### The Governor
The Honourable LINDA DESSAU, AC

### The Lieutenant-Governor
The Honourable KEN LAY, AO, APM

### The ministry

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<td>The Hon. L D’Ambrosio, MP</td>
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Legislative Council committees

Economy and Infrastructure Standing Committee
Mr Barton, Mr Erdogan, Mr Finn, Mr Gepp, Mrs McArthur, Mr Quilty and Mr Tarlamis.
Participating members: Dr Bach, Ms Bath, Dr Cumming, Mr Davis, Mr Limbrick, Mr Meddick, Mr Ondarchie and Mr Rich-Phillips.

Environment and Planning Standing Committee
Dr Bach, Ms Bath, Dr Cumming, Mr Grimley, Mr Hayes, Mr Meddick, Mr Melhem, Dr Ratnam, Ms Taylor and Ms Terpstra.
Participating members: Ms Crozier, Mr Davis, Dr Kieu, Mrs McArthur and Mr Quilty.

Legal and Social Issues Standing Committee
Ms Garrett, Dr Kieu, Ms Lovell, Ms Maxwell, Mr Ondarchie, Ms Patten, Dr Ratnam and Ms Vaghela.
Participating members: Dr Bach, Mr Barton, Ms Bath, Ms Crozier, Dr Cumming, Mr Erdogan, Mr Grimley, Mr Limbrick, Mr O’Donohue, Mr Quilty, Ms Shing, Mr Tarlamis and Ms Watt.

Privileges Committee
Mr Atkinson, Mr Bourman, Ms Crozier, Mr Grimley, Mr Leane, Mr Rich-Phillips, Ms Shing, Ms Symes and Ms Tierney.

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

Joint committees

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

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

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

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

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

Scrutiny of Acts and Regulations Committee
Council: Mr Gepp, Mrs McArthur, Ms Patten and Ms Terpstra.
Assembly: Mr Burgess, Ms Connolly and Ms Kilkenny.

Heads of parliamentary departments
Assembly: Clerk of the Legislative Assembly: Ms B Noonan
Council: Clerk of the Parliaments and Clerk of the Legislative Council: Mr A Young
Parliamentary Services: Secretary: Mr P Lochert
MEMBERS OF THE LEGISLATIVE COUNCIL  
FIFTY-NINTH PARLIAMENT—FIRST SESSION  

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

Deputy President  
The Hon. WA LOVELL  

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

Leader of the Government  
The Hon. J SYMES  

Deputy Leader of the Government  
The Hon. GA TIERNEY  

Leader of the Opposition  
The Hon. DM DAVIS  

Deputy Leader of the Opposition  
Ms G CROZIER  

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1 Appointed 5 March 2020  
2 Resigned 17 June 2019  
3 Appointed 15 August 2019  
4 Resigned 23 March 2020  
5 Resigned 26 September 2020  
6 ALP until 15 June 2020  
7 Appointed 23 April 2020  
8 Appointed 13 October 2020  
9 Resigned 28 February 2020  

Party abbreviations  
AJP—Animal Justice Party; ALP—Labor Party; DHJP—Derryn Hinch’s Justice Party;  
FPRP—Fiona Patten’s Reason Party; Greens—Australian Greens; Ind—Independent;  
LDP—Liberal Democratic Party; LP—Liberal Party; Nats—The Nationals;  
SAP—Sustainable Australia Party; SFFP—Shooters, Fishers and Farmers Party; TMP—Transport Matters Party
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Tuesday, 13 October 2020

The PRESIDENT (Hon. N Elasmar) took the chair at 11.04 am and read the prayer.

Announcements

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT (11:05): On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the First People of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past, present and emerging and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament.

COVID-19

The PRESIDENT (11:06): Members, I would just like, again, to remind you that in the morning when the bell rings, or for any division, when coming to the chamber you can use the three doors. If we are sitting and you need to walk out, use the exit door. If you are coming in, use the doors behind me. At the same time remember the mask. We all have to wear it; it is compulsory. No more members will be sitting in the upper galleries. I would like to thank those members who took that responsibility. Remember that the number of people in the chamber at any given time should be the lowest we can manage, and we should make sure as much as we can that we do not gather.

The temporary orders agreed to on 15 September 2020 in relation to submitting material for incorporation in Hansard remain in place. I remind members that if they would like to incorporate members statements, constituency questions, adjournment matters and second-reading contributions for a bill being considered in the house, they need to email that contribution to the table office by the time the house adjourns. Only the number of matters permitted in the standing orders for each item may be raised in the house or via incorporation each sitting day. When there is a division we know we have to stand in our place, as we have been doing in previous weeks.

Members are all aware that Mrs Jody Milburn has already started in my office. She will be happy to meet all of you, so when you have a spare minute please introduce yourself. At the same time I would like to thank Christina Smith, who was doing an excellent job during the vacancy, and Ms Natalie Tyler as well. She did a wonderful job, and she has moved on. On behalf of all of you, I say to Christina and Natalie, ‘Thank you’, and I say to Jody, ‘Welcome’.

COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS

The PRESIDENT (11:08): I have to announce that I have received from the Governor a commission to administer the oath or affirmation of allegiance to members.

Commission authorising the President to administer prescribed oath or affirmation of allegiance to any member of the Legislative Council who has not already taken and subscribed the same since his or her election to the Legislative Council read by the Clerk.

Business of the house

STANDING AND SESSIONAL ORDERS

Ms SYMES (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (11:09): I move, by leave:

That standing, sessional and temporary orders be suspended to the extent necessary to allow the following to occur:
1. **Order of Business today**

   The Order of Business today will be—

   - Messages
   - Questions
   - Answers to Questions on Notice
   - Constituency Questions (up to 15 Members)
   - Formal Business
   - Members’ Statements (up to 15 Members)
   - Government Business

   **At 10.00 p.m. Adjournment (up to 20 Members).**

2. **Sitting of the House on Thursday**

   The sitting of the Council, on Thursday, 15 October 2020, to commence at 10.00 a.m.

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**Motion agreed to.**

**Ms SYMES** (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (11:10): I move, by leave:

That the temporary order agreed to by the house on 15 September 2020 defining the upper galleries as part of the chamber be rescinded.

**Motion agreed to.**

**Members**

**MINISTRY**

**Ms SYMES** (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (11:10): I wish to advise the house of changes to the government ministry.

In the Legislative Council, the Honourable Gayle Tierney will now be the Deputy Leader of the Government in the Legislative Council. The Honourable Ingrid Stitt will now be the Minister for Workplace Safety and Minister for Early Childhood. She will represent the portfolios of child protection, disability, ageing and carers, housing, planning, prevention of family violence and women in the other place. I will now answer questions on behalf of the following portfolios: the Premier, Treasurer, Assistant Treasurer, ambulance services, coordination of health and human services: COVID-19, coordination of Treasury and Finance: COVID-19, economic development, government services, health, industrial relations, mental health and regulatory reform. In addition to the Honourable Shaun Leane’s previous responsibilities, he will now also answer questions on behalf of the following portfolios: Aboriginal affairs, community sport, multicultural affairs and youth. All other representative arrangements remain the same.

In the other place, the Honourable Martin Foley will now be the Minister for Health, the Minister for Ambulance Services, the Minister for Equality and the Minister for the Coordination of Health and Human Services: COVID-19. The Honourable James Merlino will add mental health to his portfolio responsibilities. The Honourable Daniel Pearson will add creative industries to his portfolio responsibilities.

I inform the house that Ms Nina Taylor will now be the Government Whip in the Legislative Council.
Bills

COVID-19 COMMERCIAL AND RESIDENTIAL TENANCIES LEGISLATION AMENDMENT (EXTENSION) BILL 2020

RETAIL LEASES AMENDMENT BILL 2019

Royal assent

The PRESIDENT (11:12): I have a message from the Governor, dated 22 September:

The Governor informs the Legislative Council that she has, on this day, given the Royal Assent to the undermentioned Act of the present Session presented to her by the Clerk of the Parliaments:

26/2020  Retail Leases Amendment Act 2020

COVID-19 OMNIBUS (EMERGENCY MEASURES) AND OTHER ACTS AMENDMENT BILL 2020

Introduction and first reading

The PRESIDENT (11:12): I have a message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to amend the COVID-19 Omnibus (Emergency Measures) Act 2020 and other Acts to extend the operation of temporary modifications to the law of Victoria enacted for the purpose of responding to the COVID-19 pandemic and to provide for new temporary modifications to the law of Victoria for the purpose of responding to, and relating to, the COVID-19 pandemic and for other purposes’.

Ms SYMES (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (11:13): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms SYMES: I move:

That the bill be treated as an urgent bill.

Motion agreed to.

Statement of compatibility

Ms SYMES (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (11:14): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the Charter) I, on behalf of the Premier, make this Statement of Compatibility with respect to the COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020 (the Bill).

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

Overview

The Bill extends the operation of temporary measures in the COVID-19 Omnibus (Emergency Measures) Act 2020 (Omnibus Act) to support the continued response to the coronavirus (COVID-19) pandemic. The majority of these measures were originally due to sunset on 25 October 2020, six months after they commenced.

The Bill also implements a number of additional measures to further support the State’s response to COVID-19 and ensure that critical services can continue to be safely and effectively delivered during the pandemic, in
accordance with public health restrictions and the advice of the Chief Health Officer. These include amendments to:

- the Public Health and Wellbeing Act 2008, regarding the use of powers under that Act;
- the Occupational Health and Safety Act 2004 to clarify that a breach of a COVID-19 public health direction is presumed to be an immediate health and safety risk in the workplace;
- the Children, Youth and Families Act 2005 to extend the period for which the Children’s Court can make a family reunification order; and
- the Children, Youth and Families Act 2005 and the Magistrates’ Court Act 1989 to provide Children’s Court registrars and Magistrates’ Court registrars with new powers.

**Human Rights Issues**

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

**Extension of temporary amendments in the Omnibus Act**

The Bill amends the repeal date of multiple sections of the Omnibus Act to 26 April 2021, which will extend the operation of temporary amendments to:

- the Local Government Act 2020 to permit local councils, joint meetings of councils, delegated committee meetings and regional library meetings to continue to be held virtually or to stream their meetings live online;
- the Planning and Environment Act 1987 to continue to allow Panels to remotely hold hearings using technology and allow documents to be made available online;
- the Parliamentary Committees Act 2003 to continue to provide flexibility to members of committees established under that Act to attend meetings and vote remotely;
- the Education and Training Reform Act 2006 to continue to allow for the extension of certain registrations and for notices relating to disciplinary proceedings to be served electronically;
- the Criminal Procedure Act 2009 to continue to allow trials for Victorian indictable offences to be heard by judge-alone in certain circumstances;
- the Magistrates’ Court Act 1989 to continue to allow the Magistrates’ Court to extend the intervals of time before which certain remandees must be brought back before the court;
- the Evidence (Miscellaneous Provisions) Act 1958 to continue to allow the courts greater flexibility to hear matters by audio visual link (AVL) and audio link;
- the Criminal Procedure Act 2009, Supreme Court Act 1986 and County Court Act 1958 to continue to enable courts to decide issues entirely on the basis of written submissions, without the appearance of the parties;
- the Open Courts Act 2013 to continue to provide flexibility for courts to restrict physical access where required to maintain public health during the COVID-19 pandemic;
- the Court Security Act 1980 to extend clarification that authorised officers may exercise their existing powers relating to the security, good order or management of court premises for the purposes of maintaining public health;
- the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 to continue to allow proceedings to be conducted with greater flexibility throughout the COVID-19 pandemic;
- the Children, Youth and Families Act 2005 to continue to authorise the isolation of children and young people in a youth justice facility to mitigate the spread of COVID-19 in the facility;
- the Sentencing Act 1991 to continue to allow the Magistrates’ Court to impose electronic monitoring conditions as part of a community correction order;
- the Corrections Act 1986 to continue to restrict persons who can visit a prisoner and to allow the issuing of quarantine directions in corrections and youth justice custodial facilities to enable the testing, treatment, care and quarantine of prisoners;
- the Fines Reform Act 2014 to extend the registration periods for infringement fines issued during COVID-19 from six months to 12 months to allow an extended period for some fine recipients to pay; and
• the Workplace Injury Rehabilitation and Compensation Act 2013 and the Accident Compensation Act 1985 to extend the notice of termination period for second entitlement determinations from 13 weeks to 39 weeks (until 31 December 2020).

As outlined in the Statement of Compatibility for the Omnibus Act, the emergency measures included in the Omnibus Act engaged a range of Charter rights. In each instance, I was of the view that any limitation of rights was proportionate and justifiable in the circumstances, which included the need to protect the life and health of Victorians and ensure the ongoing safe and efficient delivery of public services during the COVID-19 pandemic.

Any limitation of rights by the emergency measures in the Omnibus Act was further justifiable due to their temporary nature. These measures were to expire on 25 October 2020, six months from their commencement. I hoped and expected that the measures would not be needed beyond this time. Unfortunately, due to the resurgence of COVID-19 in Victoria, the ongoing state of emergency, and the newly declared state of disaster, the circumstances that gave rise to the need for the emergency measures in the Omnibus Act continue, and therefore so does their justification.

It remains difficult to predict how long the emergency measures will be needed. The Bill extends most of those measures that are still required for a further six months, until 26 April 2021. Six months strikes the balance of providing enough time to address the COVID-19 pandemic whilst not extending the measures, and any limitation of human rights, beyond the point that is reasonably justifiable. Therefore, where the Bill temporarily extends emergency measures provided for by the Omnibus Act, I am of the view that, for the reasons outlined in the Statement of Compatibility for the Omnibus Act, these reforms are compatible with the Charter.

Extension of power to make emergency regulations to override justice portfolio legislation

The Bill extends, without modification, the power of the Governor in Council to make regulations that modify or disapply particular provisions of certain justice-related Acts. These emergency regulations may only be made in relation to specific procedural matters, such as statutory timeframes and the conduct of court or tribunal proceedings, and only in limited, defined circumstances. Emergency regulations issued to date demonstrate this measure’s importance as a mechanism to reduce unnecessary pressure on justice and integrity agencies and ensure the effective administration of justice and law in Victoria during the COVID-19 pandemic.

In line with normal Subordinate Legislation Act 1994 requirements, the Attorney-General will continue to be required to consider the impact of the regulations on Charter rights when making recommendations to the Governor in Council. Additionally, the Bill extends all safeguards on the exercise of this power. These safeguards have ensured that emergency regulations are only made where there is an appropriate nexus to COVID-19 and are directed at enabling the justice system to operate safely and effectively, in a way that promotes the rights to life and security of persons.

We have seen how quickly the COVID-19 pandemic can develop. The ability to make regulations, rather than amend principal legislation, continues to be necessary given the evolving nature of the COVID-19 emergency and the need to act quickly to respond to emerging risks to the health, safety or welfare of persons. In these circumstances, and noting the broader impacts of the pandemic, it may not be possible or practical to convene Parliament to consider legislation to respond to urgent and emerging issues.

Amendments to the Public Health and Wellbeing Act 2008

The Bill introduces temporary amendments to the Public Health and Wellbeing Act 2008 (PHW Act) which amend who can be authorised to exercise certain powers under the PHW Act, and expand the existing power to retain high-risk persons under the PHW Act. The exercise of these powers will engage rights protected by the Charter. The amendments will be repealed on 26 April 2021.

Expansion of categories of people who can be authorised officers

The Bill introduces a new Part 13 into the PHW Act which will only be in place until 26 April 2021. It includes a new section 250 which expands the types of persons who can be appointed by the Secretary as authorised officers, potentially including health service staff, WorkSafe inspectors, sworn Victoria Police members and Protective Services Officers (PSOs). It also enables the Secretary to appoint individuals considered appropriate for appointment based on their skills, attributes, experience or otherwise. This would, for instance, enable the appointment of individuals in Aboriginal Controlled Community Organisations to assist, and where relevant and needed, to enforce public health directions. This will ensure that there is a wider (and in some communities, more trusted) pool of public servants and individuals available to perform the various functions given to authorised officers under the PHW Act, and in particular that Victoria Police and WorkSafe inspectors have appropriate powers to enforce public health directions.

Authorised officers are provided with significant powers under the PHW Act, which may limit Charter rights in a number of ways. It is not possible to foresee every potential use of the powers under any declaration of a
state of emergency. The full scope of the rights that will be engaged by the exercise of authorised officers’ powers will depend on exactly how the powers are used and implemented. At the time the powers are exercised, decision-makers will be required to give proper consideration to the precise ways in which rights will be limited.

One of the mechanisms provided by the PHW Act that ensures these extensive powers will be exercised properly is restricting who can use the powers. This is one way of ensuring that any limits on rights that occur using these powers (i.e. any ‘acts’ that use these powers) is proportionate (section 7(2)) and is not arbitrary (which is an element of a number of Charter rights). The amendment does not specify which other persons may be appointed. When appointment decisions are made, the Secretary must be satisfied that the person is suitably qualified or trained to be an authorised officer for the purposes of the PHW Act.

It is contemplated that police officers and PSOs could be appointed as authorised officers under the PHW Act. This will allow them to use reasonable force to enforce compliance with directions; enter premises on the basis of what a designated authorised officer reasonably believes a person is ‘likely’ to do, or (d) of the PHW Act; and

- a direction has been given in the exercise of an emergency power under section 200(1)(a), (b), (c) or (d) of the PHW Act; and

- the designated authorised officer has a reasonable belief that a person required to comply with the direction is a high-risk person who is likely to refuse or fail to comply with the direction.

This amendment engages, but does not limit, the right not to be subject to arbitrary detention in section 21(2) of the Charter. Section 21(2) of the Charter requires that a person must not be unlawfully or arbitrarily detained. Detention under section 200(1)(a) is clearly a deprivation of liberty for a finite and regularly reviewed period of time. The amendments will satisfy the requirements of lawfulness as they will constitute the relevant law. It is likely that any detention would be considered arbitrary if it was disproportionate or unjust, or if it was not based on any identifiable criterion and was therefore able to be exercised capriciously (although there remains conflict in the Victorian jurisprudence about the meaning of the word ‘arbitrary’).

The amendments will allow a person to be detained under the existing emergency detention power in the PHW Act on the basis of what a designated authorised officer reasonably believes a person is ‘likely’ to do, or to refuse or fail to do. Although these terms do involve an authorised officer making an assessment or prediction of future behaviour, I consider that the criteria for that assessment are sufficiently clear so as to avoid the power being exercised arbitrarily. I also note that the courts have accepted the use of protective detention powers in other circumstances where an assessment is required of future risk (such as under the
preventative detention regimes for serious sex offenders). Although the prediction of future risk is not an exact science, where it has a rational basis, it will not be arbitrary.

I therefore conclude that although a person may be deprived of their liberty in an expanded range of circumstances, any such deprivation will be lawful, will not be arbitrary and so, will be compatible with the right in section 21(2) of the Charter.

Amendments to the Occupational Health and Safety Act 2004

The Bill inserts Part 16 into the Occupational Health and Safety Act 2004 (OHS Act), which will only be in place for six months. This Part establishes that a breach of a public health direction is taken to be an immediate risk to the health or safety of a person for the purposes of section 112 (Prohibition Notices) and section 120 (Directions) of the OHS Act. Section 112 allows an inspector to issue a person who has control over an activity in a workplace with a notice prohibiting the carrying on of that activity, if it involves an immediate risk to the health or safety of a person. Section 120 allows an inspector to give a direction to a person at a workplace if necessary, because of an immediate risk to the health or safety of a person.

The inclusion of these new provisions means that WorkSafe inspectors can take expedited enforcement action to prevent, reduce or mitigate workplace exposure to COVID-19, on the basis that the direction under the PHW Act (which can only be made where the officer making the direction has determined under the PHW Act that there is a risk to public health) is a sufficient basis for making a direction or issuing a notice under these provisions. This means that WorkSafe inspectors can rely on the assessment made under the PHW Act without having to undertake that consideration again (which may be a consideration they are less qualified to undertake than the person issuing the direction under the PHW Act, given it will be based on public health considerations). It is preferable that WorkSafe inspectors are able to take action to support compliance with the PHW Act directions in workplaces under the OHS Act, since the OHS Act is tailored to the legal obligations arising in that environment, rather than utilising the offence provisions aimed at individuals in sections 193 and 203 of the PHW Act.

Given that sections 112 and 120 create indictable offences for failures within workplaces in relation to conduct that is also likely to be a breach of sections 193 or 203 of the PHW Act, it is possible that a person could be charged with two different offences relating to the same wrongful act. However, this does not mean that a person will be tried or punished more than once for the same offence contrary to section 26 of the Charter.

The rule against double jeopardy does not prevent more than one penal consequence flowing from the same act, where that act constitutes more than one offence. The double jeopardy principle generally applies where a person is charged with exactly the same offence for which they have been previously acquitted or convicted, or an offence that is substantially and practically the same (Carroll v The Queen (2002) 213 CLR 635). A court may choose to stay a proceeding as an abuse of process if it involves re-litigation of a previously decided factual issue and, in particular, will not allow the prosecution to question or call into question a previous acquittal. In addition, the prosecution is generally required to include all related offences on the one indictment and the use of subsequent indictments for related offences may be found to be vexatious (Carroll v R (2002) 213 CLR 635).

A court is likely to expect all related charges under the OHS Act and the PHW Act to be included on the one indictment and the common law prohibition on double jeopardy will continue to operate to protect people from a breach of section 26 of the Charter. I therefore conclude that these amendments do not limit section 26 of the Charter.

Powers of Magistrate’ Court and Children’s Court registrars

Children in the criminal process and rights in criminal proceedings

The Bill will provide a new power for Registrars of the Children’s Court to change the date, time or place at which certain proceedings are listed. It will also extend and expand the powers under the Omnibus Act for Registrars of the Magistrates’ Court to change the date, time or place at which criminal proceedings are listed. These measures may engage the right of an accused child to be brought to trial as quickly as possible in section 23(2) of the Charter and the right of an accused person to be tried without unreasonable delay in section 25(2)(c) of the Charter.

The impacts of COVID-19 have placed considerable strain on the court system. The new powers in the Bill, and the extension and expansion of the powers under the Omnibus Act, will enable both the Children’s Court and the Magistrates’ Court to more efficiently manage the listing and re-listing of matters. The new powers will assist courts to safely manage and prioritise proceedings, while practicing social distancing and minimising face-to-face proceedings. This is consistent with the right to life under section 9 of the Charter.

In addition, the extension of other amendments under the Omnibus Act, including greater flexibility to hear matters by AVL and audio link, promote an accused person’s right to be tried without unreasonable delay.
On balance, I consider that any limits on the rights in sections 23(2) and 25(2)(c) of the Charter are targeted at reducing the risk to public health and promote the right to life. During the COVID-19 pandemic, I do not consider there are less restrictive means reasonably available.

**Protection of families and children**

Section 17(1) of the Charter recognises that families are the fundamental group unit of society and are entitled to protection by society and the State. Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child.

The new and extended powers for Registrars of the Magistrates’ and Children’s Courts may engage the protection of families and children under section 17 of the Charter, as the powers will enable Registrars to change the date, time or place at which proceedings under the *Family Violence Protection Act 2008* (Family Violence Protection Act) and *Personal Safety Intervention Orders Act 2010* (Personal Safety Intervention Orders Act).

The impacts of COVID-19 have placed considerable strain on the court system, reducing the capacity of courts to deal with matters and requiring active management and prioritisation of cases being dealt with. This has inevitably resulted in delays to some matters. The new powers in the Bill, and the extension and expansion of the powers under the Omnibus Act, will enable both the Children’s Court and the Magistrates’ Court to more efficiently manage the listing and re-listing of matters where such delays occur, or where a matter needs to be prioritised and dealt with quickly. The new powers will assist courts to safely manage and prioritise proceedings while practicing social distancing and minimising face-to-face proceedings. This is consistent with the right to life under section 9 of the Charter.

In addition, the Children’s Court and the Magistrates’ Court are each able to make interim orders under the *Family Violence Protection Act* and the *Personal Safety Intervention Orders Act* in order to ensure the safety of families and children.

On balance, I consider that any limits on the rights in section 17 of the Charter are targeted at reducing the risk to public health and promote the right to life. During the COVID-19 pandemic, I do not consider there are less restrictive means reasonably available.

**Amendments to the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**

As well as extending amendments to the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (CMIA), the Bill will also make minor amendments to enable courts to decide a broader range of CMIA proceedings entirely on the basis of written submissions, without the appearance of the parties.

While this engages the right to a fair hearing in section 24 of the Charter and the right to be tried in person in section 25(2)(d) of the Charter, in my view, it does not limit those rights. It is well recognised at common law that a hearing based on written submissions can be fair, provided that parties can fully present their case and respond to adverse material.

**Amendments to the Children, Youth and Families Act 2005**

The Bill engages the rights on protection of families and children in section 17 of the Charter, as well as the right to privacy in section 13 of the Charter, by amending the *Children, Youth and Families Act 2005* (CYFA) by extending the period of time for which a family reunification order may be made or extended.

Section 17(1) of the Charter recognises that families are the fundamental group unit of society and are entitled to be protected by society and the State, and section 17(2) of the Charter provides that every child has the right to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

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

A family reunification order is a protection order made by the Children’s Court when it is presently not in a child’s best interests to reside with and be cared for by a parent, but a parent may be able to permanently resume care of the child in the future. It gives the Secretary to the Department of Health and Human Services parental responsibility for, and responsibility for the sole care of, a child, and may include conditions that promote the reunification of the child with the child’s parent.

The purpose of the current time limits on the length of time for which the Children’s Court may make or extend a family reunification order is to restrict the period of time a child may be accommodated in out of home care awaiting reunification with a parent, so that permanent care and accommodation arrangements may be made for a child within a timeframe consistent with children’s developmental needs. As a result of the COVID-19 pandemic and the associated state of emergency, however, parents of children who are the subject of family reunification orders may be impeded in their efforts to address protective concerns so that they can reunify with their children.
The amendments to the CYFA allow the Children’s Court to make or extend a family reunification order for a longer period than would otherwise be permitted if specific criteria are met. This involves further interferences in families where children are in need of protection.

Importantly, however, the Children’s Court ability to increase the duration of a family reunification order is only available in limited circumstances—that is, where a parent’s progress towards reunification with their child has been impeded as a result of the COVID-19 pandemic or the state of emergency, and it is in the child’s best interests to do so. Without these amendments, a parent might be prevented from otherwise achieving reunification with their child. Thus, an increase in the duration of a family reunification order can protect a family (even if reunification is delayed) while ensuring that this is only done in the child’s best interests.

These amendments include appropriate safeguards to ensure that the period of extension is no longer than the period for which the parent’s progress was impeded, and that the order will not have the effect that a child will be placed in out of home care for a cumulative period that exceeds 30 months. These safeguards are important to ensure that any delay in providing alternative permanent or long-term care arrangements for children (if necessary) is not for an unreasonable or unjustified period that may be harmful and not in the best interests of the children.

In addition, while the CYFA and the Bill authorise interferences in families where children are in need of protection, they do so subject always to the principle that the best interests of the child are paramount (section 10(1) of the CYFA).

In my opinion, any limits on the rights in sections 13 and 17 of the Charter are reasonable and demonstrably justified under the extraordinary circumstances posed by the COVID-19 pandemic, and achieve an appropriate balance between the rights of families and the rights of children.

The Hon Jaclyn Symes MP
Leader of the Government in the Legislative Council

Second reading

Ms SYMES (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (11:14): I move:

That the second-reading speech be incorporated into Hansard.

Motion agreed to.

Ms SYMES: I move:

That the bill be now read a second time.

Incorporated speech as follows:

In April of this year, we met in this place to introduce a set of laws enacting a number of emergency measures, giving Victoria the tools we needed to face the unprecedented challenge that is this global pandemic.

In passing those laws, we acted to protect Victorians and to make sure that crucial public services and systems could continue to serve the people of this state. In recognition of this unprecedented challenge, we ensured that these measures were time-limited and would sunset after six months.

Unfortunately, the threat of this pandemic is far from over. Victoria, along with the rest of the world, must keep rising to meet the challenges of this virus.

To do this, we need the lifesaving emergency measures introduced by the COVID-19 Omnibus (Emergency Measures) Act 2020 (Omnibus Act).

This Bill extends the emergency measures we need to keep our state safe for a further six months. New measures have also been identified as necessary to support the state’s response to the COVID-19 pandemic and are introduced in this Bill.

Just as these measures have been a vital part of our response to the pandemic, they must continue to be a vital part of our response—and importantly, our recovery.

Extension of temporary measures in the Omnibus Act

Justice Portfolio

The Omnibus Act introduced critical measures to address justice system impacts of the COVID-19 response, particularly in the corrections and youth justice systems, to alleviate pressures that would otherwise
compromise the system’s capacity to continue service delivery and response activities. This Bill will extend most of those existing measures for a further six months.

In summary, this Bill extends the following measures:

• reforms to evidence and procedure laws to enable courts to deal with priority matters efficiently and in a way that reduces public health risks with COVID-19, including facilitating use of electronic service of documents, audio visual links and making decisions based on written submissions or in the absence of a party;

• providing flexibility to courts to restrict physical access to courts and court rooms to maintain public health;

• providing more flexible procedures for bail matters—without changing any of the tests or considerations for granting bail—including clarifying that a legal representative may appear in court on an accused person’s behalf, expanding registrars’ powers to allow them to adjourn matters and extend bail, and allowing courts, where consistent with the interests of justice, to remand certain accused persons for longer than eight days (without the accused being required to consent);

• extending statutory timeframes to facilitate more effective prioritisation of matters;

• allowing judge alone trials in criminal cases;

• flexibility in dealing with matters under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997;

• allowing the Magistrates’ Court to order electronic monitoring of community correction orders;

• enabling effective management of health risks in the corrections system, including restrictions on visitors, mandatory quarantine of prisoners on entering prison, powers to separate, isolate or quarantine a prisoner or lockdown all or a part of a prison, and powers to facilitate the assessment, testing and treatment of a prisoner;

• enabling effective management of health risks in the youth justice system, including by allowing for the isolation of children and young people in youth justice facilities to detect, prevent or mitigate the spread of COVID-19;

• extending the registration periods for infringement fines from six months to 12 months;

• reforms to support transition of people from the WorkCover scheme back into the workforce;

• amending eligibility requirements for membership of the Youth Parole Board; and

• allowing the making of emergency regulations to alter or suspend existing laws relating to justice processes and procedures.

These measures are extended until 26 April 2021, except those relating to worker compensation reforms which will be extended until 31 December 2020. It is intended that the Youth Parole Board reforms will be made permanent on passage of identical amendments contained in the Justice Legislation Amendment (Drug Court and Other Matters) Bill 2020 that is currently before Parliament.

Judge alone trials in criminal cases

The Omnibus Act temporarily amended the Criminal Procedure Act 2009 to enable the Supreme Court and County Court to order that accused persons charged with Victorian indictable offences may be tried by a judge alone in certain circumstances. These provisions were initially introduced for a period of six months, following the courts’ decision in March to temporarily suspend jury trials due to the COVID-19 pandemic. By allowing courts to order trials by judge alone in appropriate cases during the pandemic, this measure is helping to address the significant issues caused by delays and uncertainty in the justice system, particularly for accused persons and victims of crime.

The Supreme Court and County Court have further delayed the resumption of jury trials, due to the ongoing risk posed by COVID-19 in Victoria. As a further temporary measure, the Bill will extend the provisions in the Criminal Procedure Act 2009 that enable the courts to order judge alone trials for an additional period of six months until 26 April 2021. The extension of these provisions will help the justice system to address ongoing delays and uncertainty caused by the COVID-19 pandemic.

Flexibility for courts to restrict access to courts and court premises

The Bill will extend temporary measures under the Omnibus Act that provided flexibility to courts to restrict physical access to courtrooms or amend their procedures where required to maintain public health. The Bill will also extend temporary measures clarifying that authorised officers under the Court Security Act 1980 may exercise their existing powers relating to the security, good order and management of court premises to maintain public health. These provisions are necessary to ensure that courts can continue to administer justice
during the COVID-19 pandemic, while limiting the risk of transmission to judicial officers, legal practitioners, court staff and members of the public.

Health risk management in the Youth Justice system

The Bill will extend the amendments to the Children, Youth and Families Act 2005 that provide a specific power to isolate a young person in a youth justice facility in order to detect, prevent or mitigate the transmission of COVID-19 in such a facility.

The Bill will extend this new isolation power for a further six months until 26 April 2021. The extension of the new isolation power supports the public health response to COVID-19 by reducing the risk of further transmission of COVID-19 within youth justice facilities and mitigates the resultant serious impacts to the health of children and young people, frontline staff and the broader community. In recent months, newly admitted children and young people have tested positive to COVID-19 through youth justice’s admission screening and testing processes and, in accordance with official health advice, have necessarily needed to be isolated to mitigate infection risks. In line with health advice, periods of isolation have needed to be authorised within the custodial environment to mitigate the risk of infection being transmitted.

This amendment will ensure the safety and security of children and young people, frontline staff, and the broader community.

Flexibility in dealing with matters under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997

The Bill will extend amendments to the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (CMIA) to allow courts to manage CMIA hearings flexibly, while managing public health risks. The Bill will extend amendments to allow fitness to stand trial investigations to be determined by a judge rather than a jury, and a special hearing to be heard by a judge alone. With respect to fitness to stand trial, this replicates an amendment included in the Crimes (Mental Impairment and Unfitness to be Tried) Bill 2020, which is currently before Parliament.

The Bill will also extend amendments to the CMIA to lengthen the timeframe in which a special hearing must be conducted.

As well as extending amendments to the CMIA, the Bill will also make minor amendments to enable courts to decide a broader range of CMIA proceedings entirely on the basis of written submissions, without the appearance of the parties.

Amendments to the Fines Reform Act 2014

The Omnibus Act amended the Fines Reform Act 2014 to extend the registration periods for infringement fines issued during COVID-19 from six months to 12 months. This change allowed enforcement agencies to delay registering fines for enforcement, which meant they could give fine recipients more time to pay their fines. The Bill extends this sensible measure by a further six months to 26 April 2021 in recognition of the fact that there is an ongoing need for flexibility in enforcing infringement fines while the COVID-19 health emergency continues.

The Omnibus Act also amended the Fines Reform Act 2014 to ensure that prisoners who wish to apply to participate in the ‘time served’ scheme, but whose applications could not be processed because of measures taken to deal with COVID-19, can make their request at a later date, even if they have been released from prison. The Bill extends this measure by a further six months to 26 April 2021 in view of the ongoing COVID-19 emergency and the continuation of measures that have prevented prisoners’ applications from being processed.

Workplace Safety portfolio

COVID-19 continues to create barriers for long-term injured workers to re-enter the workforce and transition off the WorkCover scheme.

Were it not for amendments made by the Omnibus Act to the Workplace Injury Rehabilitation and Compensation Act 2013 and the Accident Compensation Act 1985, approximately 2,500 long term injured workers would have had their weekly payments terminated from 1 December 2019.

The Bill will extend the previous amendments made to give an additional 550 long-term injured workers, who are unable to return to work or find employment, a further six months’ notice before terminating their payments. This will assist workers due to transition off payments between the end of October 2020 and 31 December 2020, allowing them more time to return to work or find employment before their payments cease.

These measures will continue to have a positive economic impact for this group of long-term injured workers, reducing financial hardship due to COVID-19 and supporting a sustainable transition from the WorkCover scheme back into the workforce.
Local Government portfolio

Council meetings (as well as joint meetings of councils, delegated committee meetings, joint delegated committee meetings, special committee meetings and regional library meetings) are the primary means for decision making within local government and the regional library governance framework. The Bill will extend amendments to the Local Government Act 2020 to permit local councils and regional libraries to continue to operate more flexibly by having virtual council meetings, ensuring continued service delivery and decision-making. Members of the public will continue to be able to observe certain meetings online.

Planning portfolio

The Bill will extend the operation of Part 10A of the Planning and Environment Act 1987 for a further six months until 26 April 2021. These provisions facilitate the display of critical planning documents online—satisfying the requirement to display them in physical premises—and facilitate the electronic, remote conduct of Planning Panels hearings. Extending the operation of these provisions for a further six months is necessary to ensure the planning system can continue to operate amidst ongoing social distancing measures required to address the COVID-19 pandemic.

Education and Training and Skills portfolio

The Bill will extend the operation of Chapter 5A of the Education and Training Reform Act 2006 for a further six months until 26 April 2021. Chapter 5A established a temporary scheme to enable:

• the Victorian Registration and Qualifications Authority to extend the existing registrations of registered training organisations and providers of accredited senior secondary courses and qualifications for up to six months;

• the Victorian Institute of Teaching (VIT) to extend the existing registrations of persons who hold permissions to teach, provisional registrations and non-practising registrations for up to six months; and

• the VIT to send or serve notices relating to disciplinary proceedings of registered teachers by electronic communications.

Premier portfolio

The Bill will extend amendments to the Parliamentary Committees Act 2003 to provide flexibility to members of committees established under that Act to attend meetings and vote remotely for a further six months until 26 April 2021. The amendments have been an important tool to facilitate committee meetings during the COVID-19 pandemic, including by the Public Accounts and Estimates Committee in conducting its inquiry into the State’s COVID-19 response. The extension of these amendments will ensure that committees can continue to perform their duties safely during the COVID-19 pandemic and align with efforts of the broader community to practise social distancing at work.


During the evolving outbreak of COVID-19, the Government has identified critical temporary amendments to the Public Health and Wellbeing Act and the Occupational Health and Safety Act 2004 (OHS Act) that are required to ensure it has the necessary flexibility and powers to respond to the pandemic, and adequately manage public health risks.

The Bill provides for the following new amendments to the Public Health and Wellbeing Act:

• broadening the ability to exercise the emergency power to detain; and

• expanding the types of public servants who can be appointed as authorised officers, and enabling the appointment of individuals with particular skills, attributes or expertise.

The Bill also amends the OHS Act, to strengthen the ability of WorkSafe inspectors to take enforcement action to ensure employers are providing a safe place of work.

These amendments will sunset on 26 April 2021 in line with other temporary measures in the Bill.

Expand the types of public servants who can be appointed authorised officers

This Bill will authorise the Secretary of the Department of Health and Human Services to appoint a broader class of persons to perform the roles and functions of an authorised officer under the Public Health and Wellbeing Act. Currently, only persons employed under Part 3 of the Public Administration Act 2004 can be appointed as authorised officers.

The broader class of persons who may be appointed as authorised officers may include public sector employees from Victoria and other Australian jurisdictions. For example, health services staff, WorkSafe officers such as Inspectors, Victoria Police members and Protective Services Officers.
The Bill will also enable the appointment of individuals with particular attributes, such as connection to particular communities, to ensure that certain activities, like contact tracing, can be conducted in a culturally safe manner. For instance, the Secretary will be able to appoint individual employees of Aboriginal Community Controlled Organisations (ACCOs) as authorised officers. This will enable ACCOs to undertake activities such as contact tracing within the Aboriginal Community in a culturally appropriate manner. It would also enable appointment of individuals from appropriate multicultural health organisations to contact relevant communities.

While the Bill provides a legislative basis for appointment, it does not necessarily mean that such public sector employees will be appointed as authorised officers. Any appointment will be the subject of a specific instrument authorised by the Secretary and Chief Health Officer. The instrument will set out the specific authority and limitations on the exercise of authorised officer functions and powers.

This amendment will provide an important additional mechanism to ensure timely and effective compliance and enforcement action can be taken to contain the spread of COVID-19. It will also ensure that Victoria Police and WorkSafe Inspectors, should they be appointed, have appropriate powers to enforce public health directions.

The Bill also makes necessary consequential amendments to provisions allowing authorised officers to be assisted by a police officer, recognising that police officers may now be appointed as authorised officers.

These provisions will be administered by the Attorney-General and/or the Minister for Health consistently with the ministerial arrangements for section 30 and Part 10 (except section 198) of the Public Health and Wellbeing Act 2008, as set out in the Administration of Acts General Order as at the date of the commencement of the provisions.

A wider ability to exercise the emergency power to detain

The ability for cases of COVID-19 to be proactively managed is critical to the safe operation of Victoria’s response to COVID-19. To ensure that the Government has the flexibility to respond to the health risks posed by the COVID-19 pandemic, greater scope is required to issue detention notices to hold people in accommodation.

The Bill will provide further emergency powers to authorised officers to issue detention notices and detain particular high-risk persons if the authorised officer reasonably believes that a person is likely to refuse or fail to comply with a direction made by the Chief Health Officer. High-risk persons are defined to include those diagnosed with COVID-19 and still infectious, and close contacts of those people.

This amendment will enable the authorised officer to detain individuals for the purpose of ensuring compliance with the relevant direction during the COVID-19 state of emergency. This amendment will ensure that in circumstances where a person is COVID-19 positive or a close contact and is likely to refuse or fail to comply the person can be detained into quarantine to ensure the safety of their family, close contacts and the wider community.

The Bill ensures that any detention on this basis is accompanied by robust safeguards to protect the health and wellbeing of detained individuals. These include detention being for the minimum duration required (noting that any period of isolation may be informed by current health advice). The Bill also ensures a person detained is provided with medical and other support that they require.

This is a reasonable, necessary and proportionate amendment that is time-limited and for the express purpose of ensuring that we, as a community, can respond to this significant health crisis. This amendment will help ensure the safety and security of Victoria.

These provisions will be administered by the Attorney-General and/or the Minister for Health consistently with the ministerial arrangements for section 30 and Part 10 (except section 198) of the Public Health and Wellbeing Act 2008, as set out in the Administration of Acts General Order as at the date of the commencement of the provisions.

Enhancing the enforcement of Chief Health Officer directions in workplaces

WorkSafe is responsible for enforcing compliance with duties under Victoria’s occupational health and safety legislation and associated regulations. These include requirements that employers provide and maintain a working environment that is safe and without risks to health, by implementing suitable control measures so far as is reasonably practicable to prevent and mitigate the spread of COVID-19.

WorkSafe inspectors have a range of enforcement powers to ensure compliance with these obligations. Where they identify a breach, inspectors may require an employer to remedy non-compliance through the issuing of an Improvement Notice, Prohibition Notice or Direction. Prohibition Notices and Directions have immediate effect and can prevent certain activities where an inspector reasonably believes that there is an immediate risk to the health or safety of a person. At present, failing to comply with a public health directive issued by the
Chief Health Officer in the workplace may not always clearly provide sufficient basis for an inspector to form a reasonable belief that there is an immediate risk to health and safety of a person. In practice, it may be difficult to establish ‘immediacy’ given the extent of public health directions, variety of workplaces and the fastmoving nature of the COVID-19 risk.

The Bill makes it clear that any breach of a COVID-19 related public health direction is presumed to constitute an immediate risk to health and safety for the purposes of provisions relating to Prohibition Notices and Directions. The assessment of risk remains subject to the WorkSafe Inspector’s discretion and is informed by available evidence. These amendments to the OHS Act will strengthen the ability of WorkSafe inspectors to take enforcement action to ensure employers and other duty holders are providing a safe place of work, mitigating workplace exposure to COVID-19.

These provisions will be administered by the Minister for Workplace Safety.

**Amendments to the Children, Youth and Families Act 2005**

The Bill will amend the Children, Youth and Families Act 2005 to allow the Children’s Court to extend family reunification orders. The orders will be extendable for an additional period that takes into account the time a parent is impeded in addressing protective concerns required for reunification with their child as a result of the COVID-19 pandemic.

The additional period is limited to six months to allow time to adapt to the changed circumstances resulting from the COVID-19 pandemic while preventing children in need of protection from drifting in care. This extended period will only be available where the Children’s Court also considers that the extension is in the child’s best interest. The reform will be repealed on 26 April 2021.

The Bill also extends the range of temporary amendments to the Children, Youth and Families Act 2005 to enable Children’s Court proceedings and out-of-court processes to be conducted with greater flexibility throughout the COVID-19 pandemic.

These provisions will be jointly and severally administered by the Attorney-General and Minister for Child Protection.

**Powers of Magistrates’ Court and Children’s Court registrars**

The Omnibus Act introduced new powers for registrars of the Magistrates’ Court to change the date, time or place at which certain criminal proceedings are listed before the Magistrates’ Court. The Bill will extend these new powers. In addition to being able to change the date, time or place at which criminal proceedings are listed before the Magistrates’ Court, the new powers will also be exercisable in relation to proceedings under the Family Violence Protection Act 2008 and the Personal Safety Intervention Orders Act 2010.

The Bill will replicate the new powers conferred on registrars of the Magistrates’ Court under the Omnibus Act for registrars in the Children’s Court, enabling registrars of the Children’s Court to change the date, time or place at which certain criminal and intervention order proceedings are listed before the Children’s Court.

These new powers are necessary to ensure that registrars of both the Magistrates’ Court and the Children’s Court are able to more efficiently manage the listing and re-listing of matters, as required as a consequence of the COVID-19 pandemic and the associated state of emergency and public health orders. This reform is temporary and will be repealed on 26 April 2021.

These provisions will be administered by the Attorney-General.

The new provisions of the Bill will commence on assent.

This Bill is an important continuation of the work commenced by the Omnibus Act.

It extends and enacts a number of reforms critical to our state’s response to COVID-19—giving Victoria the lifesaving tools we need to fight this deadly virus.

We are not yet at the end of this pandemic and there is still more work to be done to protect our state.

But with these measures in place, and the efforts of every single Victorian, we can get through this—and get through it together.

I commend the Bill to the house.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (11:14): I move:

That debate on this bill be adjourned until later this day.

Motion agreed to and debate adjourned until later this day.
NATIONAL ENERGY LEGISLATION AMENDMENT BILL 2020

Introduction and first reading

The PRESIDENT (11:15): I have a further message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to amend the National Electricity (Victoria) Act 2005, the National Gas (Victoria) Act 2008 and to make related amendments to the Electricity Industry Act 2000 and the Gas Industry Act 2001 and for other purposes’.

Ms SYMES (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (11:15): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ms SYMES (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (11:16): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs


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

Overview

The Bill amends the National Electricity (Victoria) Act 2005 (the NEVA) and the National Gas (Victoria) Act 2008 (NGVA) to change the regulatory control period of which distribution network prices are set from a calendar year to a financial year cycle and to validate the Australian Energy Regulator’s actions under the National Electricity (Victorian) Law, National Electricity Rules, National Gas (Victorian) Law or National Gas Rules to facilitate change to the financial calendar.

Human Rights Issues

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

The Bill does not engage any human rights protected by the Charter.

Consideration of reasonable limitations—section 7(2)

As the Bill does not engage any human rights protected by the Charter, it does not limit any human rights and therefore it is not necessary to consider section 7(2) of the Charter.

Conclusion

Accordingly, it is my view that the Bill is compatible with the human rights as set out in the Charter.

The Hon. Jaala Pulford MP,
Minister for Roads
Second reading

Ms SYMES (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (11:16): I move:

That the second reading-speech be incorporated into Hansard.

Motion agreed to.

Ms SYMES: I move:

That the bill be now read a second time.

Incorporated speech as follows:

Today’s National Energy Legislation Amendment Bill 2020 contains a number of technical amendments to change the timing of electricity and gas network regulatory periods in Victoria from a calendar to financial year cycle. This Bill forms part of the Government’s broader package of reforms aimed at making Victoria’s energy retail markets simpler and fairer, and cutting the cost of energy for Victorian households and small businesses.

Currently in Victoria, retail electricity and gas prices tend to change on 1 January rather than on 1 July, as occurs in the rest of Australia. This is because distribution charges, a component of the price that consumers pay to bring electricity and gas to their homes, are updated annually on a calendar year basis rather than a financial year basis.

As a consequence, Victorian consumers are often notified of increases to the costs of their electricity or gas plans following the Christmas and New Year period, when cost of living pressures are already high. Further, many consumers are too busy at this time of year to engage with the market to find a better offer elsewhere.

The Bill will amend the National Electricity (Victoria) Act 2005 and the National Gas (Victoria) Act 2008 to change the regulated electricity and gas network distribution pricing periods in Victoria from a calendar to financial year basis. The current electricity distribution determination period will be extended from 31 December 2020 to 30 June 2021. The current gas distribution access arrangement will be extended from 31 December 2022 to 30 June 2023. This will align the Victorian electricity and gas network regulatory periods with other jurisdictions in Australia.

The Bill builds on existing reforms delivered under our Government’s Energy Fairness Plan. Last year we implemented the Victorian Default Offer, or VDO. The VDO represents a simple, fair price for electricity that customers can feel confident in, replacing former costly standing offers.

Our free and independent energy price comparison website, Victorian Energy Compare, has been accessed by 2.7 million Victorians. Seven-out-of-ten customers have been able to find a better deal by switching retailers and saving $330 on average in the first year alone. Customers who have used the website to compare offers have been able to access the Government’s $50 Power Saving Bonus, which we extended to 30 June 2020.

We are also on track to implement the remaining recommendations from the Independent Review into the Electricity and Gas Retail Markets in Victoria. Upcoming reforms will limit the frequency with which retailers can increase their prices to once per year, make marketing of energy deals clearer and less confusing for customers, and cap pay-on-time discounts so that customers are not unfairly penalised if they are late making a payment.

This Government remains committed to implementing the remainder of the Energy Fairness Plan. Forthcoming legislation will ban door-to-door sales and cold-calling by energy retailers; ban ‘save’ and ‘win-back’ offers by energy retailers who try to hold onto their customers by making enticing offers that are increased after a short while; and overhaul and increase penalties for energy retailers who provide false or misleading information or wrongfully disconnect customers.

I commend the Bill to the house.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (11:16): I move:

That debate on this bill be adjourned until the next day of meeting.

Motion agreed to and debate adjourned until next day of meeting.
POLICE AND EMERGENCY LEGISLATION AMENDMENT BILL 2020

Introduction and first reading

The PRESIDENT (11:16): I have a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the Victoria Police Act 2013, the Crimes Act 1958, the Family Violence Protection Act 2008, the Sheriff Act 2009 and the Fire Rescue Victoria Act 1958 and for other purposes'.

Ms SYMES (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (11:17): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Ms SYMES (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (11:17): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

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

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

Overview

The Bill seeks to amend Acts, including:

• The Crimes Act 1958 to allow police to remove a person in custody from a police gaol to another part of a police station for the purpose of questioning;
• The Victoria Police Act 2013 to expand the area where protective services officers (PSOs) exercise their powers beyond the public transport network, to include places such as shopping centres, malls and other crowded places;
• The Family Violence Protection Act 2008 and the Sheriff Act 2009 to enable the trial and evaluation of Sheriff’s officers serving Family Violence Intervention Order (FVIO) applications;
• The Firefighters’ Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 (FPRC Act) to ensure the effective operation of Fire Rescue Victoria (FRV) on 1 July 2020.

Human rights issues

In my opinion, the Bill engages the following human rights under the Charter:

• the right to freedom of movement under section 12 of the Charter;
• the right to privacy under section 13 of the Charter;
• the right to assembly and association under section 16 of the Charter;
• the right to property under section 20 of the Charter;
• the right to liberty and security of person under section 21 of the Charter;
• the right to humane treatment when deprived of liberty under section 22 of the Charter.

For the reasons outlined below, I am of the view that the Bill is compatible with each of these human rights.
Removal from police gaols for questioning

Section 464B(1) of the Crimes Act 1958 enables a police officer to apply to the Magistrates’ Court of Victoria for an order to question a person who is held in a prison or police gaol and is reasonably suspected of having committed an offence (other than the offence for which he or she is being held).

Section 464B(11) of the Crimes Act 1958 enables a police officer to question a person who is in custody in a prison or a police gaol without a Magistrates’ Court order if that person is reasonably suspected of having committed an offence (other than the offence for which he or she is in custody) and gives informed consent to being interviewed. However, section 464B(12) prohibits a police officer from removing the person in custody, for the purpose of questioning under section 464B(11), from the prison or police gaol in which they are being held.

The effect of section 464B(12) is to prevent police, in many cases, from being able to use the power in section 464B(11) to question a person held in custody who is reasonably suspected of another offence without an order from a Magistrate.

There are 30 police station buildings in Victoria with specified areas within them appointed as police gaols. Under section 464B(12), police are precluded from removing a person held in custody in the part of the building appointed as a police gaol to another part of the building, where interview rooms and other parts of the police station are located.

Additional powers are given to police officers within police gaols. As such, it would not be appropriate to appoint the entire area of a police station as a police gaol to allow the use of interview rooms for questioning under section 464B(11).

The Bill therefore proposes an amendment to section 464B to allow a police officer to remove a person in custody from a police gaol to another part of the same police station building for the purposes of questioning under section 464B(11). A police officer at or above the rank of senior sergeant may approve the moving of the person if he or she is satisfied that the use of the room:

- is in the best interests of the person to be questioned, having regard to privacy and confidentiality;
- enables an audio-visual recording; or
- is preferable to conducting the questioning in the police gaol.

In addition, the person to be questioned may not be removed from a police gaol to a room in the police station unless they consent to being so removed.

The Bill will not enable the removal of a person held in custody from a prison or from a police station without a court order. The existing requirements for the person to provide informed consent before questioning, and for an audio-visual recording made of the consent provided, and the questioning, remain.

Rights to freedom of movement (section 12) and liberty and security of the person (section 21)

Section 12 of the Charter provides that persons lawfully within Victoria have the right to move freely within Victoria, to enter and leave Victoria, and to choose where to live.

Section 21(1) of the Charter protects a person’s right to liberty and security. This general protection of a person’s right to liberty is supplemented by sub-sections that give specific consent to the right, such as:

- section 21(2) provides that a person must not be subject to arbitrary arrest or detention;
- section 21(3) requires that a person must not be deprived of liberty except on grounds, and in accordance with procedures, established by law; and
- section 21(4) requires that a person who is arrested or detained must be informed at the time of arrest or detention of the reason for the arrest or detention.

The Bill does not contain any new or additional powers to detain persons, or to question them.

The Bill authorises the movement of a person, who is already lawfully detained in a police gaol, to another place within the same police station building, for the purposes of questioning that person. The power to move a person in custody therefore engages the rights to freedom of movement, and to liberty and security.

The new power to move a person for the purposes of questioning is subject to a number of safeguards. These include that the power to move the person must be authorised by a senior police officer (i.e. an officer at or above the rank of senior sergeant) and applies only to a person already under lawful detention in a police gaol, in accordance with the Crimes Act 1958. In addition, the police officer authorising the movement of the detained person must be satisfied that it is in the interests of the person to be questioned, having regard to privacy and confidentiality, and that the use of the room enables an audio-visual recording, or for any other reason preferable to conducting the questioning in the police gaol. Finally, the person in custody must give
informed consent to being removed from the police gaol to the police station for questioning, as well as to the questioning itself.

I am satisfied that, while the rights to freedom of movement, and to liberty and security of the person, may be engaged by the new power to move persons for questioning under the Bill, these rights are not limited by that power.

*Right to humane treatment when deprived of liberty (section 22)*

Section 22 of the Charter provides that all persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person. This right is engaged because the Bill authorises the movement of a person whilst in lawful detention and therefore relates to that person’s treatment in detention.

In my view, the Bill does not limit the rights protected in section 22 of the Charter. Nothing in the Bill contemplates or authorises inhumane treatment of persons deprived of their liberty.

In addition, police officers are public authorities under the Charter and have a duty under section 38(1) of the Charter to act compatibly with human rights, including when moving persons from a police gaol to another part of a police station under the new power in the Bill.

In my opinion, the safeguards in respect of the exercise of this power, as well as the obligation of police officers under section 38(1) of the Charter to act compatibly with human rights, including when moving persons from a police gaol to another part of a police station under the new power in the Bill.

*Expansion of areas for PSO operation*

Section 52(2) of the Victoria Police Act empowers PSOs to exercise the powers of a constable at common law, as well as to exercise the additional powers conferred on PSOs under legislation when they are on duty at a “designated place”. Designated places are prescribed by the Victoria Police Regulations 2014 as including railway platforms, trains and trams and other places across the public transport network.

Under the Bill, in addition to the “designated places” prescribed in the Victoria Police Regulations, the Chief Commissioner of Police, Deputy Commissioner, or an authorised delegate, will have the power to specify various defined areas as a “designated place”. In declaring an area as a “designated place”, the Chief Commissioner or Deputy Commissioner must be satisfied that the declaration is necessary or desirable, and appropriate, to achieve certain specified policing objectives, that the exercise of powers by PSOs at the area will not unduly limit human rights, and that, in exercising those powers and performing their functions, PSOs will be supervised by police officers.

The Bill will enable the expansion of the areas where PSOs can be authorised to exercise their powers to include:

a. an area adjoining a “designated place” and adjoining or used as a public thoroughfare to a roadway, sporting venue or other crowded places;
b. an area used as a public thoroughfare to access or exit the public transport network, a sporting venue or a place of mass gathering;
c. an area surrounding or adjacent to a:
   i. sporting venue;
   ii. venue of public entertainment; or
   iii. crowded place, such as a shopping centre;
d. any large area, including the central business district of Melbourne or any part of it.

The Bill will also enable a police officer, of or above the rank of Assistant Commissioner, to declare a place or area as a designated place in urgent or unforeseen circumstances that require the deployment of PSOs. In this case, a police officer can publish the declaration on the Internet. This declaration is for a period not exceeding 48 hours.

Expanding the area will not increase the powers of PSOs, remove the distinction between PSOs and police officers or enable PSOs to undertake duty in matters that are reserved solely for police officers (such as road policing and criminal investigations). The Bill also sets out a number of specific conditions for the declaration of areas. These include that the Chief Commissioner of Police cannot declare an area as a designated place for more than 12 months. The Chief Commissioner of Police must also be satisfied that the declaration is necessary for community safety or reassurance of the public at the place or area specified in the declaration, and is appropriate to assist police, deter crime or antisocial behaviour, or to provide reassurance for the safety of persons moving in the area. The exercise of powers by PSOs will not unduly limit the human rights of any person and, in exercising their powers and performing their functions, PSOs will be supervised by police officers.
However, a police officer who makes an urgent declaration under proposed new section 3A(4) of the Victoria Police Act does not need to be satisfied of these same conditions. The absence of these safeguards could impact rights under the Charter, including the rights to freedom and movement, privacy, peaceful assembly and freedom of association, and property.

Clause 6 of the Bill will also expand the areas where PSOs can exercise legislative powers in an emergency, defined as any of the following circumstances:

a. a declaration of a state of disaster under section 23 of the Emergency Management Act 1986;

b. a declaration of an emergency area under section 36A of the Emergency Management Act;

c. a declaration of a state of emergency under section 198 of the Public Health and Wellbeing Act 2008.

PSOs deployed in the emergency area will have the legislative powers given to a PSO on duty at a designated place. The emergency area will be:

a. in the case of a declaration of a state of disaster under section 23 of the Emergency Management Act, that part or those parts of Victoria in which a state of disaster is declared to exist;

b. in the case of a declaration under section 36A of the Emergency Management Act, the area declared to be an emergency area; or

c. in the case of a declaration of a state of emergency under section 198 of the Public Health and Wellbeing Act, the emergency area in which the state of emergency exists.

Right to freedom of movement (section 12)

Section 12 of the Charter provides that persons lawfully within Victoria have the right to move freely within Victoria, to enter and leave Victoria, and to choose where to live.

The role of PSOs is to protect persons holding certain official or public offices as well as the general public in certain places. If necessary, PSOs may be required to restrict the movement of people within a designated place, if it is in the interests of the public or persons in that area. For example, if an incident arises at a sporting event, PSOs may be required to coordinate the movement of patrons to safety. Similarly, in the event of an emergency such as a natural disaster, PSOs may be required to move people from an area or assist in the removal of evacuees. For this reason, I am satisfied that, to the extent that the right to freedom of movement may be limited, it is in accordance with the law, being the Victoria Police Act under which the declaration is made, and in the best interests of the persons affected.

Right to privacy and reputation (section 13)

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The right to privacy may be engaged in limited circumstances by the deployment of PSOs who may undertake personal searches for weapons or drugs.

It is possible, but unlikely, that PSOs may also exercise these powers in an emergency area if an emergency is declared.

To the extent that the right to privacy may be limited, I consider it would not be unduly limited because any interference with a person’s privacy under the Bill would arise from the exercise of existing PSO powers that are clearly and precisely prescribed in legislation. I am satisfied that any limitation of the right to privacy will occur in limited circumstances and in accordance with the law, being the Victoria Police Act under which PSOs are given the function of protecting the public and under which the declaration is made. The action would be for the purpose of assisting police and ensuring community safety.

Right to peaceful assembly and freedom of association (section 16)

Section 16 of the Charter provides that every person has the right to peaceful assembly and freedom of association with others.

The function of PSOs is to provide services for the protection of the general public in certain places. In some circumstances, PSOs may be required to restrict a gathering of people in a public area, if it is in the interests of the public or persons in that area. For example, if an incident occurs at a public place, PSOs may be required to move people from that area.

Similarly, PSOs in an emergency area may be required to restrict or disperse gatherings for public safety. I am satisfied that, to the extent the right to freedom of assembly may be limited in unusual circumstances, it would be reasonable and justified by the overarching functions of PSOs to protect the public.
Right to property (section 20)

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

Proposed new section 3A(1) of the Victoria Police Act will enable the Chief Commissioner of Police or a Deputy Commissioner to declare a place or area as a designated place in addition to areas or places prescribed in regulation 27 of the Victoria Police Regulations 2014. The areas or places declared by the Chief Commissioner of Police will usually be crowded public places. It is possible that this may result, in some instances, in the exercise of powers by PSOs on private property. Similarly, it is possible that PSOs, deployed in an emergency area, may in some instances also exercise powers on private property.

In neither case will this exercise of powers affect a person’s ownership of property under law and will not be used by PSOs to access property that is not accessible by members of the public. I am therefore satisfied that any use of or imposition on a person’s property, as a result of the broader deployment of PSOs under the Bill, is justified because any interference will be in accordance with the law, being the Victoria Police Act under which the declaration is made.

I also note that PSOs are public authorities under the Charter and have a duty under section 38(1) of the Charter to act compatibly with human rights.

In my opinion, the safeguards in respect of the exercise of these powers, the overall purpose of protecting the relevant persons and the general public, as well as the obligation of PSOs under section 38(1) of the Charter, mean that to the extent any of the rights to freedom of movement, privacy, assembly and association, and property, under sections 12, 13, 16 and 20 of the Charter respectively, may be limited by the deployment of PSOs to additional areas under this Bill, it will be reasonable and justified in accordance with section 7 of the Charter.

Trial enabling service of FVIO applications by the Sheriff

In response to recommendation 56 of the Royal Commission into Family Violence, which recognised that the service of FVIO applications place significant demands on Victoria Police resources, the Bill seeks to amend the Family Violence Protection Act and Sheriff Act to give effect to a trial enabling Sheriff’s officers to serve FVIO applications. An evaluation of the trial is proposed to be completed within 24 months from commencement of the enabling legislation.

Recommendation 56 formed part of a suite of recommendations to streamline service and procedural requirements ensure Victoria Police and the court time can be spent protecting and supporting affected family members and holding perpetrators to account. The personal service of FVIO applications is a requirement designed to ensure the safety of the affected family member and to provide assurance that the respondent is made aware of the FVIO applications and remains accountable for their behaviour. There is no statutory obligation for Victoria Police to effect service of FVIO applications under the Family Violence Protection Act. However, Victoria Police has upheld this responsibility as a matter of practice. The Royal Commission recognised that this responsibility has placed significant demands on Victoria Police resources.

Sheriff’s officers were assessed as the preferred alternative service provider to trial the service of FVIO applications given their current role and workforce aligns closely with policing activity required for the personal service of FVIO applications. Similarly, giving Sheriff’s officers the role of serving FVIO applications aligns with their existing training and functions. Sheriff’s officers are already well equipped with the knowledge and training to respect the privacy and property of respondents in the service of FVIO applications.

To implement a trial, legislative amendments are proposed to the Family Violence Protection Act and the Sheriff Act to enable Sheriff’s officers to enter premises and request the ask for identification for the purpose of serving FVIO applications. These amendments will not affect the nature of the service delivery that is already being performed, it will simply determine who will be responsible for such service.

The service of FVIO applications is a necessary process to ensure the safety of affected family members and to provide assurance that the respondent is made aware of the FVIO applications and remains accountable for their behaviour. It is my view that this service supports and promotes a necessary process to ensure the safety of affected family members and to provide assurance that the respondent is made aware of the FVIO applications and remains accountable for their behaviour. It is my view that this service supports and promotes a

Right to privacy and reputation (Section 13)

The service of FVIO applications on a respondent at their property engages the right to privacy in section 13(a) of the Charter. 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. To the extent that the right to privacy is engaged by the service of FVIO applications provided in the Bill, I consider that it would not be limited
because any interference with a person’s privacy under the Bill will not be arbitrary or unlawful, as it is clearly and precisely provided for in legislation, being the Family Violence Protection Act and Sheriff Act.

