South Australia. They have got consistency of policy. The government has a plan, a road map. As the Leader of the National Party said in his presentation 25 minutes ago, how can the state government of Victoria not have worked up what comes next? We have got, as we see from media reports today, more senior public servants than ever before—in fact three times more at a senior level in this state. How can those bureaucrats not be working with our government, the elected government, to say, ‘Under this scenario we do that, under this scenario we do this and under the following scenarios we have A, B or C as a choice’? Instead we have decisions being made at 3.00 pm after press conferences which were contradictory at 11.00 am, and that is the shambles of an approach we have.

Consistency is important. Consistency on border closures is dramatically important for confidence. Consistency around the state of emergency is very important for business to grow in this state. The Shadow Treasurer has already said on a number of occasions how Victoria and Victorian business are failing to have confidence as to where they are going. We saw last year—I think it was the Sensis Business Index saying it—that a third of Victorian business said it will take us well more than 12 months to get back to where we were before coronavirus, and that is when it begins to be over. We
are the worst in Australia. Twenty-four per cent said they believe the state government is working against them. The CommSec data—I note the Treasurer said nothing about that. He likes to come in here and gloat about what third parties say; well, he did not talk about CommSec, and why would he? Not only were we the only state in Australia where home prices dropped in 2020, we were behind every other state in the annual growth of employment, retail trade, business investment, equipment investment and housing finance. Well, I wonder why? When there is no consistency in government policy for dealing with coronavirus, how will business have any confidence in how they get out of this and that they can employ people again in Victoria?

The population figures came out yesterday, and what we saw was, I think, very sad for Melbourne as to what is going to come throughout 2021. This state had seen a net gain of interstate migration since the September quarter of 1997. I remember that; I remember working for the Premier of the day and how pleased and how proud we were as Victorians that finally more people in this country were choosing to make Victoria home than were leaving it. That is a very big indicator as to what Australians think—not just one or two in different locations in Victoria but what the country thinks—of how your state is going. Well, yesterday, again, we saw more Victorians particularly leaving Melbourne. This is distressing because it has been multiple governments on both sides of this house that have worked hard at rebranding our city from the early 1990s. I give that credit again: it has been multiple governments from both sides of the house that have worked hard at rebranding our city, a place which had the most vibrant downtown area in Australia. Multiple governments—certainly the Brumby government—saw that Melbourne’s CBD was a place that needed to be a 24-hour city and had accepted that policy, which I added to as a minister, that we need to have a great number of people in our CBD to make the place thrive.

The CBD of Melbourne is a ghost town now, with very little confidence that people want to bring their workers back to it. That consistency of policy that had lasted over multiple governments from both sides of this house has now been thrown out the window because, despite what business is saying it can do reasonably to manage coronavirus, the Premier says, ‘No, no, no, I will determine’—without health advice—‘how many of your employees can come back to work’. How is it that, I think it is, 75 per cent of private business can come back but only 55 or 50 per cent of the public sector? What is the difference between the government sector and the private sector? Why do we have a disparity? Why is the government of the state dragging its heels in getting people back to our downtown area? This is the place in Australia that we need to thrive—the CBD of Melbourne. It has been our most vibrant CBD for 25 years, and it has been thrown under the bus by a government that frankly has not cared about border closures for consistency of policy or the CBD of Melbourne for consistency of policy.

Ms Ward interjected.

Mr GUY: Listen—here we go. Her own side ignores her, so we should too.

Consistency of policy: all we see from this government as the answer to dealing with the problems of consistency of policy is to say, ‘We will borrow our way out of it’—and not borrowing to build infrastructure, borrowing to pay recurrent debts. It is worse than the Kirner government, longer than the Kirner government, longer than the Cain government, with no end in sight, with no plan for repayment, with no plan to get back to surplus and no plan for the future—just a simple plan to say, ‘Shut the joint down’.

Businesses need consistency of policy, and that is what will help them generate jobs growth in the state of Victoria. Our farming communities need consistency of policy. If they had that, they might not have fruit rotting on vines in country Victoria today. If they had the ability, as other states have had, on consistency of policy, to bring people back into our state from overseas, to plan in advance like they have been asking for, we would not be in that circumstance. If we had consistency of policy, Little Athletics Victoria would be going ahead as planned with no threats, no interruptions, no campaign that had to occur to get the 15 public servants who were apparently looking at it—and the
minister, who said, ‘I made a few phone calls’. Nice. Did any of them produce action? It appears Neil Mitchell did, maybe more so than the minister.

This state needs consistency of policy—for the travel industry, for corporates, for small business, for our regional sectors. What we get from this government is policy on the run, and I know that over the next 12 months that lack of direction will show up in the way this state’s employment and financial figures show.

LIBERAL PARTY PERFORMANCE

Ms WARD (Eltham) (14:47): I do grieve today. I grieve for an opposition that does not understand the seriousness of this pandemic, that does not understand the complexity and that does not have the maturity to understand what needs to go on when you are governing through a pandemic. The former Leader of the Opposition talks about shambles. What is a shambles is being a member of a party that continues to condone the behaviour of Liberal Party MPs like a member for Western Metropolitan Region, Mr Bernie Finn. What also is a shambles is a party that refuses to censure the dangerous and possibly deadly beliefs of Liberals like Craig Kelly, a party that cannot get its act together and actually bring into line someone who spreads misinformation. Misinformation at a time like this, when we are in the middle of a pandemic, is the most dangerous thing you can do, yet this man persists, and the Liberal Party does nothing to stop it. The Liberal Party enables this behaviour, and the member for Frankston is absolutely right: they should be ashamed. Now, I want to use a quote from the Honourable Dan Tehan. He said last year:

To power our post-COVID economic recovery, Australia will need more educators, more health professionals and more engineers, and that is why we are sending a price signal to encourage people to study in areas of expected employment growth.

‘Price signal’: university fees are a price signal. We will price-signal engineer people’s abilities, people’s interests and people’s capacity to pay and try and funnel them into a science degree.

Mr Edbrooke: Economic virtue signalling.

Ms WARD: Economic virtue signalling indeed. But let us unpack that a little bit. It is actually an inequality signal. It is a signal that we do not value you. It is a signal to say that we actually think that education should go back to what it was under Menzies and beyond—that it should be for the elite, not for the majority. It should not be for the collective nation of this country, for people to be able to afford an education. In fact no, the Liberal Party would actually deny education to the working people of this country and this state. Instead they more than double the fees for many courses. Humanities has more than doubled to $14 500 a year; it was $6804. Law, commerce and communications have all ballooned to this crazy amount of $14 500. Science has decreased by $2000. Kids are being slugged with this more than 100 per cent increase in fees to help other kids go into science. Well, a $2000 discount does not equate, does not add up, when you are talking about going to $14 500 from $6800. Medicine and dentistry have decreased by the massive sum of $55—so much more affordable!

Now, let us also talk about women’s average full-time base salary being 15.5 per cent less than men’s in this country, and let us talk about an example of how this decision by the federal government will entrench gender inequality in this country. According to a study by Melbourne University, 60 per cent of society and culture students—and that includes things like humanities and commerce—are women. So 60 per cent of those students, women, are being subjected to this massive hike in fees. The Liberal-Nationals are making it harder for young people to study. They have put their flag on the ground, and they have shown that when it comes to education they have no intention of ensuring that equality happens. They have no intention of ensuring that there is equality of access across this country. They have no intention of eroding class warfare, the warfare that they bang on about. They say it is us who create class warfare, that it is us on this side of the house that talk about class warfare. It is the Liberals who create class warfare. It is the Liberals who create entrenched divisions within this country and within this state, because that is the only way they know how to do politics.
However, on this side of the house we want to entrench equality. We want equality to occur. It happens. It happens in simple ways such as supporting three- and four-year-old kinder to be freely accessible for people in this state. We are saving families up to $2000 for every child enrolled in kinder—$2000 a year. The subsidies will be offered to early childhood services providing funded kindergarten programs, so free kinder for eligible three-year-olds attending a participating sessional kinder. This means that every child will have access to this program by next year—every child. We know how important early years education is. It is a fundamental pillar of ensuring equality in this state and in this country. It is to make sure that those children at that early age are grabbed, that they have access to education, that they have access to support and that they have access to community. We know that those families who are disadvantaged, those families who have English as a second language, those families who have entrenched poverty, they are the families that are most advantaged from three- and four-year-old kinder. They are not the ones who are advantaged by increasing tertiary fees up to $14 500. They are the ones who are advantaged, they are the ones who are supported, they are the ones who are given a different path in life by equality-creating policies like those created by this government, which includes universal three- and four-year-old kinder access.

We know families have done it tough through COVID. We have seen it with our own families, we have seen it with our neighbours, we have seen it in our communities, we have seen it across the city and across the state. If we can deal with some of the fixed costs of their participation in the workforce, such as after school hours care, such as three- and four-year-old kinder, we are going to do it, and that is exactly what we are doing.

Research by Equity Economics has shown that women suffered the greatest share of job losses during this pandemic, and many of the stimulus measures that have been created favour men and men’s traditional employment. This free kinder program and the funding that we have provided for after school hours care will help support women to get back into jobs. There is $81.6 million being provided towards increasing the availability of before and after school care. Grants of up to $75 000 are available to schools that do not currently offer before and after school care to start such programs. This is incredibly important for families back at work, but especially for women back at work, who, regardless of the inequality of it—we know it is—still shoulder the burden of child care, still shoulder the responsibility of picking kids up before and after school, of making sure that kids get to and from kinder. The government’s target is for 95 per cent of schools to have a before and after school care program available to their families, and this is a laudable policy. It is an important policy, and it is an important policy that helps us continue on the pathway in this state towards equality, towards making sure that every Victorian has an equal opportunity, whether it is in education or whether it is in training.

We also know with kindergartens, Speaker—and I know that you know this because you love your kinders just as much as I do—how important community development is at kinders. When you go to kinder, as a number of parents here in this place will know, your first couple of days at kinder is one of your first points of community connection with other young families. You have got it with your mothers group up to a point, but with kinder it is something else. It is where you really start to become a part of a community. It is where you start to bump into people at the supermarket, it is where you start to make plans with people, it is where your kids start to make their first proper friendships, friendships that can last them all the way through primary school and high school. Kindergarten is incredibly important, and I am so glad that this government is doing all that it can to forward it.

We know that this government has created record investment in school infrastructure. In my own electorate, Research Primary is almost completed—a complete transformation of that school of over $6 million. I know that the Speaker is incredibly happy along with me for the new stadium that is going to be built at Montmorency Secondary College—the sod-turn will be happening soon—and I know that he is thrilled to bits with the more than $20 million that has been invested in Greensborough Secondary College, including the new stadium that will be built there.

But we know that buildings are not just it. We know that we have also got to help kids with their learning, and we know that last year created more challenges than any child has experienced in
schooling throughout their lifetime. Remote learning was incredibly difficult. It was difficult for many kids. For some kids it was perfect: they had a distraction-free environment, they were able to just burrow in and get on with it. But for other kids, especially the social kids, it was really, really hard. So we have introduced a tutor program which will provide more than 4100 tutors to be deployed across Victorian schools this year, ensuring no student is left behind in the wake of the coronavirus pandemic. The $250 million package is the single biggest boost to individual learning support in Victoria’s history and will help those kids who may have fallen behind, who may have struggled last year and who may have become disengaged, to get the support that they need and give them that one-on-one attention that they need. It was intended that this will support over 200 000 students across the state. Tutors will be able to work in small groups, giving kids the support they need, helping them understand the courses, the subjects and the issues that they need to, and just giving them the scaffolding that they need to help them get through this year and get back on the path they were on before this pandemic hit us.

Evidence suggests that students who struggled most with online learning included those with low levels of English, those already at risk of disengaging from school and those with home environments that really were not great for remote learning. I know that there were a few kids who were learning off ironing boards, who were learning in the back of laundries and who were in all sorts of situations of trying to find a quiet place where they could do their study. We have provided $209.6 million to allow every government school to attract and employ 3500 tutors across the year to deliver small group learning to students who need it. It is estimated around 80 per cent of those tutor roles will be filled by women—again addressing the imbalance of how this pandemic has affected women and their employment. $30 million will be used to employ 600 tutors at non-government schools to support disadvantaged students, and $8.6 million will also be used this year for family engagement initiatives to support schools working with families to lift student outcomes and re-engage students with learning. This includes an additional 16 Koori engagement support officers and 60 additional multilingual and bilingual workers. Importantly, schools will determine how tutoring support is best implemented in their school. The tutors will provide targeted teaching to schools, with a focus on literacy and numeracy as foundational skills.

And then we have free TAFE. Free TAFE is a game changer, and it is a massive contrast between us and the Liberal Party, between us and how we will go about creating equality—how we will go about creating gender equality, economic equality—and the fact that the Liberals refuse to see inequality at all and in fact entrench it. The data shows that female participation has doubled in traditionally male-dominated courses, such as agriculture, horticulture, building surveying and cyber security, thanks to this government and thanks to free TAFE. I know that we have seen it ourselves in Banyule and Nillumbik, Speaker, where we have both got a mentor program for female building surveyors—one going into Banyule and one going into Nillumbik. Students over the age of 30 account for 47 per cent of free TAFE students, and more than a quarter of free TAFE commencements are in regional Victoria.

And so we come full circle, because one of the free TAFE courses is early childhood education. We need more than 6000 early childhood educators with the expansion of our funding for three- and four-year-old kinder. Free subjects include certificate III in early childhood education and care and the diploma of early childhood education and care. So we are not only creating early education opportunities, we are funding them and making them free. We are also creating jobs, and not only are we creating jobs but we are also making the training to get those jobs free. This is how we do things in this state under a Labor government. This is how we look after people under a Labor government. And this is again how we ensure that we are on that very important road to equality across this state and equality of opportunity.

In the last couple of minutes I have got left I want to talk to you about the Holmesglen tunnelling centre. I went and visited this late last week, and it is a fantastic centre that this government has built. It is a fantastic centre that indicates the extensive jobs that we are creating in this state with our Big Build agenda and the opportunities that we are creating. The new facility includes a replica mine tunnel and a replica tunnel boring machine tunnel similar to the Metro Tunnel, with a full-height entrance, two
multipurpose engineering workrooms and training facilities including tunnel shaft and concrete lining spray simulators as well as augmented and virtual reality experiences. A cutterhead, a refuge chamber and the only four-motion bridge and gantry crane located in a TAFE also form part of the facility. The Australian-first tunnelling centre will train thousands of workers as part of our planned rail projects.

This is an incredible achievement for this state. We are one of four places in the world where you can come and learn how to run a tunnel boring machine, where you can have that important mining and tunnel-creating experience that is needed. We are creating opportunities not only for Victorians to develop the skills that they can transfer anywhere around the world, we are also creating economic opportunities through teaching other people around the world—when they are able to come here to learn this. A fascinating and really interesting thing that Holmesglen have got going is its cooperation with Mongolia, creating over $100 000 of revenue a year at Holmesglen TAFE for this state through training Mongolian miners. These are the incredible, far-reaching, far visionary things that this state can create when we have got a progressive government that wants to get things done, that wants to invest in people and that wants to create equality of opportunity—and that is exactly what you see with this Andrews government.

**CLIMATE CHANGE**

**Dr READ** (Brunswick) (15:02): I grieve for our planet’s climate and the damage that will now inevitably result from global heating in years to come. Our state can and must move faster to try to keep global temperatures from rising more than 1.5 degrees above pre-industrial levels. In November 2019 a group of climate scientists published in the journal *Nature* an alarming report of how close we already are to several climate tipping points which will irreversibly accelerate global heating. Arctic permafrost is beginning to thaw and release carbon dioxide and methane, which in turn will increase global temperatures. Climate change is accelerating climate change. Some tipping points are probably already feeding each other, so melting sea ice in the Arctic may be slowing a key Atlantic current and causing drought in the Amazon, turning one of the planet’s most important carbon sinks into a carbon source. An author of that report, Professor Will Steffen from the Australian National University, is on the Climate Targets Panel, which last week announced Australia must cut emissions by at least 74 per cent by 2030 and reach zero by 2035 just to stand a chance of limiting global heating to 1.5 degrees. Even that is considered optimistic by other scientists who argue that past emissions alone will get us to 1.5 degrees by 2030.

The Victorian government is almost a year overdue in announcing its own targets, but at least now we know how ambitious they must be. So, Premier, you spent much of last year arguing for urgent, ambitious and often painful action to counter a threat identified by science. We need the same urgency and ambition from you and your government on climate change. Right now Victoria is taking climate action slowly, with a target of just 50 per cent renewable energy by 2030, which we will likely achieve, and to close the Yallourn power station by 2032 and the Loy Yang stations by 2048, reaching zero emissions from all sources by 2050—that is in 30 years. Our 2018 greenhouse gas emissions report has only just been published, almost two years after the fact, and the latest public information on Victoria’s coal consumption is only out for the year 2018–19, when we burned 42 million tonnes of coal.

But tipping points like the loss of the Amazon and the sub-arctic forests of Canada and Russia are now considered likely at global temperature increases of between 1.5 and 2 degrees and, given the forest fires we have already seen around the world and those yet to come, we need to pick up the pace and act like it is an emergency, just as we did last year with COVID.

Victoria burns the most polluting coal of all, brown coal, and that is the single biggest source of our state’s carbon emissions. So we need to give Latrobe Valley coal workers and communities an urgent, planned transition into clean industries by 2030. Germany’s well-funded transition is a good template. We can and must strive for 100 per cent renewable energy by 2030, and we need to spend like it is an emergency, just as we did last year with COVID. We cannot afford not to.
Most Victorians heat their homes with gas. We call it natural gas, but that is a euphemism for methane. It is a growing source of emissions worldwide, and soon a lot more of our methane will come from fracking in Queensland and New South Wales. Fracking releases large amounts of this powerful greenhouse gas into the atmosphere, where it is 84 times more potent than carbon dioxide. We have to stop treating methane as clean energy and recognise it as the planetary threat that it is. We can move homes to 100 per cent renewable electricity using heat pumps and reverse cycle air conditioning, so we absolutely must stop connecting new homes to gas immediately, if not sooner. The best way to deal with the predicted gas shortage is to use less of it, and it is not too late to reverse last year’s decision to open Victoria up to gas drilling, which was not this government’s most forward-thinking decision.

And now, Victoria, we need to talk about transport emissions. They have been rising for decades, and now they are pushing us close to those climate tipping points. We will not win the climate battle unless we cut emissions from cars, trucks and planes. How do we do this? Cars contribute just over half of our emissions and trucks most of the rest. Moving people onto public transport, walking and bikes and moving freight onto rail will cut emissions, clean the air and reduce traffic jams. I congratulate the state government for their large public transport projects, but I must point out the urgency of improving bus services, especially in suburbs with no trams or trains. Parkville Gardens, for example, in my electorate, gets one bus per hour.

We must do better. Getting people onto bikes and walking will replace a lot of short car trips. It has taken COVID to get this government to invest in more separated bike lanes, and it is great to see it beginning. For many Victorians cars are a necessity, but we can eliminate their emissions too. They will be replaced by electric cars—sooner perhaps in Northern Hemisphere countries and perhaps more slowly here, judging by the enthusiasm of the Victorian and federal governments. Some electric cars are charged by home solar panels but many will charge from the power grid, making it even more urgent to get Victoria off coal. Hydrogen from renewable energy is another option for zero emission transport, but electric cars, trucks and buses are available now. The ACT government is offering incentives for people to buy electric cars and has nearly completed switching their entire government car fleet to electric. President Biden has announced his plans to do the same; Victoria has announced a tax on electric cars. China has half a million electric buses; Melbourne has one.

Electrifying our transport will also clean our air. Cars, trucks and buses are major sources of air pollution, particularly around busy roads, where paradoxically childcare centres are often built. Cars and trucks put thousands of tonnes of irritating nitric oxides, nitrogen oxides and fine particle pollution into the air, irritating airways, triggering asthma and increasing the risk of heart and lung disease and cancer.

The biggest source of air pollution in Victoria, however, is probably our three brown coal burning power stations in the Latrobe Valley. An EPA review of their licences is meant to set new pollution standards for these stations, which are currently allowed to emit much higher pollution levels than stations in Europe, North America and China. This seems to have stalled for the past couple of years, with no news from the Andrews government about lowering pollution levels. Between them, Victoria’s three coal power stations put about a tonne of toxic mercury into the atmosphere each year, and there is currently no limit set for that at all in Victoria. I urge the Minister for Energy, Environment and Climate Change to see that new and lower pollution limits are set for any stations that are allowed to remain open for longer than 12 months and to accelerate the replacement of all of them with clean energy before the end of the decade.

About 15 per cent of Victoria’s greenhouse gas emissions come from farming, a figure that has barely changed in 30 years. About two-thirds of that is the methane from the digestive systems of cattle and sheep; nitrous oxide from fertiliser accounts for much of the rest. These emissions are not falling, and they should be. We must eliminate emissions from cattle and sheep with feed additives or offset the remainder by trapping carbon in the soil with regenerative agriculture. Feed additives such as asparagopsis seaweed are becoming available. But a good first step would be to make consumers aware of the carbon emissions from all foods, particularly from the different types of meat, and to
identify genuine low-emission beef and lamb. Alerting consumers to food from, say, asparagus imported from Mexico will also benefit local producers as well as the climate. Emissions from importing food may not be counted as Victorian, but we have to cut them if we want to protect farmers from ever-worsening climate-related droughts.

With atmospheric CO₂ now well over 400 parts per million and sea level rises of over 1 metre—possibly 2 metres—looking likely by the end of the century, we will need to do more to prepare for a more hostile climate. Rainfall has already declined across this state over the past 50 years, and Victoria will continue to get drier. Droughts, fires and heatwaves will be more frequent and severe, and we will need to prepare for that. More people will see the need to actively remove carbon dioxide from the atmosphere, known as drawdown, or even explore other ways of cooling the planet, known as geoengineering. Most of these strategies are expensive and unproven, and many of them are potentially risky, but our state government needs to start talking about them.

One carbon dioxide drawdown option deserves special mention: protecting our forests. With forests burning and being cleared around the world, our native forests are now so much more valuable as stores of carbon than as sources of paper. We must end native forest logging within a couple of years and well ahead of the scheduled 2030. You only have to think about carbon dioxide drawdown or geoengineering for a few minutes to realise that moving as swiftly as possible to zero emissions is cheaper and safer by comparison. We are undervaluing our native forests for this reason. If people want to know more about this, I urge you to read *The Climate Cure* by Tim Flannery, which came out this summer. We cannot afford to keep producing greenhouse gases for another 30 years. We need to get as close to zero emissions as we possibly can within a decade.

