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 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 Child Protection and Minister for Disability, Ageing and Carers ............................................................. The Hon. LA Donnellan, MP
Minister for Health, Minister for Ambulance Services and Minister for Equality .......................................................... The Hon. MP Foley, MP
Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Fishing and Boating . . . The Hon. MM Horne, MP
Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice and Minister for Victim Support . .................. The Hon. NM Hutchins, MP
Minister for Local Government, Minister for Suburban Development and Minister for Veterans ........................................... The Hon. SL Leane, MLC
Minister for Water and Minister for Police .................................. The Hon. LM Neville, MP
Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, and Minister for Racing ......................................................... The Hon. MP Pakula, MP
Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services and Minister for Creative Industries ........ The Hon. DJ Pearson, MP
Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business and Minister for Resources ......................................................... The Hon. JL Pulford, MLC
Minister for Multicultural Affairs, Minister for Community Sport and Minister for Youth ......................................................... The Hon. RL Spence, MP
Minister for Workplace Safety and Minister for Early Childhood . . . The Hon. I Stitt, MLC
Minister for Agriculture and Minister for Regional Development . . . The Hon. M Thomas, MP
Minister for Prevention of Family Violence, Minister for Women and Minister for Aboriginal Affairs ........................................ The Hon. G Williams, MP
Minister for Planning and Minister for Housing .......................... The Hon. RW Wynne, MP
Cabinet Secretary ................................................................... Ms S Kilkenny, MP
OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY
FIFTY-NINTH PARLIAMENT—FIRST SESSION

Speaker
The Hon. CW BROOKS

Deputy Speaker
Ms JM EDWARDS

Acting Speakers
Ms Blandthorn, Mr J Bull, Mr Carbines, Ms Connolly, Ms Couzens, Ms Crugnale, Mr Dimopoulos, Mr Edbrooke, Ms Halfpenny, Ms Kilkenny, Mr McGuire, 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
The Hon. 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
<table>
<thead>
<tr>
<th>Member</th>
<th>District</th>
<th>Party</th>
<th>Member</th>
<th>District</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addison, Ms Juliana</td>
<td>Wendouree</td>
<td>ALP</td>
<td>Maas, Mr Gary</td>
<td>Narre Warren South</td>
<td>ALP</td>
</tr>
<tr>
<td>Allan, Ms Jacinta Marie</td>
<td>Bendigo East</td>
<td>ALP</td>
<td>McCardy, Mr Timothy Logan</td>
<td>Ovens Valley</td>
<td>Nats</td>
</tr>
<tr>
<td>Andrews, Mr Daniel Michael</td>
<td>Mulgrave</td>
<td>ALP</td>
<td>McEhie, Mr Stephen John</td>
<td>Meriton</td>
<td>ALP</td>
</tr>
<tr>
<td>Angus, Mr Neil Andrew Warwick</td>
<td>Forest Hill</td>
<td>LP</td>
<td>McGuire, Mr Frank</td>
<td>Broadmeadows</td>
<td>ALP</td>
</tr>
<tr>
<td>Battin, Mr Bradley William</td>
<td>Gembrook</td>
<td>LP</td>
<td>McLeish, Ms Lucinda Gaye</td>
<td>Eildon</td>
<td>LP</td>
</tr>
<tr>
<td>Blackwood, Mr Gary John</td>
<td>Narreucan</td>
<td>LP</td>
<td>Merlin, Mr James Anthony</td>
<td>Monbulk</td>
<td>ALP</td>
</tr>
<tr>
<td>Blandthorn, Ms Elizabeth Anne</td>
<td>Pascoe Vale</td>
<td>ALP</td>
<td>Morris, Mr David Charles</td>
<td>Mornington</td>
<td>LP</td>
</tr>
<tr>
<td>Brayne, Mr Chris</td>
<td>Nepean</td>
<td>ALP</td>
<td>Neville, Ms Lisa Mary</td>
<td>Bellarine</td>
<td>ALP</td>
</tr>
<tr>
<td>Britnell, Ms Roma</td>
<td>South-West Coast</td>
<td>LP</td>
<td>Newbury, Mr James</td>
<td>Brighton</td>
<td>LP</td>
</tr>
<tr>
<td>Brooks, Mr Colin William</td>
<td>Bundoora</td>
<td>ALP</td>
<td>Northe, Mr Russell John</td>
<td>Morwell</td>
<td>Ind</td>
</tr>
<tr>
<td>Bull, Mr Joshua Michael</td>
<td>Sunbury</td>
<td>ALP</td>
<td>O’Brien, Mr Daniel David</td>
<td>Gippsland South</td>
<td>Nats</td>
</tr>
<tr>
<td>Bull, Mr Timothy Owen</td>
<td>Gippsland East</td>
<td>Nats</td>
<td>O’Brien, Mr Michael Anthony</td>
<td>Malvern</td>
<td>LP</td>
</tr>
<tr>
<td>Burgess, Mr Neale Ronald</td>
<td>Hastings</td>
<td>LP</td>
<td>Pakula, Mr Martin Philip</td>
<td>Keysborough</td>
<td>ALP</td>
</tr>
<tr>
<td>Carbin, Mr Anthony Richard</td>
<td>Ivanhoe</td>
<td>ALP</td>
<td>Pallas, Mr Timothy Hugh</td>
<td>Werribee</td>
<td>ALP</td>
</tr>
<tr>
<td>Carroll, Mr Benjamin Alan</td>
<td>Niddrie</td>
<td>ALP</td>
<td>Pearson, Mr Daniel James</td>
<td>Essendon</td>
<td>ALP</td>
</tr>
<tr>
<td>Cheeseman, Mr Darren Leicester</td>
<td>South Barwon</td>
<td>ALP</td>
<td>Read, Dr Tim</td>
<td>Brunswick</td>
<td>Greens</td>
</tr>
<tr>
<td>Connolly, Ms Sarah</td>
<td>Tarnet</td>
<td>ALP</td>
<td>Richards, Ms Pauline</td>
<td>Cranbourne</td>
<td>ALP</td>
</tr>
<tr>
<td>Couzens, Ms Christine Anne</td>
<td>Geelong</td>
<td>ALP</td>
<td>Richardson, Mr Timothy Noel</td>
<td>Mordialloc</td>
<td>ALP</td>
</tr>
<tr>
<td>Crugnale, Ms Jordan Alessandra</td>
<td>Bass</td>
<td>ALP</td>
<td>Riordan, Mr Richard Vincent</td>
<td>Polwarth</td>
<td>LP</td>
</tr>
<tr>
<td>Cuper, Ms Ali</td>
<td>Mildura</td>
<td>Ind</td>
<td>Rowswell, Mr Brad</td>
<td>Sandringham</td>
<td>LP</td>
</tr>
<tr>
<td>D’Ambrosio, Ms Liliana</td>
<td>Mill Park</td>
<td>ALP</td>
<td>Ryan, Stephanie Maureen</td>
<td>Euroa</td>
<td>Nats</td>
</tr>
<tr>
<td>Dimitopoulos, Mr Stephen</td>
<td>Oakleigh</td>
<td>ALP</td>
<td>Sandell, Ms Ellen</td>
<td>Melbourne</td>
<td>Greens</td>
</tr>
<tr>
<td>Donnellan, Mr Luke Anthony</td>
<td>Narre Warren North</td>
<td>ALP</td>
<td>Scott, Mr Robin David</td>
<td>Preston</td>
<td>ALP</td>
</tr>
<tr>
<td>Edbrooke, Mr Paul Andrew</td>
<td>Frankston</td>
<td>ALP</td>
<td>Settle, Ms Michaela</td>
<td>Buninyong</td>
<td>ALP</td>
</tr>
<tr>
<td>Edwards, Ms Janice Maree</td>
<td>Bendigo West</td>
<td>ALP</td>
<td>Sheed, Ms Suzanna</td>
<td>Shepparton</td>
<td>Ind</td>
</tr>
<tr>
<td>Eren, Mr John Hamdi</td>
<td>Lara</td>
<td>ALP</td>
<td>Smith, Mr Ryan</td>
<td>Warrandyte</td>
<td>LP</td>
</tr>
<tr>
<td>Fokey, Mr Martin Peter</td>
<td>Albert Park</td>
<td>ALP</td>
<td>Smith, Mr Timothy Colin</td>
<td>Kew</td>
<td>LP</td>
</tr>
<tr>
<td>Fowles, Mr Will</td>
<td>Burwood</td>
<td>ALP</td>
<td>Southwick, Mr David James</td>
<td>Caulfield</td>
<td>LP</td>
</tr>
<tr>
<td>Fregon, Mr Matt</td>
<td>Mount Waverley</td>
<td>ALP</td>
<td>Spence, Ms Rosalind Louise</td>
<td>Yuroke</td>
<td>ALP</td>
</tr>
<tr>
<td>Green, Ms Danielle Louise</td>
<td>Yan Yean</td>
<td>ALP</td>
<td>Stakos, Mr Nicholas</td>
<td>Bentleigh</td>
<td>ALP</td>
</tr>
<tr>
<td>Gay, Mr Matthew Jason</td>
<td>Bulleen</td>
<td>LP</td>
<td>Staley, Ms Louise Eileen</td>
<td>Ripon</td>
<td>LP</td>
</tr>
<tr>
<td>Hallpenney, Ms Bronwyn</td>
<td>Thomastown</td>
<td>ALP</td>
<td>Suleyman, Ms Natalie</td>
<td>St Albans</td>
<td>ALP</td>
</tr>
<tr>
<td>Hall, Ms Katie</td>
<td>Footscray</td>
<td>ALP</td>
<td>Tak, Mr Meng Heng</td>
<td>Clarinda</td>
<td>ALP</td>
</tr>
<tr>
<td>Halse, Mr Dustin</td>
<td>Ringwood</td>
<td>ALP</td>
<td>Taylor, Mr Jackson</td>
<td>Bayswater</td>
<td>ALP</td>
</tr>
<tr>
<td>Harmer, Mr Paul</td>
<td>Box Hill</td>
<td>ALP</td>
<td>Theophanous, Ms Katerina</td>
<td>Northcote</td>
<td>ALP</td>
</tr>
<tr>
<td>Hennessey, Ms Jill</td>
<td>Albota</td>
<td>ALP</td>
<td>Thomas, Ms Mary-Anne</td>
<td>Macedon</td>
<td>ALP</td>
</tr>
<tr>
<td>Hibbins, Ms Samuel Peter</td>
<td>Prahran</td>
<td>Greens</td>
<td>Tilley, Mr William John</td>
<td>Benamra</td>
<td>LP</td>
</tr>
<tr>
<td>Hodggett, Mr David John</td>
<td>Croydon</td>
<td>LP</td>
<td>Vallence, Ms Bridget</td>
<td>Evelyn</td>
<td>LP</td>
</tr>
<tr>
<td>Horne, Ms Melissa Margaret</td>
<td>Williamstown</td>
<td>ALP</td>
<td>Wakeling, Mr Nicholas</td>
<td>Ferntree Gully</td>
<td>LP</td>
</tr>
<tr>
<td>Hutchins, Ms Natalie Mary</td>
<td>Sydenham</td>
<td>ALP</td>
<td>Walsh, Mr Peter Lindsay</td>
<td>Murray Plains</td>
<td>Nats</td>
</tr>
<tr>
<td>Kairouz, Ms Marlene</td>
<td>Kororoit</td>
<td>ALP</td>
<td>Ward, Ms Vicki</td>
<td>Eitharn</td>
<td>ALP</td>
</tr>
<tr>
<td>Kealy, Ms Emma Jayne</td>
<td>Lowan</td>
<td>Nats</td>
<td>Wells, Mr Kimberley Arthur</td>
<td>Rowville</td>
<td>LP</td>
</tr>
<tr>
<td>Kennedy, Mr John Ormond</td>
<td>Hawthorn</td>
<td>ALP</td>
<td>Williams, Ms Gabrielle</td>
<td>Dandenong</td>
<td>ALP</td>
</tr>
<tr>
<td>Kilkenny, Ms Sonya</td>
<td>Carrum</td>
<td>ALP</td>
<td>Wynne, Mr Richard William</td>
<td>Richmond</td>
<td>ALP</td>
</tr>
</tbody>
</table>

**PARTY ABBREVIATIONS**

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

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

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

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

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

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

Joint committees

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

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

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

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

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

Scrutiny of Acts and Regulations Committee
Assembly: Mr Burgess, Ms Connolly and Mr R Smith.
Council: Mr Gepp, Ms Patten and Ms Watt.
CONTENTS

ANNOUNCEMENTS
Acknowledgement of country ........................................................................................................... 2921

MEMBERS
Treasurer ........................................................................................................................................... 2921
Minister for Water ............................................................................................................................. 2921
Minister for Prevention of Family Violence ...................................................................................... 2921
Minister for Crime Prevention ......................................................................................................... 2921
Absence ........................................................................................................................................... 2921

QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS
COVID-19 ........................................................................................................................................ 2921
Ministers statements: COVID-19 ..................................................................................................... 2922
COVID-19 ........................................................................................................................................ 2922
Ministers statements: COVID-19 vaccinations ............................................................................. 2923
Youth mental health ......................................................................................................................... 2924
Ministers statements: COVID-19 vaccinations ............................................................................. 2925
Mildura Base Public Hospital .......................................................................................................... 2926
Ministers statements: COVID-19 ..................................................................................................... 2927
COVID-19 ........................................................................................................................................ 2927
Ministers statements: COVID-19 vaccinations ............................................................................. 2928

BUSINESS OF THE HOUSE
Orders of the day ............................................................................................................................... 2929

PETITIONS
Breast screening ............................................................................................................................... 2929
Loddon childcare services ................................................................................................................ 2929

COMMITTEES
Legal and Social Issues Committee ............................................................................................... 2929
Inquiry into Responses to Historical Forced Adoption in Victoria .................................................. 2929

DOCUMENTS
Documents ........................................................................................................................................ 2930

BILLS
Judicial Proceedings Reports Amendment Bill 2021 ................................................................. 2930
Council’s amendments ................................................................................................................... 2930
Suburban Rail Loop Bill 2021 ........................................................................................................ 2930
Statement of compatibility ............................................................................................................. 2930
Second reading ............................................................................................................................... 2936
Assisted Reproductive Treatment Amendment Bill 2021 .............................................................. 2942
Statement of compatibility ............................................................................................................. 2942
Second reading ............................................................................................................................... 2945
Great Ocean Road and Environs Protection Amendment Bill 2021 .............................................. 2949
Statement of compatibility ............................................................................................................. 2949
Second reading ............................................................................................................................... 2950
Essential Services Commission (Compliance and Enforcement Powers) Amendment Bill 2021 .... 2952
Statement of compatibility ............................................................................................................. 2952
Second reading ............................................................................................................................... 2961
Occupational Health and Safety and Other Legislation Amendment Bill 2021 ......................... 2964
Second reading ............................................................................................................................... 2974
Social Services Regulation Bill 2021 ............................................................................................... 2974
Second reading ............................................................................................................................... 2974

GRIEVANCE DEBATE
COVID-19 ....................................................................................................................................... 2987
Opposition performance .................................................................................................................. 2990
COVID-19 ....................................................................................................................................... 2993
COVID-19 vaccinations .................................................................................................................. 2997
Legislative Assembly ...................................................................................................................... 3000
COVID-19 ....................................................................................................................................... 3003
COVID-19 ....................................................................................................................................... 3006
COVID-19 ....................................................................................................................................... 3008

MEMBERS STATEMENTS
Afghanistan ......................................................................................................................................... 3012
Hayley Wilson .................................................................................................................................. 3012
Layla Calder ...................................................................................................................................... 3012
COVID-19 ....................................................................................................................................... 3012
Al Siraat College.................................................................................................................. 3013
COVID-19 vaccinations ...................................................................................................... 3013
COVID-19................................................................................................................................ 3013
COVID-19................................................................................................................................ 3013
COVID-19................................................................................................................................ 3014
COVID-19................................................................................................................................ 3014
Energy policy ........................................................................................................................ 3014
Yuroke electorate schools..................................................................................................... 3015
Youth mental health ............................................................................................................. 3016
St Mary’s House of Welcome............................................................................................... 3017
COVID-19................................................................................................................................ 3017
Medically supervised injecting facilities............................................................................ 3017
Bendigo hospital .................................................................................................................. 3018
Toy libraries ......................................................................................................................... 3018
Ches Baragwanath, AO ....................................................................................................... 3018
COVID-19................................................................................................................................ 3019
AGL Crib Point gas terminal............................................................................................... 3019
Joe Fernandez ....................................................................................................................... 3020
COVID-19................................................................................................................................ 3020
Chill Out and Look About .................................................................................................. 3020
COVID-19................................................................................................................................ 3021
1st Ballan Scouts .................................................................................................................. 3021
Women’s Business Incubator ............................................................................................. 3021
Maroondah Winter Shelter Homelessness Advocacy Group .............................................. 3022
Upfield level crossing removal ......................................................................................... 3022
Western Bulldogs football club........................................................................................... 3022
COVID-19 vaccinations ..................................................................................................... 3023

STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS
Economy and Infrastructure Committee............................................................................. 3025
Inquiry into Access to TAFE for Learners with Disability .................................................. 3025
Public Accounts and Estimates Committee....................................................................... 3026
Inquiry into the Victorian Government’s Response to the COVID-19 Pandemic .......... 3026
Economy and Infrastructure Committee............................................................................. 3027
Inquiry into Access to TAFE for Learners with Disability .................................................. 3027

CONSTITUENCY QUESTIONS
South-West Coast electorate ............................................................................................... 3029
Bass electorate ..................................................................................................................... 3029
Eorna electorate ................................................................................................................... 3029
Pascoe Vale electorate ....................................................................................................... 3030
Polwarth electorate ............................................................................................................ 3030
Ringwood electorate ......................................................................................................... 3030
Prahran electorate .............................................................................................................. 3030
Sunbury electorate ............................................................................................................. 3031
Fernree Gully electorate ...................................................................................................... 3031
Nepean electorate ............................................................................................................. 3031

ADJOURNMENT
Small business support ...................................................................................................... 3032
South Barwon electorate schools ....................................................................................... 3032
COVID-19................................................................................................................................ 3032
Bank'sia Gardens community services............................................................................. 3033
Secure work pilot scheme ................................................................................................. 3034
COVID-19................................................................................................................................ 3034
Together We Can .............................................................................................................. 3036
Sandringham open space ................................................................................................. 3037
Thomastown electorate community facilities................................................................... 3037
Wednesday, 8 September 2021

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

Announcements

ACKNOWLEDGEMENT OF COUNTRY

The SPEAKER (14:33): We acknowledge the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future, and elders from other communities who may be here today.

Members

TREASURER

MINISTER FOR WATER

MINISTER FOR PREVENTION OF FAMILY VIOLENCE

MINISTER FOR CRIME PREVENTION

Absence

Mr ANDREWS (Mulgrave—Premier) (14:33): I rise to inform the house that today the Assistant Treasurer will answer questions for the portfolios of Treasurer, industrial relations and economic development; the Minister for Planning will answer questions for the portfolios of water and police; and I will answer questions for the portfolios of Aboriginal affairs, women, prevention of family violence, crime prevention, corrections, youth justice and victim support.

Questions without notice and ministers statements

COVID-19

Mr GUY (Bulleen—Leader of the Opposition) (14:33): My question is to the Minister for Education. In relation to school closures the minister said just 24 hours ago that COVID does not respect local government boundaries, yet today’s government announcement about reopening schools is based entirely on local government boundaries. Minister, how or why did this advice change overnight?

Mr MERLINO (Monbulk—Minister for Education, Minister for Mental Health) (14:34): I thank the Leader of the Opposition for his question. As I said yesterday, every step that we take in regard to schools and returning students to face-to-face learning is based on public health advice. The point I was making in regard to the virus not respecting local government boundaries is that until we get to the point where you get to 70 and then to 80 per cent vaccinations, then you do have broad settings when it comes to the settings that we have in place in metropolitan Melbourne and the settings that we have in place in rural and regional Victoria.

In terms of Shepparton, we are at a point where the public health advice is that we just need a few more days around Shepparton. As public health experts have made it very, very clear, the broader community in Shepparton and our public health officials—everyone—have done a brilliant job in driving down the virus in Shepparton. We need them to continue that work for a few more days, and then we expect to get public health advice that Shepparton can rejoin the rest of rural and regional Victoria. When we get to the stage where we have 70 and then 80 per cent vaccination across our community then having the broad-based approach of lockdowns and other broad restrictions for metro Melbourne or regional Victoria, those days will be over. It has always been a question of vaccines—

Mr Walsh: On a point of order, Speaker, on the issue of relevance, the minister was asked a very clear question about what advice changed overnight after his statement yesterday in this house about COVID not respecting local government boundaries. Could you please ask the minister to come back to actually answering that question?
The SPEAKER: Order! The minister was asked about comments that he made in the house yesterday, and he is being relevant to the question that has been asked. The minister has concluded his answer.

Mr GUY (Bulleen—Leader of the Opposition) (14:36): On a supplementary, I wonder if the minister would now release the full written health advice that he has received to explain his complete reversal of the position he held just 24 hours ago.

Mr MERLINO (Monbulk—Minister for Education, Minister for Mental Health) (14:37): Firstly, for the clarity of everyone in here and reading Hansard I completely and utterly reject the supplementary question from the Leader of the Opposition. In terms of public health advice, it is as we have always said, whether it is the monthly documentation, detailed reports to every single member of this Parliament, whether it is the public health orders or whether it is our public health experts standing up each and every day answering questions for hours.

I just make the point: I have got three kids who go to school. Almost every day they ask the question of me, ‘Dad, when am I going back to school?’. We have also got kids—a 17-year-old on a ventilator and babies in ICU. We will make the decisions based on public health advice, not undermine it like—

(Time expired)

MINISTERS STATEMENTS: COVID-19

Mr ANDREWS (Mulgrave—Premier) (14:38): I am very pleased to rise to update the house and to confirm that on advice from the chief health officer we have made announcements today that for regional Victoria, with the exception of the Goulburn Valley—and I will come back to the great Goulburn Valley and the people that live in that community in just a moment—we can end the lockdown. We can end those five reasons to leave home and the distance limits and the time limits for exercise. We can have our economy gradually but cautiously reopen in regional Victoria. This is an opportunity to congratulate every family, every business, every person across regional Victoria for the amazing job they have done in following the rules, getting tested as soon as they felt sick, isolating when they were asked to.

No community this year and last has shown their mettle, shown their sense of connection to each other, shown their compassion for each other more clearly than the people of the mighty Goulburn Valley—the people of Shepparton and surrounds. Thousands of them isolated at home in this recent outbreak with support of course from emergency services, from volunteers—a whole effort coordinated by Deb Abbott, deputy commissioner at Emergency Management Victoria, ably supported by a local member who is part of her local community and whose office became a relief centre, an absolutely amazing performance from the member for Shepparton and so many others.

So rather than being negative about it, today is a day to be grateful for everything that regional Victoria has achieved, to very jealously guard the low virus status that has been built in regional Victoria and to take modest but important steps to reopen regional Victoria. Shepparton will be a few days behind the rest of regional Victoria, but they will catch up quite soon, with no new cases in Shepparton overnight—fantastic news. This is all about getting as many kids back to school as is safe, getting businesses open in a safe way and making sure that regional Victoria can recover and rebuild.

COVID-19

Mr GUY (Bulleen—Leader of the Opposition) (14:40): My question is again to the Minister for Education. The minister today determined to open schools according to local government boundaries, so given there are more active cases in Greater Geelong than there are in Manningham, Cardinia or Maroondah, why do schools there remain closed?

Mr MERLINO (Monbulk—Minister for Education, Minister for Mental Health) (14:40): I thank the Leader of the Opposition for his question. Schools return to face-to-face learning when that is the advice of our public health experts. I am not going to sit here as the Minister for Education and Minister
for Mental Health and ignore public health advice. I will not do it. I will not do as the Leader of the Opposition has done. This leopard has not changed its spots—19 months of undermining public health advice.

Ms Staley: On a point of order, Speaker, a ruling you have made many times is that question time is not an opportunity for the government to attack the opposition. That was clearly what the Minister for Education was doing, and I ask you to ask him to desist.

The SPEAKER: I uphold the ruling. The minister is not to use question time as an opportunity to attack the opposition.

Mr MERLINO: Recommendations and advice from public health experts as to when schools can resume face-to-face learning are based on a number of factors: transmission of the virus, case numbers, the story behind those case numbers, the number of exposure sites. There are a whole range of factors that determine when we get advice as to when schools can resume face-to-face learning. I am not going to take the suggestion from the Leader of the Opposition that this government and myself as Minister for Education should ignore public health advice. I will not do it. I will not put students at risk. I will not put staff at risk. We will return to face-to-face learning the moment that we can.

We have had advice, and we have made that announcement today, that we can get prep, grade 1, grade 2, year 12 students and students studying units 3 and 4 subjects back to school in rural and regional Victoria and for the remainder of the students to continue remote and flexible learning. For our schools in metropolitan Melbourne, all are open, as they have always been, for vulnerable kids and for children of essential workers. We have resumed having small groups of year 12 students and units 3 and 4 students go to school if they cannot do school-based assessments online. We have confirmed the GAT, the general achievement test, a critical test to moderate students’ final-year results. That will go ahead on 5 October. We have got exams confirmed between 4 October and 17 November. Students will get their final results. Students will get their ATAR well before Christmas.

We have got a vaccination blitz of all VCE students, final-year students, VCE staff and exam assessors happening right now. These are the steps that we can take to keep our students and staff safe, and we will get back to face-to-face learning for all students as soon as we possibly can.

Mr GUY (Bulleen—Leader of the Opposition) (14:44): State government figures show that three or four active COVID cases are in Melbourne’s west and north. If the government has segregated out Greater Shepparton from regional Victoria, why can’t the same circumstance be put in place in greater Melbourne and thus open schools in the west?

Mr MERLINO (Monbulk—Minister for Education, Minister for Mental Health) (14:44): The settings we have in place are based on public health advice. Whether it is schools in metropolitan Melbourne, schools in rural and regional Victoria or our approach to Shepparton, it is based on public health advice. I am not going to let the Leader of the Opposition get away with undermining public health advice. This bloke is a fraud. He has been undermining public health advice for 19 months—

Members interjecting.

The SPEAKER: Order! The minister has concluded his answer. The minister has been warned about reflecting on members opposite during question time.

MINISTERS STATEMENTS: COVID-19 VACCINATIONS

Mr MERLINO (Monbulk—Minister for Education, Minister for Mental Health) (14:45): Further to what I have been saying, I rise to update the house on the Andrews government’s vaccine blitz for final-year school students and staff. Since bookings opened on Monday over 14 000 bookings have been made, and on the first day that bookings opened there was a massive demand on the hotline, as you would expect. Just this morning, in a few hours, 8.00 am to 11.00 am, we saw a further 2297 bookings by VCE staff and students. There are now over 46 000 16- to 18-year-olds who have received a vaccination jab in Victoria.
Work is underway at eight schools to establish pop-up vaccination sites for staff and students eligible for the vaccine blitz. These schools are Brunswick Secondary College, Dandenong High, Gladstone Park Secondary, Lakeview Senior College, Point Cook Senior Secondary, Roxburgh College, Tarneit Senior College and Werribee Secondary College. We are also helping staff and students at regional schools by offering prioritised group bookings and buses to get them to state-run vaccination hubs. What all of this shows is that there is overwhelming demand from Victorians to get vaccinated because Victorians know that vaccination is our path out of this pandemic. Students and staff know our path back to face-to-face learning is vaccinations.

We simply cannot get to a COVID normal without supply of more vaccines from the Morrison government. This is especially the case with those under 18, for whom the Pfizer vaccine is currently the only approved vaccine. Unless you are actively lobbying for a fair share of vaccines for Victorians from the Morrison government, like the Andrews government is doing, then you are all talk when it comes to getting our kids back to school. There are still over 64,000 appointments available for final-year students and staff, and the blitz has been extended to 19 September.

YOUTH MENTAL HEALTH

Ms KEALY (Lowan) (14:47): My question is to the Minister for Mental Health. Students have experienced significant mental health impacts due to the state government’s six lockdowns. This issue is far too important to ignore, so why hasn’t the government already provided a mental health specialist at every primary school?

Mr MERLINO (Monbulk—Minister for Education, Minister for Mental Health) (14:48): I thank the member for Lowan for her question. The day the opposition commit to every single recommendation of the mental health royal commission is the day that they get some credibility when it comes to mental health. Until then it is all pretend from those opposite. Actions speak louder than words, and we have all got choices to make. We all have the opportunity to make a difference when it comes to mental health. There are those who support mental health reform, and there are those who refuse to support mental health reform. There are some who, when they were asked directly, ‘Will you commit to the mental health royal commission?’, and I quote—but they are not committing to it—the answer from this person was, ‘No, we’re not’. Well, that was the leaders debate three years ago, and that was the—

Ms Kealy: On a point of order, Speaker, on relevance, the question was quite direct as to why there is not a mental health specialist for every primary school now. Rather than attacking the opposition, I ask you to bring the Minister for Mental Health back to the point and perhaps also remind him these barriers do not mean that he has to shout at us with the answer. He can speak calmly and just answer it.

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

Mr MERLINO: Thanks, Speaker. So I will go directly to the question that the member has raised, and I will take everyone through the steps that this government has taken to support children and young
people when it comes to their mental health support. In schools we are rolling out mental health practitioners in every single government secondary school and every single specialist school in Victoria. We have expanded a nation-leading pilot in our primary schools, a partnership with the Murdoch Children’s Research Institute, in terms of what more we can do to support kids in primary school when it comes to their mental health. We have funded the training of 1500 staff when it comes to mental health support. We have expanded our Navigator program, which supports young people who are at risk of dropping out of education. We have expanded our Lookout program, which supports kids in out-of-home care. We have funded $250 million to fund 6400 tutors across our schools, playing a role not just in academically supporting kids catching up where they might have fallen behind but also in their mental health. Beyond that is $220 million of direct COVID support and a $3.8 billion mental health budget.

Ms Kealy: On a point of order, Speaker, just in terms of relevance, this question was about immediate funds. The minister is speaking to the School Mental Health Fund, which has been funded in this year’s budget but will not be implemented until November next year.

The SPEAKER: Order! The member for Lowan, no, that is not a point of order. The minister has concluded that answer.

Ms KEALY (Lowan) (14:52): Mental Health Victoria, the peak body for our mental health sector, has supported calls for an expansion of mental health worker numbers, particularly for younger children. Why, 20 months into this pandemic, is there no plan to support every schoolchild’s mental health right now?

Mr MERLINO (Monbulk—Minister for Education, Minister for Mental Health) (14:53): The member is completely and utterly wrong. I just remind the member Mental Health Victoria called on the opposition to support every single recommendation of the royal commission. I look forward to the day when the member opposite stands up and commits to every single recommendation of the royal commission. Mental health practitioners, mental health training, regional supports for our schools, our Safe Schools program—same-sex attracted young people are four or five times more likely to attempt suicide—opposed, vehemently opposed, by those opposite, particularly when the Leader of the Opposition was last in his gig. We have got a $200 million mental health fund, the first of its kind in Australia, that will be rolled out first in rural and regional schools because that is a recommendation of the royal commission. Only this side is committed to mental health.

MINISTERS STATEMENTS: COVID-19 VACCINATIONS

Ms THOMAS (Macedon—Minister for Agriculture, Minister for Regional Development) (14:54): I rise today to update the house on the outstanding work of rural and regional Victorians, who are leading the way in getting vaccinated. Victorians know that getting vaccinated is a race, and rural and regional Victorians are going for gold. The latest data shows that the vaccination rates in regional Vic are above the national average, with 67.9 per cent of regional and rural Victorians having received their first dose and 43.9 per cent having received their second. It is great to see so many communities are out getting their first jab at rates of more than 70 per cent, including Greater Geelong, Warrnambool, Moira, Bass Coast, Hepburn, Southern Grampians, Moine, Strathbogie, Wangaratta, Queenscliff, Yarram, and Towong. I also want to acknowledge the community of Shepparton. The people of Shepparton are doing an outstanding job in managing the outbreak there and bringing case numbers down. The people of Greater Shepparton are rolling up their sleeves, with 64.4 per cent who have now had their first vaccine dose.

Well over 2.5 million doses have been administered at Victorian government vaccination sites. The government has established 41 state-run vaccine clinics in regional Victoria, from Corryong to Horsham, Ararat, Orbost and beyond. Regional Victorians in every corner of our state are responding to the call to get vaccinated. We know that this is the pathway out of this pandemic, and the only thing standing in the way of increased vaccination rates in rural and regional Victoria is the adequate supply from the Morrison government to Victoria to ensure that we can get our people here in this state...
vaccinated as quickly as possible. Thanks again to the efforts of rural and regional Victorians who have followed the rules, and as a consequence of that we are now in a position, on the chief health officer’s advice, to ease restrictions in regional Victoria from 11.59 pm on Thursday night.

MILDURA BASE PUBLIC HOSPITAL

Ms CUPPER (Mildura) (14:56): My question is for the Minister for Health. It is almost one year since Mildura Base Hospital was returned to public management. It was a historic righting of wrongs for the Mildura community. Since that time we have seen the many benefits of public management, including improved staff morale. This was evident in a recent internal report that showed high levels of staff satisfaction with the support they were provided during the August COVID outbreak in Mildura. Now our attention turns to having the right physical space for our committed staff at Mildura Base Public Hospital to do their work. Minister, can you provide an update on the status of the Mildura Base Public Hospital master plan?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:57): Can I thank the Independent member for Mildura for her fierce advocacy of her community, reflected in no better way than the leadership and the partnership of the honourable member with her community to return the Mildura Base Public Hospital to Victorians and, more particularly, the people of the northern Mallee and Mildura areas. Yes, the honourable member is correct that particularly during the most recent cluster outbreak in Mildura the Mildura Base Public Hospital formed the locus of how the community came together, not just in Mildura but in the wider northern Mallee, to be such a critical partner with the local public health unit and all the other community health providers in the region to run down that particular cluster, and I want to thank the people of the northern Mallee and Mildura for their efforts in that regard.

In regard to the specific matter, as the honourable member will be well aware, the Victorian government, through funding a detailed service plan, has worked with the community of Mildura and the northern Mallee to work through just where in a public sense the priorities of the burden of disease, the strategies of a diverse community, the needs of a diverse community and a growing community need to be dealt with through the public health system, particularly as we strive to get through this global pandemic and the learnings that it creates about demands on the public health system. That detailed service plan got a little bit disrupted through the recent COVID cluster in the honourable member’s community, but I look forward, given the amount of work that the community has put into that effort, to working with the honourable member and releasing that plan in the very near future.

That then is further aided by the recent state budget, which invested over $2 million for the capital planning development stage of what is next for the Mildura Base Public Hospital and the wider northern Mallee collaborative partnership of health providers and health services to deliver in that community—issues around what are the health priorities, what are the community priorities and what are the priorities of particular parts of the diverse community that the honourable member represents. In that regard I look forward to the coming together of the service plan and the capital plan and the enthusiasm of the local community into essentially the next stage. I look forward to persuading my friend the Treasurer in due course to bring together that next important investment and making sure what should have always been a public asset, the Mildura Base Hospital, continues as such.

Ms CUPPER (Mildura) (15:00): My supplementary question is also for the Minister for Health. When Mildura Base Hospital was privatised, it was not just the management that was outsourced to a for-profit company but also the building. The contract contained no obligation for the private company, the Motor Trades Association of Australia, to upgrade the building in line with the growth and evolving needs of our community. The site of Mildura Base Public Hospital is not designed for growth. You can barely build out, and you cannot build up. You cannot build over the road because that is a rubbish tip. We need a new hospital. Minister, what assurances can you give that we will get one?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (15:01): Can I thank the honourable member for her supplementary question. And yes, she
is right; the site is constrained on a whole number of levels. The sad more than two decades in which the site was held by private investors, let alone operated by another private organisation, and the disconnect between the venue’s capital, built form and service provision undermined the operation terribly. In regard to the processes that I outlined in answering the first part of the honourable member’s question, those issues will bring together how and where the future of the Mildura Base Public Hospital needs to come together in delivering on the service plan, on the capital needs and on the growing health demands of the diverse community the honourable member represents. And the commitment I can give the honourable member is that we will keep the Mildura Base Public Hospital, in whatever iteration it is, a public asset.

MINISTERS STATEMENTS: COVID-19

Ms SPENCE (Yuroke—Minister for Multicultural Affairs, Minister for Community Sport, Minister for Youth) (15:02): It is with great pleasure that I rise today to acknowledge the tremendous efforts of young Victorians and our multicultural communities who have shot out of the starting block in the sprint to get vaccinated against COVID-19. The Andrews Labor government continues to demonstrate its commitment to supporting everyone in our race towards 80 per cent full vaccination. We know that multicultural Victorians rely on organisations that they know and people they trust for information. That is why we have invested $52.4 million in the CALD communities task force, which is partnering with multicultural leaders, organisations and media outlets to respond to the pandemic and the rollout of the vaccine. On Sunday I announced a further $7.2 million for the task force, much of which will be directed towards empowering CALD communities and bringing the vaccine to them. We have seen great success in uptake to date with these pop-up sites, and these will increase going forward. Appointments are already fully booked for the Australian Islamic Centre’s pop-up hub, which was launched yesterday in the member for Williamstown’s electorate, and a vaccination clinic at Craigieburn’s gurdwara will open its doors this weekend. The frontrunners of this vaccine race have of course been young people. Bookings have surged since young people have become eligible, and it has been terrific to see footage and images of so many young people heading out at their earliest opportunity to get vaccinated as well as influencing other people to do the same. I say a heartfelt thanks to all of these Victorians, to our young and to our multicultural Victorians, for turning out to get the jab and for everything that they are doing to keep their communities safe. Keep it up till we reach and till we push past 80 per cent full vaccination.

COVID-19

Ms STALEY (Ripon) (15:04): My question is to the Minister for Industry Support and Recovery. Noting today’s loosening of some restrictions on businesses in regional Victoria, Commerce Ballarat has said that the capacity limits for some sectors are not even remotely viable. On what basis does the government believe hospitality venues with a normal capacity of hundreds could possibly be viable with indoor limits of now just 10?

Mr PAKULA (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (15:05): I thank the member for Ripon for her question, and I am sure she knows what the answer is. The answer is that the public health advice, given the scale of the pandemic and the size of the outbreak that we have been dealing with, is that we need to hasten slowly in regard to moving out of those restrictions in regional Victoria. And as soon as the public health advice says that those venues can operate at higher levels with greater capacity, and as soon as we have high vaccination levels—which I note from today’s reports we could have had by now had the Pfizer offer been taken up—then of course the government will be very happy to receive that advice and to provide those venues with the opportunity to trade at a more profitable level.

I do note for the member for Ripon’s benefit that I have indicated already today that in regard to the support for business that we indicated last week would be paid on a fortnightly level, that fortnightly payment, which takes us up to the end of next week, will continue to be paid—unchanged, unaffected.
We will assess next week which sectors remain intensely impacted, and we will make decisions about
the support for those businesses on an ongoing basis.

Ms STALEY (Ripon) (15:06): It goes to the second part of the minister’s answer then, which is
that businesses have to make a decision today whether or not they are going to reopen on Friday—
they have to order stock, contact their staff—yet the minister has just said that they will consider
whether the government support will be extended beyond next week sometime next week. How does
the minister and how does the government expect these small businesses to plan ahead when they do
not even know if they are viable or if they are going to get support if they are not?

Mr PAKULA (Keysborough—Minister for Industry Support and Recovery, Minister for Trade,
Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing)
(15:07): I thank the member for the supplementary question. I think she misunderstands the basis upon
which the support is provided. Whether businesses choose to open on the basis of the restriction levels
that have been recommended by the chief health officer is a matter for those businesses. Some smaller
businesses which have smaller capacities and smaller overheads I have no doubt will open. I suspect
that the member is right if she imagines that larger businesses, much larger hospitality businesses, may
indeed choose not to open this Friday at that level. But whether they open or they do not open is not
material to the question of whether or not they receive business support. As I have already indicated,
we have said that business support in regional Victoria, which has been paid on a fortnightly basis, and
allocated on a fortnightly basis, will be paid until the end of next week because it is a fortnight’s
payment, and beyond that it will be paid based on a decision by the government about which sectors
remain impacted.

MINISTERS STATEMENTS: COVID-19 VACCINATIONS

Mr DONNELLAN (Narre Warren North—Minister for Child Protection, Minister for Disability,
Ageing and Carers) (15:08): I rise to update the house on the progress of vaccination in aged care in
Victoria. We know how critical this task is to protect older Victorians because they are most
susceptible to coronavirus. We also know that while it is a commonwealth responsibility to regulate
the sector, here in Victoria we have gone well and above to support the rollout. That includes,
of course, taking care of our own public sector aged-care facilities. While our public sector residential
aged-care services stood up incredibly well during the second wave—just 15 positive cases, with three
residents and no deaths—we cannot take anything for granted. That is why every PSRAC was visited
by a public health and in-reach vaccination team before Anzac Day in April this year. Both residents
and staff were offered a jab during these visits. Over 90 per cent of residents have had at least one
dose, and those who declined the first continue to be offered a shot.

For staff, as we know, on 17 September vaccinations become mandatory. This was a national cabinet
decision, and we strongly support that. Following engagement with the sector and unions, directions
from the Victorian chief health officer have been published, but we have been pulling our weight to
prepare for this day for quite some time. We have run two successful blitzes in our state hubs that gave
workers priority walk-up access to the vaccine of their choice, no matter their age. There is also
ongoing priority access for workers to the vaccine of their choice through our phone and online
booking system. As of last week, the entire residential aged-care workforce had 82 per cent with a first
dose, with more than 86 per cent in our public sector.

I would like to give a shout-out to our public facilities that have achieved 100 per cent. They stretch
from one end of the state to the other: Apollo Bay, Beaufort, Birchip, Burwood, Camperdown,
Charlton, Donald, Lorne, Shepparton, St Arnaud, Willaura, Wycheproof and Yarram. I know these
workers recognise they are protecting both themselves as well as the people they care for and that
vaccination is the only pathway out for all of us to return to the people and the activities we love.
Business of the house

ORDERS OF THE DAY

The SPEAKER (15:10): I wish to advise the house that general business, orders of the day 2 and 3, will be removed from the notice paper unless members wishing their matter to remain advise the Clerk in writing before 5.00 pm today.

Petitions

Following petitions presented to house by Clerk:

BREAST SCREENING

To the Legislative Assembly of Victoria,

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Assembly that the Andrews Government has failed to fully reinstate the funding for health protection services which will see 29,000 fewer Victorians have the ability to access a breast screen service.

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

We therefore request that the Legislative Assembly call on the Andrews Government and the Minister for Health to reverse the cuts to women’s health and fully fund the program so all women, at all times, have access to this essential program.

By Ms McLEISH (Eildon) (51 signatures)

LODDON CHILDCARE SERVICES

To the Legislative Assembly of Victoria

The Petition of residents in Victoria calls on the Legislative Assembly to note that:

There is a lack of appropriate childcare for children across Loddon Shire.

Parents and carers need access to child care to engage in work or study.

We, therefore, call on the Government to provide better access to childcare services for the various Loddon Shire communities.

By Ms STALEY (Ripon) (719 signatures)

Tabled.

Ordered that petition lodged by member for Ripon be considered next day on motion of Ms STALEY (Ripon).

Ordered that petition lodged by member for Eildon be considered next day on motion of Ms McLEISH (Eildon).

Committees

LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Responses to Historical Forced Adoption in Victoria

Ms SULEYMAN (St Albans) (15:12): I have the honour to present to the house a report from the Legal and Social Issues Committee on the responses to historical forced adoptions in Victoria, together with appendices and transcripts of evidence.

Ordered that report and appendices be published.
Incorporated list as follows:

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

Auditor-General—Managing Conflicts of Interest in Procurement—Ordered to be published.

**Bills**

**JUDICIAL PROCEEDINGS REPORTS AMENDMENT BILL 2021**

*Council’s amendments*

The SPEAKER (15:12): I have received a message from the Legislative Council agreeing to the
Judicial Proceedings Reports Amendment Bill 2021 with amendments.

Ordered that amendments be taken into consideration later this day.

**SUBURBAN RAIL LOOP BILL 2021**

*Statement of compatibility*

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister
for the Suburban Rail Loop) (15:14): In accordance with the Charter of Human Rights and
Responsibilities Act 2006 I table a statement of compatibility in relation to the Suburban Rail Loop
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 Suburban Rail Loop Bill 2021 (the *Bill*).

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

**Overview**

The Bill’s purpose is to enable the development of the Suburban Rail Loop (*Loop*) through the establishment
of the Suburban Rail Loop Authority (the *Authority*) and the conferral of appropriate powers on the Authority
for that purpose.

The Bill also amends the *Major Transport Projects Facilitation Act 2009* (*MTPF Act*), the *Planning and
Environment Act 1987* (*PE Act*) and a number of other Acts for the purpose of enabling the Loop project and
to make consequential amendments.

**Human Rights Issues**

This Bill engages a number of rights under the Charter, including rights to property (section 20), privacy
(section 13(a)), equality before the law (section 8), a fair hearing (section 24(1)) and cultural rights
(section 19).

**Property (section 20)**

Section 20 of the Charter provides that a person must not be deprived of their property other than in
accordance with law. ‘Property’ under the Charter includes all real and personal property interests recognised
under the general law, including contractual rights, leases and debts. A ‘deprivation’ of property may occur
not just where there is a forced transfer or extinguishment of title, but where there is a substantial restriction
on a person’s use or enjoyment of their property. However, the right to property will only be limited where a
person is deprived of property ‘other than in accordance with the law’. For a deprivation of property to be ‘in
accordance with the law’, the law must be publicly accessible, clear and certain, and must not operate
arbitrarily. A broad, discretionary power capable of being exercised arbitrarily or selectively may fail to satisfy
these requirements. The concept of ‘arbitrariness’ as it relates to the Charter refers to something which is
unjust, capricious, unpredictable, unreasonable or disproportionate.

The following clauses of the Bill may engage the right to property. For the reasons outlined below, to the
extent that these clauses could be considered to deprive a person of property, any such deprivation will be in
accordance with law. Powers are appropriately tailored and confined and are subject to appropriate procedural
protections. Compensation for a deprivation of property is not required by section 20 of the Charter but is discussed as a potentially relevant factor that further demonstrates that deprivation of property that occurs pursuant to the Bill is not arbitrary and therefore will clearly be in accordance with the law.

Loop declarations

The Bill provides for the making of certain declarations, from which powers to compulsorily acquire and enter into possession of property, discussed below, will flow. The Premier may declare a development or proposed development to be a Loop project and an area of land to be the ‘project area’ (clause 72). Separately, the relevant Minister may also declare that an area of land is a Loop planning area (clause 65).

Powers to limit developments and compulsorily acquire under the MTPF Act

Clause 78 of the Bill will apply the MTPF Act to a Suburban Rail Loop project. That application may engage property rights by enlivening a number of statutory powers to affect property interests. By operation of clause 78 and the MTPF Act, the Authority will become a referral authority under a planning scheme (within the meaning of the PE Act) in relation to land in the project area, with an effective power of veto over any development (by operation of section 102A, MTPF Act with the PE Act). This may result in a deprivation of the property rights of persons with interests in vetoed developments. However, any deprivation of property as a result of the exercise of such powers will be governed by a clear and accessible process set out under legislation. Persons affected may have the right to compensation under Part 5 of the PE Act (as applied and modified by the MTPF Act, section 120A). The Authority acting in its capacity as a referral authority will be bound to have regard to the objectives of Victoria and the Minister’s directions, and to comply with the PE Act (section 14A, PE Act).

The Authority will also be able to compulsorily acquire land for the Loop project under section 112 of the MTPF Act, engaging the property rights under the Charter of persons whose property is acquired. However, as above, any deprivation of property as a result will be governed by a clear and accessible process set out in legislation. The lawfulness of an acquisition is subject to judicial review, and compensation may be available under the Land Acquisition and Compensation Act 1986 (LAC Act) (section 113, MTPF Act). Similarly, any compulsory acquisition of a native title right must comply with the procedures set out under the Native Title Act 1993 (Cth) and native title rights holders may be compensated on just terms for the loss of this right. Any interference with property rights under relevant powers will therefore be lawful. I consider that these clauses are compatible with the Charter right to property.