Proposed amendments to the Family Violence Protection Act will enable Sheriff’s officers to enter a premises and request identification. Sheriff’s officers will be confined to exercising these powers only when serving FVIO applications. These powers will enable Sheriff’s officers. Additionally, Sheriff’s officers will also be empowered to request that the respondent provide evidence of their identity. This additional step is necessary for Sheriff’s officers because, unlike police officers, they do not have access to systems (including LEAP) to verify a person’s identity. The power to enter premises is subject to limits. For example, a Sheriff’s officer must reasonably believe that the respondent is at the premises, entry is only permitted for the purposes of serving the respondent with the application, and no force can be used to enter the premises. In taking these factors into consideration, I am not of the opinion that this additional step in the process imposes any further impact on the rights of the respondent being served.

I am of the view that any limitation on the right to privacy, caused by the service of FVIO applications on a respondent by a Sheriff’s Officer, is justified because any interference will not be unlawful or arbitrary. It is a necessary process to ensure the safety of affected family members and to provide assurance that the respondent is made aware of the FVIO applications and remains accountable for their behaviour.

**Fire Rescue Victoria**

The Bill will amend the FPRC Act. Parts 1 and 2 of the FPRC Act came into operation on 8 July 2019. The remaining provisions (Parts 3–11) of the FPRC Act, relating to the establishment of FRV, have not yet come into operation.

Parts 3–11 of the FPRC Act establish FRV, a new fire services agency, which will replace the Metropolitan Fire Brigade. The boundaries of the FRV fire district have also been expanded to include some urban and larger regional centres. As a result, the Country Fire Authority’s (CFA) existing 38 career and integrated stations will become the responsibility of FRV.

During the FRV implementation process, necessary minor amendments were identified which are required to commence prior to the commencement of the remaining provisions of the FPRC Act to ensure the safe and effective transition to Victoria’s new fire services model. These amendments will ensure that the CFA integrated and career stations at Lara, Lucas, Latrobe West, Tareit and Wodonga are within the FRV fire district, and that technical amendments are made to the addresses of four stations.

**Right to property (section 20)**

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

Clause 18 of the Bill will allow updated FRV fire district maps to be lodged, to ensure that the FRV fire district reflects current service delivery arrangements (and includes all existing Country Fire Authority integrated and career stations). As the Bill will not alter any existing rights, assets, liabilities or obligations of individuals, and because it is in accordance with the law under which it is made, I am satisfied that this amendment to the FPRC Act does not limit the right to property.

**Hon Gayle Tierney MLC**

**Second reading**

Ms SYMES (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (11:17): I move:

That the second reading-speech be incorporated into Hansard.

Motion agreed to.

Ms SYMES: I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

The Police and Emergency Legislation Amendment Bill 2020 introduces a range of reforms to deliver on commitments outlined in the Government’s second and third Community Safety Statements, respond to recommendations of the Royal Commission into Family Violence, improve the operation of our police custody system, and enable the commencement of the new Fire Rescue Victoria. The reforms are being made to a range of Acts, including the *Victoria Police Act 2013, Crimes Act 1958, Family Violence Protection*
Protective Services Officers

Protective Services Officers provide a highly visible police presence, successfully deterring crime and providing the community with a reassuring sense of security. In fact, Victorians have ranked the PSO presence on our transport network as one of the three most important initiatives contributing to feeling safer. The Government’s Community Safety Statement 2018/19 committed to PSOs being more dynamic and responsive to community safety needs by being deployed to provide support to police at crowded places, sporting and other events, emergency situations and critical incidents. The Community Safety Statement 2019/20 committed new legislation to enable the flexible deployment of PSOs where they are most needed to provide a highly visible police presence.

This Bill delivers on that commitment by expanding the areas where PSOs can be authorised to exercise their powers. The Victoria Police Regulations 2014 define “designated places” as the transport network and adjoining areas and were recently amended to also include the Melbourne CBD and the municipal districts of a number of populous Victorian cities, to assist in arrangements to prevent the spread of the COVID-19 virus.

The Bill will enable the following places to also be declared as “designated places” by the Chief Commissioner of Police:

- Places adjacent to and/or between a “designated place” and a roadway, sporting venue or other crowded places used by the public to access or exit the public transport network;
- Places used as a public thoroughfare to access or exit a sporting venue, major event or crowded places including shopping centres;
- Large public areas containing or surrounding a sporting venue; a venue of public entertainment; or a crowded place, such as shopping centres.

Before declaring an area as a “designated place”, the Chief Commissioner must be satisfied that the declaration is necessary for community safety at the place, to provide a policing presence, deter crime and anti-social behaviour, or provide reassurance for persons moving within that area. The Chief Commissioner must also be satisfied that PSOs will be supervised in that area by police officers and that the deployment of PSOs in that area will not unduly impair the human rights of any person.

In addition to the more flexible deployment of PSOs for public order purposes, the Government has also considered the flexibility to deploy PSOs as an additional resource in response to a disaster or emergency, such as the recent bushfires in Victoria. The current Victoria Police Act does not allow for the deployment of PSOs with their full range of legislative powers to any place or area other than a “designated place”. Disasters or emergencies are not always confined within defined municipal or boundaries but can be a dynamic event that moves rapidly across different locations requiring flexible changes to the locations where resources are deployed. The Bill therefore amends the Victoria Police Act to enable the deployment of PSOs across the State in the case of an emergency, if required.

An “emergency” will exist for the purpose of these powers when the Government declares a state of disaster under section 23 of the Emergency Management Act 1986, declares an emergency area under section 36A of the Emergency Management Act or declares a state of emergency under section 198 of the Public Health and Wellbeing Act 2008.

The functions of PSOs in section 37 of the Victoria Police Act, in the event of an emergency, will extend to providing services for the protection of the general public for the whole of Victoria, or any part of it. PSOs on duty in an emergency area will have all of the legislative powers of a PSO on duty at a designated place.

The proposal to expand the area in which the PSOs can exercise powers will not increase the powers of PSOs. Moreover, the current deployment of PSOs on train platforms on the public transport network and premium stations on the Night Network will not be affected by the proposed amendments. The PSOs to be deployed outside of the transport network will be drawn from a mobile squad of PSOs. These PSOs are already a funded resource.

Finally, the Bill makes an amendment to the Victoria Police Act to enable the Victoria Police Regulations to prescribe fees or charges for the provision of services by PSOs, such as at sporting or entertainment events. Currently, the Victoria Police Act enables the Regulations to prescribe fees or charges for the provision of services by police officers or Victoria Police employees but does not enable the same for PSOs. The Bill will rectify this anomaly.

Police Gaols

The Bill also makes an important change to the Crimes Act to enable a police officer to remove a person in custody from a police gaol to another part of the police building for the purposes of questioning.
Section 464B(11) of the Crimes Act enables a police officer to question a person who is in custody in a police gaol without the need for a Magistrates’ Court order if that person is reasonably suspected of having committed an offence (other than the offence for which he or she is in custody) and gives informed consent to being interviewed.

As it currently operates, section 464B(12) prevents the person in custody from being removed from a police gaol for the purpose of questioning, even if they give informed consent to that removal and questioning. This prevents police officers from being able to move a person from a police gaol in one part of a police station building to an interview room in the police station in the same building to conduct the questioning. There are 30 police station buildings with specified areas within them appointed as police gaols. In these instances, police are precluded from removing a person held in custody in the part of the building appointed as a police gaol to another part of the building where interview rooms and other parts of the police station are located.

The Bill therefore amends section 464B(12) of the Crimes Act to allow a police officer to remove a person in custody from a police gaol to another part of the police building for the purposes of questioning under section 464B(11). A police officer, at or above the rank of senior sergeant, may approve the moving of the person if he or she is satisfied that it is in the interests of the person to be questioned and that other safeguards are complied with. The Bill will not enable a person held in custody to be removed from a prison or taken outside a police station without a court order. The requirements for the person to provide informed consent before questioning, with an audio-visual recording made of the consent provided and questioning, will remain in effect.

3. Service of FVIO applications

The Bill also implements recommendation 56 of the Royal Commission into Family Violence by authorising Sheriff’s officers to effect personal service of Family Violence Intervention Order applications. Recommendation 56 states that, “the Victorian Government—working with Victoria Police, the Courts and other relevant stakeholders—trial and evaluate the use of agencies or service providers other than Victoria Police to effect personal service of applications for family violence intervention orders”. This recommendation was part of a suite of recommendations to streamline service and procedural requirements to enable Victoria Police time and resources to be directed at protecting and supporting affected family members and holding perpetrators to account. The personal service of FVIOs is a requirement designed to ensure the safety of the affected family members and to provide assurance that the respondent is made aware of the FVIO. Victoria Police has a general duty to effect service of summonses and warrants and has also upheld the responsibility of serving FVIOs under the Family Violence Protection Act. The Royal Commission recognised that this responsibility has placed significant demands on Victoria Police resources.

To give effect to the trial, the Bill will amend the FVPA to authorise service of FVIO applications by Sheriff’s officers. The role of Sheriff’s Officers involves engagement with the public and includes executing warrants and serving orders directed to the Sheriff by the courts. Based on current functions, training and capability, Sheriff’s officers are the most suitable workforce to implement recommendation 56 in accordance with the requirements of the Royal Commission.

The Bill amends Part 12 of the Family Violence Protection Act and Part 3 of the Sheriff Act to allow Sheriff’s officers to enter premises where they have a reasonable belief the respondent to be and request the name and residence of the respondent for the purpose of serving FVIO applications. A Sheriff’s officer is prohibited from forcibly entering premises for the purpose of serving an FVIO application. A Sheriff’s officer will also be able to lodge certificates of service of an FIVO application. The trial will run for 12 months at agreed regional and/or metropolitan areas with an evaluation report to be produced at its conclusion.

4. Fire Rescue Victoria

The Firefighters’ Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 (FPRC Act) is also amended to assist with the smooth transition to Fire Rescue Victoria, a new fire services agency. The amendments will enable maps to be lodged to ensure that all current CFA integrated and career only stations will be within the Fire Rescue Victoria fire district and reflect current service delivery requirements. For example, CFA career staff have recently moved from Hoppers Crossing to a new station at Tarneit which will require maps reflecting these updates to be lodged. The amendments will also make minor updates to addresses for a few CFA fire stations and premises.

I commend the Bill to the house.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (11:17): On behalf of Mr O’Donohue, I move:

That debate on this bill be adjourned until the next day of meeting.

Motion agreed to and debate adjourned until next day of meeting.
The PRESIDENT (11:18): I bring to the attention of the house the resignation of a member of the Council. I have received a letter from the Governor advising that on Saturday, 26 September 2020, she received the written resignation of the Honourable Jenny Mikakos as a member of Victoria’s Legislative Council.

Joint sitting of Parliament

LEGISLATIVE COUNCIL VACANCY

The PRESIDENT (11:18): I have been informed by the acting state secretary of the Victorian branch of the Australian Labor Party that they have selected a person to be nominated to fill the seat in the Legislative Council rendered vacant by the resignation of the Honourable Jenny Mikakos.

Ms SYMES (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (11:18): I move, by leave:

That this house meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Jenny Mikakos and proposes that the time and place of such a meeting be the Legislative Assembly chamber today, Tuesday, 13 October 2020, at 1.30 pm.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (11:19): I just want to make a couple of comments to say that we support a smooth appointment process, and that is a longstanding point of agreement I think across the chamber. I do want to make a couple of points, and this is absolutely no reflection on the individual that the Labor Party has publicly chosen, who seems a perfectly fine person on many counts.

Ms Symes interjected.

Mr DAVIS: No. I just want to make a point: that there is a longer term issue for Victoria, where the national committee of an organisation is appointed—

The PRESIDENT: Mr Davis, this is no point of order.

Mr DAVIS: No, it is not a point of order; it is a debate. I am entitled to speak on a motion. I want to make the point that there is an issue where the national committee, a body comprised largely of people from outside of Victoria, has made a decision to appoint somebody to the Victorian Parliament. Of the 21 voting members, only four are Victorians. That is fine, but I think there is a longer term issue here. I want to draw attention not to the person who has been recommended by Labor—that is perfectly legitimate—but that there is a question about the longer term issue of people from outside Victoria appointing people to the Victorian Parliament.

Dr CUMMING (Western Metropolitan) (11:21): I would like to acknowledge the resignation of Jenny Mikakos, and I would like to thank her for the work that she has actually done. I only worked with her for a very short amount of time, and I do hope that her decision gives her some peace, as I watched her work extremely hard for the last year and a half while I worked with her. Jenny Mikakos and I worked very closely on a lot of matters, health related, and I would just like to acknowledge her hard work during this time. Obviously there are probably others here that worked with her for an extended period of time.

Motion agreed to.
Questions without notice and ministers statements

COVID-19

Mr O’DONOHUE (Eastern Victoria) (11:23): My question is to the Minister for Workplace Safety. Minister, noting the almost 800 deaths resulting from the hotel quarantine debacle, many of those deaths since 1 July, and with negligent conduct continuing until recently, will the industrial manslaughter laws apply to every minister with respect to the hotel quarantine debacle?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (11:24): I thank the member for his question. As the member would be aware, the workplace manslaughter legislation was developed to ensure that every employer and officer would be accountable, whether that was in the public or the private sector. As the member would recall, under that legislation that passed through this house, there were no exceptions to liability for the Crown, and the government and government agencies owe duties under occupational safety law like every other employer. Obviously the member would be aware that prosecutions with respect to this legislation are a matter for the Office of Public Prosecutions in conjunction with the independent workplace safety regulator, and accordingly it would be inappropriate for me to comment other than in a very general sense about the legislation that the member’s question relates to. It is an arms-length process from the Minister for Workplace Safety, as is completely appropriate.

Mr O’DONOHUE (Eastern Victoria) (11:25): Thank you, Minister. I note your observations about the independence and detachment of the regulator, WorkSafe, but there have been previous occasions where there has been running commentary provided about various investigations before that body. Minister, it was confirmed by your predecessor and by WorkSafe that there is an investigation now on foot in relation to the hotel quarantine fiasco that has cost nearly 800 Victorian lives. So, Minister, can you confirm whether any ministers or departmental secretaries are currently being investigated by WorkSafe, or have they been given a leave pass?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (11:26): I thank the member for his supplementary question. I have been the Minister for Workplace Safety since 29 September. I would reiterate that it is not going to be my practice, nor do I believe it was the practice of the former minister, to be briefed about the nature of investigations that WorkSafe conduct as an independent safety regulator. I have not sought any briefings on any investigations in relation to hotel quarantine, and as I indicated in my substantive answer, Mr O’Donohue, it would be completely inappropriate for me to do so, and I stand by that answer.

Mr O’DONOHUE (Eastern Victoria) (11:27): I move:

That the minister’s answer be taken into consideration on the next day of meeting.

Particularly the component where she has not sought any specific briefings.

Ms Pulford: On a point of order, President, on Mr O’Donohue’s motion, that is not what the minister said at all. She said she has not sought details of specific investigations that are underway, not briefings in general, and Mr O’Donohue is being a bit cheeky and leading the house down the garden path on this.

Motion agreed to.

GOODSAM APP

Ms MAXWELL (Northern Victoria) (11:28): My question is to the minister representing the Minister for Ambulance Services. It follows revelations aired earlier this month by Channel 7 news that incredibly a desire to prevent people’s movement and contact during COVID has caused Ambulance Victoria to deactivate the GoodSAM smartphone app. This is the app used to connect community responders to cardiac arrest patients in the first critical minutes while paramedics are still travelling to the scene. Minister, I have often been advised by former Minister Mikakos and
Ambulance Victoria about the importance of GoodSAM in saving lives, including in trying to mitigate the often far slower ambulance response times for people in rural and regional Victoria. I therefore ask: by whom and on what date was this decision to deactivate the GoodSAM app made?

**Ms SYMES** (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (11:29): I thank Ms Maxwell for her question, and I would take the opportunity to put on record my immense thanks to many of the frontline workers that have been dealing with their normal roles made difficult by the pandemic. If it was not for them, we would be facing even more struggles in dealing with getting on top of this virus.

In relation to the specific question that you ask, I will have to seek advice from the relevant minister and provide an answer in due course. But, again, the response times under this government have shown vast improvements on the previous government, and I am pleased to say there is record recruitment of ambulance paramedics, who I know many of us have had the pleasure of meeting, and I again thank them for their response to this pandemic and ensuring that Victorians are kept safe and well.

**Ms MAXWELL** (Northern Victoria) (11:30): Thank you, Minister, for your answer, and I would also like to thank all those workers on the front line for the remarkable job that they are doing. Minister, can you tell me how many Victorians during the 2020 calendar year have died from cardiac arrests after a call has been made to request an ambulance for them, and more specifically how many of these have occurred since the GoodSAM app has been switched off?

**Ms SYMES** (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (11:30): Thank you, Ms Maxwell, for your supplementary question. I will add that to my request of the minister to provide an answer in the ordinary manner.

**MINISTERS STATEMENTS: AGRICULTURE WORKFORCE PLAN**

**Ms SYMES** (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (11:31): I wish to provide an update to the house on the Victorian government’s efforts to help agricultural businesses to secure seasonal workforce for the upcoming harvest season and to ensure farmers can proceed with confidence to get the produce that they produce from paddock to plate.

For the horticultural sector the peak fruit and vegetable harvest is soon approaching, requiring thousands of additional workers across the state. Around 55 000 jobseekers are now registered on the government’s Working for Victoria platform, who have flagged an interest in working in the wonderful sector of agriculture. This includes 12 000 people who are already located in regional Victoria and more than 17 000 Melburnians saying they are willing to travel to country Victoria for these jobs. I urge any agricultural businesses needing staff to register with the Working for Victoria platform so that we can connect you with these eager workers.

New public health directions have been introduced to reduce the risk of an outbreak and give confidence within the sector to employ seasonal workers and keep their businesses operating. Importantly all workers relocating from Melbourne must present a negative coronavirus test result to their employer that is no more than four days old, and regular surveillance testing will be conducted where workers are regularly travelling between metropolitan Melbourne and regional Victoria. There are also requirements on employers for workplace bubble systems and COVID-safe practices for any accommodation or transport provided to workers. We have consulted extensively with key horticultural industry stakeholders and are working closely with businesses and workers to support the implementation of these requirements.

The Victorian government’s $17 million seasonal workforce support package, announced last month, has been building on the existing Agriculture Workforce Plan, which is continuing to roll out direct financial assistance to agribusinesses across our state, with more than 130 grants to employers that
have now been approved. Our new seasonal workforce coordinators have hit the ground running. They have reached out to 50 industry groups, horticultural businesses and regionally based labour providers to help them address seasonal workforce needs, including boosting the supply of temporary accommodation.

While I welcome the federal government’s budget announcements in relation to seasonal workers last week, there remains significant opportunity to effectively address labour issues with a nationally coordinated plan and financial incentives for local workers. I will continue my pursuits to get great outcomes for the farmers of Victoria.

**COVID-19**

Mr Davis (Southern Metropolitan—Leader of the Opposition) (11:33): My question is for the Minister for Small Business, and I refer to the Premier’s road map for the release of COVID restrictions on small businesses, which states that shops, recreational facilities and entertainment, hospitality and cultural venues will not be open until there have been zero new cases in the community for more than 14 days. Minister, the Premier has made commentary about this in recent days, but I ask you, as Minister for Small Business: does this mean that small businesses will not reopen in 2020?

Ms Pulford (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (11:34): I thank Mr Davis for his question and his interest in how small businesses are managing through and doing their best to survive and indeed, for some, to succeed through what has been an extraordinary set of challenges that have befallen them this year. The business community—indeed the entire Victorian community—were very keen for a road map to be developed and outlined to provide people with a greater sense of the steps to COVID normal.

Members interjecting.

Ms Pulford: And in Stuntsville over here, where they would like to just open up in a really reckless way—

Members interjecting.

Ms Pulford: What I know—

Members interjecting.

Ms Pulford: Oh, we are a bit touchy!

Members interjecting.

Mr Davis: On a point of order, President, it is not an opportunity to attack the opposition; it is a simple opportunity to answer the question.

The President: Ms Pulford to continue. She stood up only a couple of seconds ago.

Ms Pulford: Thank you. The short answer to Mr Davis’s question is that many small businesses are open and operating.

Mr Davis: Many are not.

Ms Pulford: Many are. Your question was, ‘Are small businesses going to be open this year?’, and the answer is that many are. Many are trading online. Many are open, albeit with restrictions, in regional Victoria. There are a great many that are doing their best with the lighter set of restrictions that are in place compared to Melbourne, and the small business community and the people who lead the representative organisations that many of them are members of are people we are working with very closely to understand how we can provide the safest possible path to reopening.
I refer Mr Davis also to the comments the Premier made yesterday, specifically about the decisions that will be made and some of the announcements that the government is hopeful of making towards the end of this week. I know people have looked at 19 October in a state of great anticipation and indeed 26 October, which was the original date in the road map, and then of course after the third step there is the final step and then COVID normal. Now, I know Mr Davis would like us to just click our fingers and magically make the pandemic go away, but unfortunately back here in the real world we are working closely with our business community, who are deeply, deeply committed to a safe and sustainable reopening, as is our government.

Mr Davis (Southern Metropolitan—Leader of the Opposition) (11:37): I do not think any of the small businesses that are seeking to reopen will be comforted by that response by the minister, and I therefore ask: Minister, small businesses across the state, particularly in Melbourne, are dependent on rejigging this dubious, potholed road map, and isn’t it a fact that under your road map, Christmas trading will be decimated? And I ask therefore: what are you going to do about it?

Ms Pulford (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (11:37): That was a very strange question—potholes, Christmas trade. We are acutely conscious of the Christmas trade pressures that particularly the retail sector are talking to us about all the time, and what I can tell you is that retailers are very keen to ensure a smoothing of demand, where possible, so that they can have a safe and orderly opening, because they are very committed to the safety of their staff and to the safety of their customers. These are the issues that we are working through with them. But they also know that the most devastating thing for businesses in Victoria—for small, medium and indeed large businesses—is a third wave, so a steady and sustainable approach is the very best thing that we can do for our business community. There is $6 billion worth of different types of assistance that we are providing to assist people, whether it is through cash flow to business, grants for adaptation—

(Time expired)

STUDENT ACCOMMODATION

Ms Patten (Northern Metropolitan) (11:39): My question is to the Minister for Higher Education, Minister Tierney. There are approximately 20 000 student accommodation placement places in greater Melbourne, and we do not expect our international students to be coming back at the fulsome numbers that we had in the past. So I am wondering if you could tell me what percentage of international students Melbourne can expect back in our schools and in that student accommodation by, say, the end of next year.

Ms Tierney: On a point of order, President, international students per se are the responsibility of Minister Pakula, not me.

The President: Ms Patten, you can direct the minister to get an answer. Your question was directed to the Minister for Higher Education.

Ms Patten: It was, and it was specifically in regard to the student accommodation that is available at our universities in Victoria, obviously with the understanding that international students generally tenant those places.

The President: Minister Tierney, I am looking at Mr Pakula’s portfolios. Can you explain what it would fall under?

Ms Tierney: It is under the trade portfolio.

Ms Patten: I wonder if I could reword the question so it is specifically about the accommodation. Minister, I am specifically interested in that accommodation that is available in those universities.

The President: Order! Do you want to direct your question to Minister Pulford? She represents Mr Pakula.
Ms PATTEN: If it is just about the accommodation, is that with Minister Tierney or is that with Minister Pakula?

Ms Pulford: On a point of order, President, we are very happy to try and find the right person to answer the question. It is a little hard to do without having heard the question, so with your forbearance perhaps Ms Patten could ask her question and we could seek a response. In a general sense, organisations like universities and their accommodation arrangements are not something the government has direct remit over, but we are happy to undertake to follow up or to inquire as best we can in that context. I am guessing where you are going because we do not know where you are going.

The PRESIDENT: Ms Patten, can I ask you, please, to repeat your question? I believe it will be to Ms Pulford, but repeat your question.

Ms PATTEN: Thank you. As I mentioned earlier, there is going to be significant accommodation empty in our universities for the next probably 12 months to two years as more students choose to learn online but also because we will not have our international students. So my question is: have there been any conversations with the universities about repurposing that accommodation?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (11:44): The reason there is hesitation is that international students do fall under the domain of trade, and that is Minister Pakula. In terms of general advocacy issues in relation to higher education, that is me. In terms of borders and foreign students or international students, obviously those decisions about the opening of borders are very much part and parcel of the federal government’s remit, and of course funding for higher education and general policy settings primarily are the commonwealth as well. But going to the point that you have asked—

Members interjecting.

Ms TIERNEY: Going to the question you have asked, Ms Patten, in terms of student accommodation, I meet with the vice-chancellors on a fairly regular basis. We also have a forum that I participate with. There are also meetings with the department on a weekly basis with the vice-chancellors. At the moment they have predominantly been dealing with the immediate, immediate impacts of COVID and also of course issues around international students and advocacy around that. In fact I have a meeting scheduled with Minister Tehan fairly soon.

The actual specific issue of student accommodation and any possible repurposing has not been an issue that has been raised directly with me at this point in time, but I am happy to have a further conversation with you offline in terms of other things that are happening in the sector.

Ms PATTEN (Northern Metropolitan) (11:46): Thank you, Minister. Yes, precisely. As we know, the priority housing list is ever growing, and sadly exponentially. Currently we have about 24 000, nearly 25 000, people waiting on the priority list, many of them singles. So by way of a supplementary, will you investigate whether that accommodation that will be sitting empty for the next little while is able to be repurposed?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (11:46): I thank the member for her question. I am happy to raise this with the vice-chancellors in terms of any plans that they already have on foot as well as the whole issue of the timing of the return of international students, just in terms of what the supply might be. But the fact of the matter is that the specific request you are making again would go to the Minister for Housing, and so we would be open to further discussion.

MINISTERS STATEMENTS: SKILLS FIRST RECONNECT

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (11:47): Last week I announced that the expansion of the Skills First Reconnect program was about to take place. It provides tailored, one-on-one support for Victorians who want to study at
TAFE or a Learn Local but face challenges that make it more difficult for them to enter training. Through Reconnect, Victorians who need extra help get additional support to set goals and develop a success plan, enrol in the course of choice, complete their studies, gain work experience and move into a job. When Labor introduced this program we targeted it at early school leavers, long-term unemployed Victorians, asylum seekers and those on youth justice orders. Our focus remains on Victorians who most need that extra support, and that is why we are expanding the eligibility to those Victorians who have lost work as a result of bushfires and COVID-19, and importantly we are investing $47 million to extend Reconnect for a further four years.

Skills First Reconnect absolutely changes lives, and I want to share the story of Tiana. Tiana is a 28-year-old woman in Geelong who joined Reconnect through her local Learn Local, Diversitat, in 2019. She left school at 15 as a young mum. She had been working in hospitality since the age of 12 and wanted a career change. Reconnect helped her figure out what she wanted to do, linking her to a certificate II in skills for work and vocational pathways. From there Tiana was supported through Reconnect to start a business administration traineeship with the Transport Accident Commission, which she started in late 2019. This is what Reconnect is all about, and this government is so proud that more Victorians will benefit from this expansion.

COVID-19

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (11:49): My question is also this time for the Minister for Small Business, and I ask: Minister, why has the government taken so long to provide promised grants to small businesses despite so many of those small businesses being in a desperate financial position?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (11:49): I thank Mr Davis for his question. The grants to small businesses through the various programs are being made as quickly as is humanly possible, and there are people working on the processing of applications and the distribution of that funding around the clock.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (11:50): Minister, all of us in this chamber are in contact with many small businesses, and the story is the same everywhere. There are long delays in getting those grants, and I ask: can the businesses expect all of these grants that they are entitled to by the end of the week or by the end of the month?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (11:50): That is a very broad question, and it assumes that I know the details of literally tens of thousands if not hundreds of thousands of applications. I would reflect on Minister Symes’s recommendations that there have been more grants paid to businesses in the last six months than there have been in the previous six years, to just give you a sense of the scale of the task, and where applications are requiring further information then there is a process to get that. But I can certainly assure anyone who is applying for any of the grants programs that are administered either by me or by my colleagues that they are being dealt with as quickly as is humanly possible. If Mr Davis has any particular examples that he would like to bring to my attention for follow-up with the department, I am of course happy to do that.

Mr O’Donohue: On a point of order, President, I acknowledge the minister’s offer to provide specific examples. The problem is when you email the minister or the Victorian government it takes weeks and weeks and weeks to get answers for these struggling small businesses.

The PRESIDENT: There is no point of order.
PUBLIC HOUSING

Dr RATNAM (Northern Metropolitan) (11:51): My question is for the minister representing the Minister for Housing. Independent research suggests that Victoria’s public housing waiting list has grown to now be over 100,000 people, or over 50,000 households. Can the minister confirm that there are now over 100,000 people on the housing register in Victoria, and if not, how many people are waiting for a safe and secure home in Victoria?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (11:52): I thank Dr Ratnam for her question, welcome her back from maternity leave and note her longstanding interest in this issue, and I will undertake to seek a response from the Minister for Housing in the other place in accordance with the standing orders.

Dr RATNAM (Northern Metropolitan) (11:52): Thank you, Minister, for taking that on notice. My supplementary is: given the growth in the waiting list and the fact that there are more people in need of housing than is reflected on the waiting list and also given that the government’s commitment to new public housing is not sufficient to keep up with the growth in that list, will the government consider legislating for targets for new public housing over the next decade to match the need in the community?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (11:53): Thank you, Dr Ratnam, for your supplementary question, and I will refer that matter to the Minister for Housing and seek a response as soon as possible.

MINISTERS STATEMENTS: LOCAL GOVERNMENT ELECTIONS

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (11:53): Today I rise to update the house on the upcoming local council elections. Seventy-six councils are holding postal vote elections on 24 October. Ballot packs have started going out, and I am sure if anyone checks their letterbox they would know that. With 2186 candidates contesting 622 wards across the state, it makes this the biggest council election yet, and that is compared to 2016 when there were 2133 candidates contesting 637 wards. The good news is the make-up of these candidates; just under 40 per cent of the candidates are women. That is a 70 per cent increase compared to 2016, something that we would all be happy with. In Corangamite 60 per cent of their candidates are actually women, so they outnumber the men. From the figures, there are more young people, there are more people from CALD backgrounds and there are more Aboriginal people standing this year for council than ever before. There are also fewer uncontested wards compared to 2016. I wish all these candidates all the best. There was a bit of doom and gloom going around about whether these elections would be successful, but people are very keen to represent their local communities. I want to say I am looking forward to working with the successful candidates, when they become councillors, in the next few years to work on some good initiatives that will support their local communities as a lot of councils have done for many years.

GRAND FINAL FRIDAY

Mr FINN (Western Metropolitan) (11:55): My question is to the Minister for Small Business. Minister, regarding the grand final parade public holiday, now scheduled for Friday, 23 October, the day before the grand final is played in Brisbane, former small business minister Dalidakis—God, how could we ever forget him?—said this public holiday was about:

… being able to spend quality time with our loved ones, our friends and our family …

…

It is to allow family, friends and loved ones to have more time together. It is to allow small business owners …

that are either mum-and-dad operators or sole traders, to know that they can take time off and spend it with their loved ones …
And of course other Labor spruikers such as former member Khalil Eideh said the public holiday:

... will deliver important benefits across the state. It will boost regional tourism and give Victorians more quality time to spend with their families and friends.

Minister, given the Andrews government’s tough restrictions, what exactly are you expecting Victorians to do on this grand final public holiday?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (11:56): I thank Mr Finn for his question. I can certainly assure Mr Finn that regional tourism operators, particularly in some of our most popular destinations, are experiencing high levels of interest and bookings from people in regional Victoria who are able to trade. I understand and I am acutely conscious that I live in regional Victoria. We are operating in the third step, and it is a very different day-to-day reality to that of people in Melbourne. So I can understand your frustration and your desire to get to regional Victoria, Mr Finn, and indeed for all of Melbourne to join regional Victoria in that relatively eased state of restrictions, albeit still very significant compared to where we were, say, in February this year.

The public holiday will be different this year, like everything is different this year. We thank all members of the Victorian community for their significant sacrifice, whether they are frontline workers, whether they are people in business or whether they are employees who may have lost their job or are in a state of precarious employment. There are of course many in the hospitality sector that are preparing grand final packs for people to enjoy at home, and we have seen that kind of ingenuity and adaptation throughout the year. Those who are able to do that really are to be congratulated and commended for their efforts. It is in no way an ideal situation that we are in, but I do not know that there would be too many people on this planet that have not had their lives quite significantly impacted by this pandemic.

So, yes, the public holiday will be different. It has been described as a thankyou day—a day for people to thank, perhaps, the neighbour who has helped the frontline worker with their nature strip or to thank the people in the community who have provided, perhaps, care and support for people who have required additional care and support through this period. It is an opportunity to thank them and reflect on the significant sacrifices that people in the community have made. For some people in regional Victoria it will be an opportunity to get away and to spend some cash in some of our tourist towns, which have seen a dramatic reduction in their economic activity with the cessation of international travel.

Mr FINN (Western Metropolitan) (11:59): It was a very good try, Minister. You almost got there. Could I ask the minister a supplementary question: if this public holiday is so important to business and tourism, why would you not move the day to a time that will have less restrictions and provide opportunities for regional businesses?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (12:00): The public holiday date as gazetted is something that on balance we chose to not move. As all members will—

Members interjecting.

Ms PULFORD: No, no. It is gazetted to be the day before the grand final, so the grand final moved and the public holiday moved with it. The decoupling of the grand final and the public holiday was a decision that we chose not to make. I thought it was important for there to be a greater level of certainty, as I think everyone in—

Members interjecting.

Ms PULFORD: Everyone in Victoria knows well that predicting what is going to happen next in terms of transmission and infection rates is a very challenging thing, and whilst all Victorians have done a stunning job in getting from 700 daily infections to 12— (Time expired)
BUSHFIRE PREPAREDNESS

Mr BOURMAN (Eastern Victoria) (12:01): My question is for whoever represents the minister for environment. I think it is the minister for ag; I am losing track, but anyway. When it comes to fire season preparations the government accepted fuel reduction targets set by the royal commissions. These targets were consistently missed over a number of years; now we know the government are simply focusing on high-risk hazard reduction. Last year we saw the worst fire season since Black Saturday as a result of very high fuel loads. As we enter a new fire season, and in the light of COVID-19 restrictions, which have seen a reduction in reductions, what has the government done to ensure that hazard reductions are completed in high-risk areas?

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:02): It is a great pleasure for me to get a question from Mr Bourman. I know it is directed to the minister for the environment, and I will pass that on to that minister—

Mr Finn interjected.

Mr LEANE: No, I was about to say, Mr Finn, that I would do the whole chamber and Mr Bourman a disservice if I tried to answer it. I will hand it over to the expert in this area, the minister for environment, and she will get Mr Bourman a response in writing as per the standing orders, and I am sure you will make sure that happens.

MINISTERS STATEMENTS: RESEARCH AND DEVELOPMENT FUNDING

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (12:02): It is well known and understood that innovation fuelled by investment in research and development plays a key role in driving economic growth and job creation, and this is particularly the case at a point of economic recovery. With Victoria’s world-leading research capabilities and our growing innovation sector we are well placed to capitalise on the new opportunities that stem from R and D. This is why the Victorian government has invested more than $1.4 million in the latest round of global tech science and research grants provided to leading Victorian universities, research institutes and innovative companies in partnership with Israel and Jiangsu province in China.

The Victoria-Israel Science and Technology Research and Development Fund supports Victorian and Israeli firms working together to produce new technology products, processes or services. Cablex and Eartrumpet Consulting will share in almost $440,000 of support from the government under this round of the R and D program to develop wearable technology and a vineyard irrigation and fertilisation system which reduces fertiliser and water use while increasing wine quality and vineyard disease resistance. Both Victorian firms will partner with Israeli companies funded by the Israel Innovation Authority. Israel is one of Victoria’s fastest growing trading partners in the Middle East, with two-way trade worth nearly $380 million annually.

Projects being pursued with Chinese partners include the development of a drug that could potentially cure chronic hepatitis B, wastewater treatment developments and new methods of 3D concrete printing. Point-of-care medical tests and development of next-gen organic fertilisers are also among the five projects backed in this round of the Victoria-Jiangsu Program for Technology and Innovation R&D, with grants totalling $1 million. Victorian universities and research facilities partnering with Chinese collaborators include the Walter and Eliza Hall Institute, the Burnet Institute, Deakin University, Swinburne University and the University of Melbourne. Partner organisations receive similar grant support from the government in Jiangsu as part of the research and development program.

The projects being pursued through this program have the potential not only to drive economic value but to make a fundamental difference to the lives of Victorians and indeed the lives of people right around the world.
Questions on notice

ANSWERS

Ms SYMES (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (12:05): There are 98 answers to questions on notice: 1749, 1820, 1867, 2186, 2194, 2245, 2262, 2276, 2334, 2375–2402, 2447, 2450, 2477, 2481–4, 2489, 2537–8, 2542, 2544–5, 2576–8, 2596, 2602–4, 2606–8, 2610–11, 2619, 2621, 2623, 2630–1, 2633–6, 2661, 2704, 2713, 2718, 2720–1, 2794, 2797, 2800–1, 2804–6, 2856, 2858, 2861, 2863–4, 2873, 2877, 2881, 2897, 2901, 2904, 2909, 2911.

Questions without notice and ministers statements

WRITTEN RESPONSES

The PRESIDENT (12:05): For today’s questions, Ms Maxwell to Ms Symes, two days for the question and the supplementary; Dr Ratnam, for the minister representing the Minister for Housing, Minister Stitt, two days for the question and the supplementary; and for Mr Leane from Mr Bourman, only the question, two days.

Constituency questions

NORTHERN VICTORIA REGION

Ms LOVELL (Northern Victoria) (12:06): My constituency question is for the Minister for Public Transport and it concerns the standard of the public town bus services currently operating in Shepparton and Mooroopna. The mayor of Greater Shepparton recently wrote to the minister requesting a review into the public bus network that services Shepparton and Mooroopna. The towns have a combined population of 68,900, and this is forecast to grow to more than 83,000 by 2036. The bus network has remained unchanged since 2009 and currently fails to meet the needs of the Greater Shepparton community. It offers only limited services on Saturdays and no services on Sundays or public holidays. There is currently no local bus service between Shepparton and nearby Tatura, the third-largest town in the local government area. Greater Shepparton has an increasing demographic of lower socio-economic households, many of whom rely heavily on bus transportation. The current services are inadequate for consumers, and a review of the network is required. Will the minister provide a commitment to order an immediate review of the bus network that currently services Shepparton and Mooroopna?

WESTERN VICTORIA REGION

Mr MEDDICK (Western Victoria) (12:07): My question is from constituents in Panmure and is for the Minister for Resources. The Eastern Maar Aboriginal Corporation harbour deep and alarming concerns about the effects blasting will have on nearby sensitive and important areas to the Maar peoples and that a comprehensive cultural heritage survey on an entire area that takes into account those effects on nearby sites, such as the Hopkins River, that may contain significant cultural artefacts has not been undertaken in the application for a basalt quarry in the area. Will the minister intervene on behalf of local residents and address the deep concerns of the Eastern Maar by halting the application and order a complete and comprehensive cultural heritage study of the entire area—the proposed site, the Hopkins River, Framlingham Forest and the Craigieburn creek, where objects found are awaiting verification as artefacts?

WESTERN METROPOLITAN REGION

Ms VAGHELA (Western Metropolitan) (12:08): My constituency question is directed to the Minister for Local Government, Minister for Suburban Development and Minister for Veterans, the Honourable Shaun Leane. The Victorian government will upgrade and expand pavilions, playgrounds, community centres and other infrastructure in Melbourne’s fastest growing suburbs, developing the facilities that locals need and supporting jobs and business through the coronavirus pandemic. Funding
of $25 million from the newly expanded Growing Suburbs Fund has been announced. The investment will help deliver $90.3 million worth of new infrastructure, with investment expected to create more than 700 jobs, kickstarting our economy and supporting local tradespeople, businesses and suppliers. The investment will also improve and expand children’s centres, skate parks and a range of other local projects that will be needed as the communities grow. My question to the minister is: can the minister outline how the funding will benefit constituents in my area of Western Metropolitan Region?

NORTHERN METROPOLITAN REGION

Mr ONDARCHIE (Northern Metropolitan) (12:09): My constituency question is for the Minister for Tourism, Sport and Major Events. Minister, there are not enough facilities to meet the demand for outdoor playing space, and many of my clubs in Melbourne’s north lack basic changing facilities and training for young women. If we are serious about encouraging more girls and women to play sport in Victoria, we have to provide appropriate funding so they can have the change rooms and facilities they need. Many of these girls and women are getting changed at home or getting changed in the car or after the game going home to shower and get changed. It is simply not acceptable. Renovating and rebuilding changing room facilities will also create an opportunity for much-needed local jobs past the COVID recession. So, Minister, my question to you, as we look to upgrade changing rooms and facilities that women desperately need, is: what funding will be made available for community sport upgrades to provide for women and young girls in Melbourne’s north in the upcoming budget?

NORTHERN VICTORIA REGION

Ms MAXWELL (Northern Victoria) (12:10): Through my question I ask the Minister for the Coordination of Jobs, Precincts and Regions: COVID-19: what future support will the government be providing specifically to the devastated hospitality sector in Northern Victoria? I ask that as I continue to hear countless stories of distress from across the industry, particularly pub, club and restaurant owners and employees, about the crippling impact of the ongoing coronavirus restrictions. For many in my electorate even the recent exemptions for limited and/or outdoor service remain nowhere near enough to offset the employment impact and the thousands of dollars of losses they sustain for every week the restrictions remain. I should add that those representations include contact from Chris Byrne, the Club Managers Association of Australia’s Victorian president, who says even the hospitality industry’s not-for-profit establishments have been left to, quote, ‘burn and die’.

WESTERN METROPOLITAN REGION

Mr FINN (Western Metropolitan) (12:11): My constituency question is to the Premier. A constituent has written to me in the following way:

I am writing out of sheer desperation.

It is impossible to run my Newport business because of the restrictions. I cant visit clients and I have no work to invoice for. My mortgage repayments have commenced again and I don’t know how long I can pay them. I am a single mum of threes—Both my adult sons have lost their jobs. They are despondent and anxious spending their days staring at screens.

My 13 year old daughter is deeply depressed. She spends her days in her bedroom and has developed a fear of leaving the house. She is missing connection so much that she has taken to self-harm. I am spending more money on psychology than groceries.

What the hell do I do Bernie? I am beyond the tipping point, I have no family here to rely on.

Premier, when will you give my constituent some hope?

NORTHERN VICTORIA REGION

Mr QUILTY (Northern Victoria) (12:12): My constituency question is for the Minister for Employment. Everyone in Victoria is feeling the strain of the Andrews government lockdown. For many there is at least the faintest glimmer of hope that surely one day the lockdown will end. There will be a chance to resurrect lives and businesses from the ashes. However, timber industry workers
in the north-east do not have even that glimmer. The Andrews government ban on timber operations in Victoria will be permanent. This sustainable, renewable industry will be destroyed. These jobs are valuable, productive and efficient. They are not make work or fake work like the packages we get from government programs and packages. The owner of Walkers Sawmill in Corryong has described the transition compensation payments as a joke. Mills have access to a $100 000 grant, but a softwood retool would cost this mill more than $3 million and would produce an inferior softwood product. Minister, how many jobs will be lost because of the Andrews government timber ban?

EASTERN VICTORIA REGION

Mr O’DONOHUE (Eastern Victoria) (12:13): My constituency question is to the Minister for Small Business, and it relates to the Business Support Fund. I am pleased the minister is in the chamber. I have had a number of constituents contact me regarding their first-round applications for the Business Support Fund. They have had their applications rejected for reasons they believe are not correct. I note the Ombudsman is now investigating almost 550 complaints regarding similar issues. I have in recent days had a number of small business owners contact me regarding round 3 of the Business Support Fund. Despite this being the third round of the fund, there appears to be a number of issues with this process still, and the 10-day turnaround that many were promised is not eventuating. These grants are the difference in some businesses surviving or closing down, and Business Victoria does not seem to be able to assist these businesses with the issues that have been raised or provide any certainty or hope of when they will be. Minister, what are you doing to ensure businesses are being assessed accurately and quickly to ensure the support is being received as quickly as possible? The federal government has been able to do it. They got JobKeeper and other supports into the economy immediately. The Victorian government should be able to do it as well.

EASTERN METROPOLITAN REGION

Mr BARTON (Eastern Metropolitan) (12:14): My question is to the Minister for Planning, Richard Wynne. Development Victoria intends to fill in Lake Knox in Knoxfield to create a new blank canvas on which they can meet stormwater requirements for housing developments. Lake Knox supports a range of endangered flora and fauna, including the blue-billed duck that is listed as endangered in Victoria. This current proposal directly contradicts the interests of the community. There exists a petition to preserve Lake Knox with over 13 000 signatures, and another 132 individuals have contributed to a crowdfunding campaign to produce an independent environmental assessment. For too long we have seen community interest sidelined to benefit developers. This community asset is at stake. There needs to be a renewed focus on sensitive urban development. So I ask the minister: how is it that the proposal to fill in Lake Knox continues to progress without consideration for the greater good of the community and acknowledgement of reputable scientific assessments?

SOUTHERN METROPOLITAN REGION

Ms CROZIER (Southern Metropolitan) (12:15): I would like to raise a constituency question around the business resilience package, and it relates to community pharmacies. A number have contacted me, and indeed I have been speaking to various people involved in community pharmacy. It is my understanding that it is under the purview of Minister Pakula, as Minister for the Coordination of Jobs, Precincts and Regions: COVID-19. As we know, community pharmacies are small business operations that provide a necessary service to the community. It is vital that they are able to continue during such a time as what Victoria is experiencing at the moment with this coronavirus crisis that is going on. Millions of Victorians remain in lockdown. Mental health concerns are becoming more profound and are compounding each day. Pharmacists of course advise their customers on a range of health issues and are a vital part of our healthcare system—but they need support, and so far many feel they have been ignored by this government. So could the minister please review the guidelines and enable community pharmacies to become eligible, just as other healthcare practices are, under the business resilience package program?
CONSTITUENCY QUESTIONS

SOUTHERN METROPOLITAN REGION

Mr Davis (Southern Metropolitan—Leader of the Opposition) (12:17): I want to raise a question for the Minister for Health, in particular about the public health orders and directions that relate to dance schools. Across my electorate I have had a number of dance schools raise issues with me, including one in Caulfield. These are very significant sporting and recreational activities for young girls. There was a decision made by the Premier to intervene and overturn decisions made by the Department of Jobs, Precincts and Regions and the Department of Health and Human Services—they were both at a particular briefing. The Premier’s office intervened directly to overturn that ruling and to specifically close down dance studios. So I am asking the Minister for Health, who is ultimately responsible under the Public Health and Wellbeing Act 2008 for the directions that are made under that act under the name of the chief health officer or delegate, to intervene and ensure that the Premier is put back in his box and dance studios are reopened.

EASTERN VICTORIA REGION

Ms Bath (Eastern Victoria) (12:18): My constituency question is for the Premier, and it relates to the COVID permitted worker scheme. As a professional taxation and advisory service located in Leongatha, the Perrett Group has been a part of the accounting landscape in Gippsland for over 55 years. It has a client base of 450 clients, and its dedicated staff have been working around the clock to support the needs of our small business community and members of South Gippsland in the wake of this pandemic and the intrusion and constraints that the government’s restrictions have inflicted on these people. With the group’s most senior accountant residing in Lang Lang, he is in lockdown because of the metropolitan Melbourne restrictions and therefore unable to get to face-to-face meetings because the government does not recognise the permitted worker scheme in terms of accounting practices. So my question is: will the Premier change the permitted worker scheme so that professional accounting practices can attend to the needs of their clients face to face and deal with some of the harsh realities that this pandemic has created?

EASTERN METROPOLITAN REGION

Dr Bach (Eastern Metropolitan) (12:19): My question today is for the Minister for Small Business. I recently met with Ian Jamieson. He is a sole trader in my electorate of Eastern Metropolitan Region. Ian has been running a very successful garden maintenance business for 25 years now. He is an expert in what he does. He has many long-term and very satisfied customers; I must confess that I am one of them. He was appalled to learn that recently in this house, when the minister was asked directly what support was on offer for sole traders, the very first thing she referred to was a mentoring program. Ian does not need a mentoring program. The many thousands of sole traders in my electorate who are still out of work do not need a mentoring program. They are out of work of course initially because of the government’s lethal incompetence and now because it is pursuing a mad elimination strategy, as former Minister Mikakos said just recently. My question to the minister is this: when will you provide real support to sole traders in my electorate rather than token programs?

WESTERN VICTORIA REGION

Mrs McArthur (Western Victoria) (12:20): My question is for the Premier. Past Melton there is just one active coronavirus case left in Western Victoria. It is a disgrace that this government refuses to further ease restrictions because the chief health officer insists that we all move together. Nevertheless, it was encouraging to see the hospitality industry allowed to reopen indoors in regional Victoria, albeit in a very limited capacity. It is completely unjust, however, that churches are precluded from reopening for religious ceremonies while pubs are allowed to serve patrons indoors. Like pubs, cafes and restaurants, churches can also implement COVID-safe plans and socially distance parishioners. My question to the Premier is: when will you allow religious ceremonies to be conducted indoors in my electorate and the rest of regional Victoria?
Committees

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Membership

The PRESIDENT (12:21): I advise the house that I have received a letter from Ms Taylor resigning from the Scrutiny of Acts and Regulations Committee, effective from today.

Petitions

Following petitions presented to house:

COVID-19

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the current ban on marriages in Melbourne. A ban on gatherings and events is understandable, but outlawing and criminalising the right to get married is unreasonable.

Marriages underpin the most important institution in our society, family. Therefore, they are essential and must never be criminalised or prohibited by any government.

The risk of spreading or catching COVID-19 at the Victorian Marriage Registry whilst getting married is very low. Only the attendance of five people is necessary. There is a higher risk of contracting the virus at the liquor store, supermarket or participating in other permitted activities.

The Victorian Government’s ban on weddings under the pretence of “saving lives” is immoral, irrelevant and ineffective against stopping COVID-19.

The petitioners therefore request that the Legislative Council call on the Government to remove the Stage 4 COVID-19 restrictions banning weddings.

By Mr ATKINSON (Eastern Metropolitan) (83 signatures).

Laid on table.

Mr ATKINSON: I move:

That the petition be taken into account on the next day of meeting.

Motion agreed to.

COVID-19

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the damaging, albeit unintended consequence of the five-kilometre restriction on the movement of persons within Metropolitan Melbourne.

The restriction of exercise to a radius of five kilometres from a person’s home has significantly concentrated the exercising population, to such a degree that it is difficult to effectively socially distance in some areas at peak times. Local routes have become more crowded than ever as, in the absence of other options, runners, cyclists, and walkers flock to the same roads and paths within their permitted radius. Given cycling and running are strenuous activities, many people in those areas are unmasked. In addition to the increased risk of infection, there has been a notable increase in tension between users of the same crowded spaces. We expect that this unsafe concentration of exercisers will only be amplified by the increase in permitted exercise time from one to two hours.

The current restrictions deprive Melbourne Metropolitan residents of the opportunity to effectively socially distance while exercising. We do not propose that people should be permitted to drive beyond the five-kilometre radius for the purpose of exercise, rather exercise be permitted beyond this radius. We also do not propose that persons exercising beyond their five-kilometre radius should be permitted to stop and attend shops, including cafes or other hospitality venues, unless in the case of an emergency.

The petitioners therefore request that the Legislative Council call on the Government to amend the COVID-19 five-kilometre radius restriction to allow Victorians living within the Metropolitan Melbourne area to exercise
beyond a person’s restricted radius within the permitted two-hour window, so that social distancing practices can be maintained while exercising.

By Ms PATTEN (Northern Metropolitan) (1545 signatures).

Laid on table.

WEST GATE TUNNEL

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the community concerns for the proposal to transport and store contaminated soil from the West Gate Tunnel Project at the Hi-Quality Victoria Pty Ltd. facility located at 570 Sunbury Road, Bulla.

Some 1.5 million square metres of spoil will be generated from the West Gate Tunnel Project, with the West Gate Tunnel Authority admitting that it is contaminated with per- and polyfluoroalkyl substances (PFAS) and asbestos at varying levels.

Transportation is through the town of Bulla and over the historic bluestone bridge built in 1869. The Hi-Quality Eco-Hub tip is located across the road from the Villawood Properties residential land and is 1.5 kilometres from developed areas of Sunbury, home to 40,000 residents and another 19,000 dwellings which have been approved. The facility borders Emu Creek, which feeds the Maribyrnong River system. It is also home to the growling grass frog endangered species.

Hi-Quality Victoria Pty Ltd. have a history of failing to uphold the requirements under agreements with the Environment Protection Agency.

The state-wide risks of potential cross contamination with the nearby Veolia organic waste facility that services horticulture and viticulture industries across Victoria and a large network of farmers producing our everyday food, is too great of a risk and there could be unknown and unacceptable community health impacts for generations to come.

The petitioners therefore request that the Legislative Council reject all proposals made by Transurban, Hi-Quality Victoria Pty Ltd., or any other organisation, to dispose of contaminated soil at the Hi-Quality Eco-hub tip in the interest of the nearby large residential growth area, to stop the current and planned excessive truck movements before lives are taken on a road that was planned and built for traffic conditions that existed 140 years ago and to call on the Minister for Planning, the Hon Richard Wynne MP, to refuse any changes to the Hume Planning Scheme or the current operators’ permit conditions.

By Mr FINN (Western Metropolitan) (3511 signatures).

Laid on table.

Mr FINN: I move:

That the petition be taken into consideration on the next day of meeting.

Motion agreed to.

COVID-19

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that Victorians recognise that COVID-19 is a significant health issue.

We are concerned about the impacts of the COVID-19 response measures and for the physical, psychological and economic health of our community.

Victorians are unclear and confused about the short and long-term goal, plan, and success criteria for both managing the COVID-19 response, and for the ongoing physical, mental, social and economic health of all Victorians.
The petitioners therefore request that the Legislative Council call on the Government to provide more clarity on the short and long-term goals, plan and criteria used to determine the success of both the COVID-19 response and for ensuring the physical, social, mental and economic health of Victorians.

By Dr CUMMING (Western Metropolitan) (569 signatures).

Laid on table.

CHILD PROTECTION

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that our current laws around child protection are barely protecting our children. Many offenders are being let off and a majority re-offend. It is time we recognise that child abuse perpetrators are not able to be rehabilitated.

The petitioners therefore request that the Legislative Council call on the Government to consider introducing harsher penalties for child abuse perpetrators, with minimum sentencing longer than 20 years.

By Mr GRIMLEY (Western Victoria) (505 signatures).

Laid on table.

COVID-19

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that the COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020 is an unnecessary and concerning imposition on the rights and freedoms of Victorians at a time when case numbers are already reducing. Victoria has already faced extremely strong preventative measures for an extended period.

Many Victorians are opposed to the expansion of powers and changes to legislation made by this Bill. Changes to the Public Health and Wellbeing Act 2008, including the extension of persons who may be appointed as authorised officers and the expansion of emergency powers granted to these authorised officers, are particularly concerning.

Victorians are especially concerned with the ability to detain persons if it is believed they are ‘a high-risk person and is likely to refuse or fail to comply with the direction’. We believe that these changes would leave Victorians vulnerable to arbitrary arrest and detention. This new power could also be a breach of section 21(2) of the Victorian Charter of Human Rights and Responsibilities Act 2006, which states “a person must not be subjected to arbitrary arrest or detention”.

The petitioners therefore request that the Legislative Council vote against the COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020.

By Mr LIMBRICK (South Eastern Metropolitan) (3552 signatures).

Laid on table.

POLICE AND EMERGENCY LEGISLATION AMENDMENT BILL 2020

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the opposition to the provision of police powers to armed Protective Service Officers (PSOs) across Victoria in the case of an emergency under the changes outlined in the Police and Emergency Legislation Amendment Bill 2020.

PSOs receive only a fraction of police training which is not adequate to manage the expansion of powers that this Bill is seeking. These amendments would enable armed PSOs to become involved in a broader range of complex situations with vulnerable people, despite not having adequate levels of skill, training and oversight. It is also important to note that the Auditor-General has found no evidence that PSOs reduce crime.

Victorians are also concerned with accountability and believe that the police misconduct system in Victoria lacks the independence and resources to properly investigate the conduct of police and PSOs. We believe that these additional powers would create more detrimental impacts on the community than any potential benefits and therefore the proposed Bill must be opposed.
The petitioners therefore request that the Legislative Council vote against the Police and Emergency Legislation Amendment Bill 2020.

**By Mr LIMBRICK (South Eastern Metropolitan) (647 signatures).**

Laid on table.

**COVID-19**

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the ongoing vehicle registration and registration renewals during COVID-19. Victorian’s shouldn’t have to renew the registration on their vehicles when they are not being used as much or at all.

Registration relief must be given to Victorians given the strict lockdown conditions since March and working from home. Financial stress is adding up to an already built-up burden.

Taxpayers funds are being ignored and not given enough justification by imposing renewal of registration while other states have provided relief during these times.

The petitioners therefore request that the Legislative Council call on the Department of Transport to give provide relief for Victorians and vehicle registration fees.

**By Mr LIMBRICK (South Eastern Metropolitan) (434 signatures).**

Laid on table.

**COVID-19**

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that swimming pools, like gyms, are an essential service for mental health, physical health and well-being.

This is especially true for people that find other forms of exercise unsuitable because of disability or injury. Swimming is one of the most suitable forms of exercise for people with back injuries, chronic arthritis and those rehabilitating after accidents or illness.

The environment of both indoor and outdoor pools can be made very hygienic. Pools can be made COVID-19 safe by limiting numbers of people allowed in the pool area and limiting the number of people per lane.

Stage 2 restrictions saw the closure of change rooms and the implementation of an online booking system. Both practices worked well during these restrictions.

It is essential that indoor pools, not just outdoor pools, are allowed to open, as many people with chronic conditions and injuries need to stay warm when exercising and swimming. Unfortunately, the weather in Victoria, in particular Melbourne, is not often conducive to outdoor swimming.

The petitioners therefore request that the Legislative Council call on the Government to create and implement a COVID-19 Safe Plan for indoor and outdoor swimming pools so that pools can re-open in a safe and secure manner.

**By Mr LIMBRICK (South Eastern Metropolitan) (36 signatures).**

Laid on table.

**COVID-19**

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the need for COVID-19 restrictions in relation to the beauty industry to be brought into alignment with those for hairdressing and retail providers.

The beauty industry represents thousands of workers and business owners in Victoria, the majority of whom are women. The industry is being treated unfairly. The Premier states that Victoria’s COVID-19 policies are driven by science and data, however, to date, there have been no COVID-19 outbreaks linked to the beauty industry. The closure of the beauty industry has been based on unscientific, surface-level speculation.

The industry operates under medical-level sanitation and hygiene protocols. Beauty technicians wear both masks and gloves. All equipment and contact surfaces are disinfected after each use. These protocols have been in place long before the pandemic came to Victoria and will continue to be upheld long after it passes.
The epidemiology of this virus within the Eastern Sea Border supports the beauty industry’s desire to reopen in line with hairdressing and retail providers. New South Wales and Queensland report daily on new COVID-19 positive cases. None of these reported cases have been linked to community transmission within the beauty industry.

We do not accept that the approach canvassed in the ‘roadmap to recovery’ is appropriate. It is not justified by the epidemiology of this virus. The beauty industry deserves to be treated fairly. This is why we request that the rules for the reopening of beauty services be brought into alignment with hairdressing and retail providers.

The petitioners therefore request that the Legislative Council call on the Government to bring the restrictions placed on the beauty industry into alignment with the restrictions on hairdressing and retail providers.

By Ms LOVELL (Northern Victoria) (1169 signatures).

Laid on table.

Ms LOVELL: I move:

That the petition be taken into account on the next day of sitting.

Motion agreed to.

COVID-19

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that young Victorian are unable to get their learner permits due to the COVID-19 stage 3 and 4 stay at home restrictions. However, the learner permit test process could easily be transferred to an online platform.

VicRoads have yet to process the backlog of learner permit applications from the first lockdown, and it will be many months before eligible individuals can get their permits. Some VicRoads offices have stated that it is unlikely that they will take bookings for learners permits prior to 2021.

The learner permit test should not require applicants to be at a VicRoads office to get their permit. The learner permit test can easily be made available online and when the applicant passes, they can take their results to VicRoads to get a photo taken at a suitable time. It would be an easy process to implement.

Licences are vital for all young people, especially those residing in country Victoria who rely on their licence to get to and from work or study. Delays in getting their learner permits will have a massive effect in the longer term.

The petitioners therefore request that the Legislative Council call on the Department of Transport to change the current learner permit testing system to an online testing system so all young Victorians can have the opportunity to obtain their licences during the COVID-19 restrictions.

By Ms LOVELL (Northern Victoria) (2834 signatures).

Laid on table.

Ms LOVELL: I just note that that has actually happened, and I congratulate the person who ran this petition and the campaign to get the minister to agree to that.

COVID-19

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that beauty salons will have been closed for over 20 weeks by 13 September, whereas hairdressers will only have been closed for six weeks.

Beauty salons pose less risk as staff are usually in a one-on-one room with clients, unlike hairdressers that are in open plan rooms. Beauty salons do not have hairdryers blowing germs around.

Beauty salons should be able to reopen when hairdressers do, as they pose less, if not the same risk, when it comes to COVID-19. Many small businesses are suffering and are feeling left out.
The petitioners therefore request that the Legislative Council call on the Minister for Health, the Honourable Jenny Mikakos, and the Department of Health and Human Services to allow beauty salons to reopen when hairdressers do under COVID-19 rules.

By Ms LOVELL (Northern Victoria) (2001 signatures).

Laid on table.

Ms LOVELL: I move, in support of the 45 000 women who work in the beauty industry:

That the petition be taken into account on the next day of sitting.

Motion agreed to.

COVID-19

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the mental health implications of the five-kilometre radius restriction in the Mornington Peninsula. This impacts Victorians living in the Peninsula who do not have anyone within the radius to socialise with outdoors.

Being a single person excludes many Victorians from having social interaction that are essential to mental wellbeing. The extension of the current restrictions in the Mornington Peninsula means many Victorians will go three months without having social interaction with anyone outside of their own household.

For many residents living at the beach, the five-kilometre radius is halved to two and a half kilometres, as half of it includes the ocean. Due to this, and the vast nature of the Mornington Peninsula, many café’s and other essential businesses have very few customers due to this five-kilometre rule.

The petitioners therefore request that the Legislative Council call on the Government to remove the five-kilometre radius COVID-19 restriction in the Mornington Peninsula immediately to give everyone the opportunity to maintain social connections and their mental wellbeing.

By Mr O’DONOHUE (Eastern Victoria) (177 signatures).

Laid on table.

Mr O’DONOHUE: I move:

That the Council take note of the petition on the next day of meeting.

Motion agreed to.

Papers

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Victorian Government Response to the Community Visitors Annual Report 2018–19

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:31): I move, by leave:

That there be laid before this house a copy of The Victorian Government Response to the Community Visitors Annual Report 2018–19, September 2020.

Motion agreed to.
Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:32): I move, by leave:

That there be laid before this house a copy of the inspector-general for emergency management’s report Inquiry into the 2019–20 Victorian Fire Season: Phase 1.

Motion agreed to.

Mr GEPP (Northern Victoria) (12:32): Pursuant to section 35 of the Parliamentary Committees Act 2003, I lay on the table Alert Digest No. 9 of 2020 from the Scrutiny of Acts and Regulations Committee (SARC). I move:

That the report be published.

Motion agreed to.

Mr GEPP: I move:

That the Council take note of the report.

Can I just draw a couple of things to the attention of the house in tabling that report. In between the sitting weeks we received correspondence from a number of parties, including, I might add, the commissioner for the Victorian Equal Opportunity and Human Rights Commission on 30 September, setting out some issues in relation to the omnibus bill that was tabled in the Legislative Assembly during the last sitting. There were a couple of issues I think which have been well canvassed over the past couple of weeks which the commissioner particularly drew the SARC’s attention to: one, expanding the categories of individuals to be appointed as authorised officers; and secondly, the powers of detention. Now, notwithstanding that some of those matters have been dealt with since, the role of SARC of course is to provide a report to the house on the bill that was tabled in the Parliament, and that was our focus.

In consultation with the staff of the committee, and through them the clerks, the committee then considered how it could be confident moving forward that the issues that had been flagged by both the staff and our consultant for human rights, Professor Jeremy Gans, were the issues that would most likely intersect with the human rights commission. We took the step of writing to five organisations seeking their assistance in providing any additional information that the committee could consider; they were the Victorian Bar, the Law Institute of Victoria, the Human Rights Law Centre, Justice Connect and Liberty Victoria. Not all of those organisations provided a report, and those are contained in the Alert Digest, but those that did were published on our website and also drawn to the attention of all members of Parliament via an email from our executive officer last week so that people had as much information before them as they possibly could in a timely manner. In addition to that the committee also received some 13 000 emails, which it is working through and will continue to work through as a matter of course over the coming meetings of the SARC.