**SOCIAL HOUSING**

Ms HALL (Footscray) (15:12): It is a pleasure to make a contribution to today’s grievance debate. It has been a very difficult 12 months for Victorians and for Australians and indeed for people around the world as we tackle the coronavirus and work towards solutions to a new COVID normal. So I grieve for everyone who has been impacted by the virus, but in particular I would like to focus on an area that is close to my heart, which is public housing and social housing. I would also like to note, and I grieve for, the opposition’s lack of interest in this topic—their lack of support for Victorians in this area and their obsession with politics and focus on themselves.

A member interjected.

Ms HALL: I am quite happy to take the interjection from the member opposite, and I can talk for a very long time about your lack of interest in public and social housing and indeed the scare campaigns—

The DEPUTY SPEAKER: Order! Through the Chair, member.

Ms HALL: My apologies, Deputy Speaker—the opposition’s complete lack of interest in public housing and indeed the scare campaigns that they have run around homelessness services and public housing in electorates across Victoria. One that comes to the mind is the member for Brighton’s campaign against homelessness services in his electorate. So there are many examples of where the opposition has let Victorians down. At a time when we need a bit of unity and constructive work across the chamber, the opposition have provided none of that, despite many opportunities to contribute and be constructive during the government’s response to the pandemic. They are obviously very divided, and I am not the only one who feels that way; there is a prominent backer of this view in the Leader of the Opposition, I read in the paper today. I am disappointed to have lost the member for Bulleen’s support team, who dutifully wandered in and then wandered back out when he was finished.

Look, unlike those opposite Labor is absolutely committed to public housing and the opportunity that it gives someone in life to have access to safe and secure public or social housing. With the pandemic, 2020 provided a year where a place to call home was never more important. I am always going to be
someone in this place, as I know many of my colleagues are, who is proud to fight for more public housing and more social housing in my electorate. I am very pleased that the member for Melton is here in the chamber. The member for Melton and I have worked with members of Parliament across the western suburbs and our homelessness and public housing providers to try and come up with solutions for problems, because there is a great demand for housing in the western suburbs. But it was absolutely a great honour to join with the member for Melton and that working group to meet with the Minister for Housing late last year following his budget announcement of almost $6 billion to transform public and social housing in Victoria.

It is an unprecedented investment. I think it is the largest investment in Australian history into social housing, and what that means to the sector and to the people on waiting lists and the people hoping for that opportunity to have a secure place to call home is monumental. So it is a very exciting time for people who are advocates for public and social housing, and I would like to acknowledge the work of the Minister for Housing, who has absolutely been tireless his entire career in fighting for tenants in public housing and now overseeing and delivering something that will just be a game changer in Victoria in terms of equality of opportunity, and I think that is what we are about on this side of the chamber.

When we talk about equality of opportunity I would like to think that it crosses all different areas of policy. In the western suburbs—and I am pleased that the member for Williamstown is at the table right now—we are delivering high-quality public housing, high-quality public education in schools across the inner-west, a high-quality public health system with a $1.5 billion new Footscray Hospital, the largest investment in a hospital in Victorian history—and it is happening in Footscray. So if you are a young person growing up in public housing in Melbourne’s western suburbs, not only will you have a safe and secure place to call home, but it is very likely that you will live within a couple of kilometres of a top-notch public school that has been upgraded by this government.

At the last budget there was $75 million invested into schools in Melbourne’s inner-west, in my electorate of Footscray, and I know that there was more as well in the member for Williamstown’s electorate. To that end, and talking about equality of opportunity and that sort of pathway from public housing perhaps through to free TAFE, you might have free kinder or three-year-old kinder and then go to a great local school like Footscray High School or Sunshine College, the have the opportunity to go to Victoria University and study a free TAFE course, and then perhaps go and work on one of our public transport infrastructure projects.

There are so many opportunities being created for young people in Melbourne’s western suburbs under this government. It was great last week to join with the member for Williamstown and the Minister for Education as we opened the Pilgrim Street campus of Footscray High School in the member for Williamstown’s electorate. I think both the member for Williamstown and I felt pretty overwhelmed by the high quality of that building. It is typical of an inner-city school these days. It is one of our beautiful vertical campuses. From the dance studio to the new media green room to the miniature farm that they have put out the back of that school, there is so much for the kids of Footscray and Seddon to look forward to. And that was something that the member for Williamstown fought very hard for. It has been I think about 20 years—well, for 15 years we have been campaigning for the new school, but it may be about 20 years since Jeff Kennett closed the last one down. In Footscray the Liberal Party, the opposition, closes schools down and we rebuild them. It takes a very long time to build things up, but it does not take a very long time to shut things down and to flog them off. Last week was a very proud week for our community and for the delivery of the equality of opportunity that we believe in in Melbourne’s western suburbs.

Just going to the investment in public housing, again I just want to run through the massive contribution that this government is making to not just social and public housing but affordable housing as well. I am a big advocate and a big believer in the Housing First principle that you cannot possibly get your mental health right or you cannot deal with a family violence situation if you do not have a stable place to call home, and we believe that on this side of the chamber. Whether it is affordable housing or one of the tiny homes that we have been building on vacant blocks in Maidstone
and in Footscray, there are so many opportunities that are coming up for people to find their feet. It is a wonderful thing to see.

As part of our investment, as I mentioned, of almost $6 billion, $532 million will be to construct new homes on public land through Homes Victoria—and it is incredible to see under-utilised government land now being used for the very productive purpose of public housing—and $948 million will be spent to work with the private sector to spot purchase homes or projects in progress that are ready to build. So that means that this will happen quickly, and that is very exciting I know for the providers in the western suburbs who have just been advocating for that increase in supply that we need pretty urgently.

There is $1.38 billion in funding for projects delivered by the community housing sector, and it is great that the community housing sector is lending its expertise to our Big Housing Build. The Social Housing Growth Fund is inviting proposals from community housing providers for new social and affordable housing developments to add to the available supply and to help provide more homes for more Victorians, and there is $2.14 billion in funding for new opportunities with private sector and community housing partners. As the Big Housing Build rolls out, we want to not only continue to maximise opportunities for people to find work through our social procurement policies but also fight back from the pandemic and the economic impact of the pandemic in a fair way. One of the things that makes me so proud to be a Labor member of Parliament and to be representing my community of Footscray is that we are investing money in something that is going to have great social outcomes into the future and will of course be great for productivity as well—and on this side of the chamber we can see the benefit of those things.

There is also $185 million to replace old public housing stock with new dwellings. I was so excited last week when the Premier came to visit us in the Footscray electorate. He joined us in Maidstone, and we visited a lady called Diane. Diane told us a really beautiful story about her life and this being the third public housing dwelling that she had lived in, but she said it was the first new home she had ever lived in and it was certainly the most comfortable home she had ever lived in. And it was perfect for her because at her age she said the shower was accessible, getting in the front door was easy and it was a house that she could grow older in. It was amazing to just see the benefit of our public housing renewal program in Maidstone and Braybrook. I cannot wait to get out there with the Minister for Housing to see more of it, because for the people of Braybrook a lot of this housing stock is pretty old, and it is time for renewal. But it was great to hear about the impacts that it had had on Diane’s life. Diane was born and bred in Melbourne’s inner west, and her kids as well, so it was great to have a chat with someone who knew our community so well, was so connected to it, loved it and got to stay there in a lovely new property. So that was a terrific example. I am so pleased that the initial rollout of public housing stock that we announced at the last election is opening up now. I think so far there have been 75 dwellings that have been rebuilt. It is great to see the real impact and meaning that that has for a public housing tenant.

I would like to conclude my time during this debate by paying tribute to some of the providers in our local community, from the member for Melton’s electorate through to the inner west in Footscray, from the Asylum Seeker Resource Centre to the Western Bulldogs Community Foundation, from Unison, Wombat and a whole range of different providers—Macauley social services, who do terrific work with women fleeing family violence. We are so fortunate to have people who choose to have a career in this sector and who work with people every day to help them get through the toughest time in their lives, and it is truly an honour as a member of Parliament to be able to contribute to policies and advocate for policies that mean that those people can do their jobs and continue to look after people in our community.

COVID-19

Mr RIORDAN (Polwarth) (15:27): I rise today to grieve and grieve heavily for the small businesses, family businesses, groups, individuals and organisations right across Victoria who have continued to be let down by this state government’s poor, cruel and at times complete lack of
understanding for the needs of organisations, communities and businesses to survive at a time when
their customer base, when their reason for being, has been completely cut off.

I grieve for the travel industry, for the event industry, for the tourism and visitor economy, for the
international education businesses, for the agricultural processing industries, for the wedding and event
industries, for the entertainment industry and for the conference industry to name a few. All these
businesses require certainty. They require a government to understand that they do not just turn the
key back on. These are businesses that have huge lead-up times, sometimes years in the planning.
Large conferences could be two and three years in the planning; weddings, 12 months in the
planning—and community organisations, such as field days. We heard earlier today about Little
Athletics. All sorts of organisations around the state need security and understanding in order to go
forward. This government over the course of the pandemic made much of its preparedness to support
businesses. In fact they made very public commitments of literally hundreds of millions of dollars that
they were going to make available to these types of organisations, to businesses, to see them through
the pandemic.

And here we are with a report handed down only yesterday from an inquiry into the way the
government has handled the pandemic, and in questions at budget time in late December. This
government, with its 20 programs, its hundreds of millions of dollars, could only report to the
Parliament on six programs that it said it had out there to look after people; there were only six of them
that they could give any indication of their efficacy or how useful they were or how supportive they
were to the community.

To give you an idea of how absolutely substandard that understanding of the needs and the support for
business is, take for example the Night-Time Economy Business Support Initiative. The government
trumpeted $40 million for that vital industry here in Melbourne. That industry employs thousands of
people; it gives hope and opportunity to our entertainers, our musicians and others. Of the $40 million
they said they had available they had disbursed just $1 million—one-fortieth of the money that they
said that they were going to pump in to help support that economy.

Another example, one of the most egregious and one that representatives like me right throughout the
state have been contacted about time and time again, is that of the sole trader, the small businessperson,
the mum-and-dad operation, people that have sometimes spent a lifetime investing and working hard
in a business, particularly if they are in that area of tourism, hospitality and events—and that is where
many of these people operate their businesses. The government promised them $100 million to help
keep them afloat, to help keep their doors open, to help them continue to employ and make provision
for their future. And what after eight months has this government done for them? It reported to the
Parliament back at the end of December that of the $100 million that it had allocated it had in fact
given out $12 million—12 per cent of what it had promised. And then yesterday in Parliament the
minister got up to say, ‘No, that’s wrong; we’ve done much more than that’. Sorry, Minister, you are
right. You have done a little bit more. You have actually given them $15 million. We will let the
people of Victoria decide if that is a good effort or not, but $15 million out of $100 million does not
sound good by any measure.

I will tell you a story about one of those businesses, which I was talking to only half an hour ago, Colac
travel, a business that has been operating on the main street of Colac since 1926. It has a proud history.
It has employed three people full-time for the last 20 years. Ninety-five per cent—

Ms Green: What has the federal government done to help the travel industry? Zero.

Mr RIORDAN: Zero what?

Ms Green: What the federal government have done for travel agents.

Mr RIORDAN: What have you done? On your own estimate—
The DEPUTY SPEAKER: Order! The member for Polwarth will not respond to interjections. Through the Chair, please.

Mr RIORDAN: This government has got $82 million left in its coffers that could help a business like that, but no, it will not. Do you know what they said today? They were not blaming the federal government, they were blaming the state government, because when Christmas came around they thought there was a glimmer of hope, that people would start doing domestic interstate travel. They saw that as an opportunity to continue paying the rent, to continue to keep their doors open. But what did they learn on New Year’s Eve? They learned that the Premier would pull a wall up around Victoria with only 6 hours notice, with almost no capacity for anybody to rescue their business, change their plans or salvage an opportunity. This government has brought about those concerns without thinking through the consequences. This government has failed abysmally to think of the long-term consequences. We have seen this with other states—Western Australia, with one COVID case—this preparedness to pull the barrier up.

This uncertainty is devastating—is absolutely devastating—to the tourism and hospitality industry, and with likely opportunities for international travel being greatly diminished now for at least the next 12 months it is not unreasonable for people in the travel and tourism industry to have real concerns about how they are going to go forward over the next one, two and even three years. The Andrews government has an obligation to keep this important and viable industry alive, it has an obligation to give them some certainty and it certainly has an obligation to distribute the vast sums of money it has still got locked up in the Treasury.

At the same time we learned that the Treasury has been kept full with money that this government has promised business, we also learned that the Premier and his senior ministers have not been shy about putting their own hands into that Treasury. We learned that over the course of the last six months they spent 70 per cent more on their own legal defence and their own legal teams than on the whole inquiry that they set up to look into why we are in this predicament here in Victoria. They found money for themselves, but they cannot find money to help keep businesses that are nearly 100 years old open because of their indecision and their very, very deliberate strategy to stop the spread. But it is also stopping business. It is stopping opportunity, and it is leaving people heartbroken.

We also look at the other industries that have been affected and the other small businesses. We turn to the event industry. The event industry works on long lead times. We hear from the event industry that for the next 12 months there is barely a major event or a major convention or a major gathering anywhere in Victoria, because no-one is prepared to take the risk—and they cannot take the risk because they cannot get insurance. No-one is going to help support a business to set up. In some cases on a large event there could be literally millions of dollars worth of plant and equipment put in place. There could be literally tens of thousands of dollars of labour paid for to put them in place; there could be toilets; there could be coffee machines. Any number of small businesses—the backbone of Victoria, the backbone of Australia—could have been engaged and involved, and they now know that Daniel Andrews and this state government will pull the pin on that event without any warning.

The DEPUTY SPEAKER: Order! The member for Polwarth, could I ask you to refer to members by their correct titles, please.

Mr RIORDAN: The Premier will pull the pin for his own political gain without any concern or thought, with no system in place to compensate or to protect or to support those businesses. They are being expected to completely wear the cost of these government programs, these government decisions, without any compensation or opportunity for compensation at all. And what is going to be the long-term effect of this? We hear a lot about ‘Oh, when the vaccine comes there will be an opportunity for us to get back on the horse. We can get things moving again in Victoria’. But when the skilled people in the arts and entertainment industry have left Victoria because they have had to get opportunities and jobs elsewhere, they will not be just there to start up.
I was speaking to a major supplier of sound and lighting equipment for the events industry. Their biggest concern is they have got a warehouse full of plant and equipment, but their staff—the skilled technicians, the skilled people required to use that—are having to go elsewhere for employment. They cannot hang around in the industry, and they are unable to even find short-term opportunities because those opportunities have been denied them—because, once again, we saw how this government reacted on New Year’s Eve.

We heard today in the Parliament the complete lack of considered thought about these decisions, the complete lack of understanding that this government displays every day about how when it makes a decision it is not just affecting single people, it is affecting whole businesses, whole industries, whole communities. We heard today, for example, that when you go and shut the border it affects people on both sides of the border. It affects the businesses. It affects right throughout those local economies, and this government is not taking that into account. It is not considering that, and as a result businesses, small businesses, are losing confidence in that area.

The government was quick to point out that there has been a recovery in employment—and yes, in some industries there has been, because there was such a devastating initial effect. Some people have got back on track. In fact it is often pointed to that the federal government’s JobKeeper has enabled particularly some areas of retail to actually have not a bad year, all things considered. There have been opportunities there. But we know that is coming to an end. When we look around Melbourne, Melbourne’s CBD in particular, you only have to look at what is now a 30 per cent vacancy rate—and growing—in the CBD. People have deserted the CBD since Christmas—many, many small operators—because there is just not the opportunity going forward because they cannot pay the rent; they cannot pay the rates; they cannot continue to turn the lights and power on.

The travel agent I spoke to earlier today is in a very similar predicament. They have to pay rates and rent. They have got commitments for the next three years. What does a business like that do? How does a business keep its doors open once JobKeeper finishes? There is still no certainty around whether we can go interstate and around international travel. How would a business like that continue to stay open? And yet it is businesses like that that we still need to function. We need those businesses there.

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We know, for example, with our universities about 40 per cent of the funds that they have to invest in innovation, in research, comes in part from the fees that they get from their international students. They have all been told that they will not be in a position to accept new students into their universities in the next 12 months. That has a devastating effect.

Finally, I wish to just touch on the agricultural processing businesses. We have heard that this government has been, to say the least, beating around the bush now for the last three months on trying to assist agriculture in regional communities to get the necessary labour they need for harvest, for processing and for other opportunities. And those businesses are suffering doubly this year because it has been a good season agriculturally. Most regions across Victoria are producing to their fullest extent—beef prices are up, sheep prices are up, good rainfall has seen good crops and good production—but they are unable to harvest it. This has been a problem. It is not a secret problem, it is not a hidden problem, it is an obvious problem, and this government has the capacity. We have half the hotels still empty, we have regional communities that could accommodate these people. It is not difficult to put a program in place that is quick and rapid and will get the necessary labour resources we need. We even hear—and I look across to the member for Broadmeadows there, who often talks about unemployment and opportunities in his region—that there are areas in Melbourne that have high unemployment. What has this government done to help those people realise opportunities that exist already in our state, that are there ready to go—jobs that are ready and available tomorrow? Right across regional Victoria now young people, as soon as they reach working age, will pick up a job at the moment, a short-term job, a part-time job.
So I grieve today for small business here in the state. I grieve that this government has failed to support it in the way it said it was going to, the way it promised. We have found the report—20 programs, with very little distributed compared to what this government said. They have been forgotten, they have been left out, and it is a cost that will continue to aggregate for the next three years.

HEALTH SERVICES

Mr McGHIE (Melton) (15:42): I grieve for the frontline healthcare workers and for the lost potential of our state’s health infrastructure that has been damaged and has suffered through many years of underinvestment of previous Liberal-National party governments. Our frontline healthcare workers have been outstanding during this difficult situation that our state has been through this last year and that is still continuing on. Speaking from experience in my career as a paramedic, healthcare workers and our health infrastructure are fortunate that they have been supported by this Andrews Labor government during this pandemic and have not had to deal with the added pressure of those opposite that do not value them or the seriousness of this global pandemic.

The support our healthcare workers have received from our government is in stark contrast to how they or our system have been treated by mean-spirited Liberal-National governments both federal and state. I grieve because I know how much stronger our health system could have been if those opposite, when they were in government, had continued to value the health system and its workers as much as Labor governments, and in particular this Andrews Labor government, have committed to our healthcare system in Victoria. As we continue to fight the global pandemic of COVID-19 it is clear that to be successful and resilient the government must prioritise our health system and healthcare workers. Victoria’s frontline workers, cleaners, administrators have all helped keep us safe. They have done and continue to do a brilliant job. They deserve all our thanks.

I grieve, however, because I know that this state would have been in a much stronger position if Labor governments did not have to constantly fix healthcare crises left by those opposite each time they lose government. Our healthcare workers deserve to be backed up by their government. Our state should have had nurse- and midwife-to-patient ratios sooner. When they were in government they should have listened to Victoria’s brilliant nurses and midwives. Yet they did nothing and held up legislation in the other place at every chance they could, even when outside of government. They do not care about Victorians getting safer and better quality care. Our ambulance services should have been better resourced, but instead they were previously attacked by their government, who went to war with paramedics. How much stronger would our health system have been, and how much more prepared to fight a global pandemic, if our infrastructure had been prioritised? Those opposite had no plan for making our health system ready for a crisis. They placed no value on ensuring that Victorians are given the health care they deserve. They still have no idea. When they came to government, they only had one plan when it came to health care. You can only trust Liberals and Nationals to deliver one thing, and that is cuts, cuts, and cuts. When the Andrews Labor government took over from the chaos of the Baillieu-Napthine governments they had to repair our health system from the devastation caused by a health minister, Mr Davis, who is still in this Parliament in the other place. He was more interested in destroying the morale of paramedics, nurses, midwives and healthcare workers than delivering Victorians quality health care.

I was the secretary of the ambulance union when they were last responsible, and I saw many good members leave our profession as the pressure of ideological warfare and cuts to services saw ambulance response times spiral out of control, and many Victorian lives were put at risk. We had ratio cuts and experienced underinvestment in infrastructure and our crucial workforce. I grieve that so many highly qualified and hardworking paramedics left the industry during the time those opposite only delivered morale and budget cuts, underinvestment and undervaluing of ambulance services. I grieve that we lost so many good people to other states or from the industry altogether and we also saw at least eight paramedics tragically take their own lives during this period, as reported by the coroner’s investigation unit.
We have been extremely fortunate that the previous health and ambulance minister, the member for Altona, put an end to the war on our paramedics. Our government has hardworking, capable ministers managing Victoria’s health system competently, but how much stronger could our health system be if good people had not been forced out by those opposite and their ideological warfare on our health system? If any time in history proves why it is important that you should value your healthcare workers and system, then that time is now. Thank goodness that the damage caused was stopped by this government and we do not have to deal with the pandemic with a health system in crisis. The Baillieu-Napthine governments were one term of wondering: wondering if they had a plan to improve our health care, wondering if they were not going to destroy our healthcare workers and wondering if they were going to improve ambulance response times.

I should probably thank former Liberal governments in a way. The decimation that Ambulance Victoria felt during the Kennett years through the foolish and dangerous attempt at privatisation and the ridiculous war on paramedics and their union by the former health minister, Mr Davis in the other place, during the Baillieu-Napthine governments all led to one thing: politicising something that should never have been. Frontline healthcare workers should never feel threatened by their government. Those workers stood up for themselves and sent a clear message to the rest of the electorate. Those opposite never learn. It was my members that led in a big way to Kennett losing an unlosable election that brought about a stable Bracks government. It was those opposite that led to ambulance members sending a message to the Baillieu-Napthine governments written on the back of ambulances and in polling booths right across the state that helped to deliver us an Andrews Labor government. Thankfully it was the Andrews Labor government that ended the war on paramedics, straightaway valued our healthcare workers and started investing again in our health system. I am thankful the budget delivered by the Treasurer last year continues the Andrews Labor government’s record investment in our healthcare system and workers. Like every budget from our side of the benches, health is always a high priority of the Andrews Labor government budgets. Despite our health services and healthcare workers dealing with a once-in-a-century pandemic, Victorian patients continued to receive the best quality treatment and support when they needed it most.

The 2020–21 state budget provided the necessary services, equipment and infrastructure to support our health practitioners. We have seen that in 2020–21 the Andrews Labor government has a target investment of $19.8 billion in acute health, community health, public health, drug services and small rural services. This investment is a 21 per cent increase compared to the 2019–20 target and a 61.2 per cent increase compared to the target six years ago. For our ambulance services the government has targeted investment of $1.3 billion—a 14 per cent increase compared to 2019–20 and a 73.3 per cent increase on 2015–16. Overall the budget invests more than $1 billion in 2021 and $3.3 billion over four years in health and ambulance services. There is no clearer signal to Victorians that we prioritise their health. All this investment is in addition to the $2.9 billion that our government is investing in 2020–21 towards our COVID health response.