New power for the Authority to compulsorily acquire

Clause 53 of the Bill also provides the Authority with powers to compulsorily acquire, on behalf of the Crown, any land which is or may be required by the Authority for the Loop program. This will engage the property rights of persons whose property is acquired. However, any deprivation of property will be authorised by legislation, and not arbitrary. The powers are governed by a clear and accessible process, the lawfulness of an acquisition is subject to judicial review, and the LAC Act will apply. Any interference with the right to property occasioned by the power will be lawful. I therefore consider that these clauses are compatible with the Charter right to property.

Powers to enter and occupy land

Clause 56 of the Bill empowers an authorised person to enter land to carry out surveys or investigations for the purposes of, or connected to, the Loop program or a Loop project, or in preparation for the declaration of a Loop project. Authorised persons may also, under this clause, do anything on the Authority’s behalf, that the Authority is authorised to do on that land in carrying out its functions and powers. This clause may engage the right to property of persons whose use and enjoyment of land is interfered with—to such an extent that it amounts to a deprivation of property—by entry and occupation. However, any deprivation associated with these powers can only occur in the circumstances set out above and will be governed by a clear and accessible process set out under legislation. Seven days’ notice must be provided, and authorised persons may only enter land earlier with consent (except in emergencies). Time limits and other conditions may apply to ensure that the interference with a person’s property is the least restrictive possible whilst also ensuring the necessary functions are carried out.

Clause 190 of the Bill amends the MTPF Act to give a project authority, or persons authorised by a project authority, powers to enter land and undertake various investigations and surveys. The entry onto land and activities under these powers may occur in relation to a declared project (prior its approval), to determine whether the land should be included in the project area or is suitable for the purposes of the project. It may also occur after the approval of a project for the purposes of, or connected to the purposes of, the project more generally. The exercise of these powers may include activities such as bringing machinery or equipment onto land, taking samples of plants or digging or boring into the land. Once a declared project becomes an approved project, the project authority may also enter land to remove any trees or vegetation that was assessed as
creating a risk to safety of certain persons on prior investigation. Additionally, for the purpose of an approved project, or a purpose connected with an approved project, project authorities will have powers to enter and temporarily occupy land to dig, deposit material, make cuttings, take timber, make and use roadways or railways, manufacture, erect temporary structures, construct roadways, railways and carparks (which may be made available for public use), construct access measures, carry out drainage works, install and use ground supports and demolish fences and certain other structures.

Exercise of these powers may engage the property rights of persons who are deprived of their use and enjoyment of entered or occupied land. However, any deprivation will not be arbitrary, but governed by a clear and accessible process set out in legislation and subject to reasonable conditions. Seven days’ notice must be provided to persons (occupiers or owners) whose land is to be entered or occupied including specific information. Time limits and other conditions may apply to ensure that the interference with a person’s property is the least restrictive possible whilst also ensuring the necessary functions are carried out. For instance, project authorities must remove from the land anything they construct, except for some access measures constructed to service use of the land and ground supports measures. If ground supports are left in land, the project authority must give owners or occupiers notice of them and their rights to remove the supports. Rent may be payable for the occupation of land (except with respect to underground stratum used for ground supports) and compensation may also be claimed by certain persons for pecuniary loss or expenses arising as a direct, natural or reasonable consequence of the entry or occupation of land (with separate and specific entitlements available in relation to ground supports that may remain in underground stratum).

Finally, project authorities will be empowered under amendments to the MTPF Act to enter, occupy, use and carry out works on ‘relevant land’, which includes public land, land owned by or vested in a Council or State-owned or related companies (clause 192). If a project authority intends to exercise such powers in relation to reserved Crown land, they may request and be granted by the Project Minister a licence, or enter into a tenancy agreement, under the Crown Land (Reserves) Act 1978. This power may result in the deprivation of property rights of any individuals with interests in the land the project authority enters, occupies, uses, carries out works on, or gains an interest in. However, any deprivation of rights associated with exercise these powers will be governed by a clear and accessible process and will not be arbitrary. The powers can only be exercised in specific circumstances, notice must be provided, and compensation may be available (clause 193).

Any interference with the right to property by these clauses will be in accordance with law. I therefore consider that these clauses are compatible with the Charter right to property.

Entry into possession

The Bill also amends provisions empowering project authorities to enter into possession of a property on project land under the MTPF Act (clauses 177-180), which may apply in the context of the Loop project (clause 78) and deprive persons of property. However, any deprivation will be lawful and not arbitrary, but subject to a clear and accessible process under legislation. The provisions require a project authority to seek occupiers’ agreement regarding the terms of entry into possession of project land, and limit how soon a project authority can enter into possession of principal places of residence or business.

The amendments provide that a project authority may enter into possession of underground land at any time after the publication of an Order by the Governor in Council under section 162 of the MTPF Act declaring that land to be project land. They also exempt project authorities from the requirements to seek agreement from occupiers before entering into possession of such underground land and clarify and extend an existing exemption from timing and notice requirements relating to principal places of residence or businesses that is available with respect to underground land declared under section 162. These amendments may interfere with the property rights of persons with interests in land affected by section 162 Orders. However, any deprivation will be governed by a clear and accessible process set out under legislation. The powers under section 162 to obtain underground land for an approved project are subject to existing limits in the MTPF Act, including that the Governor in Council only make Orders in respect of underground land on the recommendation of the Project Minister.

Any interference with the right to property by these clauses will therefore be lawful. I consider that these clauses are compatible with the Charter right to property.

Powers to divest interests in land

The Bill clarifies the scope of, and extends, the Governor in Council’s powers in the MTPF Act to make Orders declaring that a stratum of land below ground in a project area is ‘project land’, including to clarify the application of the powers to Crown land and reserved Crown land and their consequences regarding the discontinuance of roads and cessation of rights in relation to rivers (clauses 185-188). The amendments made by the Bill also insert a power for the Governor in Council to make Orders, on the recommendation of the Project Minister, providing for the acquisition of easements over a stratum of land below ground level. The making of Orders under these powers may interfere with the property rights of persons with interests in land
affected by such Orders. However, any deprivation will occur as a result of a clear and accessible process set out in legislation. Relevant powers may only be exercised in respect of a declared project area. Any interference with the right to property will be lawful and pursuant to powers that cannot be exercised arbitrarily. Compensation may also be claimed by certain persons following such Orders in circumstances provided in section 163 of the MTPF Act (clause 187). I therefore consider that these clauses are compatible with the Charter right to property.

Other powers that engage property rights

The Bill amends the Governor in Council’s powers in the MTPF Act to make Orders that Crown land in the project area can be designated for an approved project. The effect of an Order is that the land that is the subject of the Order may be freed, and all alienated interests in that land be discharged, unless the Order expressly provides otherwise (clause 171). If the land (or any part of it) is a road or a river, all interests in the road and river will cease. This mechanism for the divesting of property rights may amount to a deprivation of property of persons who hold such interests. However, any deprivation will be governed by a clear and accessible process set out under legislation. The amendments only apply to unreserved Crown land and can only be exercised for the purposes of an approved project under the MTPF Act. Compensation with respect to interests impacted by such Orders may also be available under Subdivision 5 of Division 4 of Part 6 of the MTPF Act (clauses 174 and 175).

Clause 210 also amends the MTPF Act to enable project authorities to remove from roads closed for project purposes vehicles that are abandoned, unregistered or unlawfully parked or left standing that are obstructing or delaying works for which the road is closed. Project authorities may also remove private property that obstructs or delays such works. This may deprive persons of their property. However, any deprivation occasioned by such removals of vehicles or obstructions will be temporary and governed by a clear and accessible process set out under legislation. In the case of vehicles, the project authority may move the vehicle to the nearest convenient place and store it, after first (in the case of registered vehicles) affixing notice onto the vehicle for at least 48 hours and making reasonable endeavours give the registered operator notice. Other obstructions will only be removed if the project authority cannot find the person in control of the thing or the person who controls it has not complied with a direction to move it, in which case it will be taken to the nearest convenient place and stored.

Any interference with the right to property by these clauses that may amount to a deprivation will be in accordance with law. I therefore consider that the Bill is compatible with the Charter right to property.

Privacy (s 13(a))

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

Directors of the Authority

Under clause 30 of the Bill a director of the Authority is required to disclose a direct or indirect pecuniary interest or any interest that could conflict with the director’s proper duties. This disclosure must be recorded in the minutes of the relevant meeting. This positive obligation may engage Directors’ right to privacy. However, any interference with the right is authorised by legislation and not arbitrary because, in accordance with other laws, it manages a director’s duty to disclose conflicts of interest.

Identification of ‘authorised persons’

Clause 56(7) of the Bill requires an authorised person who enters land for the purposes of that clause to have an identity card with a photograph and use it to identify themselves when entering land. This clause may interfere with authorised persons’ right to privacy by requiring them to disclose their name and status as an authorised person in specified circumstances. However, the interference with privacy is neither unlawful nor arbitrary, as it is a proportionate and necessary measure to ensure that persons dealing with authorised persons are able to identify them, as well as providing some protection against people fraudulently claiming to be authorised persons and seeking to exercise their powers.

Power to enter and occupy land, enter into possession and compulsorily acquire

As set out above, clause 56 empowers authorised persons to enter land for certain specified reasons connected with the project and with the functions and powers of the Authority. Clauses 190 and 192 amend the MTPF Act to allow project authorities to enter and temporarily occupy certain kinds of land. Each of these clauses may result in an interference with a person’s home or place of work on land that is occupied. However, the interference is authorised by legislation, for a specified purpose and therefore not arbitrary. The provisions prescribe the specific, limited circumstances where an authorised person or project authority can enter and occupy the land and imposes conditions and restrictions on what they can do upon entry.
As noted above, the Bill also amends the power of a project authority to enter into possession of property on project land under the MTPF Act (clauses 177-180) and gives the project authorities powers of compulsory acquisition (clauses 53 and 78). Each of these powers may interfere with the privacy or home of owners or occupiers of property acquired. However, any interference with privacy is justified on grounds it will be authorised by legislation and done in exercise of powers that are precise and appropriately circumscribed. Land may only be acquired by a project authority for, or in connection with, an approved project and by the Loop Authority for, or in connection with, the Loop program, which is subject to other approval processes. Relevant decisions will be subject to judicial review, which ensures that its lawfulness may be scrutinised by the courts.

Any interference with a person’s privacy or home occasioned by these clauses will be both lawful and not arbitrary. Accordingly, I consider that Bill is compatible with the Charter right to privacy.

**Equality (s 8)**

Section 8 of the Charter provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. The term ‘discrimination’ referred to in section 8(3) of the Charter is defined as discrimination within the meaning of the *Equal Opportunity Act 2010* on the basis of an attribute set out in section 6 of that Act. Relevantly, these attributes include age, impairment and parental status. Discrimination includes direct discrimination (where a person treats a person unfavourably because of an attribute) and indirect discrimination (where a person imposes, or proposes to impose, a requirement, condition or practice that is likely to disadvantage persons with a protected attribute, and which is unreasonable).

**Removal from office**

Clause 24 provides when a director of the Authority can be removed from office, including when a director becomes a ‘represented person’ within the meaning of s 3(1) of the *Guardianship and Administration Act 2019*. This could constitute indirect discrimination for people that become a ‘represented person’ due to a protected attribute such as disability (s 6 of the *Equal Opportunity Act 2010*).

However, any limitation of the right to equality, will be justified under s 7(2) of the Charter. The requirement that a person who is a ‘represented person’ is removed from office is both reasonable and justified. Directors of the Loop Board are elected under specific eligibility criteria (clause 22) and this limitation ensures that these selected directors of the Board have the capacity to make their own decisions. A guardian or administrator would not necessarily have the same expertise or experience as is required of a Director under clause 22 of the Bill.

Accordingly, I consider that the Bill is compatible with the Charter right to equality.

**Fair hearing (s 24(1))**

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The right to a fair hearing is not necessarily confined to proceedings of a judicial character but may also apply to administrative decision makers where procedures enable the identification of ‘parties’ to the ‘civil proceeding’.

**Powers to exempt notice requirements**

Clause 123(2) amends the PE Act to provide that the Minister for Planning may exempt the Authority from any requirements in sections 17, 18 and 19 of the PE Act which each impose certain notice requirements in respect of planning amendments, including to the public, if the Minister considers that compliance any of those requirements is not warranted. This power is equivalent to what is currently provided in section 20(4) of the PE Act. Under section 21 of the PE Act, a person can make a submission to the planning authority about an amendment of which notice has been given under section 19. Any exemption from those sections may therefore preclude people materially affected by the planning amendment from making submissions.

However, the amendments made by the Bill provide that a Minister may only exempt an Authority’s obligations under sections 17 to 19 of the PE Act if compliance is not warranted or ‘the interests of Victoria or any part of Victoria make such an exemption appropriate’. Therefore, the non-compliance can only occur in certain circumstances, on the Minister’s decision. Any limitation on the fair hearing right may be justified under s 7(2) as it is reasonable to circumscribe those rights when the ‘interests of Victoria’ require, in the context of planning amendments that are critical to the development of the Loop project, which will benefit the State more broadly. As mentioned, this power already exists under the PE Act; the effect of this clause is simply to give the relevant Minister an equivalent power in the context of the Loop project. Finally, the Minister’s decision is also subject to judicial review, which ensures that its lawfulness may be scrutinised by the courts.
Exclusion of review of defects in procedure

Clause 127 provides that section 39 of the PE Act, which relates to defects in planning procedure, will not apply to a planning scheme prepared by the Loop Authority that applies to land to which a Loop planning declaration applies. Section 39 of the PE Act ordinarily provides for a person substantially or materially affected by a failure of the Minister for Planning, planning authority or panel to comply with certain parts of the PE Act relating to planning scheme amendments to refer the matter to the Victorian Civil and Administrative Tribunal (VCAT). Ousting the jurisdiction of VCAT in relation to these issues for land to which a Loop planning declaration applies may limit the right to a fair hearing under section 24 of the Charter. However, I am satisfied that any limit to the fair hearing right occasioned by clause 127 is justified in the circumstances. The limit to VCAT review is included in the Bill for the important purpose of mitigating potentially significant delay to the Loop program. The limits on review only apply to defects in the process for approving amendments in planning schemes. Further, judicial review in the Supreme Court will still be available. Therefore, any limitation to the fair hearing right will be justified in accordance with s 7(2) of the Charter, as, while specific provision for VCAT review is removed, other avenues for review will remain, and the clause is therefore reasonably proportionate to its purpose of minimising delay to the overall Loop program. I consider that these clauses are compatible with the Charter right to fair hearing. To the extent that it is relevant I also consider that any limit on the right is reasonable and justifiable in accordance with s 7(2) of the Charter.

Therefore, I consider that the Bill is compatible with the Charter right to a fair hearing.

Freedom of expression

Section 15 of the Charter provides that every person has the right to hold an opinion without interference and has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds. Section 15 also provides that lawful restrictions may be reasonably necessary to respect personal rights and reputations, or for the protection of national security, public order, public health or public morality.

This right is engaged by the clause 86 which makes it an offence for persons connected with the Authority to improperly use information acquired because of that connection, to gain any pecuniary advantage or with the intent to cause detriment to the Authority, Loop program or a Loop project. Clause 87 also makes an offence for a person connected with the Authority to disclose information relating to the Authority, the Authority’s functions and powers or a Loop project, that was obtained in confidence, except in carrying out official duties or duties and obligations under the Bill (other than in a reckless manner), with the Minister’s written approval, to a court, or unless information is already public or prescribed circumstances apply. ‘Persons connected’ with the Authority is defined in clause 88.

This right to freedom of expression is engaged and limited by these provisions to the extent that they may prohibit the disclosure of confidential information by persons in certain circumstances. Unauthorised disclosure of confidential information will be an offence and subject to penalties irrespective of the detriment caused. However, persons working in relation to the Loop program or a Loop project may have access to highly sensitive information. This information may include State financial information, information related to pending or proposed planning determinations, personal information or information on arrangements being put in place within the State with respect to long-term infrastructure projects. The offence in clause 86 addresses the risk of individuals associated with the Loop seeking pecuniary gain from disclosing information. Further, the offence reasonably protects the integrity of the Authority, Loop program and Loop projects and ensures that public confidence is maintained. For these reasons, to the extent of any limitation to the right to freedom of expression, the limit will be reasonable and justified under s 7(2), and therefore the clauses will be compatible with the Charter.

Therefore, I consider that the Bill is compatible with the Charter right to freedom of expression.

Right to presumption of innocence (s 25(1))

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. The right is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

Clause 92 provides that proof is not required in the absence of evidence to the contrary for a range of matters. Such matters include—that a person bringing a proceeding for an offence is authorised to bring it; that the constitution of the Authority or due appointment of its directors has occurred; that the appointment of any employee, consultant or contractor of the Authority is valid; that a document appearing to be issued on behalf of the Authority, Minister, Treasurer or Premier was so issued; that the appointment of a person purporting to act as a delegate is valid; and others.
This clause may be seen to engage the right under section 25(1) of the Charter. However, in my opinion the right to the presumption of innocence is unlikely to be interfered with in such circumstances because the clause does not reverse the onus of proof. The defendant would only have to raise any evidence that contradicts the presumption. Once they do, the burden will shift back to the prosecution to establish the elements of the offence including any matters contained in clause 92.

Therefore, I consider the Bill is compatible with the Charter right to the presumption of innocence.

**Cultural rights (s 19)**

Section 19(2) of the Charter provides that Aboriginal persons hold cultural rights and must not be denied the right to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs. This section protects a person’s exercise of these rights with other members of their community.

**Yarra River Protection obligations**

Part 7 of the Bill also amends the PE Act to ensure that obligations under the *Yarra River Protection (Wilip-gin Birrarung marron) Act 2017* (*YRP Act*) do not apply to specific authorities or public entities acting in relation a Loop project. These public entities are already exempted from following the YRP Act in relation to the MTPF Act, but Bill extends the exemption to Loop projects. The YRP Act outlines a number of obligations and principles that characterise the Yarra River as a living and integrated natural entity. It sets out principles that public entities must usually have regard to when performing functions or duties, including cultural principles to acknowledge, reflect, protect and promote Aboriginal cultural values.

These amendments are made so that public entities acting under the Bill in relation to a Loop project are not subject to conflicting legal obligations. Therefore, these exemptions are necessary for public entities to comply with the Bill. For instance, they would be able to surrender or divest land or enter agreements with the Authority where this action may otherwise be in conflict with the principles set out in the YRP Act. In their own right, these actions may not necessarily impact cultural rights.

Whilst the Bill exempts some public entities from abiding with these principles, it is unlikely that this would deny Aboriginal persons the right to maintain their distinctive relationship with the land and waters. The Authority will also still be bound by the Charter in exercise of its powers under the Bill, including its land acquisition and delivery powers, meaning the Authority will have to give proper consideration to the rights of persons affected by its decisions, including under section 19(2), and act compatibly with those rights. Therefore, any interference under these provisions will not limit rights under section 19(2) and will be compatible with the Charter.

**Compulsory Acquisition**

As discussed above, the Bill extends the application of the MTPF Act to provide that the Authority may compulsorily acquire land, including native title rights (clause 53). Relevant clauses may limit cultural rights to the extent that they deny individuals or other members of their community from accessing or owning land that is acquired or in the project area. Further, clause 54 excludes the operation of section 3 of the *Cultural and Recreational Lands Act 1962* to the compulsory acquisition of land under the power in clause 53. Section 3 of the *Cultural and Recreational Lands Act 1962* provides that the power to compulsorily acquire land does not apply to ‘recreational lands’. This includes lands which are vested in a body which exists for the purpose of providing cultural objectives and used for cultural purposes.

However, any acquisition under the Bill of native title rights or land otherwise carrying cultural significance is to be in accordance with the *Native Title Act 1993* or LAC Act, where applicable, and therefore subject to reasonable protections.

To the extent that the Bill may interfere with the cultural rights protected in section 19(2) of the Charter, I consider that any interference with the right will not be arbitrary and is reasonable and proportionate to the purpose of the Bill. Therefore, I consider that these clauses are compatible with cultural rights in the Charter.

**Hon Jacinta Allan MP**

Minister for the Suburban Rail Loop

Second reading

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (15:14): I move:

That this bill be now read a second time.
I ask that my second-reading speech be incorporated into *Hansard*.

**Incorporated speech as follows:**

The Suburban Rail Loop will transform Melbourne like no project in our history. This state’s biggest infrastructure project will play a significant role in Victoria’s recovery from the pandemic—generating a pipeline of work and economic stimulus, creating up to 20,000 jobs during construction and kickstarting the careers of 2,000 apprentices, trainees and cadets.

In addition to the pipeline of jobs and improved connectivity, Suburban Rail Loop will transform Melbourne into a ‘city of centres’—supporting growth in precincts outside the central business district that will provide more high-quality jobs, greater and more diverse housing options, and better access to services and amenities. The Suburban Rail Loop will link every major rail line from the Frankston line to the Werribee line, via the airport, connecting Victorians to jobs, retail, education, health services and each other.

Transport super hubs at Clayton, Broadmeadows and Sunshine will connect regional services to the Suburban Rail Loop, so passengers outside Melbourne won’t have to travel through the CBD to get to the employment, world-class hospitals and universities in the suburbs.

Furthermore, the Suburban Rail Loop will not only be a vital and city shaping rail network, but an opportunity to optimise liveability, productivity and amenity through precincts around Suburban Rail Loop stations.

The Suburban Rail Loop Program will include both:

- the infrastructure needed to establish a new orbital rail line from Cheltenham to Werribee through Melbourne’s suburbs; and
- the development and delivery of new urban precincts, associated developments and infrastructure associated with the new orbital rail line

Infrastructure and associated developments will be delivered progressively over the years. Given the scale and scope of the program, on-going formalised institutional settings are needed.

The Bill does this by creating a new statutory authority that will plan for and deliver the Suburban Rail Loop program and by giving this Authority the land use planning and project delivery powers it will need to deliver the program.

Part 1 of the Bill specifies preliminary matters including definitions, objectives and the commencement provision. Importantly, Part 1 of the Bill specifies the objectives of the Suburban Rail Loop program are to:

- integrate a new orbital rail loop with existing and planned public transport and road networks in the State;
- facilitate sustainable population growth, urban renewal and improved liveability;
- encourage land development and the facilitation of timely and coordinated delivery of infrastructure, services and residential and commercial development;
- improve connectivity throughout Melbourne by enhancing orbital public transport movements in relation to the new orbital rail loop; and
- increase productivity by facilitating greater employment, activity and investment throughout Victoria.

Part 2 of the Bill establishes the Suburban Rail Loop Authority as a statutory body corporate. The Authority will take over all functions, staff and administrative matters from the Suburban Rail Loop Authority Administrative Office which was established in September 2019 to provide interim governance arrangements for the Suburban Rail Loop Program.

The Authority will have overall responsibility for the development of the Suburban Rail Loop Program and will have the powers necessary to fulfil program needs and objectives.

The Bill provides the governance arrangements for the new Authority, including the Board of Directors, Chief Executive Officer, corporate planning requirements and financial controls.

The new Authority will, under the direction of the Minister for the Suburban Rail Loop:

- undertake strategic planning for the development of the Suburban Rail Loop Program;
- undertake integrated land use and infrastructure planning for the purposes of the Suburban Rail Loop Program;
- plan for the use, development and protection of land required for the purposes of the Suburban Rail Loop Program;
- coordinate state Government action in relation to planning the use, development and protection of land in declared Suburban Rail Loop planning areas; and
- procure any development, infrastructure and services required to develop and implement the Suburban Rail Loop program.

The Suburban Rail Loop Authority can be distinguished from the other major transport project delivery authorities by reference to its ongoing role in relation to planning for and managing the development, activation and protection of precincts around the Suburban Rail Loop infrastructure.

The development of the precincts and the consequent improvement of economic and social outcomes that flow from these investments are critical to ensuring that the Suburban Rail Loop maximises the benefits it delivers to all Victorians.

Part 4 of the Bill recognises that the Suburban Rail Loop program will be planned, developed and delivered progressively in stages.

The Bill therefore refers to the progressive development of the Suburban Rail Loop program and makes provision for the component parts—the transport infrastructure as well as the related precincts—to be declared as Suburban Rail Loop projects.

Once necessary planning approvals have been obtained for the proposed development, the Premier may declare a part of the Suburban Rail Loop Program to be a Suburban Rail Loop project and specify the area of land that will be used for that project.

The effect of the declaration is that the Suburban Rail Loop project is deemed to be a major transport project under the Major Transport Projects Facilitation Act 2009 (the “Facilitation Act”). The Suburban Rail Loop Minister is deemed to be the Project Minister and the Suburban Rail Loop Authority is deemed to be the Project Authority. The project area specified in the declaration is deemed to be the project area under the Facilitation Act.

These deeming provisions provide the Suburban Rail Loop Minister and the Suburban Rail Loop Authority with the project delivery powers in the Facilitation Act that are needed to deliver Suburban Rail Loop projects.

Part 3 of the Bill provides the Suburban Rail Loop Minister with the power to declare areas of land that are proposed to accommodate the Suburban Rail Loop infrastructure and related precincts as Suburban Rail Loop planning areas. Part 7 of the Bill, through amendments to the Planning and Environment Act 1987, then provides the Suburban Rail Loop Authority with the power to act as a Planning Authority for land to which the Part 3 planning declaration applies.

This will enable the Suburban Rail Loop Authority to develop the planning scheme amendments that are necessary to reserve the land for Suburban Rail Loop program purposes and enable the undertaking of the transport infrastructure project and the development of Suburban Rail Loop precincts.

The Bill provides that the Minister for Planning can exempt the Authority from notice and publication requirements that normally apply to the development of planning scheme amendments. The Minister for Planning may grant such an exemption if the Minister considers that compliance with any of those requirements is not warranted, or that the interests of Victoria or any part of Victoria make such an exemption appropriate.

The Bill provides that if a municipal council proposes to prepare a planning scheme amendment in a Suburban Rail Loop planning area, then the Suburban Rail Loop Minister must provide consent.

Planning scheme amendments in Suburban Rail Loop planning areas will continue to be presented to the Minister for Planning for decision. The Bill provides that the Planning Minister must consult with the Suburban Rail Loop Minister in making this decision, or before appointing an assessment committee or a planning panel for proposed amendments in a declared Suburban Rail Loop planning area.

These provisions are intended to ensure that the Suburban Rail Loop Minister is able to make recommendations to the Minister for Planning based on the objectives of the Suburban Rail Loop program, and ensure that precinct development is consistent with those objectives.

As is already the case for projects assessed and approved under the Major Transport Projects Facilitation Act, planning scheme amendments prepared by the Suburban Rail Loop Authority for the Suburban Rail Loop Project will not be subject to revocation by Parliament when they are tabled. This will ensure that once planning scheme amendments are approved there is certainty that the project can proceed. This will be important in managing procurement and contractual risks in relation to the delivery of the program over time.

Part 5 of the Bill specifies the power of delegation by the Minister, the obligation on the staff of the Authority to keep information confidential and the related offence of improper use of information. Part 5 also specifies who may enforce offences specified in the Act, which evidence can be regarded as proof and the general regulation making powers made available under the Act.
Part 6 of the Bill recognises that the Suburban Rail Loop Administrative Office presently exists and is fulfilling many of the functions that the Authority will be responsible for in the future. Accordingly, the Bill provides for the transfer of property between the existing administrative office and the Authority and the substitution of the Authority in: agreements relating to the Suburban Rail Loop program; and proceedings related to the Suburban Rail Loop Program.

The Andrews Labor Government has been getting on with planning and delivering the infrastructure that Victorians need to get home sooner and safer and to connect to jobs, education health services and each other. Across the State, you can see Victoria’s Big Build underway, building the road and rail that is needed as Victoria’s population grows towards a projected 11 million people in 2056.

The pandemic has changed the way Victorians move around the state—right now, more people are staying apart and staying home wherever possible, to keep each other safe. It has also shifted travel patterns which the Suburban Rail Loop is well placed to support, allowing more people to choose to live locally and attracting jobs and businesses closer to where people live. As Victoria continues to recover and grow, we need to ensure that our transport infrastructure supports this growth and enhances more liveable, sustainable and connected places. Communities in our growing regional cities and outer suburbs know that there is far more to do as we create the transport network Victorians need.

That’s why this Bill clarifies and streamlines the powers in the Facilitation Act. Part 8 of the Bill amends the Facilitation Act to clarify, enhance and modify the powers that will be used to facilitate the delivery of the Suburban Rail Loop program. These powers will be needed by the Authority to provide for the delivery of the Suburban Rail Loop Program over the next 20 years.

Because the Bill makes these amendments to the Facilitation Act, amended powers and processes can also be accessed by project authorities delivering other declared major transport projects that form part of the Government’s Big Build program.

A substantial number of Big Build projects are delivered using the Facilitation Act, from the Metro Tunnel Project, which is going to untangle every suburban rail line, to removing level crossings across the state. This Bill will speed up removal of the remaining level crossings to help people get home safer and sooner.

In order for us to get on with upgrading our regional railways, improving our freeways and arterial roads, and boosting road safety for motorists and cyclists—the Act needs to be updated, to reflect the volume of work that is being done and that we still have left to do.

Key amendments to the Facilitation Act that the Bill provides for include:

- provision of powers to investigate land and plan for the development of the project before the project area is designated
- clarification of requirements to be satisfied before designation of the project area
- extension of land management, land acquisition and land disposal powers
- modifications to compensation rights and requirements relating to the acquisition of underground stratum and the payment of rent and other expenses when land is temporarily occupied for project purposes
- modification and clarification of powers to temporarily access and occupy land
- provision of additional road management powers to project authorities, and
- provision of powers to remove trees and other vegetation that is a risk to safety

Project proponents and Project Authorities commonly need to enter land for investigative purposes at an early stage of the project. The results of such investigations inform the development of the project and the area to be designated by confirming whether a particular project design is feasible, or whether land is suitable or necessary for the project. The existing entry and investigation powers currently included in the Facilitation Act are enlivened when the project area for the project is designated. The Bill amends the Facilitation Act to provide a project authority with the power to enter land for investigative purposes prior to project area designation to determine whether the land is suitable for the purposes of a declared project. The new power will enable better planning, better cost estimation, better impact assessment, mitigation and infrastructure design—and a better result for the communities that will use the infrastructure every day.

The Facilitation Act generally provides land assembly and other project powers contingent on the designation of the project area. This Bill clarifies that the Minister for Planning can make a project area designation when the use and development of the land for the purposes of the project is already permitted under the existing planning controls that apply. This amendment does not obviate the need for the project proponent or project authority to prepare and gain approval of any planning scheme amendments that may be needed. However, the amendment will enable land assembly and early works in existing transport zones to be progressed while
planning and environmental assessments are being undertaken and approvals are being sought through existing regulatory processes.

Amendments included in the Bill will provide project authorities with the power to hold land, transfer or otherwise dispose of land prior to designation of project area (for the purpose of the project) so that a project authority may acquire land by agreement before the project area is designated. This may be necessary in circumstances where landowners that will be affected by the project do not want to wait for the designation of the project area and subsequent land acquisition. In many cases it is more convenient for private landowners to move from the land they own and occupy at an earlier point when alternative properties they are interested in come onto the market. As planning and approval processes take time to complete, there are also cases where existing landowners and occupiers do not want to live with the uncertainty about whether their property will need to be acquired or not. Instead of waiting to find out, they may wish to move at a time that is convenient to them.

The Facilitation Act provides for freehold land owned by private parties and located in the project area to be compulsory acquired. The Act also provides powers and specifies processes and instruments that can be used to divest public land from public authorities and Councils in the project area and vest it in the project authority for the purpose of the project.

Important amendments to the Facilitation Act included in the Bill provide project authorities with the explicit power to deal with interests in land, such as easements, licences and leases, irrespective of whether the land that is needed for the project is being divested from public authorities or compulsorily acquired from private landowners. This provides more flexibility and precision when dealing with land. Instead of acquiring land parcels in full, the amendments make it possible to acquire only the land which is required for the project. These amendments offer the opportunity to avoid unnecessarily displacing the existing commercial or residential uses of the land. It also reduces land management and disposal costs when the land that is not needed is confirmed as surplus to requirements.

Added to this are amendments in the Bill that enable the classification of land, that is: reserved crown land; unreserved crown land; or freehold land, to be changed as needed using the minimum number of government processes and instruments. This includes amendments that enable the conversion of Crown land into freehold land and the capacity to surrender freehold land to the Crown. Related amendments ensure that all matters relating to a particular type of land can be dealt with at the same time, for example, the Order used to divest public land from public authorities can also be used to acquire leasehold interests that exist in relation to the land. These changes will eliminate some of the red tape that Government imposes on its own activities, reduce administration costs and provide time savings that will enable project benefits to be brought forward.

Further related changes included in the Bill modify powers already provided under the Facilitation Act so that easements established or acquired by the project authority to be transferred to utilities or other transport bodies for operational reasons or for asset management purposes. These amendments enhance flexibility, improve the ability for project authorities to relocate utility infrastructure and subsequently provide utilities with the certainty they need to maintain their assets and ensure continuity of service delivery to their customers.

The physical work involved in relocating utility infrastructure and constructing project infrastructure is undertaken by contractors. The Bill extends the power to designate a project contractor to provide for situations where the State, not necessarily in the name of the project authority, has entered into an agreement for the development of the project or part of a project. The amendment avoids the risk of legal challenge to the appointment of a project contractor by the Project Minister and the consequential exercise of project powers which may be delegated to a project contractor by the project authority.

The Bill makes several modifications to compensation rights and requirements. The main change the Bill makes to compensation rights and requirements is to remove the entitlement to compensation for acquisition of an underground stratum of land that is deeper than 15 metres from the surface of the land. Claims for compensation for loss of interest in underground stratum can be made by any person that had a legal or equitable interest in the land. The ‘heads of claim’ for market value, loss attributable to disturbance and professional expenses are the same as that which applies to conventional compulsory acquisitions.

For current tunnel projects, the experience has been that significant costs are incurred by all parties in the process of assessing claims for compensation, including in circumstances where the Valuer-General has consistently provided advice that the owner has suffered no loss of market value. The time, cost and expense of making a claim—predominately legal expenses—are disproportionate to the effect of acquisition on most interests in land and the actual compensation amount that a claimant could reasonably expect to receive. That is particularly in cases where the underground stratum that is to be acquired is deeper than 15 metres. This is because the interest in land established in fee simple estates created since 1891 have generally been limited to a depth of either 50 feet or 15 metres below the surface.
There are some very old titles that are not depth limited, however, available evidence, including that prepared by the Valuer-General and published on the Department of Transport website, indicates that underground strata land divestment beyond a depth of 15 metres would result in a no impact on market value. For this reason, the Bill limits compensation claims for loss of market value to circumstances where the land acquired by the project authority is less than 15 metres from the surface of the land. The expected benefits are a significant reduction in legal and professional claim expenses that the state is required to pay for.

When land is temporarily occupied for project purposes, the Facilitation Act already provides that rent must be paid to the owner. The implementation of the requirement to pay rent has proved problematic in circumstances where the property is tenanted, as the tenant remains obliged to pay rent to the landlord and the Act requires the project authority to pay rent to the landlord. Issues have arisen because rent relief is not necessarily passed through to the tenant who is ultimately impacted by the temporary occupation. The tenant is then forced to make a separate claim for compensation. Amendments included in the Bill provide that the person otherwise entitled to exclusive possession of the land has a right to receive rent from the project authority for the occupation of the land by the authority. If the land is tenanted the rent will go to the tenant whose use of the land has been disrupted. This improves the fairness of the provision, avoids expenses associated with unnecessary compensation claims and avoids the potential for increased projects costs associated with duplicative compensation claims for rent to be paid.

The Bill expands the powers available to temporarily occupy land, undertake works and use this land. This is designed to:
- avoid the need for the acquisition of freehold land from landowners or the divestment of land from councils or public authorities where that land is only needed temporarily;
- identify and limit the amount of land that needs to be acquired or divested, where only some of the land is needed for the project;
- enable works to commence while land acquisition or divestment is taking place; and
- ensure that the project authority has the power to restore access to properties and make necessary changes to drainage and water management to coincide with changes to transport infrastructure.

Works on major transport projects may change the height of roadways or land providing access to private property. This can impact on local access and necessitate changes to driveways or pathways. The Bill inserts a power in the Facilitation Act to temporarily occupy land and construct driveways and pathways to restore access to properties to the benefit of landowners. The Bill also puts it beyond doubt that the ‘structures’ that project authorities are allowed to demolish during temporary occupations include fences and other structures that are not themselves used, or intended to be used, as an actual place of residence or business. The demolition of structures that are used as places of residence or places of business remain excluded from this power.

One of the other activities that is permitted to be undertaken when land is temporarily occupied for project purposes it to construct and use roadways for the purpose of a project. However, there is currently no equivalent provision to construct rail or other infrastructure such as commuter car parks. The amendments in the Bill modify the application of these powers under the Facilitation Act to enable the construction of temporary rail tracks and commuter car parking, as well as permitting the public use of these temporary facilities. These amendments will support the efficient staging of major transport projects, while maintaining the continued provision of transport services.

One of the reasons why project authorities may need to temporarily occupy land is for the purpose of construction. Adjacent land may need to be used to provide access, store material, or stabilise the ground while infrastructure construction is being undertaken.

Temporary ground stabilisation measures such as soil nails, rock bolts and grouting are sometimes required. These ultimately become redundant when the project infrastructure is constructed. Current provisions do not enable a project authority to leave these support measures in the ground. The Bill amends the Facilitation Act to enable ground supports or stabilisation measures to be left in the ground. In most cases the presence of these supports will not impact on the future development or use of the land by the landowner. However, this depends on the plans of the landowner. If the landowner wishes to remove the ground supports, then the landowner is entitled to do so. If the landowner removes the ground supports, then compensation will be payable to the owner for any expense incurred in doing so.

Some transport agencies have powers under the Road Management Act 2004 to remove vehicles, including where the vehicles are parked unlawfully, are abandoned or are causing an obstruction. The Facilitation Act provides some road management powers to Project Authorities but does not give project authorities the power to remove vehicles or property from a road when a road is temporarily closed to undertake works. The amendments included in the Bill will provide project authorities with the powers to vary parking controls and
move vehicles and other property where a road is temporarily closed. This is necessary to ensure vehicles and other property do not obstruct or cause delay to works.

The Rail Management Act 1996 enables a rail operator to clear trees on adjacent land if it poses a risk to safety. Similar risks to safety can present themselves when rail and other transport infrastructure is being developed and constructed. Issues have arisen on projects that form part of the big build and this has led to lengthy negotiations with private landowners and delays to projects. The Bill rectifies this by providing a power to enter land to assess whether trees or vegetation on that land pose a risk to safety. Further, the Bill provides power to the project authority to remove any tree or vegetation that is assessed as posing a safety risk.

These amendments and other amendments that are included in the Bill will deliver cost and time savings to the state, but they will also deliver greater fairness and flexibility to the benefit of landowners and occupiers that are affected by the development of the delivery of declared major transport projects, including Suburban Rail Loop.

Victoria’s Big Build is delivering an unprecedented pipeline of major road and rail projects—level crossing removals, Metro Tunnel, regional rail upgrades and new suburban and regional roads—to connect Victorians to work, study and each other and deliver jobs for thousands of Victorians.

As Victoria continues to grow, the Suburban Rail Loop will make sure that we grow in a sustainable way, creating a ‘city of centres’ which brings world-class health care, education and jobs closer to where people live. Importantly, it will deliver a fairer State by connecting communities and creating opportunities for all Victorians, no matter where they live.

Victorians know how important this project is today and for generations to come. The Suburban Rail Loop is the project our State needs for the future, and the time is now upon us to deliver it.

I commend the Bill to the house.

Mr WELLS (Rowville) (15:15): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for six days. Debate adjourned until Tuesday, 14 September.

ASSISTED REPRODUCTIVE TREATMENT AMENDMENT 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 Assisted Reproductive Treatment Amendment Bill 2021 (the Bill).

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

Overview of the Bill

The Bill makes various amendments to the Assisted Reproductive Treatment Act 2008 (the Act) and implements some of the recommendations of the Independent Review of Assisted Reproductive Treatment conducted by Michael Gorton. The amendments in the Bill relate to a range of matters including artificial insemination procedures, surrogacy arrangements, counselling requirements, the prohibition on the use of donated gametes to create more than 10 families, various matters relating to the consent and counselling requirements under the Act, and certain subsequent amendments to the Status of Children Act 1974.

Human rights issues

The provision and regulation of assisted reproductive treatment involves balancing public policy considerations and a number of rights and interests, including those of people conceived through donor conception, potential parents, and donors of eggs, sperm and embryos. That balance is affected by developments in assisted reproductive technology and changes in community expectations more generally. The evolving regulatory landscape and fine balance in recognising and protecting relevant interests is reflected in Victoria’s evolving laws in this area, since it passed the first legislation regulating assisted reproductive
treatment in 1984. In that context, while the Bill aims to enhance protection of Charter rights and achieve an appropriate balance between these considerations and interests, I acknowledge that the regulatory model may continue to evolve.

**Recognition and equality before the law (s 8)**

Section 8 of the Charter provides that every person has the right to recognition as a person before the law (s 8(1)), every person is equal before the law and is entitled to equal protection of the law without discrimination and has the right to protection from discrimination (s 8(3)). ‘Discrimination’ under the Charter means discrimination within the meaning of the Equal Opportunity Act 2010 (EO Act), on the basis of a protected attribute set out in s 6 of that Act, which relevantly includes sexual orientation, and marital status.

Under the EO Act, ‘direct discrimination’ occurs if a person treats, or proposes to treat, a person with an attribute under that Act unfavourably because of that attribute. Indirect discrimination occurs where there is a requirement, condition or practice that is the same for everyone but disadvantages a person, or is likely to disadvantage a person, because they have one or more protected attributes, and the requirement, condition or practice is not reasonable.

The amendments in the Bill promote the right to equality by including more gender inclusive language in some sections (see, e.g., the amendment to s 5(b)(i) of the Act in clause 5); expanding the existing principle that persons seeking treatment procedures must not be discriminated against on the basis of sexual orientation, marital status, race or religion, to cover the additional grounds of relationship status, gender identity and intersex status (section 5(e) of the Act, as amended by clause 5); and recognising that surrogate mothers have the same rights as other pregnant women to make decisions surrounding their pregnancy (new section 44A, inserted by clause 29). The right to equality is also promoted by amendments that reflect the needs of a more diverse range of families by allowing surrogacy arrangements using the gametes of a deceased partner (provided the deceased had previously consented to this), irrespective of gender (section 46(a)(ii), as amended by clause 30, and amendments to the Status of Children Act 1974 inserted by clauses 55–57).

The right to equality is also relevant to clause 19 of the Bill, which amends the offence provision in section 29 of the Act to create exceptions which specifically apply to certain persons, including by reference to their sex, sexual orientation, marital status, and parental status.

Section 29 currently prohibits the use of a donor’s gametes in a treatment procedure where that use may result in more than 10 women having children who are genetic siblings. The purpose of this prohibition is primarily to reduce the risk of people conceived through donor conception unknowingly forming consanguineous relationships (that is, sexual relationships with their genetic relatives). The prohibition is designed to prevent donor gametes being used to produce children in more than 10 families. The limit also has the practical effect of assisting to manage donor fatigue resulting from contact with numerous offspring.

However, in its existing form, section 29 unintentionally disadvantages women in same-sex relationships who wish to each carry a child using the same donor’s gametes, and persons, including men in same-sex relationships and single people, who seek to enter surrogacy arrangements with more than one woman through the course of forming their family (for example, where a previous surrogate does not agree to be a surrogate a second time). The prohibition currently affects the ability of those people to use donor gametes to create genetic siblings of their existing children, where the donor’s gametes have already been used by 10 women.

This disadvantage is not necessary to achieve the purposes of section 29, as additional children born in these circumstances would be in the same family unit as existing children born as a result of the use of a donor’s gametes. As such, the risks of accidental consanguineous relationships will not increase.

Clause 19 therefore creates exceptions to section 29 to allow use of donor gametes in existing families as follows:

- in a procedure where a woman who has a female partner (or whose female partner is deceased) to produce a child who will be a genetic sibling of the children of that woman and her partner, or
- in a procedure under a surrogacy arrangement to produce a child that will be a genetic sibling of the children of the intended parent(s) (or, in the case of posthumous use, the intended parent and the deceased).

While these exceptions are framed in a way that includes reference to certain protected attributes under the EO Act, in practice they will not result in any unfavourable treatment of persons who do not have those attributes. This is because the exceptions relate to circumstances that only arise for women in same-sex
relationships or persons who require surrogacy arrangements to have a child. I therefore consider that clause 16 does not limit the right to equality.

**Right to privacy (s 13)**

Section 13(a) of the Charter recognises a person’s right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The right to privacy encompasses the right to information privacy and bodily autonomy (although it does not extend to the right to become a parent or create a family). The right requires that any interference with privacy be lawful and not arbitrary, meaning that any interference be precisely prescribed and reasonable in the circumstances, and be in accordance with the provisions, aims and objectives of the Charter.

The Bill contains a number of clauses that engage the right to privacy. However, for the reasons set out below, I consider that any such interference is neither unlawful nor arbitrary, and that the Bill is therefore compatible with the right.

**Consent requirements**

Various clauses in the Bill make amendments concerning the consents that must be provided in particular circumstances. Most notably, clause 13 amends s 20 of the Act to provide that a person who has donated gametes may only withdraw consent to the use of the gametes up until they are used in a treatment procedure, or are used to form an embryo. Withdrawal of consent in relation to a donor embryo may only occur up until the embryo is used in a treatment procedure. Further, clauses 20 to 24 remove requirements for the donors of gametes to consent to extension of storage and removal of any embryos formed from their donated gametes.

These amendments may engage the right to privacy, as they may interfere with a person’s ability to make autonomous decisions about how their donated gametes are used. However, I note that these provisions do not have retrospective effect. As such, donors subject to the provisions will have provided informed consent prior to the use of their gametes in treatment procedures and in the creation of embryos, and have a right to withdraw that consent before such gametes are used. The rights of donors must be balanced against the rights of recipients, as the withdrawal of donor consent after a gamete is used or an embryo is created interferes with the recipient’s ability to make decisions about their own treatment and family. In my view, these provisions strike an appropriate balance between the rights of donors and the rights of the recipient or intended user of such donated gametes, and are neither unlawful nor arbitrary.

**Counselling requirements**

Clauses 11 and 31 amend provisions in the Act in relation to the counselling requirements in certain circumstances. These amendments interfere with the right to privacy by requiring that counselling be undertaken before an artificial insemination procedure takes place, including where a person undergoes artificial insemination involving the posthumous use of a deceased partner’s gametes. The counselling requirement is necessary to ensure that people have all relevant information and fully understand the implications of the treatment. Further, these amendments do not impose new requirements, but rather amend existing requirements to expand the category of persons who may provide the required counselling. Opening up the provision of counselling should allow more flexibility for those seeking artificial insemination and facilitate tailored support for their needs. I therefore consider that any interference with privacy is neither unlawful nor arbitrary.

**Notification and record keeping**

Clause 14 inserts a new section 20A which requires that if a woman and her partner separate, their consent to treatment under the Act is taken to be withdrawn (although treatment may continue if new consent is provided subsequent to separation). Further, the woman and her former partner must notify relevant assisted reproductive treatment providers and doctors of the separation. Clause 16 amends section 22 of the Act to provide that a copy of a consent, withdrawal of consent or notice of separation must be given to the person who provided it, and to provide record keeping requirements for doctors in relation to such documents.

These clauses interfere with the right to privacy by requiring persons to divulge information about their relationship to assisted reproductive treatment providers and doctors, and by requiring the collection and use of personal information in limited circumstances. However, these requirements are necessary to ensure that ART services are not inappropriately provided where a relevant person’s informed and up-to-date consent is not in place. Any interference with privacy is therefore neither unlawful nor arbitrary.

**Amendments to confidentiality of information on the Central Register**

The Act establishes a Central Register of information in relation to assisted reproductive treatment, including information relating to donation of gametes and embryos and offspring produced from such donations. Under sections 66A and 66C, the Authority, persons employed or engaged by the Authority, organisations authorised under section 67B to assist the Authority to obtain certain information (authorised organisation), and
persons to whom the Authority discloses information on the Register, are only permitted to disclose information contained on the Register in limited circumstances.