I should also flag with the house, as I advised the SARC last Friday when we met, that it would be my intention, which again is within the purview of the SARC, to bring any amendments made to the legislation that was tabled in the Assembly in the last sitting period back to the SARC for review. We will submit those to our human rights charter consultant, Professor Gans, and through him our executive officer and the staff of the Parliament. I look forward to that debate over the course of this
sitting week and to SARC having the opportunity to review any amendments to that bill that are made by the house over the course of the debate this week.

**Mrs McARTHUR** (Western Victoria) (12:37): At no time in the history of this state have the rights of Victorians been so abused and so threatened. The Scrutiny of Acts and Regulations Committee (SARC) should always be the upholder of those rights against the excesses of government, though, sadly and embarrassingly, this committee has abrogated its responsibilities in our view. The Scrutiny of Acts and Regulations Committee should be a bipartisan committee checking on the impact on human rights of legislation in the interests of all Victorians, and I believe it has singularly failed in its duty, which is a sad indictment of parliamentary democracy in this state.

It was, however, pleasing that the committee accepted my resolution that encouraged public comment, and in 72 hours, as Mr Gepp has said, over 13 000 Victorians contacted SARC. Unfortunately those submissions were not able to appear on the website. There were only the hand-picked submissions, which turned out to be from three organisations. Thirteen thousand people in 72 hours were so concerned about this legislation that they felt the need to write to SARC. There are many serious questions that have not been clarified by the executive through the minister in relation to often vague and subjective terminology such as ‘reasonably necessary’, ‘likely’ and ‘may pose’. It is also unclear about the parameters of authorised officers and WorkSafe inspectors. There has never been such an assault on the human rights, liberties and freedoms of Victorians as we are witnessing currently.

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (12:40): *(By leave)* I want to add some comments about the Scrutiny of Acts and Regulations Committee report. Whilst I have not had the opportunity to read all of the SARC report at this point obviously, I am very concerned about the process that has occurred here. I wrote to SARC, as was alluded to by the chairman, and sought its intervention given the nature of the COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020, the fact that the Charter of Human Rights and Responsibilities statement had been tabled in the lower house and that under the Parliamentary Committees Act 2003 the committee had the power and the right, and in my view the responsibility, to look at this bill very closely indeed and to take public submissions and to undertake proper hearings.

The committee appears not to have undertaken hearings, and I think that that is an unfortunate matter. The committee had many submissions, and I had some email me as well copies of their submissions. Thousands and thousands of submissions appear to have made their way to the committee. It is not clear to me that the committee has fully acquitted itself in understanding those submissions. It is not clear that the committee has fully acquitted itself in protecting the rights and privileges and liberties of Victorians, which is its sacred duty to do. It should be doing this work. It should be prepared to stand up against the executive, it should be prepared to hold public hearings and it should be prepared to actually stand up and fight for the rights and liberties of Victorians.

Now, I say this omnibus bill has a series of very significant problems, even with the government’s proposed amendments—which, I might add, we have not yet had formally in the chamber. Hence, I am interested to know how SARC has treated those amendments, and I will be looking closely to see how they have treated those amendments. I am aware that there are a number of legal groups, a number of senior practitioners and a number of significant organisations that have views on this bill and that have not been given the due attention that they deserve.

**Mr O’DONOHUE** (Eastern Victoria) (12:42): I wish to join this debate and thank the house for leave to do so. As Mr Davis said, this is a—

**Ms Pulford** *(Mr Melhem)*: Is leave granted for Mr O’Donohue to contribute?

**Mr Gepp**: On a point of order, Acting President, Mr O’Donohue has not sought leave. This is not a debate. This is a report that has been tabled.
The ACTING PRESIDENT (Mr Melhem): Thank you, Mr Gepp. Any member is entitled to seek leave to speak on a report, and by my understanding, leave has been granted. Can I just clarify that every member, if they want to get to their feet, will need to check whether leave is granted. Mr O’Donohue, leave is granted for you.

Mr O’DONOHUE: (By leave) Thank you, Acting President. I thank the house for leave to speak on this important Alert Digest tabled by the Scrutiny of Acts and Regulations Committee (SARC). As Mr Davis said, the COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020 engages many rights contained within the charter and many other rights. We have all received thousands of emails from various members of the community expressing their concern and alarm at the omnibus bill, including the omnibus bill with the amendments that have been foreshadowed but not yet tabled in this place.

I just wish to say that I received copies of many submissions from members of the Victorian community who made submissions to SARC. They copied me in or separately sent me emails with their submission. It is deeply regrettable, and it has truncated the process unnecessarily, that we do not have those submissions publicly available. All of us later today have important decisions to make about whether we support or do not support the government’s omnibus bill. That omnibus bill, as I say, engages many human rights, and the fact that the important submissions—from everyday Victorians who are alarmed to some of the most senior and eminent QCs in Victoria—have not been made available is simply a disgrace. It makes me wonder: what does the majority of SARC have to hide? Why aren’t they being transparent with Victorians? Why wouldn’t the committee make these submissions available? The chair in his remarks tried to hide behind the secretariat. Ultimately it is the decision of the committee. It is the decision of the members of the committee that matters. The secretariat can give advice, but the members make the decision. Do not hide behind the staff; try and defend your own decisions.

Mr LIMBRICK (South Eastern Metropolitan) (12:45): (By leave) I thank the house for allowing me leave to speak. I am a bit concerned by this process as well. I have read many of the submissions that went to the committee, such as ones from Liberty Victoria and other people, and I note that some of the concerns of those organisations may have been addressed by the amendments but certainly not all of the concerns. It is also very concerning to hear that there were thousands and thousands of submissions that are not going to be published. I also was copied in on many of these. There are human rights that are engaged through this bill. We have an issue where the limitations on human rights that have been used throughout this emergency have not been made clear to the public. The human rights charter assessments have not been published, and we have no visibility of this process.

Mr Gepp: On a point of order, Acting President, I have heard from a number of speakers today that this report is deficient in terms of recognising the intersection between the human rights charter and the bill that was tabled in the other place in the last sitting week. That is not the case. If people have read the report—and that is what they are supposed to be providing comment on—they would know that there is a clear report from the Scrutiny of Acts and Regulations Committee about the intersection between the human rights charter and the bill as it was tabled in the other place. Any suggestion to the contrary is offensive not only to SARC but particularly to the secretariat staff who provide the expert advice and Professor Gans, who is the pre-eminent human rights charter expert in this state. I ask the member to withdraw.

The ACTING PRESIDENT (Mr Melhem): I am not going to uphold the point of order. I cannot verify whether a member’s contribution is accurate or not on a particular matter. It is a matter for members to do that. We are turning that into a debate.

Motion agreed to.
The Deputy Clerk: Pursuant to section 25AA(4)(c) of the Ombudsman Act 1973, I lay on the table a copy of the Ombudsman’s report titled Investigation into Corporate Credit Card Misuse at Warrnambool City Council.

PAPERS

Tabled by Deputy Clerk:

Auditor-General’s Report on Victoria’s Homelessness Response, September 2020 (Ordered to be published).

Crown Land (Reserves) Act 1978—

Minister’s Order of 20 September 2020 giving approval to the granting of a lease at Lakeside Stadium Reserve.

Minister’s Order of 30 August 2020 giving approval to the granting of a lease at Royal Park Reserve.

Minister’s Order of 11 September 2020 giving approval to the granting of a licence at Alexandra Gardens Reserve.

Minister’s Order of 17 September 2020 giving approval to the granting of a licence at Domain Parklands Reserve.

Interpretation of Legislation Act 1984—Notice pursuant to section 32(3) in relation to Statutory Rule No. 83 (Gazette No. G39, 1 October 2020).

Planning and Environment Act 1987—Notices of Approval of the following amendments to planning schemes—

Ballarat Planning Scheme—Amendment C216 (Part 2).

Bayside Planning Scheme—Amendment C126.

Boroondara Planning Scheme—Amendment C321.

Cardinia Planning Scheme—Amendment C241.

Casey Planning Scheme—Amendment C277.

Corangamite Planning Scheme—Amendment C52.

Greater Dandenong Planning Scheme—Amendment C226.

Greater Geelong Planning Scheme—Amendment C420.

Macedon Ranges Planning Scheme—Amendment C134.

Maroondah Planning Scheme—Amendment C143.

Melbourne Planning Scheme—Amendments C368 and C386.

Moonee Valley Planning Scheme—Amendment C214.

Moreland Planning Scheme—Amendments C206 and C174 (Part 1).

Mount Alexander Planning Scheme—Amendment C93.

Moyne Planning Scheme—Amendment C66.

Stonnington Planning Scheme—Amendment C310.

Victoria Planning Provisions—Amendment VC169 and VC183.

Warrnambool Planning Scheme—Amendment C206.


Statutory Rules under the following Acts of Parliament—


Gender Equality Act 2020—No. 97.
Magistrates’ Court Act 1989—No. 94.
Port Management Act 1995—No. 108.
Residential Tenancies Act 1997—No. 95.
Road Safety Act 1986—Nos. 96 and 105.
Supreme Court Act 1986—No. 98.

Subordinate Legislation Act 1994—
Documents under section 15 in respect of Statutory Rule Nos. 83, 90, 94, 96, 98, 100, 102 to 105 and 107 to 109.
Legislative instruments and related documents under section 16B in respect of a Minister’s instrument of 28 September 2020 specifying the content of the prescribed responsible service of gaming training modules under the Gambling Regulations 2015.


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


Production of documents

COVID-19

The Deputy Clerk: I lay on the table a letter from the Attorney-General dated 18 September 2020 in response to the resolution of the Council of 16 September 2020 relating to the decision to impose a COVID-19 curfew. The letter states that there was insufficient time to respond and that a final response to the order would be provided as soon as possible.

Mr Davis: On a point of order, Acting President, that letter, as I understand it, from what the Clerk has just read out, relates to correspondence from 18 September, which of course should be tabled, but the documents order sought the tabling of documents in relation to the curfew on the 18th. It is now far later. The time has elapsed considerably, and there is no clarity as to why the government has not produced the documents that the chamber has sought. The motion was carried. There seems to be no update beyond the 18th of the month gone; that is more than three weeks ago. Perhaps one of the ministers might want to provide an explanation as to why the Leader of the Government has not tabled these documents relating to the curfew and indeed an earlier tranche of documents sought by the chamber relating to public health orders and the briefings attached to them.

The ACTING PRESIDENT (Mr Melhem): Mr Davis, I am not sure that any of us can deal with that particular question, because I think there is a process. I take your point in relation to whether documents have been tabled in accordance with the motion. I think that is something that may be taken up through a separate exercise. If you wish to give a notice of motion to deal with that, then you can do so. So I think that is where the matter can be left, and then the house can deal with it to decide
whether or not the minister was responsive to the motion which you are referring to. I think that is the best we can do at this point in time.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:52): I move:

That on the next day of meeting the house take note of the letter that is tabled and the minister’s failure to provide the documents sought.

Motion agreed to.

Business of the house

NOTICES OF MOTION

Notices given.

NOTICES OF INTENTION TO MAKE STATEMENTS

Notices given.

GENERAL BUSINESS

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (13:08): I move, by leave:

That precedence be given to the following general business on Wednesday, 14 October 2020:

(1) the notice of motion given this day by Mr Davis in relation to the tabling of public health orders and directions and referring these documents to the Scrutiny of Acts and Regulations Committee for review;

(2) order of the day for the resumption of debate on the Road Safety Amendment (Medicinal Cannabis) Bill 2019;

(3) order of the day for the resumption of debate on the Education and Training Reform Amendment (School Employment) Bill 2020;

(4) notice of motion 359 standing in the name of Mr Davis in relation to the disallowance in full of the Environment Protection (Management of Tunnel Boring Machine Spoil) Regulations 2020;

(5) order of the day 40, resumption of debate on the motion relating to the impacts of stage 4 lockdown on small business; and

(6) order of the day 29, resumption of debate on the motion relating to establishing a joint select committee to inquire into international treaties.

Motion agreed to.

Joint sitting of Parliament

LEGISLATIVE COUNCIL VACANCY

The PRESIDENT (13:09): I have a message from the Assembly:

The Legislative Assembly informs the Legislative Council that the Assembly has agreed to the Council’s proposal for a joint sitting on Tuesday 13 October 2020 at 1.30 pm in the Legislative Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Hon Jenny Mikakos.

Members statements

MARCH FOR THE BABIES

Mr FINN (Western Metropolitan) (13:10): Last Saturday was the 12th anniversary of a truly tragic day in Victorian history, when this Parliament removed all legal protection for babies before birth. To commemorate this dark, dark day in our state’s history the 11th annual March for the Babies was held in Melbourne. Now, like everything else in Melbourne this year, the March for the Babies 2020 was indeed very different. This year an online event carried the message way beyond the borders of Victoria and indeed, as I understand it, way beyond the borders of even Australia. Feedback was strong from those disgusted by the Victorian abortion law that allows babies to be killed right up to the
moment they would otherwise be born alive. The March for the Babies will be back in its usual format next year. Thousands will again march on this building, calling on the Parliament to provide protection for children before birth and support for their mothers. The current law is a matter of grave shame to many Victorians, and I assure the house those of us involved in this march will never go away until all babies have full legal protection. Babies and mothers in this state are important. They deserve far, far more than the appalling, despicable abortion law that we have in this state.

ELIZABETH PEPPER

Ms SHING (Eastern Victoria) (13:11): I rise today to pay tribute to the life of the late and great Mrs Elizabeth Anne Pepper, known as Aunty Liz to her family and friends. Elizabeth, or Liz, was born in the Lake Tyers Aboriginal Trust and was a significant elder within the communities across Gippsland, who shared much love and care and many letters and correspondence over the years with family and friends. It was an absolute privilege to attend the virtual funeral service and memorial for Liz last week, and I want to extend my love, care, sympathy and great respect to Liz’s family, in particular to Valda; Jock; Marion; Ronald and his partner, Cameron; the grandkids; and the family and friends of Liz. Thank you, Aunty Liz, for all that you did and all that you have created across Gippsland.

LADDER PROGRAM

Ms SHING: I would like to pay tribute to the participants of the Ladder program who graduated a couple of weeks ago after an intensive program of assistance, mentoring, positive support and engagement in skills development. We have concrete advice that this particular program works, and with the support of people like Brad Sewell and the CEO of the Ladder program itself we have seen amazing results. Congratulations to Charlotte Dodd, Claire Thompson, Brianna Caldwell, Liarna-Lee Hoggard, Mitchel Whitfield and Reece Pezzuto on graduating from the Ladder program.

COVID-19

Mr GRIMLEY (Western Victoria) (13:13): I am using my members statement today to congratulate the work of regional Victoria in fighting coronavirus and in particular the businesses in regional Victoria that have opened safely. Some businesses have reopened despite not being able to open fully, at full capacity, and despite having to comply with strict COVID plans. Hospitality workers have had to wear masks despite groups of up to 10 diners sitting next to each other and not having to wear masks, and this weekend the staff even did it in 28-degree heat. I commend the businesses in these areas and all over regional Victoria who nonetheless are complying with mask wearing and the restrictions within their COVID plans. Let us keep at it, regional Victoria, so the whole state can reopen again and so our businesses can thrive. After all, agribusiness and small businesses are the heart and soul of country Victoria.

AG BROWN SAWMILL

Ms BATH (Eastern Victoria) (13:13): My members statement today goes to an industry very near to my heart. Last week I had the pleasure of visiting Brown’s hardwood mills in Noojee and in Drouin West to meet some of Graeme’s very hardworking staff. At the green mill Dave Moyle is a Warragul-based father of three under five, and he is working his way through the various operations. He started on the base level, and he is now working his way up—and he is relishing that opportunity. Melissa Halligan followed in her father’s footsteps in timber, and she is the only female saw doctor in Australia. Most mills outsource their blade sharpening, but Melissa and her skills are on hand, which boosts efficiency. Mill manager Anthony Wilkes certainly noticed Hew Grayden’s Facebook post. Hew posted that despite having a disability and struggling to find work he was honest, hardworking and willing to give anything a go. He is now a forklift operator and very much an integral part of this wet mill, which is providing great sawlogs.

AG Brown Sawmill certainly provide diversity, inclusion and second chances. Through their hard work, a feature of Gippsland is worked up to become some sensational window frames, benchtops,
cupboards, furniture, staircases and balustrades, and thousands of spunky homes across Melbourne and all across Australia now house their wares. No amount of media spin will turn the fact that this government will not be able to save these good people’s jobs come 2030. (Time expired)

COVID-19

Mr LIMBRICK (South Eastern Metropolitan) (13:15): Monday was a great day because, like many parents, I got to take my kids to school for the first time in months. It was a great day for children and a great day for thousands of families who have been under serious strain. My children were back to their normal happy selves because they were once again able to engage with their peers, and this is how it should be. It was a day of mixed feelings for me, however, because this experiment on our children is not yet over. No doubt some kids have coped better than others, but there is sadly plenty of anecdotal evidence of kids being left behind. My family was well positioned to manage learning from home, but it was still very difficult for us. I can hardly imagine what it was like for children from troubled homes or single-parent families. I hope that every effort will be made to ensure that no child will be left behind. I also hope that in future we will put a much higher price on the education of our children. It should be possible to manage a pandemic without sacrificing the futures of our children.

MULTICULTURAL AND MULTIFAITH COMMUNITIES

Ms TAYLOR (Southern Metropolitan) (13:16): I have been really amazed and inspired by how multicultural and multifaith groups have been able to adapt during the period of the pandemic, so reaching out to those groups and understanding what they are going through is really important to me. I had a lovely virtual meeting with Jayne Josem, who is the CEO and director of the Jewish Holocaust Centre, just recently. They have made amazing efforts to be able to maintain what I see as a really important community service in educating about the Holocaust and the seriousness of such events but also ways of looking into the future differently. They were among a number of successful recipients under the multicultural festivals and events program 2020–21 digital round 1, and this is actually helping these multicultural and multifaith groups adapt to the digital age. What was also wonderful was she was talking about how they are really happy about the compulsory Holocaust education for years 9 and 10, and I commend Minister Merlino for his leadership in working with the Jewish Holocaust Centre and stakeholders in furthering this very important program. Something that really struck me about my interaction with Jayne, and I have met her a number of times before, was that she said that education about the Holocaust is not only about preventing such horrors again; it is also about teaching children the skills of looking at history from a very critical and well-evaluated point of view. (Time expired)

HOUSING AFFORDABILITY

Mr HAYES (Southern Metropolitan) (13:18): Before coronavirus high migration had nothing to do with unaffordable housing, according to the property and housing industry. The problem was simply a lack of supply, not one of too much demand. But now that the pandemic has put an end to high migration, they are singing a very different tune. ‘Bring back high migration’, they say. ‘We will be ruined without it’, they cry. But they cannot have it both ways. They cannot claim that we need to boost property prices with rapid population growth and then claim that they care about housing unaffordability; they clearly do not. I do care about housing affordability. I worry about homelessness and rough sleepers. Unlike the industry, I am not a fan of rising housing prices. Housing is a necessity. We should take this opportunity to reset our migration program back to the levels of the 20th century, when we had full employment, job security and the great Australian dream of a home of your own as a reality and not just a dream.

BARBARA CAMPBELL

Mr O’DONOHUE (Eastern Victoria) (13:19): I wish to acknowledge the sad passing of a Liberal warrior, Ms Barbara Campbell of Lakes Entrance. Barbara was a leader of the Liberals in Gippsland for many, many years. She was a passionate person, she was a deep thinker about public policy and
she was never shy in telling you exactly what she thought. She will be greatly missed by the Liberal Party all throughout Gippsland and by the local community of Lakes Entrance and Bairnsdale, to which she was a significant contributor. My sympathies and those of the Gippsland Liberals go to her family.

COVID-19

Mr O’DONOHUE: On a different matter, the net is getting closer; the web of lies and deception is unfolding. Two weeks ago those at the centre of the coronavirus response were former minister Jenny Mikakos, Secretary of the Department of Premier and Cabinet Chris Eccles and emergency management commissioner Andrew Crisp. The first two have resigned and the third is on leave. All roads of this web of lies and deception lead to the Premier’s office and to the Premier himself. It is time for him to stop the spin and tell the truth.

The PRESIDENT: Due to the joint sitting and to allow enough time for the chamber to be cleaned, I will resume the chair at 2 o’clock.

Statements interrupted.

Sitting suspended 1.21 pm until 2.08 pm.

Members

MS WATT

Swearing in

The President (14:08): I have to report that, at the joint sitting to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Jenny Mikakos, Ms Sheena Watt was elected to hold the vacant place in the Legislative Council.

Ms Watt introduced and oath of allegiance affirmed.

Members statements

Statements resumed.

COVID-19

Mrs McARTHUR (Western Victoria) (14:11): My statement today relates to last week’s term 4 early childhood education directive from deputy chief health officer Allen Cheng. I was appalled to read that children at kinder will no longer be able to sing; it is that stark. While other activities are classified as optional or vary between the second and third steps, group singing and woodwind instruments are banned in all circumstances. Where is the proportionality here, the common sense, the compassion and care? There are six active cases in regional Victoria: five in the Mitchell shire and one in Geelong. Communities in Western Victoria Region are closer to South Australia—some to Adelaide itself—than to these active cases, yet our children at the lowest risk of catching and transmitting the virus will be humming happy birthday, or if they are really lucky, clapping along to a YouTube video. You can dance at a wedding down the road in South Australia, but Victorian children cannot sing at kindergarten. It is heartbreaking. Mr Scrooge has nothing on Mr Andrews. I wish this were funny, but it is really just cruel, callous and stupid. Kinders have discretion over temperature checks, yet this joyless, one-track-minded government chooses instead a blanket ban on singing. The historical parallels are alarming. But my thoughts are with the children and teachers. Just when will the Premier realise that he has crossed the line?

MATILDAS

Mr ONDARCHIE (Northern Metropolitan) (14:12): We all know how much sport brings us together, especially through these tough times. That is why today I rise to congratulate La Trobe University on officially being announced as the new home of Australia’s women’s soccer team, the
Matildas. Our Matildas are one of the best football teams in the world, and they now have a new home in Melbourne’s north that will deliver the facilities they will need to compete on the world stage. This facility will also house Football Victoria and Rugby Victoria.

I have long been a supporter and advocate of the Matildas being based in Melbourne’s north, through my meetings with Chris Nikou, the chairman of Football Federation Australia (FFA), to pitch for Melbourne’s north and those with Kimon Taliaodoros and Peter Filopoulos from the Victorian Football Federation to pitch Melbourne’s north as the best place to have the Matildas. I thank the vice-chancellor of La Trobe, John Dewar, for his work with me in trying to secure this for Melbourne’s north.

But we should remember that this new home would not be possible without the support of the federal Liberal government. I would like to thank the federal government, and specifically the Treasurer, the Honourable Josh Frydenberg, who committed $15 million towards the new facility in the recent budget and provided the FFA with a further $2.4 million to begin preparations for the 2023 FIFA Women’s World Cup that will be played here in Australia. Go the Matildas!

COVID-19

Dr RATNAM (Northern Metropolitan) (14:14): It is good to be back. One thing that time away gives you is a chance to reflect and take stock, and as a mentor of mine recently said, ‘Bringing a child into this world helps put everything into perspective’. I have never been more certain about how important the work we do here is; the pandemic is revealing that in no uncertain terms. Our baby arrived a few days before the restrictions were tightened. It meant that she got to meet some of her extended family for a few brief moments before the next eight weeks of relative isolation with her parents. I will not pretend that it was easy, and I know that so many Victorians are doing it so tough at the moment, but I knew that it was for the greater good and health of all those we love and that it was necessary. I am proud of all Victorians for the sacrifices you are making so that we can get through the COVID pandemic. We will get there.

I would like to thank especially the staff of the Royal Women’s Hospital, who did such a wonderful job in caring for us at such an uncertain time. With no visitors allowed at the hospital, their presence became even more important, and we were given the best of medical attention and aftercare. Our public health system really is amazing. A big shout-out too to the maternal and child health services across the state, especially in Moreland where I live, who have been there for us new parents unyieldingly. Without our own mums and loved ones being able to be around in those early weeks, their care became even more important.

For the last few months I have watched from afar the pandemic wreak havoc across the globe, and at the same time I have seen the relentless march of climate change burn through our cities and flood our towns. From health to our environment to the services that keep us connected and cared for, I am reminded that our communities are relying on us in this place to do everything we can to keep them safe and protect their futures. I am more committed to this work than ever before.

GALEN CATHOLIC COLLEGE

Ms MAXWELL (Northern Victoria) (14:16): The Galen Catholic College VEX team had a very exciting experience on 8 October, representing Australia in the inaugural Kibo Robot Programming Challenge at the Japanese Aerospace Exploration Agency. Eight international teams met online with former JAXA astronauts for the live event managed at JAXA’s mission control. Each team’s approved code was sent up to the International Space Station to program NASA’s Astrobot through a series of challenges. The Galen VEX team includes alumnus Rutvik Chaudhary, year 11 students Mitchell Hobbs and Ryan Falconer and year 10 student Jorja O’Connor. Under the dedicated guidance of teachers Maree Timms and Brett Webber, these incredible young minds from regional Victoria in representing Australia on the international space stage are an inspiration to us all. Even the sky is not the limit. Anything is possible.
COVID-19

Dr BACH (Eastern Metropolitan) (14:17): Just yesterday a huge petition hit the desk of the Premier, signed by over 10,000 Victorians of faith. What they are seeking is something very reasonable. It is only fairness that they are after. They are seeking a change to the government’s current road map whereby places of worship would be reassigned to allow them to come into sync with many other places, in particular those in the hospitality industry that are able to open up under stage 3. For example, at the moment under stage 3, which we know is operational in regional and rural Victoria, cafes and restaurants can open for 50 people outdoors and 20 people indoors. However, when it comes to places of worship, they are only allowed 10 people outdoors and one family group indoors.

Now, most places of worship—and this is certainly the case for my church—are huge buildings that could, with masks, with proper, prudent public health measures, be allowed to open in a COVID-safe way. That is what happened after the first lockdown. The many faith leaders and other Victorians of faith who have signed this huge petition are asking to be given the same opportunity once again. Now, this petition has the backing of so many different faith groups across our state. It has the backing of the Greek Orthodox Archdiocese of Australia, the Islamic Council of Victoria, the Hindu Council of Australia, Catholic groups, Presbyterian groups and Methodist groups as well. Worship and fellowship are like lifeblood for so many Victorians of all faiths. They must be allowed once more.

COVID-19

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (14:19): In the lower house now debate on a motion of no confidence in the Premier and the cabinet has commenced. The failings of hotel quarantine are now well understood. The failures of contact tracing are now well understood. Victorians in their hundreds have died because of Daniel Andrews and his government’s absolute incompetence. What we have seen also is businesses close down across the state because the state government has not managed this process properly. We have also seen the closure of whole systems across the state, where people are not able to move and people are not able to see their loved ones, go to funerals, go to weddings—all of those many things that have occurred. Small businesses across the state are slowly being killed by Daniel Andrews and his harsh, extreme and non-scientifically based restrictions.

But I say there is worse, and that is the failure of people to be honest: a failure to be honest by Chris Eccles, the Secretary of the Department of Premier and Cabinet—a clear failure in terms of the structures of government. And I say it is time the Premier came clean—that the Premier went back and gave new evidence—and fessed up to his involvement and the involvement of his office in this terrible tragedy that has hit Victoria and Victorians. It is unacceptable, it is shocking and the damage that has been done is profound.

Following statements incorporated pursuant to order of Council of 15 September:

GUNDITJMARA HERITAGE PROJECTS

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education)

In the 1830s a terrible event occurred near Portland, at a coastal area known as the ‘Convincing Ground’. European whalers, in advance of the wave of squatters who took over much of Western Victoria’s land, brutally wiped out almost all of the Kilcarrer Gunditj clan.

This awful act was the earliest recorded massacre of Aboriginal people by Europeans in Victoria.

The Gunditjmiring Traditional Owners Aboriginal Corporation has received a Coastcare Victoria community grant for the Convincing Ground restoration project that will be an important first step in the healing process for this land, nearly two centuries after the event.

Last year UNESCO added Budj Bim, further north, to its World Heritage List—the first cultural landscape in Australia to be added solely for its Aboriginal cultural values.
A keeping place has been built on the site of the old Lake Condah Mission—Tae Rak—to provide a community business and administrative centre and a home for cultural artefacts repatriated from other parts of Australia. The keeping place is jointly funded by the Aboriginal Community Infrastructure Program and Gunditj Mirring.

The Budj Bim Cultural Landscape Master Plan, funded with $13 million to date from Regional Development Victoria, is a unique opportunity for the conservation and sustainable use of a special landscape for community purposes and tourism, where government, the Gunditjmara people and the tourism industry can work together.

The plan encompasses Tyrendarra township and Indigenous protected area, Kurtonitj—the site of stone house remains, a village and the vast traditional aquaculture system—and the wetlands of Tae Rak, the heart of Gunditjmara country.

This government is proud to support opportunities to tell the stories of the people of the south-west and its landscapes.

**UNIVERSITY FUNDING**

Mr MELHEM (Western Metropolitan)

Last week the federal coalition government rammed through a number of disastrous changes to Australia’s higher education system.

These changes will mean that many future university students will be paying significantly more for their education. Forty per cent of students will have their fees increased, with some degrees rising by 113 per cent. A prospective student looking to study humanities will see the price of their degree more than doubled from around $27 000 to $58 000 for a four-year degree. Other degrees to be increased to $58 000 include law and commerce.

These changes will mean that countless young people across Australia will be forced to abandon their dream career. Cost should never be a factor for young people seeking an education in this country—ever.

Australia’s universities are already suffering significantly from the loss of international students due to the coronavirus pandemic. But these changes will only do further damage to the sector.

Thirty-nine thousand additional student places will be created without any extra funding. Instead, the university sector will face an overall cut to funding of almost $1 billion a year meaning that funding per student will drop by an average of 5.8 per cent.

It is clear that at a federal level, and at a Victorian level, the Liberals do not understand the critical importance of education. Only Labor governments can be trusted to deliver positive outcomes for students and educators across Australia.

**Business of the house**

**NOTICES OF MOTION**

Ms TAYLOR (Southern Metropolitan) (14:20): I move:

That notices of motion, government business, 268 to 275, be postponed until later this day.

Motion agreed to.

**Bills**

**COVID-19 OMNIBUS (EMERGENCY MEASURES) AND OTHER ACTS AMENDMENT BILL 2020**

Second reading

Debate resumed on motion of Ms SYMES:

That the bill be now read a second time.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (14:21): I rise to make a contribution on behalf of the Liberals and Nationals on this COVID omnibus bill. It is a bill that has become an icon in a negative way. It has become a bill of great notoriety across the state. I saw a bus
outside—an omnibus, as it was called—out the front as local people, community members, protest at the shocking bill that has been presented to the Parliament. And we still have the same bill now that was presented in the Assembly and passed blithely by the Assembly—the members in the Assembly who ticked off like lemmings, like sheep, on the damaging provisions in that bill. I am going to detail these damaging provisions as I go forward.

There was no Scrutiny of Acts and Regulations Committee report before the Assembly looked at this. We had an inadequate SARC report presented today to the chamber belatedly—an inadequate SARC report—that does not detail the terrible damage that this bill would have done in the form that it was presented. I make the point that thousands of people provided significant submissions to SARC, and it is my information that SARC did not provide the proper weight to those submissions that it should have.

But I want to get to what is going on here. I will start off in a very reasonable and fair-handed way on this. There are aspects of this bill that we agree with. There are aspects that are rolling over, which are part of the decisions that were made earlier, that we do not oppose. But there are also the new and extraordinary sections that were proposed by Daniel Andrews in the lower house. I want to come to some of those sections and deal with those sections and with the proposed amendments, if I can perhaps talk to those foreshadowed amendments, that were briefed to the opposition last week. I say about the new section 250 that was proposed to be inserted, where the secretary may appoint the following to be an authorised officer:

a person the Secretary considers appropriate for appointment based on the person’s skills, attributes, experience or otherwise …

‘or otherwise’, what on earth does that mean? And:

a person included in a prescribed class of person …

including Victoria Police. The so-called purpose was to expand the persons who could be appointed authorised officers to include additional public sector employees, employees of other Australian jurisdictions and individuals with connection to particular communities.

Now, I want to say something about each of these. The new provision means also that police officers and PSOs can be appointed as authorised officers without a state of disaster being necessary. I do not have a problem with public servants from other states having a role here. In fact there is a lot to learn. We know how contact tracing has failed here in Victoria, and we can see a clear role for New South Wales and other contact tracers coming here to support us. But you do ask why we need more and more and more authorised officers.

This, I think, is a reflection of a deeper concern that the Premier has that he needs more and more and more power, and this bill is symptomatic of the ongoing attempts by Daniel Andrews—and him specifically I am talking about; his attitude, his arrogance—to grab power and impose his will on the Victorian people in the most demonstrable and the most upsetting ways.

Public health does not work best with hard penalties; it works best where it is explained and where people work together. It works better when there is actually a proper base of evidence and the evidence is supplied, and that is not what is occurring in Victoria now. In Victoria now we have an arrogant Premier, and we have heard increasingly through the hotel quarantine inquiry—and increasingly from sources like Jenny Mikakos, who used to sit just over there, who was the Minister for Health until recently; she made it clear—that all power is being centralised in the Premier’s office. He and his secretary have had enormous power to impose on other ministers—the gang of eight operating as a little quango. And I make the point here: there is not one member of the gang of eight in the ministerial line-up in this chamber. So this chamber, half the legislature, has been cut out of the gang of eight, cut out of the powerful gang of eight that is running Victoria at the direction of Daniel Andrews—at the direction, until hours ago, really, of the Secretary of the Department of Premier and Cabinet.
When the COVID pandemic got going, Chris Eccles and Daniel Andrews decided they were going to reorganise the public service. They organised these missions across departments. They decided that there would be lead secretaries. In the case of the Department of Health and Human Services Kym Peake was sent a letter and she was told she did not answer to the health minister anymore; she answered directly to Daniel Andrews on the health emergency. ‘You answer to him’; that is what she was told. ‘You answer directly to him’—a letter from him. I have seen that letter. It is in the public domain now. If people doubt it, they can go and find it themselves and they will understand the dictatorial power that he is now taking.

Cabinet government has broken down in this state. We do not have proper cabinet government in Victoria anymore; we have an arrogant man—an arrogant man—who is dictating to the COVID cabinet, dictating to the rest of cabinet, dictating to the public service. It is one man, one man drunk on power, one man drunk on pushing people around, and that is what he is doing. We know the way it is operating now, and we all hear reports out of the public sector on the way this is operating and this arrogant Premier who has taken all power to himself. And now the quarantine inquiry is moving closer and closer to the source of power. It is time the Premier’s chief of staff, his media director and other senior people out of his office attended the inquiry and actually—

Mr Erdogan: On a point of order, President, on direct relevance, this is an omnibus bill, and Mr Davis is talking about the Premier. This is not a no-confidence bill. If he wants to discuss the provisions of the omnibus bill, I am happy to hear about that, but otherwise he should move on and make a relevant point.

Mr Davis: On the point of order, President, it is an omnibus bill, as the member points out. It is a very broad bill and covers a lot of different areas, including—and I intend to specifically focus on this—the COVID response, which is a part of this bill that has been brought forward by the Premier in the other place and brought to this chamber by the Leader of the Government in this place and that lays out new powers, massive new powers.

The President: I will just bring to your attention, Mr Davis, what he just said. It is an omnibus bill, but please concentrate on the bill. Thank you very much.

Mr Davis: The Premier has sought to take to himself these powers to appoint authorised officers through the Secretary of the Department of Health and Human Services, who, as we have heard, answers directly to him. He has written to her and he has said, ‘On this health response you answer directly to me’. That is what he said.

I make the point that what is clear here is that the government and the Premier are seeking in this bill, as it is presented to the house now—there may be amendments proposed shortly, and I will talk about those in a moment too—to expand the class of persons. He is seeking to give extraordinary new powers, and in new section 251 he seeks to insert in the act that authorised officers can receive assistance from any person in carrying out their duties in relation to their powers to investigate, eliminate or reduce public health risk, an amendment that makes it so that if a police officer is an authorised officer and requests assistance, they do not need to make a request to the Chief Commissioner of Police. So the normal checks and balances are weakened.

New section 252, which is in the bill that we see before us now, a section to be inserted in the act, provides for additional emergency powers under the state of emergency to detain high-risk people. These are extraordinary powers. If a designated authorised officer believes that a person is likely to refuse or fail to comply with a direction—believes that they may fail to comply with a direction. A high-risk person is defined as a person who ‘has been diagnosed with COVID-19 and has not been given clearance from self-isolation’ or ‘a close contact of a person who has been diagnosed with COVID-19, and has not been given clearance from self-quarantine’.

A detention period may extend as long as the designated authorised officer reasonably believes that the person is a high-risk person who is likely to refuse or fail to comply with the direction—again,
extraordinary powers that the Premier has wanted to bring into action here. I am a former health minister. I actually understand that public health is a subtle task. It is a subtle task to get a system in place to have community compliance with the orders and the directions that are required but to have the community confidence and transparency that is required. I say that for all of these orders that have been put in place, the government has refused to put into the public domain the briefings that are required, the material that is required, for the public to have confidence in those orders. Why, despite directions from this chamber; why, despite requests from the opposition; why, despite requests in adjournments here; and why, despite FOI requests is the government so determined to refuse to release this basic information?

Every one of these orders has a brief behind it, and a copy of that brief, perhaps a diluted one, is provided to the health minister. Now, why on earth the government would be so sensitive about the provision of those briefs to the public is beyond me, because in my view, if they are well based, if they are scientifically based and if they have gone through the proper processes that are laid out in the Public Health and Wellbeing Act 2008—the proportionality tests and the tests that are required to make sure that accountability is provided—there is no reason at all why they should not be in the public domain.

I would go further. I would say the working documents behind those—the scientific studies and the other materials, some perhaps from overseas, some perhaps from interstate, some perhaps local—that have been relied upon should also be in the public domain. That would boost confidence. It would boost compliance. It would see the community brought into confidence on these matters. But the government completely and utterly refuses to provide that information, and I say the reason for that—and this is certainly the information that is provided to me personally and directly by people I know in the public health unit—is that it is clear that the unit is being routinely bypassed by the Premier’s office and the Department of Premier and Cabinet, but in particular the Premier’s office. They actually have a phrase for this. They say there is a bunker over there; they call it ‘the bunker’. This is public health people; they call it ‘the bunker’. Over in DPC and the Premier’s office decisions are made about public health matters, and the public health unit is advised afterwards. They are not consulted before; they are advised afterwards and then directed to sign the public health orders.

There is real reticence; there is real concern in the public health unit. I know some of the people there, and there are people there of great integrity and great skill. And I will put on record here today that Professor Sutton is probably not at the top of that list. I do not believe he is a person with the deeper qualification that you would need in a very high-quality chief health officer. Notwithstanding that, I believe he does deserve to be accorded significant respect, because he is actually a person exercising statutory decisions. Now, he could himself choose to publish each and every one of those briefing papers that he has relied on. He could choose to publish the working papers and materials behind each of the orders. He has chosen not to do that. And in fact he has chosen, along with the Department of Health and Human Services, to dig in and refuse to release that information.

I will put this in the public domain as well: we are now well advanced at VCAT in seeking many of the background documents and the exchanges between the former health minister, who used to sit there, Professor Sutton and the Premier’s office. The first tranche of those documents has now been released to us—heavily redacted, I might add, and that will become a point of dispute at VCAT. There is a formal hearing date for that dispute. The second tranche of those documents that we have sought—again, bitterly fought every step of the way by Professor Sutton, the secretary of the department, the minister and the Premier. You have got to ask: why, why, why are they so resistant about providing these basic pieces of information?

Ms Taylor: Because you’re muckraking, that’s why.

Mr Davis: Well, do you think it is muckraking to know the basis on which those orders were made? Do you think it is muckraking to see the science behind them? Do you think it is muckraking, Ms Taylor, to see the working documents behind each and every one of those decisions? Do you think
it is muckraking when they put a ring around Melbourne—and where is that put, and what are the decisions about the different locations? Do you think it is muckraking that communities should know that information? Do you think it is muckraking that masks were initially given in one form and that was ticked, but they have changed the form of mask? Why is the information that is the basis of that not in the public domain, Ms Taylor? I say to you: you should be supporting the release of this information, because the community is entitled to it. The community has been locked down. Where does the 5-kilometre decision come from? Who would know where that has come from other than out of the Premier’s office? It was not out of the public health unit. It is a bit like the curfew. The curfew was not from Professor Sutton and it was not from the police commissioner. Now, that leaves a very small band of people who decided that they would put a curfew onto all Victorians. I mean, these are draconian steps to take without proper background and without proper science and without proper information.

I say that the Public Health and Wellbeing Act 2008 is in many ways a well-constructed act. It requires those decisions to be balanced, it requires a focus on proportionality, it requires a focus indeed on transparency and accountability. I urge you, Ms Taylor, to go and read the objectives of the act and you will be informed about what is behind it. But they are being routinely ignored, routinely blocked by the decisions of the Department of Health and Human Services and the Department of Premier and Cabinet.

So I say this is a case study in how not to run a pandemic, how to lose community confidence and how to behave badly in a way that means community confidence is diminished. I think the lying—let us call it for what it is, the absolute lying—that has occurred at the hotel quarantine inquiry, where people suddenly had this outbreak of amnesia, extraordinary amnesia—we have seen not only Mr Eccles caught out but others will undoubtedly be caught out before this process has ended. And none of this builds confidence. None of this is a case study in how to run a pandemic. None of this is a case study in how the best community health outcomes can be achieved.

We are concerned, and I draw the attention of the chamber to clause 15. We think that this will mean more powers under the workplace arrangements, the occupational health and safety arrangements—and WorkSafe Victoria inspectors are already provided with enormous powers. The interrelationship between clauses 15 and 16 will provide that extra layer of powers so that OH&S inspectors will become also authorised officers under the Public Health and Wellbeing Act. It is a very powerful act; it has enormous powers there already, and this provides even more powers for those officers. You have to ask yourself the question: what on earth is the government trying to achieve with this? You have already got these incredibly powerful inspectors, and you are now going to arm them up. It is like the man or woman who is the inspector has already got one bazooka and this bill gives them a second bazooka when they go into the small business, so they are double armed with massive bazookas so that they can hit harder in some way. Really, what is going on here? What on earth is the government so desperate to add these powers for? I say again: it is massive overreach.

I am indebted to the Housing Industry Association. Fiona Nield and some of her executive have provided significant information about concerns that they have, and I think their concerns are legitimately outlined in the correspondence that I have received from them. They do not see the need for this multiple layering of additional powers, nor do many of the other small business organisations. I think the Victorian Chamber of Commerce and Industry is concerned; other small business organisations are also concerned. Why, why, why? They are massive powers.

An OH&S or WorkSafe inspector goes into a small business somewhere. If there is a clustering in a room that is too tight, too close for COVID-19 purposes, that is already a workplace matter, and they can already take action as required. Why do you need to double arm these inspectors? What is that? I have not heard a satisfactory explanation. At the briefing we did not hear a satisfactory explanation, and I do not think there is one. I think it is yet another significant overreach.
The issues with high-risk persons have been well discussed in the public domain. The government is stepping back from some of those extreme measures that were in the form of the bill that was passed by the lemmings in the lower house—the government lemmings that ticked it off without proper scrutiny before SARC had even seen it. I again make the point that this practice is occurring at SARC now where they are routinely ticking bills through or routinely failing, I should say, to examine a bill before it is looked at in the chamber, and I do think that this is an increasing problem. The government could have provided those bills earlier and in my view should have provided those bills much earlier.

I also want to draw the chamber’s attention to some of the aspects that we will seek to amend, and I want to see if we can circulate the amendment. It is not yet ready; well, maybe I will talk to it. It cannot be terribly far, can it? Either way, I will talk to it in a very simple mode. It seeks to insert new clauses 16A and 16B. They will follow the other clause that we are still very concerned about, which adds more powers for authorised officers. We will seek to deal with the 5-kilometre radius rule that has been put into regulation in subordinate legislation, and in that mode it will reach down and, through a legislative instrument, revoke the powers that have been put into that particular order. It will seek to make sure that it is not remade. Acting President Bourman might remember that in this chamber—I know you were here last time—we saw one bill or one disallowance motion that occurred where the government remade the rules the next day, so we have made it clear that that cannot occur on this occasion. That is in two parts. The first part is simply to make sure that the 5-kilometre rule has no effect, and then the second is to make sure that it cannot be easily remade to subvert the decision of the chamber. The point I make here is that there has never been any evidence presented in the public domain that supports the 5-kilometre rule.

It is still 30 minutes away. I will seek leave for the house to circulate that when it arrives, with the house’s approval. It was prepared late yesterday, and it was due to be here a little earlier than that. Either way, it will be here in good time, and I am happy at the time of the committee stage to talk further about the amendment. I am indebted to the parliamentary counsel and put on record my significant appreciation. I said to the Clerk the other day that the parliamentary counsel in Victoria is first rate and its ability to turn things around quickly is remarkable. Their attention to detail is extraordinary, and their preparedness to think laterally about how to achieve particular objectives I also put on record as absolutely first rate. That has not always been the case, I might add. That has not always been the case in Victoria, but it is currently, and I think credit should be given where it is due.

What I want to say, though, about the 5-kilometre rule is that it unnecessarily restricts the ability of people to move, and it does it in a way that is not focused on density. It is not focused on the clustering that is the key transmission aspect that people understand with COVID-19; it is focused simply on movement. The decision of the Premier the other day to change the rule and to allow 5 kilometres from home or 5 kilometres from work gives, again, the lie to the basis of this. These decisions are entirely arbitrary. Why 5 kilometres? Why not 2 kilometres? Why not 10 kilometres? Nobody has ever explained the basis for that 5-kilometre set of decisions adequately, and nobody has ever released, as I say, the background documents—the briefing papers, the working papers—on which these decisions are made.

I want to make a couple more points in conclusion. The first is that I think the community has significantly tired of the way that the government has structured many of these decisions over the recent period. The community is tired of being told from on high that they are somehow responsible. The community is tired of the damage that is being done to our small businesses, and the community wants to see the rational basis for each of the decisions that are made. They want to see explanations, and they want to understand what will actually help manage the virus and what are unnecessary or excessive restrictions—like the 5-kilometre rule, like the curfew. That should never have been put in place in the first instance and should be removed immediately, in our view.

I want to return to some points I made earlier on about the structure of government and the decision-making in government. This bill, I think, is another case study. It has, as I am informed, come straight, again, out of the Premier’s office. It is a bill that seeks more powers, and those powers are only in
some areas explained. We agree with the better arrangements in the courts and the steps that will enable those to proceed, but we do not agree with the excessive overreach in a number of key parts.

With those comments, I say that the opposition will oppose clause 15. We will oppose clause 16. We will seek to introduce new clauses which will seek to remove or nullify the effect of the 5-kilometre order that has been made under the Public Health and Wellbeing Act. We express our significant concern at the overreach in this bill—our significant concern that it is again driven by the Premier’s grab for power. We saw the state-of-emergency bill, now this bill—all of these being crunched through without the proper scrutiny that they should have had. My views on the Scrutiny of Acts and Regulations Committee are now well known, but the community, I think, wants to see where great power is exercised the checks and balances. It is like the attempt to close down this Parliament. The lower house was successfully closed by the government for a very lengthy period. It was only our chamber that continued to sit in a moderated way. We are all happy to work with the officials here and with the President to find ways to make sure that it is a COVID-safe sitting, but where great power is being exercised there is a great responsibility to put checks and balances in place to make sure that the great power is held in check. We think this bill is a step too far by the Premier.

Ms TERPSTRA (Eastern Metropolitan) (14:50): It is a bit challenging once you get up here to try and undo a mask and glasses and earrings and all that sort of stuff. It is the challenges that come with wardrobe. Anyway, I rise to make a contribution in regard to the COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020, and in so doing what I would like to do before I begin my contribution is circulate to the house some amendments to be proposed in committee by Minister Symes. I seek to circulate those now.

Government amendments circulated by Ms TERPSTRA pursuant to standing orders.

Ms TERPSTRA: I had the benefit of sitting here and being able to listen to Mr Davis’s contribution, and there is only one thing I agree with him on. I like the line he used about, ‘With great power comes great responsibility’. That is from a Spider-Man movie, but it is a good one anyway. It is a good line, and absolutely it is a truism to say that with great power comes great responsibility. The thing about it is, when we look at this bill what is actually being proposed is that the government recognises front and centre that of central importance is making sure that we protect the health and safety of all Victorians from this incredibly dangerous pandemic, an international pandemic known as COVID-19, something the likes of which none of us have seen in 100 years of living. You know, the closest thing to this was the Spanish flu 100 years ago, so we are in unprecedented times. And of course unprecedented times call for unprecedented measures.

As I said, I had the benefit of listening to Mr Davis’s contribution. I have heard all of the conspiracy theories about power grabs and secret bunkers and secrecy around documents. You would think that it was the Andrews Labor government that actually created this pandemic somehow and foisted it upon the Victorian community. But sadly that is not the case, and what we have here is a government’s response to a public health crisis, a public health emergency. It is an emergency, and we have to remember that that is what this is about. The government did not create this; this is something that countries around the world are being forced to deal with all at the same time.

If you look at various measures that are being implemented in other countries around the world, I think I heard it might have been Professor Sutton mention earlier today that in some other countries around the world, for example, there are restrictions around movement where some people in other countries are being restricted to within 100 metres of their homes as opposed to 5 kilometres. Others are 150 metres. So again it is recognised around the world that implementing restrictions on movement of people is an effective measure. It is one measure in a range of measures that are effective in suppressing movement as part of the public health response to try to drive numbers of infections down.

I might just say again, having had the benefit of listening to Mr Davis’s contribution, it is quite extraordinary. I have also taken stock of all the comments that those opposite and the Liberals have
made in this matter. Their standard go-to operation for this is to just disagree with everything the government does on this and say it is never good enough. There are no actual alternatives that are being offered other than to say, ‘You should open up more quickly’. You talk about restrictions on movement and opening up, but I am pretty sure I heard Mr O’Brien say that people should be forced to wear ankle bracelets at one point in time as well. So we have all these contrary, flip-flopping, all-over-the-place positions from those opposite—and not to mention throwing in the arguments around bats with the ankle bracelets.

Again, how could any Victorian have any confidence in anything that comes from those opposite when all they can do is be disagreeable? You would expect this particular matter would be the perfect opportunity for bipartisanship. But, no; what those opposite sought to do was drive a wedge in the Victorian community to say, ‘This is all a major power grab’. I have never heard anything more ridiculous in my entire life. Such a tin ear have those opposite that they fail to even recognise the confidence that the Victorian community has in the government and the Premier’s handling of this pandemic. Last time I looked there was a 65 per cent approval rating for the handling of the pandemic.

So, Mr Davis, I just say, yes, continue on with your line of saying that this is such a shambles and all the rest of it, but people do not agree with you. Continue to make that assumption. No-one is listening to you, which is probably a good thing. Your astroturf campaigning outfits, Reignite Democracy and those sorts of things—I might throw that in as well. It is a shame that all you seek to do is continue to fan the flames of fear within the community rather than encouraging people to observe the public health measures that are reasonable and proportionate in response to handling the pandemic, because we do not want to see any unnecessary deaths.

There are preventable deaths in this pandemic, and we saw that through a variety of things happening, a confluence of events. Once COVID-19 got into the aged-care system we saw deaths occur. They were preventable deaths. Partly this was because we have a casualised workforce in some of these settings. Some of these workplace settings are high-risk for COVID-19. Sadly it is because there is a higher degree of casualisation or insecure work, and we are seeing that play out across this second wave. So, again, workplace relations is not something that is high on your agenda. Rather it is high on your agenda to destroy them and to make sure that people do not have rights in their workplace. Spectacularly the issue of insecure unemployment has actually blown up in the faces of those opposite, and it is something that needs to be dealt with. I actually have trust and confidence in our government to deal with this, not of course in the context of this pandemic, but it is something that has arisen tangentially as a result of dealing with this pandemic. I will touch on the role of WorkSafe Victoria inspectors as I come to talk about the detail of the bill in a moment and why they are important and relevant. It is incredibly important because we need to make sure that in some of these high-risk workplace settings we can actually have the necessary powers to ensure that any outbreaks of COVID do not get out of control and they can actually be controlled and monitored.

Look, I will turn to the detail of the bill now, but I just could not let some of those comments from Mr Davis go by unchallenged, because a lot of them are quite ridiculous. As I said, it is disappointing. I know a number of my colleagues—many of our colleagues on the government backbenches but also on the crossbench and on the other side, the Liberal Party—have received many, many emails. I wish sometimes that people would actually put their suburb or contact details there so we could actually get back to them. Sadly a lot of them do not tell us where they live, and sadly a lot of those emails have actually just repeated a lot of the misinformation that has been put out there by those opposite about what this bill will in fact do.

I might just comment on the fact that I did in fact ring a few constituents to talk about some of the misinformation and disinformation that is being spread by those opposite, and I had very nice conversations with them, explaining the actual context of this bill and what the bill will in fact do.

After I had spent quite some length of time with them—and I know Ms Taylor did the same thing engaging with constituents in her region as well—the constituents that I spoke to felt reassured. After having heard an explanation about the content of the bill and what it seeks to do, they were actually
concerned that they had not been given the correct information. It just goes to show that it is being used as a political wedge. We cannot expect common sense from those opposite. What we get is just any opportunity to exploit anything for political gain—so very, very disappointing from those opposite. Again, when bipartisanship is required, you get crazy grab bags of just two-word slogans like 'power grab' and things like that. Ridiculous.

Look, I will turn to the summary of the bill now. The overall objective of the bill—it is called an omnibus bill for a reason, because we are amending a number of acts—is to temporarily amend the Public Health and Wellbeing Act 2008 to support the state’s ongoing response to coronavirus; to temporarily amend the Occupational Health and Safety Act 2004 to ensure WorkSafe inspectors can take the necessary action to enforce compliance with health and safety duties with respect to workplace exposure to COVID-19, because we have seen a number of outbreaks that have occurred in high-risk settings; and to extend most temporary cross-portfolio reforms in the COVID-19 Omnibus (Emergency Measures) Act 2020 for an additional six months, from 25 October 2020 to 26 April 2021. These measures remain necessary to support the state’s response to the serious risk to public health in Victoria caused by COVID-19 and reduce the negative impacts to health, the Victorian economy and other matters. It is also to implement additional temporary reforms that have since been identified as urgent and necessary to facilitate the state’s ongoing responses to the COVID-19 emergency.

I might quickly turn to the crux—the major issues that have been raised—but there is a summary of the legislation that outlines the changes. The changes to a number of pieces of legislation actually allow the government to function. For example, the act allowed committees of the Parliament to meet virtually. It allowed a range of things to happen: additional powers for Children’s Court and Magistrates Court registrars, changes to family reunification orders, the issuing of quarantine and other related directions to custodial facilities, changes or amendments to the Workplace Injury Rehabilitation and Compensation Act 2013, and the list goes on. It allowed for the amendment of the Local Government Act 2020 to actually enable local government authorities to meet virtually. They are important things. Without these changes, those things would grind to a halt.

The main crux of the points that Mr Davis raised was around the need to ensure that we have changes made so that we can enlist the help of people employed under the Public Administration Act 2004 who can be made authorised officers, which is narrower than the equivalent laws in New South Wales and Queensland, where there is a wider range of people that can be appointed. So effectively this rule means that police officers, protective services officers, WorkSafe inspectors and hospital and health service employees such as doctors and nurses are not currently able to be authorised officers in Victoria. Now, the only new classes of powers permitted are: for police and PSOs, only the powers to enforce movement and gathering restrictions; for WorkSafe inspectors, only the powers necessary for workplace enforcement of things like social distancing and mask wearing; for health practitioners, only the non-emergency public health risk powers to allow hospital and health service employees to be appointed where there are insufficient core public servants to do the job—for example, in rural and regional areas; and for interstate public servants, also only the non-emergency public health risk powers to assist if necessary where there are insufficient Victorian public servants to do the job, for example, in border areas.

In addition, the bill will allow individual people who have specialised expertise and training to be appointed as authorised officers to help support contact tracing and situations with specific needs. For example, this could enable qualified individuals to help with contact tracing where there is an outbreak in Aboriginal or culturally diverse communities to ensure these tasks are done appropriately and help overcome language or other barriers. This is a time-critical task, and it cannot afford to be delayed simply because it is not possible to access the right language or other specialised knowledge in a timely way from within the core public service. The amendment ensures that the bill will now specify that these types of authorised officers may only have the two powers necessary for contact tracing—the power to require someone to give their name and address and the power to require other information
such as where they have been and who they have interacted with. They cannot be given any other powers. Importantly the legislation also makes it crystal clear that none of the new classes or individual authorised officers can be given any of the public health emergency powers, such as existing powers to detain.

They are just the major issues that I think were concerns that were raised within the community—those two major elements around powers and again the detention powers as well. The directions in terms of detention are not detention orders, but they require people who know that they have COVID-19 to self-isolate, usually at home or in another appropriate place, until they are cleared of being infectious. The critical point here about those detention orders is that you have to have tested positive for COVID-19 in the first place, and if you have and you are subject to a detention order, any authorised officer must have a reasonable belief that then you are not going to comply with any directive. So again, it is actually a very limited set of circumstances that apply. It is not powers writ large or at large to just detain people, as has been put by those opposite. Again, in both of those cases, people subject to the directions are allowed to leave only for very narrow purposes, such as receiving medical care.

These are the sorts of comments I talked about with constituents, but having said that, Acting President Bourman, I can see that the clock has expired, and I will finish here but say that I commend this bill to the house.

Mr HAYES (Southern Metropolitan) (15:06): There is a lot of pain in the Victorian community at the moment, particularly in the city of Melbourne—a lot of pain, a lot of hurt, psychological trauma and anxiety as a result of this harsh lockdown. People are tired. They are sick of it. They are tired sometimes of the seemingly random and arbitrary enforcement. The figures indicate that the current strategy that is being applied is working. On 30 July the state recorded 723 infections and 13 deaths. On 12 October we recorded 15 infections and zero deaths. So the strategy is working, but people are tired and weary.

The Premier himself consistently claims that the strategy is working, and on that I congratulate the government. So then why does he need to request even more powers? Why do WorkSafe Victoria inspectors need to be able to enter premises without a warrant? Why do PSOs need to demand information and search premises? The virus is a real threat, and I will not deny that for a moment. It is not like the flu, as some people say; 42,000 people in England have died of this illness. That is not like the flu. But the protection of hard-won civil liberties is of huge importance, and the unintended consequences of additional powers must be taken into account by the Parliament. I was attentive to what Mr Davis was saying about the proper process of passing legislation and using executive orders as an alternative.

I have listened to the stories of people in the community who are scared, who are anxious and apprehensive. Some of them are forgoing regular health checks and hospital treatment because of the current restrictions, which is not wise. But people are worn out and exhausted, and they are only going to be further disheartened and scared if the government has its way with these additional powers.

I do welcome that the government has amended this bill to tighten the scope of authorised officers and cut back on those wideranging detention powers that were originally proposed, and I do thank my fellow members of the crossbench who are joining with the opposition in opposing this. Otherwise the bill before us would be a lot worse. But I still believe that the bill as it stands is an overreach. While the bill now specifically states who could be appointed as an authorised officer, as well as setting out the limits on the powers they could exercise, I have yet to hear a compelling argument from the government as to why this new rule for authorised officers is even necessary. I ask: why do we need these powers? Surely whatever needs to be done can be done under the very extensive powers granted by the state-of-emergency legislation, which narrowly cleared this house a few weeks ago. They say they can already do what is needed without the legislation, so why put these additional powers into what was originally a very sensible and well-needed bill?
The new provisions of authorised officers are simply over the top, and as I said, this bill will allow Victoria Police, PSOs, WorkSafe inspectors, public servants and other health service professionals to have warrantless search and seizure powers. It may sound silly, but what are they planning to seize? Are they going to find the virus hiding in someone’s wardrobe? I am sure a knock on the door is sufficient in determining how many people are in a household—for example, if there are more than five people there. Extending powers for police is one thing, but allowing a class of individuals with specific relevant skills and expertise to become authorised officers with these rather still wideranging powers is quite alarming.

The government refers to culturally and linguistically diverse individuals, which suggests, as I know, the government aims to have community leaders where necessary appointed as authorised officers. Well, while they may be leaders in their communities—proactive and productive people who produce positive outcomes—they are not trained to be handling this kind of power. This is another overreach.

Another huge issue I have is with the government’s approach to this bill. Like with the state-of-emergency extension, the government has neglected to properly consult with the public, let alone just inform the public—take them on the journey with them—about exactly what purposes the bill and the legislation serve. I suggest it may be because it would be hard, not only hard for them to explain but even harder to justify these measures. As a result people have, understandably so, jumped to conclusions and misinterpreted parts of this bill. People are alarmed and fearful enough already. So why not explain this bill in laymen’s terms to the public? The Premier gets up every day at a press conference, widely watched. Why doesn’t he explain to the public why we need the additional powers in the omnibus bill?

I have also real concerns about fairness. Now, we have learned from the hotel quarantine inquiry that police lobbied the government against having the police man Melbourne’s quarantine hotels, which resulted in untrained private security guards being used instead. This resulted in Victoria’s second deadly wave that has claimed more than 700 lives. We have endured draconian enforcement for minor breaches of the rules with heavy fines of up to $5000 handed out—for minor breaches. This would be understandable if the public service and the government were held to account for their failures, but they have not been, so far. So far nobody from the government has taken any responsibility. No-one has been met with any real repercussions, except for one minister and one top public servant being put in the position of having to step down.

The government wants to increase the range of people who can be authorised officers, who can then hold Victorians to account and possibly substantially fine and punish people for doing the wrong thing. But perhaps they should set the right example and make it clear to Victorians who the people are that made the decision that led to this second wave and hold them responsible for their actions. Perhaps then the community may stomach this sort of heavy-handed approach a little bit better.

I will note that while the government has made some serious blunders, it has also achieved fantastic results recently which have absolutely prevented Victoria from following in the footsteps of COVID-devastated places like America, London, Italy and many places on the continent, and the Americas. Pending further changes to this bill I can see no reason why the government’s current arsenal of powers is not adequate to handle the tail end of this second wave. As a result I see no reason to impose new radical measures on the Victorian community.

Mr FINN (Western Metropolitan) (15:14): Well, what an extraordinary piece of legislation we have before this house today—not as extraordinary as it was last week, but extraordinary nonetheless. It was Machiavelli who was originally credited with saying, ‘Never let a good crisis go to waste’, and how appropriate it is. It could well be Daniel Andrews that came up with that saying, because what the Premier of this state has done now for most of 2020 is use this virus, the Wuhan virus, as something to advance his agenda—something to advance his political goals.
I have to say that I, along with the overwhelming majority of Victorians, have had a gutful. We have had enough. In fact we have had more than enough. This legislation in its original form was possibly the ultimate power grab. Here was a government that was telling people that they could be arrested and locked up not for what they had done but for what they might do in the future. This is the thinking that this government has. Irrespective of the fact they were forced into a backdown, this is the thinking that the Andrews government brings to this Parliament: they will lock you up for what you might do in the future. We are all clairvoyants now, presumably. What an extraordinary proposition. What an appalling proposition.

It just goes to show just how much the Premier has totally lost the plot. It just goes to show how out of touch this Premier is with average Victorians. Indeed it goes to show how out of touch Daniel Andrews is with his backbench, because his backbench did not want it, let me tell you. They were furious. And most of his cabinet did not want it either, but of course they were not consulted. They were not consulted because Daniel Andrews has the gang of eight; he has got the politburo that makes all the decisions for him. And it is a pity—it is a great pity—that from this house’s perspective there is not one member of this house in the politburo, not one member of this house in the gang of eight. It is a pretty sad reflection on members of the government, members of the ministry in particular, who are in this house—very, very sad indeed.

But of course the legislation has not changed much at all. There is talk about authorised officers being able to perform the duties, I suppose, reserved normally for police officers. Now, who are these authorised officers? What training might these authorised officers have had? It does not matter. The Premier says it does not matter, because this suits his way of thinking. You have got to realise where this bloke is coming from. Daniel Andrews is a hardline, really dedicated, committed leftist. In years gone by some might have even called him a communist, but he is undoubtedly as hard left as they come. And this is his mindset: ‘You do what I say or I will crush you’. That is what he is saying to Victorians, and we have seen that with the curfew.

Now, remember the curfew. We could not go out after 8 o’clock to start with. Then we could not go out after 9 o’clock. Then somebody took it to court. Out went the curfew. And we found out then that there was no medical advice that justified the curfew and there was no advice from police that justified the curfew; this was something that Mr Andrews had come up with all by himself. This is a part of a thought process of somebody who wants to control people, who wants to keep people in their place. This is the mindset of a Premier who is totally out of control, and it is just tragic that the people of Victoria have had to be subjected for almost the entirety of this year to this man who—well, you would have to say—is quite mad at times.