The budget also invests $462 million in 2020–21 and more than $2 billion in total estimated investment for essential equipment, infrastructure and facilities across our health and ambulance services. The investment will see key health initiatives funded, including $2.8 billion to continue health services and manage service delivery requirements as Victoria transitions to COVID normal. This includes supporting the continuation of baseline services, elective surgery and the continued operation of new facilities opened in order to increase our capacity and response to the COVID pandemic; $120 million to deliver more health care within patient’s homes where appropriate, enabling more flexible medical treatment for Victorians; this includes infrastructure vital to facilitate telehealth services; $32 million to improve rural health outcomes by investing in prevention, treatment and recovery services for cardiac, stroke and cancer conditions; this includes increasing rural community testing and screening activities, bringing care for rural communities close to home and embedding access via telehealth to clinical trials and supportive care following diagnosis; and $25 million for new specialist alcohol and other drug response positions to support clients facing
extended time on waitlists for residential alcohol and other drugs services and to provide targeted services for at-risk cohorts who are disengaged from during COVID. This is an area that can have a big impact for many Victorians and is always neglected by those opposite.

The budget will also include $23 million to manage the ongoing implementation of Victoria’s voluntary assisted dying laws, including an expansion of the Voluntary Assisted Dying Statewide Pharmacy Service and the voluntary assisted dying care navigator system. Key ambulance services initiatives funded include $135 million to support increased demand for ambulance services and continue the mobile stroke unit and the Victorian stroke telemedicine initiatives. Funding is also provided to implement the government’s commitment to review the Non-Emergency Patient Transport Act 2003; $66 million of output and assets to build and upgrade ambulance stations to better align with contemporary service requirements, including the provision of additional paramedics and an extra vehicle to upgrade the operations of the Ballan ambulance station to 24 hours. I hope to be out at Ballan soon with the great member for Buninyong for an announcement of that upgrade service.

Of course one of the most exciting things in the budget for me was to see the continued commitment to my electorate by providing the next step in delivering a new hospital for Melton. The member for Altona as the then health minister made the commitment for the planning of a new hospital. What a pleasure it is to be on this side of the house where our party delivers on its promises. We say what we do, and we do what we say. Those opposite do not have a plan for the west and do not provide one ounce of anything for the western suburbs—

A member: Or the north.

Mr McGHIE: Or the north. This government just in the area of health is delivering. A new hospital in Melton, upgrades for the Bacchus Marsh hospital, the Joan Kirner hospital in Sunshine and the huge upgrades of Footscray Hospital. This government delivers health infrastructure.

My electorate of Melton is one of the fastest growing communities in Australia. The population of the Melton local government area is expected to increase to more than 450,000 by 2050, meaning that there is a clear need to build a world-class hospital that can support families and their needs at every stage of their lives. The 2019–20 budget included $2.4 million over two years to commence planning for a new Melton hospital, including producing a detailed business case which will inform the scale, scope and range of services that the new hospital will need to include to service the Melton community. I, like many in my electorate, was pleased to see that this budget included an additional $75 million across both output and asset streams to kickstart the next stages of planning and enable land acquisition for a new Melton hospital, including developing designs and early works to achieve a shovel-ready project as early as possible. This planning work is continuing and includes determining the exact location, size and the types of services the new Melton hospital will provide and how it will link into services at other public hospitals in the western region, including Sunshine Hospital, the new Footscray Hospital and Djerriwarrh Health Services in Bacchus Marsh. Once a site is determined this additional funding will support the start of extensive preparation of the land, including early works to provide utilities such as power to the site to ensure that construction on the new Melton hospital can kick off. Discussions are ongoing about the best location for the new Melton hospital when exploring potential sites. We consider a range of factors, including accessibility, expansion opportunities and how it will link into services at other public hospitals in the western region, including the new Footscray Hospital. Our government is also listening to the community, with over 2000 people recently having their say by an online survey. The participants indicated they wanted a hospital close to public transport and one that could expand as the population grows.

The massive amount of new health infrastructure in the west shows this government’s commitment to the west as well as to our workers. I was very happy that one of the few events that I could attend at the start of last year before the pandemic caused chaos was the opening of the new Bacchus Marsh
ambulance station—what a fantastic resource for that community. The paramedics there well and truly feel valued by this government, and the community sees the investment we make in their health.

I was also fortunate enough to represent the Minister for Health last week in Eaglehawk to talk about how this government is investing in the ambulance services—and can I just say what a fantastic job the new minister is doing, continuing on this government’s strong record of health. Due to increasing demand a new peak period unit will commence in Eaglehawk from next month. $14.8 million of growth funding received in the recent budget to address increased demand will allow Ambulance Victoria to bring forward four peak period units from the financial year of 2022 to February 2021, and those peak period units will be placed in locations such as Bellarine, Eaglehawk, Churchill and Gisborne. It will also bring forward conversion of the Beechworth single-officer branch to a dual officer from the financial year of 2023 to the financial year of 2021, so that means two paramedics working on the ambulance out of Beechworth. It converts the Chiltern community ambulance office team to a single paramedic officer team, so that means they will have a professional paramedic working out of that location now; and it introduces an additional 12 referral service triage practitioners to provide other care pathways for patients where they may not need an emergency ambulance to respond to them. It also introduces seven additional peak period units for the metropolitan region from March this year, and they will be located at Epping, Tarneit, Mernda, Craigieburn, Boronia, Templestowe and Bayside, and a further six peak period units in rural regions: at Benalla, Lakes Entrance, Torquay, Castlemaine, Bannockburn and Daylesford. When it comes to ambulance services in Victoria, this government is also investing in advance recruiting.

This government is committed to the health of Victorians to invest in our health infrastructure and support its healthcare workers. I want to thank the Premier for his leadership, the Treasurer for his great budgets, the health minister— (Time expired)

Question agreed to.

Bills

WORKPLACE INJURY REHABILITATION AND COMPENSATION AMENDMENT (PROVISIONAL PAYMENTS) BILL 2020

Second reading

Debate resumed.

Mr McGHIE (Melton) (15:58): I should not have sat down. I feel very honoured to rise today to speak to the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. I would like to thank the Minister for Workplace Safety in the other place and her dedicated staff for bringing this legislation before this Parliament. I would also extend my thanks to the previous Attorney-General, the member for Altona, on her work on this bill and of course the member for Frankston for his work on the pilot committee.

The Andrews Labor government takes the mental health and wellbeing of Victorians seriously. A royal commission, our response, is testament to this commitment. I think all of us here in this place are fully aware that many Victorians’ mental health and wellbeing has been through a challenging time during this pandemic and of course the bushfires at the beginning of last year. We as a community have had it tough, and many of us have faced challenges that can take their toll on our mental health and wellbeing. The Andrews Labor government has provided support for Victorians through this pandemic and has treated mental health with the seriousness that is needed. We have seen included in the budget in December $868.6 million to ensure Victorians have the mental health support they need as our government has got on with fixing a broken system. The budget funded the rollout of the interim recommendations from the Royal Commission into Victoria’s Mental Health System, including $492 million to deliver 120 mental health beds; $18.9 million allocated to provide for 35 acute treatment beds for public mental health patients in private health services; and $152 million to support and provide mental health services in a direct response to the COVID-19 pandemic. This government
knew that it was important to prioritise mental health and wellbeing, with challenges not seen in Victoria for 100 years. This government of course knows that we cannot just stop there in prioritising the mental health and wellbeing outcomes for Victorians. That is why this bill will deliver on our 2018 election commitment and introduce a provisional payment scheme for mental injury medical expenses in the Workplace Injury Rehabilitation and Compensation Act 2013.

This government also is well known for its commitment to the workers of Victoria, and I am so proud to see multiple pieces of legislation brought before this house that have sent a clear message that Victorian workers are valued by this government. I have spoken on a number of those bills that this government has introduced to protect Victorian workers. They include protecting workers from wage theft as well as work safety, I was proud to contribute to the workplace manslaughter legislation last year, and I spoke extensively about my experiences as a paramedic dealing with the aftermath of some devastating scenes of workplace accidents. I spoke then about tragic scenes I ran into at the Sims Metal explosion in Brooklyn in 1986. During that contribution I described how as paramedics we were directed towards a man who was squatting down with not a stitch of clothing on, his skin hanging off him. He was conscious, and amazingly he was alert. He had sustained 80 to 90 per cent burns to his body. I can still smell the scent of his burning skin.

Scenes like this are something that many of our frontline emergency services have encountered or will encounter. I have no doubt that they can adversely affect the mental health of workers. The nature of the job is that in an emergency you get on and do what is needed to be done, but only later can the effects begin to take their toll. These types of situations our emergency services frontline workers deal with for us can be incomprehensible to those who do not experience them. They are called emergency services because that is exactly what they do— they serve our community. That service often comes at a price that is not just economic. During my time representing my members at the Victorian Ambulance Union I saw many examples of the mental health that my members suffered due to delays to or deliberate stalling of accepting a mental health claim. I have seen injured paramedics make mental health WorkCover claims and still be waiting for many months for that claim to be accepted and for treatment to commence. This delay in treatment does complicate the injury and make it more difficult for the worker to return to work. We are unfortunately all too familiar that statistics for self-harm, suicide and PTSD can be significantly greater in frontline workers.

I know that mental health impacts on my members can intensify when their government does not have their back. We saw it through each Liberal-National government, which treated their hardworking emergency service workers poorly, and we saw when they undervalued our emergency services the impact that that can have. I have stated many times that it was my ambulance union members who were a big part of why those opposite lost government as Victorians lost confidence in them in 2014. The low morale of emergency services forced us to fight for improvements that only Labor governments deliver for workers. It is an Andrews Labor government that prioritises our emergency services along with all Victorians, and it is this government that continues to deliver on our commitments, this time delivering a provisional payment scheme for mental injury medical expenses.

This bill is designed to help injured workers get support sooner and get back to work quicker. This is so important. I know some of what my members would go through and some of the mental trauma they could be exposed to. We have to make sure that our workers in this state get the help that they need as soon as possible. Making sure that workers get the support they need and get back to work when it is safe to do so is not just an economically sensible thing for everyone; it can also help so much mentally if an affected worker gets the support they need sooner. I am pleased that this bill will seek to ensure earlier access to mental health treatment and support workers and eligible volunteers with a work-related mental injury. It is so important to have a proper plan that assists with the recovery to be able to return to work. We all know the impact mental health can have, and if harm has been done to someone through their work situation then of course it is time that that damage is recognised for what it is and dealt with quickly, like any other harm that could occur to a worker. We have seen that mental injury claims have grown significantly in recent years and are expected to account for a third of all
workers compensation claims by 2030. I think that this is a good sign that finally as a society we are not hiding away mental health concerns under the carpet and hoping that they will disappear. It is a positive change when we can recognise that our mental health can suffer at work and we should do something about it.

We know that the nature of mental health claims can be more complex and take longer to determine than physical injury claims. If you break an arm at work, then you know about it. Sometimes recognising that emotional and mental harm has occurred can be more complex, and then assessing that can add more time to getting treatment. Currently it can take up to 38 days for a worker’s mental injury claim to be determined. This can limit the ability of some workers with mental health injuries getting access to treatment quickly. I know of workers who have been uncomfortable seeking help. It can take some courage and effort to admit that you need some help sometimes. When there is a delay in assessing a claim, it can make the situation worse or it can cause some people to not even attempt to seek help in the first place. Unfortunately I can think of too many people in my industry that never sought the help they should have had. We must make sure that time delays for a claim do not prohibit workers from seeking help and support. I am very pleased to see that this bill seeks to address this by providing a provisional payment scheme that covers costs such as GP visits, psychiatrist or psychologist appointments and medication. This provisional payment scheme removes the financial restrictions that can delay workers getting the care they deserve.

This bill will change the current system and will mean that WorkCover insurers will have only two days to assess a worker’s eligibility for these provisional medical and like expenses for their mental injury claim. This is coupled with a new notification requirement of three days, ensuring employees are passing on the details to WorkCover as soon as possible. I am pleased that this bill builds on the government’s successful provisional payments pilot for emergency services workers and volunteers, which was launched in June 2019. Once again this is an example of how our emergency services workers know that this government values them and their work. Through this pilot—and through what frontline workers have known for some time now—we have seen how important it is for frontline workers to be able to access support for medical expenses as soon as it is needed. This bill ensures that all Victorian workers and eligible volunteers will now all be able to benefit from these important changes. This is of course a government that listens to workers and employers, and the design of these reforms has involved extensive consultation with unions, employee groups, injured workers and legal and medical representatives.

Sometimes for someone to seek help can be a challenge. A worker might be reluctant to seek the help that they need because they could be unsure whether their claim will be accepted. Mental health harm is not always as clear as a wound or a broken bone. Having provisions in this bill that allow workers to seek and receive help even if their claim could ultimately be rejected is an important reform. It ensures that a worker will continue to receive access to payments for medical and like expenses for up to 13 weeks from the date they lodge their claim. This provides workers with some certainty and ensures immediate support whether or not their claim is accepted. This will encourage workers to make a claim and get the support they need. This is an important change for Victorian workers and hopefully one that leads to better health outcomes for all of our community. I hope this goes some way to reducing the stigma that some still have towards mental health. I am proud to be part of a government that seeks to make it easier for workers to put their hand up for help when they are struggling. I support these reforms, and I commend the bill to the house.

Ms SETTLE (Buninyong) (16:08): I am genuinely delighted to stand to speak on this bill, the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. I joined the Labor Party many years ago because I understood the absolute importance of a government that would protect and look after workers across our state. What is extraordinary in this bill for me is that it really speaks to a couple of the really big passions in my life. One of those is obviously being part of this party and part of a group of people that wants to protect workers, but the other element to it for me is the recognition that it provides to mental health.
I am not a young woman. I remember a time when mental health was something like, ‘Just suck it up. Don’t say anything. Just be brave’ and so forth, and I really think we have made extraordinary progress in the last decade or so in really acknowledging mental health as a health issue, which it is. So to have this government create legislation which not only furthers the acknowledgement of mental health as a health issue but also is for the betterment of all working people is for me a really proud moment.

I have to say being part of this government has been an extraordinary privilege because of the kind of legislation that has been brought forth to look after working people. I too would like to acknowledge the Minister for Workplace Safety in the other house and of course our previous Attorney-General, the member for Altona, because of the absolute commitment that they have both shown to protecting working people. Here we have just another example of that determination to improve the lives of working people.

When I look at how this government and, well, Labor governments really have supported workers over the generations, the health and safety of Victorian workers has always been a top priority for Labor governments. In 1985 it was the Cain Labor government that established Victoria’s safety and compensation scheme. It was an incredibly proud achievement by members of a Labor government, and this will just continue that great work.

But in really recent times—and this one is pretty close to home for me—unfortunately Ballarat was the site of some workers’ deaths a couple of years ago, and the Brownlees and Lana Cormie have worked tirelessly to make sure that we got the workplace manslaughter laws right. I am incredibly proud to see those laws go through. So really this bill just contributes to what is a government that has first and foremost looked to protecting working people.

The bill will ensure that workers and eligible volunteers who lodge a workers compensation claim for a mental injury will have payment for medical expenses such as GP visits, psychiatrist or psychologist appointments. What is incredibly important to acknowledge in this is that previously compensation claims around mental health could take a much, much longer period—I think in excess of 27 days. Let us face it, one in five of us will have some sort of mental health episode in our lives, and I think anyone who knows that moment knows you need help then. You need it straightaway, not to be delayed, to be going through paperwork and waiting.

Funnily enough I rang my therapist the other day because I was feeling a bit blue about my oldest boy leaving home. I wanted to talk to her about that, and the first appointment she had was in four weeks time. Now, I have taken that appointment, but the truth is I will probably have reconciled a little bit of my sadness about my boy leaving home by then. I am being light about this, but it is a big issue for a mother. I am sure other mothers will agree, but it is not life-threatening. So I can afford to wait, but I think when you look at people in a workplace environment, they cannot wait for that help.

I have heard from the wonderful member for Melton those stories about the things that our frontline workers face, and you cannot ask someone to wait five weeks to try and process how they felt facing someone in a terrible situation. I know the member for Yan Yean has spoken very eloquently on many occasions about what CFA volunteers went through during the Black Saturday fires and the crushing impact it had on people’s mental health. So we cannot ask these people to wait. This pilot program has been in place for our emergency services workers, and it was right that they were there first. We cannot ask these people to go out to some of the most confronting situations and not be there to have their back when they need some support. I am delighted that the provisional payment scheme will remove some of the financial barriers that delay workers getting the care they deserve. I know that Sylvia Hudson, who is the executive manager of health, safety, environment and wellbeing at CFA, on the matter of provisional payments said last year:

We know that early treatment and support is vital in terms of reducing the long-term impact for people experiencing mental health conditions.

And we also know that the thought of waiting for a claim to be processed can be a barrier to seeking help.
I mean, if you let that sink in, imagine—we have put these people in incredibly confronting situations and then we are saying, 'You’ve got to sit and wait for some assistance'. Then they start to think, ‘Oh well, maybe I shouldn’t get that help’, and it just stays there with them.

I was listening to the debate as it began. I am forever amazed by those on the other side. I could not believe what I was hearing, that they yet again were talking about economic impacts, ‘This isn’t going to be great’. For starters that is rubbish. If you look at the Productivity Commission, it talks about the amount of time that we lose when people do not get help for mental health. So apart from the fact that it is rubbish I cannot believe that they will still prosecute this idea that money is more important. Have we learned nothing in the last year? One of my sisters is an economist, and I had this fantastic conversation with her. She said that if I had asked her five years ago if a government would ever put the health of people before the economy, she would not have believed they would. Well, this government did, and look at what it has done. It has been an extraordinary response to COVID. We said, ‘What’s most important is the health of our people’. You cannot have an economy if you do not have healthy people.

Ms SETTLE: Absolutely, so we have proven it, and yet those on the other side start to prosecute this idea again that somehow or another we should put some dollar value on the mental health of our workers. I cannot believe it, to be honest. Well, I can believe it and it just makes me ever more grateful that I am part of this extraordinary Labor government.

The work that this government has done about mental health has just been amazing across all levels. I know that my good friend the member for Bayswater talks about what it means for people in the community to have mental health support, how important it really is, and here we are delivering again. Last year I was really pleased when we started to roll out the mental health workers in schools. I went to one of my schools, the wonderful Mount Clear College, and they had just hired their health professional. It was palpable. The kids knew they had an extra support there. They were very conscious of what we were doing, and it just makes me incredibly proud to be part of a government that understands the importance of mental health, that puts the health of our communities before the economy and that really, really looks to look after working people.

This bill combines everything that is wonderful about the Andrews Labor government for me, and I am really delighted to see it. Think about when the time comes when we need help—think about it, everyone in this chamber. The day I put my hand up I want someone to be there, and it is important that we provide that support for working people. I commend this to the house.

Mr TAYLOR (Bayswater) (16:18): It is fantastic to rise to speak in support of this piece of legislation, the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill of 2020. Of course it is a significant piece of legislation to start us off for 2021 in this place. It is fantastic to be here, as a bit of a preamble, in what is my third year as part of the Andrews government and particularly to be in this place continuing to deliver for Victorians, particularly as we heard in some of the debate today, including from the member for Buninyong just then, when it comes to fixing—and it is difficult to acknowledge—our broken mental health system and implementing game-changing reform such as this. Often I know I stand up in this place—and a lot of us stand up—and say, ‘This legislation is mainly technical in nature’, but then we talk about some of the sexier parts of it and try to zhooosh it up. But this legislation does not really require any of that, because this is significant legislation that will make a huge difference to the lives of many, many Victorians.

It would be remiss to not acknowledge the fantastic work of the Minister for Workplace Safety and the former minister, the member for Altona, for the fantastic work that she has done, as well as the minister, in shepherding this into Parliament, as well as their officers and their staff, because behind every fantastic minister is a great team as well. So I thank them for their work leading to the debate here in this place.
Of course we know the summary of the bill and what this intends to do. It will deliver the government’s 2018 commitment to introducing a provisional payments scheme for mental injury medical expenses in the Workplace Injury Rehabilitation and Compensation Act 2013, and the provisional payments scheme will provide for early access to treatment and support to workers with a work-related mental injury, to assist with their recovery and return to work. We know—and I want to talk a little bit more about the context of this bill, but just very briefly—in September 2018 this government committed to introducing a provisional payments scheme for workers with a mental injury and to establishing a pilot for emergency services workers and volunteers, and following extensive consultation with employee groups, union representatives, injured workers and legal and medical representatives the bill before us will introduce the new provisional payments scheme in the relevant act.

It is not every day you get to talk about a piece of legislation in this place and then again talk about a piece of legislation that refers directly to your inaugural speech in this place—back in December of 2018. You know, it was a day to remember, and even more so it takes me back—a walk down memory lane. I spoke a bit about some of the context of my childhood—one I probably would not care to revisit on too many different topics, but it is important to utilise your own experiences and experiences that you have taken part in, whether through childhood or more directly through the prism of your family situation.

My mother struggled significantly with mental health issues, and she was in and out of mental health hospitals and left me in out-of-home care for periods of time when I was a young fella. And that was a significant part of my inaugural speech, as well as—and this is a statistic that I do not think is unknown by anyone now—that practically one in two Victorians throughout their lifetime will be impacted with a mental health illness. That is absolutely significant, and I think it has been discussed in this chamber. Mental health is challenging for many reasons, but particularly one of the reasons is it is not always easy to diagnose. It is not always easy to treat, and there seems to be this stigma that still exists around it. But slowly but surely we are changing it.

In that same inaugural speech I talked about the pride that I had in being part of the Andrews government in its second term, in the work that it was doing with the Royal Commission into Victoria’s Mental Health System: that it had the guts to say that it is not perfect, in fact it is broken, and we are willing to call it that; we are willing to accept it for what it is. And here we are committing to a royal commission into mental health and not only that but committing very boldly in doing so to acquitting all of its recommendations and implementing them—and funding them, importantly. But even more specifically, in my inaugural speech I spoke about the pilot scheme that we are here talking about the success of today, which is leading to the greater rollout of this scheme to workers. We spoke about the significant impact that mental health has and hence why the pilot started with, obviously, our emergency services workers.