Clauses 35 and 36 amend sections 66A and 66C of the Act to provide that those confidentiality obligations do not apply in respect of information that was not obtained from the Central Register. For example, where information is obtained directly from an assisted reproductive treatment provider or from a person conceived from donor conception, the confidentiality requirements under sections 66A and 66C will not apply, even where that same information is also contained on the Register.

These amendments may interfere with the right to privacy by clarifying that confidentiality requirements currently imposed by the Act in relation to information that is recorded on the Register only apply where the information was obtained from the Register, and not from other sources. However, the interference will be neither unlawful nor arbitrary. The interference will be authorised under law, and will ensure that persons and authorised organisations are not inappropriately restricted in their use of information obtained from another source, simply because that information is also recorded on the Register. For example, the amendments ensure that the Act does not interfere with an organisation using information it obtains from a person conceived through donor conception to help that person locate the relevant donor. Further, the confidentiality requirements under the Act will continue to apply in respect of all information obtained directly from the Central Register. This ensures that the confidentiality of information disclosed from the Register is maintained. I therefore consider that these amendments are compatible with the right to privacy.

Disclosure of information to donors

The Bill makes several amendments to ensure that the requirements relating to artificial insemination procedures apply consistently regardless of whether the procedure is carried out by a registered ART provider or by a doctor providing services outside a registered ART provider. Relevantly, clause 34 inserts a new section 55A into the Act which provides that a doctor who carries out artificial insemination other than behalf of a registered ART provider must, on request, provide a donor with certain information about the woman on whom the procedure is to be carried out and their partner. These requirements replicate the existing requirements that apply to registered ART providers under section 55 of the Act.

The disclosure of information to a donor in these circumstances is likely to interfere with privacy. However, in my view, such disclosures are lawful and non-arbitrary, and appropriately balance the rights of donors to information about the use of their gametes, and the rights of recipients of such donations to privacy. In particular, I note that the information provided under new section 55A must not include any identifying information (unless the woman and her partner have consented to being identified), and that the provision of the information is subject to any conditions or limitations imposed by the woman and her partner. Finally, I note that new section 149, inserted by clause 39, ensures that the provision does not apply retrospectively, and only where the woman and her partner have been given written advice as to how the information will be used. I therefore consider that this provision is compatible with the right to privacy.

Right to be free from medical treatment without consent (s 10)

Section 10(c) of the Charter provides that a person has the right not to be subjected to medical treatment without their full, free and informed consent.

This right is enhanced by the provisions of the Bill that expand the range of persons who may provide counselling prior to certain treatments, which will help promote fully informed consent to medical procedures regulated under the Act. The right is also promoted by new section 44A, which clarifies that a surrogate has the same rights as any other woman to manage her pregnancy, thus ensuring that a surrogate can make autonomous decisions about medical treatment she receives in connection with the pregnancy.

Conclusion

For the reasons set out above, I consider that the Bill is compatible with the Charter.

The Hon Martin Foley MP

Minister for Health

Second reading

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (15:16): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into Hansard.
Incorporated speech as follows:

The Andrews Labor Government is committed to strengthening Victoria’s assisted reproductive treatment laws to make them more accessible and inclusive, and to provide a robust framework with adequate safeguards to protect those using assisted reproductive treatment in Victoria.

Victoria has always been at the forefront of assisted reproductive treatment innovation both in Australia and internationally. We led in-vitro fertilization and donor treatment procedures in the 1970s and 80s, and Australia’s first IVF baby was born in Victoria in 1980. The Infertility (Medical Procedures) Act 1984 came into operation on 1 July 1988 and was the first legislation worldwide to regulate assisted reproductive treatment and associated human embryo research.

The clinical and social landscape continued to evolve, and so did our legislative framework. The Assisted Reproductive Treatment Act 2008 gave single women and same-sex couples legal access to assisted reproductive treatment in Victoria. It also enabled a surrogate mother to receive reasonable expenses associated with the surrogacy arrangement. Thousands of Victorians since then have been helped to create a family through assisted reproductive treatment.

Regulation of assisted reproductive treatment needs to keep pace not only with rapid technological developments but importantly, evolving community expectations. In 2016, ‘right to know’ reforms were made to give all people conceived through donor conception more information to understand where they came from and to complete their sense of identity. This reflected a greater understanding of their needs and changing community values.

Ten years on since Parliament passed the Assisted Reproductive Treatment Act 2008, the clinical and social evolution has continued. Much has changed in social attitudes, reproductive medicine, health regulation and the assisted reproductive treatment industry itself. So, a landmark report was commissioned by the Andrews Labor Government in 2018, undertaken by Michael Gorton AM, as part of a major push to make sure Victorians have better access to safer, higher-quality treatment—free from discrimination.

The report provides a comprehensive set of recommendations, 80 in total, which the Victorian Government is carefully considering. Given the wide-ranging nature of the recommendations, the Government is undertaking a staged response to the review, and has already implemented a number of key reforms.

For example, in 2019, the Act was amended to remove a discriminatory requirement that a married woman who was separated from her spouse still needed their approval to access assisted reproductive treatment using donor sperm. In 2020, the requirement for those accessing treatment to undergo police and child protection order checks was removed in response to stakeholder feedback that those requirements were also discriminatory.

The Gorton review identified that cost is the biggest barrier to accessing assisted reproductive treatment in Victoria. To address this, the Victorian Government has committed to establishing public fertility care services with an investment of $70 million over three years. This includes the establishment of a public sperm and egg bank in Victoria, the first of its kind in Australia. Establishing public fertility care services will allow more Victorians to achieve their dream of becoming parents through assisted reproductive treatment, including IVF.

Today I am pleased to table the Assisted Reproductive Treatment Amendment Bill 2021 and to continue Victoria’s role as a leader of contemporary and inclusive regulation in assisted reproductive treatment. This Bill will implement 10 recommendations identified for priority implementation, and related matters.

The reforms in the Bill reflect how community expectations evolve and shape legislation. These changes will have significant impacts for Victorians seeking assisted reproductive treatment. Importantly, they recognise the rich diversity of people who seek assisted reproductive treatment in Victoria.

Four of the amendments will reduce discrimination, further opening up assisted reproductive treatment to all Victorians, regardless of gender identity, sexuality, or marital or relationship status.

In addition, they will remove unnecessary barriers and make treatment easier to access, particularly for people living in rural and regional areas. They will confirm the rights of surrogate mothers and clarify ‘grey areas’ in the legislation to make assisted reproductive treatment a less complex process for people seeking treatment and registered clinics who provide this important treatment.

The reforms will address discrimination by enabling existing families to have siblings related to their existing children using the same donor. Currently the Act allows no more than ‘ten women’ to undergo treatment using eggs, sperm or embryos produced by the same donor. This is to manage the risk of people inadvertently forming relationships with their genetic siblings. The Gorton review found that this limit discriminates against women in same-sex relationships. It does not enable both women to carry a genetic sibling from the same donor.
donor to extend their existing family and be recognised as one family when the ’10 women limit’ is reached. It does not treat them as one family.

Our consultation with stakeholders identified that the limit also restricts other families seeking to have genetic siblings using a surrogacy arrangement, such as same sex male couples, and single people where ten women have used the same donor. The Bill fixes this too. It allows ‘existing families’ to have genetically related siblings for their existing children using the same donor.

We understand the concerns of some people conceived through donor conception that exempting ‘existing families’ from the ‘10 women limit’ may increase the number of donor siblings they are related to. However, given the reform applies to ‘existing families’, it is expected that there will be minimal additional children from the same donor, so this reform fairly balances the needs of existing families and people conceived through donor conception.

The Bill also reduces discrimination by enabling all people whose partners have died, to use their eggs, sperm or embryos in accordance with their deceased partner’s wishes, to have a child through a surrogacy arrangement. This includes people who have been in same-sex relationships.

We know that language is a powerful tool to reduce discrimination. The words we use really matter to people involved in the complex and emotional fertility journey. The Bill will amend discriminatory language, including clarify the meaning of ‘donor’ in the Act to make it clear that, regardless of gender identity, sexuality, or relationship status, a person who provides eggs or sperm for use by their partner is identified as a partner, not a donor. Further, it will confirm that intending parents providing their eggs or sperm to have a child through a surrogacy arrangement are not donors of their own genetic material.

Changes in the Bill will ensure that more Victorians have better access to low cost treatments, by expanding the range of individuals who can perform artificial insemination. The provisions of the Bill will allow nurses and other properly trained health professionals to carry out artificial insemination under the supervision and direction of a doctor in an assisted reproductive treatment clinic.

The Bill also removes a barrier that requires counselling prior to artificial insemination to occur only in a registered clinic. This change further enables doctors outside registered clinics to provide artificial insemination services, as they are already permitted to do under the Act.

These changes will mean that people living in rural and regional areas can undergo artificial insemination closer to home. They will also mean that all patients, including single women and women in same-sex relationships, will no longer face the costs associated with more complex assisted reproductive treatment procedures if they are more easily able to access artificial insemination procedures.

Patient safety and wellbeing remain a priority under the changes in this Bill. Artificial insemination will be carried out by a doctor, or alternatively by a nurse or appropriate professional under the direction and supervision of a doctor in an assisted reproductive treatment clinic. Requirements to provide patients and donors with necessary information will apply as they currently do where artificial insemination is carried out in a registered clinic. All health practitioners who carry out artificial insemination will continue to be required to meet the strict safety standards set by the Australian Health Practitioners Regulation Agency. This Bill does not compromise patient safety.

Assisted reproductive treatment has helped thousands of Victorians achieve their dreams of starting a family, but we know that the journey can be difficult and emotionally taxing. The Bill will also reduce complexity for people trying to navigate assisted reproductive treatment by amending several areas of the Act to make them clearer and arrangements more streamlined.

Some people need the support and generosity of surrogates to have a family. The provisions in this Bill will clarify rights, entitlements and language to assist all those involved in a surrogacy arrangement. The Bill will expressly recognise that surrogate mothers have the same rights to manage their pregnancy and the birth of the child as any other pregnant woman. This recognises the autonomy of surrogates to make informed decisions about their own medical care and bodies.

Changes have already been made to expand the range of reasonable out-of-pocket expenses that surrogate mothers can be reimbursed for in the remade Assisted Reproductive Treatment Regulations 2019. When making those changes, the Government received further feedback from stakeholders that it was fair and appropriate for partners of surrogate mothers to be reimbursed for costs incurred as a result of the surrogacy arrangement too, such as reasonable legal costs. The Act will be amended to allow this, and regulations will be made to prescribe the relevant costs.

In addition, the term ‘commissioning parents’ will be replaced with ‘intended parents’ to more sensitively recognise people who enter into a surrogacy arrangement consistently with other Australian jurisdictions. Again—the words we use really matter, and can strongly impact on a person’s lived experience of undergoing assisted reproductive treatment.
Some additional amendments will be made to make other improvements. Minor amendments will clarify the searches that may be undertaken to support the Act’s ‘right to know’ framework. These changes remove any doubt that an organisation authorised to undertake search services for the Victorian Assisted Reproductive Treatment Authority under the Act, may also utilise their expertise to undertake private searches for clinics and individuals using information provided by those clinics and organisations.

Further, it is proposed to extend the Authority’s reporting deadline to provide an annual sector report from 30 September to 31 October each year to enable more accurate and meaningful data and analysis to be provided.

In order to implement these changes, we’ve heard from clinics that they need to update their procedures to ensure smooth transition for some of these changes to occur. So the commencement of the changes will be staggered.

The amendments to clarify that a surrogate mother has the same rights to manage their pregnancy and the birth of the child as any pregnant person, confirming that intending parents providing their own gametes in a surrogacy arrangement are not donors, clarifying searches to support the ‘right to know’ framework and extending the reporting timeframe for the Authority is intended to commence the day after the Bill receives Royal Assent.

The exemption of ‘existing families’ from the ‘10 women limit’ should be proclaimed to commence within two months of Royal Assent of the Bill. This change will not apply retrospectively to donations that have already been made under different rules, but only to new donations going forward. But existing families can contact their donors through their clinics and ask if they agree to these new arrangements.

The change enabling partners of surrogates to be reimbursed costs incurred as a result of the surrogacy arrangement should be proclaimed to commence within six months after Royal Assent of the Bill to enable costs to be prescribed in the regulations.

In line with what registered clinics have told us, most of the other provisions of the Bill should be proclaimed to come into operation within six months of the Bill receiving Royal Assent. An exception to this is expanded counselling for artificial insemination, which should come into operation by proclamation within approximately nine months of the Bill’s Royal Assent. More time is needed to carefully consider the appropriate professional requirements for counselling, to discuss this with key stakeholders and to include these requirements in the regulations.

Finally, we consulted with key stakeholders on the review’s recommendation 56 to amend current requirements for importing donated gametes and embryos into Victoria to ensure the requirements were not a barrier to treatment. Consultation raised complex policy and regulatory matters and stakeholders had differing views as to how these issues should be managed. So, we will not rush into this. We will continue our careful consideration of this recommendation and what our approach should be.

Of course, there is more work to be done. The Victorian Government will continue to carefully consider the remaining recommendations of the Gorton review. These recommendations require careful detailed consideration. Where we need to, we will have further discussions with our stakeholders, including people and families who use assisted reproductive treatment services, registered clinics who provide this important treatment, people conceived through donor conception and the Authority as regulator, to understand exactly what effect potential reforms might have. We will continue to listen to the feedback that is being provided by members of our Victorian community reinforcing particular concerns and challenges they are facing, like the challenge in accessing eggs and sperm of generous donors to assist them to conceive a child or grow their families. We will ensure that before any changes are implemented, that they are going to meet the needs of Victorians, and that they are implemented in a thoughtful and effective way.

I would like to take this opportunity to thank all of those who took the time to make submissions to the Gorton review and share their experiences, and those who assisted the Government in considering the changes in this Bill. This includes clinics, regulators, individuals and families accessing assisted reproductive treatment, surrogates, donors, and individuals conceived through donor conception and their parents.

As clinical innovations and community expectations continue to evolve and change, we continue to listen and learn and adapt. But most importantly, we will continue to ensure that Victorians from all walks of life can access medical treatments to help them grow and shape their families.

I commend the Bill to the house.

Mr WELLS (Rowville) (15:17): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for six days. Debate adjourned until Tuesday, 14 September.
GREAT OCEAN ROAD AND ENVIRONS PROTECTION AMENDMENT 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 Great Ocean Road and Environs Protection Amendment Bill 2021.

In my opinion, the Great Ocean Road and Environs Protection Amendment Bill 2021 (‘the Bill’), as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill amends the Great Ocean Road and Environs Protection Act 2020 (‘the Act’) to provide for the conferral of increased land management responsibilities to the Great Ocean Road Coast and Parks Authority (‘the Authority’) within the Great Ocean Road coast and parks area. The Bill amends the Act to:

• expand the functions and powers of the Authority to enable effective management of public land of all types and to require the Authority to manage public land consistently with the underlying legislation, including enforcing compliance with laws,
• provide for the transfer of land management responsibility to the Authority, and
• establish a dedicated trust account for the Authority.

Human Rights Issues

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

The Charter rights that are relevant to the Bill are the right to privacy, the right to participate in public life, cultural rights and property rights. These rights are assessed in more detail below.

Section 13—right to privacy

Clause 210 inserts new section 49A into the Act, which will empower the Authority to request specified information from public sector entities and responsible entities for the purposes of performing the Authority’s functions in facilitating, coordinating and undertaking the development of Crown land within the Great Ocean Road coast and parks area. New section 49A expressly restricts the Authority from requesting personal information in exercising this power and also provides that the Authority must not use personal information other than to notify or consult with landholders in a particular area for the purposes of performing its functions. Given these restrictions on the Authority’s collection and use of personal information in exercising the new information gathering power, new section 49A is considered to engage but not limit the right to privacy contained in section 13(a) of the Charter. This right provides that a person has the right not to have their privacy, home or correspondence unlawfully or arbitrarily interfered with.

Part 6 of the Bill amends the Domestic Animals Act 1994 (‘the Domestic Animals Act’) to empower the Authority to make and enforce orders regulating the presence of dogs and cats on coastal reserves and beaches within the Great Ocean Road coast and parks area. Breach of an order made by the Authority is an offence. Clauses 605 and 606 of the Bill empower authorised officers to request the name and address of persons believed on reasonable grounds to have breached an order and in doing so, engage the right to privacy. These provisions do not however limit the right to privacy, as the collection of a person’s personal information would be lawful and not arbitrary—an authorised officer would only be able to request a person’s name and address for the purposes of enforcing compliance with an order and if the authorised officer has reasonable grounds to believe that the person breached an order.

Section 18—right to participate in public life

Clause 212 of the Bill amends section 57 of the Act, which deals with the appointment of the Authority’s directors. This amendment expressly provides that employees of responsible entities (including councillors of municipal councils that are responsible entities but excluding nominees from specified Aboriginal parties) are ineligible for appointment. The purpose of the amendment is to prevent the appointment of individuals who, by virtue of their employment with responsible entities or appointment as councillor, would have conflicts of interest that diminish their ability to effectively perform the functions of a director. To the extent that this provision may limit the right to participate in public life, such a limitation is considered reasonable
and justified in accordance with section 7(2) of the Charter, as it goes to protecting the integrity of the board and public confidence in the Authority.

Section 19—cultural rights

Section 19 of the Charter provides for the protection of cultural rights. Notably, section 19(2) recognises that Aboriginal persons hold distinct cultural rights and must not be denied the right to maintain their distinctive spiritual, material and economic relationship with the land, waters and other resources with which they have a connection under traditional laws and customs. The Bill has been developed with the express intent of protecting and promoting the cultural rights of Aboriginal persons. For example, clause 208 of the Bill imposes requirements on the Authority to acknowledge the intrinsic connection of traditional owners to Country (new section 48B(1)(a)) and acknowledge and promote the knowledge and interests of traditional owners in exercising land management functions (new section 48(2)(b)).

Section 20—property rights

Section 20 of the Charter sets out the right to property and provides that a person must not be deprived of their property other than in accordance with the law. Clause 1019 of the Bill makes a consequential amendment to the National Parks Act 1975, the effect of which is to allow for the Impounding of Livestock Act 1994 (‘the Impounding Act’) to be enforced on national parks land managed by the Authority and by authorised officers appointed by the Authority. This provision engages the right to property in that it provides that a person may be deprived of their property (in this case, livestock) where the livestock is found to be trespassing on national parks land managed by the Authority. The provision does not however limit the right to property, as the deprivation would be done in accordance with law (in this case, the provisions of the Impounding Act that apply to the land) and that law is appropriately accessible, clear and certain.

As previously detailed in this Statement, Part 6 of the Bill empowers the Authority to make and enforce orders regulating the presence of dogs and cats on coastal reserves and beaches within the Great Ocean Road coast and parks area. Clauses 605 and 607 of the Bill amend sections 74 and 84 of the Domestic Animals Act to empower authorised officers to, in enforcing compliance with orders, seize a dog or cat that is found in an area subject to such an order. These provisions engage but do not limit the right to property, as the deprivation of property (cats and dogs) is only able to be done in accordance with the law (in this case, the relevant provisions of the Domestic Animals Act).

Hon Lily D’Ambrosio
Minister for Energy, Environment and Climate Change
Minister for Solar Homes

Second reading

Ms D’AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (15:18): I move:

That this bill be now read a second time.

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

Incorporated speech as follows:

The Great Ocean Road and Environs Protection Amendment Bill 2021 is the second of two bills to give long lasting effect to the major reforms to the management of the Great Ocean Road and its landscapes that were announced in October 2018, in the Government’s Great Ocean Road Action Plan.

It is a landmark bill in the history of our State.

It is a landmark bill because for the first time, in recognition that the iconic coasts, parks and scenic landscapes of the Great Ocean Road are so special, and so important to Victoria, that they will have a dedicated parks manager, the Great Ocean Road Coast and Parks Authority.

This Bill provides the Authority with the same functions, powers and obligations as Parks Victoria for this special part of our State, the Authority will become equal to Parks Victoria in this respect.

This is major reform, and it will not be rushed, with four years to make it happen.

The Authority will bring a holistic approach to visitation management for the entire coasts and parks along the Great Ocean Road, ensuring that it is environmentally sustainable and, that the liveability of local communities is protected.

I want to emphasise that this Bill will not alter the underlying management tenure and conservation objectives of any national parks and other areas under the National Park Act 1975 for which the Authority assumes...
responsibility. These special areas will continue to be managed under the National Parks Act with the Authority having to meet the same conservation objectives and obligations as Parks Victoria.

The Authority will work closely with Parks Victoria and who will provide the Authority with the expertise in conservation science and environmental works delivery in National Parks Act land to ensure environmental conservation objectives are met.

Government will continue to invest in the national parks, marine national parks and other areas under the National Parks Act in the Great Ocean Road coast and parks and there will be no job losses caused by the transition of responsibilities from Parks Victoria to the Authority. No Parks Victoria field staff will be transferred to the Authority.

This Bill is about giving the Great Ocean Road and its land and sea Country the protection they deserve. It establishes something quite different for the care of Country along the Great Ocean Road.

The Act already recognises that the sovereignty of our First Nations was never ceded. And it includes statements of the significance of the area by the Eastern Maar and Wadawurrung people, and these are in their language. This is one of just a few Acts in Australia that includes text in its body in a First Nation language.

The Act already enshrines a seat on the board of Great Ocean Road Coast and Parks Authority for traditional owners and requires the Authority to involve the Traditional Owners in the integration of their ecological knowledge and land management practices into the management of the Great Ocean Road coast and parks.

This Bill further supports the self-determination of the Traditional Owners of Country and provides for future governance changes that may result from Traditional Owner Settlement Agreements and Native Title Agreements.

It is a landmark bill because it requires the Authority to ensure visitation of the coast and parks is environmentally sustainable, to coordinate State Government visitation management policy, planning and infrastructure development, and to take a longer-term view of coastal erosion and climate change impacts. Not one other organisation has a remit to address these challenges for the full length of Great Ocean Road.

The iconic brand of the Great Ocean Road and the Twelve Apostles attracts more visitors than Uluru and the Great Barrier Reef each year. Whilst travel in 2020 was limited by COVID-19 restrictions there were still 3.9 million visitors to the region, spending $1.1 billion, and supporting 13,100 jobs.

It is a landmark bill because it requires the Authority to care for and enhance the natural environment experience that is the tourism attraction. This will increase the length of stay of visitors, increase their expenditure in the region, and boost the number of jobs and prosperity of local communities.

Nature-based tourism is a key driver of the region’s economy and the Authority is required to identify a list of priority facilities, infrastructure and services that are required for a world class visitor experience, and to invest in improving existing visitor facilities along the Great Ocean Road.

It is a landmark bill because the Authority will be able to operate autonomously and not be reliant on the outcomes of annual State budget processes. It will be able to retain the funds it generates that would otherwise have been paid into consolidated revenue to fund its operations.

As I said, this Bill is a landmark in the history of our State. It is also an urgently needed reform. Let me explain why.

The Great Ocean Road is one of the world’s most scenic and iconic coastal touring routes. But the Great Ocean Road is more than just a road.

It’s built on the traditional lands of the Eastern Maar and Wadawurrung People that sustains them physically, and spiritually.

It was built by returned serviceman with funds raised by Victorians as a memorial to the people that served in World War 1.

It was an engineering feat in its day and is part of our pioneering history.

It’s an international tourism drawcard with more visitors each year than Uluru and the Great Barrier Reef combined.

It provides employment for more than 13,100 people and brings income to the businesses and people who make this part of Victoria such a great place.

It’s home to 24,000 residents and international sporting events such as the Lorne Pier to Pub Ocean Swim, the Bells Beach Surfing Classic, the Cadel Evans Great Ocean Road Race and the iconic Great Ocean Road Running Festival.

It’s a place to relax, and a holiday destination for many.
And it’s our Road. The Great Ocean Road belongs to all Victorians. That is why the Government is enacting the reforms laid out in the Bill—because we believe we need to protect this special part of our state for future generations.

In summary—the Victorian Government is protecting the Great Ocean Road, its landscapes, its coast and parks, and its seascapes with a dedicated parks manager that is able operate independent of annual government funding outcomes.

This Bill is the second of two Bills to give effect to the reforms outlined in the Government’s Great Ocean Road Action Plan in order to save this special area for future generations.

I commend the Bill to the house.

Mr WELLS (Rowville) (15:19): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for six days. Debate adjourned until Tuesday, 14 September.

ESSENTIAL SERVICES COMMISSION (COMPLIANCE AND ENFORCEMENT POWERS) AMENDMENT BILL 2021

Statement of compatibility


In my opinion, the Essential Services Commission (Compliance and Enforcement Powers) Amendment Bill 2021, as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill amends the Essential Services Commission Act 2001 (ESC Act) and other Acts to:

• provide the Essential Services Commission (Commission) with clearer information gathering and inspection powers;
• expand the scope of the civil penalty regime;
• simplify the existing penalty notice regime;
• broaden the circumstances in which the Commission can seek injunctions from a court;
• introduce a range of other orders to strengthen protections for customers of energy retailers, including adverse publicity and compensation orders;
• hold officers of corporations liable if they knowingly contributed to a contravention;
• clarify the role of the Commission;
• redirect penalty revenue to a dedicated fund for enforcement by the Commission;
• transfer energy and water industry fee-setting to relevant portfolio Ministers;
• provide regular reviews of fees under the Victorian Energy Efficiency Target Act 2007 (VEET Act) to ensure they meet the Commission’s needs;
• amend the Electricity Industry Act 2000, Gas Industry Act 2001 and the Water Industry Act 2004 to reflect new industry-specific reporting requirements and fee determination requirements.
Human Rights Issues

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

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

a. the right to freedom from forced work (section 11);
b. the right to privacy and reputation (section 13);
c. the right to freedom of expression (section 15);
d. property rights (section 20);
e. the right to a fair hearing (section 24);
f. the right to be presumed innocent (section 25(1));
g. the right to protection against self-incrimination (section 25(2)(k)); and
h. the right not to be punished more than once (section 26).

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

Right to privacy and reputation

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

Information gathering powers

The Bill gives the Commission new powers to require a person to provide information, produce documents, or appear before the Commission. These powers may be exercised under section 36 if the Commission considers it necessary for the purpose of performing its functions or exercising its powers, or under section 37 if the Commission believes that a person has evidence relating to a contravention of an essential services requirement (being a provision of a relevant Act or Code of Practice, or a condition of a licence issued to a regulated entity in a relevant industry).

New section 39K enables to the Commission to request a regulated entity to provide information relating to the regulated entity, and to require the regulated entity to enter into an arrangement with a third party if the relevant information is held by a third party. Some regulated entities will be natural persons.

These provisions may interfere with the right to privacy to the extent they involve the provision of personal information to the Commission or require persons to do certain things (such as appearing before the Commission to give evidence). However, any interference will be authorised under legislation and will not be arbitrary. The clauses are subject to appropriate safeguards. For instance, a person may refuse to comply with an information gathering notice if they have a reasonable excuse, which includes in some cases the protection against self-incrimination. Further, information-gathering powers can only be exercised when necessary for functions or powers under the ESC Act. For these reasons, these clauses are compatible with the Charter right to privacy.

The powers enabling the Commission to compel persons to provide information or appear to give evidence may also interfere with the right to freedom of expression to the extent that the right extends to a right not to express. However, the relevant powers are required to ensure the effective regulation and investigation of compliance with the regulatory scheme. As such, in my view such limits are reasonably necessary for the purposes of protecting the rights of others, in particular the rights of persons using services regulated under the ESC Act and relevant legislation. I therefore consider that these provisions are compatible with the right to freedom of expression.

Entry and inspection powers of inspectors

Powers of entry without a warrant

Clause 5 inserts Part 4B into the ESC Act, which sets out the powers of inspectors to monitor compliance and investigate potential contraventions of the ESC Act and relevant legislation.

New section 39P permits inspectors to enter and search a premises with the consent of the occupier of the premises, if the inspector believes on reasonable grounds that a person may have contravened an essential services requirement. The inspector may also, with the consent of the occupier, seize any document or computer that the inspector finds on the premises, or require a document to be produced and examine, make copies or take extracts of it if the inspector believes on reasonable grounds that the document is connected with the alleged contravention. The inspector may also make any audio, visual or audio-visual recordings if
the inspector believes on reasonable grounds that it is necessary to do so for the purpose of establishing the alleged contravention.

An inspector’s power to enter and search premises under section 39P is subject to a number of safeguards. Before the occupier consents to the entry, the inspector must produce their identification for inspection and inform the occupier of the premises of the purpose of the search and that the occupier may refuse to give consent to each of the matters listed above. If the occupier consents to the entry and search of the premises, or to the seizure of any document or computer during the search, they will be asked to sign an acknowledgement to that effect. In any court or tribunal proceeding, the absence of a signed acknowledgement is evidence that the occupier did not consent, unless the contrary is proved.

Powers of entry with a warrant

New section 39S permits an inspector to apply to a magistrate for a search warrant in relation to a particular premises if the inspector has reasonable grounds to suspect that there is, or may be within the next 72 hours, evidence on the premises that a person may have contravened an essential services requirement, or that there is such evidence in digital or electronic format, which is accessible from the premises. A search warrant may authorise a variety of conduct, including examining and seizing documents and computers, and requiring a person to provide reasonable information or assistance to enable an inspector to access information on a computer on the premises. Failure to comply with a requirement of an inspector is an offence.

Applications for search warrants are subject to the supervision of the Magistrates’ Court. Safeguards apply to entry, including requirements that the inspector identifies themselves and announces their authorisation prior to executing the warrant, gives the person at the premises an opportunity to allow entry and provides a copy of the warrant to the occupier. Further safeguards also apply to ensure accountability in the use of entry powers, such as new section 39ZH which requires inspectors to report use of entry powers to the Commission within seven days, new section 39ZI which requires the Commission to keep a register of reports of use of entry powers and new section 39ZJ which permits a person to submit complaints about the exercise of a power by an inspectors under Part 4B and requires that the Commission investigates these complaints.

In my view, while the exercise of these compliance and enforcement powers will interfere with the right to privacy, any such interference will be lawful and not arbitrary. The purpose of these inspection powers is to enforce compliance with the ESC Act, relevant legislation and Codes of Practice in order to ensure the proper regulation of the energy industry and other regulated entities. Further, individuals who participate in regulated industries have a diminished expectation of privacy in the regulatory context, and it is reasonable that they can be required to produce information and permit entry to their premises for compliance purposes.

Information sharing arrangements

New section 60E, inserted by clause 31 of the Bill, provides that the Commission may enter into, or approve of, an information sharing arrangement with a relevant agency. The information that may be shared between the Commission and the relevant agency is limited to information collected pursuant to an information gathering notice; information concerning investigations, law enforcement, assessment of complaints and licensing or disciplinary matters; information affecting the interests of consumers of goods and services in regulated industries; and information prescribed by regulations. Under an information sharing arrangement, the Commission and the relevant agency may request, receive and disclose information with the other party to the arrangement, but only if the information is reasonably necessary to assist in the exercise of functions under the ESC Act or relevant legislation, or the functions of the relevant agency concerned.

In my view, this section will not be an arbitrary or unlawful interference with privacy, as any disclosure of personal information authorised by this section will only occur to the extent necessary to carry out the legal functions of the Commission or relevant agency. Consequently, I consider that new section 60E is compatible with section 13 of the Charter.

Identification cards

Clause 5 inserts a new section 39N into the Act providing that inspectors must be issued with an identification card containing a photograph of the inspector. Inspectors must produce their identification card for inspection in various circumstances when exercising powers under the Act.

These requirements interfere with privacy by requiring inspectors to identify themselves and disclose their photograph in specified circumstances. However, the interference with privacy is neither unlawful nor arbitrary, as it is a proportionate and necessary measure to ensure that persons dealing with inspectors are able to identify them, as well as providing some protection against people fraudulently claiming to be inspectors and seeking to exercise the powers of those inspectors. I therefore consider that new section 39N is compatible with the right to privacy.
Publication of personal information

New section 54F, inserted by clause 9 of the Bill, enables a court to make an adverse publicity order against a regulated entity that has been subject to a contravention order. The adverse publicity order may require a regulated entity to disclose specified information to certain persons, or to publish an advertisement in the terms specified in the order.

New section 54ZO requires the Commission to establish and maintain a Register of Enforcement Action that contains information about contravention orders, paid penalty notices and enforceable undertakings, including the name of the person against whom the order or notice was made and the nature of the contravention. The Register is to be made publicly available on the Internet.

Clauses 52 and 70 insert new provisions into the Electricity Industry Act 2000 and Gas Industry Act 2001 to provide that the Commission must publish a compliance and enforcement report each year on its Internet site, which includes a report on all enforcement action taken by the Commission in respect of each retailer, and the extent to which each retailer has complied, or failed to comply, with its obligations under its licence conditions and any Code of Practice.

To the extent that the information disclosed or published pursuant to one of these provisions is personal information, the right to privacy and reputation will be engaged. However, any interference with the right will be lawful and not arbitrary as the provisions serve the important purpose of deterring future offending and providing transparency so that that consumers and the wider public do not continue to suffer loss or damage as a result of a regulated entity’s contraventions. Further, any personal information published will be limited to that connected to the work or business the person has chosen to engage in and participants in a regulated industry have a diminished expectation of privacy. Finally, adverse publicity orders and contravention orders are made by a court following judicial proceedings. Information in respect of a court order is likely to already be on the public record as a consequence of judicial proceedings and will have been subject to the safeguards for court proceedings, including a fair hearing.

The requirement to publish an advertisement in certain terms pursuant to an adverse publicity order may interfere with the right to freedom of expression, which encompasses a freedom not to express (for example, to say nothing or not to say certain things). However, to the extent that the right is engaged, any limitation imposed would fall within the internal limitations to the right in section 15(3), as reasonably necessary for the protection of public order. Adverse publicity orders are necessary to ensure that consumers are aware of the issues giving rise to the making of a contravention order and can engage with regulated entities in an informed way. Accordingly, I consider new section 54F to be compatible with the right to freedom of expression under the Charter.

Freedom from forced work

Section 11 of the Charter provides that a person must not be made to perform forced or compulsory labour.

New section 54G provides that if a court makes a contravention order against a regulated entity, the court may also make an order directing the regulated entity to perform a specified service for the benefit of the community, to establish a compliance or training program within the business, or to revise the entity’s internal operations to avoid future contraventions. New section 54ZG gives the Commission power to serve a compliance notice on a person requiring them to comply with a civil penalty requirement or remedy a contravention, if the Commission has a reasonable belief that the person has contravened or is contravening a civil penalty requirement.

To the extent that these powers are exercised with respect to natural persons, they may be relevant to the right in section 11 because they enable the Commission or a court to require a person to do certain things, including performing specified services. However, the protection against compulsory labour in section 11 of the Charter is limited in scope, and does not apply to work or service that forms part of a person’s normal civil obligations. The purpose of the relevant provisions is to remedy or prevent non-compliance with a regulatory scheme established to protect consumers and the community; the provisions can therefore be characterised as requiring services that form part of a person’s expected civil obligations. Accordingly, these provisions do not limit the freedom from forced work under the Charter.

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. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

New Division 3 of Part 4 enables the Commission to seize a document produced in compliance with an information gathering notice and retain it for up to three months (or up to 12 months if extended by a court). The Commission may do so if it considers the document necessary for obtaining evidence for the purpose of
any proceeding under the ESC Act or relevant legislation, or if the Commission has a reasonable belief that seizing the document is necessary to prevent the document’s concealment, loss, destruction or use in the contravention of an essential services requirement.

An inspector conducting a search of premises with consent may seize any document or computer on the premises that the inspector reasonably believes is connected with a contravention of an essential services requirement, and may remove a document for as long as is reasonably necessary to make copies or take extracts from it, provided the occupier consents. When conducting a search in accordance with a warrant, an inspector may seize documents or computers connected with an alleged contravention of an essential services requirement.

In each provision that permits the Commission or an inspector to seize property, the powers are strictly confined. The powers are limited to documents and computers and do not extend to other forms of property. Further, documents and computers may only be seized if they are connected with a possible contravention of an essential services requirement and there is a need to do so to prevent the document from being lost or destroyed. Where a magistrate issues a search warrant, only documents named or described in the warrant, or things that are of a kind which could have been included in the search warrant, are permitted to be seized, and the rules in the Magistrates’ Court Act 1989 that govern the use of search warrants will apply.

Finally, these provisions require the Commission or inspector to provide the person with a certified copy of any documents seized or taken from them, and to take reasonable steps to return documents when no longer needed, or within three months unless an extension is granted by a magistrate. Applications for the return of seized documents may also be made by the person from whom the documents were seized or a person who claims to be the owner of the documents.

In my opinion, for the reasons outlined above, any interference with property occasioned by the Bill is in accordance with law and is therefore compatible with the Charter.

**Right to be presumed innocent**

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. The right in section 25(1) is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

*Reasonable excuse* exceptions

A number of provisions in the Bill create offences that contain a ‘reasonable excuse’ exception, which may place an evidential burden on the accused.

New sections 36(4)(a) and 37(2)(a) state that a person must not, without reasonable excuse, refuse or fail to comply with an information gathering notice. New section 39ZD states that a person must not, without reasonable excuse, refuse or fail to comply with a requirement of an inspector. New section 39ZF states that a person must not, without reasonable excuse, hinder or obstruct an inspector in the exercise of their power.

By creating a ‘reasonable excuse’ exception, the offences in the provisions above place an evidential burden on the accused, in that they require the accused to raise evidence of a reasonable excuse. However, in doing so, this offence does not transfer the legal burden of proof. Once the accused has pointed to evidence of a reasonable excuse, which will ordinarily be peculiarly within their knowledge, the burden shifts back to the prosecution to prove the essential elements of the offence. I do not consider that an evidential onus of this kind limits the right to be presumed innocent, and courts in other jurisdictions have taken this approach.

**Deemed liability for officers of bodies corporate**

New section 60A provides that if a body corporate contravenes a civil penalty requirement or commits an offence against any provision of the ESC Act or relevant legislation, each officer of the body corporate is deemed to have contravened the same provision if the officer knowingly authorised or permitted the contravention. New section 60B makes a principal liable for the conduct of their employees or agents in a proceeding under the ESC Act or relevant legislation. These provisions are relevant to the presumption of innocence as they may operate to deem as ‘fact’ that an individual has committed a contravention or offence based on the actions of the body corporate or another person.

In my view, it is appropriate to extend these offences to officers of bodies corporate, and to make principals liable for the conduct of employees and agents. A person who elects to undertake a position as an officer of a body corporate accepts that they will be subject to certain requirements and duties, including a duty to ensure that the body corporate does not commit offences. In my view, new section 60A does not limit the right to the presumption of innocence as the prosecution is still required to prove the main elements of the offence—that is, knowingly authorised or permitted the contravention. Similarly, a principal will only be liable for the conduct of an employee or agent under new section 60B if the employee or agent of the principal engaged in
the relevant conduct within the scope of their authority and had the relevant state of mind for the offence. A principal who is convicted of an offence on this basis is not liable to be punished by imprisonment. In my view, there are no less restrictive means reasonably available for ensuring adequate deterrence of corporate offences that may cause significant public harm. Courts in other jurisdictions have held that protections on the presumption of innocence may be subject to reasonable limits particularly in the context of compliance offences. Accordingly, I am satisfied that these provisions are compatible with the right under the Charter to the presumption of innocence.

**The right to protection against self-incrimination**

Section 25(2)(k) of the Charter provides that a person charged with a criminal offence is entitled not to be compelled to testify against themselves or to confess guilt. It is also an aspect of the right to a fair trial protected by section 24 of the Charter. This right is at least as broad as the common law privilege against self-incrimination. It applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion, regardless of whether the information was obtained prior to or subsequent to the charge being laid.

The right to protection against self-incrimination is relevant to a number of new sections inserted by the Bill. As outlined above, new sections 36 and 37 empower the Commission to issue information gathering notices requiring a person to provide information, produce documents or appear before the Commission if the Commission considers it necessary for the purposes of performing its functions or exercising its powers. New Part 4B sets out the powers of inspectors to enter and search premises to investigate possible contraventions of essential services requirements. Failure to comply with an information gathering notice or a requirement of an inspector, without a reasonable excuse, will be an offence. In some cases it will be a reasonable excuse for a person to refuse or fail to comply where doing so would tend to incriminate the person or expose them to a penalty. However, the Bill also sets out several circumstances in which a person is not excused from complying with an information gathering notice or inspector’s requirement on the basis that doing so may tend to incriminate that person:

- Where a person fails to produce a document required under a section 36 information gathering notice (section 39A(2))
- Where a person fails to provide information, produce a document or give evidence under a section 37 information notice (section 39B)
- Where a person fails to produce a document that the person is required to produce under Part 4B (section 39ZD(2))
- Where a person fails to provide information or assistance that they are required to provide under section 39U (section 39ZD(3)).

These provisions limit the right to protection against self-incrimination because they provide that a person may be required to produce documents or, in some cases, to provide information or answer questions even if the information, answers or documents are self-incriminatory.

Further, clause 33 of the Bill inserts new section 61A, which creates an offence for knowingly providing false or misleading information or documents to the Commission or an inspector. Section 61A(2) provides it is an offence for a person to produce a document if they know the document is false or misleading in a material particular and they do not indicate the respect in which it is false or misleading. This provision will engage the right to protection against self-incrimination insofar as any identifications of falsehoods in the document may be used against the person in a subsequent proceeding.

For the reasons set out below, I consider that the above limitations on the right to protection against self-incrimination are reasonable and demonstrably justified under section 7(2) of the Charter.

I note that new sections 39A(3) and 39B provide that a body corporate cannot refuse or fail to comply with an information gathering notice on the basis that providing the information, document or evidence required would tend to incriminate the body corporate or expose it to a penalty. The High Court has held that the privilege against self-incrimination is a personal right and cannot be claimed by corporations, notwithstanding the fact that denying the privilege to corporations may have ramifications for company officers (as discussed above under the right to be presumed innocent). Accordingly, I consider that the right is not engaged by these provisions.

**Production of pre-existing documents**

The obligation on a person to produce documents to the Commission or an inspector, notwithstanding the fact that the document may contain evidence that would tend to incriminate that person, engages the right in section 25(2)(k) of the Charter.
The privilege against self-incrimination generally covers the compulsion of information or documents which might incriminate a person. However, at common law, the High Court has held that the protection accorded to pre-existing documents is considerably weaker than that accorded to oral testimony or to documents that are brought into existence to comply with a request for information. The compulsion to produce pre-existing documents that speak for themselves is in strong contrast to testimonial oral or written evidence that is brought into existence as a direct response to questions by the Commission. Accordingly, any protection afforded to documentary material by the privilege is limited in scope and not as fundamental to the nature of the right as the protection against the requirement that verbal answers be provided. I note that some jurisdictions have regarded an order to hand over existing documents as not engaging the privilege against self-incrimination.

The primary purpose of these provisions is to enable the Commission and inspectors to monitor compliance with the regulatory scheme, investigate potential contraventions and protect consumers from detriment resulting from non-compliance. Any limitation on the right is directly related to its purpose. The documents required to be produced are those that the Commission considers necessary for the purposes of performing its functions or exercising its powers, or that an inspector believes is connected with an alleged contravention of an essential services requirement—the provision of such documents is therefore consistent with the reasonable expectations of persons who operate a business within a regulated scheme and may not otherwise be accessible for the important purposes of compliance and enforcement. Moreover, any document produced by a natural person in compliance with an information gathering notice is subject to a use immunity, and is not admissible as evidence against that person in any criminal proceeding other than in a proceeding arising out of the false or misleading nature of the information or document. While there is no use immunity for a document produced to an inspector pursuant to Part 4B, this is because such production will either be by consent or pursuant to a warrant and the privilege does not apply to documents seized under a warrant. Further, a derivative use immunity is not available in relation to further evidence uncovered as a result of the document’s production; however, for the reasons set out below, I consider that this limitation on the right is reasonable and demonstrably justified. Finally, there are no less restrictive means available to achieve the purpose of enabling the Commission to have access to relevant documents to effectively investigate and enforce compliance with the scheme.

Therefore, I consider that insofar as these provisions abrogate the privilege against self-incrimination by compelling the production of pre-existing documents, they are compatible with the right to protection against self-incrimination under the Charter.

**Requirement to give assistance**

New section 39U provides that a magistrate, when issuing a search warrant, may authorise an inspector to require a person to provide any information or assistance that is reasonable and necessary to allow the inspector or another person to access and copy digital or electronic information on the premises that is connected with a contravention of an essential services requirement. Only the person alleged to have contravened the requirement or the owner or lessee of the computer (or their employee or contractor) can be required to give such assistance. New section 39ZD(3) provides that it is not a reasonable excuse for a person to refuse or fail to provide such information or assistance on the basis that doing so would tend to incriminate the person. The effect of these provisions is that an inspector may require a person to provide a password for a device where the data obtained may be evidence of that person’s offending.

These provisions are directed at addressing the increasing prevalence of business documents and information being stored in digital or electronic format (including “off-site” storage in cloud networks), which are commonly subject to security requirements such as passwords or encryption technology. Despite the provisions referring to ‘information’, information stored in digital or electronic format is essentially a pre-existing document. I note that an inspector may download and make an electronic or physical copy of information found on a computer when executing a warrant. As noted above, the privilege against self-incrimination is significantly weaker for pre-existing documents, reflecting that they do not require a person to testify against themselves, and does not protect documents seized under a warrant. In any event, a duty to provide documents and information relevant to compliance with a regulatory scheme is consistent with the reasonable expectations of individuals who participate in a regulated industry with associated duties and obligations.

If a person were able to refuse to provide a necessary password or de-encryption key to access business documents connected to an alleged contravention of the ESC Act or relevant legislation, the regulatory scheme would increasingly become unable to be effectively administered. I note that if a person has locked hard copy business documents in a cupboard, an inspector would not need the person’s assistance in breaking into the cupboard, under warrant, to seize that evidence. If the person has also ‘locked’ business records inside a computer through encryption, the person should not, simply because of their use of more sophisticated technology, now be empowered to stymie investigations by refusing to divulge the electronic key to that evidence.
The Bill does not provide a direct use immunity in relation to material seized as a result of the disclosure of a password. A direct use immunity would be of limited utility in such cases, because the information or assistance compelled by section 39U (such as provision of a password) is unlikely to be evidence of wrongdoing.

Additionally, there is no derivative use immunity in relation to section 39U. ‘Derivative’ use occurs when, as a result of a compelled statement (such as the provision of a password), further evidence is uncovered that incriminates the maker of the statement. This means that such further evidence is permitted to be used in a criminal prosecution against the person, which limits the right to protection against self-incrimination. Providing a derivative use immunity would, in my view, undermine the central point of the new power, to enable inspectors to access material that has been intentionally hidden or encrypted. In Re an application under the Major Crime (Investigative Powers) Act 2004 (2009) 24 VR 415, the Supreme Court read a form of derivative use immunity into that Act, finding that the right to protection from self-incrimination included a right to protection against the derivative use of a person’s testimony in a future prosecution against them, where that evidence was not otherwise discoverable. However, the Supreme Court also recognised in that case that the derivative use of evidence could be justified under the Charter.

A denial of derivative use immunity might be capable of justification in a regulatory context, where the ability of a regulator to effectively monitor compliance and investigate potential contraventions is necessary to adequately protect consumers from detriment. Contraventions in the energy industry and other regulated industries that provide vital services to large sections of the public could have a significant impact on the economy and on human health (for example, by disconnecting the power supply to a person on emergency life support). Accordingly, there is significant public interest in ensuring that inspectors are able to access information and evidence that may be difficult or impossible to ascertain by alternative evidentiary means, in order to properly regulate the industry. Further, any limitation on the right occasioned by section 39ZD(3) is directly related to these important public purposes, as the digital information that may be accessed is information connected with a contravention of an essential services requirement.

The availability of a derivative use immunity would limit the Commission’s ability to enforce compliance with the scheme by effectively enabling a person to purposely immunise themselves from prosecution by voluntarily providing incriminating information, evidence or documents (that could not then be used against them in a criminal proceeding). Further, the availability of a derivative use immunity would place an excessive and unreasonable burden on the prosecution to prove that evidence it sought to tender in criminal proceedings against a person claiming the immunity was not obtained either directly or indirectly from the information obtained under this provision. This would unduly complicate trials and general separate hearings to determine when, and from what sources, particular evidence was obtained.