Of course we then have the 5-kilometre rule. We all know about the 5-kilometre rule: you cannot go beyond 5 kilometres from your home unless you have a really, really good reason, and if you do not have a really good reason, the police will stop you and they will take you away and they will fine you vast sums of money. This 5-kilometre rule is another piece of nonsense from a very nonsensical government. It has got to go.

As a part of that process what I would like to do at this point in time is to circulate the amendments that the opposition will put forward in committee.

Opposition amendments circulated by Mr FINN pursuant to standing orders.

The ACTING PRESIDENT (Mr Bourman): Mr Finn, they have been put on the table, so you can continue.

Mr FINN: Excellent. That is just marvellous news. I am delighted to hear that, because these are particularly good amendments, and one in particular, 16A, which removes the 5-kilometre rule. Now, this is something that should not be up to the opposition to do. This should have been done by the government. In fact this should never have been introduced by the government. This, as I say, is just another indication of how much the Premier of this state wants to control the people of this state. We
have had people come in here talking about civil liberties. We have had people talking about how they are libertarians and all this sort of thing. And then some of them have voted to allow this to happen—quite extraordinary. I know I am using that word a lot, but it really is, this legislation, and this whole process has been quite extraordinary from the first day. So we in the opposition are urging the house to support amendment 16A, which inserts new section 200AA, and also amendment 16B, which inserts new section 200AB.

**Ms Bath** interjected.

**Mr FINN**: Well, indeed, Ms Bath, as you quite rightly point out. I urge the house to take a favourable view of these amendments, in particular the removal of the 5-kilometre rule, because this, I think, will be wildly popular throughout the length and breadth of Melbourne. I do not know anybody who has got a good word to say about this. I was talking to a friend of mine last night who has a new baby. She has no family within 5 kilometres of her home, and her words to me were, ‘This is driving me insane’. She has got a new baby at home. She cannot have anybody come to see her. She cannot have friends and she cannot have relatives and family come to see her to give her a hand because of this 5-kilometre rule. Now, what the hell is going on in this state when new mums cannot be helped because of a government regulation? What is going on in this state? What insanity is going on in this state? So I urge the house when the opportunity arises to support the amendments, in particular 16A, because that is a very important one.

Now, I suppose this bill begs the question: do we trust the Premier? Now, I reckon if the pubs were open and we were able to participate in the pub test we could walk into any pub in Melbourne, any pub in Victoria, and say, ‘Do you trust the Premier?’ And the answer would be an overwhelming, ‘Not on your nelly’. No way known do Victorians trust the Premier. I have had emails that would curl your hair with some of the language that has been used about the Premier by Victorians. On my own Facebook page I have had to remove comments from people who have in very colourful terms described what they would like to do to the Premier, and I have taken it upon myself to remove those because I do not want to be promoting violence. But that is the sort of thing that is going on. People are really, really angry. I have never seen Victorians as angry as they are now. I am old enough to remember what it was like in the lead-up to the 1992 election, and that was pretty bad. But now I reckon it is 10 times as bad. I was going down to get some lunch today, and a bloke stopped me in the street and said, ‘Do you know where Dan Andrews is?’ He said, ‘I want to see him’, and I thought to myself, well, I am not sure whether I should point that out. But I said, ‘He’s up there’, and off he wandered. People are walking the streets looking for the Premier now. It is quite an amazing situation that we have in this state.

Do we trust the Premier with the powers that he wants in this legislation? Not in a million years would you trust the Premier to do anything. And we have seen him at the Coate inquiry. You know, we have seen him playing with the truth. We have seen him manipulating the truth. We have seen him tell out-and-out lies. We have seen him have no regard for the truth at all in regard to the Coate inquiry or indeed quite often in these interminable press conferences that he has. It was quite extraordinary: last week the ALP put an ad out—or tweet, I think it was—and said, ‘Congratulations—100 press conferences’. That is 100 days of misery for Victorians, 100 days of death for Victorians and 100 days of destruction for Victorians. That is what that was, but the ALP thought it was worth celebrating anyway. It just goes to show, as I say, how out of touch they are—totally and absolutely out of touch with reality.

The fact of the matter is that this government and this Premier are traumatising Victorians. They are traumatising old people, many of whom have been sitting in their homes for the last seven or eight months without seeing another living or breathing soul. They are traumatising little kids—and all they want to do is go and see their friends. Now, up until yesterday they could not do that. There is still a section of the school community who cannot, including two of my daughters who are still at home. Now, they have not seen their friends for months and months and months. They have been traumatised by a government that just does not care. And as I said before, for the rest of us, we do not seem to
matter. The rest of the community just does not seem to matter, as long as Daniel Andrews can flex his muscle and show what a big he-man he is, how strong he is and how he can tell people what to do and how to live their lives. That seems to be his ultimate.

As Ms Crozier says, his party is not happy with him at all, as I mentioned earlier. It is very, very true indeed. We have a situation where members of his own party are openly speaking to the media about how they want him to go. Labor members of Parliament are openly speaking to the media now about how they want a new leader. They are talking about the need. They want him gone by Christmas. I reckon they would want him gone by about dinnertime if they could. They would have him out the door now if possible. I am told that the meetings around the corridors of this building today have been, I think, instructive to say the very least, because you have had little groups here and little groups there—and they are not talking about whether Richmond is going to beat Port Adelaide on Friday night, I have got a feeling. They are very much talking about whether Daniel Andrews will survive, and I do not think he will and I do not think he should. He does not deserve to survive the job because as Premier he has been an unmitigated disaster. Indeed he is an unmitigated disaster, and I just hope, whether it be the Coate inquiry or whether it be Peta Credlin, that somebody gets to the truth.

A member interjected.

Mr FINN: Well, Peta will—I have got no doubt about that. But I just hope that somebody gets to the truth of this whole thing very, very soon because, as I said earlier, the people of Victoria have had a gutful. They have had a gutful, and they are saying, ‘Daniel Andrews, you have already got too much power. We do not want you to have any more, and we will’—I will—‘oppose this bill’.

Ms PATTEN (Northern Metropolitan) (15:29): This year has been, it does feel—many of the days feel—like groundhog day, particularly as we are coming back to debate the COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020, which amends the legislation we debated in March, earlier this year, although it was quite different last time we debated it. It did not go to a vote. In fact the whole chamber supported the bill. And frankly, I am not sure what has got in the water. I am sure our wastewater testing could probably tell us, but something has changed.

Mr Barton: What can it be?

Ms PATTEN: Mr Barton, I am not sure what has changed. But I think I understand what has changed, and I will talk about that in a minute. Most of this bill is exactly the same bill that we debated in March. We debated about how we needed to keep our prisons, our courts, our systems, our local government and our parliamentary committees working. And way back in March that did not seem too radical. It seemed quite sensible. It seemed quite practical. In fact some of the measures—things like being able to put forward electronic documents and the like—are things that I actually think we should consider.

Certainly I was speaking to some groups who were working with prisoners, particularly at the women’s prison the Dame Phyllis Frost Centre, and they said one of the effects of this is that it has enabled video visits with inmates’ families. For some prisoners it is the first time they have seen their pet, it is the first time they have seen their dog, it is the first time that their children have been able to sit comfortably at home while they speak to their mother. These are things that I think, coming out of COVID, we should be looking to adopt. But now is not the time to talk about any further legislation, given the fear and fury that has been instilled in us today listening to the previous speakers.

However, this is not the same bill that passed the lower house. This is a very different bill, because what passed the lower house was overreach. What passed the lower house was not good. What passed the lower house instilled greater fear in our community. The proposal that authorised officers could pre-emptively detain Victorian citizens not because they breached COVID quarantine or they breached health directions but because they might, or because an authorised officer thought that they might, went far too far. There was no judicial oversight of this either, nor was there any appropriate review mechanism. And I, amongst many of the people in this chamber, was vehemently opposed to
that section of the bill. I am very pleased that the government did listen to the representations that were made not just from me but from other people in this chamber, and also from the Law Institute of Victoria from very senior barristers, from the human rights commissioner and so on. So those detention provisions are gone.

The provisions relating to authorised officers have also been significantly pared back. I note that the bill now seeks to really constrain the powers in this category of authorised officers so that, obviously, they cannot detain anyone, and also it seeks to limit those powers in various spots. And I note Mr Davis also touched on this, but we will have effectively four classes of people that will have different powers under the Public Health and Wellbeing Act 2008 if they are appointed and trained as authorised officers. So the police will have a certain number of powers, you would then see WorkSafe Victoria inspectors having certain powers within workplaces and you would then see possibly health service professionals and interstate health professionals, particularly in the regional areas, helping as we open up.

I just want this state to open back up. I think we all want it. We all desperately want to be able to see our friends and families. We desperately want our businesses to open. And I have to say I believe that this bill is actually sensible in assisting us to get there. I think that specifically and particularly when I look at regional areas, where people are worried and scared that the dirty Melburnians will be sneaking into their regional areas and using their hairdressers and enjoying their wine and visiting their cafes—sorry, that is probably a bit too touchy at the moment, the cafe visiting.

We need to be able to strengthen how we have the controls that keep our community safe, and they are really important and it will not be as it was 12 months ago; it will be different and we will have to socially distance and we will have to be careful about getting tested when we think that we been near someone or we are feeling unwell. We will have to be cautious about hotspots. We will have to learn to deal with this and to keep ourselves safe because we are not going to be without COVID. I hope next week that we start opening up. Let us accept—and I know everybody here will probably be clicking the refresh button every morning to see the morning numbers—that Victoria is going to have some COVID for quite some time. We can open up, but we do need people out there in the workplaces ensuring that workplaces are as safe as possible. We do need people out there, health officers, providing contact tracing out in the regional areas. We need all of this to ensure that we can move to step 3, to step 2, to step 1 so that we can open up again in whatever that COVID-normal way will be.

So I think this bill is now a functional bill. It does that. It will allow us to keep functioning. I am desperately hoping that we will open up in Melbourne next week, and I really hope that the regional areas almost go back to normal next week. Ms Lovell actually yesterday raised some interesting points about the border bubbles where you have got a vineyard open in Albury but not one across the river, but the people from Victoria can visit the one in New South Wales. There are these contradictions around it, and I think this is what can be fixed and this is what we need to be doing.

But if we do not support this bill, if we just say, ‘No, I don’t want to support it. I supported it in March; I’m not going to support it now’—and it has not changed. Let us just remember that. It really has not remarkably changed. I will get onto possibly why I think people have changed their position on this bill, but if this bill was not successful we would be back to 1500 Victorians travelling across Melbourne into the Melbourne Magistrates Court every day. We would be back to having pools of 200 people getting interviewed for jury duty. We would see the end of any online local government meetings. We would see the end of any online joint committee meetings in this place. We would see changes in the way that we could operate our courts. We would see significant changes which right now are ensuring that our prisons and our courts for the most part can work safely at the moment. So there are many areas where this bill will assist us to open up. This bill is not about keeping us shut in my opinion.

However, that is not what you would think by listening to this chamber, by listening to some of the misinformation that is being spread out there, hearing the Leader of the Opposition undermining the
chief health officer in this place, hearing Mr Finn questioning the mental health of the Premier. This is actually now becoming a trust issue, and I am very concerned about the fear in our community, because people are really scared. Looking at some of the things that people are writing to me about this legislation, they think that this means that people are going to walk into their houses and steal their children. They think that this means that they are going to be locked away. They think that this is a horrific attack on the Australian people’s democratic freedom.

I mean, every state in Australia actually has—well, if you want to call it draconian—more draconian legislation than this. Every state in Australia has authorised officers with far more power than we are debating here today. Yet that seems to be silent. No-one seems to be speaking about the powers in Queensland, the powers in New South Wales and the powers in Tasmania. No-one seems to be speaking about this. But here we keep wanting to blame someone for this pandemic; someone has got to be at fault. Now, in my mind, I would actually like to know what went wrong, and I want to know how we can make sure that that does not happen again. But I do not think that sending around misinformation that breeds mistrust helps our community. It makes our community even more fearful. It makes our community scared. When you say you cannot trust the chief health officer, when you say that the chief health officer is not up to the job, this does not help the community. This does not help the community’s mental health. This does not help the community feel safe. This does not help the community in moving forward.

This bill has not materially changed, yet all of a sudden it is the most treacherous breach of our democratic freedoms ever. Yet in March no-one had that to say about it—no-one. In fact we all reluctantly supported it. We look at what is happening around the world, and I know my friends, when I speak to them in the United States or England, think we are blessed. They think we are actually bloody lucky.

I am desperate for this state to open up. I am desperate for my local businesses to open up. I am desperate for my constituents to be able to get back to work as they did and for my constituents’ children to get back to school. I am desperate for that to happen, but I know that we actually are going to need some controls to ensure that that happens safely and to ensure that our constituents feel safe, because I know that right now, because of all this fear out there, our constituents do not feel safe. They are scared. They are scared that if they go out there something bad will happen—that they will get arrested on the street.

This bill is supported by the AMA. This bill is supported by the Australian Industry Group. This bill is supported by Liberty Victoria. This bill is supported by the commissioner for human rights. This bill is supported by the Law Institute of Victoria—by the QCs that criticised this bill. They are now saying that they are satisfied that this bill finds the balance between health measures and civil liberties. Felicity Gerry, who is one of the prominent QCs who wrote to the Premier about this—I spoke to her last week—says we need these health measures. She is in the UK at the moment—again, another one who wishes that the UK could do some of the things that we are doing here, that wishes that they could see their infection rates going down, that they could see contact tracing, because that is just out of the question in these jurisdictions. But we need this.

We need these measures to ensure we can do the contact tracing, to ensure that we can create this ring of steel around Melbourne and to ensure our regional areas can go about their business in the free way that they should, because at a 0.4 infection rate they should be back in business completely. That is what I want to see. I want to see regional Victoria and I want to see Melbourne open up, and I think we can do it. I think we can move to step 3. The epidemiologists are telling us that we can do this if we do it safely, if we do it with some of these measures that ensure that we can do it safely and that ensure that our justice system can continue to operate but can do it safely, and if we can ensure that we can keep our aged-care facilities safe. But we have also got to—and it behaves us in here to do this—try and instil a level of trust in our community, because that is what we are losing, and we have been losing it for a long time.
We know about the Edelman Trust Barometer. We no longer trust our churches—possibly for good reason; we no longer trust our corporations; we no longer trust so many of our institutions. Sadly, some of the rhetoric and the vile information that we are feeding our constituents is further breeding this level of mistrust in our community, and that is something that we need to stop. That is something that we need to fix. I, for one, actually support this bill. I do not support everything the government has done, and on saying that and on finishing, I support the amendment that Mr Davis presented today on the 5 kilometres. I have yet to see the evidence of that. Now, probably if I was in a regional area, I would not want to be saying that, but as a Melburnian and as someone who represents an inner-city electorate, I do support the abolishment of the 5-kilometre rule. But we do need health measures. We do need the health department to be as well resourced as possible to ensure that we can come out of this safely and to ensure that our businesses can open up and they can open up safely.

Ms BATH (Eastern Victoria) (15:46): It is interesting in listening to the debate today that the members of the government talk about ‘reasonable and proportionate’. I have heard that mentioned today, while the multiple thousands of emails that have come to me, people who have knocked on the door and come into my office or who have rung or written letters even—many of those—do not think it is reasonable and proportionate, the bill before the house. In fact most do not. Some are just lamenting their pure frustration at this botched response from the Andrews government, but most of them are saying that this huge overreach and quite unnecessary. I did not hang out a shingle anywhere saying, ‘Come and tell me your woes’. I do not mean that disrespectfully. I did not tout for any negative opinion; I was just an upper house MP who was prepared to listen. And we have all received them; we have all received many of those letters and emails.

What Victorians want is recovery and hope, but what they are getting is a dictatorial-style Premier. I want to talk about this unprecedented, power-hungry, lockdown elimination strategy of Daniel Andrews. It is crushing the livelihoods of thousands of Victorians, it is compromising their mental health and it is scaring the daylights out of many of them. This is not anything that I have done; this is not anything that MPs here have done. It is Daniel Andrews who is creating this. He has created it from day one.

I cannot understand it. Yes, an overseas virus came to our shores, as it was always going to, on the back of overseas travellers. In those early days when we were all glued to the television and we were watching Daniel Andrews, the Prime Minister and the other premiers talk about national cabinet there was a feeling of hope and unity with respect to that. At national cabinet they were speaking daily, probably hourly from time to time, and yet what happened to Victoria is so vastly different. I will go into the bill in detail shortly but will give some context around that. Daniel Andrews went, ‘I’m speaking to the Prime Minister’. All right. Okay, well done. Let us keep going on this. But what he then did was, rather than as a leader taking to the group discussion, ‘What are you doing with your overseas returned travellers? What are you doing in terms of hotel quarantine?’, he did not take the advice; he went out on his own. For some reason, and there has been much discussion around this—was it to in some way try and prop up the unemployment that was going to occur?—rather than accepting help from the ADF, the Australian Defence Force, he propped it up by employing people on Gumtree via security groups. It just defies logic.

So he did that, but we have seen it backfire so terribly, and what we see now is that 90 per cent of all deaths in Australia are through Victoria—810 lives lost out of 898 Australians. We see 791 directly attributed to the hotel quarantine—98 per cent in my maths—and I know that Jennifer Coate in the inquiry is talking about 99 per cent or that evidence in that inquiry shows 99 per cent can be attributed back to the botched hotel quarantine. And these are not just numbers. They are people that other people loved. They are people who passed in isolation. Some will say, ‘Well, they’re aged. These sorts of things are always going to affect the aged and vulnerable first’. Yes, that is true, but on any given day when there is someone dying in a nursing home a family member or a beloved friend can go and hold their hand and be with them—but not in this situation, not in this botched scenario, this nightmare that we have lived in Victoria.
And who is to blame? Well, every time I think about the Premier and what he is doing, I think of that pea and thimble trick. He has popped the pea of truth somewhere under a thimble, and he is moving it round on the table as fast as he can. We have seen various entities, such as the former chief commissioner, talk about and release commentary around a time span that could indicate who was actually that final governing body, who was the voice, that said, ‘Yes, let’s stop the ADF and bring in security officers’. And what we also have seen in a diabolical way is amnesia. This is not leadership; this is amnesia that we are getting. Again, it is diabolical that our Victorians have suffered so.

Indeed, in my own electorate of Eastern Victoria Region, Gippsland has zero cases, and yet people are still locked down in terms of businesses that can open. No gyms can open, no dance schools can open, there are no swimming lessons in heated pools and the list goes on. And yes, you can say, ‘Oh, but it’s all for the greater good’, but New South Wales does not have to wear this burden. New South Wales does not have the subversion of executive government. Victoria had a government system and a cabinet, then it became the crisis cabinet and now it has morphed into the decision-maker of one. And there is no accountability with this. Certainly the daily briefings that the Premier provides are almost like having a tooth extracted without anaesthetic. He monotonously bats back questions, some of them very decent questions from media, about what is going on. Former Minister Mikakos has reflected, and I quote:

The fact that no such Cabinet, or Cabinet Committee, process was engaged for the setting up of the Hotel Quarantine Program is the root cause of some of the issues which have been ventilated before the Board in the course of this Inquiry.

We have seen that contact tracing is, again, just a debacle. Do we have enough people? Don’t we have enough people? Do we have a system working? Do we have fax machines? Why can another state, a comparable state like New South Wales, get it right, and why do we get it so wrong? And why wasn’t a leader going to that and saying, ‘Listen, this is pretty desperate stuff. I need to lead my people out of this properly. What are you doing that we’re not’? It is about leaving your ego at the door and finding out the best solutions.

And in terms of—and I know others have made this point—the depression and the anxiety that people are suffering, I do feel for the people in Melbourne, my city cousins, being imprisoned for up to 22 or 23 hours in a day and having those curfews. It is just so, so tragic. We know also from statistics that before COVID Lifeline had approximately 2500 calls nationally per day. That in itself says that Lifeline is an amazing organisation and needs our ongoing support. But when Victoria came into its COVID response, we had 3000 a day across Australia and 1000 of those were in Victoria alone. Two out of three contacts to Beyond Blue were from mental health support services—two out of three were coming from Victoria. And the list goes on.

There has been a call to ease restrictions, and I adhere to and commend and support those restrictions. Regional Victoria does not need to be in the state that it is in. We have seen a very odd backflip by the Premier recently to do with masks. Now we are getting to the point where we are very low in regional Victoria. We are beating this thing by the sheer goodness and will of the population, and yet the government is now saying, ‘No, sorry, shields are not right’. You can wear a gaiter, but apparently a bandana is not right. Where is the documentation behind this? Where is the science behind this? These are captain’s calls that again are not serving our people, and the people are in genuine fear, as I have said.

There is so much fear that when this opportunity came, through this omnibus bill, to write to the Scrutiny of Acts and Regulations Committee, to write to SARC, there were 13 000 emails in only a few days. Now, the government only opened it up for a matter of a couple of days—13 000! Some of them cc’d me in as well and said, ‘How do I write?’—and away you go. They are concerned about their rights and liberties. They are concerned that the original format of this bill engaged very severely—the omnibus bill engaged very severely—the charter of human rights. Last term I was in SARC and I know the process, and it was interesting that often when there is a bill that seems quite
unrelated to engaging the charter of human rights, down in layer by layer it was identified how and what. Well, I would have liked to have been a fly on the wall in this one because I would have thought it took days, it should have taken days, to go through this level of how it compromises human rights.

Now, this new bill, or the amendments to the bill that was obviously not going to get through—otherwise the government would still have it on this bill sheet today—is better, but it is still a bad bill. These new provisions still impinge upon the rights of our freedoms.

The new part to the bill goes to, and looking at that in more detail, the authorised officers. Now, people were very concerned about authorised officers from the start, but this one still enables the secretary to enable police officers and PSOs to, without a warrant, enter a premises to seize and search. We have seen—yes indeed—in this other part that WorkSafe inspectors will have the power without a warrant to come in and seize anything that they deem is necessary, where they require the provision of information. They can require the destruction or disposal of any thing in a premises, whether it be work or home. The other one that gets people still is: an employee in the public sector of the state—and that could be, taking up your point Dr Bach, a naturopath, a masseur, a parking attendant from Canberra or a social worker from Queensland—could close premises or direct a person to enter or not enter and remain at a premises. They could also, without a warrant, enter premises and search and seize—and the list goes on. People are very concerned about this.

Finally, I just want to reiterate a couple of things that one of the many people who have written to me has said. Helen Case from Drouin said:

The current economic devastation to this State is immeasurable and flies in the accord of acting in the best interests of the State and its citizens.

The ongoing fear campaign and evasive commentary shows an abysmal lack of leadership.

The extension of proposed powers does not correlate with the submissive compliance of most Victorians—and I concur with her—and those who have not been submissive have yet to show any contribution to growing numbers in relation to this pandemic. In fact, most of the powers have very little to do with a virus and more to do with condoning invasive actions and inappropriate domination.

She goes on:

Let the Police do what they are extensively trained to do and regain the respect of the citizens.

Let the PSO’s confine themselves to the roles intended.

Let the Worksafe Inspectors concentrate on their field of safety in the workplace.

There has been no demonstrated need for this bill.

Victorians have been incredibly and overwhelmingly compliant for such an extended period of time … There is no need for the amendments.’

Well, I concur with her. I also concur with the Liberal and Nationals amendment that I think Mr Finn put up in relation to removing that 5-kilometre boundary. People have been shut in, and their minds must be just about imploding with that restraint. We are beating this without this bill. There is no need for it, and the Nationals will not be supporting it.

Ms MAXWELL (Northern Victoria) (16:01): I concur with Ms Terpstra—glasses, earrings and masks make it difficult. Strap yourselves in, everyone. To quickly end any suspense for those people who are watching and listening right now, let me say that Derryn Hinch’s Justice Party will not be supporting this COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020. Actually I will repeat that so that even those few numbskulls on Twitter and Facebook who still seem to think that Mr Grimley and I supported the recent state-of-emergency legislation can try to better wrap their minds around this. Derryn Hinch’s party will be opposing this bill. I will outline the reasons for that approach in more detail shortly.
As many will know, today’s debate actually marks the culmination of weeks of discussions, consultations and representations on this bill and the many and varied elements of it. During that time the emotions of people right across Victoria on this bill have run high, just like they did on the state-of-emergency legislation a few weeks ago. Again, those of us on the crossbench have felt that as acutely as anyone.

Over recent years many people interested in politics and government have quite rightly lamented the growing apathy of many of their fellow Australians towards parliamentary democracy. However, I can legitimately say that I have observed the opposite trend over recent months as a member of this house—and that is a great and very refreshing thing in itself. There have been a very small number of people who have resorted to directing some particularly vicious threats and some absolutely vile personal abuse our way in the process. I would encourage any of those in that small group who might be listening today to please reflect on your behaviour and how it does your cause absolutely no favour or credit whatsoever. To everyone else who has contacted me, both from within and outside this Parliament, to express their positions on this bill and how they would potentially like me to vote on it, I say thank you. I will not please every one of you with my decisions on this bill, especially those of you from within the ranks of the government. However, generally speaking those discussions and that lobbying has been both constructive and incredibly important.

That said, I will admit that from as soon as I first saw the original version of this bill, and that was before it had garnered much public attention, I was immediately very concerned about the proposals around the preventative detention of people in particular. To be frank, I do not think too much lobbying from anyone was going to change my mind that those provisions were grossly unreasonable. They have no place in a country like Australia, and they needed to be eliminated from the bill forthwith. Nonetheless, I am certainly glad that many people did ultimately speak out to that effect. I am also heartened that the government did indeed subsequently listen to and act on these concerns, and for that I say thank you.

It being an omnibus bill there are actually many things within the revised version of the legislation that are quite reasonable and logical in their own right. I certainly want to acknowledge that I am very pleased above all else with the inclusion in this bill of the child reunification changes. That part of the bill has actually been badly misrepresented or at least misinterpreted quite a few times in public commentary. This is not about creating a widespread potential for the confiscation of children from their parents for 30 months. It is actually quite the opposite. It is about giving parents with children already in the out-of-home care system sufficient opportunities and time to prove they have the capacity to safely and effectively resume caring for their child or children. The potential addition of an extra six months of time to the standard 24-month allocation of the reunification process is designed purely to offset the problems caused by the COVID restrictions this year in the way these arrangements traditionally work. I am very heartened by this because I suspect these changes have ended up in the bill at least in part on the basis of questions that I asked in question time on 2 September that essentially called on the government to take this kind of action. Far beyond and far more importantly than my own involvement, the changes in this area of the bill also respond to concerns raised by many affected parents and many stakeholders quite widely across the child protection sector. Journalist Michael Fowler also did a superb job in the Age on 9 August in giving voice to some of those people and their concerns. So given that background, I would actually like to thank the government for responding very sincerely and effectively to all of that advocacy.

That is not by any means to pretend I am happy—in fact far from it—with all aspects of child protection at the moment in Victoria. There are actually an extraordinary number of problems that need to be addressed, and in my view the reunification aspect should be embedded in another bill which could also address other legislative changes required to improve Department of Health and Human Services child protection and their systemic failings to protect children. I am also utterly horrified when I contemplate just how many cases of child abuse and family violence will have inevitably occurred in Victoria during the lockdowns of the past seven months. Nevertheless, I do
genuinely thank the Minister for Child Protection, Mr Donnellan, and the government for seeking to fix, as part of this bill, this particular and very significant set of problems triggered by the COVID restrictions in child reunification.

Again, there are various other parts of the bill, especially in an administrative sense, that are perfectly reasonable at face value. However, there are simply too many problems overall for us to allow it to pass in its current consolidated form. Let me explain the four main sets of reasons why.

Firstly, and very simply, we believe that it should have been split up into separate bills. Items like child reunification and teacher registration, for instance, and/or others on which there would be unanimous consensus across the chamber should have been carved out from elements like the OH&S changes and the introduction of the new authorised officers. Mr Grimley and I made that point clear right from the very earliest discussions with the government on this legislation. The exercise of voting clause by clause on the bill, which will instead occur later today, is much more confusing, unwieldy and time-consuming. I it is also unreasonable to expect most Victorians to follow, understand and therefore have confidence in how this is being done. It is on that basis that we in Derryn Hinch’s Justice Party will essentially continue to vote no on each clause contentious enough to be the subject of a division in the consideration of this bill.

Secondly, and I put it simply, this bill is essentially premised on a series of ad hoc fixes to deal with what are really much deeper structural problems in Victorian public health administration. In our view these structural issues actually require a much more holistic response. At the very least what is still needed right now as immediate priority improvements are much more effective and comprehensive and far less archaic systems of COVID testing and contact tracing.

Thirdly, the bill, like the recent state-of-emergency one, again reflects a mentality in the coronavirus response that in our view continues to be misconceived. This idea that it is prudent to just continue to postpone a desperately needed return to normality for several more months here and several more months there, particularly with winter now behind us, should have been abandoned a while ago. More to the point, the consequences of this inertia are proving just as damaging and dangerous as COVID itself. Yes, there have been more than 800 deaths in Victoria attributed to COVID—albeit that a closer inspection of those numbers suggests the overwhelming majority of them have involved people with comorbidities. I am not dismissing the seriousness of 800 deaths, and I would actually like to pass on my continued condolences to those families who have loved ones. For every death, though, that might have been caused by this pandemic we also see all around us numerous examples where the cure has proved worse than the disease. By that I refer to the consequent neglect of all manner of other types of individual suffering, illness and long-term societal damage. Among some of the many examples of this are: the sidelining of many elective surgeries; diminished levels of care for cancer and other chronic disease sufferers; the alarming spikes in postnatal depression, which is something that is very dear to my heart; the community-wide increase in family and domestic violence incidents; the onset of many mental health conditions, including increased cases of mental anguish, despair and suicidal ideation among children; as well as surges in job losses, business collapses and bankruptcies; and the extraordinary overall shock to our economy that will now take decades to truly overcome. These problems will also undoubtedly escalate exponentially for every day, week and month that Victoria’s cruel COVID restrictions continue, and that is not even remotely acceptable as far as I am concerned.

In turn, I also find it especially difficult to vote for the six-month extension to most of the measures in this bill for a variety of operational reasons. Above all, this includes what will inevitably be their continued adverse effects on the functioning of Victorian courts. I imagine that not many people who are listening to this debate will readily know this, because it has not been publicised widely; however, for the past six months the coronavirus response has had a profoundly worrying impact on both the scheduling and the conduct of Victorian court cases. Dozens of accused and convicted criminals have had their sentences commuted and have walked free altogether because of the mere spectre of a
possible COVID outbreak in our prison system and/or because of the significant new delays now associated with arranging court hearings.

It also turns out that even the two big-ticket justice-related items that were touted in the first COVID omnibus bill back in April as providing potential solutions to these kinds of problems have subsequently barely been used. Specifically, two measures were judge-only trials and the imposition through the Magistrates Court of new electronic monitoring arrangements for people on community correction orders. From discussions with the government in recent weeks my understanding is that just one, only one, judge-only trial has proceeded to full completion in that time—one. As of a week or so ago I also understand that only around five people on CCOs have been subjected to the new electronic monitoring arrangements. Frankly, I think these developments on their own are enough to say that we need to shelve those alternatives and return to conventional processes and trials in the courts—allied, of course, to sensible procedures around physical distancing and the maintenance of good hygiene within court facilities. Let us put it this way: if I was a defence lawyer representing serious or violent criminals, I imagine I would be absolutely overjoyed at the arrival of this legislation. In fact I would be wanting the kinds of COVID-specific arrangements incorporated within it to keep being extended and extended, just as the government is doing.

Fourthly, and most disturbingly of all, the changes within the bill equip the government and their officials with even more control, again, over the lives of Victorians. This is exemplified most clearly by the provisions in relation to authorised officers. These were, as everyone knows, actually far worse before the so-called preventative detention elements of them were stripped from the bill last week. However, even in their revised form they still create another new range of emergency powers and directions. After seven months—seven months—the government and its officials should actually be trying to relinquish many of the COVID controls and diktats, not seeking to wield even more of them.

There are also some changes in the OH&S area of the bill that are not palatable to us. Specifically, we cannot see any justification for the inclusion of clause 15 of the bill. This would allow the new prohibition notices or directions to be issued by an OH&S inspector for perceived non-compliance by a workplace with any COVID-19 direction. Yet it appears that such sanctions already broadly exist.

We must also remember that many employees are currently working from home, which would mean an invasion of your own personal and private space.

Mr Grimley and I do not come to this Parliament to be oppositional, unreasonable or hostile by any means. We will always be interested in and happy to support government legislation that we believe is genuinely in the best interests of Victorians. Frankly we would also prefer if there was no cause for dispute and therefore not a compelling need to speak out on these kinds of bills at all. However, as things stand it would be a dereliction of our duty not to say some of these things we are saying today. That applies not just to an ever-increasing level of encroachment of the state into areas of personal freedom and liberty that remains deeply disturbing but also to what we regard as an urgent and clear need for the government to alter its thinking on its COVID response. People need to face up to the basic reality that the virus will undoubtedly be with us in some form for many years—that is, even if there happens to be a vaccine. The belief among the government and their health officials that their ongoing subjugation of the population is justified because it will help them to eradicate, control and disrupt every instance of COVID forevermore is preposterous. Quite clearly it is also disproportionate to the risk.

I would also say to the government that I would have more faith in its arguments and strategies if I saw more consistency and less contradiction in its approach. I have lost count of the number of times I have spoken publicly in this Parliament about the lack of enforcement of the so-called ‘ring of steel’ around Melbourne. I have also raised these issues privately with ministers and their advisers on numerous occasions. If the virus was as uncompromisingly lethal as the bill again implies, then there presumably would have been swift action on fixing this issue some time ago—yet there still has not been any change.
On that note I would also like to place it on the public record that yesterday I understand that I completely misinterpreted something that Mr Meddick said. I retweeted that. I have now redacted that, and I would like to give a sincere apology to Mr Meddick.

Most people in regional Victoria have become well aware that these checkpoints are being routinely bypassed by thousands of people travelling out of Melbourne every day, whether in cars or on public transport, using side roads or other freeways on which next to no checking continues to this day.

I also marvel that we have the completely perverse situation that hordes of dangerous individuals are walking away from jail early during the COVID period while the rest of the population is not only effectively being treated with enormous suspicion but still effectively confined to a form of house arrest. In 2017 no-one in officialdom did anything to stop James Gargasoulas from killing six and seriously injuring another 27 innocent pedestrians in Melbourne, despite countless warning signs. The likes of extraordinarily dangerous individuals like Adrian Bayley, Michael Cardamone, Sean Price and so many others have in recent years been allowed fatally to roam free in our communities, and in 2018 we learned after the Bourke Street terror attack that there is not enough resourcing in Victoria even to comprehensively monitor individuals on our terror watchlist.

In each of these respects many of the provisions in this bill, if passed, will only serve to prolong the severe pain and hardship being endured by individuals, businesses and communities across the state. So let me say this to the members of the government and to anyone else here thinking of supporting this bill: if you were to come into my office in Wangaratta or with me while I travel across Northern Victoria, I would show you truly heartbreaking examples every day of people in utter agony and despair—the stories I have listened to, the emails I have received, of children self-harming, parents with suicidal ideation. The cost of psychological appointments is just so overwhelming to these families. Moreover I would probably show you that in each and every case their distress emanates not from what COVID has done to them or literally to a single person they know; instead it is the consequence of what the crushing state-enforced restrictions and lockdowns have done to them in the way of completely dispiriting them, their families and their livelihoods.

Unlike some others here I always intend to argue in these kinds of debates for those Victorians—that is, for Victorians who for seven months and counting have felt like they have little or no say at all in what is meant, after all, to be a democracy and who in many cases have been irretrievably damaged as a result. On behalf of them, on behalf of those constituents who have begged me to oppose this bill, I say that this cannot go on and that I therefore am unable to support this bill. I only hope that other MPs on the crossbench have the decency and the common sense to do the same. I commend this bill to the house.

Mr ONDARCHIE (Northern Metropolitan) (16:22): The COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020 is the one I rise to speak to today. I have had thousands of emails. My constituents in Northern Metro Region are not just bitterly opposed to this bill but more so are acutely frightened of what Daniel Andrews is going to do them next—their loved ones, their communities, their jobs, indeed their lives. They have had enough. And make no mistake: as we watch the daily press conference, starting with, ‘Everyone right?’, and ending with, ‘Nothing further? See you tomorrow’, we know that Dick Dastardly and Muttley have just piled on the same hopeless rhetoric again and again. But one thing is for sure: we are in this predicament because of Dan’s mismanagement. Let us not be under any illusion here. Whilst Jenny Mikakos has been blamed, whilst Chris Eccles has gone, whilst ministers and public servants seem to forget what actually happened, one thing is for certain: it all points to Dan’s office. And as my constituent Tom in Bundoora said so rightly, ‘The public aren’t stupid, Dan’.

Dan has caused this catastrophe. He has put us all in this position. If any critical changes are required in Victoria, it is this: Dan should go. The hotel quarantine stuff-up, the rejection of the ADF in favour of his union-led security company mates—in favour of his friends—has led us to over 800 deaths in Victoria; 898 Australians have died because of this COVID-19 pandemic, 810 in Victoria. Families
mourn. There will be less people with them at Christmas this year. They have not had a chance to farewell them properly. My love and prayers are with them. Since 22 February this year, Australia-wide there have been 27,286 cases—20,295 in Victoria and only 4283 in New South Wales. Sydney and Melbourne love to do the comparison; let me do it again for you. Out of the 27,000 cases Australia-wide, 20,000 of them are in Victoria and 4000 of them are in New South Wales. This is because of Dan’s bad leadership and Dan’s bad decision-making. He has led us all into this very terrible situation. It is his fault. It is his doing. It is his lockdown. It is his 5-kilometre rule. It is his mistake.

Ms Crozier: It’s his captain’s call.

Mr ONDARCHIE: It is his captain’s call. He has locked us down. He has hurt businesses. He has hurt families. He has hurt students. He has hurt the elderly. He has hurt people’s jobs. He has hurt their happiness. They cannot see their family and their friends. They cannot go to birthdays. They cannot go to weddings, and sadly they cannot farewell their loved ones properly at funerals either.

Dan has radically changed the way democracy works in this state. It is no longer a democracy. A state cabinet that started as 22 members has been reduced to eight. Now, think about having 22 people around the table. The idea around that is it is a contest of ideas, it is a contest of thoughts and it is a contest of minds. It is a diversity of thinking and solutions. That is the benefit of having 22 people around the table—so they can challenge each other and come up with the right solution for Victorians. But Dan does not want that. He wants his gang of eight to be just cheerleaders for him so he simply gets whatever Dan wants: enormous power that has been centralised to just one person. How dangerous is that? Even Jenny Mikakos has said that Dan has subverted the cabinet process. Having a cabinet-led government is the basis of the Westminster system, and he has reduced that to his party of eight cheerleaders.

And now this bill, a bill for more control. He has taken away our freedoms. This bill is an attack on our human rights: our right to visit our families, our right to run our businesses, our right to go to work, our right to go on holidays, our right to relax and have fun—to go to a restaurant, to go to the pub, to go to the footy. But do you know what the government MPs will say today? They will say it is about public health and wellbeing rather than appreciation of our own human rights. And now he claims through some ill-defined road map that he will ease us back with some small gifts along the way. Well, he made this happen. It is a bit like someone who has taken your car, smashed it up and wrecked it, and then they are bringing it back one piece at a time: ‘Here’s a mirror. Here’s a tyre. Here’s a door’. And Dan wants to be thanked for that. I will not thank or congratulate this bloke who caused this problem in the first place.

There are concerns in this bill, and Victorians hear them loud and clear. It is a bill that provides for regulations to supersede acts. Regulations are normally small things the Parliament is not really required to vote on, like small changes to road rules and things like that. This allows rules to be changed that the Parliament does not even get to vote on. It is about the Secretary of the Department of Health and Human Services appointing public servants as authorised officers. Well, we know how well the secretary of the department of health did in the hotel quarantine inquiry and now we are going to give that person the right to appoint whoever they want as authorised officers to carry out the emergency powers that they would have the capacity to deliver under vague terms like ‘reasonably believes’ or any other direction that they believe to be ‘reasonably necessary’.

Daniel will say to you publicly that he took out the scary parts of this amendment bill, the ones around detention. But I have to tell you there is always a hidden agenda with him, and there is more to this. I had the opportunity, thankfully, to be part of a bill briefing last Friday where the government’s advisers briefed us on what the amendments meant. I asked them a very basic question. Under the amendments it talks about police officers, protective services officers, a WorkSafe Victoria inspector, an employee in the public sector of a state or territory other than Victoria, an authorised officer, or a health service provider—who could be anybody from a naturopath to a nail technician to a masseuse—being
appointed as authorised officers. They have the capacity under this bill and this amendment to inspect workplaces. And the adviser has confirmed that is right. I then put to them that under the current regime many Victorians are working from home, so under the act would that deem their home to be a workplace? And the adviser said, ‘Yes, it would’. So if we extend that thinking out, that would mean that police and PSOs, WorkSafe inspectors and people authorised as new authorised officers and health service providers, who, as I say, could be a naturopath, could be a masseuse, could be a nail technician, can come to your house for an inspection—to give them extra places, extra authority, extra rights to enter your home. That is totally unacceptable—totally unacceptable—and I will not support that, at the very least.

As I said earlier, I have had many, many approaches to my office and many, many thousands of emails from constituents who are really concerned, and here are some of their stories. Emilly from Brunswick West told me:

The changes in this bill are affecting my mental health as they instil fear in myself and my family.

She went on to say:

I am already under a huge amount of stress as the second lock down has closed my business, with no financial help from the government during this time to cover our overheads.

She said:

I believe we have suffered enough as a state and it is sad to say that when I heard about this bill, I lost some faith in our government.

She said she had always considered herself extremely lucky to live in such a beautiful country where we feel safe and protected but the thought of what power is being sought through this bill makes her feel ill. She said she has worked hard, made sacrifices and done the right thing to help get the numbers down, but she went on:

Please don’t allow us to be locked up after all that we have done for our state.

Cristina from Greensborough said this:

This is not the Australia I know and I loved to be part of.

I grew up in communist Romania.

People were arrested for listening to a radio that was deemed against the government.

People are being arrested here for a Facebook post.

Different times similar scenarios.

She asks: how is this bill going to differ from the Romania she came from?

Mark from Richmond tells me that his wife’s grandfather escaped Nazi Germany as a teenager. His wife’s grandfather risked his life and the life of his family to make a break for greener pastures, which he painstakingly secured here in Melbourne. Her grandfather has since passed away, but Mark wonders what he would be thinking and feeling about the current situation that we find ourselves in. Mark tells me he knows his wife’s grandfather would be furious. He would be very disappointed and would be outraged. He would be livid.

Rachael in Greenvale said she feels broken from the lockdown restrictions. She cannot understand why Victorians are all paying for this government’s stuff-up. Her child has developed anxiety, and she does not want the government to get any more powers to enforce draconian measures.

Phillip from South Morang, of Greek background, is a working father of three, but today he says he is not a proud Victorian. He does not identify as being a Labor or Liberal supporter, and he does not understand how these lockdowns and restrictions on movement are justified. His family moved from Greece in pursuit of freedom and a better life, and he does not think he is getting it here.
I will not support this bill. I will vote against this bill. I will stand up in support of the many constituents who have emailed me, texted me, phoned me, written to me, posted on Facebook, posted on Twitter, posted on Instagram. I have listened. The real question, Melbourne’s north, is this: has Fiona Patten listened to her constituents in Melbourne’s north, the same constituents I have? Has Samantha Ratnam listened to her constituents in Melbourne’s north, the same constituents that I have? Do not forget they voted to extend the lockdown. Are they listening today? I suspect they know that our residents of Melbourne’s north are not happy with them. So I call on Fiona Patten and I call on Samantha Ratnam today, who represent the same constituents that I do, to listen to those constituents. They do not want support for this bill. They have spoken in their thousands. We should throw this bill out. And the next thing we should do is throw out Daniel Andrews.

Mr Barton (Eastern Metropolitan) (16:35): I rise today to speak on the COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020. I will be supporting this bill today after negotiations between the crossbench and the government led to the removal of the extended powers to detain. The government has not communicated this bill as well as it should have. In these times, when many of us are disconnected from friends and family, fatigued and suffering financially, government communications and transparency are more important than ever. We need to do better.

Victoria just does not seem to like itself right now. While our shared experience, and all that entails, brings us together, it is the misinformation, the miscommunication and the lack of clarity that drive us apart. The government has failed to bring the public on board with the measures initially outlined in this bill. Because of that, my office, like yours, Acting President, has been inundated with emails from concerned citizens. The announcement of this bill has created great anxiety, suspicion and unrest, all of which could have been avoided.

The controversial powers initially outlined in this bill were not dissimilar to the practices that are accepted in New South Wales and Queensland. However, it is clear that Victorians have interpreted those provisions differently. This can only be attributed to the lack of effective communication surrounding this bill. It is disappointing to see the government fail once again at informing the public of the problems we face to justify the solution. In this case it was explained after the bill was proposed that there were people openly undermining the COVID and health protocols and putting our community at great risk. This conversation needed to happen earlier. The public must have the opportunity to understand the problem and what is at stake before such a bill as this is introduced.

Reading the bill in its current form, it is clear the bill’s controversy stems from the lack of understanding and misinterpretation. This has only been made worse by the diminishing trust of the public. This trust must be repaired if the government is to lead us out of the pandemic. Victorians should be able to have faith in their government to protect them from the abuses of power and overreach. Trust is the key if we are to improve compliance with government directives. Introducing a bill in this way has undermined public faith and consequently undermined the intention of the legislation. The government has to improve communication channels with the public to avoid this state of affairs.

I cannot help but acknowledge that today feels a bit like groundhog day. Last month when I rose to speak on the state-of-emergency extension, I spoke of the suspicion, the distrust, the exacerbated tensions that Victorians are feeling and how this can be addressed. I asked many questions: who will have oversight moving forward, how can we reassure the public that powers will not be abused and how can we enhance communication channels? Standing here today, it is clear the government had no answers to these questions. There is yet to be an appropriate mechanism for consultation and independent oversight. To reassure the public and build confidence in this process the government should focus on measures that provide genuine transparency and sufficient scrutiny. Are we to be surprised that this bill has had so much backlash? I urge the government to consider how they can better approach policy debate, education and effective communication in the future.

This bill is necessary if our society is to continue to function through this pandemic. Many of these provisions will help stop the spread of the coronavirus and allow society to open up safely. It is a great
shame that the misinformation has prevented this bill from being seen clearly for what it is: vital. Fairness is what has driven me to this very place. It is what motivates me to listen to the concerns of my constituents and act on their behalf. It is also what drives me to engage with the government and my fellow members of the crossbench to achieve fair outcomes and improve legislation.

We as crossbenchers have worked with the government to address key concerns held by the public, the legal community and human rights advocates. In particular it was through negotiations with the government that provisions such as the pre-emptive detention of high-risk individuals and the vague expanded powers of authorised officers were amended. Previously there was a provision that allowed government to appoint anyone as an authorised officer. The revised bill clarifies who can be named as an authorised officer and the specific limits on the powers of those authorised officers. This is a significant victory. Through working with government to improve this bill we have contributed to the upholding of our liberties as outlined by the human rights charter. This is what we are in Parliament to do—carry out democracy and find a balance between human rights, freedom and effective legislation. This revised bill is proof of that.

The provisions in this bill are needed if we are to come out of this lockdown. This bill will, among other things, enable courts to restrict physical access, enable local councils and libraries to meet virtually, extend the time period in which recipients of infringement fines have to pay, extend workers compensation payments for those who cannot work and appoint authorised officers in regional areas where there is an insufficient workforce. Many of these provisions are already operational, and this bill is merely extending those procedures until the expiry date in April 2021. Working with the government to ensure transparency and demand clarifications on the powers of each authorised officer has ensured that officers will have the appropriate skills to support vulnerable and disadvantaged people through the pandemic.

These amendments have addressed the key concerns shared by the legal community and human rights advocates. These professionals are experts in their field. I understand the human rights implications and with a clear conscience have decided to support the revised bill. The Victorian Equal Opportunity and Human Rights Commission as well as the Law Institute of Victoria are among those now comfortable with the provisions outlined. The intent of this legislation has been effectively upheld while potentially excessive and unchecked powers have been eliminated. This goes to show how collaboration with the crossbench and stakeholders from relevant sectors can lead to improved outcomes that will address key issues faced by Victorians. A willingness to compromise from all sides leads to better government and better policy. To see the legal community come around on this revised bill speaks volumes.

I have a commitment to judge each bill on its merits and meet with many stakeholders to further understand the implications of each piece of legislation. This case has been no different. From speaking to and reading the opinions of lawyers who make great contributions to their sector I found their initial concerns to ring true. After lots of work to address these concerns the bill now strikes the right balance between human rights and practical legislation. This is why I will support this bill today.

Many of my constituents have still not gotten on board with this bill, but who can blame them? For those who have lost their jobs, who miss their family and are doing it tough through no fault of their own, seeing the government risk an overreach of power feels like a step too far. These people cannot trust the government to stop them from falling through the cracks. We can see this clearly in the complete lack of support for the majority of sole traders and the financial devastation they have experienced as a result of that. How can we expect the public to support a bill that has not been explained but, rather, sparked fierce debate and unease? The consequences are too great not to make changes moving forward. A great shadow was cast on this bill, and unless the government can do better to inform Victorians on the state of affairs, this controversy will continue to shadow more bills in the future.
I do not believe this bill as it stands unduly trespasses upon the rights or freedoms of Victorians. Rather, this bill is made up of many positive measures that will facilitate our democracy functioning remotely for the foreseeable future.

This bill intends to sufficiently address those who openly rebel against COVID-safe measures that protect our community and will help us get out of this lockdown sooner. By focusing on having trained authorised officers with clearly defined powers we can better engage with members of the community that may have mental illness and substance abuse issues. This bill will help keep everyone safe by improving procedures that encourage social distancing, allowing people to work from home and mitigating risk to health. These practical measures will benefit Victorians and make life a little bit easier.

No government or policy is ever perfect. I came here to engage with the government, the crossbench and the opposition to improve government and better legislation. I did not come here to throw rocks and stifle progress. This revised bill stands as proof of our democracy and just shows you how valuable the crossbench is in representing our constituents in policy debates. This bill is necessary if we are to continue to function smoothly through this pandemic. I commend the bill to the house.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (16:45): I rise this afternoon to oppose this bill, and I do so because it seeks to impose more heavy-handed and draconian provisions to restrict the lives of Victorian citizens in the name of the COVID response. The provisions in this bill include, as we have heard other members state, an attempt to introduce what is effectively preventative detention, providing a mechanism whereby authorised officers designated under the Public Health and Wellbeing Act 2008 would be able to detain citizens of this state or people in this state on the belief that they might breach a COVID direction—not that they have or they have threatened to but because an authorised officer believes they might.

The bill further seeks to expand the provisions of who may be an authorised officer to lower the threshold of who may be appointed as an authorised officer. The current act requires that the Secretary of the Department of Health and Human Services be satisfied as to the experience and qualifications of an individual appointed as an authorised officer. The bill as drafted, as in the house now, seeks to substantially lower the threshold of who can be appointed an authorised officer and expand who can be appointed an authorised officer. I might point out that that is not just a theoretical concept, because this is a power which the government is seeking to put into the hands of the Secretary of the Department of Health and Human Services. This is a person who got up at the hotel quarantine inquiry and could not remember the most basic details about what had been going on in her department, and this government is now coming in here saying to this house and to the Victorian community that we should have confidence in that secretary to exercise these expanded powers in the appointment of authorised officers and, if the house was to take the bill as the government intended, to give those authorised officers powers to make decisions on preventative detention based on who they believe may want to breach a COVID restriction.

Now, the government seemingly has backed down in the face of public opposition on the issue of preventative detention. There has been an extraordinary outcry in the Victorian community about this latest proposed restriction and imposition on the rights of citizens. But the other provisions remain. The provisions with respect to authorised officers, although they are changed, are still an expansion of who can be appointed an authorised officer by the Secretary of the Department of Health and Human Services, and of course that is the same person who a month ago could not answer the most basic questions at the hotel quarantine inquiry.

Some members have said there are other provisions in this bill which have merit. They are provisions which were enacted by this Parliament in March largely to allow many functions of government which have required traditionally face-to-face contact to be undertaken online. Various court proceedings have been used as an example—where they have been able to be conducted online as a consequence of the legislation that was put in place at the beginning of this year—of the need to continue those
provisions. Now, the opposition does not oppose those provisions, and if they were in a separate bill it would be happy to support them. But while the government chooses to package those provisions with a bill which seeks in the first instance to impose preventative detention as well as expand the scope of authorised officers, we will not support it. We were happy to support a separate bill that extends those COVID provisions for online etcetera, but we will not support it while it is combined in a bill with these other draconian powers.

Over the last six months Victorians have seen government at its worst. Australians often suffer from mediocre governments. We have seen that all around the states over the last 20 or 30 years. Usually the cost of that is hidden in lost opportunities. But we are now seeing that that changes in a crisis, and Victorians are now seeing the real cost of having a mediocre government in place. We have seen damage and destruction caused to the Victorian community at an extraordinary level—damage and destruction caused to the fabric of our community, to the mental health of our community and to the physical health of our community as people have delayed being tested for conditions, delayed seeking treatment or testing for physical ailments. We know that the number of people presenting with cancer diagnoses is well down because people are not going to their doctors, and that is a ticking time bomb that we will see in the coming 12 months. And of course there is the impact on the economy. The impact has been enormous.

It is important to recognise that the damage was not caused by COVID-19. It was caused by the government’s response and the conscious decisions this government has made. Because if you look at other states and look at other jurisdictions around the world where governments have made different decisions, they have not suffered the impacts, the damage and the destruction that we are now seeing and have been seeing in the state of Victoria. Of course one of the key points in what we have seen over the last six months has been the government’s failure to manage the hotel quarantine program, and I do not intend to go over that. But it is worth putting on record that Victoria has experienced five times the number of cases of New South Wales. So this government cannot pat itself on the back as having handled the situation with COVID well, because it has not. With a smaller population we have had five times as many cases in Victoria as New South Wales has dealt with.

But in having triggered that spike, that second wave in Victoria, the government’s subsequent response has been over the top, it has been high handed and in many respects it has been irrational, with no health basis to the restrictions that have been imposed. We have seen that with the curfew, we are seeing it with the 5-kilometre restriction on movement for Victorians living in metropolitan Melbourne and we have seen it with the virtual shutdown of almost every small business and larger business—with the loss already of more than a quarter of a million jobs, as reported by the Australian Bureau of Statistics, to the end of August. Of course that number is going to grow even more when the September data is released.

In the minds of Victorians this has been compounded by what we have seen from the Premier. The bullying and intimidatory conduct of the Premier and the increasingly irrational daily media conferences have just increased the anxiety of the Victorian community. We now have people who are tuning into those daily conferences just to see how the Premier will today contradict what he said yesterday, which is becoming more and more the case.

Victorians are frustrated, they are angry and they are scared. And they are not scared of the virus; they are scared of the irrational and arbitrary approach that their government is taking to address the COVID situation. They are scared of the arbitrary restrictions which have been imposed on their lives, particularly in the last three months, and which continue to be imposed as the government and the Premier move the goalposts, as we have seen with the so-called road map. It has been repeatedly changed in the last couple of weeks, with the suggestion that ‘restrictions could be lifted even if the numbers are not achieved’ and then ‘the restrictions are going to be pushed out later’. It changes day to day, and that is scaring the Victorian community.
Six weeks ago this house had a chance to impose some accountability on the Premier and the government in their use of the state of emergency and the restrictions which were consequently being imposed on Victorians. We had a chance as a house to ensure that month by month the government came back to this place and accounted for how it would use and how it was using that state of emergency, to provide accountability to the Parliament and thereby provide accountability to the people of Victoria. But instead we saw a vote in this place where Ms Patten, Mr Meddick and Dr Ratnam gave the Premier, gave the government, a blank cheque to impose whatever restrictions the Premier wants, however he wants, for the next six months. We are now seeing the consequences of that. Those members—Ms Patten, Dr Ratnam and Mr Meddick—share with the Premier culpability for the damage and the destruction that is now being inflicted on the Victorian community.

In the debate today, if this bill passes the second-reading stage, the Leader of the Opposition has foreshadowed that he will move an amendment which will seek to lift the 5-kilometre limit on the movement of Melburnians—a limit which was imposed without a rational basis, which was imposed arbitrarily by the Premier in the same way as the curfew was imposed and which is having an enormous impact on the lives of Victorians.

This house will again have an opportunity to restore some balance in the response, to restore some balance in the restrictions which are imposed on the citizens of Melbourne, to ensure that we can move through this COVID phase, which has been caused by the mismanagement of this government, in a way which does not continue the same destruction and damage in the community to mental health and to economic wellbeing that we are seeing today. Lifting that 5-kilometre restriction by way of legislative change today to prevent that 5-kilometre restriction continuing is a sensible move which will have a dramatic impact on the wellbeing of our citizens and will not impact the COVID situation. Medical expert after medical expert has said that the 5-kilometre restriction is not impacting the number of cases—is not reducing the number of cases. It is an arbitrary imposition which is doing more harm than good. So the opportunity is there today for this house to express its will on behalf of the people it represents and lift that restriction to ensure there is some more balance in the way this COVID situation is being addressed.

The bill as drafted—and the government has flagged it will seek to make some changes but even with the government’s amendments—seeks to expand the powers, to expand the basis for authorised officers in this state. Powers like that require the community to trust its government. We have seen over the last six months that the powers which already exist in the Public Health and Wellbeing Act—the use of those powers, the arbitrary use of those powers, the irrational use of those powers—mean that this government and this Premier have forfeited any right to expect the trust of the Victorian community. So to come to the house today and say, ‘We’d like those powers further expanded; we’d like to lower the threshold by which we can appoint authorised officers’, is simply unacceptable. It is unacceptable to the Victorian community, and it is unacceptable to this side of the house. For that reason we will oppose those provisions, and while they are in this bill we will be opposing this bill.

Mr LIMBRICK (South Eastern Metropolitan) (16:58): I invite anyone who thinks the Liberal Democrats are exaggerating when we talk about Victoria turning into a police state to go for a picnic. If you manage to find one of the marked circles available at a park, you will need to ensure that you are with a designated friend, you are both wearing fitted masks and you are within 5 kilometres of your home. And while you enjoy your picnic you can entertain yourself by watching police ride past on bicycles, mounted police going around on horses, patrol cars doing laps on the streets and helicopters overhead. Meanwhile, police drones will be able to tell whether or not you are having Vegemite or quince paste on your crackers, and they can record that information for their records. While you are at the picnic, if you spend an idle moment checking social media you will probably see the latest video of police swarming around someone at the beach, snatching phones off old ladies or arresting pregnant women in their homes, and then you will have to scurry back to home detention before your 2 hours are up. If that is not a police state, I ask, what is?
Consider this: while all of this has been going on, instead of realising that we should not use police to solve a health problem, someone has thought, ‘We need more power, we need more control and we need to hand out more fines, and to do that we need more people with more powers, and those people should be anyone that we want’. They thought, ‘Victorians are getting way too comfortable; wouldn’t it be better to give powers of warrantless search and seizure to anyone we choose, and wouldn’t it be even more fun if we let them do this on the grounds that they reckon the person might just do the wrong thing? We won’t just be arresting people for crime; we can arrest them for crime that they might commit—or pre-crime. Just imagine: we can get neighbours to arrest neighbours before they commit crime, and soon there will be no crime—genius. But instead of scaring people and calling it the State-appointed Home Invaders Bill, let’s call it something nice and neutral. Why not the Omnibus Bill? Brilliant’.

Of course, as it has turned out, even the most authoritarian members of the crossbench could not swallow this legislation, so I understand that the worst of these provisions will be removed by amendments. But they will not be removed because the government recognises that they breach human rights or are straight out of the Stasi playbook; they will be removed because the government does not want to be embarrassed by losing a vote on this bill in the chamber. I understand that the most obscene parts of the omnibus bill will be removed, but we have to look at the rest of it with the understanding that it was written by someone who thinks that *A Clockwork Orange* was a law and order training video.

Sure enough, there is plenty to detest about the omnibus bill. The omnibus bill gives powers of warrantless search and seizure to police, protective services officers, health workers and interstate public servants. This is flat-out unacceptable to liberal democracies around the world. The fourth amendment of the US constitution protects Americans from unreasonable search powers of this nature. It is sad to reflect that the Americans who wrote this amendment in 1789 were more enlightened about human rights than lawmakers in Victoria today.

Meanwhile over the past few weeks our offices have been deluged with queries from members of the public who are understandably worried and confused about the omnibus bill, and incredibly the government has left it to us to do the explaining. Even major industry groups like the Housing Industry Association tell us that laws are regularly changing and are vague and impossible to interpret. They are naturally worried that their members could face fines of more than $80 000 for offences that have been barely defined. They tell us that they get different advice from different government departments that, for example, cannot easily just explain the difference between landscaping and building work.

The feedback we are getting is telling in two ways. Firstly, it shows people no longer trust the government to tell them what is going on, and secondly, the government has failed to consult with and seek the support of the public. This lack of consultation should be more than enough reason for us to toss the omnibus bill in the bin. Who can blame the public for feeling anxious or confused? On every occasion when the government has removed personal liberties, human rights have been trampled and there have been serious abuses of power. This anxiety and fear can all be traced back to laws passed here by a government deaf to the suffering of its constituents.

Meanwhile Victoria’s human rights departments appear to be doing little more than rubberstamping the most shameful breakdown of human rights in this state’s history. Now the World Health Organization has pointed out that it does not advocate lockdowns as a primary way to control a virus, the pretence that this is about science is over. The omnibus bill will not save anyone from COVID, because like the rest of the government’s pandemic response it is about shock and awe. The government has never shown any respect for the personal freedoms of Victorians under lockdown, and so we are no longer shocked but we are in awe of how cheaply they have discarded our human rights. All emergency directions are supposed to meet the obligations of the human rights charter, including being proportionate, least restrictive and necessary. There are question marks around whether many of these health directions under the emergency powers actually meet these criteria. We are assured that there are assessments against the Charter of Human Rights and Responsibilities
Act 2006, but they are secret. We are assured that the directions are based on the best possible public health advice, but this is also secret.

The fundamental problem with this legislation is that the government expects people to trust them, but the government does not trust the people. We have seen more than enough evidence that this government cannot be trusted with the power that it has, let alone the power that it wants to gain through this bill. The government has become drunk with power, and they seem incapable of responding to the pandemic without the use of force. This bill marks one of the low points in human rights in Victoria. The Liberal Democrats reject the omnibus bill, and we will not rest until the human rights and personal freedoms of Victorians are returned in full, with interest.

Dr BACH (Eastern Metropolitan) (17:04): Well, it is deja vu all over again here at the Parliament of Victoria. It is another sitting day and another minister has resigned in disgrace. Another sitting day and we are having another debate on another bill full of draconian measures that members of this government simply cannot explain.

‘Why?’ is the question that is being asked by so many members—members of the opposition and members of the crossbench. I understand that this is a broad bill; there are many measures within this bill. I also understand that some of the most egregious elements of this bill have been knocked out, which we will discuss at length in due course. However, there are still many measures in this bill that are draconian and that the government cannot explain the reason behind other than simply to say, as they have already said in this debate, ‘Well, extraordinary times call for extraordinary measures’. We can agree on the first part of that: we are living through extraordinary times here in Labor’s Victoria. I found out just on the weekend that one of my friends’ father had died of COVID. He was 63. So, taking him, there are 790 other Victorians currently in the ground because of this government’s lethal incompetence. So of course we have been living through a dreadful time. That is a fact. It is certainly a fact according to counsel assisting former judge Coate. She has been told that she can apportion blame, and my expectation and my hope is that she will apportion blame. So the government is right: we have lived through, and we are still living through, extraordinary times, but what this bill does, and what other draconian measures that the government has introduced do, is to add insult to serious injury and indeed death. Because as I say, no-one opposite, no-one opposite, can tell us exactly why so many elements of this bill are necessary.

It has been noted in this debate that there has been an extraordinary response in the Victorian community, and rightly so, to this bill. It is similar to the response, certainly within my office and in terms of correspondence to me that I saw, regarding the state-of-emergency legislation that the government put forward some time ago. Lawyers and judges—eminent lawyers and judges—and eminent human rights experts all came out against many of the odious elements of that initial bill that we must remember the government put through the other house, that it rammed through the other house. And so, yes, I am pleased that because of a huge community backlash, and some good work may I say by some of my friends and colleagues on the crossbench, some elements of this bill have been knocked out. Still, it is an odious and draconian piece of legislation that I will oppose.