For example, back in 2017 the secretary of the Police Association Victoria, Wayne Gatt, spoke about some of the significant issues—and in fact he continues to be the secretary of the association—and he spoke about that he was hoping to achieve a system of provisional approval and that there were a lot of things in place that did not encourage people coming out and asking for help. It was often too difficult; that is another thing that people and members of this place have discussed. It is often too difficult. The stigma is attached. There is just one thing after the other, one hurdle after the other, and as government our job is to reform to make it easier to provide for the best possible healthcare system, to provide for legislation that supports workers to get the help they need.

In particular our emergency services workers see some very, very traumatic things, and of course each person deals with that in their own way. I can only talk to my previous experience as a police officer for five years; although when you spend less than 10 years in the police force, it is normally calculated in seconds or minutes—maybe it is a ‘You spent 5 minutes in the police force’ type of thing. But in that five years you see awful things; my colleagues saw awful things. I saw my former colleagues in moments of peril, of deep despair, in the previous system where there were perhaps more hurdles for them to overcome to get the support they needed and to get it in a timely manner as well, which as we
have discussed in regard to this legislation is one of the most important things that we are reforming here today.

Former police commissioner Graham Ashton spoke about the undeniable fact that police faced tough and tragic circumstances, and we know some of the awful statistics around some of our own Victoria Police members tragically taking their own lives. Nearly 40 per cent of emergency service workers have a diagnosed mental health condition, and that is absolutely tragic. That is why I was so very proud to see that even within one year after Wayne Gatt spoke about it back in 2017, in September of 2018 just prior to the election we were talking about implementing this pilot scheme to support our emergency healthcare workers and to make sure that they get the help and resources that they need. Further to that as well, when we talk about supporting our police we know that part of helping them in the job that they do is providing them with the tools and resources. Equally, I know from speaking to former colleagues of mine the fact that we have recruited more police and that we have given them the technology, whether it is body-worn cameras or new iPads. It has taken a huge load off their everyday, day-to-day work, because there are a significant amount of challenges still that Victoria Police face each and every day on the front line. I am extremely proud of the work that they do, not just locally but right across the state of Victoria.

I know how well this provisional payments scheme for our emergency service workers was received. We spoke about implementing it; in July of 2019 we did implement the pilot system. CFA and Victoria Police rolled it out. They noted obviously the signing-up provisions, the difference it will make, that payments will be quick and they are there to be supported—and that is what this is all about. This broadly continues really this government’s commitment to making sure that we back in Victorians and that we give them the best possible chance to have the mental health system there that is going to support them throughout their lives.

That is exactly why we said we would deliver a royal commission. We know the royal commission’s final report will be handed down soon. We had the interim report handed down last year; we are acquitting all of those recommendations. That is nearly $900 million of investments just there—$900 million—and that is going to see a range of changes. So we have got $492 million to deliver 120 mental health beds across the state and a range of different things to support CALD communities, to support Indigenous communities—people right across different spectrums across our communities—and there is a lot more to come.

One thing I am particularly proud of, which the member for Buninyong touched on, is our program of mental health practitioners in secondary schools. In my local community that will see mental health practitioners supporting young people each and every day, because we know about the social media, the 24-hour news cycle and a number of other things that kids are now having to deal with in their daily lives. It will make a difference, have a huge impact, and make sure they have got the support there when they need it—at Fairhills High School, where the member for Mount Waverley is a former alumnus; at Heathmont College, Wantirna College; we have got Boronia K–12; we have also got Bayswater Secondary College. This is really, really important stuff. I am so very glad to see this program being rolled out more widely. This is fantastic work. This is the Andrews government getting on with not just talking the talk but walking the walk and making sure we fix our broken system and deliver for workers and making sure they have got a safe workplace and they have got the support there when they need it most.

Mr HAMER (Box Hill) (16:28): I too rise to speak on the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. I would also like to start my contribution by thanking the Minister for Workplace Safety in the other place and also the former Attorney-General for bringing this very important bill to the house. I would also just reflect on the three speakers that have immediately preceded me today, particularly their personal stories. I know for the member for Melton and the member for Bayswater the impact that their experiences must have had as workers in our emergency services and what they were confronted with every day. The impact that this must have on
individuals’ mental health can last forever. It is not just a physical injury that you can have fixed up in a few weeks and you are right to go; these are images of events that can last forever.

Before getting into some of the details of the bill I do want to touch on some of the broader mental health issues in my community, as have many other speakers before me. I particularly want to reflect that a few weeks ago I was very pleased to join the new Minister for Mental Health out at Box Hill Hospital, where a new nine-bed facility has just been opened. They have repurposed some facilities within the existing Box Hill Hospital, and they were describing how important these additional beds will be for the whole Eastern Health practice. The clinical director and the executive director of the program at Eastern Health were saying that there is a scarcity of mental health beds in the region and that Eastern Health has one of the shortest lengths of stays in terms of the number of days compared to some of the other health units, which means that sometimes they are almost needing to force people out of their stay because of the demand from more presentations and the general mental health demand on the system.

On the same day that the minister came out to Box Hill Hospital, he announced $2 million of new funding for Victorians with eating disorders. This is a health issue that really presented itself very pointedly during the pandemic in terms of the number of presentations and its impact particularly in relation to eating disorders and young people. It is just part of the government’s commitment as a whole to mental health—$220 million into mental health services to combat some of the mental health impacts of the pandemic. But as other speakers have said, it builds on the broader commitment of this government to improve mental health services. This government did set up a royal commission into mental health precisely because we were aware that there were problems in the system, and, as the Premier has repeatedly said, we want to tackle this, root and branch, through the royal commission and by implementing the recommendations of the royal commission.

Turning to the specific elements of the bill and obviously some of the mental health issues: I talked about Eastern Health and Box Hill Hospital, which are at the acute end of the mental health spectrum. We never want to see any Victorians get to that stage and that level that they need to present to hospital. That is why I feel that this legislation is really important and is a really important element to that, because it is about making sure that those payments and treatments are available as soon as the claim is lodged, so we are not having to wait that extra period where the mental health issues can linger and fester. Part of the specifics of the bill will introduce a provisional payment scheme that will provide workers and eligible volunteers who lodge a claim for mental injury with access to payments for reasonable medical and like expenses whilst their claim is being determined, and even if the claim is rejected, it will provide payment for up to 13 weeks.

This extended period—this 13-week period—does allow for a case to be reviewed or reassessed and, like I said, it provides that safety net for people who otherwise might not seek support. It is within those critical first few days and weeks of the onset of the illness that treatment is really, really important. The bill facilitates access to provisional payments within two business days of the worker’s employer lodging the claim with their insurer, and the employer will have three days to provide that claim to the insurer. To ensure compliance with the period, the bill provides that the employer will be required to notify the insurer of the mental health claim within three business days of receiving the worker’s claim. As I said, it will provide workers with the certainty of immediate support, whether a claim is accepted or not, encouraging workers to make a claim and get the help they need.

I just wanted to reflect on an incident that happened in Box Hill during the 2018 election campaign. It was quite a well-publicised event. It was on a building site where a local worker, a 48-year-old man, went to work that day and died on site. He was working in the pit of a basement of a 12-storey residential building when the crane, which was transporting a tub of concrete, had a kibble full of concrete that detached from the lower crane and fell into the same pit that three men were working in. They were able to extract two of the younger men, but sadly one of the other men was buried alive and died at the scene. Witnesses said many workers, including the crane operator, were seen leaving the site in tears, and workers at buildings nearby also reportedly watched the distressing scene unfold.
No-one should have to go through this and then be unable to get the help and support they need when they need it, and in instances like this time is so critical. That raw emotion that would present itself at the time of that incident and over those next few days—as it was, I am sure, for the member for Melton from his own experience in Braybrook in the way he described it—those scenes, those first few hours, those first few days of having it in such vivid memory, that is the time when assistance is needed. It is not about waiting for claims to be processed and waiting for the bureaucratic process to unfold.

Unlike physical injuries, the nature of mental health claims can be more complex. It can take longer to determine the full impact but the time that it sometimes takes to assess current claims really does not work in circumstances such as the one that I have described. It has been proved that it has been limiting the ability of some workers with mental health injuries to get access to their treatment in a timely manner and as quickly as possible. No worker should have to suffer in silence and think that they are alone, and no worker should have to wait over a month to get the help that they need in mental health.

In the short time that I have remaining I do want to just touch on the successful provisional payments pilot for emergency services workers and volunteers, which was launched in June 2019. Under this bill and its amendments, eligible volunteers, including Emergency Management Victoria volunteers, volunteer school workers and jurors will also be covered by this scheme. Look, there are many wonderful schools in my electorate and across the state, and I think the ability for these voluntary school workers to be able to access this scheme is going to be a real benefit to all Victorians going forward. I commend the bill to the house.

Ms THEOPHANOUS (Northcote) (16:38): It is a great honour to rise and speak in support of the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. As I was preparing my notes for this bill, I reflected that it has been a little over a year since I rose to speak in support of another one of our landmark bills relating to workplace safety, and that is of course our monumental workplace manslaughter laws. Those laws ensure that employers who negligently cause the death of workers or members of the public are held to account for their actions. They send a clear message that the loss of life cannot ever just be the cost of doing business, and what struck me at the time were the many personal stories of loss shared in the chamber. What struck me was the immense difference that legislation would have made if it had been introduced a generation earlier, the pain and suffering that would have been prevented.

At the time I said that as legislators in this house we have no greater responsibility than to protect the lives and wellbeing of those that we represent. Everyone deserves a safe place to work, and when things go wrong everyone deserves access to the help that they need, and that is what this bill is about. Because even though mental injury may be harder to talk about, harder to see, harder to prove, its reality is no less palpable. We only have to look to the events of last year to see just how much our workers can be asked to confront in the day to day of their jobs. Whether it is bushfires, coronavirus, family violence situations or a multitude of other circumstances, our workplaces and our jobs can have an immense impact on our mental health.

This government and Labor governments across the years have always made the health of Victorian workers a priority. As others have noted, it was the Cain government in 1985 that established our safety and compensation scheme. Those reforms made it safer for people to go to work, and we have been building on that historic legacy of reform ever since. This bill delivers on our election commitment to introduce a provisional payment scheme for workers who have suffered a work-related mental health injury. In essence, it means that workers will be able to access payments for medical expenses like the cost of a GP visit, psychiatrist or psychologist appointments or medication they might need for their mental injury while their compensation claim is being determined.

The importance of having them be provisional cannot be overstated. Mental injury is not as clear cut as a broken arm or a leg, and coming to terms with one’s own mental injury is a difficult and courageous step in itself. Imagine being in that position, having come to the point of being willing to reach out for help, only to have the response be, ‘No, just wait’.
Mental injury claims have grown significantly over the past decade and are only expected to increase further, with 33 per cent of all new claims expected to be related to mental injury by 2030. Each of these claims represents a worker who is struggling, who is in pain and in some cases whose life has forever changed, but what it does not represent are the workers who have not put in a claim at all, the ones who are suffering in silence, keeping it all in and unable to reach out for help. Both the Productivity Commission report and the Royal Commission into Victoria’s Mental Health System have demonstrated that for people facing mental challenges, accessing support quickly is critical and that not being able to access support quickly can be deadly.

Last year I had the opportunity to host a mental health forum in Northcote with Dr Stephen Carbone, who is the founder and director of Prevention United, a mental health organisation focused on prevention of mental health conditions. I first met Stephen when I was writing my own submission to the Victorian government’s royal commission into mental health, detailing the key mental health issues and the impacted cohorts in my own community. Among the many issues that we discussed at the forum was mental health and the workplace. Dr Carbone spoke about the importance of good mental health practices at work and, critically, about the importance of accessing quality support early. This is exactly what this bill aims to do for workers across Victoria.

We need to be on the front foot when it comes to helping workers access support. However, we know that mental injury claims are often more complex. As a result they take longer to process—up to 27 days for a mental injury as opposed to around seven days for a physical injury. As a result a worker with a mental injury could be waiting for around five weeks to access treatment—five weeks without support, five weeks of uncertainty, five weeks that could result in long-term harm and significantly delay or even prevent them from returning to work. The delay can also put a huge financial burden on workers, and, as we know, this burden can sometimes turn into a barrier, with out-of-pocket costs discouraging workers from seeking support. These costs can also directly negatively impact workers’ wellbeing, as the stress of these additional financial burdens, combined with the uncertainty of their claim outcome, can cause further harm. By taking a proactive, early intervention approach, workers will be supported to access help as soon as possible, making it easier for them to recover and to return to work sooner, and that is better for individuals, better for families and better for our community, our businesses and our economy.

An important aspect of this bill is of course the provision for workers to access payments for up to 13 weeks even if their claim is rejected. This is really critical, especially to allow for a fair outcome for workers whose claims may be initially rejected and later accepted on appeal. For those workers whose claim is ultimately rejected, this provision allows them the support they need to transition to the public health system and back into work.

Mental illness and injury can affect anyone, no matter your job, no matter your background, no matter where you live, and we want workers to reach out for support without fear of what the cost will mean for their family and regardless of whether their claim is accepted or not. These provisions have been developed in close consultation with employer groups, unions, injured workers and medical and legal experts. Their expertise has been instrumental in this process, and I thank them. They also reflect the findings of our successful pilot, providing provisional payments to emergency services workers and volunteers.

I know that the opposition have proposed some amendments to this bill, which would mean that workers would have their support terminated at the point at which their claim is rejected. I have got serious concerns about that approach, and it does not reflect the evidence we have about what leads to better health outcomes. Ostensibly their argument is about the economic cost of more support, but I suspect that at their core these proposed amendments revolve around a fear that false claims might be made in order to access these provisional payments. That is a very cynical starting point, and it does not put health and wellbeing first. It does not put Victorians front and centre, where they should be. As others have noted, there are very clear evidence-based reasons why continuing to provide care over an extended duration leads to faster recovery and a quicker return to work.
Mental health will always be a priority for this government, just as workers’ safety will always be a priority for this government. Last year was incredibly challenging for our state’s wellbeing and mental health; of that there is no doubt. As we tackled this new and complex global pandemic our lives changed significantly. Whether you are working from home or you have faced job losses, had ill health, felt isolated and alone or are dealing with the tragic loss of a loved one, mental health support has never been more important. And while we have been responding to the mental health needs of Victorians now, we are also in the process of undertaking a historic transformation of our whole mental health system through the royal commission. Their report is due to be tabled this week.

It may be hard to admit, but we know that our mental health system is not what it needs to be. Too many Victorians with mental illness and their families have been falling through the cracks, and too many Victorians have not been able to access the support they need when they need it most. That is why, as we begin this historic process to examine comprehensively and holistically our systems and to make a plan to do better, we need to look at reforms like this.

We have already seen the release of the interim report outlining priority recommendations and setting the foundation for system-wide reform, and we have already got to work on a lot of the recommendations in there. Reforming the way we approach mental health and how we respond to and legislate around it is something we are all invested in, and this bill delivers on a vital area of reform for mental health, and that is workplace mental health. It is good for workers, it is good for businesses, it is good for our community, and I commend it to the house.

Ms D’AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (16:48): It is good to be here, and I proudly rise today to speak in favour of the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020.

As I do, I also wish to pay credit to my parliamentary colleague and friend the member for Altona, who as our then Attorney-General introduced this critical bill late last year. I also wish to acknowledge the mighty union movement that every day fights for workers’ rights, including rights regarding workplace mental health, and this bill is for every single worker in Victoria.

I also wish to acknowledge the context in which this bill was introduced, and the context of course is the global pandemic, during which Victorian workers were asked to make sacrifices and changes to their working lives unlike they had ever been asked to make before. While we know that these changes were important, that these sacrifices saved lives, we also understand the reality of these circumstances—that with these sacrifices came new challenges and stresses for many, many Victorians and their families.

So this bill stands as a credit and a tribute to those workers, whether they be our frontline healthcare workers, our emergency services workers, our aged-care professionals, our retail and hospitality staff, our working parents or any of the many other Victorians whose work changed over the course of the past year. The bill stands as a credit to them all, because we know that mental health does not discriminate nor do workplace mental injuries. Over the past 13 years workplace mental injury claims have grown, and it is expected that they will continue to grow. This trend, combined with a year like no other—under COVID restrictions of course—has highlighted the grave need for further mental health support for Victorian workers. We understand more than ever the need to take proactive action to offer mental health support and care. That is why this government has made a record investment in mental health support: to meet the demands during and well beyond the coronavirus pandemic.

Just last year the federal Productivity Commission provided their final report on the inquiry into mental health, which emphasises the importance of early intervention and treatment for mental health or psychological injuries to get people back to healthy lives. It is under this bill that workers will now be able to access timely treatment and support for their work-related mental injuries. We will deliver on our 2018 election commitment to introduce provisional payments to cover these medical expenses, allowing workers to get support sooner and get back to work more quickly.
BILLS

Legislative Assembly Wednesday, 3 February 2021

Supporting workers has always been a priority of this government and of our Labor movement. It was under a Labor government that our workplace safety and compensation schemes were established, and it is under Labor governments that the schemes have been continuously improved and strengthened. Without a Labor government, it is absolutely a fact that such schemes would be non-existent.

This bill is just the latest in our commitment to continuing to protect the rights of Victorians to work and live safely. This bill will make a real difference to Victorian workers, and we know that workers who suffer mental health related injuries return to work at lower rates than those who suffer other work-related injuries. And we know that mental injury claims take longer for insurers to determine compared to physical injury claims. These longer wait times and the associated costs can discourage injured workers from seeking prompt medical treatment for their mental or psychological injuries. Through this bill, by establishing a provisional payment scheme for workers with mental injuries, we will seek to remove those barriers that discourage and prevent workers from accessing care. The provisional payment scheme will cover the costs such as GP visits, psychologist or psychiatric appointments and costs of medication, all of which are key to supporting the health and wellbeing of Victorian workers.

This scheme provides certainty that even while waiting for a claim to be determined and whether their claim is ultimately accepted or not, they can access this essential care. We know that mental health injuries, like all workplace injuries, can be very serious and must be treated as such. The importance of providing timely and supportive mental health treatment cannot be overstated. For too long mental and psychological injuries have been misunderstood or even ignored. From my own experience in the union movement and my own family, I know that these injuries were not always treated with the care, the importance and the seriousness that they demand. We did not understand their effects or how they impacted a person’s health and ability to work safely and happily, and, importantly, to have a happy home life with family and to spend time with the people they love the most. There is always a very long tail to these problems, and it does not stop at the workplace gate.

But today we know better. We know that mental injuries, whether they be as a result of traumatic work or workplace bullying or are triggered by a stressor or hazard in the workplace, are a serious matter and that any injured worker deserves access to care without barriers. As our understanding of these injuries has changed, so too must our response and our approach to supporting workers who suffer them. We have listened to injured workers; we have listened to industry bodies, to the legal and medical community, to unions and to employers. We know there was demand for this legislation across sectors, and we know that there is support for this bill as it stands, because when it comes to mental health early intervention is key. Providing the correct services in a timely manner can make all the difference to a person’s treatment and recovery from a mental injury. It can be the determining factor in whether a person is able to return to work safely.

Mental health injuries can affect any and all of us, and those who are affected deserve access to quality care and assistance without exception. This is a bill that removes barriers—that encourages Victorian workers to seek help for mental health injuries. This is a bill that benefits workers and employers as it supports Victorians to safely recover and to return to work. This bill stands as evidence of our government’s commitment to our labour roots, just as the Cain government before us established our workplace safety and compensation schemes. We build on that legacy by strengthening this scheme, and I am proud to speak in favour of this bill and proud to stand as part of a government that understands no worker should be denied access to the care and dignity they deserve. I commend the bill to the house.

Ms COUZENS (Geelong) (16:55): I am pleased to rise to speak on the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. I would like to begin by congratulating the previous Attorney-General, the member for Altona, for her work and her commitment to the workers of Victoria to ensure that support in terms of their mental health is addressed.
There would not be many of us in this place that have not met with a constituent who has had a workplace injury and listened to their experience, and this bill goes a long way in addressing those issues. I have heard from many constituents in my electorate of Geelong, and I am really proud to be part of a government that is looking after workers. Right from the very time I was elected, people were coming to see me who had had some pretty traumatic experiences through their workplace injury and were seeking support and help.

I would like to actually congratulate and acknowledge the role the union movement have played in supporting their members. In Geelong it has been a role of the Geelong Trades Hall to support workers who have been injured. When I was president of Geelong Trades Hall I would deal with a lot of injured workers and try to support them as well. But as a member of Parliament, as I said, I do not think there are many of us sitting in this place that would not have had a conversation with an injured worker. I think this is real Labor policy. This is the sort of thing that does support and assist workers in our community, and it is something I am very proud of.

I know that 2020 for our community was a really difficult year. We recognise the significance of the mental health challenges before, during and of course after this pandemic—our frontline workers, health workers, community service workers, hospitality industry, teachers, supermarket workers and those volunteers that were out there on the ground providing meals, for example, volunteering their time, potentially putting themselves at risk to make sure that those most vulnerable in our community were getting meals and the support that they needed.

We have invested in additional mental health supports to help meet demand and ensure everyone gets the support and the care that they need during and well beyond the coronavirus pandemic. Of course the Royal Commission into Victoria’s Mental Health System will also shine a light on mental health and the needs and challenges that we need to deal with going forward. That report is due to be handed down, I think, on Thursday, and I know there are many of us looking forward to seeing not only the outcome of the report but also how we begin to deal with that—not only as a government but as a community and members of Parliament in our own electorates. So I am really looking forward to seeing what the recommendations are and how we can help not only workers but our entire community in terms of mental health.

On top of our record investment this bill will deliver on the government’s 2018 election commitment to introduce a provisional payment scheme for workers with mental injuries, covering medical expenses in the Workplace Injury Rehabilitation and Compensation Act 2013. The bill is designed to help injured workers to get support sooner and get back to work quicker. I talked about the constituents I have met in the past who have been injured at work, particularly those who have had mental health injuries. They will welcome this wholeheartedly. The impact that it has had on them, on their families and on their colleagues has been quite significant. Knowing that there will be something in place right from the very beginning will make a huge difference as we move forward. I know this will be very welcome in my community.