Although the use of derivative evidence engages one aspect of the rationale for the privilege against self-incrimination—that a person should not be required to assist the state in building a case against themselves—it does so to a lesser extent than the direct use of evidence because derivative evidence exists independently of the will of the accused. Moreover, it does not engage the most important principles underlying the right, namely the risk of improper interrogation techniques or the unreliability of evidence obtained through such methods. Further, while it is possible that non-participants in the regulatory scheme may be required to assist an inspector under section 39U, the lack of derivative use immunity will likely only affect a small percentage of persons; being such persons who engage in regulated activities under the ESC Act and relevant legislation, and who would consequently be aware of their obligations to comply with the regulatory scheme.

As outlined above, the availability of derivative use immunity would give some persons a forensic advantage far in excess of what was ever contemplated under the privilege against self-incrimination. In my view, there are no less restrictive means reasonably available to achieve the purpose of this limitation. Accordingly, any limitations on the right to protection against self-incrimination occasioned by section 39ZD(3) are reasonable and demonstrably justified under section 7(2) of the Charter.

**Requirement to provide information and answer questions**

As discussed under the right to privacy above, new section 37 enables the Commission to serve an information gathering notice on a person if the Commission believes that the person is capable of providing information or evidence relating to a matter that constitutes, or may constitute, a contravention of an essential services requirement. A notice may require the person to provide information in writing, produce documents, or appear before the Commission to give evidence and answer questions, either orally or in writing. Failing to comply with an information gathering notice, without reasonable excuse, is an offence.

New section 39B provides that the fact that providing information, producing documents or giving evidence would tend to incriminate a person or expose them to a penalty is not a reasonable excuse for non-compliance. An important safeguard is the use immunity in section 39B(2), which ensures that information, documents or evidence provided in compliance with these provisions is not admissible as evidence against the person in a
criminal proceeding, other than a proceeding arising out of the false or misleading nature of the information or documents. This does not extend to derivative use of further evidence that is uncovered as a result of the information, documents or evidence provided by a person under section 37, which will limit the right to protection against self-incrimination. However, for the reasons outlined above, I am of the view that the limitation occasioned by the lack of derivative use immunity in these provisions is reasonable and demonstrably justified under section 7(2) of the Charter.

The right to a fair hearing

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

Limitations on VCAT review

Clause 27 of the Bill substitutes part of section 55 of the ESC Act to provide that a person whose interests are affected by a decision of the Commission to serve an information gathering notice under section 36 or to serve a compliance notice may apply to VCAT for review of the decision. The grounds on which such applications may be made are limited to grounds that the decision was not made in accordance with the law, or is unreasonable having regard to all the relevant circumstances. Further, VCAT review will not be available at all for a decision to serve an information gathering notice under section 37.

While the provision does restrict review rights to particular grounds, I consider that the right to a fair hearing will not be limited, as an eligible person may still have the decision reviewed by VCAT on the grounds set out above, or may seek judicial review of the decision. Similarly, a person whose interests are affected by a decision to serve an information gathering notice under section 37 may seek judicial review of the decision and therefore still has access to the courts.

Ex parte applications

The Bill provides that an application to a court for an injunction under new section 54ZH may be made ex parte. This provision engages the right to a fair hearing because it may deprive a person of an opportunity to be heard in the relevant injunction application.

In my view, the right to a fair hearing is not limited by new section 54ZH. The ability to apply for an injunction on an ex parte basis is necessary to ensure that the Commission is able to respond quickly to contraventions of relevant legislation, Codes of Practice and licence conditions and that action is taken at the earliest opportunity to prevent, minimise or remedy the contravention. In most cases, the Commission will be able to require compliance by way of a compliance notice, which will put the person on notice of the alleged contravention, the actions required to remedy it and the fact that the Commission may commence a proceeding for an injunction. A court will retain the discretion to refuse to hear the application ex parte, and can refuse to do so where hearing the application ex parte would result in an unfair hearing. In addition, the person subjected to a court order made on an ex parte basis may appeal the decision. I am satisfied that this provision does not limit the right to a fair hearing.

The right not to be tried or punished more than once

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

The Bill enables a court to impose various penalties after making a contravention order against a regulated entity, including a civil penalty order under new section 54, an adverse publicity order under new section 54F, orders requiring the performance of a specified service under new section 54G, and compensation orders under new section 54H. Where a person is subject to an additional penalty for an offence, the right to not be punished more than once may be engaged. These proceedings will all be civil proceedings, to be determined on the civil standard of proof. While civil penalties may engage the criminal process rights under the Charter where the penalty is of such a magnitude that a court may consider that it involves truly penal consequences, I do not consider that to be the case here. Further, section 54K prohibits a court from making a contravention order against a person if the person has been convicted of an offence constituted by the same conduct. As such, the right will not be engaged by these provisions.

New section 61B provides that a court may make a monetary benefits order against a person if it finds the person guilty of an offence for failing to comply with an information gathering notice without reasonable excuse, or giving information or documents to the Commission that the person knows to be false or misleading in a material particular. A monetary benefits order requires the person to pay the Commission an amount of money that represents the monetary benefits acquired by the person as a result of the commission of the offence.
The right in section 26 of the Charter has been interpreted as applying only to punishments of a criminal nature and does not preclude the imposition of civil consequences for the same conduct. I do not consider that the consequences under section 61B are punitive so as to engage section 26. Its purpose is not to punish the convicted person, but to prevent the person from benefitting financially from their contravention and to deter others from doing the same. Accordingly, I am of the opinion that this provision is compatible with the right in section 26 of the Charter.

Conclusion

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

The Hon Danny Pearson MP

Assistant Treasurer

Second reading

Mr PEARSON (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (15:21): 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:

It is over 25 years since Victoria privatised its electricity system. At the time, a regulatory framework was introduced that was modelled closely on the light touch regulatory framework that was established in the United Kingdom with similar privatisations during the 1980s. Over time, some minor changes have been made, including adding an ability for the Essential Services Commission (ESC) to impose civil penalties and, more recently, issue penalty notices against energy companies. However, the enforcement framework remains largely the same.

It has become clear over recent years that this original framework is no longer effective to protect Victorian energy consumers. Reflecting this, prior to the last election, the Government committed in its Energy Fairness Plan to overhaul the current fines and penalties against energy retailers breaking the law, and to provide the ESC with improved information gathering and monitoring powers so it is able to crack down on bad behaviour by energy retailers. This Bill delivers on those promises, and also makes a range of other reforms to ensure the ongoing financial sustainability of the ESC.

Information-gathering and sharing

The first important measure in the Bill is the proposed overhaul of information-gathering powers. The current information-gathering powers work well to support the ESC’s pricing and inquiries functions. However, there are several shortcomings with these powers when it comes to the conduct of investigations, including an inability to get evidence under oath, restrictions on disclosure of confidential information to other regulators and no ability to obtain information if a regulated entity is non-compliant. There is also an unclear relationship with information-gathering powers in other Acts administered by ESC.

The Bill therefore restructures the information-gathering powers into two tiers. The first tier is focused on supporting the ESC’s pricing determinations and inquiries functions. It will be a power to request information, produce documents and require people to appear before the ESC to give information that is similar to existing powers. It will be available where the ESC is to perform functions or exercise powers unless a contravention of an essential services requirement is suspected. There will be a broad protection against self-incrimination with information gathered only able to be used in cases relating to giving false or misleading information, proceedings for monetary benefits orders arising from giving false or misleading information, and VCAT reviews.

The second tier will support the ESC’s investigations of suspected contraventions of ‘essential services requirements’, which are contraventions of the Essential Services Commission Act 2001, relevant legislation, Codes of Practice and licence conditions. The new power can require giving of information and production of documents, as well as obtaining evidence on oath.

The protection against self-incrimination under this second tier will be limited in a manner commonplace in regulatory schemes. For corporations, information gathered cannot be used in criminal proceedings except relating to giving false or misleading information, or under the Essential Services Commission Act 2001 or
relevant legislation. The information can be used in civil penalty proceedings. For individuals, the information
gathered can only be used in proceedings relating to false or misleading information.

Supporting the new information-gathering powers for investigations will be an ability for the ESC to enter
premises. This reflects that the ESC needs to be able to obtain information where a person who is required to
provide it does not do so. The Bill therefore includes an ability for the ESC to appoint inspectors, and obtain
search warrants to support ‘tier 2’ information-gathering. The ESC will be able to apply to Magistrates’ Court
for search warrants to obtain documents, and access to computers containing documents. Standard search
warrant provisions under the Magistrates’ Court Act 1989 will apply. The Bill also makes provision relating to
return of documents, and procedures to enter premises with consent are also specified.

Information-gathering powers will not apply where other Acts provide for their own information-gathering
arrangements, to resolve uncertainty over which provisions apply.

The Bill also provides the ESC with a power to enter into information-sharing arrangements. The ESC is
currently restricted from disclosing confidential information. However, it needs to be able to undertake joint
investigations of suspected contraventions with other regulators such as the Australian Competition and
Consumer Commission and Consumer Affairs Victoria for Australian Consumer Law matters and the
Australian Energy Regulator for energy retail matters affecting both Victoria and other states.

The Bill therefore includes a power for ESC to enter into agreements to share certain information gathered
with other regulators. This will not be available for information gained under other Acts administered by ESC
such as the Port Management Act 1995 and the Accident Towing Services Act 2007.

New civil penalty framework and remedies

Another important reform the Bill introduces is a comprehensive overhaul of the enforcement framework
under which the ESC operates, with a new civil penalty framework and higher penalties available.

The current ESC enforcement framework was largely modelled on the framework established in the United
Kingdom in the mid-1980s. It has three main elements. First, there is an enforcement order process. However,
this has ‘one size fits all’ penalties, and does not target risks with appropriate sanctions. While it is a criminal
office to contravene enforcement orders, this imposes a high evidentiary standard. It also requires ESC to be
satisfied a breach of an order is ‘not trivial’, meaning minor breaches that should be subject to sanctions are
not punished. Second, the ESC can impose civil penalties, but the processes to do so are unclear. Finally, there
are penalty notices, but these have low penalty amounts reflecting they are administrative sanctions and apply
only to the energy industry.

The Bill proposes a new civil penalty framework, modelled in part on Victoria’s new Environment Protection
Act 2018, and the National Energy Retail Law. It will introduce a lower civil standard of proof, with matters
decided on the balance of probabilities.

The ESC will be able to apply to a court for a contravention order, which if granted by the court will enable
a court to order a range of remedies. It is able to be granted by a court if a ‘civil penalty requirement’ is
contravened. There will be a range of measures to ensure procedural fairness in interacting with criminal
offences, such as restrictions on civil penalties applying if a person is found guilty of similar offences.

Unlike the current situation where what is an obligation is unclear, the new civil penalty requirements will be
clearly specified in a range of Acts, Codes of Practice and other instruments. The new provisions will specify
when civil penalty requirements apply by clearly identifying what provisions are civil penalty provisions,
what the maximum civil penalty is (subject to maximums in the Essential Services Commission Act 2001),
whether it can be enforced by penalty notices, and what the penalty notice penalty is.

The new civil penalty framework will not apply to certain areas. These will include where regulatory
obligations will not be enforced through civil penalties, such as ‘Codes’ applicable to the water industry, and
where other offences regulate the contravention of the ESC determinations such as charging more than the
unbooked taxi fare determined by the ESC, which is an offence enforced by the Commercial Passenger
Vehicles Victoria.

Penalty levels to be applied to energy licensees will be increased to keep court-ordered penalties at similar
levels to those in the Australian Consumer Law and National Energy Retail Law. Maximum penalties for
energy licensees will be up to an amount equal to 60,000 penalty units for corporations ($10,904,400) unless
set lower, or three times the benefit obtained from the contravention, or 10 per cent of turnover. Penalties of
up to an amount 3,000 penalty units ($545,220) unless set lower will be available for natural persons. Where
no other penalty is specified, a default penalty of an amount equal to 1200 penalty units will apply for
corporations while the default penalty for natural persons will be an amount equal to 240 penalty units. The
maximum penalties for other regulated entities will be amounts equal to 1200 penalty units for corporations
($218,088) unless set lower and 240 penalty units ($43,618) for others unless set lower.
In a similar manner, penalty notice penalty levels are proposed to increase for energy licensees. It is proposed they will be an amount equal to 1500 penalty units ($272,610) for corporations unless set lower, to meet the Government’s election commitment. A default of 200 penalty units for corporations will apply. Penalty levels for natural persons will be 20 penalty units ($3634.80) unless set lower. The penalty notice system will also be available for other regulated entities, although no industries planned at this stage. Penalties will be amounts equal to 120 penalty units ($21,808.80) for corporations unless set lower and 20 penalty units ($3634.80) for natural persons unless set lower.

A range of new court orders will also be available to strengthen consumer protection. If court makes a contravention order, it can then make several different orders, including monetary benefit orders (requiring the wrongdoer to pay back the benefit obtained from the wrongdoing), as well as orders similar to those in the Australian Consumer Law such as adverse publicity orders, orders to provide services, and compensation orders. A new injunction power to enable the ESC to seek a court order to restrain contraventions or proposed contraventions of ‘relevant requirements’ (which are like civil penalty requirements but broader). Courts will also be able to grant declaratory relief.

The Bill also proposes to ensure those people who facilitate the wrongdoing by regulated entities can be punished. For example, those who aid and abet contraventions can be liable. There is also an increased emphasis on the liability of corporate officers. Like the Australian Consumer Law and the National Energy Retail Law, officers of a company will be able to be held liable if they knowingly authorise or permit contraventions. Further, information-gathering powers to be able to require a competent officer of a body corporate to sign off on information in a manner similar to Australian Consumer Law.

Finally, there will be a range of other enforcement measures. A register of enforcement action will be required to be kept and published. This expands on existing provisions that only apply to energy licensees. Reporting requirements for energy retailers are proposed to be moved from the Essential Services Commission Act 2001 to energy legislation. The ESC will also have a broader ability to accept enforceable undertakings, with this power no longer limited to the energy industry.

Other measures
The Bill also has a range of other measures to improve the operation and financial arrangements of the ESC and the regulatory frameworks it administers.

First, the Bill reforms how codes like the Energy Retail Code are made. Codes are to be transferred to Part 6 of the Essential Services Commission Act 2001 and become Codes of Practice. Codes of Practice will sunset every 10 years and be subject to standard RIS processes, which are to replace the current processes in Part 6. This will ensure that regulatory best practice will apply to the future making of Codes of Practice. Powers to make Codes of Practice will be strengthened with new powers providing greater flexibility for the ESC. Codes that are not to be subject to civil penalties will be carved out. For example, water ‘Codes’ will become ‘Water Industry Standards’. While transitioning codes to become Codes of Practice, default penalties will apply. There will also be a one-off RIS exemption to enable existing codes to be remade quickly.

It will establish an Essential Services Commission Enforcement Fund, reflecting the election commitment to do so. Revenue from fines and penalties will be paid into ESC Enforcement Fund, and used to fund litigation and related activities. It will be supplemented by an operating fund for other ESC revenue.

There will be also be revisions to fee-setting arrangements. Fee setting for the ESC currently occurs annually, which can create significant variance year to year. The Minister responsible for the ESC sets the fees in consultation with other Ministers. Two changes are proposed to this arrangement. First, it is proposed to enable portfolio Ministers to determine fees in consultation with ESC Minister, and second, fee levels can be set for up to 10 years to provide greater stability in fee-setting.

Finally, the Bill contains a range of other minor measures to improve the governance of the ESC, such as clarifying the role of the Commission and the chief executive officer.

With this Bill, the Andrews Labor Government is delivering on its promise to give the ESC the regulatory tools it needs to effectively regulate energy retailers. This will ensure that energy retailers and other entities regulated by the ESC are regulated effectively into the future.

I commend the Bill to the house.

Mr WELLS (Rowville) (15:21): 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, 22 September 2021.

OCCUPATIONAL HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT BILL 2021

Second reading

Debate resumed on motion of Ms HORNE:

That this bill be now read a second time.

and Mr MORRIS’s amendment:

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

Ms HALFPENNY (Thomastown) (15:22): I am also rising to make a contribution on the Occupational Health and Safety and Other Legislation Amendment Bill 2021. These amendments make a number of important changes, particularly to the operation of the Occupational Health and Safety Act 2004, because, despite all the work that Labor governments have done around health and safety, we know that there are still too many workplace injuries, illnesses and work-related deaths. Sixty-eight workers died from work-related injuries or illness in 2020, and this is just so wrong. They are workers whose lives have been cut short by workplace incident, and I say ‘incident’, not ‘accident’, because workplace deaths and injuries are not accidents; they are preventable and they should never happen. In the case of last year, there were 68 workers with family and friends whose lives will never be the same again. There are several key reforms contained in this bill to continue the work of successive Labor governments in making our workplaces safer.

The first of the amendments is focused on improving rights and protections for labour hire workers by boosting employer accountability and streamlining enforcement. As has been raised by organisations such as unions and labour lawyers and other organisations that support the rights of working people, there has long been an issue where the working relationship between a labour hire company and those people that they employ has been somewhat blurred when they go to other workplaces. Anthony Forsythe in his 2016 inquiry into the Victorian labour hire industry and insecure work stated that:

… labour hire employees should have access to the same rights of representation in relation to occupational health and safety issues as other Victorian employees.

This is so important. Under the current laws, host employers do not owe labour hire workers the same health and safety duties as they do their own staff because labour hire workers are not classified as employees. This leaves workers significantly worse off. In terms of labour hire we have the situation where there is often a lot of blurring due to the deliberate will of employers in using labour hire to offer lower standards of health and safety because of the issue around duty of care. There are some grey areas as to whether the duty of care to provide a healthy and safe workplace is a requirement of the labour hire agency or the host employer.

In terms of the legislative amendments that we are discussing today, these amendments make it very clear that the host employer, the place in which the labour hire worker is working, is the responsible body for ensuring that there is a safe and healthy workplace. However, they also provide further requirements for both the labour hire company and the employer to consult and work together in a cooperative way to ensure that there is maximum protection for the labour hire worker wherever they are working. Of course, sadly, labour hire, like many other forms of precarious employment, which are much more insecure than other forms of work, is a significant part of the Victorian workforce. Up to 7 per cent of employment in Victoria is under a labour hire arrangement, and therefore it is obviously very important that we make sure that employees that are working for labour hire companies receive the same protections as others. The fact that there has been a gap here is borne out in the very real
statistic that labour hire workers have more injuries than those that are not engaged in the labour hire industry or employed under labour hire arrangements.

Another very important area that this legislation is going to amend will ensure that employers or individuals cannot take out insurance to protect them from certain obligations that they may have. In 2019 the Andrews Labor government passed the landmark legislation around workplace manslaughter to ensure that became an offence and that there was personal liability for workplace death. There is now in this legislation the prohibition of any contractual term that purports to insure or indemnify a person against their liability to pay monetary penalties because of breaches of the health and safety legislation—so you cannot take out insurance to protect you from in fact breaking the law. Of course you would not think that employers would necessarily be looking at doing these sorts of things, but they do, and we have to make sure that all areas are covered in the legislation to ensure that employers do everything that they possibly can to make workplaces safe and not expose workers to unsafe and unhealthy workplaces. They cannot then contract that out through insurance in order for them to be able to break the law and not have any adverse consequences.

Another area in terms of the legislation is the electronic delivery of notices and reports, and this, I guess, shows how legislation must always sort of evolve and change with the changes in society, whether it is attitudinal change or whether it is technological change. This amendment clearly ensures that notices from WorkSafe inspectors, for example, can be issued by email rather than necessarily being hand-delivered or put in the post. We all know why this is a very important amendment. It ensures a much better way of delivering notices and reports to employers, ensuring that their obligations around health and safety are upheld and that they are provided notices in a timely way, which is now through email rather than the post, and that they are receiving those notices and ensuring that they are fulfilling those notices without being able to argue any grey areas around the form of delivery of notices, such as improvement notices, mean that they for some reason may not apply.

Another area, and I guess I will spend most of the remaining time that I have on it—I mean, we could talk forever on this—is health and safety. It is such an important and critical thing, and it goes to the very core of Labor and what we believe—that is, that people must be able to come home from work safely and they should not be exposed to unsafe practices or environments while at work. This is an issue that unions, particularly around the building industry, which is an incredibly unsafe industry sector, have been looking at for some time. Of course Labor does work in conjunction with unions to uphold working people’s rights. This bill will provide additional powers to authorised representatives of registered employee organisations (ARREOs), which are normally union representatives that have been provided with a right of entry under the federal legislation—they have the right to enter premises to inspect and to look at unsafe practices that have been reported to them—and will also provide these powers to health and safety representatives.

One of the issues has been that, when there is a suspected contravention of the Occupational Health and Safety Act, it goes to how you secure evidence and how you ensure the best environment to allow a prosecution so it is not about ‘He said, she said’ and evidence cannot be destroyed. This provision provides that under the Occupational Health and Safety Act from now on—because it is specifically prohibited under the act at the moment—they will be permitted to take photos or measurements, make sketches or recordings and that these will be kept as evidence to demonstrate a breach by an employer. Of course this is particularly important in very unsafe industries such as the building industry. Hopefully into the future this will prevent deaths, injury and illness, because there will be this other enforcement ability for ARREOs and health and safety representatives.

Ms SETTLE (Buninyong) (15:32): I am delighted to rise today to speak on the Occupational Health and Safety and Other Legislation Amendment Bill 2021. I would also like to acknowledge my colleague the member for Thomastown and her wonderful contribution. I know that the member for Thomastown has worked exceptionally hard in this field, and it is something that she is very, very passionate about. I will go on to talk a little around the workplace manslaughter laws. I know that the member for Thomastown was on the Workplace Incidents Consultative Committee, and I think
testament to her absolute commitment to this issue is the really true friendship that she established with the families—Lana Cormie and the Brownlees—who very sadly lost family members. I know they count the member for Thomastown as a friend, and I thank her for all of her work and her contribution.

I do not think there is a more Labor bill than this. I think many of us on this side of the house joined the Labor Party and certainly wanted to be a part of this government because of our commitment to fundamental workers rights. It is the thing that drove me to the Labor Party, and it is the thing that makes me incredibly proud to be a part of this government. This bill speaks to all of the values that we all share. It is not an exaggeration to say that probably the proudest moment I have had whilst being a member of this government has been the introduction of the workplace manslaughter laws. I think it was just an extraordinary moment for this government and for all people across Victoria, and it really, really made clear this government’s commitment to workers and their rights. While this bill deals with different areas, it speaks to exactly the same thing, which is our commitment to working people in Victoria.

An important reform that is part of this bill is ensuring that businesses cannot use insurance or indemnity arrangements to dodge penalties for offences against workplace health and safety laws. This one for me is incredibly important. As I said, the wonderful member for Thomastown worked with Lana Cormie and the Brownlees to develop our workplace manslaughter laws. They are of course two wonderful, wonderful families who each lost a family member in a workplace incident. With all the time and effort that they put in—and emotional effort; it was a time of grieving for them—and their commitment to helping us as a government develop these laws, which they did, the thought that they could be watered down by someone just taking out an insurance policy against them just breaks my heart. So in many ways this reform is as important as those original manslaughter law reforms.

As you know, the Brownlees lost young Jack at 21, and Charlie Howkins, who was Lana Cormie’s husband, was just 34, and it was a trench collapse in Ballarat. They have fought against the injustice of workplace death since that day, as I say, at a great emotional cost to themselves. So it was with great celebration that that legislation came forth and became active in July 2020. It will see employers whose negligence leads to the death of an employee face fines of up to $16.5 million, and individuals responsible for negligently causing death will face up to 25 years in jail. They have kept working for justice for workers—that was not where they stopped—and I am delighted that Lana now actually works as an OH&S trainer, so making sure that many other worksites are safe and people are trained. But of course they have kept going. It was the third anniversary this year and a very close friend of theirs, a gentleman by the name of Kelly Dubberley, walked from Geelong to Ballarat to raise money for a regional workers memorial fund. It was an extraordinary effort on Kelly’s part. He raised over $20 000, but I am also delighted to say that this government and our Premier also made sure that we committed $50 000 to that memorial. It stands as a memorial for regional workers.

I have come on many occasions to the wonderful Victorian Trades Hall International Workers Memorial Day and that extraordinary ceremony where they place the working boots of every person who has lost their life. It is a really moving experience, but to have our own memorial in regional Victoria will make all the difference.

The strength of that workplace legislation is of course the fines and the jail time, and stakeholder groups that were established to advise on the implementation of that landmark workplace manslaughter offence had called for the prohibition of insurance and indemnity. The arrangement of being able to take out insurance against workplace safety fines could only compromise the system. It makes no sense that, you know, we have done all this work—all of these people, like the member for Thomastown, like the wonderful Lana and the Brownlees, have made all of this effort to make sure we have got these fantastic workplace manslaughter laws—and then someone can just indemnify themselves against them. So in many ways this bill, which will close that loophole, is almost as important as that original legislation, making sure that the true force of the law will come down on anyone who does not respect those laws.
Marie Boland’s 2018 *Review of the Model Work Health and Safety Laws: Final Report* also recommended these changes to prohibit this sort of insurance, and prohibitions exist in other jurisdictions like New South Wales and Western Australia. This change will render void offending contract terms which purport to insure or indemnify against a liability to pay those penalties. These changes are coupled with strong penalties for breaches of the new provisions, an incredibly important part.

This bill also speaks to labour hire reform, and again, you know, I stand very, very proud to have been part of a government that has established the Victorian Labour Hire Authority. Look, labour hire is an industry. There are many good labour hire operators out there, but as we know tragically there were people who just were not adhering to the rules. And, sadly, it becomes more and more prolific. My eldest son is currently working for a labour hire company, as is my ex-husband, so out of the family of four, three of us are working and two are working for labour hire. So it is incredibly important that we make sure that labour hire companies are providing the same occupational health and safety as we would expect in any other workforce. Labour hire agencies are required to be licensed and registered, and we have set ourselves apart from any other state in doing that, and I think it is an incredibly important piece of reform.

The bill we are debating today builds on that reform of labour hire, so one of the things that was discussed in that Victorian inquiry into the labour hire industry and insecure work was the fact that labour hire employees became second-class citizens. This government will make no compromise on workers safety. I do not care who is paying your pay packet, they have an obligation to make sure that all of those people come home safely, and this bill will do that. The inquiry, as I said, identified that they are often treated as second-class citizens, so the amendments in this legislation respond directly to the inquiry’s recommendation.

This bill will expand the definitions of employer and employee in the Occupational Health and Safety Act 2004 to provide that a labour hire worker working for a host is taken to be the employee of the host. It is almost incredible that we have to do this. I think of my son going to work in a call centre, and the thought that in fact nobody is at the moment responsible for his health and safety fills me with horror, and so this is incredibly important to make sure that those many, many Victorians who work in labour hire companies are protected in the same way as we expect any person in employment to be protected by the Occupational Health and Safety Act. There are also other elements, which are around bringing up the delivery of notices to include emails. As someone who can still remember sending things around via the fax machine, I am delighted to see that we are bringing OH&S reporting up to modern technology.

In conclusion, this bill is to me almost as important as those big grand things that we have done like introducing legislation for workplace manslaughter and labour hire company registration. They are fantastic Labor government initiatives and legislation, and this bill just ensures that they work how they should to protect workers.

**Mr J Bull** (Sunbury) (15:42): I am really pleased to speak in support of the Occupational Health and Safety and Other Legislation Amendment Bill 2021. Speaker, I think when it comes to safety you certainly set the bar. I did see you on your bike this morning with your helmet on and the very hi-vis number that you had donned to cycle through the city streets. It was a very impressive thing to see, Speaker, and I am very pleased that you are indeed leading the way for the Parliament when it comes to safety, and when it comes to cycling safety. It is a very impressive thing.

The member for Thomastown and the member for Buninyong have just articulated extremely well in their contributions to the house this afternoon—some terrific contributions—what this bill means for working people in this state. In particular to hear from the member for Buninyong, who indeed has working members of her family, that some of these provisions will certainly go a long way to ensuring that changes to those workplaces where they work will indeed improve their lives is something that I think that is incredibly important. Ensuring practical change and standing up for workers rights are things that I know that certainly the member for Thomastown and the member for Buninyong do each and
every day within their local communities and each and every day when they have the great opportunity and the great privilege to come into Parliament and introduce and speak on bills such as this.

We know that this is a critically important bill. Where we work, how we work and the settings to which workplaces operate should be important matters for all honourable members in this house, because we should be in no disagreement, we should be in complete agreement, that these settings need to be safe, they need to be secure and of course they need to be fair. This is a government, the Andrews Labor government, that stands for a safe workplace, a workplace that supports workers no matter the work that is done and no matter the location of such work.

On the surface this does look like a reasonably straightforward bill, but there are a number of provisions within the legislation that go to granting labour hire workers equal rights as employees by definition and streamlining processes for health and safety representatives, authorised representatives of registered employee organisations and WorkSafe inspectors. Acting Speaker, in your contribution as the member for Buninyong you articulated that extremely well, and I know that the member for Thomastown did so as well. In reality this is a type of reform that we see from Labor governments.

This builds on a broad suite of initiatives, projects and pieces of legislation brought to the Parliament by this government, who each and every day are driven by those values that I think underpin members coming to this side of the chamber, making sure that we are doing everything we can to support workers that in many instances can be exploited when they are at work, particularly those that are vulnerable, those that are young, those that are starting out in the workforce, those members of culturally and linguistically diverse communities—often members within our society who through no fault of their own can be exploited at work. We need to do everything we can to make sure that it is a safe environment, that it is a secure environment, because as other members have spoken about this afternoon, we know that everyone who goes to work deserves to return home safely. Whether it is a mum, whether it is a dad, whether it is a brother, a sister, a son, a daughter, a neighbour or a friend, we want everybody to be able to come home safely.

I have had the great pleasure, as other members have, of speaking on bills in this chamber that have sought to improve and protect the lives of workers and create a more fair society, whether it be the Workplace Safety Legislation Amendment (Workplace Manslaughter and Other Matters) Bill 2019 or whether it be the Wage Theft Bill 2020—a very important piece of legislation—not to forget, as was mentioned by other members in their contributions, the establishment of the Labour Hire Authority and the introduction of a licensing scheme in 2018 to crack down on dodgy labour hire providers.

What we know of course is that through this pandemic—this global pandemic that has wreaked havoc right across the globe—this government has taken the necessary, important steps to protect each and every person in this state, to save lives, to prevent hospitalisations and to protect the healthcare workforce. I certainly am aware of the comments that have been made particularly by the Premier but also by the Minister for Health and others that it is that health workforce that is critically important to this state. I think it may have been the Premier who made the point that the healthcare system is not run by machines, as good as they are; the healthcare system is run by people within my community, within the Sunbury electorate, people within the Frankston electorate, people right across the state, people in the electorate of Clarinda, whether they be a nurse, whether they be an admin professional that works on a front desk in a hospital, whether they be a doctor or whether they be an ambo. All of these people live in our communities. They have families; they are part of the community.

I am often astounded when we are having this conversation about safety. When we are talking about protecting lives we should not separate ourselves out from the healthcare system and the healthcare workforce and think, well, nurses and doctors and all of these people should just be able to have infinite resources and infinite energy to be able to cope with what would be a significant and devastating impact if many of these restrictions were not put in place. I am making this point in relation to this bill, this piece of legislation, because it is important when it comes to safety. It is important to protect everybody within their workplace. This is why this is a critical component, this is why the government
has taken these steps in terms of the health advice and this is why in years to come—it is my view and I believe the view of many members of the government—it is these important measures that are going to go on to make sure that we save lives and prevent hospitalisations.

There is no doubt that this is a piece of legislation that of course values our workers and builds upon those significant bills that have been brought before the house, whether it be last year, the year before or in the lead-up to those years. We have indeed brought bills into the Parliament and made other arrangements through various departments to make sure that we are doing everything we can to recognise our important workers in this state.

I am conscious of time, and it is incredible how fast those 8 minutes have gone. I just wanted to briefly touch on, as the Parliamentary Secretary for Youth, the fact that I am incredibly proud that this bill will also provide necessary coverage to support young people in the workplace. Sadly statistics from 2016 revealed that 49 young people aged between 15 and 24 were injured every week in the period between 2015 and 2016. Most of these injuries occurred in settings such as construction, retail, manufacturing and hospitality and in other settings. We know that through no fault of their own young people are some of the most vulnerable in a new setting. They can be in unfamiliar workplaces, and of course we know that the protection to support young people to be able to in many instances just speak up about that workplace is fundamentally important, particularly as you are starting out, as you are getting to take that first step into the office, onto the shop floor or wherever that might be.

Accountability to make sure that we are supporting workers is a matter for all of us, and that is why I am really pleased to see that this bill will stamp out insurance contracts or indemnity clauses that provide coverage to businesses or persons for any legal costs involved in defending or settling litigation for a contravention of a workplace safety breach.

There are a whole range of provisions within this bill. I think I mentioned earlier that on the surface it may seem like a relatively straightforward piece of legislation. It is indeed an in important piece of legislation that has many provisions that go to making sure that we build upon the suite of important reforms that this Andrews Labor government has brought before the house time and time and time again as we have had the opportunity to be in government to make sure that we are supporting workers, whether you live in the city, the suburbs, the country or the regions, and I am proud to commend the bill to the house.

**Mr EDBROOKE** (Frankston) (15:52): It is always a tough act to follow, the member for Sunbury. He is a good speaker, he is a good man on his feet, and he raised many, many good points about this bill we are debating this afternoon, the Occupational Health and Safety and Other Legislation Amendment Bill 2021. I wholeheartedly agree with the member for Sunbury. On the surface this might look like a fairly simple piece of legislation, but the fact is that it cuts across the Occupational Health and Safety Act 2004, the Dangerous Goods Act 1985, the Equipment (Public Safety) Act 1994 and a lot of others as well. In saying that, I would like to I guess thank the minister and thank the departmental staff and the minister’s staff for their work on this. We saw how good they were in creating the Wage Theft Bill 2020. Many of us on this side of the house were extremely proud to speak to that bill, in furious support of that bill. It was very disappointing to see that some of the opposition did not seem to be behind workers at all. During that debate there was almost an us-and-them dialogue between people who are pro-business or pro-worker. I do not think it has to be like that. People who support bills like this and members who support bills like the one we are talking about today are saving lives, they are saving families and often they are saving businesses.

I myself have had quite a bit of firsthand experience with turning up to incidents where people have been very, very unfortunate. They have had limbs removed or they have died. Most of the time there is that 60 seconds or 60 decisions—whatever that TV show is called, the one with the aircraft and what not. There is that kind of cheese effect where, you know, the holes in the cheese line up and it slips through. There is that but there is also a fair amount, from my personal experience, of people disregarding their duty of care as an employer to their employees. The Wage Theft Bill and the
Workplace Safety Legislation Amendment (Workplace Manslaughter and Other Matters) Bill 2019 are bills that go a long way to making sure that workers are going to be a lot safer.

Acting Speaker Settle, I congratulate your son on getting into the workforce, but he and you should know and everyone in this house should agree that he should be as safe as humanly possible in doing that. There is no excuse for an unsafe workplace. Also, when an incident happens, it was always avoidable. Now, people might take me up on that, but when an incident happens there is always a reason for it. It could be a failure of machinery, it could be a failure of policy or it could be a failure of someone to be operating properly with the correct licences, but there is always a reason for it. That is why we have things like inspections, that is why we have things like program maintenance—to make sure these kinds of incidents do not happen.

As far as this bill goes, I am really pleased to see, as the member for Sunbury mentioned, that there is a prohibition on indemnity and insurance for people who might incur pecuniary interests or be liable for pecuniary interests as far as fines or penalties for doing the wrong thing. There is no lesson for people to be purchasing insurance or indemnity which allows them to have a third party pay for them to do the wrong thing, get away with it and potentially do it again. This is about stopping that behaviour.

The other really fantastic thing in this bill is about further defining the definitions of employee and employer. It is fairly basic, you would think, but as far as labour hire goes—which has been a topic of discussion many times in debates in this house—we see that many times people who are providing labour to a company or a person were contracted and did not enjoy the rights and privileges of an employee. Many on this side of the house think that is wrong. These people were horribly abused in certain circumstances, and this government was the one that actually put a stop to that and is still putting a stop to that now, making sure that these kinds of situations do not happen.

The other really exciting clause in this bill relates to the powers of authorised representatives of registered employee organisations (ARREOs) and also health and safety reps (HSRs). My opinion might not be widely shared by the opposition, but in life as well as in a workplace if you have got nothing to hide you are doing the right thing. You are doing nothing wrong. I see no reason why we should not be allowing health and safety reps and authorised reps from registered employee organisations, aka unions, into industry and into businesses to inspect. There is a limit to those powers—businesses have got to run—but again, if you are doing nothing wrong, they are not going to find anything. Perhaps they might pick up on a couple of small improvements that could be made to ensure people are safe or to ensure people have a better working environment.

The powers in this bill allow for the benefit of these HSRs and ARREOs to have the power to take photographs, measurements, sketches and recordings in a workplace, and it really just assists WorkCover to make a judgement about possible breaches of workplace safety laws. That is recording evidence and recording contraventions of the act while effectively helping maintain a good and equal relationship between these representatives and employers as well. When we get to areas where people have to negotiate solutions to these problems it is often good that they know each other. It is often good where employers are welcoming of people who would come and inspect their workplace. I would always think there is quite the issue when right now we have representatives from unions or other bodies who are not welcome in a workplace to speak to workers, who are trying to document and investigate different issues, and they cannot get access to those rooms as well. That is why this bill includes that these representatives can enter a workplace and are permitted by the OH&S act to exercise certain powers, including inspecting plants and substances, observing work and consulting with employees but also being able to enter different areas of the workplace as well.

Health and safety is a huge issue and it always should be, as far as we have got people who could be hurt in industry. Also at the moment in the limelight—I should not say in the limelight but in the media—we have got a lot of our healthcare workforce and a lot of our emergency service workforce who take large risks every day, whether it be mitigating the risk of infection, whether it be mitigating the risk of being burnt in a fire or someone who could be an offender. These are all OH&S strategies
that need to be put in place. It does not need to be just in a factory or in that traditional business we are talking about. These people are putting it on the line right now and we should thank them for that. But it is our job as a government to ensure that they are adequately covered and that they have a government that has their back every single day, and that is this Andrews Labor government.

I do note that there is a reasoned amendment from the member for Mornington that puts forward:

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

I guess at this stage I would just remind the member for Mornington and those opposite that if you are not doing the wrong thing, then you have got nothing to hide. If your workplace is up to the act, is complying with the Dangerous Goods Act and is complying with every relevant act to your industry, you have got nothing to hide, and you really should be proud to have these people come in and tick that box and say, ‘This person does it well’. You should be striving to have a reputation that says safety is up there, that it is your first priority for your workers, for your family that works for you. To think that there are people in this house that would say, ‘No, we don’t want these places inspected’, well, that to me begs the question, ‘Why don’t you want these places inspected?’. It is with bitter disappointment today, and confusion, I guess, that we say we want all workers to be safe but we should not enact that safety, we should not be investigating that, and we know that there are dodgy employers out there but we should not be pulling them up or have the means to pull them up—it is very confusing, and it is a very mixed message.

It is this Labor government that introduced a wage theft bill, it is this Labor government that introduced fairer labour hire laws and it is this government that is making workers safer.

Mr TAK (Clarinda) (16:02): It is an honour to follow the member for Frankston and the previous speakers on this. I am delighted to rise today to speak on the Occupational Health and Safety and Other Legislation Amendment Bill 2021. This is an important bill whose overall objective is to make several changes to improve the operation of the Occupational Health and Safety Act 2004. It is a comprehensive bill that has five separate elements, and the first of those is labour hire workers and their rights and protection.

I have been very fortunate in my few years here in this place to have the opportunity to make contributions on many important pieces of legislation that enshrine and protect the rights of working people in Clarinda and in Victoria, and I am very proud to be part of the government that continues to show up and deliver for working Victorians and families. During the past few years I have also seen the historic passage of the workplace manslaughter legislation and the Wage Theft Act 2020, which have already been spoken about by previous speakers. Another important piece of legislation was the Labour Hire Licensing Act 2018, which my predecessor, the former member for Clarinda, spoke in strong support of, and that piece of legislation—and all legislation that concerns labour hire workers—is very relevant to my constituents.

The reason that I want to partake in the debate on this bill is that I am proud to be part of a government that implements the recommendations of the Victorian inquiry into labour hire and insecure work. It was some time ago, back in September 2015, that the government announced an inquiry that received and listened to some 700 submissions. Many of those submissions were from workers and stakeholders from the south-east. At the time I was a councillor with the City of Greater Dandenong, and I was very happy to see that public hearing take place in Dandenong. That process involved many of my constituents now.

The inquiry was asked to investigate the practices of labour hire companies, insecure work, sham contracting and abuse of visas to avoid workplace law and undermine minimum employment standards. Clarinda is a particularly culturally diverse electorate, and unfortunately it was identified that workers from culturally and linguistically diverse communities are particularly vulnerable to exploitation by labour hire agencies. Many examples of those were exposed, including the exploitation
of undocumented workers. It has been estimated that there are up to 100,000 undocumented workers in Australia, many of them from South-East Asia and many of them also working seasonally in Victoria, and my hardworking friends who are also much involved with the unions and with the migrant worker centres know about this very well.

In our district across the south-east, early each morning you can see a stream of people moving in mini-vans and buses transporting agricultural workers to farms in the outer suburbs. They travel around Springvale and Springvale South and pick up workers heading off to farms. Again, I would like to commend the United Workers Union, who have done an extremely good job of organising many of the farm workers who live in my electorate, helping them to raise their voices, raise issues of underpayment and report instances of wage theft and, importantly, helping those workers collectively bargain for a better wage and better conditions.

I have been very proud to speak in support of the establishment of the Labour Hire Licensing Authority, and I am very proud to speak in support of these changes here today, which will improve the conditions of many workers in Clarinda. The bill will achieve this through amendments that give labour hire workers the same rights and protections under the Occupational Health and Safety Act 2004 as employees. It will also require labour hire providers and host employers to consult, cooperate and coordinate with each other when they share OH&S act duties towards labour hire workers. These amendments will come into effect in six months time after the act commences.

There are significant changes. The bill reduces the workplace risk and harm for this group, and this means, among other things, that labour hire workers will have more rights to be represented on workplace health and safety matters at their host employer’s workplace, including improved rights to require the establishment of designated work groups and to stand for election as a health and safety representative, which is very important. Labour hire workers will also be protected if the host discriminates against them on the basis that the labour hire worker does things permitted by the OH&S act, such as raising health and safety concerns or standing for election as a representative, as I already said. These are important and significant changes that really are at the core of workplace rights and protections.

In terms of the new obligations proposed for host employers and labour hire agencies, the host employers will be required to monitor the health of labour hire workers, to provide information related to workplace health and safety to labour hire workers and to keep information and records relating to the health and safety of labour hire workers. They must also do everything reasonable to ensure negotiations relating to a designated work group begin within 14 days, which is really important, if requested by labour hire workers, and will be guilty of an indictable offence if they discriminate against an employee or prospective employee on the basis that the employee does specific things permitted by the OH&S act.

Further, both labour hire agencies and host employers will also have a new duty to consult, to cooperate and to coordinate with each other when they share a duty towards a labour hire worker. Regarding the penalties, the maximum penalty for a breach of this duty is 180 penalty units for a natural person, currently around $30,000, and 900 penalty units for a body corporate, currently at $149,000. This is the same penalty which applies when an employer breaches the duty to consult with an employee on matters related to health and safety under section 35 of the OH&S act. So these amendments on labour hire will commence in six months, which allows time for businesses to adapt to the new arrangements. It also allows time for WorkSafe Victoria to develop guidelines for business and implement internal system changes.

Finally, amendments relating to the return of goods in the relevant act state that a workplace does not need to return a seized item if the item is a copy of a document.

Collectively these are important changes for working people and working families in Clarinda and in Victoria, especially those employed through labour hire agencies and those in insecure work. I am
delighted to support this bill, and I support this bill wholeheartedly, because this bill will support workers and families in my electorate and also in Victoria. I commend the bill to the house.

Mr MAAS (Narre Warren South) (16:11): I am delighted to rise to make a contribution to the Occupational Health and Safety and Other Legislation Amendment Bill 2021. It is also a pleasure to rise to speak after the member for Clarinda, who has made me just reflect that we all come to this place bringing with us a different set of experiences. Indeed the member for Clarinda in his previous roles as a councillor and indeed as a lawyer in his community has really helped many migrant Victorians, many vulnerable Victorians indeed, to be able to have a better life not only in their communities but also, in promoting having that dignity, at work. I know from my previous capacity at the then National Union of Workers and now United Workers Union the very strong partnership work that he did with that union at that time to ensure decent and safe workplaces for all workers.

Of course safe work is key to decent and dignified work, but the reality is that poor work health and safety practices also have tragic consequences. Despite our best efforts, we know that there are many workplace injuries, illnesses and deaths. As has been oft quoted in this debate, some 68 workers died from work-related injuries or illness last year, and that is 68 workers who are not returning home, not returning to loved ones and not returning to their families. So at the very core of this bill is this government’s unwavering commitment to make our workplace safety laws stronger and more effective in keeping all workers safe.

The following key reforms are contained in the bill: the improvement of rights and protections for labour hire workers; amendments that will ensure businesses cannot use insurance or indemnity arrangements to avoid liability to pay penalties for offences against workplace health and safety law; streamlined provisions for electronic delivery of notices and reports by WorkSafe inspectors; amendments to allow infringement notices to be served electronically by WorkSafe inspectors when WorkSafe’s infringement notice scheme commences; clarity for ARREOs and health and safety representatives (HSRs) in their powers so that they can take photos, measurements, sketches and recordings when they are exercising their functions under the Occupational Health and Safety Act 2004; and, finally, simplifying of procedures for disposing of or destroying property which has been seized by WorkSafe where the owner of the property does not want or need the property returned.

I look at the member for Mornington’s reasoned amendment, and I see that the amendment wishes that it be refused that the bill be read a second time until the government has fully addressed concerns about the appropriateness of the provisions in the bill which relate to powers of entry and offences by these authorised representatives. Now, there are a couple of things in that. Firstly, to become an authorised representative is actually quite a difficult thing to do. There are quite strict procedural requirements which have to be met before one can become an authorised representative, which have to be filed with the Magistrates Court and indeed approved by the Magistrates Court before that type of entry can be exercised. And one of those stringent things that is put in place is indeed an education program that those officials have to not only do but pass as well before they actually get that permit, as well as meeting all the other authorisation-type requirements that you need to be a union official who can exercise right of entry onto a worksite. So that is the first thing.

The second thing is we have actually had this system in place since about 2006, if my memory serves me correctly. It was introduced by the Bracks-Brumby governments and has been in place since that time. So I am a little bit confused by this reasoned amendment, which talks about refusing this bill being read a second time to address the concerns around the powers of entry and offences by authorised representatives. When Labor was not in government, between 2010 and 2014, it could have been...
addressed then. Indeed it was not addressed then because the system was actually working well, as it was intended to be working, and did not need to be changed at all.

Finally, this bill that is before us goes nowhere near to speaking to the powers of entry. In fact it is just clarifying the ways that evidence can be taken in the event that an accident has occurred. I mean, we all have mobile phones now. We can all take photographs in an instant. Why aren’t we using that technology which is there before us? These are practical measures that are being introduced. To have a cynical reasoned amendment introduced by the member for Mornington—as I said, it is cynical and it really is only there to do what most legislation or bills have done in the past from those opposite, and that is to try and intimidate workers and to try and make those vulnerable in our community feel less safe. This bill goes to making those workers more safe in our community and to ensuring that their representatives have the ability to collect the types of evidence that they require.

In terms of the powers of health and safety reps and ARREOs, this bill facilitates workers to be able to speak up about hazards in their workplaces and advocate for the safety of themselves and their workmates. It is a really important element in the bill that allows HSRs and ARREOs to be able to take photographs, measurements, sketches or recordings for possible breaches of workplace safety laws. These changes recognise that HSRs and ARREOs are often the first on the scene at a workplace incident. They are sensible changes that recognise the reality of our workplaces and the changes in technology since the provisions were originally enacted. The changes mean that they will be able to record in real time evidence of possible contraventions and record material that will assist them in raising health and safety issues. The bill makes very clear that any photograph, measurement, sketch or recording taken must be used for the purposes intended under the OH&S act.