It has been noted that trust is at a low point in the state of Victoria, and I certainly agree with that. There is nothing that undermines trust in leadership more than being lied to, and what an extraordinary show the Victorian public have seen at the Coate inquiry. The head of the Premier’s department, a highly partisan public servant, resigned. He was gone just yesterday. Well, he did not tell the truth. He did not tell the truth at that inquiry. We have heard from former Minister Mikakos, who used to sit right there; 5 minutes ago, there she was. However, now she has gone, and she says that we cannot trust what the Premier himself said to that inquiry. So I agree with members opposite, and some members of the crossbench who say they will support this bill, that trust is at a low ebb. Nothing undermines trust in government like being lied to—like we continue to be lied to about the decision not to use ADF and like we have been lied to by so many others at this Coate inquiry.
Now, when the government came forward with this measure—this bill, this extraordinary measure—let me ask: where was the cabinet? Under a normal process, a measure like this would be taken to a cabinet—that is a key element of any Westminster system—and there would be robust debate. Ministers would be briefed; all ministers would be briefed upon the measure to come before cabinet. And through that process one would ordinarily expect poor elements of legislation, bad elements of legislation, to be knocked out. Well, we heard from Ms Mikakos just recently that the cabinet government here in Labor’s Victoria has collapsed. Many of us suspected this some time ago. But still, we have got the COVID cabinet—the crisis cabinet. But where were they? When this measure was first brought forward and the Premier presumably sat at the table and said, ‘Look, I’ve got a great idea. We’re going to let an unelected bureaucrat appoint anybody—listen, guys, absolutely anybody—to be an authorised officer. They can go into your home. They can take your stuff. They can arrest you. They can detain you. They don’t need a warrant. It could be a union official. It might be a private security guard. That’d be a good idea’, not one member of this swarm of invertebrates had the ticker to say, ‘Hey, listen, Dan. I’m not sure, old fella. Maybe the people of Victoria aren’t really going to go for that’.

And it was the same of course with the government’s quite extraordinary state-of-emergency legislation that, again, it had to water down. I opposed that legislation, but in its initial form it was far more egregious because, again, not one of the blanchmanges opposite had the ticker to say to their boss, who we understand from Ms Mikakos is a bully and a thug, ‘Listen, perhaps this isn’t such a great idea’. So there is a consequence to the collapse of cabinet government here in Victoria; there is a consequence to this extraordinary way of doing business where nobody seeks briefings, nobody wants briefings, because it might create a paper trail. We have seen the extraordinary calamity that Victoria has faced play out now over months. I am afraid to say it will continue to play out over months to come.

The measures that the initial bill contained were utterly extraordinary, despite the protestations of those opposite and some other members who support this bill. And it has been interesting to hear people say, ‘Well, look, there are measures in place like this in New South Wales—in some other states’. That is fine. I am more than happy to take that point head-on because the argument is an incredibly weak one. To the best of my knowledge there is only one jurisdiction in Australia where senior government officials have recently said that people who oppose the government’s policy are ‘batshit crazy’—only one jurisdiction where that has been said. To the best of my knowledge there is only one jurisdiction in Australia where recently an entirely defenceless and peaceable young pregnant woman in her pyjamas was dragged out of her home in handcuffs in front of her family. I am not aware of that happening anywhere else. And so I do not understand why this concept is so difficult for those opposite to grasp. When this government for no apparent reason seeks to bring to itself more and more draconian powers, the people of Victoria ask, ‘Well, how are they going to use them?’? There was a response to that appalling intervention in that poor woman’s home: a senior government official said, ‘Well, the police officers there did the right thing, but there was an issue with the optics’—there was an issue with the ‘optics’. There is not an issue with the optics in Victoria; there is an issue with the psychology of this government. I fully support the wonderful women and men of Victoria Police; I do not support the messaging that they are getting from their political masters, and that includes some members of top brass, like that buffoon Cornelius.

Now, there have been some changes to this legislation, and I am very pleased about that. The amendments modify new section 250 of the Public Health and Wellbeing Act 2008 as introduced in the initial bill—the initial bill that 5 minutes ago all of those opposite were championing and saying was totally necessary and that was rammed through the other house last sitting week. Now, this section allows the head of the Department of Health and Human Services to appoint the following classes of person as an authorised officer: a police officer—well, all right; PSOs; WorkSafe inspectors; an employee of the public sector of a state other than Victoria—that is odd; and a health service provider. Now, I have the highest regard for Victoria’s public servants. Indeed I used to be one. I used to be an officer in the department of human services, so I have the highest regard for people who work in the
public sector. The proposed amendments do clarify in some instances and reduce the scope of powers that those who are authorised officers may be provided with, but the powers, nonetheless, that are provided through this bill remain expansive.

Again, I would note that no-one opposite can tell us why it is that some of these powers are necessary. I am interested that a parking inspector from Canberra, for example, or a naturopath could be an authorised officer under this current scheme. They would have power still to enter premises in Victoria without a warrant, to close any premises and to seize items, to seize goods, from the homes of Victorian people. So these are powers that I am not interested in handing over to this government, this government that has shown itself to be so lethally incompetent, noting what Mr Hayes said. He is not a noted rabble-rouser, not a noted fearmonger, Mr Hayes, to tell you the truth, and yet he made the point very powerfully in his contribution that no-one in the government has been able to answer the question why. Why it is that not one member of the COVID gang of eight, who have not got a spine between them, bothered to ask the Premier that question on the way through is an extraordinary mystery.

There has been talk about division in the Victorian community, and again there is a reason for that division: it is the lies and obfuscation and appalling incompetence of this government. It seems from legislation like this that the government indeed has a specific strategy—a divide-and-conquer strategy—to go along with its mad elimination strategy, seeking again to undermine the will and wishes of the Victorian people. Freedom matters. Democratic accountability matters. I oppose this power play, and I no longer have confidence in this Labor government.

Mr BOURMAN (Eastern Victoria) (17:15): It should come as a surprise to no-one that I will be supporting this, because on Neil Mitchell’s show a number of weeks ago I said if they took out the detention stuff, there was nothing else there for me to really be worried about. To be frank, I have had a lot of people write to me, obviously, and tell me their concerns. I have had people message me on my Facebook page and I have looked up their concerns, and the concerns that have been raised are fear. Now, fear is a powerful motive. Fear of this government is a very powerful motive—fear of this government, too. But fear is not the bill. The amended bill—amended by the government’s amendments, and I will only support this if those amendments get up—is fairly innocuous.

I have obviously been a police officer myself. I understand the use of power. I understand the limits and where there should be limits, and that is why I was never going to support the other one. But at this stage all I see is politics. I understand people are afraid, but politics is not a good enough reason. If someone wants to put an ad in the paper saying they are watching me next time, have a go at it, get a good picture, but I am not going to allow fear to dictate what I vote on. I told the world I would not vote for a bill with those parts, and those parts will no longer be part of the bill.

I am going to get to the Liberals’ 5-kilometre amendment, and I am going to make a little admission: the 5-kilometre amendment I am going to support. I have never been convinced about that and a lot of other stuff. Part of the reason is personal, and it is very selfish of me: where I scattered the ashes of my little boy is about 5.5 kilometres from home, and I, as regularly as I need to, go there. If I get a ticket, I will pay it. If the licensing and regulation division wants to take my licence from me, they will get a fight. But it is a rule. I understand why it is there, but I just do not agree with it and I honestly think it should have been shelved a long time ago.

I will just get to the end of my contribution. The government has not got off scot-free from me. This is not aimed at any individuals in this room or the other house. But we are in an Australia where I need, as a member of Parliament, to cover my butt, a travel permit. If I want to go outside of Melbourne, I need to go through a checkpoint. For a while there was a curfew. This is not the Australia that we should have; this is the Australia we have got. I understand the COVID-19 pandemic is not about the death rate, as tragic as it is; it is about flattening the curve. The health system will not cope if we get too many infections in a short period of time, regardless of how many people actually die. More will die if they do not get to the hospitals because they are full. So I am mind blown that anyone
at all thought that pre-emptive detention on top of all this other stuff was ever going to float. Basically I was starting to feel like I was in East Germany in the 1960s—that I was going to have to cross a barbed wire fence and jump to get to the other side.

It is getting to the point of being ridiculous, and we need to take the foot off a little bit. I understand that on the 19th, or whenever it is, there are going to be announcements; I have got no idea what those announcements will be. But people have had enough. People are starting to wilfully disregard the basic directions, and that is because people are sick of it—the lies, the deceit. To be honest, that is why people do not like politicians; it just keeps on going. But in the end we are asking it of good people that are trying to do the right thing, and we are just going to lump more and more on them.

I am just going to finalise this by saying I still cannot believe anyone thought that pre-emptive detention, even if it was on COVID-positive patients, was ever going to work. This is a democracy, and we do not actually have a thing where you can arrest people for what they might possibly do—because you think they are going to do it. In the Crimes Act 1958 there are conspiracies and there is this, there is that—you can do all sorts of things. But never do you just go and say, ‘He looks like a crook; I’m going to arrest him’. So whilst I am supportive of this bill as amended and I am supportive of the Libs’ 5-kilometre amendment, I am actually really disappointed in how this has all gone down.

Ms CROZIER (Southern Metropolitan) (17:21): I rise to speak to the COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020. I have been listening to the debate this afternoon because this is obviously a very important bill, and it has been highlighted just how important the bill is because of what passed in the Assembly just a few weeks ago. As Dr Bach said, it was rammed through the Assembly with the most egregious powers put in place by any government in our country. When that went through, there was outcry from so many people—from lawyers and civil libertarians but also the general public. They were absolutely appalled by this gross grab of power by the government, and that has been very much what Victorians have been living under for the last eight months. They understood that the coronavirus had come to Australia—everybody did—but we all wanted to be safe.

I recall when we left this place in April, I think it was, when the last emergency bill was passed, there was a genuine concern for one another in this very house. When we left, we were not sure what was going to happen, what was going to transpire, and we passed that bill with goodwill, because the government asked us to trust them in relation to passing that set of temporary amendments. What that bill did was temporarily amend certain acts around the justice system, family violence, child protection, the Public Health and Wellbeing Act 2008 and other acts, and it was to enable the government to manage the situation. But what has transpired and what we have seen over the last few months has led to so much concern about the government’s ongoing approach because of the way they have managed and handled it and the way they have treated the Victorian public—the way we have been shut out of this place, to not challenge the government, to not ask questions of government and to not ask questions of those who are making the decisions, including the Minister for Health, including the Premier and indeed including the chief health officer.

With some of these rules that have been placed upon us, like the curfew, which was—well, we will find out what the court proceedings find—miraculously dropped just 5 hours into the court process, being in the courts, and the 5-kilometre arbitrary zone that we are all living under, those of us in Melbourne, who made those decisions? Well, the chief health officer said he did not make those decisions. So if he was not making these decisions, who is making these decisions? And there is of course, as others have said and mentioned—and I am not going to prosecute the case either—hotel quarantine security and the breaches in that. We all know what has gone on there. But what the Coate inquiry has shown through the process is how dysfunctional this government is. There was that appalling display just weeks ago by 10 senior bureaucrats, three ministers and a Premier, who could not recall, could not remember and just again treated that process with contempt but, worse than that, treated the Victorian public with contempt with their obfuscation and quite frankly the lies that went on.
And we have lost a minister; we have lost a health minister not because she thought she had done anything wrong but because she could not work with the Premier, such is the dysfunction and dislike for one another and the personality clashes and challenges and goodness knows what that went on around the COVID Eight cabinet crisis table. But what is going on in their party room and around their cabinet table?

Also the senior bureaucrat, Mr Eccles, yesterday was just off and gone because he was exposed. He was exposed after being challenged to produce his phone records after saying he had not made any calls, and then his phone records actually suggested otherwise. And again, with the emergency management commissioner, Mr Crisp, three times sitting next to him was the Minister for Police and Emergency Services in the Public Accounts and Estimates Committee, and he said he had briefed her three times. She did not pull him up. She said nothing. Weeks later he has come back and corrected the record.

So that is why Victorians are challenged with what is going on and with trust in relation to this bill and those overreaching powers, which were obscene—absolutely obscene. To think that you could be detained on the suspicion that you might be doing something putting somebody at risk. Nobody wants to put anybody at risk with this coronavirus. We do not know where it is. It has been obvious that the government has not had the measures in place. They have not had the contact tracing—they still do not. The Minister for Health, the new health minister, today did not even know what a novel coronavirus is. He said it was because it changed—‘That’s what a novel coronavirus is, because it’s changing’. No.

Mr Atkinson interjected.

Ms CROZIER: I know. You may laugh, Mr Atkinson, but it is true. He said it today in question time. This is what we are up against. We have got an inadequate government that does not understand the basics that is dealing with this very important issue. And that is why the public deserves so much more—because they want to trust government, they want good leadership. They actually want the government to steer us through this crisis. But what they have seen over the last six months is a government in chaos, a government that has actually lied to us all and a government that is just not up to the task of actually managing it.

Do not look at the UK or the US and compare Victoria; look over the border to New South Wales. That is the comparative we should be looking at, and those opposite continually look to the US and the UK and Europe. None of us want to be in that situation, and we are very fortunate here in Australia that we have got an ability to contain the virus as much as we can because we are an island. We shut our borders early. And as somebody said yesterday, Melbourne is an island within an island within an island—within Australia, within Victoria and within Melbourne. Well, I want to get out of this goddamned island. I want to go out into Victoria to see my friends and family and support those regional people that I know. And still we are here and still we do not know what the government have got for us on Sunday. And they cannot tell us, because they actually do not know themselves.

They set up this road map out. Please, look at what you are trying to achieve here, government, and redo the modelling, because what you have put to Victorians is completely unachievable. Less than one case per million Victorians is what you are asking for to get to the COVID normal that the Premier still speaks about. That is no cases for 28 days, that is no active cases and that is no outbreaks of concern in any other state or territory. That is absolute folly.

The Premier has strung Victorians along saying, ‘Trust us. Trust us. We’re getting there. You’re closer. You’re closer. You’re closer’. He has played us. And that is why the trust is also not there, because people have wanted to think, ‘Yes, we’re getting through this. Yes, we are nearly there. I can see the light at the end of the tunnel’. But they cannot, because the Premier, through his daily pressers, has not given that hope and confidence that we all so desperately need. That is why we have got real concerns about the government asking us to trust it in relation to the authorised officers.
When I attended the briefing I asked the government about the health services that are part of this. The government is taking out the most draconian bits, as we all know, and they are inserting into clause 16 the following:

- a police officer;
- a protective services officer;
- a WorkSafe inspector;
- an employee in the public sector of a State other than Victoria, or a territory—and finally—a health service provider.

If you look at ‘a health service provider’, that is a range of services. That is, under the definition, anyone who is providing a health service. It includes providing those services within hospitals, mental health services, pharmaceutical services, ambulance services, community health services, health education services and welfare services, and services provided by dietitians, masseurs, naturopaths, social workers, speech pathologists, audiologists or audiometrists, and pathology services. So you have got a raft of excellent healthcare professionals who undertake very relevant work to assist our healthcare system, but there is no definition. When I asked in the briefing, ‘Could you please provide me who you have consulted with in this area?’, they said, ‘Sure, I will get back to you’. Again, I am still waiting, and this has been the story of my life for the last 10 months.

Time and time and time again I have asked for information through briefings—‘Yes, we will get it to you, Georgie’. I have never received it from any of the briefings I have had with the deputy chief health officer or someone under them. Never have I received any of the information. You ask us to trust you, government, in relation to these very important measures. It is not only me and members of the crossbench who have got questions around your ability to undertake this really important task. But who are these authorised officers? Who is going to be paying for them? Who is going to be equipping them? Who is going to be training them? There are questions upon questions, and this bill does not set out how that will all be done. Again, there are gaps and flaws in this rushed policymaking, as we see time and time again, and as a result Victorians have been the big losers.

Victorians are in this mess where we have seen hundreds of Victorians die from coronavirus and tens of thousands of businesses go to the wall with no hope, many of them, to reopen. They are at their wits’ end. People have lost their jobs. They do not know if they will be employed again. They are desperate. Those emails we receive—the thousands and thousands of emails—are from real Victorians who are not sitting in offices, but sitting at home. They have been trapped in their home for months. They have been homeschooling. They are separated from their families. The mental health issues are real. And this government has ignored all of that. They have not understood the reality of what is happening on the ground because of their decisions, because of their failures. The lack of acknowledgement of those failures is what is so heartbreaking. That is why there is no trust. The trust is broken. Victorians feel crushed. They feel really crushed by the actions of this government.

Whether it is the 5-kilometre zone, whether it is the curfew or whether it is the authorised officers—all of these measures—when the Premier and the chief health officer or his deputy get up there and give us information each day, every Victorian has every right to understand why those decisions are being made, because we are locked in our homes and we are losing hope in the ability of the Andrews government to pull us through this. There was no guarantee even in question time from the small business minister. Will those businesses be open by Christmas time? There was no clarity there, and that uncertainty—the lack of clarity—is only putting more stress on every Victorian who just wants to get out of this. We all want to get out of this in a safe way, and we can because other states are managing it and we need to manage it too. I implore the government: please just fix the problems. Do not put these arbitrary rules on us without giving us the information that we so crave and deserve.
I, together with my colleagues, have got real concerns about the government’s ongoing ability because of the dysfunction that is going on at a time when it is so important to have a functioning government, not one of dysfunction. And if they dare to criticise us for questioning them, if they dare to question us for being in this Parliament to be able to question them, to say that we are hysterical, that we have caused the ongoing virus and that we are dividing people, no. I am terribly sorry, government, but it is you that have divided Victorians. You have shut us down. You have pitted neighbour against neighbour by encouraging people to dob others in. Shame on you for behaving in the way that you have, setting up businesses, the construction industry, unions and government-paid employees who are getting their wages every two weeks when others have not seen a wage for nine months. It is shameful, and I just hope, like all Victorians, we get through this sooner or later.

Dr RATNAM (Northern Metropolitan) (17:36): I rise to speak on the COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020. From the very beginning the Greens indicated we were deeply concerned by aspects of this bill, in particular the expansion of police powers and the new powers of detention. Our concerns were backed by the legal profession and human rights advocates. The government clearly overreached.

The bill gave the Secretary of the Department of Health and Human Services enormous discretion in appointing authorised officers, extending eligibility from just public servants to effectively allow the secretary to appoint whoever they liked as authorised officers, including asking police and PSOs to carry out public health functions they have little or no training in. These revisions also would have allowed authorised officers like police officers and PSOs and possibly even security guards to detain people who had tested positive for COVID-19 or their close contacts if they reasonably believed they would not comply with a public health direction. This would effectively have given the police the green light for more extensive and heavy-handed use of detention powers, likely over sections of our community who are already subject to overpolicing, like First Nations peoples, the homeless and the mentally unwell. In fact it was made clear by the government, in attempting to justify the new powers, that they fully intended these detention powers to be used on people in already vulnerable situations, and that was just not acceptable.

Our concerns about the overreach of these provisions were shared by legal and health professionals as well as civil rights bodies. The Victorian Bar noted that:

Unconstrained and undefined subjective powers naturally invite the tendency to exercise them to the fullest, and in breach of human rights.

Liberty Victoria highlighted the inherent risks in asking police and PSOs to act as health officers, rightly noting that:

Police are not public health officials and do not have the expertise to determine whether action is necessary to eliminate or reduce a serious risk to public health.

We know these concerns were shared by many others in this chamber. Our concerns with these elements of this bill should be no surprise, because the Greens have always been vocal opponents of the expansion of police powers. In our 14 years in this Parliament we have consistently and repeatedly opposed the expansion of police powers and arbitrary law and order policies. We have protested against the unnecessary use of force against our most vulnerable communities and called out abuses of force and power when we have seen them. We have repeatedly questioned the ability of the police to investigate themselves and called for stronger accountability and oversight of police action. We have opposed the continued expansion of the role of PSOs without any additional training or oversight.

In the other place we proposed amendments to this bill to prevent police, PSOs and security guards becoming authorised officers with the power to detain people. The opposition from the crossbenches to these unnecessary and dangerous provisions in the bill led to the government backing down and indicating that they will be moving to substantially amend part of the bill to remove these new preemptive detention powers entirely and to limit who can become authorised officers and what specific
powers the new authorised officers will have. These amendments are welcomed by the Greens and show the importance of Parliament at this time.

But the debate about this bill for some in the community became a site of contest about the government’s overall approach to the pandemic, quite removed from the contents of this bill. As a legislator I have a responsibility to vote on the words written on the pages of a bill, so I want to be very clear about what the bill before us actually does and what we are in this chamber—here—actually voting on today.

Firstly, the bill extends for another six months, until the end of April 2021, a range of COVID-related measures that either provide additional protection for people or facilitate operations of the state while COVID is still present in the community. These are measures that are already in place. They include allowing workers compensation payments to continue to be made, courts and other parts of the justice system to operate safely and local councils to meet online, all provisions that this house has previously passed.

Secondly, there are some new provisions to manage the consequences of the COVID virus and the fact that it requires us to change our behaviours. The bill makes provision to assist children who have been removed from their families to be reunited and to provide more flexibility in managing court lists to assist domestic violence survivors. It also allows WorkSafe inspectors to issue orders and directions to keep workers safe at work in the midst of a pandemic, noting that a lot of the transmission of COVID in Melbourne has occurred at workplaces. These measures are an attempt by the government to ensure that at this time, while normal processes are disrupted by COVID, systems essential to our society can continue to operate, like the courts and the child protection system.

Finally, there is division 5 in part 3 of the bill, which in its original form represented the unnecessary and dangerous overreach by the government I mentioned earlier. The community was right to be worried. As I have mentioned, these provisions were unacceptable to the Greens and thankfully it seems to others on the crossbench. Given the crossbench were not prepared to vote through such an arbitrary expansion of power, we have witnessed one of the biggest backdowns yet by this government. The government is now proposing amendments that will remove entirely the additional detention powers. They will only allow expansion of the authorised officers to individuals with relevant skills or experience and select groups. Those authorised officers will only be able to exercise specified public health powers, and none of them will be able to exercise the emergency powers, including the power of detention. The crossbench in this place has done well to secure these significant changes from the government. This is democracy in action and demonstrates the importance of Parliament in these times. It is this bill and these provisions that I will be voting on today.

The other thing I feel a responsibility to do as a legislator is deal with reality. The reality of the COVID-19 pandemic is hard. It has up-ended our lives, taken a massive swing at our economy and seen Victorians struggle financially, mentally and emotionally. We all have our own personal stories of lockdown and have heard many others in the last few months. We are living with restrictions while our family and friends in other parts of Australia have enjoyed a much more normal life—going to work, visiting each other, going to the beach or taking a holiday. But as much as we do not want to be, we are still living in the midst of a global pandemic where the material reality of the virus will continue to affect our lives. We can and should have debates about how we as a community are responding to the pandemic. The government’s decision should be subject to debate, and they need to be accountable for each and every one of them. Mistakes have clearly been made. Victorians are suffering, and we all want a clear way through.

That leads me to address the campaign that has been running to oppose this bill. As one of the key targets of this campaign, I have a few reflections. Firstly, as I said before, public debate is essential to democracy. Questioning and debating the actions of governments is what a democracy is all about. But all those debates need to have a link to reality. What is clear from the many thousands of emails
and social media comments I have received in the last few weeks is that the amount of misinformation
being propagated out there is enormous. The vast majority of the emails and comments show no
understanding of what the omnibus bill actually is and what it will do, and this is particularly the case
since the government announced its backdown.

Now, putting aside the vile, hate-filled, threatening emails and comments—and I want to thank my
staff who have been dealing with those, day in and day out—what disturbs me most about the
campaign on the omnibus bill is that by making it a proxy for the entire pandemic response it is
deliberately misleading people on the role of Parliament and how democracy functions. I understand
people are scared and hurting. This is a scary time, and many Victorians are facing extremely difficult
financial circumstances and horrible personal circumstances. But this is a campaign that is feeding off
people’s fear and anger. It is a classic right-wing nationalistic fear campaign, a campaign of division,
a campaign of lies and misinformation sprinkled with conspiracy theories, a campaign designed to
undermine a public health response to the most significant public health event of our times. It is a
campaign that we in this place should be collectively confronting, not submitting to.

The other reason I know this campaign is not what it seems is that it has been throwing around words
like liberty and freedom but when people’s actual liberty and freedom are routinely violated, do you
hear the same people? No. Are there thousands of emails from the same people demanding the end of
mandatory sentencing or bail laws that have seen the prison population in Victoria significantly
increase? No. Or calling for the release of asylum seekers from arbitrary detention? No.
The same could be said about the opposition. At the last election they ran a race based on law and
order, a fear campaign. Now we are supposed to believe that they care about people being unfairly
policed and locked up. Maybe they do—about some people’s lives but not others. And it does not
surprise me that there are Liberals and their hangers-on involved and engaged in these campaigns.

Members interjecting.

Dr RATNAM: You finished now? It does not surprise me that there are Liberals and their hangers-on involved and engaged in these campaigns. Their politics rarely reaches for solutions. They much prefer to play on fear and on misinformation; hence their decades of climate change denialism.

I for one am not going to be threatened by a right-wing nationalist conspiracy-tinged campaign, be bullied into denying the reality or cave in to threats, and I urge my fellow crossbenchers to look behind the emails at what is really going on here. The role of parliamentarians is more important than ever. In fact our influence has been demonstrated by the government having to back down and substantially amend this bill. Let us debate the government’s response to the pandemic. It should be debated. But vote on the bill before you. Play a role in stopping Victorian politics becoming a mire of conspiracy theory-fuelled nonsense. This is not a vote on the government’s response to the pandemic. It is not a vote on the current lockdown levels. It is not a vote on the best approach to lifting the restrictions and managing the pandemic. It is not a vote of no confidence in the government; that is happening in the other place.

To all the people who have contacted me, my Greens colleagues and I have considered the bill very carefully—the actual bill—and what the bill’s provisions will mean for Victorians, and, like we do with all our votes, we will act in the best interests of our Victorian community.

Mr O’DONOHUE (Eastern Victoria) (17:48): I cannot help but commence my contribution on
this debate by noting that the Greens voted for the preventative detention powers in the Legislative
Assembly, so for all the lecturing and all the hectoring and all the conspiracy theories from Dr Ratnam,
let the record show her colleagues in the Legislative Assembly, with the Labor Party, voted for the
preventative detention powers that she now all of a sudden says are terrible. The Greens voted for that,
consistent with their totalitarian approach of ‘We know best, we’ll tell you best’ from their moral high
ground. So let us not have lecturing from Dr Ratnam and the Greens about conspiracy theories when
her party voted for the preventative detention powers that have only been removed because of the public outcry.

Let me start by saying that at times, I am sure like for all of us, the feedback and the cynicism from the community can be draining. But hasn’t it been reassuring and fantastic to see the outpouring from everyday Victorians—not a right-wing conspiracy, as Dr Ratnam likes to assert, but everyday Victorians—who do not care much for politics but understand when things have gone too far and everyday Victorians who believe in our democracy and who believe in our institutions. They may be cynical from time to time, and I think that is probably a healthy thing, as has been demonstrated in recent weeks and months. They understood that there was something wrong. They may not have read the legislation or got into the details of it exactly, but they just smelt a rat. They smelt there was something wrong. They have been doing the heavy lifting for this government. They have been doing the heavy lifting in trying to stop the spread of the virus, and in return the government has wanted more power—more power—without any explanation as to why.

A threshold question for any new law is: why is it needed? That simple proposition still has not been answered. Yes, there are many things in this bill that are rolled over from the first bill and that we support, as many members of the opposition have said. But this new power grab, when the COVID numbers have come down and been stabilised, why is it needed? I think Mr Rich-Phillips and other members have reflected on the Secretary of the Department of Health and Human Services. It is not my wont to reflect on public servants, because they do a very difficult job and they do a good job, but her performance at the Coate inquiry was embarrassing, and the Parliament is being asked to invest with her, to hand over to her, to handball and say, ‘Here you go, Madam Secretary. Here’s a whole lot of power. You can choose which authorised officers you wish’ within that very broad class that Ms Crozier went through, with more power than the police. We are asked to trust her? She did not know the foggiest at the hotel quarantine inquiry—not the foggiest—or so she said. It was an embarrassing performance that reflected terribly on her hardworking colleagues in the public service that are doing their best. And this Parliament is being asked to invest, to give her a whole lot more power. No, thanks. No, thanks. I think she should be called back to the hotel quarantine inquiry and her answers should be further examined, as should so many other people. That is a whole other question.

I talk to Victorians, and people are contacting me that I have not spoken to for 20 years. They know I am in politics. They do not know much else, really. Sometimes they do not even know what party I am in, but they know I am in politics. They are reaching out to me saying, ‘What the hell is going on? What is Daniel Andrews doing? I used to think he was a good bloke. I voted for him’—I have heard that so many times from people I know—‘I wasn’t going to tell you, but I voted for him. What is he doing? What planet does he live on? Why are we in this lockdown that is destroying my business, that is destroying my life, that has put pressure on my marriage, that has meant my children are depressed? They’ve fallen behind in school and they can’t keep up. They no longer get out of bed. All they do is watch a screen all day’. These are the comments I am getting all day, every day.

The self-righteous on the crossbench might say, ‘Oh, we can’t talk about those issues; that’s inappropriate’. Well, it is appropriate. We are elected to represent our constituents and tell this Parliament what has gone wrong and why. So we should say these things because these things are important. I count myself to be absolutely lucky to be in this position. Those of us with a regular income, a guaranteed job, have no idea how hard it is out there in the real world. And do you know what the disconnect is? The people making these decisions do not live in the real world of small business, being told, ‘At some future time when I feel like it you might be able to open up again. And it might be 19 October—mmm, but it might not be’; and tomorrow, ‘Oh, it might be’, again; and the day after, ‘Mmm, it might not be’. ‘But the business I run needs two weeks to reopen because I have got to order stock from suppliers that might come from interstate. I have got to roster staff that have gone off doing other things because they have lost hope’. You cannot make a decision tomorrow and expect it to be implemented the next day, and unfortunately the two or three people that are running
Victoria at the moment simply do not understand that. We could address our issues to the ministers at the table, but, as others say, they are irrelevant to the operation of the government of Victoria.

**Ms Crozier:** They’re not even included in the COVID Eight.

**Mr O’DONOHUE:** In fact I think the COVID Eight is irrelevant to the vast majority of decisions made by the government of Victoria. I mean, isn’t it extraordinary that on 3 April the Premier wrote to the Department of Health and Human Services secretary and said, ‘You answer to me now’. He did that to the other secretaries as well: ‘Don’t worry about the usual niceties of reporting through to the minister and then to me. That’s a waste of time’. You know, at a time when cabinet government should come to the fore, when the institutions that make our democracy strong should count, they have been bypassed—absolutely bypassed. So Jenny Mikakos as health minister—‘You’re irrelevant’. Martin Foley might now attend the press conferences; he is irrelevant too.

Governments have always been very careful to get unfiltered advice from the public service. They need to get the political advice from their ministerial advisers. That is important because the public service may put forward propositions that, frankly, are just politically unpalatable, and they may need to be nuanced. Anyone involved in politics understands that. But when you have the two merged together, you get the sort of disastrous decision-making that leads us to be the only state in a second lockdown. Yes, it might be inconvenient at times to take advice from various different departments and then take advice from your ministerial staff and deal with external stakeholders. But do you know what happens when you do that? You do not make the sorts of decisions that have led us to be in this chamber today, wearing masks in a lockdown that is protracted and, it would appear, almost never-ending. That is not just me saying that; Jenny Mikakos said that. When Jenny Mikakos was free of the shackles of responding to Daniel Andrews—not necessarily doing things for him, because she was bypassed, but constrained by being a member of Daniel Andrews’s cabinet—that is what she said. When you have the sort of decision-making centralised, as Andrews did after the COVID crisis started, it leads to these sorts of disastrous outcomes.

Now, I could talk for a long time, but I have only got 6 more minutes, so I just want to now address briefly the Scrutiny of Acts and Regulations Committee process. I congratulate Mrs McArthur and Mr Burgess in the other place for the guts and the time in putting together a minority report, because other members from this chamber, from the crossbench, said, ‘Oh, everything’s fine now. The Law Institute of Victoria said everything’s fine, and the Victorian Bar Council, look, they’re not so concerned now the preventative detention powers have been removed’. But hang on. If you look at the minority report put in by Mrs McArthur and Mr Burgess, it has a submission from some of the most eminent QCs in Victoria that is not on the Scrutiny of Acts and Regulations Committee website.

Now, I do not need to tell you, QCs are by nature very intelligent. They run their own practices. Getting a group such as Matthew Harvey, SC; Paul Hayes, QC; Gavin Silbert, QC; Chris Blanden, QC; David Shavin, QC; the Honourable Dr Chris Jessup, QC; Michael Gronow, QC; Áine Magee, QC; Peter Chadwick, QC; Pat Tehan, QC; Jack Rush, QC; and Ross Gillies, QC, to sign up to the one document in itself was a very impressive effort. The fact that this chamber has been denied the opportunity to see this submission, particularly paragraphs 19 and 20 on the risks of appointing authorised officers without requisite training—so completely relevant still in the light of the proposed amendments—is a mistake; and that any power exercised by authorised officers would be best placed with Victoria Police members. I agree with them, and frankly, with all their learned capacity and skill, that is common sense, because the naturopath, with the greatest respect to the naturopath, or the parking inspector from Tasmania do not have the training in these issues. They have lots of great training, I am sure; they do not have the training in these issues that we want when these powers are being exercised.
The crossbench members say, ‘It’s all fine now’. Have a read of the minority report. I thank all those people who have made submissions that no-one will ever read and no-one will ever see. The chair of that committee, Mr Gepp, should be embarrassed and ashamed that he shut down debate on this very important issue, and I feel sorry for the SARC secretariat, who do a great job. They should not have been put in this position, and the Labor members on that committee should be ashamed of themselves—ashamed of themselves.

It is interesting—there has been so much said about various issues, and I again could talk for much longer than my allocated 15 minutes. I just want to make two further points that I do not think have been covered in detail. It is interesting that even when we are having this discussion the state of emergency has been extended. But for those three crossbench members here who voted for the state-of-emergency extension, chances are the state of emergency, in my humble view, would not have met the previous threshold for that extension. The watering down of that threshold to meet the state-of-emergency extension was critical, and it is so regrettable, given this grab for power by the government that has been stopped at the last gate in the process in this chamber, that preventative detention powers would have been approved by this Parliament. I think that vindicates the view of the opposition and most of the crossbench that the state of emergency should only have been allowed with much closer scrutiny from the Parliament and much more regular accountability and renewal by the Parliament. The Parliament has proven its worth, and the Parliament should have been relied upon more through this process rather than being shut down, as Daniel Andrews has wanted to do, consistent with his centralisation of power and his ‘I know best’ attitude whereby everyone else can go heave.

For most small business people, those people I have not spoken to for 20 years who have contacted me, from the neighbours I see when I am down at the local shops to other people I know in my life who contact me at the electorate office and whatnot, the two words that would sum up what they are looking for from this government are ‘certainty’ and ‘hope’. They want certainty and hope. They want the certainty that they can put the stock order in to open their restaurant in three weeks time, four weeks time, two weeks time, whatever it is—the certainty. And they want the hope that there is something on the horizon after all this pain and suffering and all the issues that have taken place since the second lockdown caused by the hotel quarantine disaster. They want the hope there is something better. And you know what: the tragic thing is, as a member of Parliament talking to constituents, I can give neither. I hope members of the government reflect on that—the words ‘certainty’ and ‘hope’—because Victorians deserve that.

Mr MEDDICK (Western Victoria) (18:04): I do want to preface before I start that I actually agree with Mr O’Donohue here. I think Victorians do need certainty and hope—I certainly do. This whole process has been played out so publicly by nature, and it must be. Every Victorian has a vested interest in the outcome of this bill. Those who have kept their jobs, those who are on JobSeeker, those who have lost their jobs, everyone who has lost a business—everyone has an interest here.

I was looking for certainty when I began to examine the bill. I am no lawyer. When I tried to tear it apart, to look at all the things that as a layman I was not comfortable with, I was uncomfortable with a fair bit as a layman. I looked to the legal fraternity for certainty and hope. Unfortunately I did not find it. I was mistakenly of the belief that most in the legal fraternity follow a set path and that they are in agreement about certain things—you know, people being on one side or another in a trial, notwithstanding. What I found was quite the opposite. In fact I had it said to me by one QC, ‘Put two QCs in a room and you’re going to get four opinions’.

Nonetheless I pushed on, and I made a point of ringing some of those people that sent me emails—and there were thousands. There were thousands of emails. I wish I could say that those emails were reasonable, calmly asking me to consider what they were putting forward. Unfortunately, they were not. They were in the main abusive. It is not to say that all of them were, because they were not. Some people, here and there, were trying to be calm and were trying to be reasonable, and I answered those people. We had good discussions and I appreciate their input; I honestly do.
I want to start then by thanking all of the members of the community, the interested groups and individuals, who took the time to contact me about this bill. The consultation was extensive, and I value everyone’s efforts to put their positions forward, whether it be for or against. I was able to consult with one of the QCs representing those who now famously wrote to the Premier about this bill. I consulted with the head of the Police Association Victoria, representatives of the Law Institute of Victoria and the Victorian Aboriginal Legal Service. Not just those, but many of the constituents I touched base with spoke of their concerns about the detention powers, now removed and rightly so. I did not agree with those detention powers, and I could not have supported the bill at all should they have remained.

They also spoke about the lack of clarity on authorised officers, thankfully also now clarified. Many agreed with the other aspects of the bill. Indeed they deemed them absolutely necessary. First Nations legal allies, however, still have concerns about those who are without a roof over their head and therefore at risk and cannot easily be accommodated within the hotel program on offer. They are not being offered accommodation near to where they are living rough—that is, on country. The services that they may require and access regularly are also situated by their nature near to them. In moving them out of those areas or asking them to, they cannot access the services. This situation should be improved by sourcing accommodation as close as possible to their community, something that I have raised with the office of the Leader of the Government in this chamber, and I hope that it can be done as a matter of priority.

Many aspects of this bill are uncontroversial. It provides for the extension in time of a range of already conducted COVID-safe measures, such as online council meetings, remote court hearings and visitor limits in prisons. I have heard little opposition to such measures, even from MPs who oppose the bill for other reasons. Other proposed measures, on the other hand, prompted significant community discussion. The detention powers originally contained in clause 16 of the bill represent significant new powers for law enforcement. I note that I was not the only person consulting with the government and highlighting the problems with these powers, and I am glad to note that they have been removed entirely.

I note that the appointment of authorised officers to monitor COVID-safe plans and conditions in a range of industries is a good idea. The government has laid out, in some detail now, the limits on the powers of these authorised officers in response to the well-founded critique that the bill was too broad. This bill now brings Victoria in line with other states who have similar schemes. I see these mechanisms as important to allow the government to safely return to the community its usual liberties. If this bill were to be defeated, it would not only inconvenience a range of citizens and institutions but tend to make opening up more risky than it needs to be. This is likely to slow the opening up of society to our COVID-normal state, and no-one wants that.

I want to address much of the misinformation that came to my office. What the bill does not do is allow authorised officers to enter private homes. It does not make politicians exempt from the recently passed workplace manslaughter laws or unable to face prosecution. And it does not forcefully remove children from families. In fact it does the opposite; it allows separated children and families to continue the process of being reunited. It was disappointing to see a number of MPs who are fundamentally opposed to the government not pointing out that these widely spread rumours are untrue. I want to thank the crossbench MPs who are opposed to the bill but did make the effort to point out these inaccuracies. I do want to address the large amount of lobbying from Victorians and others who take a real interest in this bill. I certainly understand that Victorians are frustrated, tired and getting emotional. Some are affected far worse than that and see their livelihoods being destroyed and assets being eroded away by this extraordinary time of restrictions.

Some of those who criticise this bill do so because they think the government should have taken a radically different approach to tackling coronavirus. They point to Sweden or Japan and talk of protecting the vulnerable in an otherwise openish society. I will not say there is a problem in examining these approaches, and the final tally and summary of what works and what does not is yet to be written
into history. But our government has taken the view that heavy suppression—virtual elimination of community spread of COVID—is the wisest course overall in terms of both beating the disease and allowing an economy to thrive in the long term. This bill supports the government’s approach. Defeating it will hamper their efforts, but it is unlikely to result in any changes in their approach. Time will tell if they have the right one. The evidence of the number of cases we are currently discovering suggests that, notwithstanding the short-term costs of the plan, it is working.

Mixed in with these strategic criticisms are those who for reasons of politics, it seems, want to foment trouble and confusion by creating or spreading misinformation. I have seen some extraordinary claims made about what is contained in this bill, and many interested people reading these things may have been easily confused by them. Not for a minute do I suggest that some people understanding the real issues may not have a different judgement to mine, but I have been concerned about the number of people who oppose this bill in its entirety based on a misunderstanding of what it actually allows.

I ask the government to do more to combat misinformation. They can do that by explaining in more detail the rationale behind the bill, what the provisions allow and the way that it will be used. In particular I have urged the government to explain that this bill speeds our movement towards a return to personal liberties by allowing measures for preventing outbreaks when the restrictions are lifted. It is time for them to trust the public with that information. As we move through this pandemic the relationship between the government and the public must change. This is a state living moment to moment now, thirsting for—almost living for—that next piece of news that might give them hope that things are about to change. They are educated, and they can handle the truth. They can be brought in and be given every ounce of information. Even if that information is not good news, they can take it. Be clear about the plan and communicate it well. The government has enormous resources at its disposal to make that happen and may feel that this is what it has been doing. Well, there is always more that can be done, and as I said, what may have been good months ago is not now. It is a changing relationship.

Those opposed to the bill and I have something in common: we want life to get back to normal. We want to see our friends and our family and get back to normal work and life. What some fail to see is that without the measures passed in this bill we will be even further away from that. COVID-safe plans will be vital in stopping the spread of coronavirus as we open up more, and we must ensure that they are adhered to to avoid any more clusters or outbreaks. If our courts and our councils cannot operate remotely, they cannot operate at all. The last thing we need is any delay in our justice system or local decision-making bodies right now or for more industries to close. Importantly this bill also provides a package to support injured workers who are unable to return to work during the pandemic, something that is vitally important. Without false certainty but on the balance of probabilities, it is far better for Victorians to see this bill pass, and I will support it.

Mrs McARTHUR (Western Victoria) (18:18): I rise to speak on the COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020 and to express my complete opposition to this appalling legislation. But I want to thank the thousands of Victorians who have written to me about this bill. I do not recall any abusive language actually, so I do not know who wrote to other people. I have written back to the 11 000 who wrote in the 72 hours they had to provide a submission to the Scrutiny of Acts and Regulations Committee when we managed to get it on the website that they could make a contribution. However, I am appalled that their contributions were not able to be seen by members of SARC until half past 10 yesterday morning when we had to put a minority report in by 2 o’clock yesterday afternoon, so we could not access all of their contributions—and they wanted the public to know what they had written as well. This was a complete disgrace, I think, on the part of SARC, and I am ashamed almost to be on that committee.

Regional Victoria now has six active coronavirus cases, and metropolitan Melbourne has 140. You would think that under these circumstances the government, which has wielded historically unparalleled power and control over Victorians lives, would be now willing to relinquish that power and control. Instead this government thinks the priority should be to amass more power instead of less.
This Premier and his government—I do not know whether they are all on board with what he is doing—have abused these extraordinary powers that they have been granted, and I for one do not think they should be given more power. In fact the Premier’s powers should be well and truly lessened.

This government, and particularly this Premier, have been given unprecedented powers—not only in this country but unprecedented in the world. While I am glad to see that Minister Symes will be circulating amendments which remove substantial subclauses of the bill, it is my strong view that the legislation should be rejected in its entirety. The government’s intentions were to allow authorised officers to detain Victorians on the mere suspicion that they were likely to breach health directions. If they had had their way, authorised officers would have been able to detain Victorians for suspected thought crimes—not just police officers but anyone that the chief health officer saw fit, and not for crimes, not even for ill speech or ill thoughts, which would be reprehensible enough, but for suspected ill thoughts. Fortunately enough pressure has been exerted, and that horror aspect of the legislation has been removed. But still this legislation tramples over the rights and liberties of all Victorians.

As for the Attorney-General’s statement of compatibility with the Victorian Charter of Human Rights and Responsibilities, we should be taking her and her officers’ supposed legal expertise with a grain of salt. The advice they are providing or receiving on legislation is predicated on partisan politics and the desires of this socialist Labor government.

Already we have seen several class actions mounted against the government for its restrictions on life and liberty. This week it was announced that prominent hospitality figure Julian Gerner will mount a High Court challenge to the legality of the 5-kilometre rule and essential worker permits, based on their clear disproportionality and infringement on the implied constitutional right of freedom of movement. Mr Gerner said:

“This is not what we signed up for and is inconsistent with a free society, representative democratic government and civilised living…

Aggressive and heavy-handed enforcement of these restrictions has also alarmed most fair-minded people.

The Attorney-General has disgraced herself by tabling the statement of compatibility in the other place, contending that:

In my opinion, the Bill, as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter.

Does the Attorney-General consider herself as having greater legal expertise than the 12 senior barristers that my colleague Mr O’Donohue has referred to, who wrote a submission to the Scrutiny of Acts and Regulations Committee in the 72 hours that they were allowed, even though they were not part of the hand-picked group of five that were asked by SARC to make a contribution? Those people, like Ross Gillies, QC; the Honourable Dr Chris Jessup, QC; Jack Rush, QC; David Shavin, QC; Pat Tehan, QC; Chris Blanden, QC; Peter Chadwick, QC; Gavin Silbert, QC; Áine Magee, QC; Paul Hayes, QC; Michael Gronow, QC; and Matthew Harvey, SC, wrote to SARC and stated that the bill:

(a) is incompatible with the human rights set out in the Charter;
(b) unduly trespasses upon rights and freedoms of Victorians (and visitors to Victoria); and
(c) makes rights, freedoms or obligations dependent on insufficiently defined administrative powers.

Even with the amendments that Minister Symes is circulating, the bill is comprised of concerning provisions that will not make Victorians’ lives better or return them to normality. And I do not want to see anybody in this house come into this chamber and argue for the downtrodden, the oppressed, the disenfranchised, about their rights and freedoms and liberties, because by voting for this legislation they are expunging the rights and freedoms of those people in particular and it would be hypocritical of them to argue otherwise.

Police officers and PSOs will have the power to enter premises without a search warrant conferred upon them, which were previously only available under the state-of-disaster powers. This is of
significant concern not only due to the longstanding Western tradition of requiring police to obtain a warrant to enter private premises but also because the shifting of powers from the state-of-disaster powers into the state-of-emergency powers indicates that the Premier has no intention of limiting unprecedented police powers as the risk to public health subsides. As I previously stated, the risk to public health is alleviating. The government should be relinquishing its powers, not obtaining more.

WorkSafe Victoria inspectors will be allowed to exercise numerous public health risk powers in the act, more than police officers. They will be able to:

- direct any other person to take any other action that the authorised officer considers is necessary to eliminate or reduce the risk to public health …

under section 190. Not even the police have this power. Why is this government so determined to confer such extraordinary powers on WorkSafe inspectors, whose primary responsibility is to enforce OH&S laws in workplaces? They already have innumerable powers. Is it because under the circumstances anyone’s home will be considered a workplace if they are working from it, enabling inspectors to enter people’s homes without a warrant and enforce the arbitrary dicta of this government?

Similar powers, as others have mentioned, will be conferred on a litany of other public servants such as health service providers and public sector employees from interstate. These powers are extremely concerning to many Victorians, and in their thousands they have tried to communicate with us. Somebody just emailed me today in response to my letter to the 11 500 or whatever it was, saying that they can never get an answer from members of the government when they write to them about their concerns, and they feel threatened. They are worried for their family and their children’s future and about the fact that they have got a job which they might not have for much longer, but nobody seems to care—from the government.

This government has instilled fear in the people they are supposed to represent and serve. Everybody has done the right thing. We have worked assiduously to ensure that we sneeze into our elbows, we sanitise our hands and we keep social distancing. Very few have not complied with what we are meant to do, and we did it in the beginning so that we could ensure that the hospital system could cope. Well, all those tens of thousands of people we were assured were going to flood the hospitals of course never eventuated, and if after seven months we have not got enough hospital beds or ventilators or PPE then that is an indictment on this government and those responsible for ensuring that the health system can adequately cope with any crisis. And it is appalling that health workers themselves are the ones most affected these days with the virus. If you cannot keep health workers and even patients in hospital free of this virus, then you ought to admit failure and people should resign and should have their jobs taken away from them because they are clearly incompetent. Mind you, health facilities in rural and regional Victoria have coped very well. It does seem to be a problem for Melbourne.

I would like to refer to a constituent in Melton, Sharyn Metaggart, who wrote to me and said:

I’m extremely fearful for the outcomes … should this bill pass, as we the people have nowhere to run to. I can’t protect my child from our Government, I can’t leave the state, I can’t even leave my area and the Government is expecting the people to trust they won’t abuse these powers when their track record speaks volumes.

I concur with Ms Metaggart. The government’s track record provides Victorians with no confidence that these extraordinary powers will not be abused. The government can say all they like about how these powers are necessary to fight the pandemic and keep people safe, but when Victorians see pregnant mothers arrested in their homes for Facebook posts and people brutally tackled to the ground by police on Melbourne’s foreshores for protesting, while a blind eye is turned to Black Lives Matter
protests, they have absolutely no reason to believe them. Another constituent wrote to me, from Belmont:

I am terrified of what it will mean to the people of Victoria if this bill passes. I am terrified for the state of being for mothers, children and our partners. I am terrified for the elderly left to die alone. I am heartbroken for those that need their support system, like myself, because they have nobody else. We are alone, we are not okay and we need your vote—your vote to support your constituents—Not this dictatorship. Not Dan Andrews. Not for this bill to pass.

This government has terrified its own citizens. Another constituent, from East Geelong, wrote:

I’m a single woman and a small business owner in Geelong. The stress, anxiety, and loneliness of this never ending cycle of restrictions has taken a huge toll on my welfare. We are in a position here in regional Victoria where our numbers are so low, that it makes no sense for us to be under such barbaric measures.

Ms Reynolds is quite right. There are more active cases in New South Wales where the state is open and the people are free, but on this side of the Murray River the authoritarian Labor government in this state want to legislate more powers for their political foot soldiers rather than winding their powers back. The important provisions of the bill that do not relate to expanding emergency powers should be stripped out of it, as Ms Maxwell said, rather than disingenuously forcing members who oppose the government’s authoritarianism to vote against them. No member can vote for this bill with a clear conscience. I certainly cannot. The opposition cannot here on this side of the house. I think it is appalling. We should all vote against this bill, and I am sorry that those on the opposite side are going to support it.

Sitting suspended 6.34 pm until 7.39 pm.

Mr QUITY (Northern Victoria) (19:39): I will be brief. This omnibus bill expands the number of people who can exercise authoritarian power under a state of emergency. Thankfully we, the people of Victoria, have had success in forcing the government to remove arbitrary detention powers from the bill, but we should not forget that they tried to include them and would have included them if they could. In this bill there are no safeguards to protect Victorians against the abuse of these powers. Over the past few months we have seen how the words ‘reasonably necessary’ actually offer no protection at all. The bill still allows the government to grant to anyone they feel is relevant the power to close or inspect any place, the power to force anyone to take any action and the power to take or destroy any thing. The bill also allows the government to grant these powers to health workers and WorkSafe workers who do not have any relevant skills or expertise. This includes the power to violate natural rights without recourse, without a warrant and with no measures in place to hold authorised officers accountable for misusing powers. It should go without saying that this is a very bad idea. I will never vote in support of warrantless search. The state of emergency should have ended on 13 September. At this point nobody should be exercising these powers. Instead the government is extending the number of people who can.

There are several other measures in this bill that are more reasonable and should probably be passed with no question, some of which probably should become permanent measures, except that we have already seen members supporting these reasonable measures as a Trojan horse to sneak through this expansion of state power. This bill could have been split, with the non-contentious parts separated out for quick passage, but that would damage the government’s narrative—or what is left of it.

In March we said we would not oppose the state of emergency but we would watch how the government used the powers. Well, I have watched, and I am not prepared to extend the trust to the government any further. To be fair, I did not trust the government or indeed any government much before this, but I trust them not at all now. We have members here lamenting that we are losing our trust in institutions. The reason we are losing our trust is that our institutions have betrayed our trust, in this case through incompetence and overreach. Northern Victoria has almost no cases. Our towns along the river and most small communities in northern Victoria have had no cases at any time, yet we must be held back until the whole state can be let out together. How can we trust you when you
continue to treat us like this? Having let the virus go, the Premier is now determined to get it back under control at any cost to the population of Victoria. Dan Andrews is chasing his white whale, and we are all continuing to pay the price.

We are continually told that the faster we relinquish our freedom, the sooner we will be free. I say that any freedom you give up is a freedom you might never get back. This state of emergency may end one day, although that day appears to continually disappear over the horizon, a mirage continually beyond reach. But having opened Pandora’s box, governments will keep coming back to these powers. A year ago it was unthinkable the government would treat us like this. Now it is standard operating procedure. Police are already arresting peaceful protesters, picnic goers and pregnant mothers. Vaccines are not expected until at least six months from now, which is what we heard six months ago. The government keeps using phrases like ‘the new normal’, but Liberal Democrats will never see this police state as any kind of normal. We will resist these restrictions for as long as they exist.

Ms LOVELL (Northern Victoria) (19:44): I will also be relatively brief. I do not intend to go over the draconian measures that this bill originally meant to bring in. Many of the people who have spoken before me have canvassed all of those issues and the reasons why Victorians were so opposed to them.

I have to say that I thought I got a lot of emails and a lot of representations from constituents on the extension of the emergency powers bill, but this bill has certainly eclipsed the concern in the community about that bill. This one has really had some resonance with the people of Victoria, who are absolutely against the government’s overreach in this bill.

As Mr Quilty just said, in northern Victoria we have had zero cases for a number of weeks now. We have had a small breakout in the Mitchell shire, which was unfortunate—brought in from metropolitan Melbourne—but there has been nothing north of the divide, although unfortunately I read in my local media that there have been two cases identified in Shepparton today. But prior to that there were zero cases north of the divide for quite some time, yet our communities continue to suffer.

Regional Victoria largely has been COVID free for a number of weeks now, and it really is time for the government to get on with opening up our regional economies and letting us get our businesses back up and operating, getting people back to work, saving jobs, saving businesses and getting our economies running again. We are actually suffering quite a bit because of the border bubble. We advocated very strongly for the border bubble to be expanded, because for those of us who live in northern Victoria, New South Wales is not that far away—it is just across the river. It is like standing on one side of Hoddle Street or the other. In going about our day-to-day lives we are one community, and the border closure has caused quite a bit of grief.

Now, that border closure has been eased, but this again is causing grief for businesses on the Victorian side, because if you are a gym in Cobram, you cannot open, but you watch as the people of Cobram and beyond pour past your front door to go across the river to Barooga to use the gym. If you are a pub in Yarrawonga and you are restricted to having 10 or maybe 20 people, if you have got two rooms in your premises, you watch as they pour across the river to the pub in Mulwala. If you are a restaurant in Echuca, again restricted in the number of people you can serve, you watch your customers drive past your front door to go across to Moama. If you are a cafe in Mildura, you do the same thing as you watch them go across to Gol Gol. A dance studio in Wodonga watches as everyone goes across to Albury to have their dance lessons. A cellar door in Rutherglen watches as their customers leave Victoria and go across to Corowa. So it has been very unfair on businesses on our side of the border, and we really do need the government to listen and to start to ease restrictions in regional Victoria.

It makes perfect sense to ease restrictions in regional Victoria because it actually gives the government the opportunity to put in place localised responses, and this is what is being used interstate. In New South Wales, for instance, their economy has been open for business and operating for many months now. Yes, we have heard of the odd outbreak in this pub or at that venue, and what they have done is deal with those in localised responses. They have not closed down the whole state or a whole industry,
just dealt with localised responses. Victoria can learn a lot from New South Wales, not only in localised responses but also in contact tracing.

Regional Victoria provides a perfect opportunity for the government to use localised responses for dealing with outbreaks because, for instance, if there are the two cases that have been reported in Shepparton tomorrow, that outbreak provides no threat to Warrnambool, Mildura, Wodonga or Bendigo. It can be dealt with locally in Shepparton. The government should be using those localised responses so that we do not see the whole economy close down. Mitchell shire has had a couple of significant periods during this pandemic—in fact I think more people have heard of Mitchell shire since March than had ever heard of Mitchell shire before—and again, those localised responses can handle the outbreaks there. The government certainly should be looking at that.

We need to look at the failure of this government, the failure in contact tracing. We know that that is one of the real failures of this pandemic in Victoria. We had gold-class contact tracing in New South Wales, but in Victoria it was archaic. Even having sent people up to New South Wales to learn how to do it, Victoria still lags behind. But I think the stats are actually what speak for themselves. If we look at the stats, there are 27 316 cases of coronavirus in Australia—in the whole of the nation. Of that 27 316, 20 305 have been in Victoria. More than 74 per cent—almost 75 per cent—of all cases in Australia have been in Victoria. That is quite astounding when you think that we have about 26 per cent of the nation’s population here, yet almost 75 per cent of the cases have been in Victoria. You compare that to New South Wales, which has around 32 per cent of the population, and they have had less than 16 per cent of cases. And of course the other states have had far fewer than that.

And the deaths are a really sad story when you look at Victoria. Of the 899 deaths that have occurred in Australia, 811 of them have been here in Victoria—that is, more than 90 per cent of all deaths have been Victorians. Again, I reiterate that we have 26 per cent of the nation’s population yet more than 90 per cent of the deaths have been here in Victoria. Even in New South Wales, where they had the unfortunate start with the Ruby Princess, they have 32 per cent of the nation’s population but less than 6 per cent of the deaths have been there, with 53 deaths. And the Northern Territory has done extremely well, where they have not had any deaths at all, and that speaks volumes about what is going on in the other states in good management of the coronavirus and volumes about the very poor management of it here in Victoria.

This omnibus bill has some good aspects to it—aspects that we probably could have supported had it not been part of the government’s overreach. And even though they have walked away from their detention requirements in this bill, there are still elements of this bill that are of grave concern to Victorians and of grave concern to the opposition. Therefore we will be opposing this bill.

Dr CUMMING (Western Metropolitan) (19:52): Thank you. I will not be supporting this bill for reasons that have not really been expressed here today. I guess I will start by saying that if this bill had actually come to me in April, in the peak of the pandemic, I probably would have agreed. But eight months later, in October, do I feel that with the current numbers we have I want to actually see what is being proposed put forward? I cannot agree. So I cannot support the COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020.

As I stood here in September to voice my concerns and those of many of my electorate and thousands of people who contacted me regarding the extension of the state of emergency, I spoke about their concerns for the removal of their democratic rights. I stand here again today concerned about the same thing. I understand that many of the amendments proposed are necessary to enable certain areas of government, such as our courts, to continue to operate safely in these extraordinary times. And as I have said earlier, if we were talking about this in April, when these conversations had been started, I probably would have agreed. I do not have any problem with those amendments. However, the amendments to the Public Health and Wellbeing Act 2008 I cannot support.
I was pleased to see that the amendments proposed by the minister include the appointment of an authorised officer and the removal of the detention powers given to these officers, and I was very glad to see those amendments. There has been some talk about moving the PSOs to these roles, which is very concerning for me and for my residents. I have had many complaints, even in my short time as a member of Parliament, about PSOs and their sometimes—the community feels—being heavy handed. The IBAC 2016 report on transit protective services officers identified the following three key areas of concern in relation to PSO conduct: (a) assaults and excessive use of force, (b) unauthorised access to and/or disclosure of information and (c) predatory behaviour involving the public. This was an IBAC report in 2016. While I certainly believe that this is not the case with all PSOs, it certainly shows that that can actually happen when staff who have not been trained properly have been given extraordinary powers. I imagine what they could do under the powers that are being proposed today in this bill—with the proposed amendment of this act.

The powers given to the temporary authorised officers by the amendments still allow, amongst other things, and I will quote, the right to:

… without a warrant, enter any premises and search for and seize any thing that is necessary for the purpose of investigating, eliminating or reducing the risk to public health—

and to—

direct the owner or occupier of any premises to take any action necessary to eliminate or reduce the risk to public health—

as well as—

direct any other person to take any other action that the authorised officer considers is necessary to eliminate or reduce the risk to public health …

I do not want anyone here to fool themselves. The ability for temporary authorised officers to exercise detention powers have been removed. However, detention powers are still available to authorised officers under sections 199 and 200 of the existing Public Health and Wellbeing Act 2008.

Currently, strict conditions are in place, and I would like to go into that and a little bit off track by saying that one of the reasons that I cannot support this bill and what is being proposed today is that currently under the Public Health and Wellbeing Act 2008 those detention powers are already there. They already do exist. The language of detention is used throughout that actual act, and section 190 of that act is actually the public health risk powers. I will not go into detail, because they go on, but those powers already exist. For the last eight months we have had these powers that already exist. There are detention powers that already exist. We do have authorised officers that already exist. The act actually stipulates all the powers of an authorised officer—and one being an environmental health officer.

I have listened to a lot of the debate today around how if this bill was not to go forward, we would be somehow taking a step backwards—if we did not give these powers to PSOs as well as workplace safety officers. I will say this to you: those authorised officers already do exist, those powers already do exist—the power to detain people—and there are powers within the Public Health and Wellbeing Act 2008 that talk about the public health risk powers, and these are what? These instruments are what the government are currently using and have been using for the last eight months. So I am comfortable that within the Public Health and Wellbeing Act 2008 those powers are there, and they are being currently used. To extend to the others in the chamber and for others within the community that might be listening to the debate tonight: understand that the language of detention is actually used throughout that act currently.

It was actually a big surprise to me because of my understanding of the language that you would possibly use in medical terms. Medical practitioners or doctors would not use the language ‘I’m going to detain you’ to a patient. They would actually use, especially in a mental health situation, the language ‘voluntary patient’ or ‘involuntary patient’, or ‘You’re going to be a voluntary outpatient’. The language that they would use would be, ‘You’re going to become an involuntary inpatient’. When
they use that language in a medical setting, they are using it under this act, the Public Health and Wellbeing Act 2008, as well as the Mental Health Act 2014. These bills use the word ‘detain’ throughout, which was a very big surprise to me. The use of language like ‘I’m going to detain you for health purposes’ is actually throughout this act. It was a shock, because I would have thought they would use language like ‘becoming a voluntary patient’ or an ‘involuntary patient’ and ‘I’m going to admit you’. Other language used in a health setting would be like ‘quarantine’ and ‘isolate’. So you would think that the language that would be used within an act might be ‘isolation’ or ‘quarantine’, but they have used the language of ‘detain’. I think when the general community hear this it would actually frighten them to think that that language, ‘detain’, is used in a healthcare setting and used throughout our actual Public Health and Wellbeing Act 2008.

So I guess just to expand on that train of thought, getting the community to understand that the word ‘detain’ is throughout this bill and in the Public Health and Wellbeing Act 2008, currently the detention powers are available to authorised officers under sections 199 and 200 of the existing health and wellbeing act, and strict conditions are in place to make sure that compulsory mental health treatment is used only as a last resort. This is the example that I was giving earlier. Assessment orders can only be made by a registered doctor or a mental health practitioner. For that example a registered health practitioner in that scenario would be a registered occupational therapist, a registered psychiatrist, a psychologist or a social worker employed or engaged by a designated mental health service. An assessment order allows a psychiatrist to examine you, even if you do not want to be assessed, and to decide if you have a mental illness and that you need treatment. If a mental health assessment finds that the treatment is needed, a treatment order will be required. All of the following criteria must apply before any treatment order or temporary or longer can be made. These are some of the things that are stipulated: you have to have a mental illness and need immediate mental health treatment to stop serious deterioration or to stop harm to you or to another person. So that you can get immediate treatment, you are made subject to a temporary treatment order or a treatment order—I hope everyone is getting along with what I am saying—if there is no less restrictive way for you to get immediate treatment.

So if all of the above reasons apply, a psychiatric assessment will be made and a temporary treatment order given, and that patient will remain as a compulsory patient. But what is actually built in is that a temporary treatment order can only last for a maximum of 28 days. In other words, reading through the act, it virtually says that there is a set date—there is 28 days attached to it—so it is not an indefinite detention. When a medical officer makes that assessment, it is very clear the steps that they have to make, and it also is very clear the maximum amount of days that that assessment and that order can actually stay in place for. So this is another reason why I struggle with the current amendments, because currently built into the legislation is talk about a maximum number of days. And when you think about it, when a person is presenting with a serious mental health issue you would hope that, with the treatment that they are afforded, within a week, two weeks, three weeks they would actually get the condition under some kind of control and they would not have to be detained for more than 28 days. So I suitably struggle, when we go through this, that there are not maximum time limits, that there are not minimum time limits—that there is not anything built into this.