The bill will ensure early access to mental health treatment and support for workers and eligible volunteers with a work-related mental injury, assisting with their recovery and return to work. For many of those people often their greatest desire is to return to work, but they need those supports and that assistance in place to be able to do that. That is why I am so pleased with this bill. Mental injury claims have grown significantly in recent years and are expected to account for a third of all workers compensation claims by 2030. The nature of mental health claims can be more complex and take longer to determine than physical injury claims. Currently it can take up to 38 days for a worker’s mental injury claim to be determined. This limits the ability of some workers with mental health injuries to get access to treatment quickly. Obviously that is a key factor in all of this: making sure that people can get that early treatment and can see their doctor, a psychiatrist or psychologist—whoever it is that they need to see—and that they know they can do that, that they do not have to have the money up-front and that they will be supported to do that. As I said, for many of my constituents that is really significant and will enable them to get that early treatment.
The time it takes for a claim to be determined can also discourage injured workers from seeking prompt medical treatment. Incurring out-of-pocket costs while a claim is being determined may also add to a worker’s stress and negatively impact their wellbeing. I know we have probably all seen that. We have all spoken to people who are getting more and more distressed around their workplace injury and the impact that it is having on their mental health. It may not begin as a mental health issue, but the injury can exacerbate that and actually build on the stress and the mental health issues that they start to experience. I know from dealing with many people that I have seen that over a period of time, as I discuss things with them and try to support them through that, things are building. There are family issues because of their workplace injury that they are not able to deal with. This is just such an important bill for people who have a workplace injury.

By covering costs such as GP visits, psychiatrist or psychologist appointments and medication, the provisional payment scheme removes financial barriers that delay workers getting the care they deserve. Obviously if you are not working and you have got a workplace injury, you do not necessarily have the funds to be able to finance that yourself. It is just adding another burden when through no fault of your own you have ended up in this situation, and if you do not have the financial means to be able to access the treatment or the medications or whatever it might be that you need, then that just adds to the issues that you are currently facing.

Under the bill, the WorkCover insurers will have only two days to assess a worker’s eligibility for provisional medical and like expenses for a medical injury claim. Again, that is another important factor for people who are in the situation of waiting to hear about when their case is going to be assessed, which can go on for many weeks. I think the requirement of two days just takes that stress and burden away from injured workers. This is coupled with a new modification requirement of three days, ensuring employers are passing on the details to WorkCover as soon as possible. And I know from my experience that for many injured workers that is part of the problem: that the employers are not passing on that information so that the process can then begin.

The bill builds on our successful provisional payments pilot for emergency services workers and volunteers, which was launched in June 2019. We have seen how important it is for frontline workers to be able to access support for medical expenses as soon as they need it, and this bill ensures that all Victorian workers will be able to benefit from these changes. Eligible volunteers, including Emergency Management Victoria volunteers, volunteer school workers and jurors will also be covered by the scheme, recognising their unique contribution to the community. I think that it is just so important.

I know that my community of Geelong will fully support this bill. They are very relieved to know that we are taking action on these really important issues that affect workers in the Geelong community as well as right across Victoria. I am so proud to be part of this government, and I commend the bill to the house.

Mr DIMOPOULOS (Oakleigh) (17:06): What a pleasure it is to follow such an eloquent contribution but also to speak on such an important bill. This bill is one of those that makes a substantial and immediate difference to people’s lives. In fact most bills probably do at some point, but this is a bill that has a very immediate impact in my view and is directly relevant to improving mental health in our community and our workplaces.

Before I begin the contribution, as the newly appointed Parliamentary Secretary for Mental Health I would like to congratulate the Minister for Workplace Safety in the other place, Ingrid Stitt, on what I think is her first bill. It is an extraordinarily important one. And I also acknowledge in the chamber the member for Preston, who did have carriage of the principal act in his career and made some significant improvements to it.

As most of us are no doubt aware, tomorrow is a big day. It is when the Royal Commission into Victoria’s Mental Health System delivers its report, and we have already said—the Premier has already said, as has the Minister for Mental Health—that we are accepting all the recommendations
ahead of the report being concluded, which it is now—it will be delivered tomorrow. So it is a big, momentous week for the people of Victoria, for people who are living with mental illness, for the people that love them and the people who care for them. From tomorrow I say to those people: you will not walk alone again. You will be supported in a substantial way—both in a financial way but also through cultural change and regulatory and legal changes. And we have already started making many of those investments, including in the budget late last year.

Obviously we announced that we would implement this change that I am speaking on today in September 2018, just prior to the election. We did not know then but we understand now what a tough year 2020 was. The impacts of mental health were felt by far more people than the normal impact on mental health in our community. In fact it is interesting, both within my family and among my friendship group and colleagues, I really realised for the first time last year that it is very difficult to determine your own limits, let alone somebody else’s, in terms of how you feel when under a bit of a pressure cooker environment for some time, whether that be a work environment, restrictions or whatever else that may be. So this government understands how important mental health is in any time but particularly in 2020. That is why we gave support in 2020, during the restrictions, for mental health. But the royal commission will be unprecedented.

In relation to this bill, it is designed to help injured workers get support sooner and get back to work quicker. It sounds so rudimentary now, doesn’t it? The concept of making sure people are assisted earlier rather than later is both better for their humanity—for the lives that they can live every day—and for their mental health generally, but also it costs less. Treating them in the community costs less than treating them in the acute part of the sector, which is in either psychiatric hospitals, any other hospital or, God forbid, a prison or Thomas Embling Hospital or one of those facilities. So this is designed with a similar kind of framework, which is ‘assist people early’.

The bill will ensure early access to mental health treatment and support for workers and eligible volunteers with a work-related mental injury, assisting with their recovery and return to work. Under this bill that we are proposing, WorkCover insurers will have only two days, as the member for Geelong said, to assess a worker’s eligibility for provisional medical and like expenses for a mental injury claim—two days. Bureaucracy, whether it be private or public, rarely works on those time lines, but we realise how critically important this is. This is coupled with a new notification requirement of three days, ensuring employers are passing on the details to WorkCover as soon as possible. The injured worker should not have to wait for the wheels of bureaucracy to turn, and we are mandating in law that they do not have to wait very long at all.

We know that mental injury claims have grown significantly in recent years and are expected to account for a third of all workers compensation claims by 2030. Mental health claims can be more complex to determine than physical injury claims. Currently it can take up to 38 days for a worker’s mental injury claim to be determined. This limits the ability of some workers with mental health injuries to get access to treatment quickly. The time it takes for a claim to be determined can discourage injured workers from seeking prompt medical treatment, and therein lies the reason for the revolving door of people going into the more acute end of the system. Incurring out-of-pocket costs for those workers while a claim is being determined may also add to their stress, negatively impacting their wellbeing. Covering costs such as GP visits, psychiatrists or psychologists at the early stage, the diagnostic stage, of the journey is so, so important.

The provisional payments scheme removes financial barriers that delay workers getting the care they deserve. The bill builds on our successful provisional payments pilot for emergency services workers and volunteers, which was launched in June 2019. We have seen how important it is for frontline workers to be able to access support for medical expenses as soon as they are needed, so this will be an extension of that successful pilot. Eligible volunteers, including Emergency Management Victoria volunteers, volunteer school workers and jurors, will also be covered by the scheme, recognising their unique contributions to the community.
The royal commission report will be handed down tomorrow, and the narrative will be clear for everybody to see. But I would be surprised if part of that narrative was not treatment early at the level of the community. That is so, so important, and it also destigmatises to some extent mental ill health. Treating it early in a community setting creates a very different association from someone ending up in a psychiatric hospital. That is part of the big journey of the community over decades in terms of destigmatising mental health. The fact that we can talk about it in the workplace and we can talk about it in the community is so, so important for the stigma—because the stigma is what keeps people more ill for longer. They cannot share it; they cannot seek help; they cannot go and talk to somebody. I think that is one of the most remarkable achievements of our community but also of this government, because setting up a royal commission to have effectively a national conversation—because the federal government is taking notice of this royal commission in Victoria too—really just normalises the discussion of mental health. This kind of response by the government in terms of this bill does the same thing: it normalises by not asking you to prove beyond what you are capable of in the first couple of days in order for you to be provided with financial assistance to go and discover more about the issues that you are confronting. So, it is very, very important. I feel very strongly about supporting people early on.

I was reflecting on a conversation I was having with the Minister for Mental Health earlier, where I gave an example of a sporting club, the Oakleigh Amateur Football Club in my electorate. A few years ago they had a suicide in the club, and their response was remarkable. They literally started having fathers nights, where on a Thursday night, for example, they would invite all of the dads and the sons. They would provide some pamphlets and support information at the counter as you walked in—not very obvious—and they would have a speaker from Beyond Blue who had some level of mental health first aid training. And they would just have a meal or a drink and a discussion. They invited me every year to these, and they were packed out, completely packed out. They just normalised discussion about mental health among a cohort that is very reluctant to talk about health generally—that is, men. Imagine having that extrapolated to 3000, 5000, 10 000 sports clubs across Victoria. We have got mental health practitioners in schools and in workplaces. This is what will get us to have a far more significant impact early on on people’s lives, by addressing it early and by talking about it, and that is why this is important—because it actually gives some currency to that by providing some financial support to people to do that very thing in their workplaces.

I support this bill. I support all the work the government is doing in mental health, including the exciting report that is coming out tomorrow, which will absolutely transform lives. I commend the minister, and I commend the bill to the house.

Mr TAK (Clarinda) (17:16): I am delighted to join my colleague the hardworking member for Oakleigh to speak on this Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. This is a truly important bill, one that delivers on the government’s election commitment to introduce a provisional payments scheme to the Workplace Injury Rehabilitation and Compensation Act 2013. It provides early access to treatment and support to workers with a work-related mental injury to assist with their recovery and their return to work. In the past two years I have had the privilege of making contributions on some really significant bills regarding workplace safety and workers rights. This government introduced new workplace manslaughter laws into the Occupational Health and Safety Act 2004. Now in Victoria, if you negligently cause a workplace death, you go to jail. We also criminalised wage theft—another historic bill and a historic achievement. This bill continues that tradition of and commitment to protecting and delivering for the working people of Victoria.

The bill will introduce a provisional payments scheme that will provide workers and eligible volunteers who lodge a workers compensation claim for a mental injury with access to payment for reasonable medical and like expenses whilst their claim is being determined, which is very important, and if a claim is rejected, for up to 13 weeks. The bill will facilitate access to provisional payments, as we heard from the previous speaker, within two business days of the worker’s employer lodging the
claim with their insurer. The employer will have three business days to provide that claim to the insurer. So to ensure compliance with this period the bill provides that the employer will be required to notify the insurer of the mental injury claim within three business days of receiving a worker’s claim and, most importantly, the insurer will have to determine eligibility for provisional payment and give written notice to the worker within two business days of receiving a notification of mental injury.

These changes are more important than ever given the significant impact of the pandemic. The mental health and wellbeing of Victorians has always been a real priority of this government, but we know that they have a whole new set of challenges after 2020. Over the past few months I have spoken with many of my constituents, especially local business owners and community organisations, about the mental health impacts of this crisis. Please continue to reach out to me, and please also stay in touch. We will get through this together. We have invested in additional mental health supports to help meet demand and ensure Victorians get the care that they need during and well beyond the COVID pandemic. This bill continues to build on that investment and that commitment.

I would like to quickly take this opportunity to say thank you to everybody at Monash Health in my electorate for all the important work that they have done in this important space. Monash Health is actually the largest mental health provider in Victoria, providing comprehensive services in both hospital and community settings. Thank you once again to everybody in P block at Monash Medical Centre, Clayton. You all do a truly amazing job. To everyone at the mother and baby unit in the service and all the crisis assessment and treatment teams who work around the clock, 24 hours a day, thank you all once again.

It was a really proud moment for me back in 2019 joining the Premier to announce support for the emergency department, which includes a separate 24-hour short-stay unit to treat more people with mental health or drug and alcohol problems in times of urgent need. That was part of the government’s $100 million promise to build units in busy hospitals in the state. I am just proud to support the great work at Monash wherever possible.

This bill is another example of the government’s commitment to the mental health and wellbeing of Victorians. Mental injury claims have grown significantly in recent years and are expected to account for a third of all workers compensation claims by 2030. We know for sure that due to their nature mental health claims can be more complex and take longer to determine than physical injury claims. As we heard from a previous speaker, if we look at multicultural or ethnic communities, it may take much, much longer because of the stigma in those communities.

Currently it takes up to 38 days for a worker’s mental injury claim to be determined. This limits the ability of some workers with mental health injuries from getting access to treatment quickly, so I am very proud and glad to see these changes here to improve that situation. In particular, workers whose claim might ultimately be rejected will continue to receive access to payments for medical and like expenses for up to 13 weeks from the date they lodged their claim. This provides workers with the certainty of immediate support, whether their claim is accepted or not, encouraging workers to make a claim and get the support that they need. This is really important and a positive change.

In terms of consultation, consultation on the bill has been extensive. The Department of Justice and Community Safety consulted with employers, employees, medical and legal representatives and injured workers during the policy development. WorkSafe Victoria also consulted with their key stakeholder working groups to update their existing forms and publications for the new provisional payments scheme, so it was a comprehensive consultation process and a comprehensive set of amendments are being made here.

This bill is all about our government’s support for workers, and it implements an important commitment that we made at the 2018 election. This bill will make a difference to the lives of Victorian workers who suffer mental health injuries at work, ensuring early access to the support they need. I would like to reiterate that mental illness can affect us all in some way, shape or form, so it is not a
personal failing to reach out for help. If you are struggling, please reach out for help. I know that my electorate for sure will support this bill, and I am proud to be part of a government that is protecting and delivering for working families and working Victorians. I commend the bill to the house.

Ms CRUGNALE (Bass) (17:24): I rise to speak to the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. I wish to acknowledge our former Attorney-General, the member for Altona, and her departmental staff; the union movement and their role in supporting their members; also our Minister for Workplace Safety in the other place; and everyone who has brought this to this place.

Nothing is more devastating than an uncontrolled bushfire—the noise. I have been a CFA volunteer for many years and heard a lot of stories out on the fireground, but I have never heard that sound, and I hope I never will. From what I have been told it is like a living hell. It is a furnace that roars—a roar that you never forget. Years later a red sunset on a hot day in the direction it came from will trigger a memory and you have to leave. You just have to leave and come back after the cool change because you cannot stay there; you feel that you will go mad. This is the reality for real people. If you are a volunteer firefighter on a fairly routine day and you fall getting off a truck and hurt your leg, data from WorkSafe shows that if you submit a claim, on average from the time the insurer receives the claim it will be determined within seven days.

What happens if you are a volunteer firefighter and you see the fire coming and you hear the noise and stay the course and fight the fire for 10 hours, 12 hours or maybe 14 hours as a volunteer? You do not stop, and then you go home and you start to shake. Maybe the next day, maybe weeks later, you start to shake and you cannot sleep. You cannot sleep and you still hear that roar, and when you finally do fall asleep you wake up because the noise is still there and you can still smell that smell and you can still see that inferno and hear that hell raging in your head. What happens then? Finally you cannot stand the madness happening in your head and you start talking to people, hopefully. The organisation is really supportive—100 per cent they want to support you and they submit the paperwork for assistance. What happens then? Here is the irony, because the same WorkSafe data tells us this claim goes to the insurer, but instead of seven days you wait up to 27 days. Instead of one week you wait four weeks because it is mental health not physical health.

The same goes for paid employees as for volunteers—police, paramedics, nurses, frontline health workers across the board, all waiting. The inference is that mental health is a second-class illness. A broken leg is not a problem—we can see that. The sleepless nights, the constant noise of the fire, the sight of accident victims, the stories of abuse or the memory of holding the hand of a dying COVID-19-positive person in aged care—what about those workers? Do we care about them? We have for too long pretended that out of sight is out of mind, but not anymore. This government does not and will not hide from the 21st-century reality that not all injuries are physical and visible.

It is an interesting title for this legislation, provisional payments. ‘Rehabilitation and compensation’ is easy enough to understand, but provisional payments—let us just have a look and sort of unpack that slightly. This bill has heart. This bill will facilitate access to provisional payments within two business days of receipt of a claim by the relevant WorkCover insurer. Provisional payments within two days, not 27 days of determining, but access to provisional payments in two days. You do not have to go to the bank or talk about why you cannot pay the mortgage or the rent for the next month. You do not need to apply for credit online or try to describe what you saw or what you heard to a complete stranger, a stranger who then has to normalise abstract trauma as part of their day.

This Labor government stands for justice and fairness for all Victorians. To determine the needs of this bill, a 12-month pilot of the provisional acceptance model with no cap on monetary expenses was
trialed in 2019. One of the keys to this was recognizing the importance of early intervention in enabling people to return to work. Again, we have no problem in understanding this in terms of physical trauma; early intervention is essential. The person who fell off the fire truck may have needed to have scans, possibly surgery or maybe rehabilitation, crutches and non-weight-bearing exercises. We have no problem with that at all, and it makes perfect sense. So why should we have a problem with understanding or accepting the need for help for the person who saw the fire or the assault or held the hand of a dying patient, the ambulance officer first on the scene? We should not and we do not, and this legislation by this Labor government will reinforce that.

This bill is compatible with human rights as set out in the charter. By amending the Workplace Injury Rehabilitation and Compensation Act 2013 and consequently the Accident Compensation Act 1985, this law says that every person is equal and is entitled to equal protection without discrimination. This legislation will say to those victims that we understand, that we hear and that we know—that we accept that while we may not have the experience of your pain, we believe that it is real and we want to protect you and ensure that you have the same right to help as those who have suffered physical injury. Furthermore, we demand and legislate that if you report your injury to your employer, your employer must act without hesitation. Your employer will be required to notify their insurer of your claim within three business days. We will support you by bringing into law from 1 January 2022 penalties that will apply to any employer who does not meet the new notification requirements. We pledge this because we understand and because we care.

We know that you may have suffered in silence, but as your Parliament we have heard your stories and we believe your pain. We have talked and consulted with a range of stakeholders—with WorkSafe, self-insurers and the Accident Compensation Conciliation Service. Volunteer agencies have spoken on your behalf, and we listened to Victoria Police, the Country Fire Authority and Ambulance Victoria. Finally, we know that workers or volunteers with mental injuries have lower return-to-work rates than those with physical injuries. We must, as a society, do everything within our power to redress that, and we must afford equal protection to all Victorians who either as volunteers or paid employees have suffered injury. This legislation pledges that we will not judge the source of the injury but that we will act with fairness, compensation and acceptance and protect all workers and volunteers.

I am really proud to be part of a government that looks after workers, and I commend the bill to the house.

Ms GREEN (Yan Yean) (17:32): Like the member for Bass, I take great pleasure in joining the debate on the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. There are some in this place—the Greens political party and some people who just like to be contrary—that always say, ‘Oh, the old parties. They’re all the same’. Well, once you bring an industrial relations bill or an occupational health and safety bill or a workers compensation bill before the house, you absolutely see the difference. I did not hear all of the contribution by the member for Ferntree Gully, the lead speaker from the opposition, but when I saw the number of amendments that they were proposing I just thought, ‘This will be more of the same—more of the same’. I have been around here for a while, and I had the great privilege of being the vice-president of the public sector union from 1993 to 1996. I am proud to say I was a public sector worker before I came into this place, so I saw as a public servant the attacks on workers rights that were undertaken in the 1990s. And leopard spots—they just do not change.

Here is an opportunity, and I think it is really instructive that we are having this debate the day before the release of the final report on the Royal Commission into Victoria’s Mental Health System tomorrow. We need to be compassionate. If we have learned anything in the last year with COVID, I think we have never had a better community conversation about people’s mental wellbeing—how it can be impacted. I have met members of my community—colleagues, friends and family members—who never in a million years thought that they would have any skerrick of mental illness, but the last 12 months has challenged them, whether it is the isolation, being away from family, not having family support when having a child or when they have been ill. My son spent 59 days in hospital with a back injury, and he would be the first to admit that his mental health was fraying almost as much as the
workplace injury that put him into hospital for 59 days and gave him a back injury, just due to the isolation. He just said, ‘Mum, I feel so lonely. I feel alone. I feel isolated’.

If we cannot be as a community and as a government be there to wrap our arms around people—and we know we have to do it at a distance during a pandemic—we can have a workers compensation system that recognises this. We know absolutely that mental health and impairment can be the slippery slope to physical impairment. If mental health issues are not dealt with in an appropriate way and with early intervention—I saw after Black Saturday the number of people who had been through the most horrific things that had really tested their mental health. There are much higher rates in those people in those communities of cardiac arrest, of a range of heart diseases, of cancer. We know that stress and mental distress have a physical impact on you.

If you have a compensation system that intervenes early and supports people, it is going to save money. Even if you have not got one compassionate bone in your body, the actuarial look at it would show that you will save money, you will get workers back into the workplace, you will not have a long-term hit on the social security budget or a long-term hit on unemployment benefits or on Medicare. We know with all sorts of injuries that if you intervene early, you support people, you get them the treatment they need, they will get better, and if it is a workplace injury, they will be able to get back to work. And even if it is not in the same work they were in before, if you have the right sort of compensation system that re-trains people, you can have them back in the workforce and making a valuable contribution to the community but also to their family’s bottom line and bank balance. We know the Productivity Commission’s inquiry into disability, which led to the establishment of the national disability insurance scheme and the National Disability Insurance Agency, concluded the cost of acting and establishing a scheme was cheaper than not acting, and I have absolutely no doubt that that is the same when we are looking at all sorts of workplace injuries but particularly mental health.

I want to commend the previous minister, the member for Altona, who is sitting here in this place. She has been very humble with all the thankyous and all the bouquets that have been thrown at her this week now that she is back in the cheap seats with the rest of us, but she deserves great commendation. This is just another groundbreaking piece of work. It takes a long time to get through to do the right thing. I also see a previous Shadow Minister for WorkCover in the chamber, the member for Preston, and I want to commend him for his work. I know, him having been one of those financial boffins and a former Assistant Treasurer—one that is supposed to say no—that he knows that saying no to injured workers is not good value for money. I want to commend the new Minister for Workplace Safety, Ingrid Stitt in another place, a longstanding passionate defender of workers rights, particularly in relation to health and safety.

The member for Bass and other speakers have talked about the pilot that was done in relation to emergency services workers that showed that this would work and that this was the right thing to do. At the time that came in I was absolutely rapt, and I wanted to commend that. I have not talked about this a lot in a personal sense. I have talked many times about my experience and the experience of my community on Black Saturday and as a volunteer firefighter—and I am back being a volunteer firefighter. I had a few years off there—I had done 13 years or so, I had a few years off and I am back doing it—and the reason I had that time off was because I had severe PTSD after Black Saturday. My experience of being on a fire truck on that day, of hearing four maydays, thinking that I was going to hear friends of mine die—fortunately I did not.