I would also at this point, in closing, just like to thank HSRs and those with ARREO permits who exercise their rights under the act for doing the incredible job that they do. As an HSR and pointing these sorts of things out, the vernacular phrase I think that we used to use was that you had a target on your back when you held such a role and exercised those kinds of duties, because chances were that if you picked up a fault in the workplace, the boss would soon be performance managing you out of that business. It is hard work. They do fantastic work. This is a great bill. I commend the work of the minister, and I commend the bill to the house.

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) (16:21): I move:

That debate on this bill be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until later this day.

SOCIAL SERVICES REGULATION BILL 2021

Second reading

Debate resumed on motion of Mr DONNELLAN:

That this bill be now read a second time.

Government amendments circulated for Mr DONNELLAN by Mr Pakula under standing orders.

Mr T BULL (Gippsland East) (16:23): I rise to make some comments on the Social Services Regulation Bill 2021. I will put on the record up-front that the opposition is not opposed to reform in this sector, and in fact it supports the reform because it is reform that the sector is seeking. But it is very concerning to us the way that this has been done and the process leading to this bill coming into the chamber. It has caused a lot of confusion, and it has caused a great deal of anxiety. Here we are with a host of major house amendments that we became aware of last night, which the minister at the table has just distributed. These are not insignificant house amendments. They are significant, and they
pose the question of how the minister possibly could have got it so wrong in the first place that he has two pages of house amendments to rectify the bill. We have a situation here where we have feedback from the sector that supports these amendments, but it is a shame when the sector has to provide the amendments to fix the bill’s shortcomings in the first place. The sector has basically written these amendments to plug the holes in the flawed legislation that was introduced a number of weeks ago.

Whilst we have adopted a not-oppose position in the Assembly, we have done that because we are not opposed to the fact that there are reforms that need to be made. We know that there are improvements that can be made, but we are reserving our position on this bill in the Council in the hope that we can get even more detail from the government to allay some of the comments and concerns that are very much live in the sectors that this bill covers. I will elaborate. For example, in the bill briefing I sought, as the Shadow Minister for Carers and Disability, confirmation that this bill will not be relevant to any providers that are registered under the NDIS. Other shadow ministers whose portfolios fall under this bill had similar inquiries and sought similar guarantees for their sectors as well around issues like what the scope is, who will be captured by this legislation and what the risks are of duplication in both administration and regulation. Now, the bill briefing that we had said, ‘Yes, there will be mutual recognition arrangements’, but there was no information on how wide they will be, who they will capture and to what degree different sectors will be caught up in this.

So getting back to the original potential that I raised around duplication in the disability sector, I sought this answer on behalf of providers in that sector. They have been through very significant changes in the transition to the NDIS, and they have under the NDIS a very stringent registration scheme. We want to make sure that they are exempt from duplication. We have some cases where providers provide NDIS services and also provide some state-funded services as well. The response, I was advised, was, ‘Mr Bull, we’ll seek some clarity on this’. Well, the response to that clarity is what we have here today in the form of these amendments—an absolute raft of house amendments—because the minister has realised just how confused the sector is. He has realised that they want clarity on scope, on who is going to be in and who has got to be out of this, and he knows that they want answers that he does not have.

House amendments that come in here after a bill has been introduced, the house amendments that are tabled, are usually rectifying a word or two. The house amendments might be correcting a slight oversight. Not here. What we have here is basically the proposal of an entirely new structure that establishes a regulation task force to address the areas where the government has no answers for the queries that have been raised by the sector. The second-reading speech does not have any mention of the word ‘task force’ in it, and these amendments set up a whole new task force. These are hardly minor. This task force has bobbed up as a result of the inability to answer questions in detail. Now, surely something as significant as establishing a task force to interact with the sector should at least—at the very, very minimum, you would think—be referenced or included in the second-reading speech. It was not.

The changes that this bill brings into place are not to come into place until 2023, so I am not sure what the rush was in bringing in a bill that requires two pages of house amendments, that cannot answer any questions from the sectors and that is so underprepared and light on detail that it poses more questions than it answers. I am not sure what the rush was. Take some time, do your consultation with the sector, get it right and bring in a bill that has got some flesh and bones to it. The task force that has been referred to here in the amendments should have been set up last year.

We are setting up a task force to consult after the bill has been introduced, and we are setting up the task force to consult through house amendments. This task force should have been liaising with the sector, the stakeholders, the service providers for well over a year, and after that was done and after the detail around the requirements that were going to be put in place were known, that is when this bill should have been introduced. This is not a view just of the opposition. The very same stakeholders that have been in touch with us asking about the lack of detail, we know have been in touch with the government raising the same concerns, but the feedback from the sector shows two things: it shows the complete and utter disorganisation from the minister in the preparation of this bill, and the fact that
a task force has to be set up to oversee it would indicate to me also a lack of trust in the ability of the minister to get it right.

Now, this detail that the task force is going to work on should have been well known before this legislation was introduced, even the very basics about what sectors are going to be included, what sectors are going to be caught up under the umbrella of this bill—what is its scope? It is incredible to think we have a bill in the Parliament that we are debating the second reading of now and we do not know who it covers and we do not know what the detail is, and the amendments today that have been tabled are basically an admission of that.

Now, the amendments we were briefed on this morning say that the task force is to provide advice to the government on issues including further detail around service standards and scheme coverage in the regulations. How the hell is that not already known? That should be covered off in detail in the second-reading speech. The new social services regulation task force is also to work with the sector around mutual recognition. Given the importance of mutual recognition and the fear of stakeholders and service providers in the sector of duplication, this also should have been completely sorted out. If it is so important, as the amendments state, why hasn’t it already been done? Why are we now working through what should have been done over the previous 12 months? Those conversations should have occurred.

Now, I understand that there needs to be flexibility and assessments done around the various schemes, and when the regulator is in place to oversee this, he or she or their office certainly needs some flexibility around this—they do—but we should have more information on what the starting point is. Absolutely we should have more information on that. But given we are here today, we are dealing with major amendments to try and make better a bill which had a number of oversights in it before it was introduced to Parliament, we will move on.

We know this bill will pass this house. Apart from the government having the numbers in this chamber to obviously wave it straight through, it is not a bill we are opposing, because the sector has told us that the reform is needed. But for goodness sake, we need some time to consider these significant amendments before the upper house considers this legislation. So, putting these comments on the record, I would ask the minister and I would ask the government to at least allow some time between houses for consultation to take place in relation to the changes that have been tabled here today in the form of these amendments. We are looking at a commencement date, I said, of 2023, so we have no rush. Take a breath. Let the opposition, let the upper house crossbenchers, let all the people who work in these various sectors and have an interest in this go over these amendments, understand what they mean and provide feedback.

Goodness knows, with the scope of the changes we have here today—house amendments in around five different areas to the original bill—I dare say that the government and the minister might benefit from a little extra time. We do have amendments relating to five areas, and some of them are quite significant. I would not be confident that every i has been dotted or every t has been crossed as yet, and I think a little bit more reflection time, given the shallowness of this bill on detail, might actually throw up a few more anomalies that might need to be clarified between houses.

On that, I want to make some comments now in relation to the disability portfolio. This bill, as I said in my opening remarks, crosses over a number of portfolios, and I know the member for Lowan will be making some commentary in relation to hers, perhaps the member for Mornington in relation to housing, and Dr Bach in the other place. But just in relation to the disability sector, we know when the NDIS, this massive reform, came in nationwide it brought with it a lot of registration requirements on service providers, and along with that it also brought a number of administrative burdens as well—I will not say unnecessary, but burdensome in relation to workload, absolutely. So you can understand that within the disability sector they are very, very keen to ensure that we do not have duplication as a result of what is coming in here at the state level.
The second-reading speech that the minister provided spoke of the gradual implementation of these changes. I think the exact term was ‘gradual implementation’. Initially we were told in the original bill briefing that it will involve services that the government currently funds, delivers or auspices—that was the terminology we were given—and it will be mandatory for them. However, the plan is then to broaden it to services the government does not fund, does not deliver and does not auspice, and there is our grey area. What sectors will it encapsulate? What we are asking is not only what sectors it will encapsulate but if, for those that it does, will it be mandatory for them or not. This is the level of basic detail this bill does not include, and it leaves so many people wondering what the hell is going on. This is another matter that we raised in the bill briefing and are yet to receive any response to.

I do understand that we will probably have the next speaker stand up and say, ‘This is why we’ve appointed the task force in the amendments. It wasn’t in the original bill—it wasn’t in the original second-reading speech. But we’ve had a bit of a light-bulb moment and realised we’ve stuffed this up, so we’re going to appoint a task force’. And this is what they will be doing. Well, the stakeholders in these various sectors want some idea of what the government’s thinking is before they engage with the task force. They want to know what the starting point is. Is it intended that they be included? Is it intended to be mandatory for them or optional for them? These are all important matters that the stakeholders have been asking us about, and we know that they have been asking the government. When we seek feedback from stakeholders on a bill, I reckon it is pretty poor when you are engaging with these stakeholders—that are often looking after the most vulnerable in our community—and the stakeholders say to us, ‘Well, we don’t even know if this impacts on us or not. We’re not sure if this covers us or not’.

Now, to say these matters are yet to be determined is not a suitable response to a bill that has been introduced into Parliament. Sort all this stuff out first, put it in the bill, put it in your second-reading speech and then we can move on and have the discussions. But sectors need to know if they are in or they are out so they can determine any potential or unforeseen impacts. But no, we have got a bill in the house and we have now got a task force going out to consult on it. I am not sure I have ever seen a better example of the cart before the horse in my entire life. I really am not.

The bill states also that workers will be excluded from what are considered high-risk roles. What is a high-risk role? There is no definition of what a high-risk role is. If you had a worker in the disability sector or in any sector that deals with the most vulnerable in our community and they are considered a concern in a high-risk role, I would be concerned that they were working in that sector at all. This is one piece of feedback that I got questioned on in relation to my disability shadow ministry: What is a high-risk role? What are they talking about? I do not have any answers on that as yet. A few examples of a high-risk role would not go astray.

We also need to consider what this will mean for service providers and workforces in thin market areas. This is where we need to see the detail and make deliberations to see where that detail settles. Now, I represent a country electorate, and I see the member for Benambra has just come into the chamber; he represents a country electorate. We have townships in our patches that are not that thick with service provision. The smaller communities often find it hard to get a workforce in certain areas, and our smaller providers of services in our communities struggle with additional administrative burdens with things like the NDIS, so the last thing we need is duplication in those areas.

So in all, this bill has the ability to streamline an area that does need streamlining—it does. But what we are faced with are so, so many unanswered questions, and as I said, this is not just the opposition standing up and saying this, because I know that the feedback I have received about lack of information, lack of detail, has also gone to the government. And I suggest that is why they have tried to plug a few holes with a few corks, with a page and a half here of amendments that are reasonably significant.

So, in winding up, we do not oppose the bill, because we know that reform is needed and we know improvements can be made, but if this is not an admission of a stuff-up before its introduction, I do not know what is. So let us take some time between houses. Let us do some further consultation. Let
us let sectors know whether they are in or out. Let us let sectors know if there is going to be duplication or no duplication. Let us actually put a few months between the bill being in this chamber and then going into the other chamber, because it is something in the interests of all members of this Parliament that we need to get right. I do not think there is anyone in the entire Parliament here, no matter what colour jacket you are wearing, who would not support making life easier for those that look after the most vulnerable in our community. We are all in favour of doing that, but let us not try and rush it through and achieve it in the disastrous way that has been attempted to date.

So with those comments, I restate our position of not opposing this bill in the Assembly and reserving our position in the Council.

Ms THEOPHANOUS (Northcote) (16:43): It is with great pleasure that I rise to speak in support of the Social Services Regulation Bill 2021. Before I begin I would like to flag with the house that the minister has circulated amendments that aim to clarify elements of this bill following further consultation with key stakeholders over the parliamentary break. This is of course on top of the very extensive consultation that has already occurred in the development of this bill. The amendments include additional objects and guiding principles, further requirements for consultations on guidelines and codes and a commitment for a review of the act in the fourth year of operation.

I note the anxieties of the member for Gippsland East regarding the scope of services under the reforms. I would refer the member to the minister’s second-reading speech, where this is made very clear, but if he needs something more succinct, he can also refer to the media release of 4 August with these details included. As the second-reading speech states, those services that are already required to comply with the human services standards will transition to the new Social Services Regulator. The member might be, in his own term, ‘wondering what the hell is going on’, but he might want to reserve that comment for speaking about himself. The government has been very clear that consultation with the sector will be a critical part of the development of the regulations. That is what the task force will achieve. But I will move on.

At its heart this bill is about protecting the most vulnerable people in our community from harm as well as providing clarity and certainty to those services providing care to them. Our social services sector is made up of some of our most critical providers: family violence services, supported residential care, homelessness services and community support for children and families. As the member for Northcote I have had the honour of getting to know many of the local providers within my own community in the inner north as well as many of our statewide social services, and can I say these are some of the most hardworking, dedicated and compassionate people that you will ever meet. Not a day goes by when they are not opening their arms and their hearts to people within our community, when they are not actively working to reduce disadvantage and when they are not making our community a more caring and kind place to live.

As the pandemic has compounded and amplified so many of our social challenges, it has perhaps never been more evident how vital the role of these services is in supporting the most at risk members of our community, because Victorians are reaching out to these services when they are at their most vulnerable, and when they do it is so incredibly important that they receive the care that they need in an environment that is safe and protects them from harm. When a woman fleeing family violence reaches out for help, she needs to know that she will be heard and offered safety from further harm. When a family member or loved one moves into residential care, they and their family need to be assured that they will not be at risk of abuse or neglect.

As a government that cares deeply about the rights and dignity of all Victorians, we have an obligation to ensure not only that these expectations are met but that they are seen to be met, to grow trust and accountability in the system itself. We know the vast majority of social service organisations share a deep and strongly held commitment to protecting the rights and dignity of their clients. However, the truth is that the current regulatory environment does not adequately support these important goals. It was developed in a piecemeal way over a decade ago. For service providers it is fragmented,
inconsistent and confusing. For people using these services it can mean there are no clear standards for their care. For example, some social services, including family violence and homeless services, are not currently subject to legislative regulation, relying rather on funding agreements to set safety standards.

Over the years a move towards integrated service delivery has also meant that many organisations now provide services across a range of different sectors. For example, an organisation which supports women escaping violence may also be likely to provide community support for families and children and provide homelessness or crisis accommodation services. This move towards integrated and wraparound service delivery is a hugely positive step forward, acknowledging both the complexity of needs experienced by people accessing these services as well as the ‘no wrong door’ model, which helps ensure people do not fall through the cracks.

But the rise in multidisciplinary services in the current regulatory environment creates overlapping or doubling of obligations for service providers, which can also impact their clients. Frankly, there is just a lot of red tape. Services may be regulated under a number of completely different schemes, and the administrative burden and complexity of that can be immense. It can also mean that people in the service system do not have the protection of clear regulations or compliance and enforcement powers when services are failing their clients. Sadly, this can and does occur, and when it does some of the most vulnerable people in our community become further hurt and marginalised. That is why we need a regulatory system that is consistent, that responds to the risk settings and that has powers to intervene when things go wrong.

This bill will replace the existing fragmented regulatory system with one single scheme: a single registration process, one set of standards and one single regulator. Service providers across disability, residential care, family violence, children and families and homelessness will all need to be registered and comply with a common set of standards to support safe service delivery. The standards embedded in the bill go to safe service delivery and a person-centred approach that protects the rights and dignity of clients, safe and secure environments that are fit for purpose, support for clients to provide feedback and make complaints, effective and accountable governance of service providers and a workforce with the knowledge and skills they need to deliver services safely—all things I hope that we can all agree on.

One of the key aspects of this bill welcomed by the sector is the introduction of an independent regulator to replace the human services regulator that is currently within the Department of Families, Fairness and Housing. The new Social Services Regulator will be a separate statutory body. It will enforce compliance, monitor conduct, promote safe delivery of services and protect the rights of service users. This has been a key element of the reform, because currently there are just not sufficient powers there to respond quickly to reduce the risk of harm, even when a problem is identified. That can have tragic consequences—some of which we have seen during the pandemic—when rapid responses are needed to keep people safe or move people to a safer environment. Our regulator needs to be able to take strong action when providers do the wrong thing or when systems fail or are under pressure. That is why we are delivering this bill today.

With monitoring and enforcement powers, the regulator will be able to respond quickly and effectively to risks of harm. It will also be able to respond to less serious non-compliance, through measures like warnings and infringement notices, and it will have proportionate and appropriately targeted powers which will allow it to enter and inspect sites.

The amendments tabled by the government following more consultation provide some important clarifications around the role of the regulator in assisting service providers to comply with and understand the act by providing them with guidance and education. Fundamentally this bill will reduce the red-tape burden for our hardworking service providers and will reduce and prevent harm to people accessing social services. For Victorians this means better quality care within a framework that protects their rights, their dignity and their wellbeing. For families it means a greater assurance that their loved ones are safe and well cared for and that their concerns will be heard and acted upon.
Importantly, Victorians with lived experience of accessing social services will play an important role in developing the regulations that flow from the new social services standards. Indeed they have already played a critical role in the high-level development of the standards themselves.

In the final minute that I have got left: I think that everyone agrees that protecting vulnerable Victorians from harm is vital. To achieve this outcome we need a regulatory social services framework that is integrated and modern, and that is what we are delivering. In closing, I do want to take this opportunity to thank all the incredible social service organisations who support the members of my electorate and Victorians across the state. There is no doubt that the pandemic has created unique and additional pressures for those organisations, for their staff and for their clients. These have been an incredibly challenging 18 months, and the vast majority of services have pushed on with resilience, empathy and passion. This bill will provide the tools and clarity they need to ensure our shared commitment to protecting Victorians is made even stronger into the future. I commend the bill to the house.

Mr Morris (Mornington) (16:53): I am pleased to have the opportunity to make some remarks about this bill, the Social Services Regulation Bill 2021, which is being debated this afternoon. It is a rare thing that we in this house debate a new principal act. Of course that is what we are doing this afternoon; we are not amending something that has been around for a while, we are actually debating a new principal act. This is a bill that will establish a Social Services Regulator—according to the long title—and a worker and carer exclusion scheme and ‘for other purposes’. There are a lot of those other purposes. It is a large bill, and it covers not only the establishment of the Social Services Regulator, it covers the registration of social service providers and the opportunity to cancel that registration. It sets standards and notifications. It sets requirements for compliance with those standards. It sets up, as others have mentioned, the worker and carer exclusion scheme, and that in itself is a significant part of the proposed act. It sets up the investigation provisions, panels, panel determinations, the database itself, information gathering and so on. Part 6, again a significant slice of the bill, is around investigations and monitoring; part 7 is around enforcement; and part 8 is around information collection, use and disclosure.

So it is a significant bill. I will have some comments about the efficacy of it in a few minutes, but it is worth covering some of the issues that are raised in the charter—and the fact that the charter statement is a whopping 18 pages says it all, I think. Not that this is a bad thing. I am not suggesting that for a moment, but it gives an indication of how complex this area potentially is. So obviously the bill engages human rights issues. The register engages the right to privacy; the notification obligations, again the right to privacy; identity cards and issues around privacy, particularly with the independent investigators and authorised officers. The scheme itself operates as a negative licensing scheme. The assessments process, the investigations process, the database, the capacity or potential for injury to reputation, information sharing with Victoria Police—it goes on. It goes on, as I mentioned, for 18 pages.

I do not regard any of those things as working in any way against the necessity to legislate. It does undermine, I think, the importance of having a legislative scheme that is fit for purpose. That is really where we start in terms of this bill—that we do not have a regulation system that is fit for purpose. In fact the Minister for Child Protection makes the point in the second-reading speech that the current system is fragmented, that it is based on separate schemes that were developed in isolation from each other, and they are more than a decade old. Again, the minister made the point that some services, including family violence and homelessness, are not covered at all by a legislated framework. They are relying on funding arrangements, they are relying on contractual arrangements, to set up quality standards, to set up benchmarks. So whether they can be enforced or not is a significant issue. At this stage we do not have a scheme that resolves those problems. So we are not as a state currently in good shape when it comes to these services. I am sure all members have the experience of talking with providers, talking with police—particularly police engaged in the child services area, working with kids—to know just how many holes we have in the system and not only the potential for damage but the number of kids that are falling through the cracks because the arrangements are inadequate.
Not only do we know that the legislation is inadequate; the sector itself has identified a plethora of gaps in the delivery of services. We know that there is confusion about regulatory requirements, partly because of the framework. We know that has caused delays. We know that has caused inefficiencies. Now, inefficiency is irritating. It means services cost more. But when you have delays, it means people are being deprived of access to those services, and that is simply not good enough. The Victorian Council of Social Service has made the point repeatedly that funding to charities was cut in the last budget—and that is adding strain to an already stretched social services sector.

As if the pandemic was not enough, budget cuts on top of that make life very difficult. My colleague the member for Lowan has identified in the house on a number of occasions the failure of the Department of Families, Fairness and Housing to uphold the child safe standards. Vulnerable children are being affected by the department’s own failure to live up to the requirements. There have also been data breaches—one very significant data breach resulted in a horrible crime. I will not go into details, but it was a systemic failure that had a tremendous impact on a young person. Whether that young person can ever recover and get on with their life must be in doubt because of the failure of the system.

So with regard to this bill and the minister in his second-reading speech—and I was there for part of the briefing; I did not attend the whole briefing—I understand that the argument was repeated that this is in part, apart from putting a structure in place, also about reducing red tape and probably doing it by regulation. The trouble is from the perspective of this house we need to take that on trust. We do not know what the regulation is going to look like. Not just the parliamentarians, but the providers need to take that on trust as well, and they need to hope that the regulation when it emerges is okay. That has been a trend we have seen with this government. It was certainly in the Local Government Act 2020. We are seeing it with this bill and we are seeing it with others, and taking it on trust is not really satisfactory.

The second point I want to make is around support for organisations. The minister again has indicated that support will be available. The trouble is we just do not know what it will look like. Will it be sufficient to enable them to conform to the requirements of this bill, particularly given the budget cuts that I referred to a few minutes ago?

The third point is about delays in checks. We know that organisations have had to stand down employees—long-term employees with unblemished employment records—because there is a delay in getting through checks. The checks that will be required under this legislation will increase in complexity. Stronger compliance is a good thing, but we need to make sure that the checking process is eased significantly. Make it work and do it in a timely manner. There are also concerns around the number of investigations that a carer may be able to undergo. There is the process for allegations under the client incident management system; there are investigations under the reportable conduct scheme and there are investigations under the young people suitability panel by the department, so we do not know whether those issues have been resolved as well.

I think overall I would say it is a start. It is a reasonable start, but there are way too many unanswered questions for the bill to have got to this stage.

Ms Richards (Cranbourne) (17:03): I am delighted to rise to make a contribution on the Social Services Regulation Bill 2021. I was pleased to hear the contribution, firstly, obviously, of the member for Northcote. Actually, the member for Mornington did make some really important contributions there and I think perhaps argued for and supported the reasoning behind the introduction of this bill and acknowledged that this is a really important reform and a really important change. This is a government that does not just sit and observe a problem but gets on and makes really important reforms, and the minister responsible, the Minister for Child Protection, who is here at the table, has been at the forefront of that. I do want to talk a little bit more about what this bill does and does not do, but I do need to respond just at the outset to some of the points that the member for Gippsland East made. And I am wondering, actually, if he read the amendments. I am even wondering if he read the second-reading speech,
because in my reading of the second-reading speech it very clearly articulates—and I will just read a very small piece, where it says:

Extensive consultation with the sector is proposed in the lead-up to the Standards being gazetted, as well as during implementation to ensure appropriate compliance codes and regulator guidance is in place to support compliance with the Standards upon commencement of the scheme.

I was kind of curious as I was listening to the member for Gippsland East. He felt aggrieved that this government had got on with and done the important work of consultation, the really important work of making sure, as we always do, that when stakeholders have a view, we take that into consideration. I think we are known now as taking, as in this bill, a scientific approach to reform. And that is exactly what this bill does. I do want to outline the considerable consultation that has been undertaken in the development of this bill because it is really important for us to get on the record that the sector has been very supportive but has been very deeply involved in its development. We have undertaken one-on-one meetings with key sector leaders, peak and advocacy bodies and governmental bodies. This government has held eight information broadcasts that have been delivered—of course information broadcasts are something we are now much more aware of and prepared for. Three sessions were supported by sector-specific peak bodies and chaired by subject matter experts. That is the thing, right: we have subject matter experts who provide this advice. There were three roundtable discussions that were held to consider specific scheme elements, and sector updates were circulated via peak bodies and uploaded to the Department of Families, Fairness and Housing’s funded agency channel.

We have also continued to update the Human Services and Health Partnership Implementation Committee. This is a joint committee of the department, the Department of Health and Victorian Council of Social Service, its peak body members. During the break the government did have further discussions with the sector regarding the bill, and that is why today the government has tabled these clarifying amendments. In the second-reading speech the minister did clearly articulate, as is usual, that there would be a process involved in a task force that is set up as we do the important reform work because this bill is something that has been asked for and needed for a long time. And I think that is what the member for Mornington was speaking to in a way that I did accept—that this is the result of extraordinary passion from the sector that is wanting to make sure that the people who are served, the people we need to care for, the people our community needs to care for, the people we need to bring with us are cared for in a way that is making sure that their best interests are kept at the centre of this government and the way that we make changes.

This bill will strengthen the regulation for social services by establishing an independent regulatory body. The Social Services Regulator will monitor and enforce compliance, promote the safe delivery of social services and protect the rights of people who use services, to minimise risks of avoidable harm caused by abuse and neglect in connection with the delivery of social services. And of course those opposite would probably imagine that we could all go back to the 1950s, when there were more Davids in leadership than women, but I think that we need to know that as time has evolved we are much more conscious of risks and making sure that people are cared for in a way that keeps up with best practice and that best practice is always a consideration.

This bill provides clarity on what is currently a fragmented regulatory arrangement, and it does eliminate gaps arising from the confusion that can happen when there is an overlap of existing legislation. And that is why this legislation is so important, because it is legislation, as the member for Mornington actually identified, that does bring up to date really important work that is done by so many of our social service agencies. It cuts through confusion and it provides clarity. There is a reduction in red tape, but at the same time it is making sure that there is a focus on safety.

So the house amendments, once again, are an example of where we have consulted with the Victorian Council of Social Service and the Centre for Excellence in Child and Family Welfare. And as part of that there have been three additional objectives for the regulator, and they are: to promote and support the delivery of safe and effective social services, to encourage a culture of continuous quality improvement in the provision of social services and to provide confidence to service users and the
community in the safety and quality of social services. I am very proud of this approach. I am very proud that this is the way that we make the reform that is needed and that this is how we do consultation.

The bill replaces the current regulations and establishes a new Social Services Regulator, and that is separate from that of the human services regulator. It strengthens enforcement, and it makes sure that we put in place obligations for service providers to be registered and comply with a specific set of social service standards. Instead of regulations applying to a certain type of organisation providing services, this bill shifts its focus based on which services are provided by the organisation. It establishes a worker and carer exclusion scheme that ensures the social service workforce continues, and it is a great opportunity for us to thank, especially in these times, the really high quality service that is provided through our workforce. We have an extraordinary workforce in Victoria and an extraordinary community, and I pay credit of course to the people who are at the front line and who have been essential workers during this awful pandemic.

We are able to make sure that the new entity provides a separation of decision-making powers between the Department of Families, Fairness and Housing and human services regulation as well. It is again one of those important elements, the heavy lifting of making sure that any gaps in regulatory coverage are responded to. We are also streamlining information sharing and monitoring duties.

In the time I have left I do want to recognise that the last 18 months have absolutely shone a mirror on our community. They have exposed what we know to be workers involved in precarious employment with poor conditions, and that is again an acknowledgement of the important work that needs to be done, because we cannot leave anyone behind. I do want to take the opportunity today to acknowledge some of the terrific work that is done by our social services. There are a couple in particular that I have been involved with over many years. One I was involved with in a previous life is St Kilda Gatehouse, who provide a really important and inclusive place of belonging for women involved in street-based sex work. I also want to acknowledge the Young Women’s Project, who are working in the south-east. They are doing the important work of supporting young girls and women aged 12 to 25 who are at risk of or affected by sexual exploitation.

Closer to home, I am always thanking the tireless workers of the Cranbourne Information & Support Service. Leanne Petrides is something of a really important woman who has formed a bit of an institution in Cranbourne—a place where I go for advice and when I need to know what is going on—and Simon Walliker has been recognised for his power of fantastic work in Cranbourne. Simon Walliker and Leanne have steered this body through really difficult times for the Cranbourne community and all of Victoria, and I am so grateful to them. I am grateful to majors Christine and Michael Wright from the local Salvos, Vinnies, WAYS and Uniting Care, who during the Afghan crisis recently have been doing some particularly hard work. This is a terrific piece of legislation. I commend this bill. I wish it a speedy passage.

Ms KEALY (Lowan) (17:13): It is a great opportunity to be in this place to contribute to debate and put forward the views of my electorate and of important people and stakeholders within the sector. It is something that we have not been able to do for the last couple of weeks, and I am very, very pleased that this week we could find a way for Parliament to continue, that we have got these barriers in place, that we can do this freely and that we are able to make sure that democracy is upheld in the state of Victoria. I do hope that these arrangements continue, because it is important that Parliament sits at every opportunity. It is important because we need to make sure that people have a voice and have their voice heard in the chambers of Parliament so we can take their message to the government.

Something that we have heard around the feedback on the Social Services Regulation Bill 2021 from the sector but also through the briefings that have been provided to the Liberal-National through the passage and forming of the bill and through to debate today is around some of the confusion in the sector over how this actually will be applied. There are a number of questions that were raised with me directly, which I raised through our bill briefing. We were promised a response, and we did not actually end up receiving that information. I think some of the confusion for the sector that was
detected when this bill was first released and throughout even the very short and limited consultation process that the government provided to the sector really has come out to say, ‘Well, we need a lot more information here’. We should have done a lot more work when it came to consultation, and we should have at least a little bit of information around how this will be applied, particularly around important elements of the exact things that this bill seeks to regulate.

And thus we have got two pages today that we are looking at—of amendments—that will introduce a task force after the act has been put into place. Now, why are we doing a task force after we introduce legislation rather than doing that before and as you are working up the bill? It is not necessarily reflective of a good process—in fact it is far from that. This is more reflective of the fact that the government are admitting that they got this wrong, that the sector is absolutely up in arms about the massive gaps that are included in this legislation and that there simply have not been the answers provided to the sector. More so, there is just confusion over who is in, who is out and what impacts there will be on securing continuity of workers, particularly in relation to the exclusion scheme; what funding will be provided to organisations in order to implement these significant changes; what duplication it will provide; and what additional red tape it will provide for these important organisations that should be providing critical support to our community members.

Their support for the community has never been more important, particularly around mental health support, family violence support and support for people who find themselves in a vulnerable position, whether they were in a vulnerable position before the pandemic began—or more so the restrictions began—whether it is something that has been built on since then or whether they are unable to maintain their income, maintain their job or even just maintain their family environment. We all know that restrictions have caused enormous harm to so many people within our community. I would say that most Victorians have been impacted in one way or another by the harsh extended lockdowns. We are on I think 6.7 now, or 7.3 or 7.4—I have lost track of the number or version of lockdown we are up to.

I got some feedback from some of my local community health organisations who were particularly concerned about the problem that will arise through this bill in creating additional red tape, and they questioned why this is required when they are already having to be audited by the Victorian Auditor-General’s Office. They already have to be monitored by the Department of Families, Fairness and Housing, as it is now referred to, and they have experienced that already their audit fees have increased by 37 per cent. Every single time that we have a requirement for agencies to add an additional burden, whether it is around reporting data and information to the government—which often is never used—or whether it is about additional or another layer of auditing in governance and supervision, that adds an additional cost burden. It means that that organisation is using its limited funds for administration rather than doing the job that they should be doing and delivering that face-to-face support and contact to some of the most vulnerable people that we have in Victoria.

By no means are the organisations that I have been speaking to saying they do not want to have a level of governance in place or that they do not want that level of supervision or oversight. They want to make sure that it is there, but they do not want it to be duplicated through multiple bodies and multiple organisations and therefore weigh down on their finances and therefore weigh down on their ability to deliver actual services to the people who need them most and are why they exist. The bill does seek to reduce some of that regulatory burden, but it is not clear how it would do that—and that certainly has not been conveyed to the sector in a meaningful way where they feel like there is some comfort.

Again, I suspect that the establishment of a task force through the amendments that are before the house today will seek to resolve some of that and provide more structure and more certainty for these organisations that will be impacted by the bill. During the briefing I actually asked for a list of the organisations that would be affected by this bill, because there is confusion within the portfolios that I hold, the stakeholders within those portfolios, over whether they would be included within the scope of this bill or not. Now, I know that members of the government who have spoken to this previously say, ‘Well, you should have read the second-reading speech’. I can assure you the sledges that were being lobbed at the member for Gippsland East are totally unfounded. He is a fantastic advocate for
the disability sector. He certainly read through the bill carefully. He was involved in the briefings. He was involved in the task force briefing, or the amendment briefing, this morning. To have a go at him as if he were not putting the effort in is really unfair, and I do just want to back him up because he does a very, very good job representing the people within that sector. He is simply taking forward the views of the people that he is representing. That is what people who work within the sector are saying; they feel like their voice has not been heard when it comes to engagement with the government around the creation of this bill.

I raised some questions during the briefing around how the system would work—the exclusion scheme around workers. It was not particularly clear over that process who would report it and whether there was an element within the exclusion system that would mean that police would automatically be included in any report. So I had questions around, you know, what becomes a significant concern. When does it become a big enough issue that it should exclude a worker? How do we ensure fairness in that process? But more importantly, if there is somebody out there who is a worker who is breaking the rules, surely there should be a requirement that they are by law mandated to be reported to the police or reported through to the regulator. That is not clearly articulated within the bill. Having worked on a previous report about abuse in the disability sector, I really would have liked to see more work done and a clearer explanation of the process around excluding workers from that sector. We need to make sure we do keep the bad eggs out, but we also need to make sure there is enough fairness of time in there for people to be able to get a working with children check or a police check and make sure that people have a fair hearing so that a spurious claim that is put against them does not automatically blacklist them. Particularly in smaller communities, like the communities that I represent, there may be a disability worker who has got a claim hanging over their head; they have actually done nothing wrong, but it is withdrawing services from that particular group. It is a very difficult one to get right, but it is important that we get it right. We need to make sure that people who are vulnerable and who are engaged through the social services sector are protected, but we need to make sure that we have a clear guideline over how that will be regulated.

We do not oppose this bill; I think that is very important to note. We do not oppose the amendments. However, we still have a lot of information that we are waiting for so that we can properly assess what is in the bill, what should be supported and any further amendments that we think we could put forward to strengthen the bill. At the end of the day what we want to see—all we want to see—when we represent our people in this chamber is that we make sure we have a strong democratic process. So I ask for the government to provide the information which has been requested of them to make sure that we can properly represent our communities and to make sure that Parliament continues to sit so that we can continue to be a strong voice for the people that we represent, whether they are in our electorates or in our relevant sectors.

Ms CRUGNALE (Bass) (17:24): I welcome the opportunity to speak to this legislation. It is always an honour to address this chamber when the issues deal with creating a fairer society and protecting those who are vulnerable. It is a really important reform, and I thank the minister responsible, the Minister for Child Protection, who is actually here in the chamber, and his department and team.

At some point in their lives many Victorians, including those who live in my electorate of Bass, have needed a social service. Within the delivery of these various services there is a fundamental expectation that they are provided safe from abuse and neglect. The Social Services Regulation Bill 2021 has been developed with the primary consideration of reducing or preventing harm to social service users. Each element of the reform addresses particular risks to social service users, and addressing these risks is key to improving the quality of those services.

Equally importantly, it creates consistency across the regulation of various social service providers. The need for this is obvious when we look at the current situation. The Disability Act 2006, the Supported Residential Services (Private Proprietors) Act 2010 and the Children, Youth and Families Act 2005 all have different registration requirements, different reporting requirements and different
regulatory requirements. Service providers are currently required to have multiple registrations because of these acts, and this will be replaced with a one-off registration process. They will no longer have to engage an expensive independent review body to certify them against the human services standards. There are different rules in different acts, different responses for non-compliance and overlapping regulatory schemes that lead to additional and duplicated requirements. Furthermore, the current human services regulator is within the department, meaning that the department is effectively regulating itself.

This bill contains extensive amendments to streamline registration, reporting and regulation and creates an independent Social Services Regulator. The regulator will report directly to the minister rather than to the department secretary, and measures have been added to ensure the regulator will be held accountable. Most importantly, an independent regulator will protect the rights of those people using a service. The regulator will also have the powers to monitor and enforce compliance and promote the safe delivery of those services. We are talking about some of the most vulnerable community members, and as a Parliament we have the responsibility to ensure that they are treated fairly and with compassion. We have seen some of the current system’s shortcomings, perhaps most notably last year when there were insufficient powers to suspend the operation of facilities—with unacceptable risks to residents—and move those residents to safer places.

This is the first step in streamlining the regulatory framework. There is scope for additional service categories to be included over time, but it is commendable that the newly created Department of Families, Fairness and Housing is limiting this initial stage to cover those services within its remit. It is also commendable that the introduction of this legislation—phase 1—from January 2023 and subsequent phases throughout the year allows service providers sufficient time to ensure a smooth transition.

This legislation, while a first step, has an enormous impact on the lives of so many in our community. The regulations will detail the scope of service for the included categories of child protection, community-based child and family, disability, family violence, homelessness support, out-of-home care, secure welfare, sexual assault and supported residential services. It will define that service delivery is safe and dignified for both providers and users and that there is accountable organisational governance as well. As the services mainly relate to children, there will be clear parameters around conduct that may lead to the exclusion of a worker or carer. The social services standards will be one set of standards for all services, and the principles are just and fair: safe service delivery, client agency and dignity, safe service environment, feedback and complaints, accountable organisational governance and safe workforce. These principles will have regulations relating to them and can prescribe outcomes and service requirements. The regulator will have powers to support the compliance of the standards, and we know that the provision of these services is complex. We know that a balance must be reached between providing a clear message about society’s expectations and not being overprescriptive in the regulatory framework.

Most importantly, I come back to the point that we know most of the services relate to children, and their security and protection must be at the centre of every decision we make. The love and professional care we show our children are at the centre of this legislation, and as a government we are saying that we will do everything in our power to keep them safe and protected.

As we all know, any bill must be compatible with the charter of human rights, and this legislation is not only compatible but it also supports the charter. Human rights are embedded in the objectives, and providers will be required to understand their role in protecting the human rights of service users.

The SPEAKER: I will just interrupt the member for Bass in midstream. The time has come, under the resolution of the house, for me to interrupt business so that we can have the grievance debate. The member may continue her contribution on this bill when it is next before the house.

Business interrupted under resolution of house of 7 September.
GRIEVANCE DEBATE
Wednesday, 8 September 2021
Legislative Assembly

Grievance debate

The SPEAKER: The question is:
That grievances be noted.

COVID-19

Mr GUY (Bulleen—Leader of the Opposition) (17:30): I appreciate your invitation to say some words on the grievance debate as the Leader of the Opposition. As Victorians know, for the last 18 or 20 months we and the rest of the world have been consumed with the issue of COVID: how COVID has affected our lives, from our children to our parents to ourselves to our businesses. Every single part of life has been affected by this pandemic and none of us have been immune. We all know that. What has been interesting to note, and I said this when I spoke in this Parliament in September last year, is how we have all reacted to that pandemic, not just as individuals but how businesses have changed, how our way of life has changed and how government has reacted to this pandemic, which is what I grieve about today.

I am concerned and I do grieve for our state, particularly about how COVID has seemingly become the politics of COVID here in Victoria. The issue has not been one that is focusing on managing a health pandemic or dealing with the greatest health crisis in our lifetimes. It has seemingly become the politics of COVID, the public relations of COVID, the use of COVID as a political football. I think for many of us who simply want to get back to a normal life, who actually want Victoria to get back to normal life—normality for our children, for our elderly, for all of us—we grieve at the politics of COVID and the way that it is being used as a political football. But there is hope in that too. There is hope in that, and I always say that because we need to think not just of COVID but beyond it. There is hope that we can do things better, and we will do things better.

But let me just start, if I can, by talking about, as I said, the fear and the politics of COVID. What we see in Victoria today is a government that is obsessed with social media, whether it is employing people to troll others online or whether it is making announcements without others knowing. It is a government that is obsessed with using social media as a weapon rather than as a communications tool. I refer even to comments I saw from the Premier today, literally trolling the Prime Minister of Australia—quite bizarre, quite juvenile actually—about an issue in relation to vaccines supposedly, from his point of view, being sent interstate. Now, I put it on the record: I support the Premier and the government or anyone who says we should get a proportional level of vaccine. Of course we should. We have over 25 per cent of the nation’s population—a quarter of it—and we should get a proportional amount, as every other state should, and any thought otherwise would be ridiculous for a member of the Victorian Parliament to espouse. What I find quizzical is why the government in the politics of COVID would then use social media first to raise that point, despite being on national cabinet with the Prime Minister and clearly being able to talk to the Prime Minister—that the Premier would not actually communicate with the Prime Minister that he felt he had a problem before he then took to social media. One must ask: what is more important to the government, the politics of COVID or solving COVID?

Decisions are made without ministers knowing, and we have seen one today which was very evident: a decision made without the Minister for Education knowing. We could all see it in question time today. The education minister was clearly furious about the Premier making a decision to reopen schools, which was funny in that it came just after other people saying that schools in country Victoria should be reopened. But clearly the education minister either was none the wiser or had very recently been made the wiser. He had not known about it for long, because he came into this chamber as red as a beetroot and as angry as one too, ranting and raving and screaming, which was odd—there are only 15 of us in here during COVID. He came in here yelling. I am not sure if he thinks these screens cannot be heard over, but it was quite comical. But it was obvious he had not been told, because the politics of COVID for the Premier and the government was to make an announcement on the run.
The fear and the threats—we see this all the time at these press conferences, and I do not for a moment talk down the threat of COVID and the virulence of this disease to infect people. But you would think we would be told by the government, ‘Please, get vaccinated. Please, just go and get vaccinated’. Instead we are told, ‘Go home. Put the doona over your head. Never leave the house again. Be scared. Be terrified. Be fearful’. Why would you do that? Why wouldn’t you say, ‘There is a way forward. The first point is you getting vaccinated. Get vaccinated and give us the hope that we can actually do something’? No, because the politics of COVID are better when you scare people.

Then of course we turn to the blame game. Just think, how many people have we heard blamed for woes supposedly in Victoria? Now, we have a state government which runs the joint, but apparently it was a guy with a nebuliser—it was him. It was people having beers—it was them. It was people on a pub crawl—it was them. It was the federal government—it is them. There was an Adelaide variety, a Sydney variety. I mean, what is next?

**Ms Staley:** Having picnics.

**Mr GUY:** People having picnics? People in parks?

**Mr T Smith:** Playgrounds.

**Mr GUY:** There is that one—playgrounds are to blame. There is always someone to blame. It is crazy. Just take responsibility, we say to the state government. It would be comical if we were not talking about a disease that kills people. It is always someone else.

And to go back to someone else, the politics of COVID dictate that it is always another state. See, now the Premier says ‘the Sydney variant’. It is quite comical. It is amazing. There is a global pandemic, but he comes in here and says ‘the Sydney variant’ or ‘the South Australian virus’ or whatever, which is funny—in fact it is not funny, it is concerning—because Gladys Berejiklian never last year talked about ‘the Victorian strain’. Steven Marshall never talked about ‘the Victorian strain’. They never blamed Victoria. They offered help. If you remember, Steven Marshall actually sent contact tracers to help Victoria when we had a problem. We do not send people to help them. What do we do? We blame them. We bag them. How can it be that in Victoria the government turns it into that? And go further—the politics of COVID. If everything is going so well and the government is managing COVID so well in this state, why have 80 per cent of the deaths from COVID occurred in the state of Victoria?

**Ms Britnell:** It’s a very effective drug.
Mr GUY: AZ is an effective drug. It is made in Melbourne. I have had it.

Ms Staley: I’ve had it.

Mr GUY: The member for Ripon has had it.

Members interjecting.

Mr GUY: The member for South-West Coast, the member for Kew, the member for Caulfield—you know, it is a Melbourne-made vaccine. It works. Take it. Why are we waiting for all these supposed Pfizers when we have got truckloads of AstraZeneca which we should be using? It is a Melbourne-made product, yet the state government wants us to use something else.

I do not know a single person who walks into their GP to get their flu shot and says, ‘Ah, Doctor, what brand is that flu shot?’ I have never heard someone say, ‘Actually, I’ve got a splitting headache. Give me a pill—no, I’m not going to take that because that is Nurofen. I want a Panadol’.

Right, let us be realistic. Why is the government actively talking down AstraZeneca? They say they are not, but then they come in here and say, ‘Hey, we’re waiting on Pfizer’. Why are you waiting on anything? We have got AZ and it is a great vaccine. It should be encouraged.

We over here are on the side of families who have been separated. We cannot believe that there is no program for a lot of grey nomads and others who are sitting on our border to have them home isolate and to get them back to Victoria. Get them back to Victoria. Can you believe that in the year 2021 we are locking people out of their own state?

Mr T Smith: Disgraceful.

Mr GUY: It is completely disgraceful.

Ms Staley interjected.

Mr GUY: I say to the member for Ripon: imagine two years ago saying to Victorians, ‘We’re going to lock you out of your own state, from your own home, from your own relatives’—

Ms Staley: No-one would believe you.

Mr GUY: No-one would believe you. But that is what is happening, and the state government today says, ‘We’re going to allow 200 people’. Despite thousands being out, we are going to trial 200 to return to their own home. I find it bizarre.

We over here are on the side of small business and their staff. There are many, many people for whom it is fine, even for every single one of us in this chamber, who has got a regular income, me included—all of us. We get a regular income. We have got a job. But there are so many people—2 million Victorians who are small business people, male, female, old, young, city, country—whose small businesses are being smashed. They do not want continual handouts; they want to reopen. They want the circumstances right to reopen. They are not irresponsible. They are just saying, ‘Give us a time line, give us the specifics, tell us how it’s going to be done and for God’s sake educate the public about getting vaccinated so we can reopen’.

Right? It is not irresponsible to say, ‘Get on with it’, and they are saying that. These people, some of them, have not even been paid out when they have applied for state government grants from the previous lockdown. How is that giving confidence to small business?

We on this side of the house are on the side of those kids who have been separated. We say it again: there are people, there are kids, who should be back in the classroom tomorrow. If it is fine for the state government to say, ‘We can make rules to lift the City of Greater Shepparton out of all of regional Victoria’, and if everyone else can go back to school and they cannot, fair enough. There are problems in Shepparton. I get it. I totally understand and think that is probably a wise decision. But why wouldn’t we do the same for Melbourne? There is one active case of COVID in the City of Maroondah. There are more active cases in the City of Greater Geelong, which has been opened up, compared to the City of Maroondah and the City of Manningham combined. Now,
Maroondah and Manningham’s populations combined are about the same as Greater Geelong. They are bookended by councils like Nillumbik, which has five active cases, Boroondara, which I think, member for Kew, has seven active cases—

Mr T Smith: Nine.

Mr GUY: Nine. So we are talking single figures in the eastern burbs of Melbourne, which have a population greater than South Australia. So it is crazy that we are saying to those kids, ‘You can’t go back to school’.

We over here are on the side of those Victorians who are stuck in a growing crisis of hospital waiting lists, and there are many of them. The Shadow Treasurer has come into this place before and raised issues around particularly breast screening. It is quite disgraceful that there are people with many diseases who are now going without proper treatment, without regular screening, who should be having those services available to them.

We on this side of the house are on the side of people who are suffering in what is possibly the greatest mental health crisis for old and young Victorians in our lifetime. It is the greatest single cause. I see it on the faces of the kids who are on my son’s Zoom meetings. I reckon most of us in this chamber see it. Some who might not be on my side of the house probably do not say it to their parliamentary colleagues, but they are not immune to this. I know that many of them are smart enough to know this and good enough to recognise this. Kids are suffering. Their parents are suffering. The stories of suicide I have heard are totally horrific. It is totally horrific. What I see from the government is the politics of COVID overtaking what is a genuine crisis in our community, in our state, that we have never seen before.