Yet here we are looking at authorised officers who may not be trained such as health professionals are. Currently the situation under this act is that it is health professionals that are trained that make those assessments to detain someone, and there is a lot of training involved to be able to get to a point where you can actually say, ‘I am going to detain someone for their own health and wellbeing’. And I feel very comfortable knowing that currently this can only be done by highly trained health professionals. Highly trained health professionals can make that assessment to actually have someone detained under the language that the act uses—the language is normally ‘involuntarily’—and become an inpatient. I believe that it makes more sense to have highly trained medical professionals to make those assessments and make those calls around self-isolation and quarantining and to have this as a proper health response to this virus and to this pandemic.
I could go on. The Public Health and Wellbeing Act actually states that an authorised officer within the act at least once every 24 hours during that period that a person is subject to detention must review whether to continue that detention of that person and reasonably find that necessary to eliminate or reduce the serious risk to public health. And it goes on to say the authorisation must specify the period of time for which the authorisation continues to be in force. So if you can understand that, virtually every 24 hours there is a new assessment taking place to make sure that that detention order should be staying in place. It also goes on in the act to talk about how the chief health officer may extend the period of time for which an authorisation continues to be in force before the authorisation expires. So I have a very high level of comfort with the current act and the language that is used and the knowledge that a very highly trained medical professional, with a lot of training that sits behind that, makes those calls and makes those decisions.

For me, these powers should only be given to a qualified medical professional with checks and balances in place and with time limits. Instead here we have it that we are going to give the powers of these individuals over to a WorkSafe officer or a PSO. I struggle with the idea that, knowing the medical professionals that are out there and the amount of training that is involved to even make that assessment of detention, here we are going to give a minimal amount of training and have those powers sitting underneath workplace safety officers or PSOs. Now, for me, as I said earlier, if this was coming to me in April and we had these conversations, I do not think I would have had the same issues that I do today with it, but seeing that we are here having these conversations in October, I really do struggle with what is being proposed.

Most people are obviously doing the right thing. I guess to give you a bit of a logical argument, the community has watched the powers that the government has given on the way to police masks. If this was truly a health response and we were doing this under the lens of a health response, I do not believe I would be seeing with my own two eyes police wrestling with a person because they were not wearing a mask or because they had not given their details because they had not been wearing a mask. For me, I know that that is not a proportionate response, because, in all respect, if this was a highly infectious person, I would really, really worry for those police officers—that you would have six people jumping on and arresting a person for not having a mask if they were feeling that that person was actually infectious. I would be hoping that if we were going to have a true health response to a virus, we would not be going down a way of policing it to the extent that we actually have in the way that I have witnessed so far.

And I do not blame the police in many ways because they have been instructed by the government to do this, which I really do struggle with, the reason being that for many years we have watched the drug issue and everybody wants to see a health response. They do not want to see it policed and heavily-handedly policed, nor do I want to witness, through a virus and a pandemic, that we have got a heavy-handed police response. I do not want that to be the norm, and I would hope that the government has a good look at themselves in the way that they are dealing with a health problem and having the police respond the way that they are. I understand that the police do not even want to respond in lots of ways to mental health issues when they are arriving to a person who is under mental duress, but they are police officers. They do not want to be put in those situations. We should have a proper mental health system so that we have a crisis assessment and treatment team and it is dealt with as a health response. I do feel for the police. They have been put into a situation by the government to deal with the virus in the way that they are dealing with it currently. Currently we have a situation where we are locking down a healthy community rather than locking down the virus, and we cannot continue to go down this path of actually keeping the community locked up.

I, like many others here, have received numerous emails about how the vast majority of the community, when it comes to having a 5-kilometre radius, is really struggling, and I question why we are still having the issue around a 5-kilometre radius and 5-kilometre zone. And that being that, a lot of people’s 5 kilometres are wonderful. They have got a shop, they have got a bus stop—they have a great 5 kilometres. But there are a lot of people in my community that have a 5-kilometre radius where
they do not have a supermarket, they do not have a bus stop, and it is not working for them. So as of this afternoon, and especially in a lot of parts of my area, the 5-kilometre rule is not working. I do hope that the government has a good look at this 5-kilometre radius and abolishes it in some particular way, because of the 31 metropolitan councils, five have no active cases, 15 have one to five cases, four have six to 10 cases and there are only seven councils that still have 10 active cases, which means that 64 per cent of council areas have five cases or less. And we are still restricting healthy people to a 5-kilometre limit. I will say this again, and I feel like I keep repeating myself in this place: I understood that the government, at that time, was trying to do a localised response because they could see that the virus was in a particular area and they required my community in Maidstone to buckle down to actually get tested to see what was happening with community transmission at that particular time. There is no rhyme or reason to the 5-kilometre zone. Those 5-kilometre zones are not working.

Back a couple of months ago the government was talking about if there were going to be lockdowns, if there were going to be cases, they would look at local government areas. That seems to be not even a conversation anymore. That conversation seems to be gone. Five kilometres seems to be what is constantly talked about, and I would hope that the government will look at this and change their mind—look to increase that to 20 kilometres if not look to remove those limitations on where people can go within the metropolitan area or even look back to people being able to move around in local government areas.

I also feel, as others have said here today, that we need to trust our community. Why I am saying that we need to trust our community is that if we educate our community they will socially distance, they will use hand hygiene and they will use hand steriliser. We have actually hit a point where the government has to look at opening up. They have to be realistic about their numbers and the number of cases, and they need to really have a good look at the capacity and who is presenting and how they are presenting—if they are presenting acutely, if they are needing more urgent care in the way of hospital care.

So I am hoping that Daniel Andrews, when he shows up to one of his media conferences in the coming days, actually shows up for my community. And I am begging him to actually open up in some way, shape or form so that we can learn to live safely with this virus. Daniel Andrews, I really hope that you can actually trust the Victorian public to do the right thing during this pandemic. You need to open Victoria up in a COVID-safe way and allow them to physically distance, allow them to hand sanitise and allow the community to work safely with COVID-safe plans.

I truly hope that the government actually also looks to a greater extent around what it is doing with the policing of masks and has a proper conversation around mask wearing. You are, I believe, losing the community when it comes to the wearing of masks, and will lose them as the months go on. We were at a point where the government was recommending mask wearing, and I hope that we get back to that stage—where the government actually trust the community and understand that you educate the community when they should be wearing masks. They should be wearing them on public transport. They should be wearing them in confined spaces. They should be wearing them if they go to a hospital or are surrounded by vulnerable people or are in close contact with vulnerable people. But to actually still go down a path of having to wear a mask when you are going for a walk, when you are sitting down at a beach, when you are in country Victoria and there is nobody around, you are slowly losing the community without having proper reasons why they should be wearing a mask. Obviously I feel that the community needs to be trusted to make those decisions for themselves.

So, yes, there are reasons why today I am not supporting this bill, and they are probably different reasons than others have given today. I believe that they are already sitting here in the legislation under the detention powers. I am not confident in giving the PSOs or WorkCover operators those detention powers without them having a lot more training under their belts and feeling very comfortable. Those powers should not just be frivolously given to anyone; they actually have to be given to people who have a well-formed education.
Mr ATKINSON (Eastern Metropolitan) (20:22): The Premier, Daniel Andrews, made a very big mistake at the outset of the COVID-19 challenge. When you have a crisis, you reach for the rule book. But what the Premier did was he threw out the rule book and tried to do things in his own way, without using the processes and procedures and mechanisms that were in place to protect Victorians during such a crisis.

A member interjected.

Mr ATKINSON: Is that my view? Well, yes, it is my view, but it is also the view of the former health minister and it is also the view of the former local government minister, who have both blown the whistle on the way in which this crisis was managed from the outset. And we are paying an extraordinary price as Victorians for him having thrown out the rule book and having tried to do things with hubris—not being prepared to accept best practice and experience from other jurisdictions and without listening to a broad range of experts, but rather taking a siloed approach and listening to only a very few people with a very limited agenda. The result of that is we now have a state that is devastated economically. We have people who are in financial and emotional and mental stress. The thing that worries me is not so much what we are experiencing today, this year, but indeed what will manifest next year, 2021, as we come out of COVID, as we do abandon lockdowns and all the other restrictions—or most of the other restrictions at least—and then confront what are going to be the consequences of so many of our actions this year.

What this legislation is trying to do, even with those clauses that were initially so egregious but even now are of concern to so many people—the reason why those clauses are there, the reason why we are dealing with the areas of this legislation that are of concern to so many people is we have been playing catch-up ever since March, because we failed in some of the areas where we ought to have been on the ball, where we ought to have been proactive and where we ought to have understood what exactly the challenge of COVID-19 was going to be and addressed it with the right strategies.

What concerns me is that it is all very well for some of the issues that have been canvassed in the media conferences that the Premier holds every day, but there are three key areas where I think we have absolutely missed the boat and why we are paying such a price now. Where was the former minister responsible for WorkSafe and the department, the agency, at the outset of this crisis? Where was the minister responsible for aged care and disability services and his department at the outset of this crisis? The former Minister for Health, again with a silo approach to COVID-19—perhaps not entirely her fault, perhaps her position was driven particularly by the Premier’s approach to this—forgetting all of the other health aspects, forgetting mental health, forgetting the economic devastation and just concentrating on this one area to the exclusion of all else and to the detriment of all Victorians.

Why do I raise WorkSafe? Well, in this legislation we actually talk about giving further powers to these officers. They have already got enough powers. Why were they not using those powers at the outset of this crisis? Aged-care settings—we knew these were the most vulnerable people in this situation, where were we? Where were we? Where were the health officers who actually did have enough powers to address these issues? They do not need more powers now. They need to have used the powers that they already had and have, and they ought to address the real issues that are there.

I have written to businesses throughout Victoria that are on my mailing list and asked them what information they were given by WorkSafe during this pandemic. And do you know what? Two of them came back and said they had some information from WorkSafe. A few of them said they got it from their agents. Most of them said, ‘No, we had to develop our own plans’. Now surely WorkSafe’s position at the outset ought to have been to be advising companies, advising workplaces, advising even the health settings, in conjunction with the health department, to make sure that we got it right, that we protected the workers and that we protected their clients, their customers, their patients, whatever.

I do not entirely blame the Victorian government for aged care. Let me just say on hotel quarantine that I have actually moved on from there. What we found out in the Coate inquiry has been disturbing,
but it does go to the remarks that I made at the outset about throwing away the rule book. But given what happened there—and we ought to understand that, okay, mistakes are going to be made, but you need to learn from those mistakes, and you need to make sure that those mistakes are not replicated over and over again, and they are being continued. They are being continued, particularly in aged-care settings, because 75 per cent of the deaths in Victoria are from residential aged care. Some 647 Victorians in residential aged care have died. As I said, I do not entirely blame the Victorian government for that, because indeed the Aged Care Quality and Safety Commission has some really big questions to answer. And they could not answer them to the royal commission on aged care services that is currently reporting. It is due to release its final report in January but has certainly put out an interim report just this month because of the impact of COVID-19 in aged-care settings. A great impact, but mostly in Victoria because our experience is not the experience of other states.

Here we have a commission at a federal level where the commissioner, Janet Anderson, in a comment to the 7.30 report, when asked what they were doing as far as our aged-care settings go, said that in some cases it is not always:

… appropriate or safe … to visit a service until the outbreak is over.

To me, if I were her minister, I would be asking for her resignation. I mean, why would you have an agency like this charged with the protection of some of the most vulnerable people in our community, and they are basically saying, ‘Well, we will let people die. We will let people get very ill. We will let them stew in their own juices. But we’ll come in when it’s all over and ask questions as to what happened’. That is outrageous.

Yet whilst that has happened from that federal agency, what did we do in Victoria? Where is our intervention as a government as well in these residential aged-care settings? How come WorkSafe has not played a role in making sure that those staff who are working in those settings have been properly trained, have got access to protective equipment and are using it properly, have got work behaviours and indeed are not moving from place to place, as they were certainly at the outset. I understand some of those people working from place to place. Some of the people working in residential aged care are amongst the lowest paid people in our community, and yet they have got one of the toughest jobs in our community. They ought to be better paid. Some of them deal with very difficult situations, and yet they are not looked after and certainly they have not been protected. The problem with that is that so much of that issue in residential aged care is driving the numbers in Victoria—the very numbers that are holding Victorians hostage to this government’s restrictions—and it is responsible for so much of the outbreak in the community.

Now, we know with the hotel security quarantine, we know from the science of that—and isn’t it interesting how sometimes we use the science in this whole debate on COVID-19 when it is convenient, and when it is not convenient we do not use the science. Let us be consistent with that as much as we should be consistent with all of the other decisions and actions that we are taking in regard to COVID-19. We know from the science how that hotel security fiasco has wrought havoc in our community.

But just as serious is what is happening in residential aged-care settings—and what has been happening. As I said, this omnibus bill suggests extra powers that are not necessary, because the powers are already there. The government do not need the extra powers, and indeed as Mrs McArthur indicated, when you look at some of these things that are suggested in this bill, in fact they go further than what we have as an expectation of the role of a police force. Our police force has to have warrants for certain interventions. There are checks and balances in our system to protect people and to protect the police, and yet here we go beyond that. We go into a very different situation. Is it any wonder that community trust is falling and that people are exasperated with where this government has gone—not just with the lockdowns, not just with the restrictions and not just even with the lies and the obfuscation but indeed with the fact that they are moving into areas that are abhorrent to our beliefs and to our understanding of the dimensions of our democracy in this particular country?
We have a situation where the government, as I said, has taken a silo approach. We are playing catch-up, and the clauses that are being opposed in this debate are clauses that, as I said, are very much about trying to catch up for the mistakes that have been made. They are not necessary. What is necessary is for the government to start to ensure that in those areas of the aged-care and disability services we crack down on those issues that have led to the outbreaks that we have had—outbreaks that are well in excess of anywhere else in Australia despite the fact that they also have residential aged care. There is no reason our experience should be so much worse than any other state. We all—(Time expired)

Mr GRIMLEY (Western Victoria) (20:38): I rise to speak on the COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020. As with all good discussions I shall start with the positive. I applaud the government for their timely conversations with our office in anticipation of the debate today. Exploring the issues in the bill with us and indeed other parties and members in the early stages has resulted in some desperately needed changes.

I must admit that I came to the debate today with a sense of deja vu, and as it was said before, it is not the sort that you get when you are having a holiday and you have a nice feeling that you have been there before. Unfortunately this time it is the sense of deja vu that you feel when your email inbox is just as full as it was a week ago. Just as soon as we got rid of the emails, they came in. This bill is broad, it is historic, it is complex and it is flawed. Derryn Hinch’s Justice Party will be opposing this bill. Our opposition is multifaceted and particularly a reflection of community sentiment. The community have simply had enough. I can make all the technical and legislative arguments against the bill possible, and I will make a few, but at the end of the day the community does not want to provide such legislative licence to any government for another six months.

Now, while we are opposing the bill there are some reforms that we support in principle. These include the additional powers for Children’s Court registrars, the additional powers for Magistrates Court registrars, the ability for parliamentary committees and local councils to meet virtually and remotely and the legislative flexibility regarding the teacher registration renewal process.

Additionally, there has been much conjecture about the proposed changes to family reunification orders. The new temporary measures will extend the period of time for which a family reunification order can be made. These orders are subject to the best interests of a child and are vitally important. Whilst this temporary arrangement will not exist forever, I am relieved to see some flexibility in regard to the protection of children who are under state care. I note that my colleague Ms Maxwell specifically raised the matter during the last sitting week. We are both equally grateful to see the inclusion of these reunification measures in this bill. Suffice to say that if these reforms were put up in a new bill then we would enthusiastically support that bill. As it stands it is like saying that before you can have your ice cream you must eat your dirt—for want of a better word—sandwich. Why can’t we just have the nice dessert without the unpalatable mains?

It is unfortunate to see in here extreme opponents of the bill use children as political bargaining tools. The safety and protection of our children, particularly those in state care, should not be subjected to regressive and ill-informed political commentary. I note that despite the government’s best efforts there has been a sense of hysteria about the ongoing detention of children which would be enabled under this legislation. Now, this was never the case and will never happen. I thank the government for ensuring that.

Now to the issues within this bill, and there are many. The legislation is complex. It is hard to explain to an understandably paranoid public at the moment. There has been no modelling to substantiate the claim that the broadening of the definition of ‘authorised officers’ (AOs) will be needed as the economy reopens and restrictions are lifted. Further, the likely draw upon current capabilities has not been sufficiently outlined to our office. Most changes within the bill will be repealed in April 2021. We are likely to be voting on the same legislation again in six months, and on the off-chance of a
vaccine or local elimination of the virus—which is highly unlikely—then these changes may be unnecessary.

The bill is far too broad. It discusses council meetings and parliamentary committees alongside detention powers and electronic monitoring. Each clause of the bill is important and warrants individual consideration, and it is hard to support so many measures in one piece of legislation. There seems to be a lack of oversight in place to coincide with this bill. With additional powers should come additional accountability measures. This bill does not accommodate this specifically, and most notably despite the government’s proposed amendments there are concerns about the appointments of authorised officers and the criteria that must be met. There are concerns that the anticipated criteria could potentially mean that we have those who are not trained as health professionals appointed as authorised officers. We do not need to look too far to see the consequences of having untrained or poorly trained workers in charge of a health situation with the hotel quarantine fiasco.

The powers that will be made available to those appointed as AOs are significant and broad ranging. They seemingly go beyond the capabilities of the current authorised officers, and there is a significant chance of an undertrained cohort. Now, in one of the earlier emails sent to my office the Law Institute of Victoria stated in a submission to the Scrutiny of Acts and Regulations Committee:

> It is not clear if they have been appropriately trained to understand relevant considerations such as family violence, mental illness, disability, homelessness, and cultural sensibilities for Aboriginal or culturally and linguistically diverse communities …

And I note that the Australian Psychological Society expressed their concern that the proposed new powers may in fact disadvantage certain vulnerable populations, such as those living with mental illness. Being a former police officer I can attest to the extensive and lengthy training undertaken in handling situations involving persons with a mental illness, and I would hate to see the ramifications of these officers being trained with a proposed five-day course and their handling of complex mental health episodes. There still remains uncertainty around the specific processes and powers that the AO will possess—for example, in reference to entering premises without a warrant for search and seizure. There is no indication as to what force or damage may be used by AOs or what consequences or other options are available to the AO should the resident fail to comply. I am led to believe that if that is the case then the police will be called to enact the legislation, so therefore why have the legislation in the first place? Also, despite the amendments, I note that the authorised officers can still detain someone who has tested positive for COVID-19 or is a close contact of a positive case for a period reasonably necessary to eliminate a serious risk to public health if it is reasonably believed that they will fail to comply with the directions of self-quarantine.

These powers did not exist at the height of the second wave, and therefore there is confusion as to why these powers are needed now, given the current case numbers. I understand the reasons for the new powers are in anticipation of restrictions easing and communities resuming a new COVID-normal lifestyle. The message it sends, however, is that the government does not believe that the general populace is capable of adhering to guidelines and that the likelihood of additional waves of the virus are considerable given that. Well, I would argue that you only need to look at the wonderful job that the communities in Western Victoria, in particular, and those throughout rural and regional Victoria have done in keeping the numbers low. A rolling 14-day average of around 0.4 and no new active cases for some time is testament to that.

The states of emergency and disaster have required unprecedented sacrifices from millions of Victorians. These agonising sacrifices have had the support of the majority of Victorians for an extended period of time; however, these proposed powers are simply too much. I am not convinced, nor have I seen any evidence, as to why Victoria needs these overreaching measures. All I have heard are broad and general statements, from the government, without substance. To me, the toll of these restrictions and proposed new powers will do more harm to our communities than good.
It is for these reasons above that Ms Maxwell and I have decided to oppose this bill. I look forward to debate on each of the clauses as they come up, and I will consider the amendments of my colleagues, but ultimately Derryn Hinch’s Justice Party will be opposing this bill.

Ms SYMES (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (20:46): I do not propose to take up too much time in summing up, but potentially I might just respond to a few issues that were raised just as, I guess, a warm-up to committee.

I will start with acknowledging that Victorians have done an outstanding job in combating this global pandemic, and thanks to their hard work and many sacrifices the strategy is proving to be working. I do not underestimate the impact of restrictions on individuals, on families, on communities and on businesses. I am lucky enough to be able to be out and about in country Victoria, and although we are easing out of restrictions in country Victoria, there is pain. I am seeing it. I am talking to people, and we are hoping to have ongoing support and particularly a good budget to help with economic stimulus and social recovery.

Since April the COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020 has certainly been crucial to enabling critical state services to continue. This is particularly the case in our justice system, which is continuing to function to keep Victorians safe because of the measures in that bill.

This bill is largely the same as what we did almost six months ago, and a lot of members have reflected on that, although a lot of members have made observations that they supported it then, but they do not now. Some of the arguments have been a little illogical in some instances. I would particularly call out the fact that I did not—and I listened to most of the debate—notice anyone from the opposition say that they will support the bill even though their amendments are dealing with the issues that they said are what concerns them about the bill. I also do not quite get the logic of proposing an amendment to introduce an ability to knock out the 5-kilometre restrictions but then not supporting the bill anyway. So that did not seem to make much sense to me at all. If you are going to vote against the bill, I am not sure where the logic is in how you are trying to bring about some changes.

In relation to some of the issues that quite a few members picked up on—and I acknowledge that we are all getting emails from people that are raising concerns, some genuine, some not, some fuelled by misinformation and indeed some fuelled by political endeavours. There is a misconception out there, or perhaps malice, to use this bill as a vessel to peddle further misinformation, and somehow this bill has become a symbol of frustration and some think opposing it in some way will help us to get back to a normal life more quickly, while the opposite is actually the case. This is a bill that will enable us to safely reopen our state.

I will acknowledge that there have been a lot of conversations since this bill went into the Assembly, and as a result I am moving house amendments today that have been circulated which in summary remove any of the detention provisions that were initially proposed. I would acknowledge that many members in this chamber and many members of the community and indeed of the legal fraternity raised concerns with that. The government listened to those concerns and indeed have demonstrated that we have responded and taken action appropriately.

There are just a few people that raised some issues that I could respond to. My first one would be that Mr Ondarchie raised a concern about nail technicians or dietitians being appointed as a health service provider, and I would say that the bill will allow the appointment of health providers who are already engaged in the regional public health units to be conferred with authorised officer powers. The health staff engaged to date in these units include persons who have particular public health knowledge and skills and clinical decision-making experience and have undertaken all required training and credentialing necessary to be registered as nurses, doctors and medical scientists, for example, and does not include dietitians and nail technicians, for example. I think Mr O’Donohue also went on to
link perhaps parking inspectors and naturopaths. My response to that is that it is already the case that
the Department of Health and Human Services secretary can only appoint a person as an authorised
officer where satisfied that the person is suitably trained or qualified for that appointment. This is an
important safeguard that ensures persons are not appointed without the necessary training or
qualifications to discharge the public health response role that they are engaged to perform. So,
Mr O’Donohue, I do not think you will see parking inspectors and naturopaths meeting that criteria.

Ms Maxwell reflects quite regularly in this chamber and outside this chamber on her concerns about
Melbourne residents inappropriately coming into regional Victoria, and I would point out to
Ms Maxwell that when you vote against the state-of-emergency bill and indeed measures in this bill
you are not actually supporting the retention of the restrictions on Melburnians not to leave metro
Melbourne, and indeed I would point out that there is some hypocrisy in her arguments in relation to
that.

I thought Ms Patten’s contribution was very balanced, very measured. I thought it was pretty—

Mr Finn: I thought you might.

Ms SYMES: No, I thought she made some really good points and certainly acknowledged that this
bill will enable the move to the next steps and bring us closer to that COVID normal.

Mr Barton certainly pointed out that there are interpretation issues and misunderstandings, and he has
given some considered and well-thought-out attention to the bill and acknowledged that the
amendments address the majority of his concerns and also acknowledged that although people are
doing it tough these are things that will help us get out earlier.

Mr Bourman also acknowledged that with detention gone most of the concerns that he had have been
removed and also acknowledged a lot of the politics here and bravely sort of called out that he was not
going to allow threats to dictate his behaviour. He pointed out that we are in this place to make hard
decisions and not react to perhaps what comes through our inbox.

Dr Ratnam made an impassioned contribution that stands on its own merits, but she did also call out
that this bill has somehow become a proxy for the entire pandemic response and is being used to prey
on people’s fears and anger by people who are perhaps misinformed or indeed worse.

I did not hear everyone’s contributions, so apologies if there is something you raised. I am more than
happy to go through it in the committee.

Mr Meddick certainly has done a lot of research. He has looked to the experts. He has identified that
you can usually find an expert to support your point of view if you look hard enough, and when you
are trying to get lawyers to back your point of view it is a bit like a horoscope: someone will tell you
what you want to hear. But he did point out that defeating this bill will cause harm and inconvenience
and create greater risk to our reopening.

In relation to Mrs McArthur, I am just going to call out the allegation of seeking partisan advice. I
think that is really disrespectful to the health experts that are working massive hours in helping the
government to respond to this health crisis. Being in a government that implements health advice is a
really hard job. You do not get to make a decision because it is popular; you get to enforce a decision
because it is going to save the lives of Victorians. Mrs McArthur, you also raised a concern about
homes being treated as workplaces, and I would respond that AOs and WorkSafe inspectors can
currently enter a premises under the Public Health and Wellbeing Act 2008 as well as the Occupational
Health and Safety Act 2004, and the bill does not change that. WorkSafe inspectors will not be barging
into people’s homes on the pretence that they are workplaces. They could do it now if they wanted to.

Ms Lovell, I do agree with you: a localised response should be something that we are all looking to do
going forward, and that is what this bill does. It will allow us to have localised issues. As you rightly
pointed out, there are two positive cases in Shepparton, and my initial advice and briefings in relation
to that situation and that community is that there will be numerous close contacts that are going to require a very intense response. Therefore having authorised officers being able to be appointed in Shepparton, particularly to deal with the multicultural communities in Shepparton, I think will enable that response to be much more adequate. So I do agree with your advocacy for a localised response, but I would argue that voting against this bill would put that in jeopardy.

Also just in relation to Mr Atkinson’s speech, I think the thing that I wanted to respond to there was not requiring additional AOs. Following on from my comments to Ms Lovell’s comments, it is a very Melbourne-centric approach because the fact is that a lot of the AOs that have been recruited have been recruited to respond to the issues in Melbourne, and so being able to appoint additional AOs in our regions will mean that we are not depleting the Melbourne response; in fact we are able to address appropriately those cases in country Victoria.

I am more than happy to go through it clause by clause. I know there are some amendments to deal with. People have put a few questions to me previously, and hopefully I have got some adequate responses already prepared to those. But I am more than happy to see if we get through the second reading so that we can commence the committee stage.

**House divided on motion:**

_Ayes, 21_

| Barton, Mr | Leane, Mr | Stitt, Ms |
| Bourman, Mr | Meddiek, Mr | Symes, Ms |
| Elasmor, Mr | Melhem, Mr | Taylor, Ms |
| Erdogan, Mr | Patten, Ms | Terpstra, Ms |
| Garrett, Ms | Pulford, Ms | Tierney, Ms |
| Gepp, Mr | Ratnam, Dr | Vaghela, Ms |
| Kieu, Dr | Shing, Ms | Watt, Ms |

_Noes, 16_

| Atkinson, Mr | Grimley, Mr | McArthur, Mrs |
| Bath, Ms | Hayes, Mr | O’Donohue, Mr |
| Crozier, Ms | Limbrick, Mr | Ondarchie, Mr |
| Cumming, Dr | Lovell, Ms | Quilty, Mr |
| Davis, Mr | Maxwell, Ms | Rich-Phillips, Mr |
| Finn, Mr | | |

**Motion agreed to.**

**Read second time.**

**Committed.**

**Clause 1 (21:05)**

_Ms Crozier_: Minister, in the briefing I was asking about health services in terms of consultation. You just said in your summing up that the authorised officers (AOs) would be from the existing health services in regional Victoria. Could you give us a breakdown of the numbers of authorised officers who are already in those health services in regional Victoria and metropolitan Melbourne, if there is a breakdown. You may not have it on you, so I am happy for you to take it on notice.

_Ms Symes_: Thanks, Ms Crozier. There are approximately 300 AOs currently, and these officers have been engaged through a recruitment process facilitated between the Department of Health and Human Services and various other government departments and agencies. DHHS has plans to recruit a further 420—

_Ms Crozier_: Sorry, Minister, how many?
Ms SYMES: Three hundred currently. We are currently planning to recruit a further 420—

Ms Crozier: That takes us to 720.

Ms SYMES: That is what I have here—to cover COVID response beyond those police, PSOs and WorkSafe inspectors who may be authorised under this bill.

I do not have the regional breakdown, but I am advised that the initial purpose of setting up the current pool of AOs was to service the detention needs of the hotel quarantine program, which goes to the point I was making earlier about why there are so many more in Melbourne than currently there are in regional Victoria. The intention is to expand the pool of AOs to an established regional workforce to provide the opportunity to respond more efficiently to regional needs and ensure statewide coverage rather than just having a Melbourne workforce sort of do a hotspot-type arrangement, so that we can respond more appropriately to localised areas. Of particular interest are holiday spots when we start to open up and also additional support for public events and festivals and things. So not only will COVID-authorised officers be responding to health but they will also be giving advice and helping people set up COVID-safe practices for events and the like.

Ms CROZIER: Thank you, Minister, for your answer. I am just wondering if you could provide that breakdown of the 720 between the metro and regional areas—take it on notice. Just if you would not mind, that would be terrific.

In relation to that recruitment process, the 720 are not all going to be employed, obviously, through DHHS; they are going to be employed through their various agencies. Am I correct in saying that? And who is paying for the 720 authorised officers? How will they be paid for?

Ms SYMES: Just let me double-check. I am advised that because of the existing employment status of the vast majority of AOs it would not be an additional cost to the government. It would be an additional duty for, say, a PSO, a police officer, WorkSafe inspector and the like.

Ms CROZIER: Thank you, Minister, for that clarification. In relation to the recruitment process, how is that undertaken? Does that involve partly the identification of potential candidates to become authorised officers? And how is that recruitment process undertaken in relation to identification of personnel that have got the proper skills or attributes that the government is looking for these 720 individuals to possess?

Ms SYMES: I will have to get you some specific details on the recruitment process, but in terms of the people that I am advised we will be seeking to target, it would be where we know we have got existing gaps, particularly along some of the border communities, for example, which is why it is important to allow AOs from interstate to be appointed, particularly for remote areas like Mildura where there might be some appropriately trained people in health services just north of the border, for example, that might fit into the type of people we want. Many of them will already have the requisite skills and training and just require supplementary training for the purposes of the tasks, but they will be chosen because of the skills they have, not because we want to skill people up in things they are not experts in.

Ms CROZIER: Thank you again, Minister, for that response. Just on that cross-border issue, because if there are issues for some of those communities that you identify, how many authorised officers does the likes of New South Wales have, for instance?

Ms SYMES: I do not know the number of authorised officers in New South Wales, but I can try to find that answer for you. But in relation to the interstate borders, we just want to have a pool of persons who have the AO powers and who can respond efficiently and promptly to outbreaks in particular—that would be the main source of wanting to have a rapid response obviously—and having interstate public servants already appointed as AOs potentially in advance will enable us to be very prepared for these situations. Border communities are quite familiar with each other and therefore it enables you to respond effectively with an awareness of the local geographies, communities et cetera.
Ms CROZIER: Minister, thank you again for that response. If you could get that number for the interstate, that would be very helpful. In relation to some of those high-risk industries that are operating in regional Victoria, such as abattoirs and meat processing works and the like, for the breakdown of each of the categories that the government has identified, whether it is WorkSafe or police or PSOs et cetera, out of that 720 have there been identified numbers for each category of the authorised officers that you have identified?

Ms SYMES: No.

Ms CROZIER: For instance, because of those high-risk areas—you mentioned holiday areas but also industry. Would WorkSafe be going into holiday areas or would they just be looking at WorkSafe-type issues?

Ms SYMES: That is a good question. It would be the intention to have the WorkSafe authorised officers predominantly dealing with industry concerns and I think, from an agricultural perspective, seasonal workforces, making sure that farmers and people that are bringing in a large influx of people at a time have got that support that they need. So that would be more where the WorkSafe people would be going. You would be looking more for your health service providers in some of those other areas where you are wanting to manage outbreaks as opposed to high-risk environments.

Ms CROZIER: One last question, if I may. We are now in October. Obviously this bill was brought into the Assembly three weeks ago, but in relation to identifying the gap, why was it that the government decided that they needed to have these authorised officers, considering we are nine months into the pandemic? What was the rationale for the decision-making around this? Could you just highlight that, please?

Ms SYMES: Predominantly we are learning a lot in how to respond to the challenges that we are facing, so we are obviously out there consulting and hearing from our government agencies how they are coping, what they need to make their job less difficult. But also this is a piece of legislation that has with it the optimism that opening up in a safe manner can be supported by the measures that we have in this bill. So this is about getting back to as close to normal as we can, given the pandemic that we are trying to control.

Mr ONDARCHIE: Minister, I draw your attention to the definitions and particularly the definitions around protective services officers. Minister, I have spoken to a number of senior members of Victoria Police who have expressed to me some concern that after just 12 weeks of training—PSOs are predominantly trained in restraint, customer service and firearms training—the new powers will be afforded to PSOs. And I have got to say I reckon PSOs are fantastic—the work they do at railway stations and here at Parliament House and the shrine and other places, Government House. But with the 12 weeks of training they have, and you are affording them new powers, is the government confident they are adequately trained to start this role?

Ms SYMES: I thank Mr Ondarchie for his question. Just to be clear, the Secretary of the Department of Health and Human Services, in appointing authorised officers, is not appointing a cohort of people en masse; they are appointing individuals, so therefore the individual—their skills, their expertise, their experience—will be what is considered, not the cohort of PSOs as a whole.

Mr ONDARCHIE: Minister, I draw your attention to the definitions and particularly the definitions around protective services officers. Minister, I have spoken to a number of senior members of Victoria Police who have expressed to me some concern that after just 12 weeks of training—PSOs are predominantly trained in restraint, customer service and firearms training—the new powers will be afforded to PSOs. And I have got to say I reckon PSOs are fantastic—the work they do at railway stations and here at Parliament House and the shrine and other places, Government House. But with the 12 weeks of training they have, and you are affording them new powers, is the government confident they are adequately trained to start this role?

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Mr ONDARCHIE: Thank you, Minister. So are there any PSOs that the government are confident in after just 12 weeks of training who have the capacity to be appointed as authorised officers?

Ms SYMES: Well, I do not know the answer to that, Mr Ondarchie, because I do not know the individual that might be considered to be appointed. The PSOs are a cohort of people who may be appointed an authorised officer, but there will not be a collective, ‘All PSOs are now authorised officers’. Therefore perhaps comparing the experience of a junior PSO who has only had 12 weeks experience out of school or TAFE, for example, versus a retired police officer who now is a PSO may be a different consideration as to whether they should be appointed an authorised officer or not.
Mr ONDARCHIE: Okay, I will take the government’s view that they are not really sure whether these people are capable or not but will work that out at some point in the future, I think they are telling us. Minister, I draw your attention to something that came as quite a revelation during the bill briefing to me and also now to Victorians. It is around the definition of what a workplace is, and I referred to this in my second-reading speech today. Minister, a thing that came out of the bill briefing is that, with a large proportion of Victorians currently working from home under the current draconian lockdown provisions, a home could be deemed to be a workplace. Is it the view of the government that from the list of people that you purport to appoint as authorised officers, any one of them can turn up at a person’s home for the sake of inspection and checking that everything is in line with the restrictions that are required?

Ms SYMES: Mr Ondarchie, the power to enter a premises is not substantially altered by this bill. A WorkSafe inspector, for example, already has the power to enter a home for the purposes of it being a business. There is nothing in this bill that substantially makes any changes. It would not be our expectation that people’s homes would be treated as a workplace for the purposes of just enabling access.

Mr ONDARCHIE: This ill-defined group of authorised officers, as others have said today, could be naturopaths, masseuses or whatever. Could they just turn up at people’s homes under the banner of ‘This is a workplace. We’re required to visit, to check, to ensure that everything is being complied with, because we have deemed this home’—someone’s private home, by the way; they just happen to be working at the kitchen table because they cannot go to the office—to now be a workplace, and we can come and have a look’?

Ms SYMES: Mr Ondarchie, I did listen to your contribution and therefore I addressed your issues in my summing up. I will repeat it now. I do not begrudge you for missing my summing up, but I did listen to the points that you made about nail technicians, dietitians and people like that being appointed as authorised officers. The bill will allow the appointment of health service providers who are already engaged in the regional public health units to be conferred with authorised officer powers. The health staff engaged to date in these units includes persons who have particular public health knowledge and skills and clinical decision-making experience and who have undertaken all required training and credentialing necessary to be registered as nurses, doctors and medical scientists, for example. They do not include dietitians and nail technicians, so your assertion that a nail technician is going to come knocking on the door of your home and want to enter is without substance.

Mr ONDARCHIE: Let us pick up the point you have just made about the people that you have deemed in your summing up—and I apologise that I missed it; it must have been one of the highlights of the day I did not get to—as people that can actually attend someone’s private home for the sake of the requirements of this omnibus legislation to inspect and have a look around because that person is currently working from home. Is that what the government is telling Victorians?

Ms SYMES: Mr Ondarchie, in relation to the authorised officers who can attend workplace premises, these powers will only be extended to the WorkSafe AOs under this bill. They already, under existing occupational health and safety laws, have the ability to access a premises. That is not defined to exclude home businesses or the like. So they already have the power to do this. We have got authorised officers to respond to health needs; the WorkSafe inspectors will be responding to workplace needs. Therefore they can already enter a premises, and if they need to, they can under this bill as well. It is the same.

Mr ONDARCHIE: I am talking about the new authorised officers.

Ms SYMES: The WorkSafe authorised officers, yes, for workplaces.

Ms Crozier interjected.
Mr Ondarchie: Thank you, Ms Crozier. I was actually going to your point, which is quite valid. Ms Crozier sought from you the breakdown. Are you giving the people of Victoria an assurance that WorkSafe officers authorised under this act, should it pass the Parliament—and I will say to Dr Ratnam and Ms Patten there is a chance this is going to happen—will be the only persons, apart from police carrying out their normal duties, who can enter someone’s private home? Is that what you are saying—only those?

Ms Symes: For the purposes of it being a workplace.

Mr Ondarchie: So apart from that, the other authorised officers you are going to appoint, like the nurses from New South Wales or the health professionals you are talking about—

Mrs McArthur: The parking inspector from Tasmania.

Mr Ondarchie: The parking inspector from Tasmania or the civil servant from Canberra, will they be able to attend people’s homes or are you restricting it only to the WorkSafe officers and Victoria Police in the course of their normal work?

Ms Symes: Mr Ondarchie, what I said before stands. So to be able to enter a premises, it has to be a workplace under these powers. Authorised officers have to be the PSO police ones or the WorkSafe inspector ones, yes.

Mr Ondarchie: So just to clarify, a health service provider or an employee in the public sector of a state other than Victoria or a territory cannot enter a workplace even if it is a home; is that what you are saying?

Ms Symes: To respond to a public health concern an authorised officer can enter a premises. But to enter a premises for the purpose of checking it by virtue of it being a workplace, that is confined to those whose job it is.

Mr Ondarchie: So to pick up your words, to respond to a public health concern, which could be as broad-ranging as anything at the moment because it is ill-defined, Victorians should know from your statement that they could get a knock on the door and a visit from any one of these five categories, (b) through (f), that are listed in clause 16. Is that correct?

Ms Symes: They could get a knock on the door, yes.

Mr Ondarchie: And they could enter your premises because it could be a public health concern, whatever that means under this bill. We have taken away the so-called detention, but people can still enter your home according to the minister.

Ms Symes: I responded to your question about workplaces. The job of WorkSafe is to ensure workplaces are safe, and that is what they would be seeking to do. In relation to authorised officers, their powers are detailed very clearly in the bill. That is what we have sought to do: to make sure that it is very clear and confined as opposed to the more general power. I can table it for you if you are unclear. I can go through every single power of every single authorised officer and the specific categories if you would like, but it is in the bill. Do you want me to go through it?

Mr Ondarchie: You are on your feet.

Ms Symes: I am not getting any feedback from you.

Mr Ondarchie: I was listening to you. I would not ever be disrespectful and cut you off, Minister. I do not need you to table that component. I do not need you to read every little bit of it out. It is just going to take up the chamber’s time, which I am happy to do; it is up to you. Is your message to Victorians that authorised officers, under the banner of a health concern, could turn up and enter your home? Is that your message to Victorians?

Ms Symes: Currently authorised officers already have the power to do that.
Mr ONDARCHIE: So the answer is yes.

Ms SYMES: So in terms of the existing authorised officers under section 190, the public health risk powers, if authorised by the chief health officer (CHO) they can:

- close any premises …
- direct a person or group of persons to enter, not to enter, to remain at, or to leave, any particular premises …
- …
- require the provision of any information …
- require a person to provide their name …
- inspect any premises …
- require the cleaning or disinfection …
- require the destruction or disposal of any thing the destruction or disposal of which is necessary to eliminate or reduce the risk to public health …
- direct the owner or occupier of any premises to take any action necessary to eliminate or reduce the risk to public health …
- direct any other person to take any other action that the authorised officer considers is necessary to eliminate or reduce the risk to public health …
- exercise any of the general enforcement powers conferred on an authorised officer by this Act …

So this already exists. Authorised officers can already respond to threats to public health. They do have large powers because it is about protecting the state. But those powers already exist. There is nothing in the bill that takes them any further than they already are.

Mr ONDARCHIE: Clearly the government have blurred the lines between public safety and health, and human rights. I think the message is that this is a smoke and mirrors government that have scammed their way through this legislation to see that Victorians may well get a knock on the door and persons entering their home under the banner of a health risk. That is why we should oppose this bill.

Mr O’DONOHUE: Minister, I just wish to pursue the issue from Ms Crozier a little bit further. Seven-hundred-and-twenty authorised officers is a very significant number. Can you give some detail to the modelling that has been undertaken as to why that number is needed? You did mention some reasons, such as sporting events and to respond to hopefully opening up, but is there further detail you can give us? That is a significant number of people—more than double now—at a time when hopefully COVID numbers have stabilised or are continuing to go down.

Ms SYMES: I will just seek some advice. Mr O’Donohue, I am advised that it is on DHHS advice; this is what they suggest would be a good number to increase the workforce to. It is not so much about increasing the workforce, because people that are appointed as AOs may not need to perform the duty of being an AO, but it is to ensure that they have got geographic coverage and they can respond in an efficient, effective and rapid way. We hope we do not have to use AOs, in all honesty, but that is the requested number or the suggested number that has come directly from DHHS to supplement their existing 300. So it is based on their experiences.

Mr O’DONOHUE: Minister, can I just go to the questioning that Ms Crozier pursued and your answers about the interstate persons who could be appointed as AOs. There are clear protocols—for example, Ambulance Victoria or its equivalent in New South Wales—in when, where and how they can cross the border and continue their function. It is the same with police. But by and large the rule is that at the border they stop. This appears to me quite a novel concept, not without some risk, I would suggest, of people from another jurisdiction having legal capacity in the Victorian jurisdiction. I take your point about border communities needing coverage—and that is probably a separate discussion about whether that is true or not—but accepting that proposition, if you do, surely there are enough Victorian people who can fulfil these roles from this broad cohort of available potential AOs?
Ms SYMES: I take your point, Mr O’Donohue, that there are some frustrating border issues when it comes, particularly, to first responders, but I would point to the Albury-Wodonga hospital, which has a long history of cross-border services for that community and indeed a broader cohort. My advice is that having interstate public servants in advance would enable Victoria to be better prepared, utilising local officers from interstate jurisdictions for those border communities, effectively. So it is about utilising the local knowledge, and it is also being able to respond to cultural and situational awareness more effectively and efficiently, particularly in relation to any outbreaks. My information is that it is good to have a larger and responsive pool of AOs from diverse backgrounds able to bring knowledge, skills and experience of their home jurisdictional agencies to improve time lines and effectiveness of response. It is not envisaged that we are going to have more New South Wales people, for example, but it does make sense to be able to appoint people from interstate to supplement Victorian experts.

Mr O’DONOHUE: Thank you for that answer, Minister; I appreciate the answer. Perhaps the point I was trying to make, and maybe I did not make it as clearly as I could have, is that there is risk in people from another jurisdiction having legal enforcement power or legal power in the Victorian jurisdiction. There is a reason why police have to stop at the border in New South Wales before they come to Victoria. There is a reason why Ambulance Victoria people only cross the border into New South Wales in very clearly defined circumstances that are understood by both jurisdictions in a defined set of necessary circumstances. What you have not explained, what the government has not explained, is how someone from a different jurisdiction can have legal authority in the Victorian jurisdiction when they presumably are not familiar with the laws of Victoria, the exercise of the powers in Victoria, how the exercise of those powers will be different to their home jurisdiction et cetera—all the reasons why police in Albury do not have jurisdiction in Wodonga, while ambos in Wodonga do not have jurisdiction in New South Wales.

Ms SYMES: Thank you, Mr O’Donohue. In relation to interstate public servants, they can be appointed as authorised officers and given the same section 190 public health risk powers, excluding the emergency powers that are available to Victoria. We want to make them available to interstate public servants, only subject to the individual instrument from the secretary. So this is a subset of the powers that are listed in the bill—not necessarily all of them, only where the secretary is satisfied that the person is suitably qualified or trained. So in any instance where someone from interstate is not suitable for the role, the secretary will be considering that, because they have to be satisfied that the person is suitably qualified or trained and therefore able to perform the job.

Mr O’DONOHUE: With the indulgence of the committee I have a few more questions to pursue. Minister, in the second-reading debate, Mrs McArthur, I and others expressed disappointment that the submissions of so many to the Scrutiny of Acts and Regulations Committee (SARC) were not made publicly available. One that was is one that I cited and Mrs McArthur cited from a dozen or so QCs that is attached to the minority report. Paragraph 20 of that minority report says:

Appointing persons as authorised officers who are not Victoria Police officers, carries with it the substantial risk of mistaken or inappropriate exercise of emergency power by persons who are relatively untrained and inexperienced in law enforcement, thereby possibly resulting in miscarriages of justice and breaches of, or trespasses upon, individuals’ human rights or freedoms.

I would invite you to respond to that proposition that should have been before all of us but for the actions of the majority of SARC.

Ms SYMES: Sorry, Mr O’Donohue. I think I only caught half of your question, but the powers conferred on authorised officers are not all the same. The authorised officers that are appointed who also happen to be police will have different powers to authorised officers who are appointed from a different cohort. So therefore a medical expert appointed as an authorised officer, if faced with any circumstances where they would need police powers, would have to seek the assistance of Victoria Police. They would not be able to perform the powers of Victoria Police officers.
Mr LIMBRICK: Minister, I would like to go back to the point of the make-up of this new authorised officer pool. What are the sorts of numbers of PSOs and police of these 700-odd that you are planning on employing? What sort of breakdown would that look like? So how many would we expect to be police or PSOs, how many would we expect to be community workers et cetera.

Ms SYMES: I do not have a breakdown, Mr Limbrick.

Mr LIMBRICK: I thank the minister for her answer. I am interested in learning a bit more about the interaction between the state of emergency, state of disaster and the authorised officer powers. My understanding is that at the moment police and PSOs under the state of disaster powers have warrant and search and seizure powers. After they are appointed, if someone is appointed to be an authorised officer and the state of disaster expires, they will have those warrant and search and seizure powers, irrespective of the state of disaster; is that correct?

Ms SYMES: Yes. This bill does not change anything until that disaster finishes.

Mr LIMBRICK: I thank the minister for her answer, just for clarifying that and making sure we are on the same page. So with the search and seizure powers that are currently available to the authorised officers, what type of property has actually been seized in the discharge of their duties?

Ms SYMES: Mr Limbrick, the power to seize property has not really been particularly relevant in the COVID experience. It exists under the Public Health and Wellbeing Act 2008 for instances such as seizing something that might demonstrate a food-poisoning incident, for instance, to produce that evidence. The powers that exist under the AO act provide that, which is why they are transferring under this bill, but it is not something that has been particularly relevant to date. There are no examples that I can give you, but where it may become relevant is where you need to obtain evidence for the purposes of a prosecution, for example.

Mr LIMBRICK: I thank the minister for her answer. In normal conduct of their operations, police, if they wanted to seize, let us say, a mobile phone or a computer to collect evidence that was on that, would need to obtain a warrant, but under these new powers they would not require a warrant if it was for the purposes of protecting public health, for example. Is that correct?

Ms SYMES: That is right, Mr Limbrick. After entering a premises, authorised officers can only search for and seize a thing that is necessary for the purpose of investigating, eliminating or reducing a risk to public health.

Mr LIMBRICK: I thank the minister for her answer. We have seen recent cases where people have been arrested—with warrants, I believe—for organising a protest, for example. This could be considered reasonably to be a threat to public health. Could it be the case that authorised officers, whether they be police, could search and seize computer equipment, for example, if someone was organising to exercise their right of free assembly?

Ms SYMES: That is a definite no.

Mr LIMBRICK: That is good to hear. So organising a protest is not a threat to public health under this?

Ms SYMES: No.

Mr LIMBRICK: No. Okay. That is good to know. So what does constitute a threat to public health, then, and how do these PSOs and police officers determine what is a threat to public health? Are there clear guidelines on what a threat to public health really is?

Ms SYMES: Mr Limbrick, I am advised that observing behaviours that would be contrary to CHO directives could demonstrate a threat to public health. For instance, a gathering in a house of a party or observing people that are not socially distancing and that sort of thing would be deemed a potential threat to public health.
I might just supplement with some further advice. ‘Serious risk to public health’ means a material risk that substantial injury or prejudice to the health of human beings has occurred or may occur, having regard to the number of persons likely to be affected; the location, immediacy and seriousness of the threat to the health of the persons; the nature, scale and effects of the harm, illness or injury that may develop; and the availability and effectiveness of any precaution, safeguard, treatment or other measure to eliminate or reduce the risk to health of human beings as per the Public Health and Wellbeing Act. But also it is important that it is a suitably qualified and trained person that will be making that call, because they are the only people that can be appointed as an AO.

Mr LIMBRICK: I thank the minister for her answer. By my hearing of that definition, could a call to the hotline—I cannot remember the name of what the hotline is called, but you know the hotline that is there so that you can dob in your next-door neighbours if you think they are having a party—be grounds for a warrantless search and seizure, for example?

Ms SYMES: Well, the example that you have presented—on the face of it, the answer would be no. But at the moment if you are reporting a party and the police attend and it is obvious that there is a party going on, the police can enter, yes.

Mr LIMBRICK: I thank the minister for her answer. Yes, the police could enter if they saw evidence that there was a party. But under this new power, would the phone call be enough suspicion for them to enter on this occasion or not? So would they have to actually see some evidence themselves or would just a phone call from someone—some informant—be enough?

Ms SYMES: My advice is that with the example you presented the answer would be no.

Mr LIMBRICK: I thank the minister for her answer. I would like to move on to one of the interesting parts, which is the culturally and linguistically diverse—I think we refer to it as CALD because that is a bit of a mouthful. But what are the situations and what types of people are the government actually envisaging giving these powers to? I note that they have quite limited powers—only two powers, is my understanding. Correct me if I am wrong, please, but I think they have the power to request someone’s contact details and they also have the power to request information that might be required for the purposes of investigating public health or something to that effect. What sort of people is the government envisaging employing here, and how might they be used in the community?

Ms SYMES: I thank Mr Limbrick for his question, because it is certainly a question that I asked during the briefing of these bills as well. It is designed to pick up those particular people that can be really useful in communities that require special assistance through not being able to speak English or through having particular cultural issues that may need to be addressed sensitively, whether it is our Indigenous community or the like. It would be a limited selection of people who are able to deal better with those cohorts of people than perhaps an average AO, so it is designed to be in very limited circumstances to enable access to communities effectively.

Mr LIMBRICK: I thank the minister for her answer. I assume there are penalties for not complying with these directions. Is that correct?

Ms SYMES: Yes, Mr Limbrick. It is an offence under section 193 of the Public Health and Wellbeing Act for a person to refuse or fail to comply without a reasonable excuse with a direction given by an AO to a person in the exercise of a public health risk power, and the penalty for non-compliance is 120 penalty units. It is also an offence under section 183 of the Public Health and Wellbeing Act for a person without reasonable excuse to hinder or obstruct an AO who is exercising a power under the act, and that is a 60-penalty-units penalty.

Mr LIMBRICK: I thank the minister for her answer. I cannot do the maths in my head—120 penalty units is approximately?

Ms SYMES: It is almost $20 000.
Mr LIMBRICK: Okay. So that is $20 000 approximately. Now, many people in the community are aware of their rights. I have been to these training sessions where people are trained in how to deal with police—what their rights are with police—so that people know that you have to give your name and address to police and this sort of thing. How will people in the community know what their rights are in dealing with these people, and how will they know that they have this new obligation to give this information to these people that are community workers effectively?

Ms SYMES: Yes. Thank you, Mr Limbrick. That is why I was at pains to emphasise ‘without reasonable excuse’. This is about supporting people to comply. The training of authorised officers includes dealing with conflict, managing challenging situations and interacting with the community, and they are to use these skills in the first instance to support their compliance and enforcement work. It would be incumbent upon authorised officers to use these skills to make sure that they are dealing with people in an appropriate way. Before exercising any of these powers they must, unless it is not practical to do so, warn the person that a refusal or failure to comply without a reasonable excuse is an offence.

Mr LIMBRICK: I thank the minister for her answer. Now, if I was not aware of this legislation and was not aware of these powers and someone told me, ‘You have to give me this information. You have to give me your name and address or you are going to suffer a $20 000 fine’, I would probably refuse to give them that information because I would not be aware of these powers. How would people know what their rights are in this situation? They could say anything. I just do not understand how people can understand what they can and cannot do. They just have to take the word of what the authorised officer is saying to them. What sort of communication is the government going to do to tell people what their rights are when they are dealing with authorised officers? People have to know what the law is, surely. If people do not know what the law is, how can the law be valid? They have to know what it is. It does not make sense.

Ms SYMES: Yes. It is incumbent upon authorised officers to explain to the people they are dealing with the powers that they have and the risks of failing to comply. But also remember this is in the context of dealing with a public health concern, so the people that will be brought to the attention of authorised officers are going to be people that are COVID positive or have explained to them that they are a close contact and therefore contact tracing is required. It is going to go hand in hand with, ‘We’re responding to a pandemic and wanting to protect you and the community’.

Mr LIMBRICK: I thank the minister for her answer. Well, I accept that, but we have a situation where these community workers are presumably already part of that community. In fact they will be chosen because they are part of that community, they speak the language of that community or they are part of the Indigenous community or some other thing, so they are already part of that community. Then they will have this extra power which the members of that community would not have been aware of previously, and if they do not comply with that they will have this very significant fine. This seems like it could be a problem and create division in communities, surely, couldn’t it?

Ms SYMES: Well, actually, Mr Limbrick, I would argue the opposite. The powers you are talking about and the penalties you are talking about already exist for existing authorised officers. This bill is facilitating the appropriate appointment of people that can respond appropriately and in a culturally sensitive way, so we are wanting to have a larger cohort of AOs to specifically address the issues you are talking about. If we were not to pass this legislation and we were relying on the existing cohort of AOs, I think we would be more inclined to face the problem that you are explaining as opposed to enabling appropriate people with local knowledge to be appointed to perform these roles.

Mr LIMBRICK: I thank the minister for her answer. How will these authorised officers be identified to people of the public? With a police officer, I can tell quite clearly that I am dealing with a police officer and there are significant penalties for impersonating a police officer. How will I know that I am dealing with a real authorised officer and not someone impersonating one? And are there penalties for impersonating an authorised officer?
Ms SYMES: Apologies. There will be ID cards to identify authorised officers. They will have a photo ID that shows that they are appointed by the secretary the health to be an AO, and they will be required to present that to verify their identity in performing their job.

Business interrupted pursuant to standing orders.

Ms SYMES: Pursuant to standing order 4.08, I declare the sitting to be extended by up to 1 hour.

Mr LIMBRICK: With regard to penalties, is there a penalty for someone impersonating an authorised officer? Is there a specific penalty, and what is that penalty?

Ms SYMES: I might take that one on notice and come back to you. Hang on, I have got the answer; this is rapid-response here. A person who is not an authorised officer must not in any way hold himself or herself out to be an authorised officer, and there is a penalty of 60 penalty units.

Mr LIMBRICK: So the penalty for impersonating an authorised officer is less than the penalty for not following a direction of an authorised officer? Did you say 60 penalty units?

Ms SYMES: Yes, which is the same as the penalty for any person without reasonable excuse who hinders or obstructs an AO who is exercising their power.

Mr LIMBRICK: Can I just clarify my understanding there? So the penalty for not providing information to an authorised officer, or refusing to, is up to 120 penalty units, but the penalty for pretending to be a authorised officer is 60 penalty units. Is that correct?

Ms SYMES: Yes, that is right.

Mr LIMBRICK: Okay. That’s weird.

Ms SYMES: And under the Public Health and Wellbeing Act the other existing penalty that is 60 units is hindering or obstructing AOs in doing their work. So it is the same as that penalty.

Mr LIMBRICK: I thank the minister for her answer. At the moment impersonating a police officer is a very serious crime, and if someone was going to try and impersonate a police officer to fake some sort of power like warrantless search and seizure, then they would be risking a very serious crime. Under this omnibus legislation we would have a situation where someone could, for a much lower penalty, commit some sort of crime like this to try and get access to someone’s house, couldn’t they? Surely this is a much lower bar to faking powers.

Ms SYMES: Just to be clear, Mr Limbrick, effectively what you have put on record there is a comment, not necessarily a question, but I point out that the bill is not changing that. That is what exists in the act already.

Mr LIMBRICK: Yes, but there is a much wider variety of people that can be appointed authorised officers. But I will move on. Considering that there is a variety of different types of authorised officers now, if we have an outbreak situation, we could have different types of responses in that situation, so police or a PSO could be sent out to act on the outbreak and communicate with someone or it could be a community worker, it could be a health worker or an interstate worker. How will the decision be made on who will actually travel or which type of responder will go to investigate these situations? It is quite unclear to me under what situations you would send what type of authorised officer.

Ms SYMES: Mr Limbrick, the secretary will be appointing AOs based on their individual experience, expertise and ability to respond to appropriate locations et cetera. It is designed to be almost a custom approach so that you are picking the right people, and not necessarily will every AO that is appointed get to perform the duties of an AO. I think I made the point earlier that it would be fantastic if we did not have to use any of the AOs. If they are on standby to respond to outbreaks that do not get activated, then that is a fantastic position to be in. It will depend on their particular threats that we think may arise. I think earlier I alluded to in opening up we know where groups of people are likely to congregate, like holiday spots.
We want to make sure that public events have the support that they need from authorised officers—providing advice and support in conducting a music festival, for example, in a safe way. So it is the skills that will be deployed to the appropriate needs that are required by the community in relation to managing to avoid COVID or responding to an outbreak.

Mr LIMBRICK: I thank the minister for her answer. So what additional roles in the short term does the government see authorised officers having in the next few weeks and months—so after this legislation is passed? Presumably the government is going through a process at the moment to employ a number of new authorised officers.

Mr Davis: I think they have started the ads.

Mr LIMBRICK: Yes, they have started the ads, I think, as well. What sort of activities is the government planning on undertaking immediately? Obviously they will be doing some training first, because we do not want them giving out $20 000 fines to people when they do not know what they are doing. But what sort of activities in the short term are we expecting these authorised officers to do?

Ms SYMES: I will just pick up on your last point. I think a couple of people have touched on training. Currently all DHHS AOs undergo a minimum of five days of training specific to their functions and powers under the act. So this is a training program to ensure that they are aware of all of the powers that may be new to them—but also leaning in on the skills and expertise that they already have. I do not have a recruitment timetable or target made available, but I will seek to get you some further information about where we are targeting in the first instance.

Dr CUMMING: My first question is in reference to the current act. We have authorised officers, and some authorised officers currently under the act are environmental health officers, which are, a lot of them, employed in councils. Also currently under the act a council has the ability to appoint authorised officers as well as to actually give them the appropriate training so they can actually become an authorised officer. So my question to you, Minister, is: is the government currently using the 79 council environmental health officers?

Ms SYMES: Dr Cumming, I am advised that we do not think they are being utilised for the COVID response at this time, but we are just double-checking that for you.

Dr CUMMING: Minister, I would advise—well, I cannot advise you—I would encourage the government to use your resources that you currently have, which is the arm of the state government, seeing that we have 79 councils that currently have authorised officers that are environmental health officers that we would normally use in a health outbreak. Normally we would use them under a food poisoning outbreak. So they have all the skills and training that could be used during this crisis.

I put to you, Minister, that I received a letter from a constituent who is a doctor in my local area of Werribee and who, with the local GPs in that particular area, contacted the council to have a COVID response, because obviously Wyndham City Council had a very large outbreak. The GPs in that immediate area, when their patients tested positive, asked the patients for their consent to pass on their details to their council. Then the council was able to start a process of financial support, accommodation, meals, health support and basic necessities. Those councils were also able to obviously have contact with those community groups within those areas for education purposes and the like. The government, I know, has said that they are wanting to do—I have forgotten—was it suburban hubs? Minister, I put to you that you have got at your resource 79 councils that have health officers who are already trained there. Councils are willing and able to provide local welfare-based contact systems that could be utilised at your disposal immediately.

Ms SYMES: Thank you, Dr Cumming, for your comments. I am sure that they will be taken on board by the minister. I think you also pointed out a really good example with the GPs, who will have
that local knowledge and that trust of their community and would be a good resource to draw on in response and be able to use them to pass on those details. So thank you for your comments, and I will pass them on.

**Dr CUMMING:** Thank you, Minister. My other particular knowledge in this area is under the ADF. I was an army reservist for 10 years. I have medical training; as well, there are a lot of ADF staff that have preventative health medicine qualifications, who are ‘health officers’ under the ADF banner. Minister, will the government be using the ADF in their medical capacity, their medical units, as well as reaching out at this particular time, if there are outbreaks, to look for the ADF staff that are trained as health officers to be able to be utilised in their capacity with their qualifications?

**Ms SYMES:** Thank you, Dr Cumming, for your additional comments. The bill does not enable the secretary to appoint ADF personnel or other commonwealth employees. It is because the appointment of ADF members and commonwealth employees as authorised officers would be a matter for the federal government and indeed invoke constitutional issues if we were to seek to do that.

**Dr CUMMING:** I guess I will reframe my questioning to be: will the government request more ADF support in the form of qualified health officers that they have available? I am pretty sure that they cannot direct them, but they could request to have those additional staff rather than putting ads in the paper and possibly—and please correct me if I am wrong—giving people 5 hours of additional training when there are people out in the community currently who have those qualifications and training that you could pick up.

**Ms SYMES:** I refer to my previous answer in relation to it not being covered by this bill and therefore not being relevant to the deliberations of this bill. But your comments are noted.

**Dr CUMMING:** My next question is in relation to WorkCover and the officers that you are looking to have. Could you please explain the amount of training that they are going to go and have to put them up to some kind of equivalent to a health officer?

**Ms SYMES:** Earlier, Dr Cumming, I touched on the training required for authorised officers, and that would be the minimum five days of training currently delivered by the Australian Centre for Financial and Environmental Compliance, which is a registered training organisation that delivers nationally recognised training. The course has been conceptualised in consultation with DHHS for the role of an AO and covers such things as upholding and supporting the values and principles of public service, applying regulatory powers, compiling and using official notes, dealing with conflict and using advanced workplace communication strategies. For WorkSafe inspectors, authorised officer training material is currently being developed into the WorkSafe training packages in consultation with DHHS and will be rolled out to those inspectors. DHHS guidance material is being used to inform the development of training for these inspectors. And I think probably just to clarify the appointment of WorkSafe officers as authorised officers, the intention for that is to support workplaces to deal with responding to COVID planning and indeed workplace outbreaks.

**Dr CUMMING:** So workplace inspectors: you are saying that they are going to do five days of additional training so that they could become authorised officers and within those five days they will have equivalent training to what currently sits under the act, under an authorised officer. Currently under the act it states that they are environmental health officers.

**Ms SYMES:** Sorry. Can you just repeat the last bit?

**Dr CUMMING:** I guess to tease that out: my understanding would be that if we were not sitting under COVID times, if a resident had a health query about a workplace, as in they had walked into a restaurant, they normally would make a complaint to their local council, saying, ‘I have had a health concern about this workplace’. So currently that is the normal situation. A WorkSafe inspector normally comes in if the employees have an issue with their workplace. I guess the general public
could complain that they have seen something that they feel is an unsafe work practice, and they could call up WorkSafe and a WorkSafe inspector would turn up.