That fear, that adrenalin rush—it is really hard to come back from that the day after searching house to house looking for people, not finding them and finding much worse. That really played on my mind. I was pretty good, and my counsellor said to me in the six months afterwards, ‘Danielle, you’re just suffering natural grief’. But after that six months it tipped over into full-blown PTSD. I was really fortunate that I was a member of Parliament. I think we are in the top 5 per cent of wage and salary earners in the country, and so I was able to fund the care that I needed. But let me tell you, it is expensive—it is extremely expensive. Sometimes it takes you a few goes to get the right counsellor, the right psychologist or the right psychiatrist for you. Our public health system does not fund that.
It has grieved me greatly over the years when I have seen many of my fellow volunteers who I can tell are really struggling, especially men that do not talk about these things. I know that they earn a whole lot less than I do. I have got to say I lose sleep and worry about them—whether there are alcohol and drug issues or whether their paid work is suffering. This I know personally from my own experience and from the experiences of my colleagues and other police and emergency services workers that I know well. We have talked about these things around the camp fire and supported each other. Talking around the camp fire is part of the support you need, but part of the support you need is paid support that recognises that you got this injury in a workplace. It is a compassionate thing to do. I am proud that we in the Andrews Labor government are tackling yet another difficult issue, doing it in a team way. I wish that just once the coalition would get on board and back in something that is good for workers. It is about health and safety, and it does help our volunteers too. I commend the bill to the house.

Mr RICHARDSON (Mordialloc) (17:42): It is a pleasure to rise and speak on the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020 and to follow a number of speakers who have shared a range of knowledge and their personal experiences or understandings of how critically important this bill is. It should be seen in the context of a broader patchwork quilt of all of the reforms that we are putting together to try to improve the mental health and wellbeing outcomes for Victorians, because I truly believe, and I think everyone in this place believes, that the suicide toll that we face each year and the more than 600 Victorians that we lose each and every year on average is a preventable loss. Each one of those suffering potentially we could have diverted to another pathway.

If we see it in that context, every bit of effort across each policy dynamic makes a difference. It makes a difference in culture; it makes a difference in care. If we see mental health and wellbeing impacted across a spectrum, we understand that people can experience that in its mildest forms all the way through to the acute and critical care end that potentially requires hospitalisation or further intervention. If we look at it in that context, this is a really important reform, because those that suffer mental health and wellbeing harm in the workplace have a lower percentage of returning to work. Those people also have a higher likelihood of further suffering and deterioration that is profound and also further impacted by the discrimination that occurs in assessing these claims. If it is 38 days, as opposed to the seven days for physical injuries, and you have got a fivefold increase in the time it takes to assess a claim, then that is inherently discriminatory on the individual that is impacted and harmed. That perpetuates the feeling that your community and your society does not understand or appreciate mental health and wellbeing illness and its effect on communities. This bill is about eroding that stigma, getting rid of that shame and discrimination that is cumulative, and it is about making that difference in each and every way.

I recall a conversation I had with a former emergency services commissioner, Craig Lapsley, just after the Bourke Street tragedy, and what really stuck out to me in his role in the recovery space was how many emergency services workers were impacted by that event, that tragic event that changed our city forever—the hundreds of emergency services workers who were experiencing various forms of post-traumatic stress disorder and needed that support, care and comfort, and individually needed to be supported in that view as well. I found it really overwhelming and confronting that we have got so much more work to do to understand the impacts of post-traumatic stress disorder. We know that profound impact that was felt by emergency services workers, volunteers, and communities during the Black Saturday tragedy of 2009 that members like the member for Yan Yean and the member for Bass have outlined eloquently today—just understanding that broader impact and how those moments can change the outcomes for people for life. If we are not able to support them in that dynamic, not just outside of the workplace but also in culture, in practice and in understanding, it is going to continue to perpetuate that discrimination and the profound suffering that will occur into the future.

So I am really proud of this reform and the work that has been done to get to this point. It has been a long time coming. I remember as a member of Parliament you would occasionally get inquiries from local constituents about the challenges that they had faced in having their inquiries or their claims
heard in a timely fashion, indicating the challenges of the bureaucracy and our public service changing and reforming in that space as well. So I am really proud of basically putting that treatment and that focus in an all-encompassing and supportive frame rather than questioning and interrogating and potentially perpetuating greater suffering and harm on our system.

As members have said, this is a landmark week, with the Royal Commission into Victoria’s Mental Health System handing down its report tomorrow, Thursday. But we have not wasted a moment. As we have gone along this journey, we have made reforms that have improved the outcomes for Victorians already. We would have been further along the journey had we not suffered the horrific effects of the coronavirus pandemic, and we know the mental health and wellbeing challenges that Victorians have faced during that time, but we have provided that acute support. In each and every facet of our community we are working so hard to change the culture and the understanding and awareness of mental health and wellbeing.

Nearly one in two Australians will experience the effect of mental ill health across their life. That might be multiple occasions; it should be seen on a spectrum, but all of us have a role as human beings, as people that care for one another and are compassionate in our communities, to do all we can to promote a culture of prevention and support, nurture and care in every element that we do, because each and every time that we lose a Victorian to suicide it is a tragedy that has profound ripple effects across our communities for years to come and for generations into the future. Each one of those tragic instances of people passing away should be seen as preventable.

So when we think about each and every element of community, this is about changing culture in the workplace but it is also about employers, businesses, the public sector changing culture. How do we change the business dynamic as well, not just where people suffer and need that care and comfort through an injury that has occurred or accumulated in the workplace, but how do we build better prevention? How do we build a culture where we welcome people taking mental health and wellbeing leave, where we welcome stress leave, that it is not seen through the prism of missing work or lost productivity but we see that as a broader long-term vision of care and comfort that, longer term—and I think the member for Yan Yean summed it up perfectly—economically makes sense? Many, many billions of dollars of lost productivity is suffered as a result of mental ill health each and every year. It makes economic sense. It should not have to be the justification; it should be a very human, a very visceral response to a real deep concern. But if you were to put one case forward for conservatives or people that are more interested in numbers on a balance sheet than compassion and humanity, then maybe that would appeal to some of their better judgement as well.

It is striking that on a bill as significant as this, on the eve of one of the most substantial royal commission reports not just in Victoria but indeed in Australia, we have such a weak effort from those opposite. I mean, we have had nearly two months off from Parliament, and the best they can offer up are ham-fisted amendments that show a disregard for the issues that are faced by communities and mental health and wellbeing impacts and suffering on workers. We do not have any of those opposite coming in to debate a really critical bill or even to back up the member for Ferntree Gully’s amendments that were put forward. I think that is a sad indictment on those opposite. Maybe that is why we reflect on the wafer-thin approach that they bring each and every sitting week here in their policy development and why they find themselves in the position they are.

This is about decency, this is about supporting communities and this is about transforming and making generational change so not another Victorian has to feel alone and vulnerable when they experience the impact of an injury to their mental health in the workplace. It extends further, and I am really proud that it extends further, to volunteers. I had the privilege and fortune to be on the Fiskville inquiry that dived deeper into the mental health and wellbeing impacts on CFA members and volunteers. It was really telling to hear some of those stories and of some of those moments that can transcend decades of fronting up to various tragedies or emergencies and the impact that that might have on their lives.

To see volunteer school workers as well fills me with great pride. This is a great bill. It is the start of
many reforms to come, and I welcome its passage and I welcome the royal commission report that will land tomorrow. It is a landmark for Victorians.

Mr PEARSON (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (17:52): Acting Speaker Settle, what a joy it is to see you in the chair this evening. I believe this would be the first time I have seen you in the chair as Acting Speaker. It fills me with great pride to see members of the class of 2018 like yourself accepting the heavy responsibility of being Acting Speaker in this august chamber. I often find, and I think the member for Mornington, who is at the table, would agree with me, that it is a great privilege to be the Acting Speaker, to accept the Speaker’s warrant to fulfil this role, because it does enhance your ability and understanding of the ways and forms of the house and it makes you have a deeper and richer appreciation of the forms of the house. So it is great to see that you have accepted the Speaker’s warrant, and I have no doubt that you will discharge your duties and obligations as Acting Speaker as one would expect.

I am delighted to make a contribution on the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020. This bill helps to acquit an election commitment that we took to the 2018 election, which is about providing provisional payments to those who experience a mental health claim. Mental health is an issue that affects all of us in our daily lives. Those of us who have not experienced a form of mental illness in our own lives know people in our families, in our communities, in our network of friends who have experienced mental health challenges. It is a really, really challenging and difficult time if you are going through that or if you have someone who is close to you and who you love deeply experiencing that level of mental pain and trauma.

Of course one of the great challenges we find, particularly from an actuarial perspective and from a claims management perspective, is that mental health claims are often so difficult to assess. Those of us who remember when WorkCover was first established by the Cain government in the 1980s will recall some of the ads. The ads in those days were probably about RSI or they might have been about a bad back, and they were often about people injuring themselves in a manual occupation. I remember some of the ads were set in factories. You saw that level of physical injury, and the scheme in those days was overwhelmingly designed to address those physical injuries. But what we have seen in more recent times is a rise and a prevalence of mental health claims. These are really challenging because often people will have a mental injury claim but it will take up to 27 days to determine from the date the insurer receives the claims around that compared to, say, seven days for a physical injury claim. So there is that difference, and it makes it much more challenging; it makes it much harder for those claims to be properly assessed. Meanwhile for the person who has been suffering and who has made the claim, they run the risk that they are unable to go to work, they are unable to receive payment and they are unable to be in a position to be able to continue to meet all of their other financial obligations and duties.

The government took this position to the election in 2018. It is certainly a really important pledge that we took to the community, and it is an important policy that we are now in the process of implementing. It augments and it supplements the great work of the Royal Commission into Victoria’s Mental Health System. I have had the great privilege and the great pleasure of knowing Pat McGorry for many years, and Pat is a strong and forceful and passionate advocate for improving people’s mental health and for trying to improve the way in which we treat mental health claims and injuries. We are on the eve of the release of the final report of the royal commission into mental health—a landmark report, a landmark royal commission. It is interesting: I remember during the course of the 2018 campaign when the announcement was made about this. I think in the course of 2018 I made close to 10 000 phone calls to my electorate. I spent every day at pre-poll talking with my community. The number of people who spoke about this royal commission and what it meant to them and how important it was to them was really quite significant. There were so many people in the community who I spoke with who were pleased and proud that finally a government was taking action to try and address some of these challenges and issues.
And so we are on the eve of the handing down of this report, and that will present that opportunity for us to be able to start to find ways in which we can tackle these issues head-on in a very systemic way. I think often with really complex issues like mental health there is no silver bullet. There is a need to have a number of different actions and to take a number of different steps across a wide range of areas of interest in order to tackle these issues, in order to address it. I am really proud that as a government this is something that we have been able to do: to try and make these landmark changes and to try and address some of these challenges and issues in a way that looks at improving the mental health of our community. Because it is a real challenge.

It is concerning when you see the level of depression that exists in our community, the level of anxiety in our community. When you talk to your friends and when you talk to people in your community, you start to realise just how big a problem this is. It is wide at one level, in the sense that it can affect anyone. And it has always struck me as particularly challenging when at one level you can see someone and they can seem so well—they can seem so healthy, they can seem so well rounded and have everything going for them—and yet they are afflicted by this terrible disease. I recall a very good friend of mine at university. He was a great guy. He was highly intelligent, he was really switched on, he was playing football at an elite level—and he committed suicide when he was 21. It was a very, very traumatic time for many of us who knew him.

So this bill before the house will ensure that people who do look at having a mental health claim have got the ability to receive those provisional payments to be able to provide them with the support that they need to get them through these immediate challenges. Again, we are on the eve of the handing down of the royal commission, and I am pleased that the former Minister for Mental Health, the current Minister for Health, is in the chamber today. This will be a really significant achievement for this government, but it is something that my good friend, the honourable Minister for Health, can take great pride in for having stood it up, worked it through and shepherded it through. We will have those final recommendations which we can consider. But we need to do more, and we need to do better. This is such a profound problem that confronts our community. I think if you look at the royal commission, the work it did and its early report demonstrate the fact that these are really profound, challenging problems and issues that confront us as a society. We need to try and find ways in which we can tackle this and address this. This bill is a niche part at one level; it is a discrete part of that work, but it is a really important part, to try and make sure that if you have got injured workers who have got a mental health claim they can receive timely payment so that they can at least try and start to get some of those financial challenges addressed very early on to try and put them on the right track.

Early intervention is really important with mental health claims. Where we are able to try and get that targeted approach to try and front end as much of the health and care available, we can look at trying to reduce the long-tail claims for people who end up finding themselves in a very bad way. So this is really important to being able to try and have a more targeted or focused approach, a real focus at the front end to try and tackle these issues head-on and deal with them. It builds on the work of the former Minister for Mental Health. It is a really important piece of an overarching reform that we are trying to address in terms of mental health, and I commend the bill to the house.

Mr CARBINES (Ivanhoe) (18:02): One thing is for certain: we would not be having a discussion, we would not be having a debate, about the Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Bill 2020 without the work that was done on Victoria’s workers compensation scheme by the Cain Labor government way back there in the 1980s. A former constituent of mine, the Honourable John Cain, former member for Bundoora and former Premier of this place, of course is a very large part of the reason that we are even able to debate further improvements and amendments to protect the rights and responsibilities of employers and employees—to provide greater opportunities for them in this place with regard to the Victorian workers compensation scheme—in the grand sense of what we are talking about here in relation to this bill.

I was looking in particular—going back into history, which I think is important in bringing us to this point today, to strike a balance—at a Monash University report, *A History of Victoria’s Workers’
Compensation Scheme, 1985 to 2010. That report from June 2011 touches on a fair bit of the history that brings us to where we are today and the opportunities that are there before us to make amendments to the bill, to provide opportunities, to provide greater supports and protections to workers and to support their employers in providing opportunities through the investment of taxpayers funds as well to protect and advance the interests of working people:

- WorkCare’s creation in 1985 reflected the then Cain Labor government’s desire to marry the twin needs of economic development through reduced business costs with fairness and equity in the field of workers’ compensation.
- These ideas were difficult to reconcile and for a number of years the scheme suffered from unfunded liabilities, cost blowouts and a lack of support from the Victorian community.

So says the report from Monash University.

There were obviously a series of changes in the late 1980s under the Cain and Kirner governments but also under the Kennett government, but I think what is important to note is the further restructure and the name changes in a successful social marketing program under the Bracks and Brumby Labor governments in the 2000s that have seen WorkSafe and workers compensation more generally evolve from being a divisive, partisan issue in the 1980s to one that enjoys bipartisan political and community support today. And we will test that when this bill is considered via a vote later this week.

Those are some of the statements there from Monash University, and they ring very true. I know from my time working as an adviser in the Bracks and Brumby governments that someone who was unheralded often in the work that they did around the workers compensation scheme—and what became then of course WorkSafe—was the former member for Bendigo West, Bob Cameron. I think the credibility through the work that he did and the reforms that he led has ensured that WorkSafe and the program and the scheme have had greater credibility, accountability and sustainability for Victorian workers in the years that we have seen since.

Can I say also that it is critically important to acknowledge the work that so many have done as we head tomorrow to a very significant day around the further announcements in relation to the Royal Commission into Victoria’s Mental Health System and in this instance the investments that we have made around mental health supports to help meet demand and ensure Victorians get the care they need during and well beyond the coronavirus pandemic. I think it is critical that we are able to use those great strides and commitments that were made by the Cain Labor government so many years ago around workplace injury and to understand that, and of course as someone like that, a great lawyer himself and a great advocate for working people, John Cain understood what was so significant about making sure that those who work have the opportunity to be supported when things go wrong.

What we have also seen through this pandemic that has shone a very specific light is not so much that our government has been absolutely and utterly committed to equality in so many facets of people’s lives, but what has actually been really well presented through this worldwide pandemic has been the inequality that exists in people’s lives in their workplace in relation to where we have seen outbreaks and the pressures that are on families to attend work when they are unwell. So often we tolerate that—we accept it, we ignore it, we understand it—but suddenly when there is an international worldwide pandemic people are turning up to work when they are crook, which has a huge effect on so many more of us. But we then pay greater attention, because we also understand that people are doing this not just when they may be suffering from the coronavirus but when they are crook in so many other ways in their lives, either through mental health or through other illnesses. But in the past as a community we have said, ‘Oh well, that doesn’t affect me’, ‘I’m not bothered by that’ or ‘I don’t know about it’.

What we have learned through the pandemic is that there are so many vulnerable people in their work life supporting their family, taking themselves off to work when there are crook, working in communities in regional Victoria but based in the western and northern suburbs of Melbourne, doing jobs that other people do not want to do. But perhaps that has come to light because there have been infections through the pandemic of people who are working in regional Victoria but are based in
metropolitan Melbourne, and we have come to understand who those communities are, who those people are doing work that is not highly paid but is tough, hard work. And they are doing it when they are crook, doing it when they have travelled, doing it when they are supporting their family, and I think we have seen many times through the pandemic the different aspects of inequality in our community that are so significant to the way in which we need to hold accountable our standards and values and the laws that we want to pass in this place.

A while back in 1985 through the Cain Labor government there was an understanding that we needed to support injured workers so that they did not put themselves and their families at risk by going back to work to earn an income to support their families and did not lose their job if they were not there. What we have also learned in time and through the pandemic is there are still so many people who through no fault of their own become unwell and who through economic necessity continue to take themselves to work and to put themselves at risk because they are not at their best. But in a pandemic, when there is a parochialism and when there is a consideration of your own interests and a desire to see you stay home when you are unwell, you are going to be supported to do that. You cannot afford to lose your job, you cannot afford to lose your house and you cannot afford to pull your kids out of school. There are lots of financial pressures on people, and our government has provided many supports through the pandemic to keep people at work but also to support those who need a break and who need to stay home because under the law in this pandemic we cannot have them at work. What we are saying also in relation to this bill and people’s hidden illnesses, often in relation to mental health, is that we also want to support you to get well, to take those financial pressures and burdens off you and to understand that these things need to be dealt with effectively.

But I do think that we still continue to have much more to do in relation to understanding that the equality in our community here in Victoria is not just about some of those totemic issues, it is also about the day-to-day struggles that people on low incomes have in their desperate desire to get to work, to clock on, to do their bit, to earn an income and to support their families. We have seen the destruction of that through this pandemic, and to the credit of our government we have seen the desire to provide supports to those people to get well and get back to work—but it has also shone a light on the fact that there are so many people who have travails that are very heavy and they work very hard in very difficult circumstances. Pandemic or not, we need to find ways to support them in their workplace. John Cain did that so many decades ago, and that is what we are building on today as a Labor government, just as the Bracks and Brumby governments did in sustaining, advancing and buttressing the support for WorkSafe to be able to do its job effectively to support employees and to hold employers accountable and to support them to support their workers. These are the really critical issues that I think are important to raise in relation to this bill, and I commend it to the house.

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (18:13): I move:

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until later this day.

SUMMARY OFFENCES AMENDMENT (DECRIMINALISATION OF PUBLIC DRUNKENNESS) BILL 2020

Second reading

Debate resumed on motion of Ms HENNESSY:

That this bill be now read a second time.

and Mr SOUTHWICK’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:’
(1) further consultation is undertaken with primary stakeholders, particularly the Police Association Victoria, Ambulance Victoria and relevant health service providers;

(2) a comprehensive, fully developed and funded support program to deal with alcohol-affected individuals is agreed to by all stakeholders and is established and ready to operate; and

(3) community safety concerns are addressed, including the implementation of alternative police powers to manage public drunkenness.'

Ms GREEN (Yan Yean) (18:13): I am glad to be able to complete the contribution that I began just before the adjournment last night, and I thought I was wrapping up the debate then. I am really pleased to return to this groundbreaking piece of legislation and very pleased to see the former Minister for Mental Health, now the Minister for Health, at the table. I know he, like everyone in this place, absolutely supports a health response, and that is why we are changing this condition in the criminal code. It really annoyed me, I have got to say, hearing the contribution from the lead speaker of the opposition, the member for Caulfield. It was completely hysterical. It was really like, ‘You know, this thing is going to be removed from the criminal code and it’s going to be like next week when it gets through the upper house’, and then, ‘Oh, my lord, what will the police do? Oh, dear me!’, when it is quite clear that there are some 22 months before this will be removed from the statute book, so there will be completely adequate time to work out a new framework for dealing with this offence. After all this time since the Royal Commission into Aboriginal Deaths in Custody of 1991 and since the terrible passing of Aunty Tanya Day, for the opposition to say, ‘We need more time’, when we have got the bill before the house and 22 months to implement it, I think that they speak with forked tongues. I do not think that they would ever have any intention—

Mr T Smith: On a point of order, Acting Speaker, however interested I might be in the member for Yan Yean’s views about the opposition’s statements on this bill, could she be asked by you to return to the substance of the legislation before Parliament?

The ACTING SPEAKER (Mr Dimopoulos): I was in the chamber when the contribution was made, so I think the member is just picking up on contributions in the same debate. There is no point of order, but the member will continue.

Ms GREEN: Thank you, Acting Speaker. It is no surprise that the member for Kew would interrupt debate on this. These offences have passed their use-by date—the member for Kew and the opposition may not understand this—and they belong in the distant past. Being drunk—

Mr T Smith: On a point of order, Acting Speaker, I have no interest in the member for Yan Yean’s views about me personally. I would like you to ask her to return to the bill that is before the Parliament.

The ACTING SPEAKER (Mr Dimopoulos): Member for Kew, the member for Yan Yean is speaking about the bill and the contributions made by members of the opposition. There is no point of order.

Mr T Smith: Further on the point of order, Acting Speaker, the member is referring to me. My name, to the best of my knowledge, does not appear in this bill. On relevance, I ask you to do your job and get her to speak about the bill.

The ACTING SPEAKER (Mr Dimopoulos): Thank you, member. Thank you for the direction about doing my job. The member for Yan Yean will continue on the bill.

Ms GREEN: Thank you. Nowhere is this clearer than in one of the offences being removed by this bill—that of being drunk while in charge of a carriage or a horse or cattle or a steam engine. Laws like this are relics of a less-enlightened time, and it is time we traded them in for a modern, safe, health-based approach. But that is obviously something that would be beyond the wit of the opposition.

I was, I must say, disturbed too by one contribution. I have said often that I have a great deal of regard for the member for South-West Coast, who worked as a nurse and worked in an Aboriginal health organisation, but I would urge sensible members like her in the opposition to actually relook at what is
in the bill and the time line for the rolling out of this. I am sure that a good regime will support police. The fear mongering that was proposed by the member for Caulfield—I can say to him that other offences that are committed by people while drunk will still be treated as offences. This is simply removing from the statute public drunkenness. It is beyond time that we should be doing this. We are one of only two jurisdictions left in this country—there are only two states left—that have this on the statute books. Too many people have died. Too many people have been treated differentially by this measure.