I grieve for Victoria, not only for the situation that we are in but for the people we have who are responding to the situation, the state government, because we should never in a crisis like this put politics first. We should put Victorians first, not politics, when managing COVID, and that is what the Liberal-Nationals coalition will do.

A member: A good contribution.

OPPOSITION PERFORMANCE

Mr EDBROOKE (Frankston) (17:45): No, that was a terrible contribution. We have a bunch of people talking about not wanting to play politics during COVID. What were they doing yesterday? It was a big day for the Liberal Party yesterday, a huge day, but I have got to say that no-one really cared. No-one noticed. They have elected someone—the same old guy. I found it somewhat amusing to hear the Leader of the Opposition actually telling us that we are playing the COVID football and playing politics with it. You just spilled your leader yesterday! You think more about yourselves than anyone else. While we were fighting to protect Victorians, to save Victorians’ lives, and Victoria as a community was as well, what were you doing? You were shut away in your own little version of Game of Thrones. You did not improve Victoria. You did not improve Victorians’ lives. All you did was get rid of one leader and recycle another. And we know that person is the same old guy we have seen before.

Here is a newsflash as well: 2008 Obama called— he wants his campaign slogan back. ‘Hope’ has been used before. It has not done very well for the opposition so far, and it just will not—because you cannot stand there for 18 months while the community suffers, while our government strategises and puts policies in place to keep our community safe, and after pulling down health officers, after knocking every single piece of advice that came out from the chief health officer, you cannot come in after 18 months and say, ‘Oh, we’ve got a positive plan. We want to do something now. I’ve been on the back bench for 18 months, but I feel like I’ve got something to contribute now’. It is certainly not something to contribute to this crisis of COVID, and what I heard out of the opposition leader’s mouth then was highly inaccurate to the point of being absolutely farcical.
To say that COVID should not be used as a political football after 18 months of what we have seen from that side—the conspiracy theorists, the people who on their social media just did and said terrible things. I think one of the first statements and policy positions that came out from the opposition was: ‘There might never be a vaccine, so let’s learn to live with COVID-19’. Well, I am pretty sure, whether it be Sweden or any other people that we can compare with who had that kind of strategy, they would do something different.

We just heard the opposition leader talking about the fact that this Victorian government is not encouraging people to vaccinate. Where have you been for 18 months? When you talk about AstraZeneca and the furphy that surrounds AstraZeneca, that is not really a state government issue, my friend. The federal government did a really good job of stuffing that one up, and we are definitely trying to bring people around to know that to get vaccinated with AstraZeneca is a safe and viable option. We want as many people vaccinated as possible so we can get through this, not ‘There might never be a vaccine; let’s learn to live with COVID-19’.

But let us remember that this is the same old guy that only a month or two ago said that the member for Malvern was taking the party to the next election. He said he was not interested in the leadership, but now we should trust him and we should trust in his new plan—and his plan consists of getting kids back to school. So that was on the news last night: ‘Let’s get kids back to school’. Well, we have got a 17-year-old on a ventilator. And the facts came out today regarding the make-up of the 1920 cases of COVID we have got in Victoria: 285 of them are aged between zero and nine; 305 are aged between 10 and 18; 498 are aged between 19 and 29; and 315 are aged between 30 and 39. Eighty-six per cent of all cases are under 50, so if you take into account the students and the teachers I do not think there are many people now who have seen the examples overseas and the example of New South Wales that would probably put their kids in school. Because once we do that we are running the risk of overwhelming our health system, and people realise that. So I know the tone of the emails and the understanding has changed, and it has changed from people who were very angry to people who are seeing children suffer now. And we know that there are mental health issues, we know we are in a crisis, but they are seeing children in hospital and know that they do not want that to be their kid.

But the thing that really, really just irked me was hearing last night the new opposition leader—the same old guy—come out and say, ‘I want all kids back in school’, and he just said now that he wants all kids back in school now. Well, this morning the opposition leader had brekkie with his son—he was setting up for a day of Zoom lessons, online remote learning, and he was asked by a journalist, ‘Would you like your son to go back to school?’, and guess what his answer was? His answer was, ‘No. I think we should be focusing on year 11s and 12s’. That is exactly what this government is doing. I have just booked my daughter in to get a Pfizer jab because she is a VCE student. That is exactly what we are doing.

We are hearing as part of his new ‘hope’ campaign, ‘Oh, let’s get mental health practitioners in schools’. Welcome to 2021, mate. We have been doing that for a long time. Mental health has been a focus of this government for such a long time, and the thing about that is there is no bipartisan support for any of those recommendations that Victorians effectively structured and built for this government to be funded by a budget of $2.1 billion. You know, we are alone on that. But all of a sudden there is a populace that is crying out, and we have got an opposition leader that is going to provide them hope.

This is the same opposition leader, though, that led his party to one of the worst rompings in electoral history in Victoria. I would have loved to have been a fly on the wall during that partyroom meeting to see why they chose the worst option possible for them. So they had a party room full of 33 people—anyone can be a leader in that room, supposedly—but they chose to go with the guy who led them to an absolute election trouncing. They lost South Barwon, Ringwood, Nepean, Mount Waverley, Hawthorn, Burwood, Box Hill, Bass and Bayswater, and they almost lost Brighton and Gembrook too. Well, to put it in simple terms, it is like if you own a car and it is an absolute pile of rubbish—the tyres are flat, the engine does not work—and you trade it in and you get a new car, but for some reason
you do not like the colour or you do not like the sound system in it, so you ditch it even though it does
the work for you and you go for the pile of rubbish again.

It just does not make sense, and Victorians know that, because to Victorians the Leader of the
Opposition is not the Messiah of hope. He is the person that has been involved in more controversies
than any other opposition leader or Premier in Victoria’s history, and that is a fact. He is the same old
guy as the person who had the Ventnor issue, where taxpayers had to pay out confidentially to avoid
a judgement where he would have lost his job because of planning decisions he made. There was of
course the triggering of massive land price hikes in Fishermans Bend—overnight basically doubling
Melbourne’s CBD size, calling it Fishermans Bend and having Liberal Party office-holders making a
huge amount out of that as beneficiaries of that.

Ms Staley: On a point of order, Speaker, under standing order 118, imputations of improper
motives are disorderly other than by substantive motion, and I therefore ask you to stop the member
from making them.

Mr EDBROOKE: On the point of order, Speaker, this is all on the public record. There are no
imputations that are not in the public realm and that have not been investigated.

The SPEAKER: Firstly, whether a matter is on the public record or not is not relevant to whether
it is an imputation or a personal reflection. I have been listening carefully to the member for Frankston,
and he is travelling very close to impugning a member or making a personal reflection. I will continue
to listen carefully and maybe offer some guidance to the member to move away from potentially
impugning a member of this place.

Mr EDBROOKE: I appreciate any guidance, Speaker, but I will go on, and I will take your
guidance into account.

With that Fishermans Bend project, unbelievably there were no binding master plans, no controls—
nothing that you would usually affirm with a planning decision in public, and indeed in 2015 a
committee found that the Fishermans Bend decision was, and I quote, ‘unprecedented in the developed
world in the 21st century’. He is the same old guy.

We had the skyscrapers that were allowed—well, the permits were there and approved—to be built
with shadows across the Yarra, which was later reversed, thank goodness, by this government. We
had a $10 000-a-head secret fundraising dinner with property developers apparently seeking
approvals—I mean, you can just go to Casey council and ask them about their green wedge issues and
Liberal Party members as well and where the opposition leader might fit in there. Then we had the
famous ‘lobster with a mobster’ dinner. But also we had the story of $10 000 invoices being drawn up
by electorate officers apparently or allegedly for lunch with an opposition leader so developers could
talk about their planning in a penthouse in the city. Now, I do not know how our opposition live,
and I do not care to know. I have never been in a penthouse, to be honest, and I cannot imagine being up
there with someone paying me $10 000. That stinks, and it is just part of what I am talking about today.
It is the same old guy. Nothing has changed. You can talk about hope all you want, but this stuff sticks.
This is what you have done, and you have got to live with it.

We have got a lot of other things that I could talk about. You know, I would love to talk about the
‘African gangs’ campaign—that was just absolutely pathetic. I would love to talk about, you know,
the keynote candidate for Frankston, who is now heading to the Supreme Court after accessing a
leaked database allegedly—it is still going on. I think everyone in this room knows what I am talking
about, and the public will not ever have the wool pulled over their eyes about this.

But say what you want about the recycled opposition leader, I was thinking last night there might be
a strategy here. Losing the last election so badly that there were no Liberal MPs left in the room to run
against him is actually an ice-cold strategy. That is a really effective political strategy to get yourself
nominated and elected again as a leader.
Look, over these last 18 months it has been very clear where the opposition stand. They have again and again brought up the integrity of our health officers and our health advice. They have inquired as to the integrity of health workers as well. They certainly have not offered any bipartisan support. We heard about the Leader of the Opposition in South Australia—indeed I would cite the New South Wales opposition as well—actually writing letters and media releases saying, ‘We’re with you on this. It is bigger than politics. It isn’t a political football’. I have never seen an opposition that has done what this opposition has done. In 18 months what they have done to try and destroy and undermine the health message, which indeed is undermining the health and safety and the lives of Victorians, is disgraceful, and this opposition leader was part of it.

Now, the opposition leader and members on the other side might want to live in that cloudy land of unicorns where we do not have to put rules in place, where there is not a pandemic and it is just the flu, but the figures are different. We heard people talking about the UK. We heard someone talking about London just before and how they are learning to live with the virus. Well, yes, they are. They are learning to live with the virus, and there are still people dying every single day. Indeed children are not going to school in the UK. They still have not decided whether they are going to school. But here we have an opposition leader saying, ‘No, no, our kids should be in school’, after seeing how quickly this virus actually spreads and what the outbreaks are and the time line to be vaccinated. We should not be putting children’s lives at risk. This is not scaremongering. You can talk about how we are a jurisdiction that has a large amount of lockdowns. But we are a jurisdiction that has not got on a global scale a huge amount of fatalities, and that is because of the lockdowns. You talk about the UK; you talk about the US—600 000-odd people dead. That is a lot of families this Christmas without family members at the table—if they are at the table. They have got huge problems over there. It is this government that has listened to the health advice, and it will always listen to that health advice.

I am not interested in hearing what the opposition leader has got to say after 18 months of just sitting there hiding his head under the doona. He is the same old guy we have always had. It says so much about the opposition that they would actually go back like a dog returning to its vomit and elect the bloke that gave them the largest defeat ever.

Mr Newbury: On a point of order, Speaker, at no point in 14 minutes of tipping out the trash has the member spoken to the member’s correct title, and the constant referring to the Leader of the Opposition in the way that he has is totally unparliamentary.

Mr EDBROOKE: On the point of order, Speaker, it is totally inaccurate. It is rubbish.

The SPEAKER: Order! The member’s time has expired.

COVID-19

Ms KEALY (Lowan) (18:00): I grieve today for all Victorians who are in the grips of the shadow pandemic of mental health harms that is gripping Victoria at this point in time. Throughout this entire pandemic we have heard scaremongering, which we have just heard from the member for Frankston, about this virus being absolutely everywhere. ‘It’s going to harm you, it’s going to harm your children, it’s going to cause so much—the hospitals are going to be full, everyone’s going to die’. At no point in time has there been any consideration by this government of what impacts that would have on the mental health of Victorians, and at no point in time has there been consideration that the restrictions that are imposed on Victorians would have their own set of harms, particularly around their mental health.

We look particularly at some of the decisions that have been made that have impacted people who live in my electorate of Lowan. Lowan is about one-sixth of the state of Victoria. It has a very dispersed population, which is why it is such a large site. It does abut the South Australian border. The reason that my electorate is significant in this argument about restricting the spread of the virus versus the harm that restrictions do is because we are so isolated. Simply put, we have not had a case of COVID now for over a year. There are local government areas in my region that have never ever had a case of
COVID. And there simply is not the cross-contamination, I guess, of people who live in these regions travelling very frequently to areas where there are many, many cases, which have generally been isolated in small sections of Melbourne. But we have still had to deal with this shadow pandemic of restrictions, and it has impacted on my community far more significantly than COVID itself ever has.

I particularly look at things that have happened recently. I know there has been an announcement today which has also created a bit more confusion and angst for my community, but over the past 18 months that we have been yo-yoing in and out of lockdowns, our schools have been closed. Now, I am the parent of an eight-year-old who is in grade 3—he was in grade 2 last year—and I can tell you how difficult it is on kids’ mental health when they cannot integrate with their peers at school, when they cannot go to the playground, when they cannot do those competitive and fun things that they do in their learning and that are so important to them in making sure that they have that self-esteem, they have value in themselves, they create their self-confidence through those early years, but they also know how to engage with somebody else. It is simply not healthy for an eight-year-old boy to be with mum every day and not see his mates for 18 months.

I did not realise the impact until we had that brief relief from lockdown and my little fella could play with one of his good mates who was really struggling through lockdown as well. To see his mood lift was a complete turnaround. I am like every other parent in Victoria where we have seen our kids just not want to get out of bed some days, where they cannot find the motivation to finish their schoolwork and they are in tears because it is just too hard and they are sick of doing the same worksheets over and over, they are sick of doing, you know, the same reading activity. It is just so repetitive. You tune into Google Meet every day and see teachers that are becoming disengaged and saying, ‘This isn’t why I became a teacher’. The teachers are absolutely in complete and utter burnout. I have got an email today after another change in restrictions where teachers have to immediately prep to get a face-to-face learning environment back by Friday for the prep to grade 2s, saying, ‘What on earth is going on? I don’t want to be a teacher anymore. I can’t cope with this yo-yoing in and out’. I just want to emphasise these are teachers who are in an environment where there has not been a case of coronavirus for a year.

We have caused so much harm to people, and it is not just around our kids and what is happening to them. I fear that there have been insufficient supports put into our schools to support our younger people in particular. I refer to the School Mental Health Fund. We know that this has been announced, and it was skited about by the Minister for Mental Health today, about how this is going to help so many young kids. But it will not help them today. It will help them maybe next year, when it will be rolled out in term 3 in regional Victoria.

For metro schools, where we have been locked down for even longer, this program will not be rolled out until 2023. How on earth are these kids going to get support and help in between? Because it is simply not there, and this government has been so slow to react. In fact I would say that they have been negligent and have totally ignored the evidence and data that says school lockdowns, keeping kids isolated—even off playground equipment—keeping them away from their friends and keeping them away from their extended family is causing immense harm. We have only seen one approach when it comes to risk management in this state, and that has only been around the sole element of controlling the spread of the virus. It has never, ever been about what further harm could be done to mental health in particular, and for our kids in those formative years that could cause long-term trauma. There are already a number of organisations that are saying this is going to cause post-traumatic stress disorder for so many of our young kids.

We knew that the mental health system was already in crisis, and now we have put this additional burden on a sector that is absolutely fatigued. The mental health workforce are just in absolute burnout at the moment. They know they are not keeping up. They know they have not got the resources to keep on seeing kids. It is really, really difficult for them. They cannot get the supervision they need, because everyone is just busy trying to see as many kids as they possibly can to keep their mental health on track. Unless we get an injection of workforce into the mental health sector sooner rather
than later—and let us be frank about this; we are 20 months into the pandemic. Why haven’t we got a more immediate response around dealing with mental health? We are still waiting. It is not a plan to say, ‘We’re going to implement the royal commission’, and say, ‘We’ve got plans. We’re going to fix children’s mental health. We’re going to release plans for a brand-new building that will be built in two to three years’. That does not help any kids today. That does not stop the kids from crying facedown on the trampoline because they do not know where their friends are, they have not hugged their nan and pop for weeks and weeks and weeks, they have not seen their friends.

Mr Newbury: When can they?

Ms KEALY: The uncertainty of not knowing when they get back—even today we have not got any surety around when metro schools will go back, and we do not know when years 3 to 11 will go back to school either. They just need to know there is a plan, and there simply does not appear to be one at this point in time.

There has been limited support in there, but it has only really been around phone lines, and even then it has not been around the number one phone line that has helped so many kids through this pandemic, and that is the Kids Helpline. The New South Wales government have put a bucket of money into Kids Helpline, recognising that those calls have really escalated—and these are not calls from kids who are just having a bad day. They are serious issues that they are raising: they are raising issues around wanting to harm themselves, they have suicidal behaviours and there is also this great tranche of kids who are reporting child abuse and sexual abuse. That is completely a disgrace, that we have got such a large cohort of kids who are not being heard in their local communities, that they are being harmed—where there are no cases of coronavirus, so we are actually causing more harm through the restrictions than we have been around any aspect of getting a virus.

This is particularly so now when our communities have taken up vaccination. We have not got vaccine hesitancy in my region at all; they want to get vaccinated, but the distribution of vaccines across the state has been inequitable. We should have targeted vaccinations, as the Liberals and Nationals have been calling for since February of this year, for key industries, whether it is about our teachers, whether it is about the people who live in cross-border regions, who have just been absolutely shifted from pillar to post when it comes to dealing with Victorian restrictions and then South Australian restrictions and not being able to cross the border to get to school, to get to work or just to do their shopping at the supermarket. These people have been impacted more than ever. Even with the South Australian government announcing that they are going to introduce a mandatory requirement to be fully vaxxed before you can cross the border, we still have not seen a targeted vaccination program announced for those communities.

The way the cross-border permit works for entry into South Australia means you cannot travel more than 70 kilometres into Victoria, so as a result, if there is not a vaccine available in their town, they cannot just go off to Horsham or to Hamilton to get their vaccination, because they would automatically cancel their cross-border permit. It means that they can no longer go into South Australia to their school or their work. Whatever else they want to do over there—their banking, their supermarket, seeing their doctor—they cannot do it.

This government needs to make sure we have priority vaccinations and pop-up vaccination hubs right along the South Australian border, not just in my electorate but all the way up to Mildura, which has one of the lowest vaccination rates in the state—and again, that is in part because there simply has not been enough vaccine delivered to that community. They need to have that support. They want to get vaccinated. They are often elderly in my electorate, and if you live near those communities near the border, a lot of those people simply cannot drive those long distances to get a quicker vaccine. So please, I urge the government to make sure these people are vaccinated.

It was really brought home to me last week; I had probably one of the most difficult situations I have ever dealt with as an MP. I popped on my computer, as I do last thing before I go to bed, to check my
emails. It was about 10 past 10 when I jumped on, and I found that somebody had contacted me through my website and had sent me a suicide note. They outlined that they had not been able to access the swimming pool to do their hydrotherapy and they were now in immense pain. About 80 per cent of their therapy was through this water therapy. They were in agony, they had been abusing their partner and stepdaughter and they simply could not live any longer. If there is nothing that hits home harder to realise there is a mental health pandemic, it is getting a suicide note to say that restrictions have taken away their will to live. I am enormously thankful for the Victorian police at the Horsham station, who were so responsive. They got out there straightaway and got that person into the care that they need.

Now, I do not think that this is an isolated case, but for me it really hit home in how important it is that this government take mental health considerations into account when they are making decisions around restrictions, because in a region which has not had a COVID case for a year you are taking away one of the key things that is keeping somebody mobile and keeping their mental health well. They cannot live any longer because they have lost hope and are in agony—surely that is a message that can be taken home by the government and it can say, ‘Hey, we need to do things differently’. We need to have the chief psychiatrist in the decision-making room when we are making decisions about restrictions, because this is not about just a virus and controlling a virus or controlling people; this is about making sure that we also limit the harm that is done through restrictions to individuals’ mental health.

I do not care whether you are three years old, I do not care whether you are 80 years old; you deserve to be heard. They deserve certainly to have us make sure that they can live their lives with a level of understanding that there is a risk to everything we do. There is a risk when I drive to Parliament every week. There is a risk simply for those kids walking to school when they can walk to school. There is always something that can go wrong. And yes, we need to be responsive. We need to make sure that if there are cases, we can have localised lockdowns. But please let the people who have not had any coronavirus in their regions live their lives. Give them as many freedoms as they possibly can have. Make sure that we can maintain their mental health to keep their businesses open, because there are so many businesses in my electorate that are on their knees and at breaking point. And that is jobs, that is money in the economy, that is food on the table, that is a roof over your head and that is making sure that kids when they get back to school can afford to go to school camp.

Please put Victorians first, because I have not seen that always happen in the response to this pandemic. And unless we do that, the harms through restrictions will actually be far greater than the harms through coronavirus lockdowns. We need to see a balanced approach when it comes to lockdowns—there is no doubt about that—but we also need to make sure that every day we hear about the mental health harms that are happening in our community we hold the government to account. We need to make sure that it is not just a one-off that we hear from the chief psychiatrist or we hear from the head of mental health at the Royal Children’s Hospital. We need to make sure that this is something that is always included in the KPIs.

Most importantly we need to make sure that we look after each other’s health and mental health. Tomorrow is R U OK? Day, and I ask every single Victorian to check in and not just ask their friends and family if they are okay but ask yourself if you are okay, because the life that you save may be your own. We know that the mental health system is completely overwhelmed, but that does not mean that you should not call. If you are feeling like you are not all right, if you feel like things are bit off and it is hard to get up in the morning, you cannot look forward to that holiday, you cannot look forward to perhaps celebrating a birthday or even going to a funeral with the people you love—more than 10 people—let us make sure that people check in and make sure they are all right.

Just finally, I want to close out saying that I wish for Kiara, who passed away recently, to rest in peace. Her family could not all attend the funeral. I know that that was a very difficult decision for her father, and I give great comfort to her family at this difficult time.
COVID-19 VACCINATIONS

Mr CARBINES (Ivanhoe) (18:15): I grieve for Victorians who are being denied access to timely protection from the global COVID pandemic because of the Morrison coalition federal government’s utter mismanagement of COVID vaccination supplies to Victoria and to the nation as a whole. It is one of the most extraordinary public policy failings that we have seen since federation. Can I be really clear in picking up on some of the comments from the Premier over the past 24 hours, when he said:

I signed up to a national plan to vaccinate our nation, not a national plan to vaccinate Sydney …

There is something like 340 000 doses that have not come to Victoria that ought to have. That would of course have made us so much closer in Victoria to a 70 per cent vaccination rate, and we all know what it means as well when we can get to an 80 per cent vaccination rate in Victoria. We are being held back by the maladministration and the sleight of hand, the duplicitous nature, of the Morrison coalition government in Canberra and the Sydney-centric efforts of a Sydney-centric Prime Minister to not be held accountable to all Australians and those of us here in Victoria to make sure that we are getting our fair share of a vaccination supply that is not as available as it should be in part because of the long-term maladministration and the slackness and incompetence of those in Canberra.

We saw that outlined again by the Premier when he said that we are talking about the secret arrangements that have been made. We need to stop those, and there need to be additional supplies provided to Victoria and other states who have missed out. The Premier pointed it out. We can grieve about it here, we can be angry about it, but ultimately it is the commonwealth government that needs to deal with these matters.

As we have also pointed out, there has been some criticism from those opposite that we are raising these matters, because they are Liberals first, not Victorians first. What is important is to make sure that we are prepared to hold the federal government, the coalition government, to account for its sleight of hand in not meeting the representations from the Victorian government to ensure that the greatest opportunity for supply of vaccinations is made available here in Victoria so we can keep Victorians safe and get our state reopened in the way in which the opportunities are there for us through the great sacrifices Victorians are making as we head towards 70 per cent vaccination.

Now, we have also seen, of course, that the Herald Sun has picked up on this matter. It said on 8 September that:

NSW doctors and pharmacists received triple the number of vaccine doses over the past two months compared to their Victorian counterparts in what Daniel Andrews has blasted as an “under the table” deal.

The Herald Sun also said that it revealed:

… the number of GPs approved to vaccinate Victorians was held back so an extra 260 clinics could be brought online in Sydney.

Again, this is a great disrespect to the sacrifices Victorians are making. It is a disregard of the public health imperatives that should apply to all states and territories, to all jurisdictions—not some shifty sleight of hand from Prime Minister Morrison that we have called out in the past 24 hours here in Victoria—and we have sought to hold them to account. It has been picked up by many other media outlets and of course in the editorial of the Herald Sun as well.

Victorians will be rightly asking if, as a nation, we are indeed all in this together. Too much of the vaccine focus has centred on Sydney, and as a result the New South Wales capital, which was lagging behind Victorian vaccination rates just eight weeks ago, has now overtaken this state, despite the great sacrifices and the management and support that has been provided by all Victorians and public health workers and officials in the work that they have done to keep Victorians safe.

But has that ensured that there has been a more appropriate and fair allocation of vaccine resources here in Victoria? No, of course it has not, because those extra sacrifices and the professionalism and the work of our frontline healthcare workers have been disrespected by the Morrison government,
desperate to shore up its public confidence in New South Wales, and it is a disgrace. We have seen again as well the issues and the pressure and the challenges that we face when data shows that, per capita in Victoria, state-run clinics are outperforming those New South Wales clinics by around 20 per cent. Our recent booking numbers show that we are getting vaccine doses in arms as soon as they arrive and that hesitancy is not a current problem here in Victoria. They show, quite simply, that we need more supply. In our north-east catchment there are some 14 state-run clinics and currently five additional pop-up clinics that are available for people to book, but the commonwealth should be stepping up and accrediting more GPs and pharmacists in areas like they have managed to do right across New South Wales. We have seen some movement on that in the past less than 24 hours—it has been shamed into it, called out, held to account by the Victorian government—but it should not have to come to that.

It is very clear that there are aspects of the federal government’s handling of these matters that are both a sleight of hand and a handbrake on Victoria’s goal and absolute determination through the sacrifice of Victorians to get to 70 and 80 per cent vaccination rates as key benchmarks in providing greater support both to the Victorian economy and to the wellbeing of all Victorians. We have seen reported in the Age fears of a virus explosion with highest rates in the least vaccinated suburbs, and I quote:

Victoria’s biggest coronavirus outbreaks are spreading in areas with the lowest vaccination rates as doctors fear Melbourne’s northern suburbs will face an explosion of infections within weeks.

These are the issues that come back again to the fact that the vaccination supply is not able to keep up with the demand here in Victoria, particularly in the communities where we are focused on some great outreach work. We have seen from the Austin Hospital in my own electorate of Ivanhoe the work in their outreach hub at the Melbourne Market in Epping. Some 5000 registered workers have cracked on up there. They have been able to provide vaccination to workers, who of course then spread that through their great commitment and the work that they do and the logistics and other support right across the state to go to where people are and to get them vaccinated. The only way that we are being held back from those more expansive opportunities outside of the state-run hubs is through a lack of supply to continue to do that work. We have seen on a granular level in relation to Thornbury and Northcote we were able to provide through the Greek community and the GP and health professional services an outreach hub there a couple of weekends ago, with the member for Northcote. They cracked through a whole heap of local residents to ensure that they got the vaccination that they need, that they deserve and that they have earned—and that they should be receiving through greater supply from the federal government.

So we have got the initiatives in place that are providing great support to Victorians. The handbrake is coming out of Canberra through their sleight of hand, their duplicitous nature and the lack of supply that they are providing to Victorians. It is being called out by the Premier and our government, despite the silence and the excuses of those opposite over the past 24 hours. I quote from the New Daily article ‘Pfizer offered “millions” of vaccines in 2020, new documents reveal’:

It took the federal government five months to lock in a deal with Pfizer after the company first offered “millions” of doses of its world-leading COVID vaccine in 2020, new documents reveal, even as the company promised it could deliver jabs with “unprecedented speed”.

Of course Prime Minister Morrison says it is not a race—the only person in the whole country who thinks it is not a race—when we are coming stone motherless last when it comes to vaccine supply, when it is left to the federal government to get out there and provide fair and equitable access to vaccines, particularly given the sacrifices that have been made here in Victoria.

Can I say also that it has been picked up as well, again in the Age, today that federal bureaucrats turned down an offer from pharmaceutical giant Pfizer in mid-2020 for a detailed meeting with top executives and the health minister about the company’s progress on a coronavirus vaccine as other countries were already on track to sign deals for millions of doses. These are the opportunities that have been missed. Now, what does that mean in looking back on these issues? That is why we have got this issue right at this moment of trying to shore up the Sydney-centric coalition government, the Sydney-centric
Prime Minister, with the sleight of hand to provide other doses into New South Wales despite the sacrifices, the professionalism, the commitment and the work being done here in Victoria. We have got the capacity. We have made that very clear both through the initiatives and the state-run hubs, which have done a sterling job, let alone our pharmacists and our GPs. But then with these hubs that we have been able to set up and get out into the community, the only thing holding us back of course has been a lack of supply.

I just wanted to draw also on the absolute hypocrisy that we have seen from those opposite on Channel Nine news on 7 September when the now opposition leader was asked, ‘What can you do in terms of talking to Prime Minister Morrison about the vaccine supply problem?’. He indicated he is a person who, and I quote:

... you can pick up the phone and say that to, so absolutely we will.

So the opposition leader will pick up the phone and have these conversations, apparently. But the member for Kew on vaccines then says, on Sky News:

I think Victoria and New South Wales are having vaccines delivered to them on a per capita basis from the federal government.

So for the member for Kew: nothing to see here, everything is fine. This again always falls back to the same issues: Liberals first, Victorians second. And of course we have seen a Prime Minister: Sydney first, Victoria second—third, fourth and fifth for other Labor states right across the country. And this has all cascaded from their mismanagement and poor handling of the vaccination supply and securing that supply across the world, despite the fact Pfizer and other companies were banging on the door over a year ago in a desire to support Victorians.

Now, on the grievance debate. I do not usually take the opportunity to speak on grievances when we are in government. There is a lot of good work that we are doing, a lot of hard work that we are doing for Victorians. Grievances are best left to those opposite. But can I say that it has been important to make these points in the past 24 hours—both from the Premier and our government—to call out the bloke up there in Canberra, who is quick to say he does not hold a hose. Well, he does not hold a candle either to his commitment to Victorians to make sure that they are being kept safe with access to their fair share of vaccines right here across the state.

I wanted to commend, off the back of the member for Lowan—I thought she might have mentioned it; I think it is really important that we acknowledge these—the gains that have provided for the restrictions to be lifted in regional Victoria from tomorrow night. That is really important, and we should acknowledge the contributions and the hard work of Victorians.

I know the member for Shepparton is here. There are really difficult challenges that they have faced, and opportunities are going to come to them through their sacrifices and the commitment of so many people up there. I know from my past conversations with Goulburn Valley Health and the leadership team there that they have done a sterling job. In a community like that, where people work at the hospital, they work in the health service and they live in the community, they are absolutely affected, and they understand the great sacrifices that they are making in following the rules but also in supporting the health and wellbeing of those who need to be tested and vaccinated. It is really, really important work, and we should acknowledge that.

Can I say also that the latest stats pointed out that there were some 36 716 COVID-19 vaccination doses administered yesterday by state-commissioned services right across the state. That is a huge number. I know that going back into August it was sort of 22, 23, 24 000. The numbers are now kicking around 29 000–30 000 on a daily basis, so to be rocking through at 36 000, just imagine what we could do with more supply. Just imagine how many more Victorians would be safe today, would be vaccinated, would be given a greater confidence to be able to make broader contributions to other Victorians and the support that they could give them and the wellbeing and confidence that they would get in knowing that when they make their booking they do not have to wait an overly long period of
time. The communities that are vulnerable—we need to get to them, and we are working so hard to get to them.

As chair of our culturally and linguistically diverse health advisory panel for the health minister, can I just also acknowledge and thank those CALD health panel advisory members. Outside of their day-to-day work, in their leadership in the community so many of them are doing such a sterling job. To meet with them—we have met now nine or 10 times on a monthly basis. Every suggestion they have put forward, every idea that they have raised coming out of those communities has led to the fact that we have these many brokerage fund arrangements to support communities with a CALD background. We have been able to pick up on getting to the hubs, getting to the communities, supporting those faith leaders and those community advocates right across the state and really tailoring the support that they need. It has been a huge effort, and what it goes to show is that we can do more with not only our state-run hubs but the outreach services that we have been able to provide.

We can do more, but we need up-front and honest dialogue, engagement and transactions with the federal government. They have been caught out and been called out by the Andrews Labor government this past 24 hours. The cascade starts right back there at the first instance of the pandemic. The slippery and slack efforts in relation to securing supply have now cascaded down to sleights of hand in relation to where vaccine supply is being provided. It has been called out by this government. We have more capacity to provide more vaccines to Victorians through our state-run hubs, our GPs, our pharmacists and our outreach clinics, to put ourselves and our health professionals where people are in vulnerable communities that need vaccination and that are ready to receive it but are being held back by the handbrake and the duplicitous nature of the Morrison government. We called it out today.

We will continue to put Victorians first, and we will continue to hold the federal government to account for its slipshod efforts on this public policy matter of vital importance to all Victorians.

LEGISLATIVE ASSEMBLY

Ms SHEED (Shepparton) (18:30): I grieve for the Legislative Assembly of this Victorian Parliament because of the progressive loss of democratic procedures that are necessary to ensure responsible and accountable government. The removal of non-government business from the Legislative Assembly almost 20 years ago has seen a slow but sure removal of opportunities for opposition and crossbench members to hold the government accountable. Non-government business is an essential part of ensuring a responsible and representative Parliament in any Westminster system. Currently Victoria’s Legislative Assembly is the only lower house in Australia that does not provide meaningful opportunities for non-government members to move motions, progress bills or utilise a number of other procedures in the house. Non-government business would allow us to move motions on general debates and move motions to seek specific outcomes, motions seeking the ordering of the production of documents or the referral of a matter to an inquiry, to a standing or select committee or investigatory committee, disallowance motions under order 151, revocation motions, motions seeking to amend standing orders or to introduce sessional or temporary orders and motions to refer matters to the Ombudsman or take a petition into consideration. These are all things that ought to be a day-to-day part of the operation of this Legislative Assembly, and they are simply not.

I see members of Parliament in other houses throughout Australia who have the opportunity to do all of these things, and I really do grieve for the fact that we are so constrained and that the people of Victoria are so limited in the sort of representation that they can get because of what happens here in this Legislative Assembly. I have seen the member for Murray in New South Wales, Helen Dalton, walk into the Legislative Assembly in the New South Wales Parliament and introduce bills that will require members of Parliament to disclose their ownership of water—a really important topic. I have seen the upper house in New South Wales being able to do disallowance motions. These are things that we could be doing here in this house, but at the moment we are not able to. Failing to provide sufficient time for minority voices in the Legislative Assembly not only prevents the representation of large numbers of people but also denies a potential source of important legislation that members on this side of the house could introduce into Parliament and even perhaps have made into law.
Non-government business is an essential part of any legislature, and the fact that this vehicle does not exist here in Victoria is totally at odds with the operation of the Westminster system. It is a system of government laid out in the Victorian Constitution Act 1975, and it is built on the principle of responsible government. Responsible government requires a direct line of accountability from the executive to the Parliament and through the Parliament to the people. It is this line of accountability, characterised by the executive sitting in Parliament, to which it is accountable, which gives the Westminster system its democratic appeal and arguably its longevity. This is more important now than it has ever been. We have seen the denigration of democracy in so many places in recent years. The worldwide pandemic has brought about change such as we have never seen—things like the storming of the US Capitol building, the number of repressive regimes throughout the world growing in number, the failed nations around the world that we see growing in number every day and of course the lack of media diversity.

The ability for people to be able to be heard and to put their point of view in our regional communities, where regional media has almost disappeared from the landscape—there is no television anymore and no-one comes in and films what is happening in our communities. Channel 9 left a couple of years ago. The ABC had left before that. WIN TV is now just a single cameraman and one journalist in the region, and you are lucky to get one story up in a whole-of-state regional news service that goes for half an hour. This is devastating, and this is in an environment where Sky News is now beamed free to air across the whole of regional Australia. In Queensland 98 per cent of regional media is owned by News Corp. These are really fundamental issues that need to be aired, and we get very little opportunity to do anything about these sorts of things.

The Legislative Assembly is the place where government is formed. I mean, these are basic lessons that people know. However, its role has been decimated to such an extent that bills are rarely ever debated in full. Oppositions sit here with few numbers on the speaking list because they just do not see any point. There is just no opportunity to go into consideration in detail—such an important part of our processes in this house. This is where the ministers are, this is where the ministers introduce the bills, these are the ministers who know what the bills are about, and yet over a period of years we have seen the elimination in this house of consideration in detail. We are looking at a situation now where the upper house, the house of review, is doing the work that ought to be done here. It is quite extraordinary to consider that consideration in detail goes for hours up there but there is no minister responsible for the bill even in the house. They are not in that house. They are in this house, and this is where that business should be taking place. It is just a really concerning situation when you hear members of this house on the opposition side saying that they may oppose a bill—they may not like things in it—but they will let it go through and let the upper house deal with it. This is not the sort of debate we ought to have. It is not the quality of debate that this house requires.

When all the right mechanisms and procedures are operating in the Legislative Assembly it is an entirely different place. At the moment it looks like we are here just to rubber-stamp what the government does. Yes, the government has a very powerful majority, but there should be quality debate going on here. Members on this side should be able to introduce a bill and they should be able to have debate progressed on that bill. They should be able to take the opportunity to put in action all those things I read out before: to demand production of documents, to move motions, to refer an issue for inquiry by a standing committee. We do not get to do that. It is really a very concerning point that this Legislative Assembly now finds itself in, and it finds itself in this situation at a very critical time, at a time when the standards of democracy have to be fought for and have to be upheld.

It is the absolute duty of this government to hear what I am saying, to say yes to the motion that I stand up every Tuesday and seek leave to have debated, which is refused on every occasion. I have done that so many times. This is an opportunity that I have proposed to the house whereby we do not worry about having grievances and matters of public importance and we replace them with non-government business, which gives this side of the house the opportunity to decide what will be put up and what
will be discussed during that time. We see it happen in the upper house all the time. It is not hard to figure out what needs to be done.

The issue of balancing time in Parliament devoted to government and non-government business has been inherited by this Parliament from preceding parliaments. In the Victorian Legislative Assembly the balance has varied, and it is fair to say we have never struck the right balance. The crucial reforms to the standing orders which effectively eliminated non-government business occurred between 1999 and 2004, and I dare say there are very few members left in this house who even have a memory of what it used to be like, of how those changes came about and how we now find ourselves in this very sorry situation. The sessional orders were introduced in November of 1999, and shortly after, the beginning of the 54th Parliament signalled a major overhaul to what was then non-government business. We all know what we have been left with. It is predominantly what we see now. We have got the matter of public importance (MPI) and the grievance debate. We see the quality of the matter of public importance. It is really a very poor quality debate where each side gets to put up a motion, and it is just a slamming procedure from each side to the other. It does not enable real business to be progressed in the house. It does not allow notices of motion—important notices of motion that often have many people behind them—to be put up and discussed by opposition or crossbenchers.

So these current methods we have at our disposal are simply not good enough. They do not enable the Parliament to run in a manner that it should. The time spent on, for instance, MPIs is shared with the other side. The grievance debate is shared with the other side. I just heard the previous speaker say that he does not usually do a grievance debate. He leaves grievances up to the other side of the house. Well, I wish that was true, but it is not. We share them. Everything is shared. Our time is very limited in terms of what we get to do and how often we get to speak.

I think an important issue that I would like to raise in this context, too, is just in relation to the current situation we find ourselves in, or perhaps going back to March last year in those early months when COVID was really just having its early impacts on our community. There was a proposal put that the government should create a cross-party committee, a COVID advisory committee of some sort. We had seen them established in New South Wales, New Zealand, and even the federal Parliament established such a committee. It would have been a perfect committee for the oversight of government business, but instead the government refused that opportunity. It simply enabled the Public Accounts and Estimates Committee to take on that role, a committee now chaired by a member of the government, something that used not to be the case. It used to not be done that way, but now that is the way it is done. It does bring down the value of committees at times in those situations, and it is a clear indication that the government is always controlling the agenda. This is not the way it should be.

The Western Australian Parliament currently is better situated. Opposition members in the Western Australian Parliament—there are six of them—they get a much better run at representing their communities than we do here in the Victorian Parliament. It is extraordinary. They have the capacity to do all of the things that this Legislative Assembly does not get the chance to do. We do not have meaningful opportunities to contribute and participate in the way we should.

Under the proposed changes that I keep trying to put to this Parliament, we would get rid of the matter of public importance and the grievance debate, and we would replace it with general business, and it would provide opportunities to utilise this time in a proportional way across all of us over this side of the house. It would be a more meaningful opportunity for people to be able to propose legislation, motions and matters for investigation that would enable their electorates to actually provide a level of representation that was much more meaningful, that had some depth and that would give them the sense that they were truly being represented, not having non-government business through the business program. It goes against the constitutional principle of responsible government. It goes against the precedent set by every other state in Australia.

I would just like to finish up with a quote from Sir John George Bourinot, one of our constitutional fathers:
The political party which controls the House at one time may be in a different position at another, and is equally interested with the minority in preserving the rules of the House in all their integrity. It is time that this matter was brought forward into the Parliament, that it was debated, that parliamentary reform take place in this Victorian Parliament to restore to the Legislative Assembly the role that it rightfully should have.

COVID-19

Ms WARD (Eltham) (18:45): It is always great to follow the member for Shepparton, and I commend her for how well she argues her case and also the passion and coherence with which she argues her case. I do think that those opposite would learn a lot if they listened to the member for Shepparton, along with the government as well, I am sure. But in some ways I also hope that they do not follow the habits of the member for Shepparton, because she is a hard worker who represents her community well and argues her case very well.

I firstly want to start off this contribution to the grievance debate by slightly flipping it in actually celebrating our health workers. I want to thank those who have worked so incredibly hard since this pandemic started on our shores in February–March last year, who have almost worked without stopping. I went and had my second AstraZeneca jab a few weeks ago, and the nurse who administered mine at the Austin Hospital, at the repat site, which you probably went to yourself, Acting Speaker Carbines, was on her second shift; she was doing a double shift that day. She was doing it because she was so passionate about getting people vaccinated. She wanted to make sure and she wanted to be a part of the work of making sure that every vaccine gets into every available arm.

It was quite interesting to hear a number of the things that the member for Bulleen, the new Leader of the Opposition—that same old guy—came out with when he was talking about how the Premier has not been pushing AstraZeneca as a vaccine. I do not know how many times the Premier, and I do not know how many times the Minister for Health, who is here with us—and I thank him and his staff and his health team for all of the work that they are doing—

Mr McGuire interjected.

Ms WARD: Member for Broadmeadows, I can’t hear you. The Leader of the Opposition said that AstraZeneca has not been promoted, when every day the health minister stands there and says, ‘The best vaccine you can get is the one that is available today. It doesn’t matter what that vaccine is, please go and get vaccinated’. When you look at our state and that we have administered more AstraZeneca vaccine than any other state has, it goes to show that there is a lot of faith in this vaccine in this state and that there is a lot of pride that we make this vaccine in this state and that it is going into arms across this state. This is how we have ended up with regional Victoria 2 per cent short of getting to 70 per cent first dose. This is how we are climbing up and getting closer and closer to our own first goal of 70 per cent first dose across the state. People are working as hard as they can, people are fighting as hard as they can and people are racing as hard as they can to get people vaccinated.

As we know, this is a race, and I suspect that the Prime Minister regrets repeatedly saying that it is not a race, because it is. This virus travels faster than anything, and we have to travel as fast as we can to keep pace with it, to keep it at bay so that our health system is not overloaded, so those people who do need urgent care can get it. That does not just mean people who have COVID—people like that poor 17-year-old who is on a ventilator at the moment, who we hope recovers quickly and well. It is about all of those other people who cannot access a hospital when it becomes overwhelmed because there are too many COVID patients there, because there are health staff who have to be furloughed because they have been exposed to COVID, they have been to a contact site, and the challenges that you have with deliveries because the truck drivers or the distribution centres have had to be closed because they have been exposed to COVID. These are all the things that we as a government have talked about—the challenges that COVID-19 presents to us as a society and as an economy, which those opposite have disputed almost the whole time.
It is quite gobsmacking to have the current Leader of the Opposition just say that we are playing politics with this pandemic. It is just gobsmacking when they have done nothing but—when they have members of their political party on social media undermining the health message and when they are in this place undermining the public health advice.

They are not working with the public health advice—not like we saw the opposition do in New South Wales, where they made videos in language helping people understand how to get out there, how to get vaccinated, how to keep themselves safe. No, we have not seen them do that. We have seen them undermine the public health message at every opportunity. We have seen them try and drum up fear, just as they did with African gangs, just as they did with crime and just as they do with almost any policy area they can latch their little claws into. They have done exactly the same thing with this pandemic. They have undermined the public health advice at every opportunity. They have fed people’s fear. They have fed people’s anxiety. Instead of providing reassurance, instead of providing leadership, instead of talking about the public health advice, they have worked hard to have people actually fear it. They have worked hard to do ridiculous social media posts that cause more harm than good. And anybody who thought it was a good idea for someone to post an image of self-harming on Twitter and then leave it there for hours is undermining not only the public health message but is undermining health messages overall. It damages people. That behaviour damages people.

To have those opposite start talking about the mental health effects of people in this state as a political game when they play that game hard and fast and mean is disgraceful. Work with us with the mental health challenges that we have in this state—and they are serious. Pandemics are horrible. They are stressful. They cause anxiety. The restrictions cause anxiety—not being able to see your parents, your grandparents, your grandchildren. They all make us unhappy, they all give us anxiety, but what is worse is seeing those people on ventilators in hospitals or not being able to get an ambulance when they have had a heart attack because the ambulances are all in another community picking up people with COVID.

That is the reality of ‘living with COVID’, as we have been urged to do so much by those opposite. You cannot live with COVID until you have got a way to manage COVID. That is exactly what we are working towards, and that is why our vaccine rates are as they are. The people of Victoria have been fantastic. They disregard the politics of this pandemic. They listen to the public health message. They work hard to keep themselves and those they love safe, and they are out there queueing up day after day to get their vaccinations. And we know that we would have had so many more vaccinated if we had more vaccines, if we did not have games being played with the vaccines as well, if we had those opposite joining with us to talk with Canberra and saying, ‘Please give us more. Please give us our fair share’.

We have a dangerous situation here in this state that we are working hard to address, and the more vaccines we have got, the faster, the quicker, the better we can address that challenge. Instead we see that we have had vaccines siphoned off. We supported that vaccine swap that we had that came from Poland. We supported that. It was great to get those million doses, and we supported the majority of those going to New South Wales because we knew that that was where it was needed. Our Premier stood up and said, ‘That is where it needs to go. I am not arguing with this’. But what our Premier did not sign up for, what the people of Victoria did not sign up for, was a vaccine policy that was for the people of New South Wales—for the people of Sydney, for the people of the North Shore, for the people of the beaches of Sydney. We signed up for one that is for all of us, because we can only get through this together and we can only get through this working together.

We have seen vaccine rates continue to climb, and we are getting closer to our 70 per cent of first jabs. We thought it would be around 23 September. With this amazing work that people are doing we are now looking at that date coming even closer. It is not far away. There is a plan, and I find it fascinating that those opposite—including the same old guy, the opposition leader—will say that there is no plan. Well, what does he think we have signed up to with the federal government that every other state has signed up to? It is a national plan that we are a part of. Here are the vaccination rates that we need so
that we can start to open things up, and we are seeing that happening now in regional Victoria, where by the weekend they will be opening up because they will have hit that 70 per cent mark and have few COVID cases. The health system in regional Victoria can be managed, because the last thing we want in regional Victoria is a serious outbreak.

I commend the member for Shepparton and her community for how hard they have worked to keep their community safe. I can only imagine the work the member for Shepparton has had to do for her community over the last few weeks—the distressed phone calls, the emails, the concerns, the challenges, the food drops and all of the work that she and her electorate staff would have had to do—and I thank them, because I know how hard it is, and it would have been scary and hard and challenging. So please, I ask the member for Shepparton—through you, Acting Chair—to thank her staff for the work that they would have done, because it would have been phenomenal, and I know the people of Shepparton would have been incredibly grateful to have that leadership. We know how close you can come to a full-blown outbreak that can really, really hurt your community. It can hurt your economy, it can hurt your health, and when we keep those COVID cases at bay we have a future to look forward to, we have less damage, we have less mental health problems, we have less death, and that is exactly what we are aiming for.