So my question is: currently in a situation where there is a complaint or a concern and a WorkSafe inspector turns up to the premise, a lot of times a council health inspector might turn up, a council building inspector might go as well with the WorkSafe inspector and also maybe even the fire brigade if there were fire concerns about the safety of that particular building or there was a big stack of whatever there that could be a fire risk. So there is normally not just a WorkSafe inspector that turns up but there is the ability for a WorkSafe inspector to turn up with a council environmental health officer, a council building inspector or the fire department.

Ms SYMES: Thank you, Dr Cumming. I guess WorkSafe will be inspecting the safe work practices, and it does not alter the existing framework or other roles that people may have responding to complaints and the like. WorkSafe can respond to both the safety of customers and staff, so they can respond to a complaint regardless of where it has originated from. Existing WorkSafe inspectors have got training to manage health and safety issues, including infectious disease, and so appointing them as AOs, they come with a pretty good solid base of training in relation to health and wellbeing of people, so it is a good base to have them included as AOs.

Dr CUMMING: I guess, through my questioning, I would hate to see all the training that is involved to become an environmental health officer somehow being superseded by a WorkSafe inspector who has X amount of training and then does an additional five days and then somehow see that they can have the same knowledge and understanding of where that weight of the community is in the way of a health response as an environmental health officer would in caring for an outbreak. So currently obviously environmental health officers from a council perspective look at food outbreaks and those kinds of things, but they have a level of training that is not dissimilar to looking after any kind of health outbreak.

Ms SYMES: Yes, thanks, Dr Cumming. You make some good points. This is not intended to replace existing expertise, and I do note local council’s ability to respond to a range of emergencies, including COVID. I am very familiar with the cafe incident in Kilmore, for example, and that was very much a collaboration response. In fact I do not think we should complain about over-responding to these incidents. So if council are there to help, whether it is the health officer or indeed the business support officer as well as WorkSafe as well as the local hospital, this is about making sure that we have got the right skill set to respond, and if we have got more people responding, then that is not a bad problem to have.

Dr CUMMING: I am pleased to hear that the government will hopefully look at their arm, which is local government, seeing that the arm of the state government, which is local councils, has a lot of staff sitting there willing and wanting to do this work. But obviously they have not been doing a lot of work lately because a lot of those businesses are closed. So those environmental health officers would normally look at tattoo parlours, beauty salons, cafes and restaurants—there is a whole cohort of businesses that currently have to have a very strong health framework and that are currently closed. So I would hope that the government looks at all of those businesses that currently have very well trained infection control—normal businesses. Normally cafes have high training in health controls, as do tattoo parlours, beauty therapists, complementary therapies and alike. I guess I take it that they would actually look at that and open them very quickly, seeing as they have that understanding of infection control.

Ms SYMES: Yes, that is a good point, Dr Cumming, and I guess I would point to the grants that are available for local councils now to support businesses in the reopening. Obviously my experience is more intimate in regional areas, where we are opening up hospitality, for example, with limits on the amount of people that can be there but activating outdoor dining and the like. And councils have been encouraged and indeed very eager to assist their businesses to be COVID safe so that we can step
out of the restrictions in a safe way. Councils have been great. I only deal with regional councils but regularly have them on forums to talk about these issues, and they do bring a lot of expertise.

**Dr CUMMING:** I am pleased to hear. I would actually hope that the government looks strongly at and works towards especially work safety inspectors as well as environmental health officers working with their local councils. There are so many businesses that have done so much work on COVID-safe plans and WorkSafe plans that I would hope that the government puts its trust in those businesses and allows them to open up soon so that they can get on with business and work in a COVID-safe way, and I do hope that that happens quickly.

Also, I guess, Minister, my question is this: rather than just having a COVID response, will the government be looking in the future to make sure that health and safety in the way of viruses, of course, and infection control will be maintained in the future? We all know that the silent killer has been the flu over the years that we have not talked about, and there are always viruses and other problems such that in the future we would be looking at having hand sanitiser and making sure hand hygiene is front and centre at all workplaces from now on.

**Ms SYMES:** Yes. Thank you, Dr Cumming. Whilst not directly related to this bill—obviously this bill is designed to be temporary in nature—the points that you have made are certainly points that I am hearing, and there will be positive learnings that can be translated into future workplaces. For instance, we know that the measures to combat COVID have meant that we have not seen the flu cases that we would normally have, so if we can keep some of these practices going forward, I think that that will ensure better health outcomes for Victorians.

**The DEPUTY PRESIDENT:** Dr Cumming—and just to remind people—we do have to have another clean before 11 o’clock.

**Dr CUMMING:** Okay. I feel like I have hammered that one enough, and I feel like I have got a positive response, so I am pleased to hear that the government will look at the questions that I have raised and hopefully go forward with that. Did the police want these additional powers? Have they requested these additional powers?

**Ms SYMES:** Dr Cumming, I was not part of the negotiation, but I know they certainly do not oppose the bill. That is the Police Association Victoria, for instance. I cannot speak for every police officer.

**Dr CUMMING:** In the debate earlier I raised concerns around PSOs and their powers because previously there have been reports around heavy-handedness and the like, so I do have concerns with giving the PSOs additional powers under a health response. So what is the additional training, because some of the concerns I have raised before COVID-19—say, last year in this place—were around what training is in place for PSOs to actually deal with youth? Now, what training will be in place for PSOs when they are dealing with people with mental health issues or with an infectious disease to be able to handle the additional tasks that the government would seem to be wanting them to do?

**Ms SYMES:** Thank you, Dr Cumming. In relation to the training there are particular units of competency which form part of the certificate that people are required to obtain, including dealing with conflict and advanced workplace communication strategies. I think I would just draw your attention to the fact that all authorised officers undergo training dealing with conflict and managing challenging situations whilst dealing with the community and use these skills in the first instance to support compliance and enforcement work, and authorised officers are not trained in the use of force. This has not been an issue commonly arising for authorised officers prior to the pandemic, but authorised officers do need to seek assistance from police officers when confronted with difficult situations that would require the support of Victoria Police.

You raised what protections are in place for vulnerable people, and AOs are required to give proper consideration to relevant charter rights in light of how they are to be limited by any enforcement action
that may be contemplated. Before issuing an infringement notice, for instance, or taking some form of other action they must exercise discretion when it comes to vulnerable people and give proper consideration to the relevant rights that will be engaged by the exercise of any of the powers that they will be performing under the public health risk powers and emergency powers if they are utilised. Where a significant exercise of the power is contemplated by an AO, a full review of the charter is undertaken to ensure proper consideration is given to the rights engaged. All AOs will be appropriately trained, and as I have emphasised on numerous occasions, the people that are identified to become AOs will be suitably qualified, trained and considered to be appropriate, because they have to, in the view of the secretary, be able to be appointed for the particular purpose. So particular people, not a cohort of people, are appointed as AOs.

Dr CUMMING: I have a question that I feel needed to be raised from Mr Limbrick’s line of questioning earlier. Currently do police have the ability to fine someone who does not give their name and address? What I understand is that with an authorised officer, if you did not give them your details, there are X amount of penalty units for not doing that.

Ms SYMES: Thank you, Dr Cumming, for your question. Victoria Police have the power to request your name and address in a variety of circumstances—for example, if you are suspected to be in the middle of committing a crime or you are driving a vehicle. In relation to this legislation they will have the capacity to seek your name and address for the purposes of enforcing CHO directives.

Dr CUMMING: So with that, is there a fine attached for not providing those details to the police—not to PSOs, not to authorised officers but to police?

Ms SYMES: Yes, that is right. Not following a direction would potentially activate the penalty that I was referring to before, which is non-compliance, of up to 120 penalty units.

Dr CUMMING: And that amount of money—what does that equate to?

Ms SYMES: It is almost $20 000.

Dr CUMMING: $20 000?

Ms SYMES: Up to.

Dr CUMMING: That is nasty. It is very nasty.

Ms SYMES: It is a bit steep, isn’t it.

Ms BATH: Minister, my questions—a few of them—relate to regional businesses and indeed authorised officers. Over the weekend the Premier announced new rules for regional businesses, and those rules looked at businesses that had dining service seating, so cafes and other businesses as stipulated in the press conference. My first question goes to which of the authorised officers would be able to go in—and I will give you the context—if those regional businesses are not seeking to identify where the diners are from. So I own a business and I am seeking to identify where you are from—if you are from Melbourne or wherever. If I do not do that, you can fine me. So my question is, first of all, who is ‘you’? Which authorised officers would they be? Are they Victoria Police, PSOs, WorkSafe and interstate public servants?

Ms SYMES: I will double-check for you. Ms Bath, you can be fined for failing to follow a directive of an AO, but in the context of the example of the businesses who failed to follow the CHO directives the penalty would come from the police.

Ms BATH: Thank you, Minister. So just clarifying that, the only person, or persons, that could issue that fine to the business owner would be a police officer; is that correct?

Ms SYMES: Police are the ones who issue the fine.
Ms BATH: I am not trying to be pedantic on that, but could an authorised officer identify the fine in that place and then seek to tell the police officer, who would then issue the fine; is that a potential situation?

Ms SYMES: Yes, that could happen.

Ms BATH: Okay, just clarifying; thank you very much. And so just clarifying that again, the reason I am asking this line of questioning is I have had constituents asking me this only today. So those authorised officers who could identify the business who is not asking the question could be PSOs, WorkSafe and interstate public servants; is that correct?

Ms SYMES: Well, it would not necessarily just have to be those people. To take a step back, the announcement in relation to fining businesses for non-compliance with helping protect country Victoria by denying seated service to Melburnians, whose rules of restrictions follow them, is designed to protect businesses and to give them the opportunity to say, ‘Hey, you can’t do it, because I would be subject to a fine’. In the instance of the government, the Department of Health and Human Services or the local council discovering that they had not done what they should do to protect their business and their community and it was later discovered they had allowed the Melbourne person to sit in their venue without reasonably seeking to identify the person’s origin, that information could come from anyone for the police to then issue a fine if the evidence supported it. It does not need to be an authorised officer. It could be an individual; it could be through the contact tracing that it is determined. It does not need to be a particular person identifying. It would be up to the police to establish whether it amounted to a penalty or not based on the evidence that they were presented.

Ms BATH: I have just a couple more questions, but this one relates to what happens if there is a vexatious situation where for whatever reason somebody says, ‘I know that the Bath family cafe does not ask people’. How is that identified, and what is the test for that? Because it is actually quite serious. In a way these are quite arbitrary rules: ‘I think that they haven’t asked or been sufficiently diligent as an owner’. How are these tested, and what are these rules?

Ms SYMES: Ms Bath, I am happy to endeavour to get you some further information in relation to that rule. That is not relevant to the bill that we are dealing with today, but I am more than happy to get you some information. I have asked Regional Development Victoria to have a look at what sort of support and advice can be offered for businesses so that this is not an impost on business. So there is some work going on to provide better information to businesses, and I am happy to talk to you about that offline, but that is not relevant to the bill that we are debating tonight.

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Ms BATH: I guess the relationship was in and around authorised officers doing this work, but the other comment I have had — this is my last one — was from a constituent today. She was very confused about the fact that some of the reports said ‘and other businesses’. She came into my office, and we investigated. She rang Business Victoria and they also said retail as well as hospitality. So members who run a retail shop, whether it is a scarf shop in Morwell or whatever, if they do not ask their customers, due diligence, ‘Where are you from? Show me your licence’, Business Victoria has identified that they can also be deemed to be failing to comply and therefore receive via an AO or a police officer a fine. That is what Business Victoria has told them. Could you please clarify that for me?

Ms SYMES: Yes, I will add that to my previous commitment to get you some information for regional businesses. I concur with you. It is important to get information out there, so I will endeavour to do that, but outside the context of the bill.

Sitting suspended 10.44 pm until 10.57 pm.

Ms SYMES: Just to respond to some of the matters I endeavoured to take on notice in relation to the breakdown of the 720 AOs, metro versus regional, currently all AOs are based in Melbourne. Therefore the regional recruitment will form an important part of the recruitment plans. In relation to
the number of AOs in New South Wales, we do not have that information at hand. We would have to
seek it from New South Wales, so I will be unable to provide that to the chamber this evening, I would
think.

Mr RICH-PHILLIPS: Minister, I would like to go back to something you said in response to
Mr Limbrick around the appointment of authorised officers. You indicated in one of your answers to
Mr Limbrick that of the 420 being appointed, some or all would be on stand-by, and you said they
may not get to act as AOs. Can you outline, please, the basis of this? I see in your amendments, which
we will get to in due course, that you are inserting a proposed subsection 250A with respect to the
appointment or the activation of authorised officers by the chief health officer. It says:

Despite section 189, the Chief Health Officer may only authorise an authorised officer appointed under the
temporary provisions to exercise the following public health risk powers …

And it breaks them down by the four cohorts, as you know. On what basis does the chief health officer
authorise an authorised officer to exercise those powers? Firstly, is it an individual authorisation to an
individual authorised officer?

Business interrupted pursuant to standing orders.

Ms SYMES: Pursuant to standing order 4.08(1)(b), I declare the sitting to be extended by up to
1 further hour.

That is correct, Mr Rich-Phillips. Individuals are appointed, not a class of people, but an individual
can be chosen from a class of people. Not every police officer, PSO or WorkSafe inspector will be
appointed as an AO. It will be an individual appointment, but drawn from that class of people.

Mr RICH-PHILLIPS: Thank you, Minister. I understand that. It is not about the appointment of
the authorised officers; it is about the authorising of the authorised officers to exercise the powers,
which is separate. On my reading, first the authorised officers are appointed by the Secretary of the
Department of Health and Human Services, then the chief health officer effectively activates those
people by authorising them to exercise the public health risk powers, which will be broken down by
the four categories. So the question is around the action that the chief health officer takes in authorising
the authorised officers to exercise those powers and whether the authorisation by the CHO is an
individual authorisation to specific individuals.

Ms SYMES: Yes, Mr Rich-Phillips, and the CHO can authorise the use of public health risk
powers where the CHO believes it is necessary to do so to investigate, eliminate or reduce a risk to
public health. So coming back to your earlier point about stand-by, it would involve anticipation or
response.

Mr RICH-PHILLIPS: Thank you, Minister. In making that authorisation and the point of stand-
by and not stand-by—or even effectively now, given there are already authorised officers exercising
the public risk powers, presumably they are exercising those powers—is the CHO authorising
individual officers on a daily basis? What is the nature of the authorisation? That goes to the point of
stand-by. Are they authorised to act as an authorised officer in this area for this week, from Monday
to Friday, or is it an ongoing authorisation from the CHO? What is the actual mechanism? That leads
back to an earlier statement that they would be on stand-by and they may not get to use these powers.
What is the nature of the authorisation that the CHO gives? Is it person specific, for a particular
purpose, for a particular day, or is it more open-ended than that?

Ms SYMES: Mr Rich-Phillips, I am advised that it is an instrument appointment which includes
powers and a period of appointment and is obviously also temporary by virtue of the bill.

Mr RICH-PHILLIPS: Thank you, Minister. To be clear, the period of appointment is
1 November to 30 April or 21 April, whatever the day is; it is not Monday to Friday of this week. It is
not a tight, narrow time frame; it is, as I said, the beginning of November through to March.
Ms SYMES: I will double-check.

The instrument will determine the period of the authorisation but will not go to work hours

Mr RICH-PHILLIPS: Thank you, Minister. So that goes to the issue of authorised officers being on stand-by, as you said. Can I take from that that effectively authorised officers will be appointed by the secretary of the department, the CHO will then authorise them to exercise the public health risk powers and then they will have that authorisation in their pocket? So they might be a WorkCover inspector, they might be a police officer or a PSO or any other category, but the CHO has given them authorisation, they have it in their back pocket for the next three, four, five months until this provision expires and therefore they can, given it requires them to exercise judgement—that is the nature of the public health risk powers—choose when to use it because they have it and it stands until it expires.

Ms SYMES: I would not go as far as to say they get to choose when to use them, because it has got to be in response to a public health issue in relation to the triggers under the bill, but I guess probably where it would be most useful to have people on stand-by is for geographic coverage, to make sure that we have got adequate resources particularly in our regional areas, whether they are connected to a hospital or a relevant police officer, for example.

Mr RICH-PHILLIPS: Minister, I am trying to get a clearer understanding of this concept of stand-by. Is a person who is on stand-by, to use your term, a person who has been appointed as an authorised officer by the secretary but has not yet been given an authorisation to act by the CHO? Is that what you mean by stand-by?

Ms SYMES: No. By stand-by I mean that hopefully they do not have to activate any powers, but they can be an authorised officer that can be required to respond to an outbreak, for instance.

Mr RICH-PHILLIPS: Thank you, Minister. So effectively they can exercise the powers themselves if the need arises, in the sense that there is an outbreak that requires the exercise under the instrument, but there does not need to be an activation of the instrument. They have the instrument. If there is a public health outbreak that requires the use of the public health risk powers, they can do that. They have been appointed. They have the instrument. The instrument is valid. If there are circumstances that require them to do it, they can do it; there is no other authorisation step. They are an authorised officer, they have got it in their back pocket and they can use it if they need to use it.

Ms SYMES: Yes, but I would point out that the instrument can be revoked; the instrument can be altered. So potentially for somebody that is an authorised officer with limited powers granted under the instrument, if they are indeed required to respond in a different manner, then the instrument can be changed according to the suite of powers that are available, depending on the classification of the person.

Mr RICH-PHILLIPS: Thank you, Minister. Minister, I would like to clarify: with respect to the CHO’s powers to authorise an authorised officer, is that power that the CHO has one that can be delegated or is that a power that must be exercised by the CHO personally?

Ms SYMES: I will just seek some advice.

Mr Rich-Phillips, we are just seeking some definitive advice on the delegation powers. There are deputy CHOs that have stepped in with the same powers as the CHO. We will just double-check that. We think it will probably be delegable to the deputies, but I want to confirm and come back to you on that.

I guess probably, just further to some of the points you are making in relation to the activation of the ability to use the powers, the secretary would dictate what you are appointed to do, so your role as an authorised officer, and then the CHO’s directives in terms of the activation would be the determination of the public health risk. There is an outbreak there, so therefore activation occurs. So it is kind of a
two-step process. You cannot have an authorised officer responding to something that is not deemed a health risk.

Mr RICH-PHILLIPS: Thank you, Minister. That is helpful. Just to clarify then, the CHO will not authorise authorised officers on a standing basis—so there must be a particular outbreak or event over there in that place with those people which the CHO would then authorise an authorised officer to go to and exercise the public health risk powers. It would not be the case of authorised officers being authorised on a contingency basis. You are saying it is only when there is a need to respond to a specific incident or site—however you choose to put it—that that authorisation is given by the CHO.

Ms SYMES: Not necessarily. The deployment of authorised officers is subject to a chain of command, so people have to be deployed to perform the duties of an AO. So it is not like a random person with an ID card can just go and start. You have got to be instructed or you have got to seek advice to go and be deployed.

Mr Rich-Phillips interjected.

Ms SYMES: If they have been authorised, they can. If their instrument allows them to. So, yes, correct. With the powers they have been given by the instrument, which I understand are detailed on their ID card, they have got the power to do that then. But they are still subject to a line of command, like an incident control centre type arrangement where people will be deployed to respond to health risks.

Mr RICH-PHILLIPS: Thank you, Minister. I will move on. I would like to ask you about the appointment by the secretary of the authorised officers. The bill is inserting a new section 250 into the act, which changes the threshold that the secretary is required to meet in making an appointment. The current act says in section 30:

(2) The Secretary must not appoint a person to be an authorised officer under this section unless the Secretary is satisfied that the person is suitably qualified or trained to be an authorised officer …

The bill proposes to change that to:

… the Secretary by instrument may appoint …

(a) a person the Secretary considers appropriate for appointment based on the person’s skills, attributes, experience—

which will be the amended version if the government’s amendments are accepted. Can you explain the difference between the current requirement in the act that an authorised officer not be appointed unless the secretary is satisfied that the person is suitably qualified or trained to be an authorised officer and the new test, which is ‘a person the Secretary considers appropriate for appointment’ based on their skills, attributes or experience?

Ms SYMES: Thank you, Mr Rich-Phillips. I can confirm that this is not a replacement of the test. The section 30 requirement will remain in addition to the amendment, so it will continue to be a requirement. And the secretary in considering making appointments may only appoint a person to be an authorised officer under the act if satisfied the person is suitably qualified or trained to exercise AO powers. In particular consideration is given to whether each officer has experience in regulatory functions, compliance and enforcement activity and/or experience in oversight of statutory requirements relating to health, safety, public protection or similar fields; has experience in conflict resolution, mediation, decision-making and customer service; and can transfer these existing skills and expertise from their respective employment history across to regulatory frameworks with appropriate briefing and training. And just to confirm, the appointment of an AO can be revoked or altered at any time.

Mr RICH-PHILLIPS: Thank you, Minister. Why then, Minister, is the government inserting that different construction in what will become the new subsection (1A)? If the existing requirements are
the secretary being satisfied that the person is suitably qualified or trained to be an authorised officer, why are you now inserting this alternative framework?

Ms SYMES: Additional framework.

Mr RICH-PHILLIPS: You say, ‘additional framework’. Why is that being—

Ms SYMES: Because there was concern raised about the appointment of authorised officers, so this is to give comfort to the community and comfort to people that were concerned about inappropriate people being appointed. So it is making sure that we are being very clear with the community that appropriate people will be performing the duties of an AO.

Mr RICH-PHILLIPS: Thanks, Minister. Well, how is it different? How is the requirement that the secretary be satisfied that the person is suitably qualified or trained to be an AO different to what you are saying is now additional—that the secretary considers them appropriate based on their skills, attributes or experience? How is that fundamentally different?

Ms SYMES: It is just clarifying that they will be required to be suitably qualified, appropriate—

Mr Rich-Phillips interjected.

Ms SYMES: Yes, correct. And that will still apply. We want them to be extra, extra qualified. There was concern that we wanted to respond to through the amendments that AOs were going to be beauticians and nail technicians, if you take Mr Ondarchie’s questioning before. This is to make sure that we are providing comfort that the secretary is required to appoint people that are appropriate.

Mr RICH-PHILLIPS: Thank you, Minister. But of course this construction was put in the bill by the government before the public had seen the bill, so it is not in response to the public commentary that has been in the public domain for the last month or so, which has led to the government changing its position on the preventative detention stuff. This was already the construction in the bill before anyone saw it or anyone had concerns about the bill, so it is difficult to accept that explanation when it was already there before there was public concern.

Ms SYMES: Yes. I can add further. Under section 30 it is for their appointment, and because this is selecting new people to perform not necessarily the whole suite of powers, this test can be applied to what powers they could be asked to perform. So to be appointed in the first place—one test having a look at what that person can do, which suite of powers should be afforded to them—would be where that test becomes relevant. It may be that the secretary considers someone appropriate for contact tracing within a CALD community based on language skills and understanding of culture, for example, and I guess that is a different question to whether they are suitably trained to be an authorised officer.

Mr RICH-PHILLIPS: Thank you, Minister. The bill as drafted contains what the government has now said it is not going to proceed with and will introduce amendments to omit: what have become known as the preventative detention provisions, which allow authorised officers to detain a person on the belief that they may breach the COVID restrictions. What was the need to insert that preventative detention provision in the bill, given we are six months into this COVID situation? What need has arisen that led the government to put these preventative detention provisions in?

Ms SYMES: Well, it is sort of a moot point now, Mr Rich-Phillips, as we are not proceeding with them. The house amendments, as I understand, are reasonably agreed. However, the explanation provided for the consideration of detention powers was in response to the threat of individuals not complying with chief health officer directives—a person who is COVID-positive not agreeing to self-isolate, for instance. So the concerns that we were seeking to address through that proposal were in response to examples such as that. But I would reiterate that for the purposes of tonight’s debate we will be considering an amendment. The second-reading contributions would indicate that that
provision will be removed through my house amendment, which will be successful, and therefore no detention powers will remain in this bill when it passes this chamber.

Mr RICH-PHILLIPS: Thank you, Minister. There is some comfort that the government is amending the bill, but let us be honest, you are amending it because you could not get it through with those provisions in there. The government went through the other house with them in.

Ms Symes: You don’t know that.

Mr RICH-PHILLIPS: I think we do. Ms Patten claimed credit for it this afternoon.

Members interjecting.

The DEPUTY PRESIDENT: Order! Mr Rich-Phillips has the call.

Mr RICH-PHILLIPS: Thank you, Deputy President. So, yes, the government fully had the intention of trying to pass this bill. It passed it through the other place with the preventative detention provisions in there. So I do not accept that it is a moot point. The government wanted to do this.

Ms SYMES: The bill I’m bringing through the house today removes the detention powers.

Mr RICH-PHILLIPS: Well, actually, to take up the minister’s point, the bill we are dealing with now still has them in there. The government could have introduced a different bill, but it did not. It introduced this bill with the preventative detention provisions in there and is now seeking to amend it. We support that amendment. That is an improvement, making it less bad, but the government’s intention was to move down this path of a preventative detention mechanism.

So the question, Minister, goes to the reason. You said it was where people declined to self-isolate—that was an example you gave—but this provision actually left it to the belief of an authorised officer that someone was going to do that. There was no requirement that they had refused to or were not self-isolating, to use your example. It was simply the belief of an authorised officer that they may refuse or may not do it. So why was the government seeking to put in place a measure which left it to an authorised officer to form a belief that someone was not going to do something and would therefore have the capacity to detain them?

Ms SYMES: Mr Rich-Phillips, a reasonable belief may be formed because somebody told you they were not going to comply.

Mr RICH-PHILLIPS: Is that the only basis on which that belief could be formed?

Ms SYMES: I do not know the answer to that, Mr Rich-Phillips. I am pretty keen to discuss the bill. You have said that the opposition will be supporting the house amendment, which means that I think there would be much more public interest in what the bill is going to do rather than what it may have done, which we know it will no longer do.

Mr RICH-PHILLIPS: Well, yes, thank you, Minister. I do not have further questions, but I think the Victorian community knows what the government wanted to do with this bill. It is still in this bill. It will change later tonight, but it is still in the bill. I think the government made its position very clear, and the Victorian community made its concern very clear.

Ms SYMES: I will take that as a comment, Mr Rich-Phillips, but I think the government responding to community concerns and making amendments to a bill should be welcomed. I would note that the amendments are in my name, and I support the amendments and I hope that that house does as well.

Mr FINN: Minister, I have only one question. I think you will probably want to answer this. I am hopeful that you will be wanting to answer this as much as I want you to answer it. I have been asked on a number of occasions to ask this question in this debate. This has been widely reported in a number of places, and I would just like to ask the question: is there anything in this bill which limits the liability
of the Premier or ministers that are in the politburo or the gang of eight, or whatever you want to call them, for culpability under the industrial manslaughter laws?

Ms SYMES: Thank you, Mr Finn, for bringing this to the attention of the house, because it is an important point and demonstrates that there is a lot of misinformation and mistruths that have been peddled about this bill. I can confirm that the answer to your question is no.

Mr HAYES: Thanks, Minister. I just wanted to ask a couple of questions. You must forgive me if I am going over or not going over some previous interchange you had with Mr Ondarchie before. I just wanted to ask: Minister, why would WorkSafe inspectors need to enter any premises without a warrant for the purposes of a search and seizing of anything that is necessary? This is particularly about WorkSafe inspectors and why they would need to enter any premises—I imagine that covers work premises and home premises—if you could just maybe give me a scenario where that might apply or explain what the intention is there.

Ms SYMES: Mr Hayes, the bill does not alter WorkSafe inspectors’ capacity to enter premises. It might change the reason they can enter premises or the motivation because of a COVID-related health and safety issue as opposed to a workplace safety issue, but the term ‘premises’ is also already undefined for the purposes of WorkSafe. It just has to be a workplace. So there is no real additional access in the terms that you have described.

Mr HAYES: Thank you, Minister. You could not sort of give me a scenario where a WorkSafe inspector might be required to do such a thing as enter premises without getting a warrant to search and seize anything in those premises for the purposes of protecting people from COVID?

Ms SYMES: WorkSafe inspectors can already enter premises under ordinary OH&S laws. They may choose to go in on a basis that they believe that there is not a safe environment under either the Occupational Health and Safety Act 2004 or the Public Health and Wellbeing Act, for the purposes of the bill that we are referring to today.

On the additional powers that WorkSafe inspectors would have as authorised officers, which I guess is the crux of your question, the intention is to provide the secretary with the power to appoint the broader class of persons as authorised officers, including WorkSafe inspectors, under the Public Health and Wellbeing Act. Any authorisation granted will specify any restrictions or limitations to which public health risk powers may be exercised by those authorised officers.

So under the proposed amendments, if a WorkSafe inspector is made an authorised officer, the scope of powers they can be given are those that are in section 190(1)(c) to (k) of the Public Health and Wellbeing Act. This includes powers such as entering a premises without a warrant for search and seizure of anything necessary to investigate, eliminate or reduce risk to public health where the authorised officer is satisfied that there is an immediate risk to public health; requiring the provision of information needed to investigate; requiring a person to provide their name and address; inspecting any premises where risk to public health may be spread if necessary; requiring cleaning; giving directions to owners or occupiers to take actions to eliminate or reduce risk; and exercising general enforcement powers conferred on an authorised officer under the act.

So if the secretary were to appoint a WorkSafe inspector, it is intended that they will make use of the Public Health and Wellbeing Act to issue infringement notices on any person who has breached a COVID direction. This would be separate to any enforcement action that they may be able to take under the OH&S act, as they already can.

Mr HAYES: Thanks, Minister. I would just like to ask also, probably in the same vein, why do PSOs need the ability to demand information from people and search premises also without a warrant? Can you give me any possible scenarios where that would be applicable?

Ms SYMES: Apologies, Mr Hayes; you did give me a heads-up that you are interested in access without warrants. In terms of what the police will be able to do that they cannot already do, it will
allow them to be appointed as authorised officers, and the appointment of them as AOs will require specific instrument authorisation to be made by the secretary to set out which functions and powers are to be exercised by police or by PSOs.

My advice is that police have been granted and have been using the public health powers of entry under the state of disaster, so if appointed as AOs the same powers will be given to the police and used in exactly the same way as they are now where it is reasonable and necessary to enforce compliance of health directions. The power is being used in situations, for example, where police are responding to reports of people gathering socially at an address where it is audibly obvious that there are additional people within the residence with no permitted reason to be there but the residents are unwilling to cooperate. So the police under the state of disaster, and AOs, will continue to have the power to enter in order to enforce the CHO directions and gather necessary details to contain the public health risk. Whether police could exercise their normal police powers after entering the premises would depend on the circumstances and nature of any offending that they became aware of.

Mr HAYES: Thank you, Minister, for the answer. I am really not so concerned about police having these additional powers. The question was more to PSOs being given additional powers, or do you consider that PSOs already have these powers under the state-of-emergency provisions, Minister?

Ms SYMES: Yes, they already have this power.

Mr HAYES: Minister, I would go on to ask then: why do we have these powers reiterated or specified in this bill if those powers are already available to these officers?

Ms SYMES: That is a good question. At the moment this bill will not change anything for PSOs and police officers, but it will maintain the powers for them when the state of disaster ceases. This bill is very much designed to help the community whilst restrictions are eased, and the threshold for state of disaster is likely to be met before we want the powers to be exhausted—so they will continue beyond the state of disaster. That is what the bill does.

Mrs McARTHUR: Minister, $5.7 million has so far been expended on an inquiry—not counting the legal costs of umpteen silks for ministers—to determine whose idea it was to employ private security guards in hotel quarantine. Minister, can you tell us whose idea it was to engage this new cohort of authorised officers?

Ms SYMES: Your preamble and your question do not particularly match up for me. Is your question, ‘How did government form the view that we need additional authorised officers’?

Mrs McARTHUR: Minister, who decided you needed this extra cohort of authorised officers?

Ms SYMES: Extensive consultation has been undertaken with existing government agencies who are responding to the pandemic, and the advice back from them has formed the government policy in relation to AOs being required to help with the pandemic response. Indeed as we step out of restrictions we want to make sure that COVID-safe practices are enforced and indeed encouraged in all communities.

Mrs McARTHUR: Thank you, Minister. Can you please specify which minister was responsible for deciding this new cohort of authorised officers were required?

Ms SYMES: Mrs McArthur, this is a bill. Bills go to cabinet, and the bill is predominantly an Attorney-General bill with, obviously, relevant sections to the Minister for Health.

Mrs McARTHUR: Minister, just to be clear, it was the Minister for Health who decided we need this extra cohort of authorised officers, not the Attorney-General?

Ms SYMES: It was in response to the experience of government dealing with the pandemic. We have had reports back from Victoria Police, the Department of Health and Human Services, and
WorkSafe in performing their duties and what they think would be useful going forward. The bill went to cabinet and now it is in the chamber.

Mrs McARTHUR: Minister, you maybe get my train of thought here. We have just spent millions trying to work out exactly who was responsible for hotel quarantine security guards. If there is some incident that involves this new cohort of authorised officers, without expending more millions on another inquiry, can we please just ascertain exactly who is responsible for this new cohort of authorised officers—the Minister for Health, the Attorney-General, the Minister for Workplace Safety or the Premier?

Ms SYMES: I would put it that the bill is subject to the approval of the Parliament and if it is passed, this is a decision that the Parliament made. The fact that it got here—it is a bill that was government policy that went to cabinet in the normal way.

Mrs McARTHUR: It is very important, I think, for the people of Victoria to know exactly who is responsible for the ideas coming forth from this government in relation to this particular piece of legislation and in relation to this particular cohort of a new area of authorised officers. We might as well find out now before we need a new inquiry in the event of some unauthorised incident occurring.

Ms SYMES: Mrs McArthur, you will note that the authorised officers that may be appointed form cohorts from Victoria Police, PSOs, WorkSafe inspectors, health service professionals and interstate public servants, and indeed you have existing authorised officers under the Department of Health and Human Services. I think it is pretty obvious which ministers are responsible for them: police is the police minister; WorkSafe is WorkSafe. In relation to the bill, it was subject to a cabinet decision. I stand by my answer.

Mrs McARTHUR: Therefore we cannot recall, we do not know, we are not saying or we have not read the emails exactly whose idea it was to come up with authorised officers that can be public servants from interstate or elsewhere.

Ms SYMES: On a point of order, Deputy President, I will not be lectured to. Mrs McArthur, I cannot help it if you do not understand the processes of government. It was a cabinet decision, and that is my answer.

The DEPUTY PRESIDENT: Minister, that is not a point of order.

Mrs McARTHUR: Minister, there are currently airline staff being paid to do nothing because they are no longer involved in hotel quarantine, because hotel quarantine is a bit of a failure here and it is off-limits in Victoria. Is there any chance that we could have these people who are currently being employed by the government trained to become authorised officers?

Ms SYMES: Thank you, Mrs McArthur, for your question. It is a similar point to Dr Cumming’s where she suggested that local government employees could be considered for an appointment as authorised officers. In relation to the limited cohort that we intend to attract to be appointed as authorised officers, it does not appear to extend to airline workers. However, there may be some airline workers that fit other categories. I would not presume to rule out all airline workers.

Mrs McARTHUR: Minister, there are some rather subjective words in the legislation, and ‘reasonably’ or ‘reasonable’ is one of them. Can you please define what ‘reasonably believe’ or ‘a reasonable excuse’ are? How do you define ‘reasonable’?

Ms SYMES: I feel as though I am sitting another legal exam. There have been a few of these questions. I will see if I can get some better guidance than ‘its normal interpretation’.

Mrs McArthur, the gentleman in the box confirmed my suspicions that the test of reasonableness is what is reasonable, and it is a well-debated topic of legal uncertainty. However, ‘reasonable’ is exactly that.
Mrs McARTHUR: Minister, perhaps you would like to define what ‘likely’ means in relation to this bill, as that is used also as a major part of this legislation.

Ms SYMES: My understanding is the ordinary definition of ‘likely’ is what is meant in this bill.

Mrs McARTHUR: Minister, perhaps you would like to expand on what the normal definition is in relation to the legal aspects of this bill then.

Ms SYMES: I am just looking at the Macquarie dictionary. No, ‘likely’ and ‘reasonable’ are as outlined in the bill.

Mrs McARTHUR: Minister, going back to my earlier question: what minister issued the drafting orders to the parliamentary counsel for this legislation?

Ms SYMES: Mrs McArthur, again, that is a process that follows a cabinet decision. There is a cabinet office that accepts—

Members interjecting.

Ms SYMES: On a point of order, Deputy President, you are not helping. In fact you are demonstrating that you are not exercising the independence of the Chair, and that would not be the first time that that has occurred.

The DEPUTY PRESIDENT: Minister, you are reflecting on the Chair. I was trying to help you. Mrs McArthur has asked a question. Has the minister answered the question yet? Minister, did you have anything more to add?

Ms SYMES: I would appreciate it if we could move on to the contents of the bill. My job is to answer questions related to the bill. Regarding what you are referring to, if you could point to a clause that you want to discuss I would be happy to do so.

Mrs McARTHUR: Minister, this really is a very important aspect of this whole legislation as to exactly who is responsible for it. Was it the former health minister, for example, who is no longer in this place, or was it part of the—as you said—cabinet decision, which you are not part of because you are not part of that COVID Eight? Are you able to clarify: was it the COVID Eight committee or was it the former minister or was it the new health minister?

Ms SYMES: Mrs McArthur, this bill went to cabinet in the normal way. It is not custom and practice to reveal the deliberations of cabinet, but I can confirm this bill went to cabinet in the normal way.

Ms SYMES: Mrs McArthur, again, that is a process that follows a cabinet decision. There is a cabinet office that accepts—

Members interjecting.

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Ms SYMES: Mrs McArthur, in relation to the bill, it is an omnibus bill with certain ministers responsible for relevant sections, which I would have thought was pretty obvious. In relation to the authorised officers performing duties under the Public Health and Wellbeing Act, the Public Health and Wellbeing Act is an act where the instrument is under the Minister for Health—correct.

Mrs McARTHUR: Minister, perhaps you would like to expand on what the normal definition is in relation to the legal aspects of this bill then.

Ms SYMES: I am just looking at the Macquarie dictionary. No, ‘likely’ and ‘reasonable’ are as outlined in the bill.

Mrs McARTHUR: Min...
determination about whether a person is likely to breach—there is that word ‘likely’—a direction in the future but the detained person would not be able to appeal to a court to test whether the power was properly exercised. This is deeply dehumanising, degrading and undignified for a person not only to have their freedom arbitrarily removed but also to be denied any right of review or appeal. Do you confirm that is the case, Minister?

Ms SYMES: I can confirm, Mrs McArthur, that the house amendments that I am bringing to the chamber tonight, which I have confirmation will be successful, remove any references and powers in relation to detention from this bill.

Mrs McARTHUR: Minister, we know that inclusion policy was very important in the employment of hotel quarantine guards—in fact more so than quarantine training. In this bill we have a new section which points to:

… the Secretary by instrument may appoint any of the following to be an authorised officer for the purposes of this Act—

(a) a person the Secretary considers appropriate for appointment based on the person’s skills, attributes, experience …

As the statement of compatibility makes clear, the reason for this is to enable the appointment of individuals with particular attributes such as connection to particular communities to ensure that certain activities can be conducted in a culturally safe manner. Is there a situation where the secretary may well appoint the sorts of people that we include in this area for contract tracing? While they may be of an inclusive nature, even a diverse nature, they may not have the proper skills and attributes required. Would you envisage a situation where skills and attributes would be overridden by the need for inclusion as an attribute?

Ms SYMES: No, Mrs McArthur, because under section 30 of the act the secretary can only appoint people who are appropriately trained and have the requisite skills; I will get the exact language for you. Where it is envisaged to appoint people that can help with contact tracing, those individuals with specific relevant skills and expertise who are not Victorian public service (VPS) employees—CALD community workers or an Aboriginal community controlled organisation, for example—they can be appointed authorised officers only for assisting with contact tracing only to:

require the provision of any information needed to investigate, eliminate or reduce the risk to public health—

or—

require a person to provide their name and address for the purpose of investigating, eliminating or reducing the risk to public health …

So this is a cohort of people that we anticipate would be beneficial in helping us reach vulnerable communities, communities where English is a second language, communities that have a distrust of authority, making sure that we can support those communities appropriately, so finding people with not only with those skills but who also meet the initial test to be appointed as an AO.

Mrs McARTHUR: Thank you, Minister. I am just curious—maybe you can tell us—how long is the training of a police officer or a WorkSafe inspector?

Ms SYMES: I do not know off the top of my head, and because it is not relevant to the bill I will not seek an answer to that at this point in time.

Mrs McARTHUR: Thank you, Minister. Well, it is relevant really because we are about to appoint authorised officers with, you described, five days training to have authority to suggest that somebody might be breaching some of your COVID regulations—with five days training. Yet a police officer, we are sure, probably has some years of training. A WorkSafe inspector may be similar; I do not know. But this new cohort of officers may only have five days training. Do you think that is appropriate if they are to be enforcing laws and rules and regulations in this community?
Ms SYMES: Mrs McArthur, what you are failing to acknowledge is that in order to access the training you have to be deemed to be suitably qualified and trained in the first place. So there is a base level of experience, expertise and relevance to performing the duties of an AO before you even get to be appointed as one. The five days training is additional to meeting that test. I ran through some of the units that are covered in the AO training, which is a minimum of five days training, specific to the functions and powers under the act.

The course includes units such as: upholding and supporting the values and principles of the public service; applying regulatory powers; compiling and using official notes; dealing with conflict; and the use of advanced workplace communications strategies. Additionally, for AOs who are undertaking field work a further two-day course is undertaken entitled ‘acting on non-compliance’, which is made up of the following units: acting on non-compliance and gathering information through interviews. And I would point out that, as you have identified, the training, regardless of how long it is, to become a police officer is obviously extensive. The training to become a workplace inspector, likewise, involves meeting required standards. So they are why they are chosen to be possible authorised officers—because of that level of base experience and the qualifications that they have already obtained.

Mrs McARTHUR: So, Minister, the cohort that you referred to before who may have the experience in culturally or linguistically diverse areas, will they be people with these longstanding training attributes, like police officers or WorkSafe inspectors? Are they going to have similar qualifications, or not?

Ms SYMES: No, more than likely they would come from the health side of things, so their expertise would be in relation to community health provision and the like. That would be more probably where you would see that cohort coming from. However, saying that, a police officer from a diverse background might be particularly useful for communicating with certain communities. So it would depend on the individual, but I think probably more the health side would be where these CALD workers may come from.

Mrs McARTHUR: Thank you, Minister. So if we are in a situation where somebody is apparently breaching the COVID regulations, maybe in a public place like a market, but does not take direction from the authorities that might have been employed to ensure the security of the place, who is responsible in a workplace sense for the liability if that individual is breaching the requirements and an outbreak occurs? Would it be the person that is conducting the market stall? Would it be the proprietors? The council may own the site. And who would be the authorised officer that would make that determination?

Business interrupted pursuant to standing orders.

Ms SYMES (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (00:00): I move:

That the sitting be extended.

House divided on motion:

Ayes, 23

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**Motion agreed to.**

**Mrs McARTHUR:** Minister, we are debating a bill. So far your amendments have not come forward. Did you support the bill in its original form that went through the other house and had the detention powers in it?

**Ms SYMES:** Mrs McArthur, you are asking for an opinion. It is not relevant. You are asking for an opinion. I will not be drawn in on that, but I would point to the amendments in my name, and I support the amendments.

**Mrs McARTHUR:** Minister, I apologise. I should not have asked you for an opinion. I am wondering whether the government’s position was to support the bill as it went through the lower house.

**Ms SYMES:** It is pretty standard practice for bills to be amended, particularly in the upper house. It is in response to consultation with non-government members and it is in consultation with members of the community. Obviously in this instance there was not time for an exposure draft and the like, and what we are doing here is nothing particularly out of the ordinary.

**Mrs McARTHUR:** Minister:

For the purposes of subsection (1), a failure to comply with a direction relating to the COVID-19 pandemic given under section 200(1)(d) of the **Public Health and Wellbeing Act 2008** is taken to be an activity that involves an immediate risk to the health or safety of a person.

Does the minister believe that someone turning up to work without their worker permit constitutes an immediate risk to the health and safety of a person?

**Ms SYMES:** Mrs McArthur, in relation to the section that you are referring to in the Public Health and Wellbeing Act, the emergency powers are not being transferred to authorised officers by this bill, so therefore what you are talking about is not relevant to this bill. It is a separate process that exists under the act.

**Mrs McARTHUR:** Then, Minister, why is this legislation suggesting that it would be relevant, given this direction was made by the chief health officer pursuant to section 200(1)(d) of the Public Health and Wellbeing Act and clause 15 of the bill suggests that failure to comply with any direction under this section of the act constitutes an immediate risk to the health and safety of any person?

**Ms SYMES:** Do you want to deal with that under clause 15?

**Mrs McARTHUR:** Sure. Minister, why are there more powers conferred on WorkSafe inspectors than police officers and other authorised officers?

**Ms SYMES:** Mrs McArthur, the powers that will be attributed to authorised officers by virtue of where they come from—the particular cohort—are relevant to the activities that we expect them to be performing. So WorkSafe inspectors appointed as AOs would be utilised to assist in COVID responses in workplaces.

**Mrs McARTHUR:** Sorry, Minister, but the powers conferred on WorkSafe inspectors under this are greater than those given to police officers. Why is this?

**Ms SYMES:** The powers are relevant to workplaces.
Mr LIMBRICK: I would like to follow up something with the minister that I was asking about before and neglected to go over. I would like to draw your attention, and maybe your advisors’ attention, to section 190(8) of the Public Health and Wellbeing Act, which states:

Before requiring the provision of any information under subsection (1)(d), an authorised officer must inform the person that they may refuse or fail to provide the information if providing the information would tend to incriminate them.

So my understanding is that when an authorised officer has the powers to ask someone for information, before they ask them for that information they must inform them that if the information may incriminate them they have the option to not provide that information. Can I ask a couple of questions about this. Firstly, are authorised officers at the moment providing this warning, I suppose, to people, and will they be providing this warning in the future?

Ms SYMES: Thank you. I will seek some advice. The provisions that exist under the Public Health and Wellbeing Act in relation to that are unchanged and there is no intention to change them.

Mr LIMBRICK: I thank the minister for her answer. I am aware that they are unchanged. My question is: is this actually happening at the moment—are the authorised officers actually providing this warning to people?

Ms SYMES: It is required of them, yes.

Mr LIMBRICK: I thank the minister for her answer. I would like to explore some of the consequences of this warning. Can I ask: what are the consequences if this warning is not provided to someone? Would the incriminating information that is supplied be invalid or would the fine be invalid?

Ms SYMES: Mr Limbrick, I would preface my answer by saying it is not directly related to the bill that we are going through tonight, but the advice would be that it could be a consideration of the courts.

Mr LIMBRICK: I thank the minister for her answer. I would argue it is a consideration because we are giving this power to demand information to new classes of people. So in that sense it is relevant, because this is an existing warning that would have to be given by these new classes of people. But regardless, when we talk about ‘tend to incriminate’, one scenario that has been put to me is that if someone has done something wrong—let us say the scenario that I think the minister gave before—if someone has had an illegal party or something like this, or an illegal barbecue, and the next day an authorised officer comes to their house and asks them about this illegal gathering because they were breaching COVID restrictions, under this warning would they have the option of not providing information because they would in a sense be incriminating themselves because they were doing the wrong thing? Would they have the option of saying, ‘No, I’m not going to provide that information because it would be incriminating myself’? Is that an option for these people?

Ms SYMES: It is a bit difficult to answer specifically, because it would depend on the circumstances of the case and it is a very operational question. In theory, yes, but there could be other forms of evidence that may lead to further actions, for example. So that is about the best I can do, sorry.

Mr LIMBRICK: I thank the minister for her answer. We spoke earlier about these CALD workers who will have this new power to demand information. It is not clear to me how that can actually be enforced, because when any of these workers that become an authorised officer demand information, couldn’t a person just say, ‘I’m not going to provide you any information, because it might incriminate me’? Couldn’t they just refuse to cooperate with no penalty if they did that?

Ms SYMES: Mr Limbrick, in relation to the specific example that you have drawn the house’s attention to—CALD officers and other individuals, for example—it is not envisaged that requiring the provision of information about your name and address would constitute self-incrimination, so you could still be issued with a fine for failing to comply with that direction.
Mr LIMBRICK: I thank the minister for her answer. Yes, I understand about the name and address, and in fact there is an exemption to this exemption under section 212. What I am referring to is that CALD workers have two new powers, in my understanding—and please correct me if I am wrong. One is to require the name and address and contact details, et cetera, and that cannot be exempted. But there is another power that the CALD workers have, and I cannot remember the exact words, but it is to require the provision of information to investigate or obtain information on public health issues. Can they simply say, ‘I’m not going to provide that information, because it may incriminate me. I don’t want to cooperate.’?

Ms SYMES: Mr Limbrick, I draw your attention to section 212 of the Public Health and Wellbeing Act, which is protection against self-incrimination, which outlines that:

(1) A … person may refuse or fail to give information or do any other thing that the person is required to do by or under this Act or the regulations if giving the information or doing the other thing would tend to incriminate the person.

(2) However, subsection (1) does not apply to—

(a) the production of a document or part of a document that the person is required by this Act or the regulations to produce; or

(b) the giving of a person’s name or address in accordance with this Act or the regulations.

In contact tracing the power to require information is to establish the movement of a person in order to establish potential close contacts, for example, and therefore it would be sought in the provision of information.

Mr LIMBRICK: I thank the minister for her answer. But the contact-tracing information is one of the primary purposes of this new power. The exemptions in section 212 relate to the production of documents, which is not what we are talking about, and the name of the person or their address or other details, which is not part of this. What we are talking about is, ‘I went and saw someone at a party yesterday’. I could presumably refuse to provide that information, which is the core part of the contact tracing, isn’t it? Couldn’t I just refuse because it would incriminate me?

Ms SYMES: I think, Mr Limbrick, we are getting into some pretty detailed operational matters. In theory the answer to your question would be yes. Where it could go from there in terms of whether a court would consider that you are protecting yourself from self-incrimination or not would be potentially a matter for them. But I would preface all of these answers by stating that the intention, particularly of these individuals being appointed as AOs, is to support and facilitate the safety of people. This is why these people have been selected: to be culturally appropriate, to be supportive, to encourage the provision of information so that we can protect Victorians from any sort of outbreak or indeed prevent outbreaks from happening in the first instance by helping people with COVID-safe practices and the like. That is the intention. The subject of your line of questioning could ultimately be a matter for the courts. It is a bit difficult for me to respond to every hypothetical situation as to why someone might wish to not comply with a direction.

Ms SYMES: I think, Mr Limbrick, we are getting into some pretty detailed operational matters. In theory the answer to your question would be yes. Where it could go from there in terms of whether a court would consider that you are protecting yourself from self-incrimination or not would be potentially a matter for them. But I would preface all of these answers by stating that the intention, particularly of these individuals being appointed as AOs, is to support and facilitate the safety of people. This is why these people have been selected: to be culturally appropriate, to be supportive, to encourage the provision of information so that we can protect Victorians from any sort of outbreak or indeed prevent outbreaks from happening in the first instance by helping people with COVID-safe practices and the like. That is the intention. The subject of your line of questioning could ultimately be a matter for the courts. It is a bit difficult for me to respond to every hypothetical situation as to why someone might wish to not comply with a direction.

Ms SYMES: I thank the minister for her answer. With regard to this power, though, with this warning that must be given, how is it possible to find out whether currently it is actually being used? It has been suggested to me that this is not happening at the moment. I do not know the truth of that. How would we find out that it is being used, and how does the government intend to ensure that this will actually be happening in the future?

Ms SYMES: Thank you, Mr Limbrick. I do not have the answer on hand as to how widespread it is. It is a requirement, and I will take that on notice and get you some further information if indeed it can be provided.

Clause agreed to; clauses 2 to 14 agreed to.
Clause 15 (00:27)

Mr DAVIS: My question is about clause 15. I am just going to ask a number of general questions and then some more specific ones. With the interrelationship between the OH&S powers that are in this clause and the more general OH&S powers that are held by WorkSafe officers and the like and the additional powers that come in under clause 16 with the authorised officers under this bill, I just want to understand exactly how those powers mesh. So you have a WorkSafe officer who was got one set of powers and they are given these additional powers in terms of the Public Health and Wellbeing Act as authorised officers. So they are armed with two sets of powers, and I just want to understand how that operates.

Ms SYMES: Thank you, Mr Davis. It is a good question. The reason that it might be necessary to make WorkSafe inspectors authorised officers is the high level of transmission of COVID-19 within workplaces. This could include the potential for employees and inspectors of WorkSafe to be appointed as authorised officers because of that trigger. Under the current legislative arrangements WorkSafe do not have the power to directly enforce compliance with CHO directions. It means that inspectors are not empowered to issue an immediate sanction by way of financial penalty in circumstances where there has been an identified breach of a CHO directive. Under the current OH&S framework, WorkSafe inspectors need to take compliance steps by way of issuing improvement notices to require a duty holder to remedy a breach in the OH&S act. Therefore the appointment of WorkSafe inspectors as authorised officers expands the workforce available to enforce CHO directions, particularly in recognition of the linkages between COVID and workplace outbreaks.

Mr DAVIS: But in fact they could enforce breaches of good practice in terms of COVID matters. Think of a workplace inspector going into a workplace who finds a lunch room with far too many people crowded in it. That would be something that was not safe, and they could intervene, I would have thought, under OH&S just as a matter of safety in the same way they could intervene on a whole range of other matters of safety.

Ms SYMES: But the issue would be the immediacy of the response that the WorkSafe inspector has. Under OH&S, improvement notices and directions to change behaviour are the customary response, whereas in a COVID environment to enforce the COVID directions as an authorised officer it would be more immediate. That is the change.

Mr DAVIS: I understand the point you are making, but I still think that they have got very adequate powers. I know that a number of small business organisations are very concerned about the fact that you will have these officers effectively armed with two sets of powers—two bazookas, if you will—when they go into the workplace, and I think there is plenty of concern about their overzealous attendance in the workplace with these matters. To whom will these officers answer in their activities?

Ms SYMES: Mr Davis, a WorkSafe inspector would remain the employee of the organisation and therefore be directly accountable to the organisation in exercising any of their powers by virtue of the instrument that is given to them from the Department of Health and Human Services, acknowledging that there would be complementary duties and things they may be looking at in a workforce. But in relation to those powers, they would be responsible to the organisation that authorised them through the instrument, which is DHHS, and the CHO directions.

Mr DAVIS: This is one thing that concerns me. In effect you confirm what I am worried about here, and that is that there will be two bosses for these people.

Mr Melhem interjected.
Mr DAVIS: Well, that is right, and I want to see clear lines. I will pick up the interjection there. We have seen cases recently of health and safety botched in hotel quarantine because there have been dual masters, and that is exactly what I am talking about here. So I do not think, Mr Melhem, that having dual masters is a very good way forward. We have seen with the hotel quarantine different people responsible—and in the end no-one has been responsible—and then they seem to get memory problems, Mr Cesar Melhem. So I think you should just be quiet. I am being quite serious here about this point.

Members interjecting.

Mr DAVIS: If you think the death of hundreds of people is playing politics, well, I think you are very mistaken. The HIA has written to me—and they are not the only organisation that has communicated with not just me but other members of this chamber—with concerns about this, and I just want to quote some here. They say in their summary:

Proposed Clause 15 of the Bill includes inserting, for six months, new sections … It allows for a prohibition notice or direction to be issued by an OHS inspector if a person at a workplace fails to comply with any COVID-19 direction under the Public Health and Wellbeing Act 2008. There are already sanctions for breaching these directions and in the absence of evidence that further sanctions are necessary and that the quality and fairness of the directions can be improved, there is no case for this clause.

HIA also has major concerns about the proposed extension of the Secretary’s power to appoint authorised officers—and they make a series of points there. It continues:

HIA is of the view that these amendments are unnecessary and cannot be justified.

I think that is true too. I do not think that these can be justified. I want to draw attention to one particular point they make:

The expansion of the power to issue prohibition notices and directions under the Occupational Health and Safety Act 2004 is limited to enforcement of directions given under section 200(1)(d) of the Public Health and Wellbeing Act 2008. Section 200(1)(d) … allows an officer authorised by the Chief Health Officer to give any other direction that the authorised officer considers is reasonably necessary …

And this is the current bill as it is now. It continues:

Over the past six months the HIA experience of the directions made under 200(1)(d) of the Public Health and Wellbeing Act 2008 is that the directions are regularly changing, changing without transparency, often vague and difficult to interpret.

Many of us know this to be true. We have tried to follow the changes on the website, the constant changes, and to cross-reference the different things. We have had people come to our offices. We know this to be true. It continues:

It is also usually necessary for a person wanting to understand their obligations to consult a number of different directions. These directions have often also … commence at midnight and generally new directions can be published in the hours leading up to that midnight. Such law making practices would not be tolerated for other legislation, where consultation would occur, and now that we are six months into this pandemic these poor practices should not continue.

This situation has been made worse by inconsistent information provided by government agencies which seek to overcome these deficiencies in the making of directions. It is extremely difficult for any person to keep up to date with these directions and fully understand their requirements.

What I want to ask you, Minister, is: these new officers have got their dual powers—they have got their OH&S powers and they have got their new public health powers—but the poor business owner in the middle here is scratching around late at night trying to see the change in the directions. The next morning the newly minted authorised officer with their extra powers comes into the business and clobbers it with the two lots of powers. How on earth does a business keep up with these constant changes and now these new powers to clobber them with as well?
Ms SYMES: There is a bit in that, Mr Davis, but I think the one thing that you have failed to actually identify is that there are a lot of workplaces and workers that really want to comply with COVID-safe practices and ensure the health and safety of their employees. I think that is paramount to most businesses’ thinking before worrying about not complying and ‘being clobbered’, I think your words were.

There is the dual appointment. Not every WorkSafe inspector will be appointed as an AO. It will only be where it is deemed appropriate. If appointed, WorkSafe inspectors will be able to issue infringement notices for non-compliance with a CHO direction in their capacity as authorised officers under the Public Health and Wellbeing Act. This is separate to the enforcement action that might be taken by them, such as issuing a notice or giving a direction under the OH&S act. So those lines of reporting are pretty clear.

In relation to the prohibition notices, a WorkSafe inspector may only issue a prohibition notice under the OH&S act where they reasonably believe an activity is occurring at the workplace that involves or will involve an immediate risk to the health or safety of a person or that may occur and, if it occurs, will involve an immediate risk to the health and safety of a person. Based on the current test a failure to comply with a CHO direction in the workplace may not clearly give a sufficient basis for an inspector to form a reasonable belief that there is an immediate risk to the health and safety of a person. This would limit WorkSafe’s ability to manage exposure to COVID-19 in the workplace, including limiting the ability to respond consistently in a timely manner to COVID-19 risks.

I acknowledge that there are a lot of requirements on businesses, but I would argue that a lot of businesses in fact, particularly the high-risk businesses, have been complying with COVID directions really well and seeking advice on how to do that appropriately, whether it is through DHHS or through WorkSafe. This is not about trying to clobber a business; this is to ensure that their workplace is safe for their staff and that we can prevent outbreaks in their workplace.

There are two roles, and I think I have explained why the authorised officer powers were sought—so there can be more of a rapid response to deal with any COVID-19-related matters.

Mr DAVIS: Minister, I accept the point that you make in one part—that most businesses are seeking to comply and seeking to do the right thing because they do not want their businesses interrupted, they want their staff safe, they want their customers safe, they want all of the people going in and out of the workplace safe. I accept that point, but even with the best will in the world there is the difficulty of complying with this passing parade, this changing parade, of orders that have been put in place and have come up, as was correctly pointed out there. We all know this to be true. We have had people ringing us at all hours and we are scratching around on the website to try and see the orders—the latest ones that have come up—and try to interpret them and make sense of them. Even with the very best will in the world, it is not particularly easy.

You do not need to respond to this; I just want to make the point here that on this clause we are troubled. We do not think good practice has been followed by DHHS in terms of the communication. We do not think that the timeliness is there. I will make a further political point here that is significant. I think again this is not the public health people often making these orders. The public health people are being directed by the Premier’s office and department to make the orders. I will not bore the chamber at this hour, but I could go through quite a number of examples of where this has occurred. But there is the lateness of the decisions. These are genuine matters of concern for these businesses, and we think this is another overreach.

Ms SYMES: Thank you, Mr Davis. Noting that it was more of a comment than a question, I would just respond by confirming that neither of these powers is new—sorry, there are not new rules.

Mr DAVIS: What is new is bringing together the powers in the one person.
Ms SYMES: But you already have to comply with CHO directives as a response and you already have to provide a safe workplace under OH&S, so there is nothing in this that is changing it except for the ability for people to go and make sure you are doing it right, which I believe is an appropriate response to protect the health and safety of workers in their workplace and support businesses to make sure they are complying.

Mr DAVIS: Indeed, Minister, you say that there is nothing new in that sense. There is something new in bringing them together into one individual. But leaving that aside, in effect, in your argument that there is nothing new, you would argue that there is nothing in a sense that is going to change in that way. I am not sure I agree with that. I think that the tone of this is different, and I think many businesses feel it is different. Certainly in the construction industry they feel it is quite different and they are concerned. And certainly of the other sectors that I have communicated with on these matters, particularly the retailing sector is very concerned about this and a number of other small business sectors are concerned about these powers being brought together and, as it were, an overly armed officer being put into the field.

Mrs McARTHUR: The minister wanted me to come back to clause 15. Does the minister believe that someone turning up to work without their worker permit constitutes an immediate risk to the health and safety of a person?

Ms SYMES: Do you want to rephrase it so you are not asking me for an opinion?

Mr DAVIS: Is it a fact under the legislation proposed?

Ms SYMES: Mrs McArthur, collectively the advisers and I find it difficult to imagine a situation where failing to have your worker permit on you would constitute an immediate risk to public health.

Mrs McARTHUR: Minister, my follow-up question then is: why is this legislation suggesting that it would, given that the direction requiring permitted workers to carry worker permits was made by the chief health officer pursuant to section 200(1)(d) of the Public Health and Wellbeing Act 2008 and clause 15 of the bill suggests that failure to comply with any direction under this section constitutes an immediate risk to the health and safety of a person?

Ms SYMES: It would still be a requirement to form the reasonable belief to exercise the discretion. So although presumptively it may trigger that, you would still require the subjective view of the officer to determine that it was an immediate risk.

Committee divided on clause:

Ayes, 21

Barton, Mr  Leane, Mr  Stitt, Ms
Bourman, Mr  Meddick, Mr  Symes, Ms
Elasmor, Mr  Melhem, Mr  Taylor, Ms
Erdogan, Mr  Patten, Ms  Terpstra, Ms
Garrett, Ms  Pulford, Ms  Tierney, Ms
Gepp, Mr  Ratnam, Dr  Vaghela, Ms
Kieu, Dr  Shing, Ms  Watt, Ms

Noes, 16

Atkinson, Mr  Grimley, Mr  McArthur, Mrs
Bath, Ms  Hayes, Mr  O’Donohue, Mr
Crozier, Ms  Limbrick, Mr  Ondarchie, Mr
Cumming, Dr  Lovell, Ms  Quilty, Mr
Davis, Mr  Maxwell, Ms  Rich-Phillips, Mr
Finn, Mr

Clause agreed to.
Clause 16 (00:56)

Ms SYMES: This has been well canvassed. This is a house amendment in my name that effectively removes the most contentious parts of the bill. I would take the opportunity to thank the constructive consultation that we had with many members of this chamber in determining to remove these sections from the bill, so I thank you for the time and effort that people put towards this bill. I know it was a contentious provision that some people had strong feelings about, and I know it has led to a lot of correspondence in your inboxes. So, as I have canvassed, this is in response to those concerns. I understand that it is well supported in this chamber, so I move:

1. Clause 16, page 12, after line 12, insert—

   "249A Definitions

   (1) For the purposes of this Division—
   
   protective services officer has the same meaning as in the Victoria Police Act 2013;
   
   Worksafe inspector means an inspector within the meaning of the Occupational Health and Safety Act 2004;
   
   health service provider has the same meaning as in the Health Practitioner Regulation National Law.

   (2) For the purposes of this Division, an authorised officer is appointed under the temporary provisions if the authorised officer is appointed under section 30(1A), as notionally inserted by section 250.”.

2. Clause 16, page 12, lines 24 and 25, omit "; experience or otherwise" and insert "or experience".

3. Clause 16, page 12, lines 26 and 27, omit all words and expressions on these lines and insert—

   "(b) a police officer;
   (c) a protective services officer;
   (d) a Worksafe inspector;
   (e) an employee in the public sector of a State other than Victoria, or a territory;
   (f) a health service provider.”.