For anyone going to the races, I like to go to the races. I even managed to go on 31 December, so I was actually able to say that I made it to a race meeting in 2020. There are many events, public and private, where many people would be inebriated, but it seems that there is a differential impact on our Indigenous people, on those from culturally diverse backgrounds and on those who are homeless, and these are the very people who need support from the health system. I am glad that we will be backing in things like this change with the report of the Royal Commission into Victoria’s Mental Health System that will be coming down tomorrow. This bill before the house and the one that was previously debated about changes to WorkCover are measures of a modern, forward-looking government that actually cares about its community. I commend this bill to the house.

Ms EDWARDS (Bendigo West) (18:19): I am very pleased to speak on this very important bill before the house today. I would like to commence by acknowledging the traditional owners and pay my respects to their elders past, present and emerging.

As many people would know, the tragic circumstances surrounding the death of Aunty Tanya Day started in my electorate, in Castlemaine, where she was arrested for public drunkenness—a tragic and horrendous time for her and her family, obviously, and I send my condolences to them and their extended families and indeed to the many, many families of those who have lost their lives in custody over the many, many years that we have been dealing with this issue. I was truly saddened to hear that it happened in my electorate—the start of this tragic process that has led us today to this important legislation, to make this important change that will make a big difference to the lives of a lot of people, and none more so than our First Nations people.

We know that public drunkenness is a health issue. It is not a criminal issue, it is not a moral issue; it is a health issue. As many people have mentioned in their contributions on this bill previously, there are many reasons why people turn to alcohol; there are many reasons why people become intoxicated. It is important to make sure that we have services in place to support people who have an issue with alcohol, who might be dependent on alcohol or who have binge-drinking issues; it is so important.

The health-based approach to public drunkenness is the most effective way to achieve positive outcomes for everyone, including reducing contact with the justice system, which we know is still problematic, particularly for our First Nations people; they are well over-represented in our justice system. We must prioritise health and safety and, most importantly, reduce deaths in custody. Any death in custody is an absolute tragedy. We all have an obligation to acknowledge that it happens—it is been happening for way too long and far too frequently—and that it happens overwhelmingly to our First Nations people, but we also have an obligation to prevent these unnecessary and devastating losses of lives from happening in the first place. Prevention is key. Prioritising the health and safety of people who are intoxicated in public and providing pathways to services to help people receive treatment for intoxication and long-term support to address complex needs are the basis of a health-based response to public drunkenness. There can be nothing more important than addressing the health needs of our communities.

This comes after a very long wait. I acknowledge that there have been many, many years since the Royal Commission into Aboriginal Deaths in Custody and that here in Victoria we have been behind a lot other states in implementing this important legislation. Thirty years is a very long time, and there have been many deaths in that time, but we are at a point in time now where we can change the future.

We can change the future for our First Nations people who are over-represented when it comes to issues such as this, particularly deaths in custody. It is also about ensuring that people who have been
involved with the justice system previously do not return to the justice system and ensuring that people have the supports around them to prevent them from returning but also to support them if they have drug and alcohol issues, particularly in this case alcohol issues.

As I said, these offences are well and truly past their use-by date, and they do belong in the distant past. There is no justification anymore for arresting someone simply because they are drunk in public. I have heard some members talk about they themselves being intoxicated or family members being intoxicated. I grew up in a time when it was quite common for fathers in particular—older men—to be at the pub well past the closing time and to be found drunk in public post the pub closing time. I think it was a much more accepted social activity than it is now, and it was not considered back then to be a health issue. We know so much more now than we did back then. Nowhere is this clearer than in one of the offences removed by this bill—and that is of being drunk while in charge of a carriage, a horse, cattle or a steam engine. Laws like this are relics of the past and of a less enlightened time, and I think it is really important to acknowledge that we have moved way beyond that and that we require now a modern, safe, health-based approach. While we know that repealing the offences is a very important first step, it is probably not enough on its own.

Of course as we all know, the Royal Commission into Aboriginal Deaths in Custody and many other reviews since have stressed how important it is that we have alternatives to custodial systems—laws and services for people who are intoxicated in public. This government strongly believes that legislation is essential now to solidify our commitment to reform and to provide government entities and the community with the certainty they need to move forward the alternative model. This reform is way too important to delay, and we need to have that clear date by which the new public health response will be in place. We are establishing a pathway that so many have waited too long to be able to access and to be able to see.

There are many issues surrounding the reasons, as I said, why people turn to alcohol. One of the most obvious is homelessness and not having access to services to support people when they are homeless or when they have other mental health issues or drug and alcohol issues. It is so important to have those wraparound services, particularly in our justice system but also for families who are at risk or people who are at risk and who are identified as at risk. People from Aboriginal communities and people from our CALD communities as well are overrepresented in their contact with law enforcement agencies and particularly in public drunkenness offences.

Back in August 2019 we committed to putting in place a holistic public health response, and the expert reference group that was appointed came up with some fantastic initiatives. That was based on extensive consultation with many stakeholders across the state, and it culminated in their report which was delivered to government, Seeing the Clear Light of Day, which was named in recognition of Ms Tanya Day, Aunty Tanya Day, and of course with the approval of her family. That report found that the current response to public drunkenness is not only unsafe but unnecessary, and it is inconsistent with the current community standards. The repeal of public drunkenness offences features among the 86 recommendations along with a range of other measures and considerations for the development and implementation of the holistic public health model. I want to acknowledge that expert reference group for their commitment, but I also want to acknowledge again, before my time is concluded, the family of Aunty Tanya Day—her children—for their passion and commitment to ensuring that this legislation came before this Parliament as quickly as possible. Obviously there will be some time around implementation, but nevertheless this is a really important first step. I would once again like to pay my respects and condolences to her family; I can only imagine what it must have been like for them to lose their loved family member. And to those who continue the fight, I say all strength to you. I commend the bill to the house.

Mr STAIKOS (Bentleigh) (18:29): It is a pleasure, indeed an honour, to rise in the house and speak on the Summary Offences Amendment (Decriminalisation of Public Drunkenness) Bill 2020. I commend the previous speaker on her contribution. She described the offence that this bill is repealing as a relic of the past. Indeed it is a relic of the past, but what unfortunately is not a relic of the past is
One thing I think we need to confront is that racism still pervades Australian society, at least at a subconscious level, and this is where this government has made the decision to take action, in bringing this bill to the Parliament and in repealing this law that in its enforcement is discriminatory to Indigenous people.

It is long overdue because the Royal Commission into Aboriginal Deaths in Custody was back in 1991. That royal commission looked into how many Indigenous people had died in custody in the 1980s, and it was around 90 Indigenous people. Now, that royal commission report talks about an Indigenous person who had died in custody, and his name was Harrison Day. He was Tanya Day’s uncle, as I understand it. He was a skilled drover and a horseman who died in custody in 1982. He died from an epileptic fit in a police cell in Echuca, and he was in that police cell because he was arrested for an unpaid $10 fine for public drunkenness. It is indeed sad that since that royal commission 30 years ago we have had inquiry after inquiry, committee after committee and report after report—and I am not pointing the finger at any side of politics here. We have all failed, frankly—we have all failed.

We have now come to this, of course, because we had that tragic death of Tanya Day back in December 2017, when Ms Day was on a train and she was found asleep on that train. She was taken to a police cell where she unfortunately hit her head and died 17 days later. Her loving family have worked day and night ever since to ensure that the law is changed and that we have some justice for our First Nations people. We know that she would likely still be alive today if she had not been taken to a police cell. A number of members have said in their contributions that they have been drunk in public in the past, and so have I. I do not make a habit of it these days, but in the past I have been. But I have never been arrested, and it is unfortunately true that I have less likelihood of being arrested under that offence simply because I am white. For that reason we must confront the fact that racism still pervades Australian society and recommit ourselves to addressing those wrongs.

This particular bill, it is fair to say, has been very well thought out, because the government announced its intention to repeal the offence of public drunkenness and replace it with a health-based approach back in August 2019 and since then established the expert reference group. I commend the members of that reference group, who are Helen Kennedy, the former chief operating officer of the Victorian Aboriginal Community Controlled Health Organisation; Tony Nicholson, former executive director of the Brotherhood of St Laurence; Jack Blayney, former assistant commissioner and chief information officer of Victoria Police; and Nerita Waight, the chief executive officer of the Victorian Aboriginal Legal Service. Their report clearly outlines what sort of a public health response this should be replaced with, and it is based on the principle that nobody should be placed in a police cell simply for being drunk in public.

We need a robust health response with first responders who are from health services and community services, because it is help that people who are intoxicated in public need. We need an approach that ensures that people who are in need of help—they are not in need of law enforcement, they are in need of help—can get home safely or get somewhere safely where they can sober up. It is a health response that needs to be holistic and one where we are actually tackling this issue as a health issue and not an issue of law enforcement. For that reason this bill includes a two-year phase-in. It comes into effect in around two years time so that the government can set the health response and make sure that it is up and running in time for this new law coming into effect.

I heard a number of contributions from those opposite. One member decided that he would say that this move was more about philosophy than anything else. He actually said that it was virtue signalling to the Premier’s devotees and asked something about what would happen if somebody ran amok in a kebab shop. I would simply say that if you think that after the royal commission and after nearly 500 Indigenous people have died in custody since the royal commission this is about philosophy, that this is about ideology, then you need to take a good hard look at yourself in the mirror. This nation being at peace with itself by ensuring that there is justice for First Nations people, by eliminating laws that are
frankly discriminatory and relics of the past, that is not about philosophy; it is the right thing to do, and
we are very proud as a government that even though it has taken this long we are taking this step.

I do want to acknowledge the former Attorney-General for all her work in ensuring that this bill
reached the Parliament. It will make a difference. It will make a difference not just for First Nations
people but for people of culturally and linguistically diverse backgrounds, for people with mental
illness and for other vulnerable members of our community. I commend the bill to the house and I
wish it a speedy passage.

Ms COUZENS (Geelong) (18:38): I am very pleased to rise to speak on the Summary Offences
Amendment (Decriminalisation of Public Drunkenness) Bill 2020. I will begin by thanking the
previous Attorney-General, the member for Altona, but also the Aboriginal Victorians who have
contributed greatly to the development of this bill, and I pay tribute to them. The bill is about making
sure that people who are drunk in public get the help that they need. They should not be being put into
a prison cell just for being drunk.

It makes me think back to the 1980s before my late husband passed. As he was a Gunditjmara man,
there were lots of instances that I experienced indirectly of that systemic racism in our community. I
want to tell a story of the sorts of experiences that he had that I witnessed being with him when there
was a police car passing by. The immediate reaction was ‘They know all the blackfellas’ families, they
will target them’—and that is exactly what they did. For me, being a white woman—or young girl, at
the time—it did not make any sense. I did not understand it. Often they were being pulled up for being
what they called D and D, drunk and disorderly, when in fact they were not drunk. But that was the
reason why they were picked up and thrown in the cells. That level of racism was never in my psyche
at the time. Maybe it was because I grew up on a public housing estate with lots of multicultural people
around. I had the great privilege of experiencing that, and that level of racism was never in my
thinking.

So it was quite a shock to me for that to happen. He would be thrown in the back of a paddy wagon
and I would be left standing there. Sometimes he was drunk, but the majority of time he was not. He
would always say to me, ‘They’re after the blackfellas. They see us. They come after us’, and their
instinct was to run. Whenever we saw a police car, his instinct was to run.

This is not an uncommon story. I still hear this now from within the Aboriginal community, so that is
an important reminder for all of us—just the experience that Aboriginal people in Victoria have had
to endure. I think the fact that we have actually listened to the Aboriginal community and the health
experts about developing this really significant reform is just so important. I know how important it is
not only to the Couzens family but to other families right across Victoria and what this actually means.
It is a stepping stone. You can think about what was happening with my late husband back in the 1980s,
‘Surely we’ve moved on’. Well, let us just look at what happened to Aunty Tanya Day just in recent
years. It has not changed to the extent that it needs to change, and I think that Aunty Tanya Day and her
family can be proud of the work they have done under extreme circumstances. The fact that they lost
their mother, their family member, in such horrific circumstances, but have continued to pursue to make
sure we get change but also to protect other Aboriginal people, means they are actually saving lives
with the work they have done. I want to pay tribute to what they have done over the last couple of years.
I am very proud of them. I think most Victorians want to see us deliver this sort of legislation.

This bill that we have got before us today is just so important and so significant. It has been 30 years
since the Royal Commission into Aboriginal Deaths in Custody. It is absolutely shameful that we are
standing here today putting this bill forward. I am very proud to be able to do that, but I am also really
bitterly distressed at the fact that it has taken 30 years to get to this point. To prevent any deaths in
custody, whether it is Aboriginal people, whether it is people from other multicultural communities,
the homeless, people with mental illness, this is really significant legislation. I think Tanya Day’s
family should be very proud of the work they have done.

I do not mean to criticise the police directly, but there needs to be that significant change. We know
that there are lots of great things that the police force does, but we also know that the evidence is clear
that Aboriginal deaths in custody are very real, and until this legislation is enforced there is the potential for that to continue. As I said, it has been a long time coming, and we need to reflect the standards of our community. We need to be doing that on all social policy, but on this one in particular. I know when I talk to my community, not just with the Aboriginal community but with non-Indigenous people, they say, ‘This legislation should’ve been brought in many years ago. This legislation is really important, and we want to see it happen’.

So it is really, really important, not only to my community but to all Victorians. The reform will bring Victoria into line with other state and territories across Australia. It is a really important milestone which acknowledges the failures of the past and the government’s commitment to move to a better, safer future. These offences have passed their use-by date, as we have heard in this chamber from this side today, so it is now time to make sure that we do put this legislation forward.

You know, alcohol abuse for some of us is a one-off—get drunk, fall down in the street. I have been there, like a lot of other people have confessed today, but I have not been locked up for it. If I am sitting on a train coming back from the races or wherever and I am drunk, I really do not see myself being arrested by the police because I am drunk. Why? Because I am white, and I might be well-dressed and not seen as a threat in any way. I think systemic racism that has, I suppose, the thought that Aboriginal people are somehow some sort of threat is really, really disturbing, because that is just not the case. Whether it is Aboriginal people or whether it is people with mental health issues or homeless people, they are not necessarily a threat—maybe some are, but that will be dealt with from a criminal perspective. Many people are just drunk, and we know that was the case with Tanya Day, who was asleep on the train. I just think this legislation is something that, as we have said, is well past its use-by date, and now is the time to act. I am really proud to be part of a government that is actually doing that, and I commend the bill to the house.

Ms CRUGNALE (Bass) (18:46): I rise to speak today as well to the Summary Offences Amendment (Decriminalisation of Public Drunkenness) Bill 2020. Fifty-five years ago the Summary Offences Act 1966 came into being, and one of the consequences of this act was that it became an offence to be drunk in a public place. Perhaps coincidently this was the same year that the infamous 6 o’clock swill was changed in Victoria and liquor laws were relaxed. Despite the Summary Offences Act now having 133 versions, public drunkenness was not addressed in any of the previous changes.

The television screens back in 1966 portrayed a comically swaggering suited man leaving the local pub. Dean Martin was quoted as saying, ‘I feel sorry for people who don’t drink’. The doctors in *M*A*S*H* dulled the pain of the Korean War by drinking, and even Larry Tate was often drunk in *Bewitched*. It was all portrayed as comedy and good fun. But public drunkenness was not funny then and it is certainly not funny now. As has been recounted in this place by swathes of speakers on this side before me, there is the absolutely tragic death of Tanya Day, a Yorta Yorta woman who was removed from a train for being drunk and put in a cell. It was just over three years ago, and it did not need to happen. It was preventable. She needed care and support, not incarceration, and certainly a health response and not a criminal one.

The insurmountable grief and sorrow about how wrong this was triggered for everyone that knew and loved her a resolve for change, strength for the fight and a big call-out that we needed to as a community and as Victoria to pick up a mirror and focus and be conscious and see just how biased, profound and disproportionate this was. There are those partying on or returning home from the Melbourne Cup shoeless and smashed, those celebrating their AFL Grand Final win, rowdy and shouting all sorts of inaudibles as they meander along the footpath, stepping onto roads at random, and we only have to look at the data, which tells us that this offence is weighted towards certain people, certain groups, certain communities.

Tanya Day was the catalyst for this government’s commitment to overhaul the law. We know that the current laws disproportionately affect whole sectors of community—and the data tells us this very plainly—including people experiencing homelessness, Aboriginal people, culturally and linguistically
diverse people, people with a substance abuse issue and people experiencing mental health illness or distress. We also acknowledge that there have been calls, pleas and screams for decriminalisation for the last 30 years. The Royal Commission into Aboriginal Deaths in Custody reported on this issue in 1991. Coroner English recommended the decriminalisation of public drunkenness in her findings. All other states except Queensland have amended laws, and I am so relieved that we are finally seeing this much-needed change brought into Victoria.

We know that people who are found drunk in public need health care and help, not a jail cell. There is nothing funny about drunkenness. It is tragic and has no good outcome. The consequences range from self-destruction to violence or death. Not surprisingly, both Victoria Police and the Police Association Victoria support these amendments. These officers are often the first responders, and they see the damage that alcohol does. They train and work to uphold the law and protect us, not to process people who really need a health worker and protection.

I refer to the member for South-West Coast’s contribution yesterday, describing drunken people in public as playing ‘a bit of havoc’. She talked about the situation as them needing to ‘sober up’. She read a statement from a police officer who did not know how the changes would work, and she said that this legislation offered neither solutions nor alternatives, which is simply not true. This is the first step on our road to a kinder society. Police will still be able, when needed, to arrest individuals involved in alcohol-related violence. Police will still have the power to arrest individuals who are committing offences.

The Victorian budget 2020–21 provided $16 million to kickstart works on safer pathways. I have the highest respect for our frontline workers. I do not expect them to have a detailed working knowledge of a program being rolled out in two years time. I do have a problem with people criticising this government for making this state a better place. I ask the member for South-West Coast: do the police she knows want to arrest people for just being drunk in public—for example, sitting on a park bench, just sitting in the sunshine, not doing anything, just sitting? Because currently they are breaking the law, and they are breaking the law by sitting in the sunshine on a park bench because they are drunk. It is the duty of the police to arrest those who are breaking the law, and I ask her: is this right? Is this the way she wants our police force to spend their valuable time?

The introduction of this legislation will be November 2022. This is almost two years to establish trial sites around Victoria, and trials are due to commence in July this year. We will evaluate the impact of these trials and implement a model to help those who desperately need our help. I urge everyone in this chamber to read the report from the expert reference group, which was appointed in August last year to provide advice on this issue. The title, Seeing the Clear Light of Day, is a tribute to Tanya Day on the train, an acknowledgement of the tragic and unnecessary death of this much-loved mother and grandmother. It is 120 pages of facts, reality and recommendations: headings such as ‘First response’, ‘Transport to a place of safety’, ‘Places of safety’, ‘Health and social care pathways’ and ‘Broader prevention strategies’ and words like ‘Assessment of options’, ‘Consent to medical treatment’. ‘Investment in … services’, ‘Trial sites’ and ‘Cultural safety framework’.

I particularly urge the Leader of the Opposition to read the report, because the day after the report was tabled he issued a statement that this government was planning to decriminalise public drunkenness without proper stakeholder consultation and without the support of key stakeholders. If we unpack that, the expert reference group consisted of the Victorian Aboriginal Community Controlled Health Organisation, a former executive director of the Brotherhood of St Laurence, a former assistant police commissioner and the CEO of the Victorian Aboriginal Legal Service. This group consulted widely with Aboriginal communities, Victoria Police, health services and alcohol and other drug experts, then they tabled 120 pages of their findings and recommendations. Yet that in the eyes of the opposition is not enough. And what would they do? Probably nothing: continue for another 55 years pretending the 1960s television comedies were a reality—they were not even a reality then. The opposition would allow more people to die in police station cells, leaving tragic ripples across families—families of the deceased and families of the police involved. That is what they would do: leave more tragedy in their wake.
Lastly, I really want to acknowledge and thank all those that have worked so hard to bring this legislation before this Assembly: commissioners, coroners, expert committees, the former Attorney-General and, most of all, the family of Tanya Day, a much-loved mother and grandmother, and the families of all the other people who have suffered and fought for change. Fighting for change is so relentless, so exhausting. It takes years and in this case decades. It takes resilience and determination and hope and the desperate plea that things must get better for others. So when these changes are enacted it will change lives and, importantly, outcomes. I commend the bill to the house.

Ms HALFPENNY (Thomastown) (18:55): I stand to speak in support of the Summary Offences Amendment (Decriminalisation of Public Drunkenness) Bill 2020 in the few minutes that remain today before the adjournment. Our government committed to repealing the law that criminalises public drunkenness following the tragic and unnecessary death of Aunty Tanya Day. She was arrested and charged with public drunkenness and then held in police custody for this so-called crime. She was killed whilst in police custody. Aboriginal organisations, human rights activists and many other sections of society have been campaigning for the change that we are introducing today for many years. It was one of the key recommendations of the Royal Commission into Aboriginal Deaths in Custody from 1991. It is a change that is well and truly overdue.

As I understand, this offence goes way back to colonial days in Australia and was later adopted in various forms by the states; however, Victoria is now one of the very few remaining states that continues with this archaic law. Public drunkenness as a crime has no place in modern society. Its roots really lie in targeting those that are less privileged, and it can also hide abuses of power. I grew up in Watsonia, and I know that nearly every working-class boy, including my brother, spent at least one night in the Greensborough police lock-up using these laws. At the time we did not know it, but obviously it was using these laws, and these laws were used to intimidate and chastise them for maybe giving a bit of lip to a police officer or talking back when they should not have. I am not saying that these things do or do not continue on today, but I think this is the history of laws like this and they can be used by people in authority that are not doing the right thing to cover and hide abuses that they may be perpetrating. So this legislation really is fantastic, reformist, progressive legislation.

Of course the Aboriginal community has been treated worst and has suffered most under public drunkenness as a crime, and these laws really have to go. I just want to commend and offer my deepest sadness to the family of Aunty Tanya Day and also say that I really want to congratulate and commend her family and friends on the great legacy that they have created for her in campaigning so strongly to have this legislation that we are talking about today introduced to remove these archaic laws that really only hurt the underprivileged. I thank them for not giving up the struggle to see this through.

This legislation is something that I think everybody on this side of the house is extremely proud of. Yes, it has been a long time coming and, yes, it is overdue, but it is another example of the care and commitment that the Andrews Labor government has to making our society a fairer society and making sure that people have equality and that legislation or particular laws cannot be used to target and abuse and unfairly look at certain sections of our community, as this public drunkenness legislation has. In saying these few short words I just want to again reiterate how supportive I am of this legislation and how proud I am that it has been introduced. Yes, there is going to be some time to look at what other responses can be put in its place. Maybe that is why it has taken some time, but that does not stop—(Time expired)

Business interrupted under resolution of house of 2 February.
Adjournment

The DEPUTY SPEAKER: The question is:

That the house now adjourns.