Before I finish up I do want to spend a few minutes talking about mental health policy. I have to say I found it fascinating to see the opposition leader work so hard to deliver his speech with a smile and in a calm way when he was talking about something so serious as mental health. It is not humorous, mental health. It should not be politicised. Government support for mental health should be endorsed by those opposite. The Royal Commission into Victoria’s Mental Health System should be endorsed. The policies that we are putting in place and the funding we are granting should be endorsed and should be recognised.

Nobody on this side of the house should be lectured by those opposite when it comes to mental health policy. We have got the Mindframe recommendations for reporting on self-harm, and I have already spoken about the member opposite who tragically decided that it was a good idea to put an image of self-harm on social media and then doubled down, taking a long time to take it down, refusing to accept the damage that he was doing. We know that the COVID-19 pandemic continues to have far-reaching and profound effects on the mental health of Victorians, and it is the mental health of Victorians across the board: it is older people, it is younger people, it is middle-aged people, it is single parents, it is people living on their own, it is people in big families. This is a stressful time for everyone.

Since April 2020 the Andrews Labor government has invested more than $225 million in additional mental health and wellbeing supports as part of our dedicated coronavirus response. In June this year the Minister for Education, who is doing a fantastic job, announced another package of immediate supports, investing $9.57 million—this is extra money—to support ongoing wellbeing funding for the circuit-breaker restrictions that we had in May and June. These supports have continued through our recent lockdown measures, and they are supporting Victorians when they need it. The package included $2.24 million to deliver a Headspace waiting list blitz for young people. Headspace do fantastic work, and I shout out to the one in Greensborough for all of the work that they do for the young people in my community. We have had $3.3 million to extend COVID-19 support packages for community organisations at the end of the calendar year and $1.5 million to expand eating disorder services in metropolitan regions.

We know these challenges are out there, we know that they are happening, and we are putting money and effort and work and thought towards addressing them. So again, playing politics with this pandemic, pretending that support and help is not there and that people are not being heard is dangerous behaviour, and it is this behaviour that those opposite continue to engage in. It is harmful and it is wrong, and I call on them to stop with the game playing, but sadly it seems impossible for them to do. The funding that we have provided this year recognises the psychological, social and economic impacts of physical distancing and isolation measures on the mental health and wellbeing.
of Victorians. We have given money to Beyond Blue. We have given money to Lifeline. The supports are there, and it is wrong and it is dangerous to pretend that they are not.

COVID-19

Mr T Smith (Kew) (19:00): I grieve profoundly for the state of Victoria, which is being so tragically governed by the most inept government in Australia. There is a paradox in Victoria, which this government has never quite explained, as to how this city and indeed our state has had the world’s longest lockdown yet the highest number of fatalities, tragically, from COVID-19. You would think, if all the government settings had been as they were, that with the highest number of days in lockdown of any Australian state we would have the lowest number of fatalities—which of course is how lockdowns work, as the government continues to advise us. But there is a contradiction between the world’s longest lockdown and the highest number of fatalities on this island continent, and without relativating the catastrophe of the second wave last year—which no member of this government has ever taken responsibility for—and the 801 tragic deaths that resulted from that catastrophe, we are still none the wiser as to who in this government decided to use dodgy private security guards instead of the ADF to deal with hotel quarantine.

But of course the magicians of diversion and spin in this Labor government have now made the case that they do not want to manage hotel quarantine. It was never their idea, despite the fact that it was the Premier who boasted that it was his idea which he brought to national cabinet—that returned Australian citizens should be quarantined in hotels. And this is yet another example of the profound contradictions and game playing and politicisation of this pandemic that have gone on in this state government here in Melbourne.

The ridiculous situation we had yesterday where this Labor government attempted to persuade—in a completely shameless fashion, I might add—the Victorian people that somehow they are being duded in terms of the vaccines that have been provided to them by their commonwealth government was shameful. 3.3 million doses of vaccine have been provided to New South Wales state hubs, and 3 million doses have been provided to Victoria—3 million versus 3.3 million. New South Wales has a slightly larger population than Victoria, so I think you might find that in terms of the number of doses that have been provided to state hubs vis-a-vis Victoria versus New South Wales we have received more per capita than New South Wales, which is terrific. I am a Victorian. I am a member of the Victorian Parliament. I want to see Victoria get as many vaccines as possible. I think that the vaccine should be rolled out on a per capita basis, which it is.

What this shameful Labor government forgot to tell everyone yesterday was that the reason why their vaccine rollout is so much further behind New South Wales is that GPs and pharmacies in New South Wales ordered 1 million extra doses of AstraZeneca when allocations were uncapped. Member for Croydon, that is a slightly different spin, shall we say, on the version of the truth that we heard from the Premier and his merry men and women yesterday. Dare I say, member for Croydon, it may have been a lie.

We know that all is not well in the state of Victoria in its sixth lockdown. Funnily enough, parents want their kids to go back to school. Now, of course this was inquired of the Minister for Education today in question time, who gave a shameful and pathetic performance. It was obvious to all that the education minister—I am told—has been put in the freezer since he undertook the duties of Acting Premier when the Premier was invalided. The Premier has not been particularly fond of the Acting Premier since that time. I am aware that the then Acting Premier’s colleagues appreciated his chairmanship of cabinet more than Chairman Dan’s because, funnily enough, he is a slightly nicer bloke than the Premier of Victoria. He actually talks to a few of his colleagues.

The Acting Speaker (Mr Carbines): Order! The member for Kew would be aware of the need to refer to members in this place by their correct titles.

Mr T Smith: I will not call the Premier of Victoria ‘Chairman Dan’ again in this speech.
On a very important point: this government constantly hides behind the health advice of one individual, someone who I believe does his very best, but he is not the font of all wisdom when it comes to public health advice on this pandemic. There are plenty of other medical professionals, and indeed experts in their chosen field, that have different views to the health advice which is the sword and shield at every press conference, question time, public utterance that this government make with regard to this pandemic and their policy settings. For example, Professor Fiona Russell was commenting today in a media release by the Australian and New Zealand Paediatric Infectious Diseases group, who I might add, reassure children and their parents that ‘COVID-19 is generally a mild infection in children’. Professor Russell, an expert, irrefutably so, says this:

Governments should prioritise access to education for children and adolescents, including keeping schools open safely wherever possible.

She tweeted on 3 September:

Schools are not inherently dangerous places for children catching covid either. Outbreaks occur but more likely to catch the infection at home or in community based on large UK surveys including Delta. Mitigation measures reduce risk but risk is not zero …

of course.

But given what we know about the way young people react to COVID infection, is it a proportionate and rational response to lock hundreds of thousands of Victorian schoolchildren out of the classroom? Is that fair? Is it proportionate? Is it reasonable? Have the mental health impacts of that decision been taken into account, the long-term impacts on young people’s development—not having any social contact with their friends, with their extended family, not playing sport, going to cubs, playing music, doing ballet? Is that going to have a long-term impact on their development? Yes. Is it having an immediate impact on their mental health? Absolutely it is. Is self-harm presentation at our hospitals going through the roof for teenagers? Yes, it is. Why then does this government not take into account those very prescient concerns of not just parents, grandparents, friends and families but medical professionals who talk about a shadow pandemic?

This obsession with this virus which in 10 per cent of cases is very, very serious seems to not take into account the impacts of lockdowns and interrelated issues on mental health and social dislocation. We cannot simply focus on COVID without taking into account the impacts on mental health that lockdowns and social dislocation are having on young people. They are 20 per cent of our population and 100 per cent of our future, and to treat them in such a way, with such a cavalier disregard for their mental health when in all likelihood their physical health is nowhere near as threatened as that of older Victorians and indeed Australians, I think is selfish and wrong. They should be foremost in our decision-making—absolutely they should be—and they are not.

Commentary on the latest National Centre for Immunisation Research and Surveillance report *COVID-19 Delta Variant in Schools and Early Childhood Education and Care Services in NSW* states:

Most children diagnosed with COVID-19 during the current outbreak, including those who caught the infection in educational settings, experienced mild or no symptoms, with only 2 percent requiring hospitalisation …

I am not suggesting for a moment that COVID-19 is not a massive public health challenge, that it is not in 10 per cent of cases a very, very dangerous infection, particularly for older adults—but not for children, and that is the evidence. Yet 24 hours ago the Minister for Education got up in this place and said all schools in Victoria will remain closed and will be for a long time because—the education minister’s words, not mine—the virus ‘does not respect local government boundaries’. Twenty-four hours later, prep to year 2 are going to be reopened in country Victoria, and years 11 and 12, but in metro Melbourne no such luck. Yet in the local government area that I represent, Boroondara, there are nine active cases—nine. Nine active cases, yet schools remain closed. How is that possibly reasonable, proportionate or fair? How does that make any sense in the reality of this situation? There are more
active cases in Greater Geelong than there are in Manningham, Cardinia or Maroondah, so why will schools there be closed tomorrow and closed on Friday when they will be opening up in Geelong?

You see, this is the problem when you do not release the health advice. I am not talking about the health orders that are tabled in Parliament every month; I can read them just as well as anyone else in this place. I am talking about the assumptions that are built into the orders. What advice has the chief health officer received? Why aren’t those materials made public to us so we can understand, for example, why playgrounds are closed one week because they are a terrible risk for COVID transmission and then a week later they are reopened? The problem is that most Australians are relatively cynical about what their governments tell them, and so they should be. I do not know about you, but I was brought up to question what governments tell us because, funnily enough, sometimes they lie to you. Why, for example, did the chief health officer advise one week that playgrounds are dangerous and the next week that they are not? Why did he say schools were terribly dangerous yesterday but now in country Victoria they are not? Why won’t you release the advice? Why won’t the Andrews Labor government release the advice that is ruining people’s lives?

You might argue that they are saving people’s lives, that yes, in some regards they have; that yes, this has been a very serious global pandemic that no government anywhere in the world has got it right; that very serious and instantaneous decisions needed to be made and no government—federal, state or territory in this country or any government anywhere in the world—has got it right perfectly. But there is something quite sinister going on in Victoria, where as I said at the outset, we have had the highest number of fatalities anywhere in Australia yet the longest lockdown. If everything was working perfectly—which it clearly is not and which no member of this government has ever admitted—that would not have occurred. But you are punishing our youngest people, our future, because of this insatiable desire to lock down, lock down, lock down, lock everything down and lock everything up. You have got an aversion to even having picnics—outdoor social interactions in low-risk settings. No-one has ever made the case that someone caught COVID outside. No-one has ever made the case for a curfew. No-one has ever released the health advice for a curfew.

The member for Eltham said before that we in the opposition have politicised this ongoing tragedy, this mental health tragedy and this social tragedy here in Victoria. Well, I might remind the member for Eltham that the opposition leader in New South Wales has quite correctly called for the abolition of the curfew in the local government areas of Sydney where a curfew currently applies. I might add that is a perfectly reasonable thing for the opposition leader in New South Wales to say, because like the Victorian government, the New South Wales government has never once justified from a medical perspective the existence of a curfew. This is not the Blitz. It is a nasty virus. It has killed hundreds of people here. I am not saying for a moment that it should not be taken seriously, but the dire mental health consequences for our young people are so grave, and clearly this government has not and will not take them into account. The chief psychologist must be further involved in healthcare settings in this state.

COVID-19

Mr McGuire (Broadmeadows) (19:15): Catastrophic events change societies. The pandemic stalks inequality. The spread of the coronavirus has exposed systemic fault lines like an X-ray. The most critical lesson from the pandemic is how our lives and livelihoods are intertwined. We cannot be indifferent to families and postcodes of disadvantage. The cost is perilous to lives and livelihoods, estimated at $1 billion weekly in Victoria and New South Wales. And we are still analysing the cost of the shadow pandemic in mental health.

The vaccine rollout was always our best way out of the pandemic. Three months ago in this Parliament I called for the Australian government to supercharge jabs in arms, warning of the dangers of delays so a golden opportunity was not missed. The Australian government knew winter was coming but maintained there was no race for vaccines. The race has always been to save lives and livelihoods by
delivering vaccines with the utmost urgency. The New South Wales Minister for Health defined the hunt for vaccines as almost like the *Hunger Games*; that is how out of control this became. The Premier has now demanded 340,000 extra doses of the Pfizer vaccine for Victoria to rectify a secret and under-the-table deal between the Australian government and New South Wales which delayed Victoria’s recovery and undermined trust in this vital national partnership. The triumph of politics over rational decision-making harms all of us. This is the critical proposition that we need to address as a nation. My call, as always, is to create opportunity from adversity. We must change politics for a stronger, smarter, fairer future.

The Victorian government has been confronting the challenges of our times, addressing the worst pandemic in a century and initially the worst global recession since the Great Depression. This defined the priorities and the record investment—a $49 billion investment. And the Victorian government has shown national and international leadership. Victoria is fighting the pandemic, protecting our people and building our future through our internationally acclaimed medical research. Science is our best bet against the virus, and the vaccines are the elegant gift of medical research. The investment is $400 million in an Australian infectious disease institute and the added $50 million offer for mRNA vaccine manufacturing right here in Victoria. This underscores the national and world-leading leadership, as my colleague the minister at the table has echoed. These investments will help save lives, protect Australia from future pandemics and deliver independent supply chains and the national sovereignty the Australian government craves. We need a unifying national strategy. This is the leadership that has come from Victoria. And, if you remember, the original offer was for $155 million—a generous proposition, money on the table and an offer from the Premier to the Prime Minister: will you come in and support this? It did not happen.

**Mr Wynne:** Partner with us.

**Mr McGuire:** Yes, partner with us. The Victorian government went all in. Okay, there is your leadership. That is what is defining. This is what this government has been doing, and it goes to a long tradition. It goes through the current Labor Premier, the ministers, the Treasurer, Jaala Pulford in the other place, but also previously Premiers Bracks and Brumby and all the way back to John Cain. This is a long strategy and a vital partnership that has happened. Victoria is the chance to be the national anchor. All we really need to do is have the Australian government come in and at least fund the national network around such leadership, and it should not be an argument. The proposition I have always put is the simple one: invest with the best. Why don’t we do that? And what can we do off the back of that? We can leverage this with a new deal on the Cancer Moonshot.

Australia has a defining opportunity to save lives from COVID and cancers by manufacturing mRNA vaccine and expanding our relationship with the White House. The Australian government will soon announce where it will invest to secure local supply for mRNA vaccines, a need the pandemic has highlighted for national independence and to protect Australians with next-generation vaccines. That is the beauty of what mRNA does. Nobel laureate Professor Peter Doherty declares the decision, based on science, is a no-brainer. He got the Nobel Prize for medicine. Victoria is uniquely placed with twice as many researchers in this discipline as any other state and 70 per cent of Australia’s pharmaceutical and biotech companies. The Victorian government has committed $50 million for a vaccine-making hub for mRNA. Melbourne is the beating heart of Australia’s internationally acclaimed medical research and offers the full spectrum of assets and expertise, from scientific discoveries to institutional clout, business acumen and manufacturing nous.

This is a one-off opportunity to establish a new industry with lucrative export potential. Victoria also provides the opportunity to expand our Cancer Moonshot relationship with the President of the United States, Joe Biden, and a brain gain with America. President Biden explained his ambition to be a transformative leader in his first address to a joint session of Congress. His vision is hardwired to technology and know-how. The Cancer Moonshot is the unity ticket we can advance together, and Melbourne is the beating heart where you do it. Victoria’s founding partnership internationalised this quest, exchanged vital research and reimagined Australia’s relationship with America. Joe Biden came
to Melbourne for the opening of the billion-dollar jewel in Australia’s medical research crown, the Victorian Comprehensive Cancer Centre (VCCC), in 2016.

Mr Wynne: One of the best in the world.

McGUIRE: One of the best in the world, as the minister at the table, the Minister for Planning, says, and he is right. Their mission to crack the code of one of the world’s biggest killers is as personal to Biden as family. His visit as Vice-President was shortly after the wrenching loss of his son Beau, aged 46, from brain cancer. As President, Joe Biden defines the Cancer Moonshot as emblematic of American progress and a unifying cause:

I know of nothing that is more bipartisan. So, let’s end cancer as we know it.

That is a direct quote that he declared little more than 100 days after mob insurrection and killings in Congress aimed at preventing him from being sworn in as President. Offering hope on cancer breakthrougths to members wearing masks and socially distancing after the COVID-19 winter in America, he declared:

It’s within our power to do it.

That is his declaration. That is his commitment. And now here is the strategy. It is embedded in his American jobs plan—so that has got echoes of what the Victorian government wants to do—and here is how he wants to see it implemented. It features the biggest increase in non-defence research and development on record in America. The method is to adapt artificial intelligence and other technologies to supercharge breakthroughs predicted to outstrip half a century’s advances in the next decade. This is the acceleration we are on; it is exponential. This is the opportunity that we can seize, and Victoria, and Australia through Victoria, should be at that table. This is the connection. President Biden wants to translate the model designed for national security that led to discoveries including the internet and GPS, under a defence department agency to focus on health. This would target breakthroughs to prevent, detect and treat diseases including Alzheimer’s, diabetes and cancer under the National Institutes of Health.

Australia is close to the top of the survivor list for most cancers. Big dreams demand big data being distilled into understanding, knowledge, then remedies. Biden praised the significance of the agreement between Victoria and the United States to share patient histories with full privacy protections during his tour of the VCCC, noting, and I quote him:

You are making cancer research a team sport.

That is what the President of America said to the Premier of Victoria. The Australian government is about to make a team Australia decision. The Olympic strategy for success was simple: invest in the best.

So this is a critical point in our nation’s history under the severe test of catastrophic events. We are a nation of 25 million people. We are not world leading at many things—the Olympics showcased our sport—but in medical research we absolutely are. So here is a chance to put political partisanship to one side, to put parochialism to the other side, to invest in the best and deliver the leadership. It has been one of the absolutely humbling experiences of my life to work with people of this calibre and to see their collegiate approach. They are competitors, but they are also colleagues, and the research model is that they look to add value at every point to what is being done, and that is what they attempt to do. So anchoring this in Victoria gives you the chance to have the national setting. We did it with genomics. We did it with the Murdoch Children’s Research Institute. We have done it with other ones, but I raise this because I am acutely aware of what happened with the proton beam. It should clearly—on the merit, on the value, on the offer, on the position—have been in Melbourne. There was an argument maybe for Sydney, but not for Adelaide. Why did it go to Adelaide? These are the issues we still confront, because it was about trying to win marginal seats off Nick Xenophon. And what else went there? There was a $70 billion or $80 billion submarine industry, when Melbourne’s north was treated with managed decline with the demise of the Ford factory. That started the end of our once proud automotive manufacturing industry. What have we got?
Mr Wynne interjected.

Mr McGuire: Yes, well, that is what happened. So we had this industry, and what do we need now? We need manufacturing scale. Well, how did we lose that? We lost the automotive industry. That is the reality. So where has it come back to? It has gone full circle. It has come back to Broadmeadows. One block from CSL manufacturing in Camp Road is the Ford site in Barry Road. So we have now attracted a pipeline of shovel-ready projects worth $1 billion into there, because we need the catalyst, we need the new jobs. So that is what is happening, and that is how we are trying to connect up these communities. Australia turns to Broadmeadows in times of existential threats—from wars, natural disasters, economic peril and pandemic—so now is not the time to turn our backs on it, as we have too many times in the past. We cannot leave Broadmeadows like an orphan. We have got to actually take care of the people and make sure that the entrenched disadvantage is overcome and that we take care of the complexities that we face so that it is the epicentre of working hard, confronting these problems of our times, remedies for the pandemic and economic opportunities for the future.

I cannot let this occasion pass without obviously saying we have a new Leader of the Opposition, and he wants to talk about hope. So there it is: *Creating Opportunity: Postcodes of Hope* from 2016. Let us see how this works because this is important—how we address people in these communities and the respect that we give them. I do recall that yesterday morning the former coalition leader publicly defined his predicament, and I am quoting the member for Malvern:

> You either give up your job or you give up your integrity.

He refused to surrender his integrity in a time of global pandemic to those who would—we will wait and see—say anything to seize power. During a once-in-a-century pandemic, a new period of counter-enlightenment, hyper-partisanship and hyper-factionalism this is not the leadership we need. And you cannot have the coalition looking to divorce the Deputy Prime Minister over climate change—Barnaby Joyce. So we need now responsible government. We cannot have chaos. We need to have an enlightened view, where facts are stubborn and cherished, not alternate. We need to bring the community together, and that is what this government is doing—reaching back to make sure that people are not left in disadvantage, making sure that we build a future. They are the people who signed up for citizenship last night, and I was delighted to tell them, ‘You will be judged on your character and your commitment, because that is the Australian way’.

Question agreed to.

Business interrupted under resolution of house of 7 September.

The Acting Speaker (Mr Carbines): Order! Under the resolution of the house I am now required to interrupt business for the adjournment. The house is now adjourned until tomorrow at 2.30 pm.

House adjourned 7.30 pm.
MEMBERS STATEMENTS

Legislative Assembly
Wednesday, 8 September 2021

Members statements

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

AFGHANISTAN

Mr DONNELLAN (Narre Warren North—Minister for Child Protection, Minister for Disability, Ageing and Carers)

Today I wish to raise my concerns about the federal government’s inadequate response to the crisis in Afghanistan. The federal government has been sluggish in preparing Australia’s response to the unfolding humanitarian crisis and has shown a callous indifference to the suffering now taking place.

The time for planning the evacuation of Afghan nationals who assisted Australian forces should have been the moment President Trump signalled US withdrawal from Afghanistan, not after the last Australian plane left Kabul.

The imminent danger facing the Afghan people needs action and leadership, not parroted lines about following complicated and lengthy visa processes, very few of which have been approved.

There are tens of thousands of Afghan nationals in peril who risked their lives and those of their families to support our troops in Afghanistan, but this Prime Minister is more concerned with playing politics. This is not the time for politics, it is the time for leadership, a sense of mateship and common decency.

I am embarrassed by the Australian government’s response. No planning, no loyalty and no compassion. No Malcolm Fraser, no Bob Hawke and no Tony Abbott-like response. Peter Dutton blows his dog whistle and the PM tells the Afghan people they need to come the ‘right way’. How cruel and uncaring.

To date we’ve offered to take 3000 Afghans; with a wink and a nod from the PM, we may do more. If that’s the best he can offer the people of Afghanistan in their hour of need, then our Prime Minister’s moral compass is beyond broken.

HAYLEY WILSON

Ms McLEISH (Eildon)

Congratulations to Mansfield local Hayley Wilson, who has become Australia’s first female to skateboard at the Olympics. Although she didn’t get the result she was after, it was an incredible achievement, a very big deal, to secure a position as an Olympic competitor and represent Australia. Due to COVID lockdowns and restrictions in the lead-up to the Olympics, skate parks were closed. Hayley’s parents, James and Catriona, along with those at Rosehaven in Mansfield readily converted Bob’s Shed into the Wilson training facility so Hayley could commence training. I was able to visit Hayley there before she left for Tokyo, and it was a delight to watch her skate in person. Hayley, you should be extremely proud, as we all are of you, and I look forward to watching what you achieve next. Well done!

LAYLA CALDER

Ms McLEISH (Eildon)

Congratulations to Layla Calder from Yea High School, who has received a 2020 Premier’s VCE Study Award for community services.

COVID-19

Ms McLEISH (Eildon)

I renew my call for a third time for the Premier to classify non-urban areas of the Yarra Ranges as regional for the purposes of COVID. Yarra Valley and Upper Yarra communities are livid being locked down under metro Melbourne restrictions again when there have been zero active COVID cases in the area for close to a year. The Labor government even referred to the Yarra Valley as regional for the regional travel vouchers. I have spoken of this embarrassing contradiction by Labor before, and it certainly has not been forgotten by locals. The Yarra Valley and Upper Yarra are mostly 60–80 kilometres from the CBD, residents live a rural lifestyle, many work in the horticulture industry and there are no train lines. I created a survey calling for the classification change. So far over 1700 people have agreed to classify the Yarra Valley and Upper Yarra as regional Victoria. The community are crying out for change. The evidence is there. Premier, the change needs to be made.
MEMBERS STATEMENTS

Wednesday, 8 September 2021

AL SIRAAT COLLEGE

Ms D’AMBROSIO (Mill Park— Minister for Energy, Environment and Climate Change, Minister for Solar Homes)

• I would like to acknowledge the progressive sustainability initiatives of Al Siraat College in my electorate of Mill Park.

• The Al Siraat College is a co-educational school of approximately 1100 students. Since its inception in 2009 the college has continued to undertake community environmental initiatives with vigorous commitment.

• Sustainability Victoria has recognised the initiatives undertaken by the Al Siraat College in recycling and energy preservation, and identified the college as a resource-savvy school.

• The dedication by the college was highlighted at a recent Q&A sustainability forum I was pleased to host with the school community. I was delighted to also recognise their community leadership with an environmental award, marking World Environment Day.

• My warm congratulations to the principal and staff, and college environmental captain Junayd Ayoubi, who as the sustainability ambassador has undertaken recycling initiatives with the school community.

• It is always heartening to see younger Victorians, their families and our community make active and positive contributions to Victoria’s future.

COVID-19 VACCINATIONS

Ms D’AMBROSIO (Mill Park— Minister for Energy, Environment and Climate Change, Minister for Solar Homes)

• In this vein, I also wish to acknowledge Dianella Plenty Valley Health and the BAPS Shri Swaminarayan Mandir community for hosting a successful pop-up vaccination centre at their temple, based in my electorate of Mill Park.

• Approximately 800 members from the local City of Whittlesea community attended to receive the COVID vaccine. This initiative has significant impact towards the wellbeing of the community. Every vaccine administered is one step closer to the lifestyle we all miss and reuniting with our loved ones.

• My sincere thanks and well done to the BAPS translators, the BAPS volunteers and the DPV Health staff who played an important role in the success of this pop-up vaccination centre.

COVID-19

Mr T BULL (Gippsland East)

The announcements made to day on restrictions to country Victoria assist some businesses but are of no help to many.

There are many examples, but I will take one—dance classes and gyms. How is it we can have 25 kids in a classroom from Friday but after school we cannot have 10 in a dance studio twice the size?

Why can’t gyms be open with the appropriate social-distancing and cleaning arrangements in place?

Venue limits of 10 are of no help to our pubs and clubs. They are big places, and having 50 patrons is a lower density limit than having 10 in a cafe. They need a pathway and a time frame as to when they can expect to open, not silence and then 24 hours notice.

COVID-19

Mr T BULL (Gippsland East)

Why is this government still expecting people to drive from Queensland to Victoria in 24 hours when the trip with a caravan is 16 hours—when this same government tells us repeatedly not to drive while drowsy? It should be at least 36 hours.

There is not a greater risk incurred by a few hours of extra sleep, and road safety should be paramount.
COVID-19

Mr T BULL (Gippsland East)

Why were all country principals told last week there would be no face-to-face learning in term 3, a view confirmed by the minister on Monday? Then on Wednesday we are told schools are opening up from Friday for junior students.

This has left principals and staff stressed and unprepared. Why is this so disorganised?

COVID-19

Ms HORNE (Williamstown—Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Fishing and Boating)

We all know this pandemic has turned our lives upside down and has forced us to change the way we live to keep each other safe.

The state government’s message has been to get tested, get vaccinated and save lives. And that’s exactly what members of my community have done.

With the latest outbreak hitting my electorate hard and unfortunately many exposure sites popping up across Melbourne’s west, I’d like to thank every person who did the right thing and got tested immediately.

This was made possible by the multiple testing sites in our community, including drive-through testing centres in Newport, Altona North and Spotswood.

And these sites would be nothing without the health professionals and contact tracers who do an amazing job every day and who work tirelessly to contain the virus.

By working together with locals, these sites have allowed many primary close contacts like those in the Hobsons Bay cluster to receive their results rapidly and act according to the health advice. I was pleased to drop off morning tea for the staff at some of the testing locations recently. We thank you.

On top of the impressive testing efforts, the state government has continued to expand access to vaccinations at state hubs. This provides more opportunities for people to get out and get vaccinated.

A special shout-out is in order for the multicultural and multifaith communities here who have done a power of work to get the right messages and health advice out.

This week the Australian Islamic Centre in Newport has partnered with Western Health to open its doors for COVID-19 vaccinations, providing culturally sensitive health care right where it is needed. This centre is equipped with Arabic-speaking doctors and translators, who can provide essential medical advice to our Muslim community, allowing people to attend for vaccinations somewhere that they know and trust.

I urge all those who are eligible in Williamstown to make getting vaccinated a priority—it’s our ticket out of this pandemic. COVID-19 has taken a toll on our economy, our lives and our state, and in order for us to get back on track, eligible Victorians should go out and get vaccinated.

I’ve had both doses of AstraZeneca, and I chose to get vaccinated to protect my loved ones and my community, and other eligible Victorians should do the same.

Thank you again to our healthcare workers doing such an awesome job keeping us safe.

ENERGY POLICY

Mr ROWSWELL (Sandringham)

I rise to lament the Andrews Labor government’s inability to deliver energy that is renewable, affordable and reliable.

The shine was well and truly taken off of the government’s flagship Solar Homes program just a few short months ago. In a damning indictment of this government’s inability to deliver renewable energy to Victorians, the report found that:

• just three months of planning went into a program intended to run for 10 years and involved expenditure of $1.3 billion of Victorian taxpayers money;
• the government still can’t justify why the best solution to reducing Victoria’s energy costs is rebated solar photovoltaic panels, batteries and solar hot-water systems; and
• Solar Victoria can’t prove how this program is actually reducing emissions and power costs for Victorians.
This comes hot on the heels of a revelation that the government:

- undermet solar PV rebates for small businesses by 4900 (98 per cent)
- undermet applications for solar hot-water rebates by 5000 (83 per cent)
- undermet solar for rentals so far by 48 482 (97 per cent)

As well as failing to deliver renewable energy, the government is also failing to deliver affordable energy to Victorians who need it most.

The government claims that over 900 000 low-income Victorians are eligible for its $250 power saving bonus. Yet the initiative has been underfunded by $93.4 million. That means 41 per cent—or some 369 000 Victorian households—are missing out on a concession that could help them meet their energy bills for at least six weeks.

The ESC has also found that delays and backlogs in, and low awareness among non-English-speaking communities about, the utility relief grant scheme has exacerbated the emotional and financial difficulty of vulnerable Victorian energy consumers.

Where is the government? Where is the minister? Does Labor accept these findings? What is Labor doing to help vulnerable Victorians meet their energy costs? Nothing!

And then there’s the looming energy reliability crisis. AEMO estimates that, in just nine short years, our state faces a heightened risk of blackouts.

That’s sadly not hard to believe.

Take the recent example of Labor’s Big Battery—a supposed linchpin in our state’s future energy reliability. Weeks on from the blaze, the minister has failed to guarantee that investigations will be publicly released and claims that the Big Battery will be back online in time for summer.

Premier Andrews and his energy minister must guarantee transparency and openness in this process so that all Victorians—including renewable energy naysayers—can have trust that batteries are safe and reliable.

Then there’s the renewable energy zones—for mostly western Victoria.

We have 1631 MW of existing or committed renewable energy in that zone, but only now is the government investing in the transmission infrastructure that is needed. Why now? Well, in the minister’s own words—‘The system’s gonna collapse. It’s not gonna work’.

But they can’t even get that right. Local farming communities are up in arms about the Western Victoria Transmission Network Project, and even members of their own backbench are starting to rebel.

The government then has the audacity to blame it all on AEMO and claim that this is a federal issue!

Need I remind the government that AEMO is 60 per cent owned by Australian governments and 40 per cent owned by retailers. Of the 60 per cent government share, the federal government holds just 7.5 per cent. AEMO is responsible for transmission planning in Victoria because this lot don’t want responsibility for it!

Victorians need and deserve power that is reliable, affordable and renewable. A coalition government will succeed where Labor has so clearly failed.

YUROKE ELECTORATE SCHOOLS

Ms SPENCE (Yuroke—Minister for Multicultural Affairs, Minister for Community Sport, Minister for Youth)

I rise today to congratulate Mark Natoli on his appointment as the foundation principal of Greenvale Secondary College and Anthea Jamieson on her appointment as the foundation principal of Gilgai Plains Primary School in Kalkallo.

Mark comes with solid experience as an educator and as a leader, having previously served as the principal at John Fawkner College. I know he’s as excited as I am to open this long-awaited school and welcome the first students and educators in term 1, 2022.

Anthea Jamieson also brings the background that will make Gilgai Plains Primary School the great neighbourhood school Kalkallo kids deserve. Anthea’s decades-long experience in establishing new schools and helping them thrive will serve local students and their families well for many years to come.

Both foundation principals are already recruiting the staff who will deliver the world-class education that students deserve, close to home.
MEMBERS STATEMENTS

Legislative Assembly

Wednesday, 8 September 2021

The community has been consulted at every step of the way with these schools, including the design and naming. Both principals are now consulting directly about the final decisions they will take before they can open, including the all-important uniform, having already chosen school mottos and colours.

This is a really exciting stage of the process for all involved, and I can’t wait to see what they come up with. Both schools have created a dedicated social media presence where anyone can see regular updates, and I think that’s a great way to keep our equally excited community involved.

To Mark, Anthea and all involved, well done for your work so far, and I can’t wait to see what’s next.

YOUTH MENTAL HEALTH

Mr NEWBURY (Brighton)

Parents know that the shattered mental health of our kids is the biggest threat facing our state.

They know there is a mental health shadow pandemic in Victoria, despite the state Labor government trying to deny it and seeking to cover it up.

The truth is known because the community has felt it.

We also know because secret reports, which set out up-to-date health data, have been publicly released. Data the state government has tried to hide.

The most recent Victorian Agency for Health Information child and adolescent edition report shows that each week an average of 342 children and teenagers present to emergency departments, in a mental health crisis.

And more specifically:

• 156 teenagers were rushed to hospital after self-harming and suffering suicidal ideation—which represents an 88 per cent increase on last year; and

• more than 37 teenagers required resuscitation and emergency treatment—an 83 per cent increase on last year.

Disturbingly, new information from Victoria’s Coroners Court reinforces how the shadow pandemic is most harming children and teenagers.

Court data shows that in the first seven months of the year, eight teenage girls have taken their life—in the first seven months of last year, one young girl took her life.

The court itself has publicly confirmed the troubling increase, saying: ‘The court has noted a potentially higher than expected number of suspected suicides among women under 18 this year’.

We should mourn any young child taking their life.

Any child lost represents decades of life not lived.

It is heartbreaking. We should fight frantically to stop it.

And any increase in loss of life amongst young people should be met with a sense of distress from government, followed by hasty action seeking to do whatever it can to do more.

Victorians can see the truth.

They know this mental health crisis is not being met by a government desperate to do something.

In fact we have witnessed this government’s immediate response was to cover up.

Did the government quickly and repeatedly incorporate mental health messaging into the daily press conference? No.

Has the government ensured that expert mental health advice helps shape lockdown restrictions? No.

Or finally, and most egregiously, 20 months into the pandemic, has the government already provided a mental health specialist at every primary school? Again, no.

This government shouldn’t just hang their heads in shame.

The government’s behaviour hasn’t just been unconscionable.

Their lack of action isn’t only immoral.

It’s malicious.
ST MARY’S HOUSE OF WELCOME

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing)

I rise to inform the house of the 60th anniversary of St Mary’s House of Welcome, a truly extraordinary milestone.

• For members unfamiliar, St Mary’s House of Welcome was opened in May 1960 by the Daughters of Charity to aid homeless and disadvantaged men in Fitzroy. Ever since its founding it has been a leading not-for-profit provider of essential services to those facing homelessness and hardship.

• For many years, I have been graciously welcomed at St Mary’s House of Welcome and I am disappointed I have not been able to visit in recent months.

• Every Christmas Day I always look forward to helping with the Big Give, the free traditional Christmas lunch.

• The importance St Mary’s House of Welcome cannot be understated. Every day they welcome roughly 200 people who are experiencing homelessness, poverty or mental illness and provide roughly 80 000 meals every year.

• With 89 per cent of people seen at St Mary’s House of Welcome suffering mental health issues, this undoubtedly highlights the importance of the record $3.8 billion investment in Victoria’s mental health system announced in the 2021–22 state budget.

• I congratulate St Mary’s House of Welcome on 60 years of care and support of the most disadvantaged and vulnerable members of our community.

COVID-19

Mr ANGUS (Forest Hill)

The COVID-19 crisis here in Victoria is continuing to escalate. In particular, I have been contacted by several Forest Hill district residents who are currently stuck at the New South Wales/Victoria border. In some cases, these residents have been stuck there for many weeks, having been refused entry back into their own home state. These residents are double vaccinated, have returned repeated negative COVID-19 test results, are willing to isolate at their own homes and yet are still being refused entry into Victoria.

Some of the couples involved are towing caravans and thankfully at least have some accommodation. Several of the people involved have advised me of the significant impact their predicament is having on their health, both physical and mental. They have provided medical documents attesting to these negative impacts and particularly their deteriorating mental health. This is a totally unreasonable and unacceptable situation. I call on the state government to urgently resolve this situation and allow these Victorians to return and isolate in their own homes. I again note in this place the appalling fact that there is a complete lack of a plan from the state government to get Victoria back on track, a clear sign that they are no longer fit to govern this once great state.

The current mental health crisis in Victoria is continuing to grow. I am regularly contacted by parents concerned about both their own and their children’s mental health, as well as lonely older residents. Months of homeschooling, isolation from family and friends and the inability to undertake previously normal activities is really starting to affect Victorians. Also, untold thousands of small business operators have been decimated by the ongoing lockdowns, with countless having already gone under and countless thousands of others feeling hopeless and in despair, unable to see any way out. All Victorians urgently need the state government to provide a clear plan to get us out of this mess.

MEDICALLY SUPERVISED INJECTING FACILITIES

Mr ANGUS (Forest Hill)

As a further blow to the efforts to revive the city, the Victorian government appears set to establish a second drug injecting room in one of Melbourne’s busiest locations, Flinders Street near the station. With the Richmond drug-injecting room proving to be a huge problem for police and the local community, it is inexplicable why the government would pursue this course of action. The government should be trying to help people get off drugs, not facilitating this dangerous and illegal behaviour. It should be trying to make the city more attractive to people, not making it more dangerous and unattractive.
Ms EDWARDS (Bendigo West)

Fantastic news for Bendigo and our regional communities.

Yesterday we unveiled designs for the new $59.5 million day rehabilitation centre at Bendigo hospital.

This significant investment will mean central Victorians can easily access the high-quality rehabilitation and allied health services they need on their recovery journey—in a modern, state-of-the-art facility.

Delivered by the Victorian Health Building Authority, the investment will construct a new hydrotherapy pool and bring together outpatient rehabilitation, allied health, dental, mental health, renal dialysis, breast screening and diabetes education services under the one roof.

The designs reveal a first look at the exterior, grounds, hydrotherapy pool, and internal fit outs of the multimillion-dollar facility—creating a welcoming, safe and healing atmosphere for patients, their carers and families.

Central Victorians will be able to access a team of health professionals all in one place to help them recover from accidents, injuries and medical conditions, such as a stroke or heart attack, while providing a holistic and patient-centred approach to rehabilitation and care.

Bendigo Health’s ageing east and north wing tower buildings, built in 1958 and 1972, will be demolished, and the area will be converted to open green space for patients, visitors, and staff to enjoy.

Existing services will be relocated to the newly refurbished Phillips and Hyett blocks located at the Bendigo hospital’s Lucan Street campus.

At the peak of construction, this $59.5 million project will create around 180 jobs, providing a boost for the local economy as our state continues its post-pandemic recovery.

With Alchemy Construct appointed to complete the project’s early works construction, this state-of-the-art facility is on track to be completed in 2023.

This exciting project is the final piece in the redevelopment of our hospital precinct and will compliment our world-class new hospital.

I’m proud to be delivering on this election commitment.

Ms SANDELL (Melbourne)

Toy libraries are fantastic places.

They are so much more than a place to borrow free toys.

They also allow families to meet, learn and play together, and to build community.

Here in my electorate of Melbourne we’re so lucky to have three volunteer-run toy libraries, in Carlton, Kensington and the Docklands. These are really well used by parents, who love that they help them reduce waste, save money, and connect with other families. Right now they’re closed due to COVID, but once we’re all vaccinated and the state opens back up, toy libraries will be a vital place to rebuild connections for kids and families.

But without new funding from Melbourne City Council, Melbourne’s toy libraries are at risk of closing forever. That’s why I’m supporting local parents in their call for urgent funding to save our toy libraries in Carlton, Kensington and Docklands and to find a proper home for the Kensington toy library, which will be displaced due to the upgrade of the Kensington Community Recreation Centre.

Together, we can ensure our toy libraries continue to serve Melbourne families for years to come.

CHES BARAGWANATH, AO

Mr CARBINES (Ivanhoe)

I rise to give thanks on behalf of all Victorians for the life and dedicated public service of Mr Ches Baragwanath, AO, who died last month, aged 86.

Among his many achievements, Mr Baragwanath was a greatly respected Auditor-General here in Victoria. As reported in the Age on 17 August, ‘Thorn in Kennett’s side, Baragwanath dies at 86’.
During his stint as auditor-general in 1996, Mr Baragwanath had found the Kennett government granted Crown Casino 150 extra gaming tables for just $85 million, instead of $259 million.

He also handed down damning reports into issues relating to the Kennett government, including the misuse of government credit cards, the secrecy surrounding Victoria’s private prisons and the use of commercial confidentiality to conceal the sale of public assets and government spending.

I well remember the outrage from constituents in the Ivanhoe electorate when the Kennett government tried to curb the powers of the Auditor-General and legislate to establish Audit Victoria, essentially the privatisation of the Auditor-General’s office, an independent authority that reports to this Parliament without fear or favour.

History records that Victorians resisted this political overreach and the Bracks government was in part elected in 1999 on a platform of restoring the powers and respect for the office of the Auditor-General.

As former Victorian Premier the Honourable Steve Bracks said recently in a public tribute in the same Age article:

‘Ches was a magnificent independent umpire … and a man of great dignity, great independence, and someone who upheld the principle of the office effectively and well.

Vale, Ches Baragwanath, AO. I offer the condolences of this house to the Baragwanath family.

COVID-19

Mr BURGESS (Hastings)

I have written twice to the Premier about the importance of urgently reclassifying the Mornington Peninsula from being a part of metropolitan Melbourne to that of regional Victoria. I have also raised this important matter on three occasions in this chamber.

The Mornington Peninsula has largely been free of COVID-19 infection, yet it has been locked down anyway, simply because of lines on a map that identify it as metropolitan Melbourne.

The Mornington Peninsula is not a part of metropolitan Melbourne for any other reason than bureaucratic convenience and there is no reason why this ridiculous situation should be allowed to continue.

We can all agree that no individual, group or community should be held under COVID-19 restrictions a minute longer than necessary. Our children’s mental health is declining, our local businesses are struggling, and community spirit is deteriorating.

Whilst the current state-wide lockdown applies to all Victorians, Mornington Peninsula families, particularly children, are now suffering the cumulative effects of an extended lockdown, much of which could and should have been avoided. If the Mornington Peninsula had been locked down only when regional Victoria was and was to be released this coming Friday, when the Premier has stated regional Victoria will be, Mornington Peninsula residents, their children and businesses would have been spared much of the damage inflicted by the Andrews’s government’s careless decisions.

It is time to reclassify the Mornington Peninsula as part of regional Victoria so that we can minimise the negative impact that lockdowns are having on its residents, children and businesses.

AGL CRIB POINT GAS TERMINAL

Mr BURGESS (Hastings)

It was a major win for Crib Point and Mornington Peninsula residents when the Andrews government relented to public pressure and adopted Victorian Liberal policy to stop AGL installing a gas plant on the foreshore of Crib Point.

The Liberal policy opposing this inappropriate development was based on three grounds:

• support local residents who oppose the project at Crib Point
• serious environmental concerns with the effects on Western Port and proposed pipeline route
• opposition from the legally recognised Indigenous traditional owner group.

The department received over 6058 submissions about this proposal. The overwhelming majority of those opposed it, including the Mornington Peninsula Shire and Bass Coast Shire councils.

I would like to thank the many individuals, community groups and businesses who submitted submissions expressing their strong concerns about this project.

My community has been telling Labor governments for years that we do not want industrial development at Crib Point. I’m very proud to have worked with my local community to secure this great outcome.
MEMBERS STATEMENTS

3020 Legislative Assembly Wednesday, 8 September 2021

True to form, this proposal was just one of a long line of toxic industrial plans the Labor Party have tried to impose on Crib Point, beginning with Boral’s bitumen plant and urea plants under Brumby Labor and the statement by former Andrews government ports minister and member for Narre Warren North about plans to use Western Port for coal shipment and then the AGL gas terminal. None of these proposals were bringing any jobs with them, which likely explains why no other locations wanted them in their areas.

The AGL proposal by the Andrews government was just more proof that Labor views Crib Point as a place to send toxic industry that nowhere else will accept.

While others have claimed to have played a part in stopping the AGL plan, those claims fly in the face of statements made by them to people during the process that they had no influence! Not surprisingly, FOI requests revealed no communication with the decision-maker on the topic and not even a peep here in this house. Perhaps we are to believe it was secret talks in the hallways of Parliament that had such a major effect on the minister.

When elected to government in 2010 I had the pleasure and honour of stopping Labor’s bitumen and urea plans for Crib Point and I informed AGL that if a Liberal government was elected in Victoria it would stop their plans too.

I made a promise to the people of Crib Point, Bittern, Balnarring and Somers more than a decade ago that a Victorian Liberal government will always protect Crib Point from industrial development and that is a promise I will always keep.

JOE FERNANDEZ

Mr BURGESS (Hastings)

After battling through the first four Labor-induced lockdowns, the most recent fifth lockdown has finally rendered my Langwarrin constituent, Joe Fernandez, unable to continue running his business, Ming Zhu massage in Langwarrin.

Joe has been let down by the Andrews Labor government at every turn. Initially, he was denied the financial aid he was entitled to due to a technical error in his application. Rather than offer him assistance to rectify the simple mistake, this government simply sent him a rejection email. While my office was able to assist Joe to fix the issue so he could gain access to the funds he was entitled to, after five lockdowns Joe’s business had seen a downturn of more than 60 per cent. He simply could no longer afford to pay his rent. When he contacted the Victorian Small Business Commission for help in negotiating with his landlord, he was told there would be a four-week wait—four weeks a struggling business owner does not have.

Not only is Joe no longer able to keep his business open from a financial standpoint, he is mentally exhausted from the constant state of the unknown he is forced to live in under this government. It is these real, tangible examples of small businesses and their owners hitting the wall that this government refuses to acknowledge while it pats itself on the back for what a great job it has done.

COVID-19

Mr BURGESS (Hastings)

While Premier Andrews likes to point to NSW and say, ‘What a mess’, we should never lose sight of the fact that while most states have struggled with COVID delta, only Victoria lost control of COVID alpha and more than 800 people tragically lost their lives as a result.

CHILL OUT AND LOOK ABOUT

Mr EDBROOKE (Frankston)

In March last year Dylan, a year 9 student from Frankston High School, was riding his bike home.

He was hit just a few hundred metres from his home, and tragically lost his life.

I still can’t comprehend the unspeakable grief for Dylan’s family, friends and the wider Frankston community, but I have seen the effect on my son and his mates who attend Frankston High School.

Dylan’s classmates stepped up. They wanted to celebrate Dylan and share his story in a meaningful way.

So they created the Chill Out and Look About campaign.

It’s an initiative which aims to improve road safety and awareness for all road users.
They wrote to me with their ideas, which I thought made absolute sense. That is why I ensured that everything that could be actioned was made a reality. These ideas have now been acted upon and these amazing students are already creating real change. At the intersection where Dylan was hit, safety upgrades including zebra crossings and fences are being installed, with more upgrades under consideration. I am so proud to work with the Chill Out and Look About team and hope to catch up with them in person soon. Your important work is honouring Dylan and helping to make our community a safer place. Please remember to ‘Chill Out and Look About’.

COVID-19

Mr EDBROOKE (Frankston)

We’ve got a quarter of a million reasons to say thank you to our Peninsula Health team. Thanks to them, our community had presented for more than 250,000 COVID-19 tests. The COVID-19 screening clinics operation continues to do an amazing job and with the capacity significantly increased since the crisis started just over a year and a half ago, with the scaled-up equipment and workforce now able to take up to 2000 coronavirus tests a day and our community says thank you!

1ST BALLAN SCOUTS

Ms SETTLE (Buninyong)

• I want to thank everyone in regional Victoria.
• We have all been doing the right thing, getting vaccinated and adapting to new ways, such as keeping in touch through Zoom.
• On Monday night I joined the 1st Ballan Scouts annual reports and presentation evening via Zoom.
• A wonderful opportunity to hear about the amazing adventures that the scouts had been on this year.
• But what stuck with me was a comment from a young girl who said that what she loved about being a joey was doing things she wouldn’t normally do.
• Well done to the 1st Ballan Scouts leadership, you’ve done an amazing job, and well done to all the joeys, cubs, scouts and venturers.

WOMEN’S BUSINESS INCUBATOR

Ms SETTLE (Buninyong)

• Earlier in the day I was proud to launch the Ballarat Regional Multicultural Council’s Women’s Business Incubator, made possible with a $32,500 grant from the Victorian government’s Stronger Regional Communities Program.
• For more than two decades the Ballarat Regional Multicultural Council has provided a fantastic service to migrants and refugees in the region.
• And this has included supporting migrant and refugee women.
• The Women’s Business Incubator means that developing local business women can now continue in brand new spaces.
• The $32,500 grant helped to build new office spaces with workstations, a sewing workshop, child friendly areas, kitchenette and display centre.
• One of the businesses that will be based out of the incubator includes A TUK run by Nyibol Deng, who established her business following her participation in the Stepping Stones to Small Business program run out of the Ballarat Regional Multicultural Council in 2019.
• Nyibol creates vibrant homewares and fashion accessories, combining upcycled textiles with signature Ankara wax cloth, and the new space will be a huge boost for her business and all those to follow.
• I can’t wait to see all the new local businesses that come out of the incubator.
M MAROONDAH WINTER SHELTER HOMELESSNESS ADVOCACY GROUP

Mr HALSE (Ringwood)

It was an absolute privilege participate in the forum on housing policy and solutions, organised by Maroondah Winter Shelter Homelessness Advocacy Group on Monday night.

I would like to acknowledge Rosemary, Murray, Andy, Robyn and Deb for making this online event happen. I was delighted to see approximately 100 Maroondah locals on the call to talk about the challenge of homelessness and housing affordability.

As I have said repeatedly in this chamber and elsewhere, having access to a safe, stable and secure place to call home is a basic human right. That’s why the Andrews’s Labor government has invested nearly $5.5 billion to construct more than 12,000 new social and affordable housing dwellings over the next four years.

What is absolutely clear is that the only way to address the acute level of homelessness in our community and across Victoria is via a Housing First approach. That is, put simply, we need to build more houses for our most vulnerable. The provision of safe and secure housing for our most vulnerable citizens should not be conditional upon checking boxes of social, economic or health-related measures.

I, together with the Victorian Minister for Housing, the Honourable Richard Wynne, invite the commonwealth to match Victoria’s historical social housing investment dollar for dollar. In doing so, we have an opportunity to end acute homelessness in Victoria within this decade.

Maroondah Winter Shelter Homelessness Advocacy Group is a terrific organisation. It is grassroots, local, engaged and made up of wonderful people who are set on looking out for others and building a stronger and more accepting community. Well done to all involved.

UPFIELD LEVEL CROSSING REMOVAL

Ms BLANDTHORN (Pascoe Vale)

I would like to take the opportunity to recognise the power of work that has taken place on the final stages of our Upfield level crossing removal project.

Our local community recently marked the one-year anniversary since saying the final goodbye to four sets of level crossings at Bell Street, Munro Street, Reynard Street and Moreland Road, Coburg.

Locals moving around this area are no longer met with the irritating sound of boom gates, or the congestion and associated dangers that come with them.

With the elevated rail bridge and incredible new train stations at Coburg and Moreland now operational, the construction team’s focus has been on creating and beautifying nearly two MCGs worth of public spaces for the community to enjoy.

In recent weeks I have had the opportunity to visit the new enclosed dog park under the tracks at the intersection of Audley Street and Railway Place, Coburg.

This is a fantastic space for locals and their furry friends to enjoy, featuring landscaping, a drink fountain (for person and pooch alike) and bins.

Bike and pedestrian paths are also now open—a welcome milestone for the many cyclists in and around our area.

Last week, to the delight of local families, the new playgrounds opened at Coburg and Moreland.

These spaces have been delivered at a time when we are all cherishing our opportunity to get outside more than ever. Moreover, there is still more to unveil as it is allowable.

This is modern public transport infrastructure that blends heritage preservation, a bright display of art and culture and public spaces to be enjoyed for many years to come.

This project has delivered so much for our community.

WESTERN BULLDOGS FOOTBALL CLUB

Ms HALL (Footscray)

• I rise to acknowledge one of the best things to have happened to my community this year.
• The Western Bulldogs, still known by some as the Footscray Bulldogs, played one of the best games of AFL we have seen all year.
MEMBERS STATEMENTS

Wednesday, 8 September 2021
Legislative Assembly

• The lead changed more times than I even care to remember, and credit must go to the Brisbane Lions for an incredible effort.
• It was the kind of game that makes you sorry there even has to be a winner and a loser.
• Or rather a victor, and a team whose finals campaign is cut short.
• The Bulldogs final campaign slogan this year is ‘Yield to none’, and I think that message has never been more meaningful than now.
• The last couple of years have been rough on everyone.
• But especially residents of the western suburbs.
• COVID-19 has had a significant impact on us.
• That isn’t a secret to anyone here, and it especially isn’t a secret to anyone in the western suburbs.
• But our community is resilient, and our spirit is so, so strong.
• Where others would let the setbacks that we have faced defeat them, Victorians have drawn down upon strength reserves we never knew we had.
• So, much like the mighty, mighty Bulldogs, our community will yield to none—including COVID-19.
• I was pleased to call Kashif Bouns this morning; Kash is the General Manager, Community and Government Relations at the Bulldogs. The Bulldogs Community Foundation has been a leader in the pandemic, working to keep people connected and healthy. I was able to share with him that the foundation will be provided with $50 000 to help reach CALD communities to share COVID-19 information and support our vaccination program.
• I’m not going to jinx anything for my Doggies by making any grand predictions about their performance for the rest of the season, so I’ll simply leave it at this:
• Good luck, we are so hopeful and proud of your efforts.

COVID-19 VACCINATIONS

Ms THEOPHANOUS (Northcote)

Vaccinations are the way out of this pandemic. We all know that.
With over 3.38 million people rolling up their sleeves and getting their first dose already, Victorians are doing their bit.
As a state government, we have been propelling the commonwealth’s vaccination program through our state vaccination hubs.
And we’re supporting fantastic local initiatives like the pop-up vaccination clinic at the Greek Orthodox Church of St George in Thornbury recently.
This was a huge success and I want to express my thanks to the church, DPV Health, the Hellenic Medical Society of Australia and the Greek Orthodox community of Melbourne and Victoria for their work pulling it together.
But the reality is we could be doing more if the commonwealth hadn’t failed in their job to secure and distribute enough vaccinations for our country in a way that is timely and fair.
I’m contacted regularly by constituents who are ready and willing to get vaccinated; they want the opportunity to do the right thing to protect themselves, their families and their community.
So I can understand their anger when it was revealed that the Prime Minister broke his promise to deliver a fair and proportionate distribution of vaccines.
Hundreds and thousands of doses have now gone to NSW that should have gone elsewhere. Victoria has already missed out on 340 000 doses of Pfizer alone.
Everyone wants to see the people of NSW come out of their extended lockdown as soon as possible—no-one wants to see any Australian suffer.
But it is worth noting that a key tenet of the national plan to end lockdowns was that we all need to hit the vaccination targets, not just NSW.
If we are truly all in this together as a nation, we cannot have a national plan to vaccinate NSW.
The grim reality is that the commonwealth simply did not secure enough vaccines for the country. They have not done their job.
MEMBERS STATEMENTS

The kick in the guts is that as Victorians we did the hard yards last year, driving the virus down, protecting other states and buying our country time before a vaccine was available.

All the Prime Minister did was smirk and deride our efforts—and squander the window Victorians gave him to get the vaccine rollout done right.

My community want to get vaccinated. They are doing their bit.

The Victorian government are making it easier for people to get vaccinated with the supplies we have. We are doing our bit.

All we are asking is that the Morrison government do theirs.
Statements on parliamentary committee reports

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

ECONOMY AND INFRASTRUCTURE COMMITTEE

Inquiry into Access to TAFE for Learners with Disability

Ms COUZENS (Geelong)

I am pleased to rise to speak on the Economy and Infrastructure Committee inquiry into access to TAFE for learners with a disability.

This report highlights the challenges accessing TAFE faced by learners with a disability. I want to thank all of those with lived experience and the relevant organisations who have contributed to the outcome of this report.

The committee received 39 submissions from individuals, organisations and TAFEs. The committee also held four days of public hearings.

To the secretariat—Kerryn Riseley, committee manager; Dr Marianna Stylianou, research officer; Janelle Spielvogel, administrative officer; and Anna Scott, administrative officer—thank you for your exceptional work supporting committee members and participants during this inquiry.

I want to thank and acknowledge the committee chair, the member for Lara; the deputy chair, the member for Narracan; and other members of the committee.

We know the important role TAFE plays in education. It is a popular option for people with a disability. People with a disability have the right to access and participate in education on the same basis as people without a disability. As more people with a disability enrol in TAFE, TAFEs must ensure that they are accessible.

This report highlights issues such as learners with a disability receiving little or poor career advice at school and uncertainty about how TAFE operates and the supports available.

The committee recommends expanding TAFE outreach programs, employing transition officers to help learners with disability navigate the move to TAFE and creating a uniform way, such as a student passport, to transfer information about learners’ abilities and support needs between education settings with learners’ consent.

The committee also heard that some learners with disability found it difficult to navigate the TAFE enrolment process—some found this was a deterrent to continue with their enrolment.

The committee recommends that TAFEs offer learners with disability alternative ways to enrol and provide dedicated guidance to complete the enrolment process and information on how to access this assistance.

Learners with disability who disclose their diagnosis and seek support from their TAFE are more likely to have a positive learning experience and complete their course.

TAFEs have found up to half of all learners with disability do not disclose their disability, which results in them missing out on support and reasonable adjustments.

The committee recommended that TAFEs create a safe space for disclosure, promote the benefits of disclosure and raise awareness of how and when to disclose among learners with disability and that there be greater resourcing and clearer guidance for disability liaison officers to improve consistency in disability support across the TAFE network.

TAFEs must provide reasonable adjustments to enable learners with disability to participate fully in the courses, services and facilities that the TAFE offers.

TAFE students with disability reported not receiving reasonable adjustments or getting them too late to participate in class.

Other students reported the physical and digital environments at TAFE were inaccessible.

The committee recommended clearer guidance for TAFEs on how to provide reasonable adjustments, access audits of each TAFE campus and compliance with digital accessibility standards, and a shared expert to provide the TAFE network with advice on assistive technology.

Learners with disability often need additional support and flexible solutions to stay engaged and complete their TAFE course.

The committee recommended comprehensive wraparound supports to address personal issues and education barriers, flexible course delivery and assessment to adapt to different learning styles and personal circumstances, and informal peer networks and mental health supports, connecting students with peers and teachers while studying remotely.
Learners with disability who undertake work placements at TAFE are more likely to gain employment, but many learners with disability miss out on this opportunity.

Work placements work best when both students and employers are adequately supported. The committee recommended that TAFEs work with students and employers to develop reasonable adjustment plans prior to placements, collaborate with disability service organisations to provide support to students and employers, and provide work placements to learners with disability within their organisation.

The TAFE experience for learners with disability is greatly influenced by their interaction with teaching and frontline staff. However, not all TAFE staff have the confidence to support and meet the needs of learners with disability.

The committee recommended regular mandatory disability awareness training for all new and existing TAFE staff and further professional development for teaching staff to meet the needs of learners with specific disabilities as required, creating teaching communities of practice to strengthen teachers’ capability to meet the needs of learners with disability.

Universal design for learning provides learners with multiple ways to absorb information, learn and demonstrate their competency. It benefits learners of all abilities.

TAFE teachers should use universal design principles when designing and delivering training so that training is accessible to as many learners as possible.

Applying universal design is more cost effective and equitable than retrofitting course materials and assessments to meet the needs of individual learners.

The committee recommended training for all teachers in universal design for learning principles and guidelines for how to prepare accessible learning material using universal design.

TAFEs use part of their community service funding to finance the supports they provide to learners with disability. Unlike schools and universities, TAFEs do not receive dedicated funding to cover these costs, which can be expensive.

The committee recommended introducing dedicated disability support funding to TAFEs using a baseline-plus-loadings approach and creating a bank of disability support resources that can be shared across the TAFE network.

All Victorian TAFEs are committed to improving accessibility, but stakeholders reported inconsistencies in the amount and types of disability support offered to students between and within TAFEs.

The committee recommended developing a VET delivery strategy for learners with disability that sets standards for accessibility and the provision of support services, the co-design and delivery of professional development and disability support services by people with disability, and better data capture and analysis to measure and monitor the progress of TAFE disability support services.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE**

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

Mr McCurdy (Ovens Valley)

I rise to make a contribution on the *Inquiry into the Victorian Government’s Response to the COVID-19 Pandemic*.

I am particularly interested to look a little deeper into 6.3.3 ‘Agriculture industry’.

This report is comprehensive across many aspects of the Victorian economy, but the section that I want to particularly focus on today is the agriculture sector as agriculture and tourism are the two most significant industries within the Ovens Valley electorate.

The report says, and I quote:

In 2020, the Victorian agriculture industry experienced a good season which resulted in more job opportunities. However, the industry relies on seasonal workers particularly during harvesting season. Due to COVID-19 and related border restrictions there has been a shortage of workers and significant job vacancies.

Victoria’s agriculture industry accounts for approximately one quarter of Australia’s agriculture and food product exports and generated about $15.9 billion in gross value in 2018–19. Victoria accounts for 43% of Australia’s sheep and lamb meat, 64% of Australia’s milk and 32% of Australia’s horticultural
products. According to the Victorian Farmers Federation (VFF), Victoria’s food and fibre production and manufacturing sector employed nearly 200,000 people as of May 2019.

And so with that said why does the Victorian government continue to drag the chain on getting Pacific Islands workers scheme into Victoria via Tasmania? We know that the 3000 seasonal workers will not even provide enough workers for Cobram and surrounds, leave alone the other regions around Victoria.

Minister Littleproud, the commonwealth agriculture minister, has paperwork on the Premier’s desk that would allow for a much larger, more reasonable number of Pacific Islanders to enter Victoria for season harvest labour, but the Premier refuses to sign the document and allow more workers into Victoria.

It just defies any logic that the Victorian government for Melbourne continues to stand by while fruit and vegetables are left on trees or ploughed back into the ground.

Peaches, apples and citrus are just some of the fruit types that will not be harvested properly, and also leeks, baby spinach and many other vegetables will be ploughed into the ground, which is an absolute waste.

The Victorian government for Melbourne has again ignored the needs of regional Victoria and has deserted our farmers who need seasonal workers.

After 18 months to plan for this shortfall the Minister for Agriculture in Victoria has thumbed her nose towards our farming needs. This will impact on metro Melbourne through shortages, and the Minister for Agriculture simply doesn’t care—this is obvious by her inaction and the pitiful low numbers of seasonal workers.

ECONOMY AND INFRASTRUCTURE COMMITTEE

Inquiry into Access to TAFE for Learners with Disability

Ms ADDISON (Wendouree)

I am pleased to report on the recently tabled Legislative Assembly Economy and Infrastructure Committee Inquiry into Access to TAFE for Learners with Disability. I am incredibly proud to have been a part of this important inquiry that has identified that learners with disability face barriers to equal participation in our TAFE sector. Whilst there is so much to say about this important report, I would like to take the opportunity to thank members of the Legislative Assembly Economy and Infrastructure Committee, the committee’s secretariat and those who have taken the time to make submissions and be witnesses for the inquiry. During a very challenging year of COVID, our hearings were held virtually, and our work continued despite lockdowns, remote learning and all the challenges of the global pandemic.

Despite this, an excellent report has been delivered with 31 findings including that some people with disability do not get help to understand their choices after school, apply to go to TAFE, learn at TAFE and finish their TAFE course.

The inquiry also found that some people with disability feel scared to tell TAFE staff about their disability, ask for help at TAFE. We also found that some TAFEIs could give more help to people with disability, and some TAFE teachers do not know how to help people with disability.

The inquiry has made 44 recommendations including that TAFEIs should have staff to help people with disability move from school to TAFE, make it easy for people with disability to get help and give people with disability more help to learn and train staff to help people with disability. Further, DET should make clear rules about how TAFEIs should help people with disability, give extra payments to TAFEIs that help people with disability and get TAFEIs to share resources for people with disability.

I wish to thank the chair of the Economy and Infrastructure Committee, the member for Lara, for his leadership of this inquiry and his genuine interest in the area. I would also like to thank deputy chair the member for Narracan for his contribution to the committee. Since being appointed to the committee in 2019, it has been a very open, cooperative and supportive committee with members from both sides of the chambers working incredibly well together and being highly effective.

I have very much enjoyed working with the chair and deputy chair throughout this inquiry, as well as the member for Northcote, the member for Tarneit (until 17 February 2021), the member for Geelong (from 18 February 2021), the member for Sandringham (until 4 May 2021), the member for Ferntree Gully (from 4 May 2021) and the member for Euroa.

Thank you to our outstanding secretariat Ms Kerryn Rislely, committee manager;, Dr Marianna Stylianou, research officer; Ms Janelle Spielvogel, administrative officer; and Ms Anna Scott, administrative officer. It is a highly effective committee thanks to their great work, and I am sure I speak for all committee member when I say that we are very fortunate to have their support.
I want to thank the individuals and organisations who contributed submissions to the report, particularly those from Ballarat—Federation University, Mr Gabriel Gervasoni and the Ballarat Specialist School—and those from across Victoria, including Ms Madison Arimatea; Mr Johann Davey; Mr Darrell Saddlington; Mr Peter Hirst; Mr Michael Meehan; Hume Valley School; I Am Ready partnership; Cooperative Research Centre for Living with Autism’s (Autism CRCs) Study of Australian School Leavers with Autism (SASLA); Inner Northern Local Learning and Employment Network; National Disability Services; Home Education Network; Australian Association of Special Education (AASE); Victorian chapter; Department of Education and Training; Victoria University Polytechnic; Ethnic Communities Council of Victoria; Victorian Trades Hall Council; Adult and Community Education Victoria; Neighbourhood Houses Victoria; Adult Learning Australia; Deaf Victoria; Children and Young People with Disability Australia; Brotherhood of St Laurence; Australian Education Union, Victorian branch; Swinburne University of Technology; Vision Australia; Mission Australia; Victorian Council of Social Service; Victorian Disability Advisory Council; Victorian TAFE Association; Dear Dyslexic Foundation; Aspergers Victoria; Amaze; Bendigo Kangan Institute; the Gordon Institute of TAFE; Melbourne Polytechnic; and GOTAFE.

I look forward to improving the access to TAFE for learners with disability as a result of this report.
Constituency questions

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

SOUTH-WEST COAST ELECTORATE

Ms BRITNELL (South-West Coast) (5980)

My question is to the Minister for Education, and I ask: what plans are in place to reduce or refund school bus fees paid by parents in rural and regional Victoria?

As the minister is aware, parents pay an up-front fee to ensure their children can travel to and from school on the school bus each day.

But with statewide lockdowns and remote learning, students haven’t been able to use the bus but the fees have already been paid.

Minister, are there plans in place to provide a refund or waive future fees for parents who have already paid for their children to use the school bus services?

BASS ELECTORATE

Ms CRUGNALE (Bass) (5981)

My constituency question is to the Minister for Energy, Environment and Climate Change.

How many households overall and in my electorate have benefited from the power saving bonus, and how can we further promote the program, ensuring all those eligible apply?

The one-off $250 power saving bonus has been available to eligible households since 1 February 2021. This important initiative is helping to reduce the cost of energy for Victorians doing it tough. My electorate of Bass has been very grateful.

We sent out a letter to everyone over 65 and a resource pack to all schools to inform and promote on their Facebook and newsletters, visited community groups to assist in applications (when we could) and reached out to community organisations that would benefit from a better understanding of the process.

My wonderful team and I have directly assisted over 600 constituents with their application over the phone, via email or in person at our electorate office. We have referred many to the dedicated phone line at the Brotherhood of St Lawrence and also to our local neighbourhood houses who are helping our community members with their applications.

We will continue to support our community who continue to experience energy bill stress and promote other initiatives to ease the cost of living.

Thank you, Minister, for all the work you and your department are doing to help Victorians, and I look forward to your response.

EUROA ELECTORATE

Ms RYAN (Euroa) (5982)

My question is to the Minister for Industry Support and Recovery.

Local news organisations have been smashed by COVID. While country journalists continue their tireless work to report on the news that matters to our communities, advertising revenues have declined dramatically. This is putting newsrooms under even greater pressure, eroding the already slim margins of the print media.

In the time of COVID-19 and vaccination misinformation being spread across the internet, local media is more important than ever. Our local journalists are trusted, credible sources of information, relied on by our communities in times of uncertainty.

Last year the state government committed to at least one page of advertising in all local newspapers each week.

When that commitment expired, many local papers found themselves with less government advertising revenue coming in and they were not eligible for any business support grants.

Meanwhile, the government continues to pour millions upon millions of dollars into self-promotion in the city.

Country papers like Kilmore’s *North Central Review* cannot apply for any business support because the Andrews government has excluded them from its narrow eligibility criteria.
Given the enormous pressure facing country journalists, will the government immediately reverse this decision and include country newspaper publishers in COVID-19 business support?

PASCOE VALE ELECTORATE

Ms BLANDTHORN (Pascoe Vale) (5983)

My question is for the Minister for Education, and the question I ask is: what is the latest information on the status of the three Andrews Labor government greener government school buildings projects in the Pascoe Vale electorate? These projects set out to install solar panels at Oak Park Primary School, Coburg High School and Glenroy College.

Earlier this year I was pleased to be advised that these schools had been successful in their applications to this program that will deliver a $122 212.33 solar system to Coburg High School, a $41 783.59 solar system to Glenroy College and a $22 840.36 solar system to Oak Park Primary School. I was also pleased to hear from the minister about the significant estimated savings in CO₂ emissions and costs that are predicted for these schools into the future.

Students, staff and families at these schools care deeply about our environment and as such were keen to get involved in this great initiative to make their buildings greener for the future and to contribute to Victoria’s nation-leading charge towards a cleaner future.

These are fantastic environmental projects for our local schools, and I’m excited to hear how they have progressed.

POLWARTH ELECTORATE

Mr RIORDAN (Polwarth) (5984)

My question is to the Minister for Health.

When will you be providing a full home quarantine system to allow the safe return of all people in my electorate who currently find themselves trapped in NSW and Queensland?

As at August 6, there were some 6700 Victorians waiting to receive permits to return from NSW back to their homes in Victoria. In addition to this, there are thousands more who have not yet applied or who are in Queensland and unable to return in the 24 hours you have allowed them to transit NSW. Today you announced just 200 people in the NSW border bubble could apply to return to their homes in Victoria. This is barely a drop in the ocean. Victorians have a right to return to their homes, and this prolonged uncertainty is adding to poor health outcomes. It encourages unsafe road behaviours and threatens the mental health and wellbeing of thousands of older Victorians.

RINGWOOD ELECTORATE

Mr HALSE (Ringwood) (5985)

My question is for the Minister for Health.

What is the latest information on the development of the dedicated children’s emergency department at Maroondah Hospital as a part of the broader plan to upgrade this hospital in our community of Ringwood?

This purpose-built emergency department for kids means local families in the east can rest assured that their kids will have access to the very best health care in a dedicated and appropriate environment.

Since the beginning of the COVID-19 pandemic, the nurses, doctors, health workers and allied health professionals at Maroondah Hospital have done a remarkable job under extremely taxing circumstances.

Local health workers and families are keen to know how this important and much-needed project at Maroondah Hospital is coming along.

PRAHRAN ELECTORATE

Mr HIBBINS (Prahran) (5986)

My question is for the Minister for Training and Skills. I ask: what is the latest information on the future of the Prahran TAFE campus?

For the past year I’ve been meeting with campus tenants, community leaders and government departments to discuss the future of the Prahran TAFE campus.
It’s clear our community has a shared vision for a thriving arts and education precinct on the site, which would secure the long-term future of the Prahran campus, provide career opportunities and educational opportunities for so many young people, particularly in the creative industries, and play a major role in revitalising the Chapel Street precinct, cementing our community’s proud reputation as a vibrant, buzzing arts and creative industries destination.

That’s why I’m calling on the government to commit the funding and support required to realise the long-term vision of Prahran arts and education precinct.

SUNBURY ELECTORATE

Mr J BULL (Sunbury) (5987)

My question is for the Minister for Public Transport.

Minister, what is the latest information on planning and design for the upgrade of the Sunbury bus interchange?

Minister, you will recall that the last budget provided $3.22 million to upgrade this vital area in my electorate—something very warmly welcomed by my community.

This was indeed a wonderful budget commitment, something I fought hard for, and I know local residents are extremely excited and looking forward to this key project in my electorate.

This investment builds upon the Andrews Labor government’s commitment to remove the Sunbury level crossing, build a new multideck car park and duplicate Sunbury Road in my electorate.

There are many options and opportunities for the bus interchange upgrade, and again I ask the minister for the latest information on planning and design for this upgrade.

FERNTREE GULLY ELECTORATE

Mr WAKELING (Ferntree Gully) (5988)

My question is for the Minister for Education and Minister for Mental Health. Minister, I have been contacted by many concerned parents in my area in recent times. Without fail, these parents have shared with me the deep concerns they hold for the wellbeing of their children.

The source of their concerns are the impacts of lockdown, social isolation and protracted school closures on the physical and mental health of their children. What I am hearing on the ground is backed by reported data, which your government has unfortunately decided to withhold from the public rather than urgently address.

Prolonged school closures are a key contributor to this mental health emergency. With Victorian students having lost up to 151 days of school and six consecutive interrupted school terms, this comes as no surprise. Concerned school principals have warned you that closing schools harms our children and that keeping children home is damaging their wellbeing and hindering their learning.

Schools simply need to reopen. They need to reopen safely with COVID-safe arrangements in place. Putting in place the necessary arrangements to enable schools to reopen is your job, and school closures are nothing but an abdication of your responsibility for our children’s mental health and education.

Minister, on behalf of these concerned parents and their long-suffering children, when will schools be reopened?

NEPEAN ELECTORATE

Mr BRAYNE (Nepean) (5989)

My question is for the Minister for Small Business.

The government has announced an increase in the amount of financial support available for small and medium-sized businesses impacted by COVID-19 restrictions. Supporting our small and medium businesses is so important, and I particularly welcome the boost to the Small Business COVID Hardship Fund that will see an increased grant amount of $20,000 for businesses across the state.

I know that many members of my electorate will be relieved at this news, particularly with extended lockdowns affecting the tourism industry that so many of Nepean’s local businesses rely on.

So my question to the minister is: what assistance can small and medium-sized businesses in Nepean receive, and how will the government continue to support our local businesses through this difficult time?
Adjournment

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

SMALL BUSINESS SUPPORT

Ms McLEISH (Eildon) (5991)

I have a matter for the Minister for Industry Support and Recovery.

The action I seek is for the minister to provide financial support to sole traders and small businesses not registered for GST who have had little to no income during the COVID-19 pandemic. Specifically, I urge the minister to change the eligibility requirements that prevent access to financial funding during COVID lockdowns via Business Victoria’s grants.

I have been contacted by countless businesses in my electorate who have fallen through the cracks of government funding because they are not registered for GST.

Many of these small businesses have not been able to operate due to COVID lockdowns and restrictions that have dominated this year and last. They have been left to their own means of survival while businesses around them are thrown a life raft.

Sole traders and small business owners still need to pay bills, ongoing business costs, their mortgage and wages and buy food for their families. They have been gutted and left for dead without government financial support, despite calling for assistance. They watch as all they have worked hard for is lost or is eroded quickly.

I know of instances where people are hungry and cold—too proud to ask for help as they have never had to rely on any sort of welfare. I was told there are those ‘on the bones of their arses’—having nothing left is not a good place to be. Banks are offering little—both sympathy and assistance. A cleaner told me that she met with a financial counsellor who asked her if she could work from home. What hope do people have when they see too many others do not understand what they are really going through?

I know many small businesses had their hopes set high for the release of the recent Small Business COVID Hardship Fund, but it was all in vain as GST registration was still required. As one small business owner put it in a Facebook post:

    Help the small people (Dan). Not dangle a carrot and last-minute change rules so they miss out on the much-needed assistance you were going to help them with.

These grants, designed to pick up those who had fallen between the cracks and missed out on previous support still did not capture those not registered for GST.

State government is forcing small businesses to register for GST to receive funding. Business owners are calling it out as sneaky and taking advantage of the situation.

The Business Victoria grant eligibility criteria needs to be urgently reviewed or a grant for non-GST-registered businesses needs to be introduced to give sole traders and small businesses a fighting chance.

The state government urgently needs to develop a plan to help small businesses re-emerge from COVID lockdowns.

I hope the minister can see the significance and urgency in this request. I ask the minister to ensure funding is available to sole traders and small businesses during COVID lockdowns through new grants or amended eligibility criteria.

SOUTH BARWON ELECTORATE SCHOOLS

Mr CHEESEMAN (South Barwon) (5992)

It is with great pleasure tonight that I rise to make my adjournment contribution on education. The Andrews Labor government has a proud record on education and has made Victoria the Education State over the past seven years.

That is why I am so glad that the Victorian budget 2021–22 invests $1.6 billion to build new schools and improve existing schools—making sure our kids have the bright futures they deserve and building on the $3 billion delivered in last year’s budget.

Not only will this investment ensure great local schools, it will also create 3500 new jobs in construction and associated industries, including around 2900 jobs in metropolitan Melbourne and around 600 jobs in regional Victoria.
This level of investment is absolutely required, particularly in growth corridors like my seat. My electorate of South Barwon encompasses suburbs that were the growth corridor for Geelong in the 1950s, the 1970s, and now the 2010s and 2020s, so I have a broad spectrum of schools both old and new. I am very pleased that in the last seven years the Andrews Labor government has acknowledged the challenges faced by this community. This government has invested tens of millions of dollars into the education of South Barwon kids, building, expanding and upgrading schools from Highton to Armstrong Creek to Torquay.

This includes four new government schools opening in recent years, including the new Oberon High School in Armstrong Creek, and three new Catholic schools that have also opened in recent years thanks to state government funding. These seven new schools, along with millions invested into existing schools to upgrade and expand capacity, will cater for both the growing communities and the long-established suburbs of my electorate.

The action I am seeking is for the Minister for Education, when it is COVID safe, to come and visit my schools to see firsthand the benefits of that investment. These investments are so important for my electorate, which is going to be the growth corridor of Geelong for many years to come. I am proud to continue advocating for the delivery of the essential education services that my electorate needs, and I would be glad to join the Minister for Education in a tour of some of my fantastic local schools.

COVID-19
Mr D O'BRIEN (Gippsland South) (5993)

My adjournment matter is to the Minister for Industry Support and Recovery and the action I seek is for the minister to ensure that regional businesses are not disadvantaged by the lifting of lockdown in regional areas where it means little change to the dire circumstances their business is facing.

I am talking here particularly about tourism and hospitality businesses. For many accommodation providers, the lifting of lockdown in the regions will make almost no difference to their bookings because they rely significantly on corporate, business or international visitors from Melbourne, interstate or overseas. Some of those in tourism destinations may at least receive some bookings from regional visitors, but it will still be minimal.

I have had a number from my electorate contact me with their concern that when the restrictions lift they may lose access to government financial support but will be no better off in terms of incoming revenue. These businesses must continue to get support.

Likewise, the restrictions announced today by the Premier will do little to assist many hospitality businesses for whom it will not be viable to open with the limit of just 10 patrons indoors and 20 outdoors. Some of these businesses are limping through with takeaway and will have been devastated that today’s announcement won’t allow them to return to anything like a profitable trade.

There will be many other businesses and sectors in similar circumstances.

I acknowledge the minister has foreshadowed further announcements with respect to these businesses, but he must be prepared to continue to provide meaningful financial support for these businesses, for whom the lifting of lockdown in regional areas provides little to no comfort.

BANKSIA GARDENS COMMUNITY SERVICES
Mr McGUIRE (Broadmeadows) (5994)

My adjournment request is to the Minister for Crime Prevention. The action I seek is for the minister to visit the youth crime prevention project at Banksia Gardens in Broadmeadows with me in the near future.

The Broadmeadows Community Youth Justice Alliance is a community-led project in Hume providing individual client support services and activities to vulnerable and high-risk recidivist offenders aged between 18 and 24 years who live in, or close to, the Banksia Gardens public housing estate and other areas of the City of Hume, creating pathways to create better opportunities in life.

In June 2021, the Minister for Crime Prevention released the Crime Prevention Strategy, which sets out a clear, long-term approach for how the government will work with Victorian communities, businesses and key organisations to intervene early and prevent crime.

The strategy aims to drive collective efforts across government and communities to address the underlying causes that can lead people to offend, which include social and economic disadvantage, disengagement from education, unemployment, and social isolation.
A $30 million investment supports the strategy, including funding for youth crime prevention projects, funding for crime prevention partners, Crime Stoppers and Neighbourhood Watch, and support for further community projects to support social recovery.

This builds on the new building safer communities program announced in November 2020 with the minister in my role as Parliamentary Secretary for Crime Prevention. Investments include $5.6 million for 31 community safety infrastructure projects and $2.35 million for community partnership projects which are already underway. Making cultural, generational and systemic change is a cause I have pursued for more than two decades. Such change is rare and hard won. The aim is to focus on causes, rather than symptoms of crime, and to improve the social determinants of life through lifelong learning, skills and jobs, improved health and wellness, and harnessing technology to help connect the disconnected to greater opportunity.

**SECURE WORK PILOT SCHEME**

Mr MAAS (Narre Warren South) (5995)

The matter I wish to raise is for the attention of the Minister for Workplace Safety in the other place and concerns the introduction of an Australian-first secure work pilot scheme. The action I seek is that the minister provide further information on the scheme and how it will assist workers in my electorate of Narre Warren South when it starts next year.

Many in my electorate have been steadily shifting to casual, gig-based and independent contractor work where entitlements such as superannuation, holiday pay, sick pay and carers pay are not always ensured.

These are big issues that require further conversations at all levels of government and industry.

However, it’s not a bad place to start by recognising that casuals play such an important role in our society in all industries from public to private and include office workers, cleaners, aged-care workers and supermarket employees, to name but a few.

The coronavirus pandemic further exposed ongoing issues, with many cases of staff going into work when they felt unwell and putting people at risk—not because of a careless disregard for the situation but because they had to make the choice between going to work and not putting food on the table.

No-one should have to make that choice.

Providing a safety net of sick days and carer days for casual employees would help protect work colleagues, families and our entire community during the pandemic and beyond.

I would appreciate if the minister could provide any update on the secure work pilot scheme and how it will benefit workers in my electorate of Narre Warren South. I look forward to sharing the minister’s response with my community.

**COVID-19**

Mr NORTHE (Morwell) (5996)

My adjournment debate is directed to the Premier. The action I seek is for the Premier to provide Victorian citizens with a plan that sees all Victorians coming out of these prolonged and extensive lockdown restrictions. Speaker, so many Victorians are tired, jaded, angry, hostile, fatigued, upset and can I say unwell. Not necessarily unwell directly from the impacts of COVID-19, but unwell due to the ongoing imposition of lockdowns and restrictions and the effects they have had right across the community.

As I have stated in the Parliament so many times since the pandemic commenced, you just can’t keep locking communities down without understanding the financial, emotional, health and mental health and wellbeing of people. People locked down and businesses closed, and in communities where there have been no or very few positive COVID cases. We have to find better ways to live with the virus.

Interestingly, the state government seems to have recently amended its position from elimination to suppression and vaccination. That might seem okay but in the interim it’s people’s livelihoods, liberties and freedoms that have been suppressed, which has caused untold damage. I know some will say that we are nearly there and we will be able to open up soon. But the reality is each day of lockdown is another blow to people already doing it tough. Don’t get me wrong — I appreciate these have been difficult decisions for governments and people will invariably ask, ‘What would you do?’, and I will elaborate further on this point towards the end of my speech.

But it is not just me who has expressed concerns with the impacts of lockdown. A number of medical professionals penned an open letter to the Premier more than 12 months ago on 1 September 2020 and that letter said in part:
it is our professional opinion that the stage 4 lockdown policy has caused unprecedented negative economic and social outcomes in people, which in themselves are having negative health outcomes. In particular, it has caused or exacerbated depression, anxiety and other mental health issues, as well as contributed to domestic violence, through an extreme and unjustified disruption to family, social and work life. Job losses, homeschooling, the isolation of the elderly and single people and the restriction on the number of people who may attend funerals are but a few examples of how the government’s current response is harming the health of the general population. In short, the medical, psychological and social costs of the lockdown are disproportionately enormous compared to the limited good being done by current policies and are relevant factors to be taken into account by any responsible government.

Of course there have been subsequent lockdowns where these same issues exist. Even the World Health Organization has stated its views on lockdowns, with Dr David Nabarro from WHO saying, and I quote:

We in the World Health Organization do not advocate lockdowns as the primary means of control of this virus.

I have to say, Premier, I’m worried for people in my community. We now seem to be going down the track of creating different classes of people and that is the vaccinated and the unvaccinated. This is leading to relationships being severely tested or even breaking down completely as the future pathway remains unclear. The social fabric of our community is under threat with the mixed messaging and mixed signals governments are sending at present. We as Victorians, all Victorians, need a plan and we need hope that our liberties and freedoms will be restored. If we think of our young and our children, it’s a very distressing situation. Missing out on face-to-face schooling, social activities and sport and recreation are having impacts, as is indicated by the spike in the number of mental health presentations and self-harm incidents health authorities and experts are now reporting. We need to get our kids back to school, back to their sport and recreation activities and ensure they have direct social contacts with their friends.

Businesses who have been either forced to close or operate at minimal capacity are suffering, and whilst any government supports are well received, the reality is this same support falls well short of the real financial losses incurred and the subsequent emotional toll lockdown is taking. So many inconsistencies of the rules of who can open and when and which employees are deemed essential workers or not, amongst other valid questions are frequently asked. The confusion and inconsistency invariably leads to the legitimate question of ‘How can they open when we are forced to close?’. So many businesses say, ‘We don’t want handouts, we just want to open our business’. Workers and employees are missing out on employment and shifts and once again whilst government assistance is welcomed, it often falls short of the real losses incurred. So many regional businesses, including event, tourism and accommodation providers, rely on the Melbourne trade, so if Melbourne is in lockdown, this still impacts many parts of regional Victoria very heavily. We hear hints that regional Victoria will come out of lockdown this week, but if strong restrictions still apply, which is likely to be the case, then how can you say that? This is a play on words and the perception that regional Victoria and regional businesses are suddenly doing okay when a soft easing of restrictions is announced—well, this is completely wrong—they still are!

We have Victorian residents, Victorian citizens, still stuck in other states and territories who require a permit and an exemption to get back to their own home and place of residence. This is truly bizarre when you really think about it and there has to be a more humane way to deal with such situations. There are safe ways to get our residents back home and the government needs to address this issue urgently. Many of these same people are fully vaccinated and have proof of negative COVID tests, yet they are still being denied the right to return to their home state. I have spoken previously about the emotional toll people have endured through limitations or cancellations with respect to palliative care and other care visitations, weddings, funerals and important major milestone events. The inability to visit our loved ones in care and aged-care settings is just a horrible situation for both parties.

Governments are ramming home the point that we all should get vaccinated so we can achieve the 70 per cent and 80 per cent vaccination threshold rates that will allow some of the lockdown restrictions to be eased. What actual restrictions will be eased and when is unclear. We need a plan and we need hope. There is the national plan, yet there doesn’t seem to be consensus from all states and territories. The detail on how all Victorians will fare under this plan are not certain. Despite the push from the Prime Minister and the Premier for people to get vaccinated, there have been significant delays at a local level in people being able to obtain vaccine appointments, which is rather ironic but frustrating for those wanting to get vaccinated. There are others who want a specific vaccine for medical or other reasons, but in many circumstances this is not possible. I ask: what becomes of the people who are unable to be vaccinated or who don’t wish to receive the vaccine? The creation of two sets or classes of people in relation to a vaccine that is optional is a worrying pathway.

In my circumstance I can say that I’m now fully vaccinated and that’s my decision and my right, and I certainly encourage people to get vaccinated if they can. However, I am aware of people who have legitimate reasons, including health reasons, why they can’t or won’t receive a COVID vaccination and this cohort
should not be left behind. You have to give all Victorian citizens hope. In this same space what is the future for our businesses who have to grapple with the vaccinated or unvaccinated scenario? Will their businesses be deemed non-compliant because the business owner, manager, staff or customers are not vaccinated and in the eyes of WorkCover or the government their workplace is unsafe? Is this where we are heading and is this fair and reasonable? I sense there is a legal minefield brewing in this space. Governments have a responsibility to look after all their citizens and their human rights.

I understand and appreciate the delta strain of the virus and its contagiousness. However, I do believe the balance in locking down communities against the economic, health and mental health of people is skewed strongly towards lockdown and this has always troubled me. In context I say that those communities without significant outbreaks of COVID should have at their disposal greater freedoms and liberties. Having said that, it’s incumbent on people also doing the right thing. I don’t necessarily say I have all the answers, but I firmly believe children could and should attend school and their community sporting and recreation activities. At one stage we had the ridiculous situation whereby kids were in school with each other for six hours during the day but then couldn’t attend a gymnastics, dance or ballet class together for one hour afterwards. Schools and sports clubs have continually demonstrated they can operate in a COVID-safe environment and for the betterment of our children’s mental health and wellbeing this should be occurring. I really feel for those in their senior years of school and the disruption they have endured these past two years. I really hope they can be assessed fairly and justly, given the circumstances they have contended with. Of course the impacts go beyond the students, with no face-to-face schooling impacting teachers, staff and parents—maybe I say all who have done a mighty job at such a difficult time.

In terms of businesses there are so many inconsistencies around which businesses can open during lockdown periods and which can’t. It’s unfair to many who are forced to shut or operate at limited capacity. Again, if the government is saying vaccination is the key, why can’t a fully vaccinated hairdresser give a fully vaccinated customer a haircut, for example? Why can’t we use rapid testing as an option for those who might be unvaccinated to at least get businesses operating and to start providing services in our community? The reality is when it comes to COVID, businesses want to do what’s right because the last thing they want is to be a COVID exposure site. As noted earlier, businesses don’t want handouts, they just want to be able to trade and be open.

We humans are social creatures and our social interactions are vitally important to keeping us sane. According to governments, if vaccinations are the answer, then I would argue why couldn’t a fully vaccinated child visit their fully vaccinated father on Father’s Day or at any other time? The re-establishment of our social and family connections is just so vital for people of all ages and we have to find a way to enable this to occur across a range of settings. Why are we not able to enhance those social interactions, even if it is limited, in areas or regions without COVID makes no sense. Premier, we as Victorians, all Victorians, need a plan and we need hope that our liberties and freedoms will be restored. I respectfully ask you to convey to us what the plan out of lockdown looks like and give us the hope so many Victorians are desperately looking for.

In closing, I do wish to thank, recognise and congratulate all those people who are working in the COVID-related spaces in our local community. It’s been a bloody tough 18 months or so and many have gone over and beyond the call of duty in so many ways. Thank you for the opportunity to submit the above speech today, which I hope has captured the sentiment from a wide range of persons from my local community.

TOGETHER WE CAN

Ms CRUGNALE (Bass) (5997)

My adjournment matter is for the Minister for Prevention of Family Violence, and the action I seek is that the minister join us at one of our monthly Cardinia shire Together We Can stakeholder and community leaders roundtable meetings.

Cardinia shire has one of the highest reported incidence of family violence in Victoria. Together We Can is an initiative to stop, prevent and end family violence in the shire and importantly support those impacted, especially children and young people. Based on a collective impact model, it is driven by the community for the community.

Schools, businesses, faith and cultural groups, sporting clubs, council, local service organisations, housing providers and health agencies—just to name a few at the table.

In 2018 it received a gold award in the community-led category of the 2018 Australian Crime and Violence Prevention Awards.

I was pleased to join the minister recently on the update of the Orange Door network, hear from local partner organisations across the south-east and welcome the expansion into Pakenham and Dandenong, which will be up and running in November, with Cranbourne to follow soon after.

It’s an important step toward ensuring that, no matter where you live, family violence support is available right across our region.

I look forward to welcoming the minister to our meeting to speak about the Orange Door and our FV royal commission and progress important to hear from our local leaders, services and community about local initiatives, programs and also the issues and challenges we are facing locally here in the Cardinia area of my electorate.

SANDRINGTONHAM OPEN SPACE

Mr ROWSWELL (Sandringham) (5998)

My adjournment matter is addressed to the Minister for the Suburban Rail Loop, and the action I seek is for the minister to formally provide a written guarantee to members of the Kingston community that any recreational or open spaces lost as a result of the government’s Suburban Rail Loop works will be replaced within our community square metre for square metre and facility for facility.

Recent media revelations tend to show that, yet again, Labor’s so-called ‘state-building’ vision is under-planned, under-costed and unsupported by many of its own overpaid bureaucrats.

Media reports also show that as much as 40 per cent of Cheltenham’s Sir William Fry Reserve will be lost to this project. That’s not to mention the loss of our region’s one major skate park and the hundreds of homes now under threat of forced acquisition.

Couple this with plans for mega-storey apartment buildings and we start to see a vision of life in Cheltenham, Pennydale and surrounding areas that is high rise and high density but not high quality.

Our local community is already pressed for space with which to accommodate the growing number of junior sports teams—especially and encouragingly junior girls teams.

We’re also a community whose families and residents place great value on preserving our open spaces for recreation and conservation.

That’s why, at the last election, I committed to ensuring that the vast majority of the former Gas and Fuel land site on Nepean Highway would be set aside for exactly those purposes—recreation, conservation and outdoor sporting facilities.

Three years on, and the land is still not remediated. What’s more, it’s to be set aside for more high-density, high-rise living.

What little space we have left will now—it seems—be drastically reduced again.

This government has shown no accountability to local communities, no plan to deliver cost-effective infrastructure and no commitment to preserving and enhancing the outdoor spaces cherished by local families today for the benefit of residents tomorrow.

The residents of Cheltenham, Pennydale and surrounding areas demand and deserve better. I stand with them and on their side and the Andrews Labor government does not. It’s that simple.

THOMASTOWN ELECTORATE COMMUNITY FACILITIES

Ms HALFPENNY (Thomastown) (5999)

My adjournment matter is for the acting Minister for Local Government, and the action I seek is for the minister to provide an update on the many, many projects that have been undertaken in the Thomastown electorate through the Growing Suburbs Fund.

This great Labor government initiative, the Growing Suburbs Fund, is transforming many parts of the Thomastown electorate in many different ways through building and upgrading facilities and infrastructure. It has rebuilt the Barry Road Community Activity Centre child and maternal health service. It has built sport pavilions and sports grounds. It has redeveloped playgrounds and parks.

As we know, the Growing Suburbs Fund works in partnership with councils through an application process. Local councils nominate and plan the projects and those that are successful are co-funded by state and local government.
I congratulate the City of Whittlesea and its officers for their many vital initiatives and cannot wait to see the redevelopment of one of the newer projects, the Whittlesea Public Gardens.

Whittlesea Public Gardens provide much-needed public space in the suburb of Thomastown, but I don’t think I will offend anyone when I say the gardens have seen much better days. Funding from the Growing Suburbs Fund will contribute to a complete overhaul and revitalisation of the gardens, with stage 1 building a new playground, among others, equipped with a large play tower, double flying fox, rope climbing unit, swings, slides, in-ground trampolines, rockers, nature play and more.

The first stage of the upgrade will also include a new learn-to-ride area. It’s sure to be a hit with young cyclists, with the park’s fun-sized roundabouts, speed bumps, intersections and crossings providing hours of fun and education.

We should all feel proud of where we live, and governments should help communities make places ones that we can feel proud of.

This is what the Growing Suburbs Fund is all about, and residents of Thomastown look forward to a growing suburbs update.