HEALESVILLE PRIMARY SCHOOL

Ms McLEISH (Eildon) (19:00): (5479) My adjournment matter is for the Minister for Education, and the matter I seek is for urgent repairs to be made to Healesville Primary School. Healesville Primary School are feeling pretty low at the moment. They, like many schools in my electorate, did not do so well in the last state budget, and they have some critical needs, certainly around repairs and upgrades. The funding allocations in the last budget raised a few eyebrows locally, and I am really hoping that the next budget can be a little bit fairer for so many more schools in my electorate.

Healesville Primary School are experiencing more than their fair share of struggles. These include, at the moment, shade sails. They applied for a grant as part of the Minor Capital Works Fund last year for two new shade sails, yet disappointingly they were unsuccessful. The shade sails are for two playgrounds that are in full sun; one is on the asphalt and is blazing hot on warm days, as you can imagine. It makes it incredibly difficult for schools to be sun smart when they cannot provide basic shade for students and teachers due to lack of funds.

They also have a termite issue. I recently visited the school—in fact I am a frequent visitor to that school—for an assembly in the gym, and I visited the library. Both the gym and the library have termite issues. Termites have eaten the gym floor and parts of the library. The termite inspector has been visiting and baiting the school for over three months and has only recently declared the termites to be deceased. Now planning for repairs must begin. Parts of the gym floor will have to be replaced. The library is a real concern. The central returns part of the library, the window frame, has been eaten. The window sits approximately 1 metre off the road, so the termites would have had to climb and eat their way to the windowsill. The extent of the damage is currently unknown. The school will have to use their own maintenance budget money to make the urgent repairs, with no current estimate of how much repairs will cost or the extent of the damage.

Furthermore, two trees on the school grounds had to be cut down due to termites. The stumps remain and must be ground down. This will add to the cost of the maintenance repairs. Being in the area it is, and with other schools having greater funding, they are always under enrolment pressure. I think the school is very much feeling this and has to spend a lot of its money on some of these urgent repairs of things that we should expect will be provided, such as the shade sails and the rectification of termite issues. I hope the minister can see the significance and urgency of this matter.

EAST BENTLEIGH AMBULANCE STATION

Mr STAIKOS (Bentleigh) (19:03): (5480) My adjournment matter this evening is for the attention of the Minister for Health and Minister for Ambulance Services, and it concerns the planning for the East Bentleigh ambulance branch. The action I seek is that the minister or his parliamentary secretary meet with local paramedics from the Bentleigh electorate.

I am very proud, as a member of the Andrews Labor government, that upon coming to office back in 2014 we ended the war on our hardworking paramedics. We funded more paramedics and achieved the best ambulance response times on record. I was also very proud that we took to the 2018 election a key election commitment, and that is to establish for the first time an ambulance branch in East Bentleigh in the Bentleigh electorate to further improve ambulance response times.

The planning is underway, and I am hopeful that we will finally be able to secure land for the new East Bentleigh ambulance branch sometime this year. I am determined to ensure that we deliver on that key election commitment, which will benefit my electorate greatly. I ask that the minister visit my electorate to meet with local ambulance paramedics or indeed that his parliamentary secretary visit the...
electorate to meet with paramedics. Of course the Parliamentary Secretary for Health is a former ambulance paramedic and a former secretary of the ambulance union, and we would certainly welcome a visit from him to the Bentleigh electorate to meet with our hardworking paramedics about this exciting project. So I ask that the minister or his parliamentary secretary make that visit to Bentleigh for those discussions.

**KANGAROO CONTROL**

Ms **RYAN** (Euroa) (19:05): (5481) My adjournment matter is for the Minister for Agriculture. The action I am seeking from the minister is to increase the 2020–21 annual quota of kangaroos to be harvested within the north-east zone. It is pleasing to see the government finally acknowledge that kangaroos in Victoria should be made available for human consumption. That is a policy change I have been pursuing for many years and advocating for for many years, and I think it is a sensible one. I also had great hope when the minister in her new role stated, and I quote:

… over-abundant populations compete with livestock for stock and feed, and damage crops and fences.

Finally I thought some common sense was prevailing here from the Labor Party, but it was not for long. When I actually examined the quota for the north-east zone I discovered that the Andrews government had set it at just 8200 kangaroos for the coming year. Now, by contrast, the central region and the lower Wimmera region both have a quota of more than 25 000 kangaroos each. You have got to consider that the north-east zone is huge. It takes in 12 different local government areas, all the way in the west from Bendigo and Campaspe right through to the Towong and Alpine shires and right along the Murray River.

The government has acknowledged that the 2020 kangaroo survey has shown that there has been a staggering 40 per cent increase in kangaroos since 2018, and the population currently stands at about 2 million. Farmers and landholders are under intense pressure as a consequence of that increase. Several weeks ago I visited cherry growers Tony and Marion Rak at Mount Bruno, and they are at their absolute wits’ end with kangaroos coming out of the adjacent Warby-Ovens National Park and damaging their cherry trees to the point where they are really struggling to produce a crop. Nearby we also have residents around the Winton Wetlands who have huge numbers of kangaroos coming out of the wetlands and other state government managed pieces of land.

The unfortunate effect of low harvesting quotas is that people have no choice but to apply for shoot-and-drop permits, which means that the carcasses are then left to rot in the paddock. I am concerned that the low quotas will also impact the livelihoods of those harvesters who are registered under the kangaroo harvesting program, and I have heard from harvesters who say they believe they will have to look for other jobs. So, Minister, I challenge you to release the modelling upon which these quotas were determined. I understand the government might have some concerns that the area does include bushfire-impacted areas, but we can walk and chew gum at the same time. It is completely irrational to limit harvesting numbers in Campaspe, Bendigo, Strathbogie and Benalla when those areas are hundreds of kilometres from the summer fire front.

**PASCOE VALE ELECTORATE SCHOOLS**

Ms **BLANDTHORN** (Pascoe Vale) (19:08): (5482) I appreciate the opportunity to raise a matter for the attention of the Minister for Education, and the action I seek is that the minister join me on a visit to the Pascoe Vale Girls College and also to the Coburg Primary School.

Pascoe Vale Girls College is a fantastic school led by an amazing principal, Kay Peddle. It is a large school, it is a vibrant school, it has a large number of students from diverse backgrounds and it provides an excellent education across all fields to all of the girls who attend that school. I am always struck by the great variety of opportunity that is delivered at the school—from academia to performing arts, sports leadership and links to our local community organisations. Every student there, whatever their interest, is provided with a great avenue to learn, to grow and to set their path for the future, supported by Ms Peddle and her fantastic staff. The minister has visited this school previously and previously
the government has allocated $2.3 million to the performing arts centre and a new food technology and music facility, and it would be great to have the minister attend, visit those and talk with the school about their plans, both programmatic and capital, into the future.

I would also at that same opportunity welcome him to the Coburg Primary School, which is also another very vibrant school in my community with a hardworking principal, Jane Hancock, who is widely respected for her strong, passionate and community-minded leadership, and of course her acting principal at the current point in time, Matt. They lead also an amazing team at Coburg. These are very old heritage buildings that straddle both sides of Bell Street in Coburg—

Mr Wynne: Next door to the jail.

Ms Blandthorn: just across the road from the jail, yes, Minister—and they have very big heritage needs. They have beautiful old buildings, but we have invested in the maintenance of these buildings. They were successful with $195 000 in maintenance funding. There are lots of things happening at this school, and I would also welcome the minister to Coburg Primary School to visit these heritage facilities.

FIRE RESCUE VICTORIA

Mr Blackwood (Narracan) (19:10): (5483) I raise a matter for the Minister for Police and Emergency Services, and the action I seek is that the agreement for relief capability to be supplied by FRV to the CFA be honoured. On the Australia Day weekend Gippsland was five CFA commanders down across three districts. CFA minimum staffing numbers could not be adhered to on a weekend that was forecast to be hot and dry, a weekend when the risk of campfire escape is traditionally a major issue and on a weekend when following COVID thousands of Victorians headed into country areas for a break with family. I understand the FRV legislation specifically mandates the responsibility that FRV have for providing relief capacity to CFA. Apparently FRV issued an expression of interest, calling for personnel interested in filling these CFA positions late last year. However, there was no time line or priority applied to the EOI.

Victoria is now in the middle of summer, and the preparedness and readiness of Gippsland CFA has been severely compromised due to the very poor response of FRV to the staffing needs of CFA. By their lack of commitment and action FRV have undermined the community safety of many Gippsland towns and left their CFA colleagues dangerously exposed. The transition to the new FRV model has been plagued with unsatisfactory outcomes for many country communities and had a terrible impact on the morale of CFA command and volunteers. Throw into the mix of problems the failure of FRV to maintain minimum staffing numbers and it indicates a disgraceful disregard for Gippsland communities by FRV command. I call on the minister to fix this problem immediately and ensure FRV uphold their legislated responsibility to CFA.

ROYAL COMMISSION INTO VICTORIA’S MENTAL HEALTH SYSTEM

Ms Kilkenny (Carrum) (19:12): (5484) My adjournment matter is for the Minister for Mental Health, and the action I seek is for the minister to provide an update on the work of the Royal Commission into Victoria’s Mental Health System and what the final report will mean for residents in my electorate of Carrum. Before the 2018 election the Andrews Labor government promised to hold a royal commission into Victoria’s mental health system. This was a signature election commitment. The royal commission, the first of its kind in Australia, was established to provide practical and tangible ways for us to rebuild Victoria’s mental health system and also to play a major role in raising public awareness about mental health, encouraging people to seek help when they need it. The Andrews Labor government committed to implement and act on every single recommendation of the royal commission, including the commission’s interim recommendations, handed down in November 2019. This is a once-in-a-generation opportunity to put mental health in the spotlight, remove the stigma, talk openly about it and, crucially, learn from the lived experiences of Victorians.
Supporting the mental health of our young people will remain critical, particularly early intervention, because sometimes the most important help is the earliest help. Last November I held an online youth mental health forum with Professor Patrick McGorry. It garnered a lot of interest in my electorate, particularly from young people, parents, school principals and teachers. Mental health is such an important issue for all communities. Mental health covers every aspect of our lives, and for our young people they deserve every opportunity to grow into adulthood with good mental health. They deserve every opportunity to live healthy, happy lives.

As a member of the Andrews Labor government I am committed to keeping on talking about this issue and doing something about it, and I know this government is committed to the mental health and wellbeing of all Victorians. This government is committed to fixing Victoria’s mental health system. I look forward to receiving the minister’s update about the important and life-changing work of the commission.

LATROBE VALLEY BATTERY RECYCLING PLANT

Ms SANDELL (Melbourne) (19:14): (5485) My adjournment today is for the Minister for Planning, and I am pleased to see him in the chamber. The action I would like is for the minister to reconsider a recent decision to fast-track the approval of a lead battery recycling facility at Hazelwood North in the Latrobe Valley. I understand the decision was made with no full environmental assessment and after it had been rejected by the local council. I have been contacted by many distressed residents from the Latrobe Valley who are understandably quite upset and disappointed that Victoria’s planning minister has approved this facility, despite the community concern about health and environmental impacts. As I understand it, it will use a process akin to lead smelting, which can result in dangerous air pollution being released into the area around the facility, including lead and fine particles, and similar plants overseas have a poor history of polluting and also of poisoning local communities.

The community in the Latrobe Valley is already suffering from some of Victoria’s worst air pollution, including lead, mercury, sulphur, and particle pollution from the three coal power stations. So I can really empathise with their high level of concern about another polluting industry setting up in their town. As the minister would know, the site is just 1.3 kilometres from Hazelwood North Primary School and 1 kilometre from homes. The Greens are strong advocates for building our own local recycling industry in Victoria, but we are concerned about this being rushed through and whether there has been due process.

In September last year, the local Latrobe City Council rejected planning approval for the facility because of the impact on local health and the environment. The developer appealed this decision and the matter was before VCAT, but before the process was finished, the planning minister decided to step in and approve it and fast-track it. I understand that this fast-track ability was put in place during COVID to quickly approve shovel-ready developments that have net community benefit and economic stimulus, but this facility is not shovel ready and it really cannot be considered to fit the category of providing net community benefit at the moment.

The community put a lot of trust in this government during COVID but for them to turn around and use special COVID powers to approve this facility before the VCAT hearing was complete seems to the community to be a little disingenuous and unfair. It is also concerning the project has been given approval without a full environmental assessment. I understand the EPA has granted works approval but residents are concerned about this being rushed through and whether there has been due process.

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People in the Latrobe Valley have faced terrible air quality for a long time, from the coal power stations, the Hazelwood mine fire, post-logging burning and soon a waste incinerator at the local paper mill. So any assessment of new industry really should take all this burden on the local community into account. The local community wants jobs, of course they do, but not at the expense of their health and their kids’ health. It was not long ago that the government declared the Latrobe Valley a health innovation zone and the community would like that to be honoured. So I would like the planning minister to put the
approval on hold and go back and ensure that a comprehensive environmental and health assessment is undertaken before considering whether it is an appropriate project to establish in Victoria.

**BROADMEADOWS ELECTORATE SCHOOLS**

Mr McGuire (Broadmeadows) (19:17): (5486) My adjournment request is to the Minister for Education. The action I seek is an update on work at Fawkner Primary School and Meadows Primary School. One of the signature projects of the Andrews Labor government is building the Education State. This cannot be underestimated. Investments in schools and social cohesion in the state district of Broadmeadows are vital and urgent, and I am delighted to thank the minister and the government for $10 million for the Jacana School for Autism in the last budget. I think these are wonderful families, outstanding people, and the staff and the principal—I would like to acknowledge them. And there is $7.8 million for Fawkner Primary School. This has been really important because it switched between different electorates under redistribution, so this is a really important pick-up by the government and is deeply appreciated. Extra funds have been committed to engaging primary school students with complex educational needs through Project REAL, delivered in partnership with 15 local schools for vulnerable students and the Northern Centre for Excellence in School Engagement. Funds for planning to upgrade John Fawkner College are also designated and deeply appreciated.

I can define the value of this from the street where my family grew up. There used to be the old Broadmeadows East Primary School. It resembled a grey bunker out of the Second World War, and to get on the swings you nearly always had to have a fight. Now it is the light-on-the-hill school. It is powered by the environment. It has a Stephanie’s kitchen garden, so the students grow the food, learn the value of cooking, and they will be the next master chefs—you watch. Then they have the connection through the Melbourne Symphony Orchestra with the Pizzicato Effect, a wonderful strategy that engages them and gives them their first taste of beauty, one of the joys of life through music—and the children think it is fantastic. So I just want to say: let us continue to do this. This is the light-on-the-hill school.

Members interjecting.

Mr McGuire: While I am going, I have got the minister here, and I do want to acknowledge the minister at the table, the Minister for Planning and Minister for Housing: $5.3 billion.

Mr Wynne: That’s the one.

Mr McGuire: The best ever investment for affordable social housing in the history of our country, and he has been a long-time supporter. I know he feels it in his gut, he has got it in his heart and he has delivered with his head. That is what he has done. So I do want to acknowledge that, and I look forward to working with him in the future to deliver it where it is needed most, because this is why Labor matters.

**ANGLESEA AND APOLLO BAY SURF LIFESAVING CLUBS**

Mr Riordan (Polwarth) (19:20): (5487) My adjournment matter this evening is for the Minister for Police and Emergency Services. The Minister for Police and Emergency Services and I had the great delight of being in Anglesea last weekend together—not on a romantic getaway but at the opening of the Anglesea Surf Lifesaving Club’s marvellous redevelopment. The Anglesea Surf Lifesaving Club has led the charge in surf lifesaving clubs, with a fantastic range of programs for all abilities and people. The people in Apollo Bay wish to do something similar but on an even better and more significant scale. The action I seek from the minister is that she come away for another weekend with me in Apollo Bay and see the fantastic program that the people at the Apollo Bay Surf Lifesaving Club have put together. What they will be proposing is to build what they are calling the BOSS, and the BOSS is the bluewater ocean surf lifesaving and skills centre. We do not actually have one of these centres in Australia. We have one in Tasmania that is for whitewater rescue and training, but we do not actually have a full facility to train young people and surf lifesavers in ocean rescue.
This year tragically we have seen, right across the coastline of Victoria, people lose their lives while snorkelling, in boating accidents, going off the rocks and so on. We need this centre, and Apollo Bay is the place to do it. Apollo Bay is on the wild ocean. It has a safe harbour for launching boats safely and for training, and more importantly it has got a whole community that is prepared to get in and support this project. This project includes the local school, which has the land available for accommodation. It has got one of the best foreshores along the Great Ocean Road and a facility sitting there that seriously needs an upgrade and update. It is the last major surf lifesaving club along the south coast that has not yet received an upgrade. It is no longer safe for young people. It certainly has no disability access. It is right there in the heart of the town, and it would be a great signature for the surf lifesaving community to have that facility.

So, Minister, I look to you to get in behind the Apollo Bay community, step up and provide some funds for the basic redevelopment of the Apollo Bay Surf Lifesaving Club and, more importantly, to get behind the BOSS program in light of the great need this community has, and the Victorian community generally has, to keep our young people trained and provided with the best equipment so that everyone can get to the coast, enjoy the beach and have a safe summer.

MELBOURNE AIRPORT RAIL LINK

Mr MAAS (Narre Warren South) (19:23): (5488) The adjournment matter I wish to raise is for the Minister for Transport Infrastructure and concerns for Melbourne Airport rail project. The action that I seek is that the minister provide further details on how the Melbourne Airport rail project will benefit commuters in my electorate of Narre Warren South. The long-awaited rail link between Tullamarine airport and Melbourne has been talked about for decades. However, it is the Andrews Labor government which has truly got on the job of delivering this $10 billion project, with shared funding from the federal government.

The airport link is planned to run through the Metro Tunnel, which is already under construction. This should allow airport trains to travel across the city and seamlessly link with the Pakenham line, which services my constituents. Many people in Melbourne’s south-east are looking forward to more options when travelling to and from the airport. This connection means that passengers using the Cranbourne and Pakenham lines, which are Melbourne’s busiest rail lines, will not have to change trains for direct access to the airport. Construction looks set to begin in 2022 on this exciting project, which will create safe and smoother travel for millions of airport visitors and thousands of airport workers. I would appreciate it if the minister could provide further details on the design, timeline, early works and benefits of the rail project for commuters in my electorate.

RESPONSES

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing) (19:24): I will respond to the member for Melbourne as the last item, but the member for Eildon raised a matter for the Minister for Education in relation to urgent repairs to the Healesville Primary School. I will make sure the minister is aware of that matter.

The member for Bentleigh raised a matter for the Minister for Health seeking the minister to visit the Bentleigh ambulance branch and to talk with ambulance officers there about future plans to support that excellent organisation. I will make sure the minister is aware of that.

The member for Euroa raised a matter for the Minister for Agriculture seeking an increase in the quota of kangaroo harvesting from 8200 to—was that the number?

Ms Ryan: To a much greater number.

Mr WYNNE: To a much greater number than the 8200, and I will make sure the minister is aware of that request.
The member for Pascoe Vale raised a matter for the Minister for Education seeking that the minister visit the beautiful Pascoe Vale girls primary school, where—

A member interjected.

Mr WYNNE: I beg your pardon, Pascoe Vale Girls secondary college, where the government has already committed $2.3 million for some significant upgrades there, and indeed at the same time the wonderful and I think heritage-listed Coburg Primary School adjacent to the old Pentridge prison—beautiful facilities there as well.

The member for Narracan raised a matter for the Minister for Police and Emergency Services seeking from Fire Rescue Victoria further relief capacity in his electorate obviously through the fire season, and I will make sure that the minister is aware of that. Thank God we do not at this stage have any significant fires in our state.

The member for Carrum raised a matter for the Minister for Mental Health seeking an update on the royal commission’s work, which we know is imminent, and indeed the commitment of course of the government to the full funding of all of the recommendations of the report. I do not need to remind the member of course of the commitment the government has made as part of the $5.3 billion that we have allocated to public and social housing to allocate funds specifically to people on the waiting list who are suffering with the challenges of mental health.

The member for Broadmeadows in a very poetic effort there today raised a matter for the Minister for Education—I am deeply moved by that—seeking an update from the minister in relation to Fawkner Primary School and Meadows Primary School. I will make sure that the minister is aware of that request.

The member for Polwarth raised a matter for the Minister for Police and Emergency Services seeking that the minister visit Apollo Bay Surf Lifesaving Club and his continued support for the upgrade of that club, and we know just how significant these clubs are with the extraordinary number of drownings that we have had in Victoria. I think it is 43 or 44 in the last six months. They do a marvellous job.

The member for Narre Warren South raised a matter for the Minister for Transport Infrastructure seeking the potential opportunities that in fact will arise from the wonderful announcements the government made in relation to the Melbourne Airport rail link and opportunities that will inevitably occur in his electorate as well, particularly for those obviously who are on those lines that will intersect with it.

Can I say to the member for Melbourne in relation to the matter that she raised, which of course is the battery recycling facility in Morwell, that I direct the member’s attention obviously to my answer yesterday to the question from the member for Kew. I do want to acknowledge absolutely the fantastic work that has been done by my colleague Ms Shing, a member in the upper house, and indeed by the member for Morwell himself, who met on Friday with a group of concerned residents in Morwell, where they had a very extensive consultation for 3 hours. In fact many of the matters that the member has canvassed were clarified I think in some detail at those meetings. But that is not the end of that conversation; that is simply the start of the conversation that we will continue to have with the people of Morwell. We are acutely aware of the many challenges that are there, and I can assure the member for Melbourne we will always stand with that community.

The final thing I should say by way of clarification of course is that whilst the member is correct in saying that the elected council at that stage did not support that particular proposal going forward, it was strongly recommended by the council’s administration. The particular siting of this project is in an established industrial zone which the Latrobe City Council designated, and as the member would be well aware this facility is an as-of-right use. It is an as-of-right use in the Morwell industrial zone, so any third parties did not have rights at VCAT. That was made clear both by VCAT at the time and
indeed in subsequent conversations that were had with the community last Friday as well. As I indicated yesterday, we have put in the most stringent controls over this facility—38 controls that the EPA has put in place to satisfy themselves that in fact the health of the community is not in any way jeopardised by this development—and we will do further work with the community around that.

The final thing I should say is that also the facility is subject to what is called ‘negative pressure’ so that in fact there is not the capacity for emissions to come out of this facility. I understand the passion of the community—absolutely I do. They have had to deal with many, many significant challenges over significant decades. This government will always stand with that community, and I will always stand with that community as well.

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

House adjourned 7.31 pm.