4. Clause 16, page 12, after line 27, insert—

   "250A Limitation on the powers that may be conferred on authorised officers appointed under the temporary provisions

   (1) Despite section 189, the Chief Health Officer may only authorise an authorised officer appointed under the temporary provisions to exercise the following public health risk powers—
   
   (a) if the authorised officer is a police officer or a protective services officer, the public health risk powers referred to in sections 190(1)(c), (d), (e) and (f);
   
   (b) if the authorised officer is a Worksafe inspector, the public health risk powers referred to in sections 190(1)(c), (d), (e), (f), (g), (h), (i), (j) and (k);
   
   (c) if the authorised officer is a person appointed under section 30(1A)(a), the public health risk powers referred to in sections 190(1)(d) and (e);
   
   (d) if the authorised officer is a person appointed under section 30(1A)(e) or (f), the public health risk powers specified in the authorised officer’s instrument of appointment.

   (2) Despite section 199, the Chief Health Officer must not authorise an authorised officer who is appointed under the temporary provisions to exercise any of the emergency powers.

   Note

   The emergency powers include powers to detain persons or groups of persons.

   (3) This section does not limit the restrictions to which the appointment of an authorised officer may otherwise be subject under this Act.”.

5. Clause 16, page 13, lines 1 to 35, page 14, lines 1 to 35 and page 15, lines 1 to 16, omit all words and expressions on these lines.
Mr DAVIS: The opposition, the Liberals and Nationals, will support these amendments. We do accept that they do take some of the powers away that had been proposed by the government. They do not in our view go far enough. They still leave a draconian set of powers there that are simply more than is needed. There is already an enormous suite of powers under the Public Health and Wellbeing Act, and these powers in terms of authorised officers in our view go too far. Whilst these amendments are supported, we will not support the clause as amended. We accept they improve it.

Ms PATTEN: I certainly will be supporting these amendments, and I think they do go to the concerns that were raised by so many of the constituents who wrote to me but also the Law Institute of Victoria, the Victorian Equal Opportunity and Human Rights Commission, Liberty Victoria, the Australian Industry Group, the AMA and the Victorian Chamber of Commerce and Industry. All of them have indicated that they are supportive of the bill with these amendments.

I would also just like to thank my colleagues who are here tonight listening to the constructive committee process that we have had, and I thank the minister as well for her answers to the questions from Mr Limbrick, Mr Rich-Phillips, Mr Davis and Mrs McArthur because I think they really teased out what the authorised officers are and the different sections and the different ways that they will be allocated their powers. I actually found this committee process to be really informative on that. I had sought further advice from the minister’s office on this area, but I must say I think that I now fully understand. I think many of the fears people had about those authorised officers and the powers that they are going to have should have been allayed during this process, and I thank my colleagues for this. I certainly will support these amendments.

Dr CUMMING: In rising to speak to these amendments I thank the government for listening to the community and for having these amendments put forward, but I repeat that the government has all these powers sitting in the legislation as it is currently and has been using them for the last eight months. Though Ms Patten has raised tonight and has actually said that there has been a lot of teasing out what the authorised officers are and the different sections and the different ways that they will be allocated their powers. I actually found this committee process to be really informative on that. I had sought further advice from the minister’s office on this area, but I must say I think that I now fully understand. I think many of the fears people had about those authorised officers and the powers that they are going to have should have been allayed during this process, and I thank my colleagues for this. I certainly will support these amendments.

Mr LIMBRICK: The Liberal Democrats will be supporting these amendments. I agree with Mr Davis that they do not go far enough. With regard to the concerns that have been raised in the community, I think that if the government had have done proper consultation with a lot of these groups first, the original bill would never have got this far. The lack of the government bringing the community along and explaining to them what this bill does—what it is meant to do, what its purpose is—has led to this massive vacuum and it has been filled with fear in the public. I know that everyone here has been getting emails with all sorts of comments from people—

Mr Gepp interjected.

Mr LIMBRICK: Well, in fact I have gone to great lengths to try and allay some of this misinformation—

Mr Gepp interjected.

The DEPUTY PRESIDENT: Order! Mr Gepp! Mr Limbrick has the floor. Could we have some quiet, please.

Mr LIMBRICK: I have gone to great lengths in public to allay some of this misinformation—in fact the stuff that talks about exempting people from workplace manslaughter, taking away your children. I have gone to great lengths to explain to people that this is not what the bill does and I have tried to explain what the problems are with the bill. I think that this has been a terrible process in total. This information vacuum should not happen in future. I would urge the government to explain this to the public so that we do not end up being the ones trying to explain what the bill is actually doing.

Amendments agreed to.
Committee divided on amended clause:

**Ayes, 21**

Barton, Mr  
Bourman, Mr  
Elasmar, Mr  
Erdogan, Mr  
Garrett, Ms  
Gepp, Mr  
Kieu, Dr  
Leane, Mr  
Meddick, Mr  
Melhem, Mr  
Patten, Ms  
Pulford, Ms  
Ratnam, Dr  
Shing, Ms  
Bourman, Mr  
Meddick, Mr  
Symes, Ms  
Taylor, Ms  
Terpstra, Ms  
Tierney, Ms  
Watt, Ms  

**Noes, 16**

Atkinson, Mr  
Bath, Ms  
Crozier, Ms  
Cumming, Dr  
Davis, Mr  
Finn, Mr  
Grimley, Mr  
Hayes, Mr  
Limbrick, Mr  
Maxwell, Ms  
McArthur, Mrs  
O'Donohue, Mr  
Ondarchie, Mr  
Quilty, Mr  
Rich-Phillips, Mr

Amended clause agreed to.

New clause (01:10)

Mr DAVIS: I move:

1. Insert the following New Clause to follow clause 16—

   ```
   16A New section 200AA inserted
   After section 200 of the Public Health and Wellbeing Act 2008 insert—
   “200AA Revocation of provisions of particular direction
   Despite section 200, clause 5(1AB) of Part 2 of the Stay at Home Directions (Restricted Areas) (No 18) made on 11 October 2020 under section 200(1)(b) and (d) is, by force of this section, revoked on the commencement of this section.”.
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I will be brief on this. I have talked at some length on this at other points in the process, but essentially what this does is it inserts a new section into the act. It suppresses the section that relates to the 5-kilometre radius rule, so this is the revocation of that particular provision. It is a very clear and surgical point on that. It does not do other things. It does not change the edge of the city. It does not do other things. It simply deals with the 5-kilometre radius alone.

I make the point that the government has not been honest or forthcoming with the reasons for many of these public health orders, but spectacularly with the curfew it did not provide proper evidence on that. It is clear that is a provision that the government removed once the pressure grew on it, and this is a similar provision. The government has not provided a proper case for this; the documents, the background work, the working papers and even the briefs upon which this would have been based have not been provided to the community.

The Public Health and Wellbeing Act is a very straightforward act in a sense. It does have accountability and transparency critically linked into it. The government has not been adhering to these points. It has not been tabling the orders in the way that it should. They are legislative instruments, they are regulations in that sense, and they should be tabled in the Parliament. The government is in effect in defiance of the Subordinate Legislation Act 1994 in its non-tabling of those, and I think that that is frankly disgraceful.

But leaving that aside, on the merits of this point itself, the government has not made a proper case for the 5-kilometre rule. It has never explained the distances. It has never put in the public domain comprehensive documents that explain it, and all of the information that is there around the world suggests that these sorts of arbitrary radius arrangements are not successful and do not help. They do not allow proper outcomes for the community, and I think if the government wants the best possible
outcomes in these areas it needs to be honest and transparent. It needs to bring people into its
confidence and actually put in the public domain the information on which decisions are based. People
can judge whether particular provisions are well founded or not if that information is there. The
proportionality is a key feature of the act, and it is impossible to judge that easily without that
information being in the public domain.

But on the 5-kilometre radius it is not a well-founded public health principle, and we will certainly be
pursuing this aspect of the public health orders. There are others that are very well founded and should
be supported, but this is not one of them. Consequently, we seek to remove it.

Mr BOURMAN: I will be brief. I am not going to re-prosecute what Mr Davis has said, but I am
in support of this. Whilst I am not particularly bothered by this bill now as it has been amended, there
is still a lot of this lockdown I am not particularly happy with. And just to paraphrase it, no-one has
ever explained why this 5-kilometre thing is 5 kilometres—not 4 kilometres or 6 kilometres or
whatever—and given the nature of the lockdowns we have had in general, which really have been
unprecedented in an unprecedented situation, I think something like this really needs to go unless
someone who has had months to tell us can tell us now why it should not.

Ms PATTEN: Given that I tabled a petition calling for the removal of the 5-kilometre limit this
morning, I will certainly be supporting this amendment. However, I think it goes to the point that
Mr Bourman made—that this is also about trust and that the public need to know that they can trust
the government and that the government trusts them. And I think insofar as the radius restrictions go,
we have not seen good evidence. Professor Collignon and Professor Bennett, both leading
epidemiologists not just here in Australia but internationally, have both questioned this. I think at this
point in our journey with COVID that now is the time to be lifting this radius and trusting that the
public can still operate safely, can still provide social distancing and can still do the right thing but also
being able to provide adequate movement that will not only help our community in connecting with
family but also assist us on this roadway out of COVID and into a different form of living with
COVID.

Mr ONDARCHIE: In relation to this, the community has had enough. The government has said
for a long, long time their decisions are being made based on the science. Well, the deputy chief health
officer, Allen Cheng, said last month that this was just an arbitrary number—that they could not
determine where the 5 kilometres came from. So if the government are genuine that it is based on the
science and there is no science around the 5-kilometre radius, it is time to get rid of it—and here is the
chance to do it right now.

Mr LIMBRICK: The Liberal Democrats will be supporting this amendment. I would like the
members here to engage in a little thought experiment. If a bill was put before this house that was
going to severely limit the movement of Victorians to within 5 kilometres and there was no evidence
given for why that restriction should be put in, would they support it? Of course they would not. So of
course we want to get rid of it.

Dr CUMMING: As others have risen to say this morning, I do not support the current restriction
of 5 kilometres. It has gone on far too long. I would be hoping that the government would be looking
at 20 kilometres, local government areas or just removing it altogether, that the government has
actually hit a point where they realise that the community understands how to physical distance—they
understand how to wash their hands, they have all written up COVID-safe plans for their businesses—
and that we can actually move forward, with some form of restrictions, and we can actually open up
and allow the community to open up.

We cannot continue this harsh lockdown—this 5-kilometre zone. Especially in my community there
are a lot in those 5 kilometres that do not have a bus stop or do not have a shopping centre. They are a
really horrible 5 kilometres, and my community is living like this. So it has not been well thought
out—even the 5 kilometres from somebody’s home. As someone has just outright said, harsh
lockdowns hurt the most vulnerable in the community. These are the people who have not got the ability to work at home. These are the communities that have not got the ability to use Uber Eats because they do not have that kind of money. These are not the communities that can have everything sent to them. Without the ability to move more than 5 kilometres, they do not have access to a lot of things. So this has to stop, because the thought around this is—it is great when you live in a bubble; that is okay. In saying all of that, I am not quite sure if this amendment, bolted onto this bill, is going to do anything, so—

**A member** interjected.

**Dr CUMMING:** No, because in my understanding you are throwing something—why not say masks as well? Why not say everything around the lockdown? So this bill talks about—

**A member** interjected.

**Dr CUMMING:** No—authorised officers, giving them powers and how the court system works, and that is being attached in the way of amendments to the act. I have said in the debate earlier, as well as in the questions that I have asked, that all of these powers—these detention powers, these authorised officers—are sitting there in these acts already. They are already sitting there. They have been operating with all these powers for the last eight months, people.

So what they are proposing just does not sit with me. I will not be supporting the omnibus bill, but you attaching this amendment to this I do not believe is the way to go. I would hope that the government in their wisdom—that Daniel Andrews at some press conference—actually gets up and removes this and understands. I am sorry I am having a little rant at this hour. It is like what I said to the last health minister, Jenny Mikakos: the CHO gives advice. It is written within the act. He gives advice. You can actually, as the minister, make decisions on behalf of your community. So let us do this.

**Ms SYMES:** Okay, there are a few things to get through. I acknowledge the motivation for an amendment like this. Nobody likes being restricted—of course I get that—but I would argue that the strategy is working. Going from 700 cases to less than 20 cases a day in a reasonably short amount of time demonstrates that limiting the movement of the community is having a positive impact.

Of course as politicians we like to do things that are popular and there are pressures on us to make decisions that are popular, which is why it is so important that those in this chamber not put themselves in the position where they are contradicting health advice that has been provided for the protection of the community. Picking and choosing which health advice should apply to the community or not is creating a very precarious situation and a dangerous precedent.

I think more importantly I do have major concerns with this amendment. It was only presented to the government last night. We have sought legal advice in relation to this amendment, and I would put a contrary view to Mr Davis’s contention that this does not do anything other than remove the 5-kilometre restriction. Our initial legal advice is that this amendment would cast doubt on all powers exercised with a proximity or a geographic basis both now and in the future, including, by way of example, the capacity to restrict movement between metro and regional boundaries, which I know is of intense importance to many people in this chamber. It may also have the impact of jeopardising the capacity to restrict movement within and between other hot zones. It also may influence the capacity to confine people to their homes under general restricted movement conditions limiting their movements in any way, even when they are not subject to detention, and notwithstanding the proposed revocation applies only to section 200(1)(b) and (d) directions and therefore not detention, which is section 200(1)(a), note that the proposed new section is not confined and may apply to all powers under section 200(1) and therefore needs to also be directly considered for its potential impact on the entire detention and quarantine regime. We do not have conclusive advice about the consequences of this amendment. It may very well have unintended consequences based on the legal advice that I have been able to obtain in a short period of time.
So therefore we will be opposing the amendment. I do concur with Dr Cumming. I do hope that the 5-kilometre restriction is able to be lifted soon, and if we stick to the course, that may very well be very soon.

Mr FINN: I listened to what the minister had to say. Obviously she has advice. I ask her to table that advice.

The DEPUTY PRESIDENT: Mr Atkinson?

Mr ATKINSON: It is the same question.

The DEPUTY PRESIDENT: Minister, are you able to table that advice?

Ms SYMES: No.

Mr ATKINSON: You do need a different lawyer, because that is hopeless. That is dreadful legal advice. Whoever wrote that should not even have passed the basic exam.

Ms SYMES: Well, that is the legal advice that I have obtained today.

Mr ATKINSON: My question is: who is the legal advice from? Who provided the legal advice?

Ms SYMES: I have received legal advice from within the government.

Mr DAVIS: I want to make two points here. I think the point about the legal advice has been well made, but the first point is, again, the minister has stated the health advice but the minister has not provided that health advice. There will be a brief. There will be background working documents, you would hope, and the minister has not come armed with those on this occasion. The Public Health and Wellbeing Act contemplates all of that information being in the public domain. Transparency and accountability are at the core of that act, and it is not being followed through.

But I just want to read the clause—this clause, the first clause, the key clause which deals with this specific order—and ask the chamber to reflect on whether this clause does what the minister has just asserted:

> '16A New section 200AA inserted
> After section 200 of the Public Health and Wellbeing Act 2008 insert—
> "200AA Revocation of provisions of particular direction
> Despite section 200, clause 5(1AB) of Part 2 of the Stay at Home Directions (Restricted Areas) (No 18) made on 11 October 2020—
>
> it is a very precise section of one order made on one day—
> under section 200(1)(b) and (d) is, by force of this section, revoked on the commencement of this section."
>
That is it. There is a separate clause, but let us just talk about this one first. We will talk about the next one next, but let us talk about this one now. The fact is all that does is deal with the single section on an order made on one day. You cannot generalise that—

Mr Leane: What does the next clause do?

Mr DAVIS: Well, we will deal with that in a minute. We are voting on this first clause now, and let us deal with them one by one. But the fact is the clause does not do what the minister has asserted. She will not produce the legal advice. She will not produce the health advice on which she says it is based. It is a sham. It is a joke. This has been carefully drafted by parliamentary counsel to achieve a precise task, and that is exactly what the thing does.

The DEPUTY PRESIDENT: I think people do need to realise that Mr Davis does have two amendments and they are standalone; they are not connected to each other at all.
Dr CUMMING: My question is through the Deputy President to the minister. You have grouped all of the movement directions into one, but it would seem that the amendment is quite specific on one particular direction. Could you please clarify how that one particular direction in this amendment could possibly affect all of the other directions around restrictions of movement?

Ms SYMES: I probably should preface my contribution—I could make it twice, but it was intended to cover both of Mr Davis’s amendments—but as I articulated to the house, in the short period of time that we have had to examine the amendments it has been brought to our attention that there is uncertainty over the unintended consequences, and it is incumbent upon me to bring that to the attention of the house.

Mr HAYES: There is nothing more that I would like to get rid of than the 5-kilometre limit. I find it so personally frustrating. My favourite takeaway restaurant is about 6 kilometres away from home. My children are outside the 5-kilometre limit, so I can meet a friend for a walk but I cannot meet my kids. It has been a long time. We have also suffered under this for quite some time. I agree totally with Mr Davis that enough information is not being put before this chamber. I have gone on and on about parliamentary oversight, and while the Parliament has been sitting—at least the upper house has—we are not given much in the way of information as to what any of these things are based on.

However, saying that it is quite arbitrary and not based on health recommendations sort of does not ring true with me. The distance may be arbitrary, but if you take into consideration what was said in the Herald Sun today by the chief health officer, Brett Sutton, he outlined the reasoning behind the 5-kilometre travel restriction, saying that it ‘helped reduce interactions between individuals and households’. You could choose different distances, as I have previously mentioned. Israel is down to 100 metres from your home; Spain went to 150 metres for weeks and weeks on end. Five kilometres is a judgement about where people can reasonably go for exercise, where people can reasonably go for the permitted reasons, without increasing too significantly the number of other people and households they come into contact with. When you double the radius, you are multiplying by four the number of households you can potentially come into contact with, so there is some reasoning and judgement behind the 5 kilometres. That was his opinion.

Ms Crozier: Opinion—that’s right. There’s no basis to it.

Mr HAYES: Okay. There is an opinion from a health officer. Then we say, ‘All right, we are not happy with what the government is doing, so let’s micromanage it from the Legislative Council’. I think that is where we run into problems. I have got people texting me now and emailing me, supporters saying, ‘Get rid of the 5 kilometres and we’ll all be right’, and I hope that the Premier does announce that the 5 kilometres is going very soon. But it should be part of their responsibility, the government’s responsibility, to see us out of these restrictions in the way they should do it. It is their responsibility. If we take on getting rid of the 5 kilometres and in two weeks time there is an outbreak, we will not be able to say, ‘Look, it is the government that has mismanaged this’. You would have to say that it is something that the Legislative Council did. I reckon the responsibility should stay with the government. I do not think it is a wise idea, even though I would love to see the 5 kilometres go more than anything else. But are we going to micromanage all the health provisions from here on in? I do not really think we should. I think the responsibility should stay with them, and I call on the Premier to reduce the 5-kilometre limit. But I cannot vote for the amendment tonight. I am sorry if I am disappointing a lot of people, but that is it.

Mr DAVIS: Look, again, Mr Hayes, what I would say very clearly is that the government should have that information in the public domain. The reason the government does not have it in the public domain is because the bases of some of these decisions are not well founded. Ms Patten made the point about a number of eminent epidemiologists who have made significant commentary around this. Catherine Bennett is someone that I have spoken to at some length, and Ms Crozier, and the evidence worldwide on these approaches is not good. Even the World Health Organization statements in recent days give some very significant pause here.
In terms of the Council’s right to look at legislation of this kind, the act allows the making of regulations—in effect, subordinate legislation. They should be tabled. They have not been tabled. That is a direct breach of the requirements under the Subordinate Legislation Act by the government. Many pieces of legislation are captured by the Subordinate Legislation Act, whether or not they have overt recognition in those acts of disallowance provisions. So right across a wide front the disallowance is there as a safety measure for governments that go too far in certain areas, governments that make decisions that are against the community interest. We ultimately in this chamber—and indeed in the other chamber, although it does not seem to work in quite the same way—do actually have, in the end, the responsibility to be prepared to stump up and make tough decisions in certain areas. That is our role. That is what this provision seeks to do. It is entirely consistent with the objectives of the Public Health and Wellbeing Act. For that reason I intend to move just this amendment. I regard that as a test more broadly in any event, and it is very clearly surgical—onto that single matter in that single direction made on that single day.

Dr CUMMING: I have another question in reference to this amendment. It actually disturbs me, the debate that was just had with Mr Hayes on his feet and the opposition attacking Mr Hayes, for him just repeating—

Members interjecting.

Dr CUMMING: One moment. He was just repeating what the chief health officer has actually stated in the newspaper. If anything, I would happily attack that newspaper article. Respectfully, 100 metres in Spain—who knows how many houses that is? Are you talking about an apartment block? When we are talking about here in Australia and here in Victoria in particular, if our chief health officer is making these assumptions in public so flippantly, respectfully, to say in regard to that 5 kilometres you are actually doubling the risk if you are increasing the kilometres, without taking into consideration the population in those particular areas, because there are some parts of Melbourne that are more dense than others and there are some parts of Melbourne that are more sparse, so somehow you are increasing your risk due to kilometres—I struggle with the chief health officer putting that out into the public domain and being so flippant around his advice. I will still stand to my feet not supporting the way that you are trying to actually have the 5-kilometre zone removed via amendment tonight, though.

Committee divided on new clause:

Ayes, 16

| Atkinson, Mr | Grimley, Mr | O’Donohue, Mr |
| Bath, Ms | Limbrick, Mr | Ondarchie, Mr |
| Bourman, Mr | Lovell, Ms | Patten, Ms |
| Crozier, Ms | Maxwell, Ms | Quilty, Mr |
| Davis, Mr | McArthur, Mrs | Rich-Phillips, Mr |
| Finn, Mr | | |

Noes, 21

| Barton, Mr | Kieu, Dr | Stitt, Ms |
| Cumming, Dr | Leane, Mr | Symes, Ms |
| Elasmari, Mr | Meddick, Mr | Taylor, Ms |
| Erdogan, Mr | Melhem, Mr | Terpstra, Ms |
| Garrett, Ms | Pulford, Ms | Tierney, Ms |
| Gepp, Mr | Ratnam, Dr | Vaghela, Ms |
| Hayes, Mr | Shing, Ms | Watt, Ms |

New clause negatived.

Clauses 17 to 46 agreed to.

Reported to house with amendments.
Ms SYMES (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (01:48): In moving the third reading I would just like to thank members for their contribution and participation in the committee stage. I particularly welcome Ms Patten’s comments in relation to having some matters clarified. I certainly tried to be as fulsome in my answers as possible. I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ms SYMES (Northern Victoria—Leader of the Government, Minister for Regional Development, Minister for Agriculture, Minister for Resources) (01:48): Picking up where I just left off, it was a respectful debate. I understand it is an emotive issue. I know we all want these restrictions to be over. I certainly hope that they are soon, and hopefully we can get back to the ordinary business of this house and not be distracted by such things as handling a pandemic. But unfortunately that is our lot in life at this point in time. Again I do reiterate my thanks to those that contributed prior to the bill in the lead-up to the debate and also to those that asked very constructive questions during the committee. I move:

That the bill be now read a third time.

The PRESIDENT: The question is:

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

House divided on question:

Ayes, 21

Barton, Mr
Bourman, Mr
Elasmr, Mr
Erdogan, Mr
Garrett, Ms
Gepp, Mr
Kieu, Dr

Leane, Mr
Meddick, Mr
Melhem, Mr
Patten, Ms
Pulford, Ms
Ratnam, Dr
Shing, Ms

Stitt, Ms
Symes, Ms
Taylor, Ms
Terpstra, Ms
Tierney, Ms
Vaghela, Ms
Watt, Ms

Noes, 16

Atkinson, Mr
Bath, Ms
Crozier, Ms
Cumming, Dr
Davis, Mr
Finn, Mr

Grimley, Mr
Hayes, Mr
Limbrick, Mr
Lovell, Ms
Maxwell, Ms

O’Donohue, Mr
Ondarchie, Mr
Quilty, Mr
Rich-Phillips, Mr

Question agreed to.

Read third time.

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

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (01:56): I move:

That the house do now adjourn.

SHEPPARTON BYPASS

Ms LOVELL (Northern Victoria) (01:56): My adjournment matter is for the Minister for Transport Infrastructure. The action that I seek is for the minister to finally deliver the business case for the Shepparton bypass project and provide a commitment that the state government’s share of the funding towards stage 1 of the project will be included in the 2020–21 state budget. The entire Goulburn Valley community know that the Shepparton bypass project is a vital infrastructure project for the region and is one that everyone has been waiting for for decades. Shepparton residents who have had to contend with large B-double trucks travelling through their home town certainly know it. The many truck drivers who put themselves and other road users in danger every time they have to negotiate city traffic on unsuitable roads are also more than aware of it. Even the federal government are aware of the necessity of the Shepparton bypass, having committed $208 million of funding to the project. The only people unaware of the importance of the Shepparton bypass project are the Andrews Labor government and their responsible minister, Jacinta Allan.

The Goulburn Valley Highway is a major highway transport route in the national highway system, running right through the heart of Shepparton, and the bypass will be a game changer needed for traffic movements throughout the region. Stage 1 of the Shepparton bypass project will see the construction of 10 kilometres of road, from the Midland Highway west of the Mooroopna township to Echuca-Mooroopna Road, then crossing the river to connect to Wanganui Road and the Goulburn Valley Highway on the north side of Shepparton. This will improve freight movements to domestic and export markets, improve safety by removing heavy vehicles from Shepparton and deliver the long-awaited second river crossing for motorists travelling between Shepparton and Mooroopna.

In 2016 the cost of completing stage 1 was estimated to be $260 million, and the federal coalition government came to the party and committed $208 million towards the project in the 2018–19 federal budget. Jacinta Allan, on the other hand, has provided nothing more than excuses as to why her government will not provide the funding commitment to get stage 1 of the project underway. First it was ‘Oh, the feds have to put in their share’. Then it was ‘Oh, well, the feds’ funding is not enough’. Then there was the business case for the project that Ms Allan refuses to release but that was expected to be released over 18 months ago. The minister has done nothing but drag her feet on the entire project, and the people of Shepparton and the Goulburn Valley have waited long enough. It is time the Andrews Labor government supported this project and funded the state’s contribution towards stage 1 in the upcoming state budget.

The Liberal federal government last week announced $320 million for stage 3 of the Shepparton rail upgrade, relieving the state of the responsibility to fund that project that they had claimed they were committed to completing. This should free up the state infrastructure funding; then that funding should be redirected towards funding the state’s share of the Shepparton bypass, stage 1.

FAMILY VIOLENCE ANIMAL WELFARE

Mr MEDDICK (Western Victoria) (01:59): My adjournment matter is for the Minister for Prevention of Family Violence in the other place. The action I seek is for the minister to recognise companion animals as victims in family violence situations and implement appropriate measures to protect them. Most Australians consider their family animals to be members of the family. For women experiencing family violence, those family animals are a significant source of comfort, kindness and compassion—sometimes they are the only source. Children tell stories and secrets to those animals; they are their friends, at times akin to siblings. When family animals are the victims of violence, it has lifelong impacts on women and children. Women delay leaving or never leave because they cannot
find an exit strategy that includes their animal family members. Family animals are affected family members; they need protection and support too. This is why we need to acknowledge the importance of animals as family members, include them in family violence policies and services, and aim to keep the animals and people together, because they need each other.

One example of the problems that arise with family animals in violent homes is that many family dogs and cats are registered in the man’s name and are deemed to be his property. If a woman leaves the family with the animals, the man can reclaim his property if he determines where the animals are placed. Family violence intervention orders and personal safety intervention orders should recognise family animals as vulnerable and affected family members. It should mirror the treatment and consideration of children. Further, survivors should be able to take custody of their family animals by way of automatic registration change when an order is taken out. Similar reform is already being considered or implemented in other Australian states. I hope the minister can implement these simple measures that will better protect family animals in violent homes and remove one of the many barriers women face when seeking to leave a violent relationship.

LATROBE SPECIAL DEVELOPMENTAL SCHOOL

Ms BATH (Eastern Victoria) (02:02): My adjournment matter this evening is for the Minister for Disability, Ageing and Carers, the Honourable Luke Donnellan in the other place, and it relates to allegations of inappropriate behaviour towards disabled students at the Latrobe Special Developmental School. I appreciate that this is a very serious matter, and I raise this for the minister’s attention at the request of my constituents—distressed parents. It is my duty as an MP to support them and their children and to advocate on their behalf. Concerned parents at the school have recently contacted me alleging a range of serious issues dating back some years up to this year, 2020. The issues include alleged inappropriate conduct of some teaching staff towards students, an alleged lack of duty of care of students and an alleged lack of due process of incident reporting, intervention, resolution and support for students and families.

To the extent that some of these allegations—these alleged behaviours—also involve sexual inappropriateness, and in line with mandatory reporting, I have raised these concerns with the divisional commander of the Morwell police station myself. My understanding is that as well as a police investigation, WorkSafe is conducting an investigation. Spanning several years, the alleged issues are numerous and complex, and it would be inappropriate for me to discuss them in this forum. I am aware that the parents have provided written witness statements to Gippsland Disability Advocacy Incorporated, an organisation assisting them, through which various documents can be requested.

However, recognising the sincerity and serious nature of concerns of more than a dozen individual parents and their fear that their issues will not be taken seriously, and recognising that the children, having moderate to severe intellectual and/or physical disabilities, are very vulnerable and cannot verbally communicate their distress, I believe an appropriate course of action is for the Commission for Children and Young People, in accordance with the reportable conduct scheme, to conduct an independent inquiry. Compliance with child safe standards is critical in all educational settings. Parents and carers have the right to know that their child will be safe in every state-run educational setting and one entrusted to look after and teach children with high needs.

I make no personal accusations on this matter. I am raising this on behalf of my very valuable constituents. Minister, I bring to your attention the very earnest and distressed concerns of my constituents, and as such, the action I seek is for you to refer this matter to the commissioner for children and young people for a thorough and independent investigation.

CHILD PROTECTION

Ms MAXWELL (Northern Victoria) (02:05): My matter is for the Treasurer. It concerns issues which I have spoken on many times previously in this place. I would like to refer him to two SVA
Consulting reports from both last year and this year commissioned by the likes of Berry Street, the Centre for Excellence in Child and Family Welfare and other leading child and family services. These reports focus on the economic case for far greater early intervention in the child protection and out-of-home care systems within Victoria. Having thoroughly scrutinised those reports and having met with a number of people behind them, I can genuinely say that they are both fantastic documents.

The first of the reports highlights through a detailed cost-benefit analysis the billions of dollars of savings that can ultimately be achieved from funding evidence-based early intervention programs at key points in Victoria’s child protection and out-of-home care systems. The second specifically analyses the impact of the COVID-19 response on the state of play in this area of policy. Together they brilliantly illuminate the wide-ranging and substantial economic benefits of targeted long-term investment in early intervention as a means of reducing the number of children entering out-of-home care in Victoria.

I know the Minister for Child Protection, Minister Donnellan, has been very supportive of this work, and I commend him for it, including for bringing representatives of the relevant organisations directly to cabinet late last year for discussions of their findings. I can only hope that others in the government feel the same way. Given all of that background I am especially hoping through this adjournment to clarify what the Treasurer’s latest position on the thrust of the SVA Consulting recommendations might be. The action I therefore seek from him is an indication of the extent to which he supports the general principle over the remainder of this term or redirecting a significant portion of the money currently devoted to response and crisis funding in child protection into preventative spending. For my part, I have long been very vocal in my support for primary prevention and early intervention measures, and I am very keen to learn if the Treasurer shares these views.

COVID-19

Dr BACH (Eastern Metropolitan) (02:08): My adjournment matter tonight is for the Minister for Education in the other place. It has been wonderful for me to see so many schoolchildren in my electorate finally head back to school. However, I note that many students—certainly in Melbourne’s Eastern Metropolitan Region, but also right across the state, and especially in years 8, 9 and 10—remain out of the classroom and indeed will be out of the classroom for at least another fortnight.

We had a fascinating discussion just now in the committee stage on the government’s COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020 regarding the cherry-picking of health experts. Well, from the start of this pandemic the government has said that it relies upon the advice — this is the word that the government has used in its own media releases and other statements—of the World Health Organization. The World Health Organization had something interesting to say earlier this week about lockdowns. However, the World Health Organization has long maintained that the impact of school closures on students is ‘devastating’. That is the exact word the World Health Organization uses. So it pains me, it distresses me, that the government continues to have a very different view about the impact of school closures to the very best public health experts, the World Health Organization. The World Health Organization has said that school closures, the physical closure of schools, ‘should be a last resort, temporary and only at a local level’.

We know of course that the government’s approach has been exactly the opposite of that. The government closed schools as a first port of call very early in our first lockdown. It has not been temporary. Many Victorian students have now been out of the classroom for six months, and our school closures were statewide, including in many parts of regional and rural Victoria where there has never been a single case of COVID-19. Nonetheless, the government yesterday—given that it is after 2 o’clock in the morning—was doing a victory lap regarding its new schools package. I quote Ben Carroll, who I think is the minister for something or other now. He said this:

If any student has fallen behind during the pandemic we will bring them up to speed.
‘If’—isn’t that extraordinary. It is a bit like the comments of members of the government when we were last in this place and we were debating a motion by Mr Limbrick. Members of the government said that there are ‘positives and negatives’. That is exactly what members of the government said: there are positives and negatives when it comes to school closures. The World Health Organization, the government’s own hand-picked counsel when it comes to the management of pandemics such as this one, says something very different: that the impact of school closures is devastating.

The government must finally get on board with the very best health advice. It is wonderful that students are now back in the classroom. Many are not. The government must heed the best health advice. I call on the minister to open schools and to keep them open.

WESTERN METROPOLITAN REGION TRAIN SERVICES

Dr CUMMING (Western Metropolitan) (02:11): My adjournment matter is for the Minister for Public Transport in the other place, and the action that I seek is for the minister to update the community with the plans for improving the existing train stations and services, especially at Tarneit and Aircraft stations, which continue to experience poor timetable services, poor facilities and public safety issues. My concern is the number of existing train stations and services in my region where the community feel vulnerable waiting on the platform or using the station’s car park, are unable to reach the station without driving and too often find services regularly disrupted.

The RACV conducted a biennial survey of Victorian train services and stations, and 24 500 people took part in that survey in 2019. In metro areas, concerns are with safety, difficulty finding a car park, lack of connecting services, toilet facilities, seats and shelters. Aircraft railway station opened in 1925 and is located on the Werribee line, serving the suburbs of Lavington and Point Cook.

Mr Finn: It’s Laverton.

Dr CUMMING: I am almost there. In 2019 Aircraft station’s rating was—how about this one, Bernie, just for you—3.43 out of 10, declining a further 0.77 points on 2017. It is the only station to be in the bottom 10 in 2015, 2017 and 2019 in the surveyed results.

Tarneit railway station opened in 2015. Bernie, keeping up? You were born around 1925, weren’t you? Here we have got Tarneit station, which opened in 2015 and serves the suburbs and surrounds of Tarneit, one of the fastest growing suburbs in Melbourne. Then we have Deer Park, which is on Werribee rail line, is part of the regional rail link and is the only way to reach the CBD from these areas without driving. Tarneit received a rating of just 4.27 out of 10, and the others rated lower. Five out of 10 were Werribee, Hoppers Crossing, Williams Landing, Altona, Seaholme, Tottenham and Albion. It is fair to expect that looking after the current infrastructure and services is rated as highly on the agenda as new infrastructure services and facilities.

HIGH-CAPACITY METRO TRAINS

Mrs McARTHUR (Western Victoria) (02:14): My adjournment matter is for the Minister for Transport Infrastructure. It was revealed last week that the state government contracted Chinese company CRRC Changchun Railway Vehicles to build Melbourne’s trains in 2016. The Australian Strategic Policy Institute has reported that a conservative figure of 80 000 Uighurs have been transferred out of their homeland in Xinjiang province to work in factories across China under conditions that strongly suggest forced labour. In their report the Australian Strategic Policy Institute also identified CRRC as one of the companies that was linked to factories using forced Uighur labour.

Under the commonwealth Modern Slavery Act 2018, which came into force on 1 January 2019, Australian entities which have an annual consolidated revenue of at least $100 million must provide the federal Minister for Home Affairs with a modern slavery statement that describes the risks of modern slavery practices in the operations and supply chains of the reporting entity and the actions taken by the reporting entity to assess and address those risks. Although state government entities are not bound by the act, any entity is able to make a voluntary modern slavery statement and provide it
to the federal minister. In light of the recent allegations, the Department of Transport must guarantee Victorian taxpayers that significant actions are being taken to ensure that the trains on which they ride to work, home or school were not built with modern slavery.

The Australian Strategic Policy Institute report on forced Uighur labour in China described the conditions in the factories, saying:

... they typically live in segregated dormitories, undergo organised Mandarin and ideological training outside working hours, are subject to constant surveillance, and are forbidden from participating in religious observances. Numerous sources ... show that transferred workers are assigned minders and have limited freedom of movement.

The conditions clearly resemble those of modern slavery. The report also noted the treatment of Uighur Muslims in Chinese re-education camps.

It is reprehensible that the Victorian government would contract a company that apparently benefits from gross human rights abuses, modern slavery crimes and the exploitation of these Uighur workers. It is particularly unacceptable given that an alternative bid could have been made for trains manufactured in the Alstom factory in Ballarat in my electorate. The action I seek from the minister, including the government, is that she produce a voluntary modern slavery statement and provide it to this Parliament and the federal Minister for Home Affairs.

HIGH-CAPACITY METRO TRAINS

Mr LIMBRICK (South Eastern Metropolitan) (02:17): This will sound familiar. My adjournment debate item is for the attention of the Premier. It was reported on 5 October by the ABC and various other news outlets that the companies involved with the development of Victoria’s new trains have links to Chinese Uighur forced labour programs. A report by the Australian Strategic Policy Institute has found that at least 41 Uighur workers were transferred to the KTK Group, which lists rail transport manufacturer CRRC, the company responsible for the current contract for the new trains, as well as Bombardier and Alstom as customers. When asked about the CRRC’s links to Uighur forced labour the Premier and the Minister for Transport Infrastructure both stated that they had sought assurances and that those allegations were not correct. However, a researcher from the Australian Strategic Policy Institute commented on this matter, stating that, and I quote:

... this blind confidence in KTK’s assurances is particularly troubling ...

...

What’s critical here is more transparency ...

So my requests to the Premier in the interests of transparency are: (a) to be provided with a copy of all assurances received by the Premier; (b) to be provided with a copy of all assurances received by the Department of Transport; and (c) to seek assurances from the Premier that the contract with KTK and CRRC is compliant with the Modern Slavery Act 2018.

COVID-19

Ms CROZIER (Southern Metropolitan) (02:19): My adjournment matter this evening is for the attention of the Minister for Health, and it relates to the disruption of public dental services due to the COVID-19 pandemic. Of course many people have been impacted through both dental and surgical waitlists and colonoscopies and other screening programs, but in relation to the ongoing restrictions the disruption of the dental health program has been absolutely devastating for so many people who were already on large waitlists, and importantly a number of children are also being affected by the disruptions to services. We already know, as I said, that there are many cases of Victorians who are waiting well over 12 months for their dental treatments. The delay will only further compound their dental issues, and some of those can lead to very severe medical conditions and other issues around a whole range of things from the elderly not being able to get their dentures or fittings to dental plates et cetera.
There are a whole range of issues around those waitlists, but my concern is around the children, particularly in the age group of around 17 years who are currently eligible to receive dental treatment but who will soon turn 18 and no longer be eligible for that treatment. Often parents of these children are unable to afford private dental care, and of course the pandemic has compounded things for so many parents who are at risk, having lost their jobs and their businesses with the COVID crisis. So the action I seek from the minister is that he ensure the backlog in public dental care can be cleared, and I ask that the government extend the eligibility for public dental care to 18-year-olds for those children who were eligible for the dental care before they turned 18 during the COVID-19 pandemic.

COVID-19

Mr QUILTY (Northern Victoria) (02:21): My adjournment matter tonight is for the Minister for Health, and the action I seek is for those areas of Victoria which are free from COVID infection to be released from restrictions. Currently, if a person in Geelong gets sick, then people in Wodonga, 400 kilometres away, cannot go to church. I am not a virologist, but I am pretty sure sneezes cannot carry a virus that far, whether or not you are wearing a mask. Tying up people in the regions where there is no coronavirus infection, where there has never been a coronavirus infection and where there is probably not going to be a coronavirus infection has crashed through the last restraints of reason and is now just bloody-minded. The Premier, like Captain Ahab, continues to chase his white whale, swearing to get coronavirus under control at any cost. The obsession may sink him, but it is sinking regional Victoria at the same time. You may think that the strong and all-powerful government is there to fix everything, but there is nothing in regional Victoria to fix. There is no coronavirus. In most of our communities there has not been a single case. Maybe it is the country air, the sunshine or healthy living. Maybe it is that we do not catch public transport together. Maybe the virus is like the Melbourne politicians and has not managed to work out that Victoria extends past the ring-road.

No doubt the lockdown in Melbourne has benefited the regions, but what I do know is that restrictions do not do anything to prevent healthy people from infecting other healthy people; what they do is prevent people from getting on with their lives. Wearing a mask while walking alone through the bush will protect nobody. Forcing people to wear masks on a 45-degree day when nobody has the virus will cause far more harm than it prevents. Regional Victoria will be waiting to take the last step indefinitely unless we are judged on our own public health merits. People being sick in Melbourne or Geelong should not have any bearing on whether it is legal for people in places like Mildura, Echuca, Wodonga or Towong to see their friends, have a barbecue or go to church. I call on the health minister, when determining when to lift restrictions, to judge regional Victoria on its own merits. Minister, let my people go.

Following matter incorporated pursuant to order of Council of 15 September:

COMMERCIAL PASSENGER VEHICLE INDUSTRY

Mr BARTON (Eastern Metropolitan)

The matter I raise tonight is for the Minister for Public Transport.

Spring is often called the season of new beginnings. It is the season of weddings, sporting events, conferences, festivals, and more.

More significantly, this season is usually the opportunity for the taxi and hire car industry to make up some of the losses from the winter months. In Victoria, there has been no AFL finals, no grand final, no Melbourne Cup, no spring carnival, and no other events that surround these major events. This vital income is used to support families through to Christmas and through the dead month of January.

A dark cloud looms over this industry’s future.

If the government is serious about getting this industry back up and running, it must do more than what has been done.

There must be more support for non-employing sole traders, drivers and operators. The great majority of commercial passenger vehicle operators are sole traders who engage drivers but do not employ them. Thousands of sole traders and drivers have not turned a dollar since March and still have massive overheads
to pay. Many have made the heartbreaking decision to leave the industry, because of financial circumstances beyond their control.

This is not just about supporting drivers and operators. It is about keeping a roof over their head, food on the table and enabling Victorians to move around. As the minister is aware, taxis and commercial passenger vehicles are the only form of transport available for some vulnerable individuals such as those with mobility needs.

So I ask the minister: will additional support be provided to the taxi and car hire industry to get them through these difficult times and into the new year?

**RESPONSES**

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (02:23): There were 10 adjournment matters this evening, from Ms Lovell, Mr Meddick, Ms Bath, Ms Maxwell, Dr Bach, Dr Cumming, Mrs McArthur, Mr Limbrick, Ms Crozier and Mr Quilty. All those matters raised will be referred to the appropriate and relevant ministers.

Further to that, I have written responses to adjournment debate matters, 27 in total.

**The PRESIDENT**: The house stands adjourned.

**House adjourned 2.24 am (Wednesday).**
Joint sitting of Parliament

LEGISLATIVE COUNCIL VACANCY

Members of both houses met in Assembly chamber at 1.31 pm.

The Clerk: Order! Before proceeding with the business of this joint sitting, it will be necessary to appoint a Chair. I call the Premier.

Mr ANDREWS (Mulgrave—Premier): I move:

That the Honourable Nazih Elasmar, President of the Legislative Council, be appointed Chair of this joint sitting.

He is willing to accept the nomination.

Mr M O'BRIEN (Malvern—Leader of the Opposition): I second the motion.

The Clerk: Are there any other proposals? There being no other proposals, the Honourable Nazih Elasmar, President of the Legislative Council, will take the chair.

Motion agreed to.

The CHAIR (Hon. N Elasmar): Under the Constitution Act 1975 this joint sitting must be conducted in accordance with rules adopted by members present at the sitting. The first procedure therefore will be the adoption of rules.

Mr ANDREWS (Mulgrave—Premier): I move:

That joint rule of practice 2 be the rules for this joint sitting.

Motion agreed to.

The CHAIR: I now invite proposals from members for a person to occupy the vacant seat in the Legislative Council.

Mr ANDREWS (Mulgrave—Premier): I propose:

That Ms Sheena Watt be chosen to occupy the vacant seat in the Legislative Council.

She is willing to accept the appointment if chosen. In order to satisfy the joint sitting as to the requirements of section 27A(4) of the Constitution Act 1975, I also advise that the President has received advice from the state secretary of the Victorian branch of the Australian Labor Party that Ms Watt is the selection of the Australian Labor Party, the party previously represented in the Legislative Council by the Honourable Jenny Mikakos.

Mr M O'BRIEN (Malvern—Leader of the Opposition): I second the proposal.

The CHAIR: Are there any further proposals? As there are no further nominations, I declare that nominations are closed. The question is:

That Ms Sheena Watt be chosen to occupy the vacant seat in the Legislative Council.

Question agreed to.

The CHAIR: I declare that Ms Sheena Watt has been chosen to occupy the vacant seat in the Legislative Council. I will advise the Governor accordingly.

I now declare the joint sitting closed.

Proceedings terminated 1.34 pm.
Written adjournment responses

Responses have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.

Tuesday, 13 October 2020

RICHMOND MEDICALLY SUPERVISED INJECTING FACILITY

In reply to Ms CROZIER (Southern Metropolitan) (16 June 2020)

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality, Minister for the Coordination of Health and Human Services: COVID-19):

The Victorian Government is committed to tackling the harms associated with drug use, which have a devastating impact on individuals, families and communities.

The supervised injecting room trial is playing its part to address complex and long-standing health and social issues in North Richmond, and it is saving lives.

The independent panel of experts reviewing the trial has found that this health service is meeting many of its ambitious objectives, with at least 21 deaths avoided in its first 18 months of operation. Ambulance attendances have reduced in its vicinity, as have the spread of blood-borne viruses.

The Victorian Government has accepted the panel’s recommendation that the trial be extended for a further three years. On the panel’s recommendation, an additional site is being established in the City of Melbourne to offer more Victorians access to life-saving services and reduce the strain on other services less equipped to deal with the impacts of drug-related harm.

On 16 June 2020, the review was tabled in full before each House of the Parliament and made available on the tabled documents database. An accessible version of this document is available on the Department of Health and Human Services website. This includes the full appendices.

The supervised injecting room is not a silver bullet. That’s why we are continuing our work with Victoria Police, with Yarra City Council, with health services and with the residents of North Richmond to make the area safer and build on its many strengths.

We are providing more than $9 million to improve the North Richmond precinct, with funding used to make significant capital improvements to the housing estate, upgrades to open spaces, playgrounds and community rooms, and upgrades to lighting and other upgrades in the Victoria Street precinct. The funding will also mean $3 million to support projects identified in partnership with the local community, for the local community.

It is important that we continue to look to the evidence and work in partnership with local community members, affected and at-risk communities, medical experts and others to ensure that the supervised injecting room is achieving its objectives.

COVID-19

In reply to Ms BATH (Eastern Victoria) (4 August 2020)

Mr ANDREWS (Mulgrave—Premier):

From 11.59pm 16 September 2020, regional Victoria progressed to the Third Step of our reopening roadmap. At this step, regional businesses open and there are no restrictions on the reasons for leaving home or distances travelled, although regional Victorians aren’t able to travel into metropolitan Melbourne. Regional Victorians are able to meet up to ten people outdoors, restaurants are able to seat limited people, community sport and travelling for a holiday are also allowed.

Our new $3 billion support package—taking the Government’s total business support to over $6 billion—will deliver cash grants, tax relief and cashflow support to Victorian businesses most affected by COVID-19 restrictions. The package includes over $1.1 billion to support small and medium sized businesses that are most affected by coronavirus restrictions, including $822 million as part of the third round of the Business Support Fund. Sole traders in regional Victoria may also be supported through our $100 million Sole Trader Support Fund.

Our Outdoor Eating and Entertainment Package will provide $87.5 million to councils and businesses outside of Melbourne’s CBD to make widespread outdoor dining safe, practical and a reality this summer. Regional
city and rural councils will be eligible for up to $500,000 and $250,000 respectively, to help them implement swift and streamlined permits, enforcement and monitoring processes to support expanded outdoor dining. Our Building Works package, which will provide $2.7 billion towards shovel-ready projects, big and small, will get thousands of people back to work—including in regional and rural Victoria. The package also invests $382 million into upgrades, maintenance and new experiences at tourism destinations across the state. Regional businesses will play a key role in rebuilding our economy on the other side of this pandemic. But we can’t get to that point unless we all play a part in driving down coronavirus case numbers. The Government will continue to support Victorian businesses through this pandemic.

VICROADS LICENCE TESTING

In reply to Mr GRIMLEY (Western Victoria) (4 August 2020)

Mr CARROLL (Niddrie—Minister for Public Transport, Minister for Roads and Road Safety):  
The Victorian Government recently announced a $26.8 million package that will make computer-based tests available online and further boost licence testing capacity after testing was put on hold to slow the spread of coronavirus. The online learner permit and Hazard Perception tests will be available from early next year—with work well underway to deliver these tests while keeping our high standards of road safety.

INNER NORTH COMMUNITY FOUNDATION

In reply to Ms PATTEN (Northern Metropolitan) (4 August 2020)

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop, Minister for the Coordination of Transport: COVID-19):  
I thank the Member for Northern Metropolitan Region for her question and continued interest in the Andrews Labor Government’s transport infrastructure agenda across Melbourne’s north as well as our level crossing removal program. This $542.4 million project is getting rid of four dangerous and congested level crossings at Bell Street, Munro Street and Reynard Street in Coburg, and Moreland Road in Brunswick. The Government made an election commitment to remove these level crossings with an elevated rail solution and work is currently underway as part of the current construction blitz. On top of reducing congestion and improving safety, the designs will create a green, open area almost twice the size of the MCG for locals to come together, exercise and enjoy. The project will deliver a bigger and better Moreland Station precinct and will feature barbecue facilities, a nature playground, extensive planting and landscaped gardens. A dog park, playgrounds, and public art spaces are among some of the ideas that were considered for the 2.5 kilometres of new open space. Three times as many trees will also be planted as part of the project. The Level Crossing Removal Project (LXRP) has consulted with locals and will continue to do so regarding what the open space will look like when the project is completed in 2021. I am also advised that LXRP representatives have met with the local organisation mentioned in your question.

WEST GATE TUNNEL

In reply to Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (18 August 2020)

Mr LEANE (Eastern Metropolitan—Leader of the Opposition, Minister for Local Government, Minister for Suburban Development, Minister for Veterans):  
As Minister for Local Government and Suburban Development, I am working to ensure the Victorian Government works closely with councils and local communities to ensure their concerns are addressed. On 25 August 2020, I met with Strathbogie Shire Council Mayor, Councillor Amanda McLaren and Chief Executive Officer Ms Julie Salomon. At this meeting they raised their concern about the Westgate Tunnel project’s level of engagement with the local community and council. They also raised their concerns on the impacts of the superloads being transported along local roads. After hearing the council’s issues, I have undertaken to bring their concerns to the attention of the Minister for Transport Infrastructure which I have done.
WEST GATE TUNNEL

In reply to Mr FINN (Western Metropolitan) (18 August 2020)

Mr ANDREWS (Mulgrave—Premier):

The Government is committed to improving transport and economic opportunities for people in Melbourne’s West—and the West Gate Tunnel is an example of how we are delivering on this commitment.

As you are aware, contaminants have been identified at various areas within the project site. This is common on major projects such as this. That’s why strict protocols are in place to deal with it. Under the contract, Transurban is the project proponent and it is Transurban’s responsibility to manage this issue with its builder. Transurban and its builder will continue to work with the Environmental Protection Authority (EPA), the community and other stakeholders to manage this issue.

The EPA, as an independent statutory authority, regulates the reuse and disposal of contaminated material. Prior to disposal of contaminated soil, it is tested to ensure it meets the relevant criteria for the site.

Any solution being considered—though no decision has been made—would need to be based on best practice environmental management and meet EPA requirements. Similarly, the use of any site will be subject to planning approvals.

The West Gate Tunnel project will remove trucks from local streets in the inner west and is the vital alternative to the West Gate Bridge that people in the West have been waiting for. The Liberals have been against this project from the start and voted to revoke planning approvals, putting thousands of jobs at risk for a political stunt. Only Labor will deliver this vital project—and we’re getting on with it.

UNIVERSITY FUNDING

In reply to Dr KIEU (South Eastern Metropolitan) (18 August 2020)

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education):

Victoria’s universities play a vital role in the State’s economy as a key driver of innovation and productivity.

The pandemic has created significant shortfalls in university revenues, particularly due to a fall in international student numbers. The Commonwealth Government has primary responsibility for funding Australian universities and has a responsibility to provide long term assistance to ensure the sustainability of the Higher Education sector.

In response to the immediate impact of the pandemic on Victorian universities, the Victorian Government has made an unprecedented investment in our local universities through the Universities Support Package. The Victorian Government is working in partnership with Victorian universities to deliver this package. By working together, we can maximise the impact of this investment to support the state’s economic rebound from the coronavirus pandemic.

To provide immediate relief for universities dealing with a shortfall in funds due to the pandemic, the Government has already implemented a payroll tax deferral valued at around $110 million. Payroll tax for the six month period of 1 July 2020 to 31 December 2020 is being deferred for all Victorian universities, including those with a presence in the South Eastern Metropolitan Region, and repayments will not fall due until 2022. This is a significant step in supporting Victorian universities during this challenging time.

To underpin the partnership approach to the Support Package, new compact agreements are being developed between the Victorian Government and each Victorian University, including those with a presence in the South Eastern Metropolitan Region. Compacts will outline shared objectives and principles for how universities and the government will work together for the mutual benefit of Victoria. The co-design of these compacts is already underway between the Victorian Government and Victorian universities via multi-lateral and bilateral meetings.

The operation of the Victorian Higher Education State Investment Fund is also underway to support universities with capital works, applied research and research partnerships that will boost Victoria’s productivity and economy as the state recovers from the pandemic. The Fund will support all ten universities established under Victorian statute, including those with a presence in the South Eastern Metropolitan Region. The Department of Education and Training has written to each university to confirm their specific allocations from the Fund and set out guidelines for the Fund’s operation.

Significant funding has been allocated to Victorian Universities that have a physical presence in the South Eastern Metropolitan Region. For example: Monash University, which has two campuses in the region, has been allocated $53.3 million; Deakin University, which has learning centres in the region, has been allocated
$39.2 million; and Swinburne University of Technology, which operates pilot programs from the Moorabbin airport, has been allocated $28.7 million.

In line with the partnership approach, the Victorian Government will work with each university to co-design the projects that are funded from their allocation. The Government is seeking to achieve a portfolio of projects that provide a spread of benefits across various geographical areas of Victoria, including in both metropolitan and regional Victoria. Meetings are currently being held with each university, including those with a presence in the South Eastern Metropolitan Region, to discuss project proposals, including how they might maximise benefits to their local communities.

COVID-19

In reply to Mr QUILTY (Northern Victoria) (18 August 2020)

Mr ANDREWS (Mulgrave—Premier):

I am deeply aware of the frustrations that border restrictions—set by other states—have caused for many regional communities and businesses. We have worked hard to protect regional communities from coronavirus. At the same time, we’ve worked with our SA and NSW counterparts to make border controls as practical and manageable as possible for locals.

As you know, I tasked the Minister for Regional Development and the Victorian Cross Border Commissioner Luke Wilson with coordinating the Victorian response to border closures. The Commissioner—a border community resident himself—and the Minister are working with local communities, local businesses, and neighbouring governments to identify and resolve issues.

Currently there are low levels of active cases in our border areas and Victoria continues to advocate for proportionate approaches based on health advice. Our advocacy led NSW to adjust restrictions, ensuring border residents and businesses can safely access work, education, healthcare and supplies. We’ve also helped to secure special exemptions for remote communities and the updating of NSW’s border zone map to reflect newly built-up areas and major road routes. We continue to work hard to ensure that residents of border communities can access employment, education, healthcare and supplies.

At the same time, we remain committed to keeping the virus out of regional communities. The Victorian Government will continue to restrict movement across our state based on what the evidence and best public health advice tells us. Under current arrangements, residents of metropolitan Melbourne are not permitted to travel to regional Victoria, unless it is for a permitted reason. Victoria Police operates road stops and checkpoints to monitor traffic flow and will continue to scan vehicle registration details and identify the residential addresses of license holders to help enforce these restrictions.

We have also announced a dedicated regional roadmap to guide our return to COVID Normal, in recognition that the circumstances in regional Victoria differ from those in metropolitan areas.

We hope the recent changes from NSW and our announced regional roadmap will help alleviate many of the pressures facing border communities, and we’ll continue to work hard to address those that remain.

MORNINGTON PENINSULA REGIONAL DEVELOPMENT FUNDING

In reply to Mr O’DONOHUE (Eastern Victoria) (18 August 2020)

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations, Minister for the Coordination of Treasury and Finance: COVID-19):

Schedule 2 of the Regional Development Victoria Act 2002 (“the Act”) identifies the 48 local government areas and six alpine resort areas that are eligible for funding under the Regional Jobs and Infrastructure Fund. The eligibility of local government areas has not changed since the Act was established in 2002.

The Mornington Peninsula Shire Council has been eligible to apply for multiple streams of funding including the Growing Suburbs Fund and the Living Heritage Grants programs.

The Minister for Government Services recently announced that the Mornington Peninsula Shire Council is set to receive $2.25 million towards the Flinders Civic Hall redevelopment through the expanded Growing Suburbs Fund. Other projects recently funded through the Growing Suburbs Fund include:

- Rye Township Plan: $3,250,000;
- Somerville Active Recreation Hub: $742,500; and
- Tyabb Kindergarten Upgrade: $727,075
In July 2020, the Minister for Fishing and Boating commenced an upgrade to the Hastings boat ramp. This $1.6 million project is set deliver a modern facility with all-tide access to Western Port in partnership with Better Boating Victoria and Mornington Peninsula Shire Council.

In June 2020, the Minister for Planning announced that the McCrae Lighthouse, the State’s tallest lighthouse and an emblem of Port Phillip’s proud navigational history, will receive $1 million for urgent conservation works under the Government’s Living Heritage Program.

More broadly, it is worth noting that the Government has announced more than $6 billion in business and jobs support including business support grants for small businesses and payroll tax relief.

The Government understands the severe impact the COVID-19 restrictions have had on both our Regional and Metropolitan LGA’s, including the Mornington Peninsula Shire Council. We will work with them to identify opportunities in the immediate future to provide economic stimulus and broader community support.

COUNTRY FIRE AUTHORITY GOLDEN SQUARE BRIGADE

In reply to Ms LOVELL (Northern Victoria) (18 August 2020)

Ms NEVILLE (Bellarine—Minister for Water, Minister for Police and Emergency Services, Minister for the Coordination of Environment, Land, Water and Planning; COVID-19):

The Country Fire Authority (CFA) is aware of the needs of the Golden Square Fire Brigade.

The CFA has completed repairs to the station roof and ceiling following damage caused by a recent storm.

The CFA is continuing to look at further opportunities to support the Golden Square Fire Brigade and the local community.

I thank the Honourable Member for raising this important matter.

VICROADS LICENCE TESTING

In reply to Ms LOVELL (Northern Victoria) (18 August 2020)

Mr CARROLL (Niddrie—Minister for Public Transport, Minister for Roads and Road Safety):

The Victorian Government recently announced a $26.8 million package that will make computer-based tests available online and further boost licence testing capacity after it was put on hold to slow the spread of coronavirus.

The online learner permit and Hazard Perception tests will be available from early next year—with work well underway to deliver these tests while keeping our high standards of road safety.

COVID-19

In reply to Ms CROZIER (Southern Metropolitan) (18 August 2020)

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality, Minister for the Coordination of Health and Human Services; COVID-19):

The medically supervised injecting room is a health facility that provides essential services to respond to uniquely high levels of drug-related harm in North Richmond. It remains open so it can continue to save lives and ensure critical resources in the public health system needed to fight coronavirus (COVID-19) are not diverted by drug overdoses.

North Richmond Community Health is acting on the advice of the Victorian Chief Health Officer and the Department of Health and Human Services, taking proactive steps to lower the risk of transmission of the COVID-19 in the community while continuing to offer essential services.

These include displaying physical distance guidance markings; screening and assessing every client on entrance via temperature checking and a series of questions; ensuring every client wears a face covering; limiting the number of people entering the supervised injecting room to keep with physical distancing space limits and ensuring all staff are wearing extensive and appropriate personal protective equipment.

The supervised injecting room plays an important role in slowing the spread of COVID-19 in the community as many of its clients would not otherwise have access to screening, testing, face masks and important health messages.
INDUSTRIAL FIRES

In reply to Ms STITT (Western Metropolitan) (18 August 2020)

Ms HENNESSY (Altona—Attorney-General, Minister for the Coordination of Justice and Community Safety: COVID-19):

In 2019, WorkSafe exercised its statutory powers under the Dangerous Goods Act (1985) to take any necessary action to ensure the safe removal and disposal of dangerous goods, after the site duty holder failed to comply with WorkSafe and EPA clean up notices.

WorkSafe is leading a taskforce that includes the EPA, emergency services, Melbourne Water and local government to oversee the clean-up process. WorkSafe has engaged specialist contamination remediation contractor Enviropacific Services Ltd to undertake the clean-up of the fire site. The clean-up activities are complex and the priority continues to be to ensure that the clean-up is done safely.

Enviropacific will utilise a number of contractors to undertake specialist work including asbestos removal, demolition, waste removal and treatment. Initial site works including establishing the necessary infrastructure have commenced. I am advised all potentially contaminated stormwater is being captured and treated off-site at a licensed waste facility and as the clean-up continues all run-off will be captured and treated either on site or off-site. I am advised that to date, over 1 million litres of contaminated stormwater has been removed from the site and safely treated.

WorkSafe, Enviropacific and the fire services are continuing to collaborate to ensure safety at the site including making sure the fire measures put in place are fit-for-purpose and suitable for the conditions at the site.

MELBOURNE POLYTECHNIC

In reply to Ms TAYLOR (Southern Metropolitan) (18 August 2020)

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education):

TAFEs have an essential role to play in response to the current COVID-19 pandemic and in Victoria’s economic recovery. TAFE is training people for the frontline workforces we need now and skilling up others for the jobs that will open up in the recovery phase of the pandemic.

I would like to take this opportunity to congratulate the TAFE sector on its response to the pandemic. The TAFE sector is made up of many people: teachers, coordinators, student support staff, cleaners, maintenance staff, administration staff, and many others. Our TAFEs have been working incredibly hard to support their students, their prospective students, their staff, and their broader communities during this challenging time. They have had to pivot not once but many times as circumstances have changed, and they have done so swiftly, effectively, and with the passion for supporting students that is so characteristic of this sector. I thank them for their ongoing commitment and contribution.

In line with changes to Melbourne’s COVID-19-related restrictions, Melbourne TAFE campuses have reverted to remote learning until at least 28 September, with limited exceptions for critical delivery where that cannot be conducted remotely.

TAFE teachers and curriculum developers have been working to adapt teaching and learning materials to formats suitable for remote and online delivery since the pandemic crisis began.

Along with other TAFEs, Melbourne Polytechnic has shown an ability to effectively adapt its operations to meet the needs of its community, offering a blended learning model with a varying mix of digital and face-to-face delivery as restrictions have changed. As part of its approach to supporting students during remote and online delivery, Melbourne Polytechnic:

• Uses online tools like its Moodle platform for classes and assessments
• Sends out hard-copy materials
• Connects teachers with students using email, phone and video calls
• Offers a Never Stop Learning webinar series presented by a panel of teachers, students, alumni, and industry professionals on remote learning, job-readiness, and how both current and prospective students can reskill in a time of crisis
• Offers online information sessions for prospective students, and
• Continues to offer a range of student support services by phone and online, including learning support, counselling, student access and equity, Koorie services, and international student support.
I am always keen to visit TAFE institutes to see the excellent work they are doing and to meet students and staff. I was very pleased to accompany you on the virtual visit we made to Melbourne Polytechnic on Tuesday 21 September. It gave me the opportunity to see firsthand the ways in which Melbourne Polytechnic has adapted to provide high-quality training during this challenging time.

I was very impressed, and incredibly proud, to see the achievements of Advanced Diploma of Jewellery and Object Design students Rebecca Harrington and Ai-Ling Chiu. Rebecca was responsible for managing the social media for Melbourne Polytechnic’s annual Jewellery and Object Design auction, which was pivoted this year to become a very successful online auction. Ai-Ling was responsible for the photography and photoshop management for the auction. The social media campaign achieved a reach of 23,000 views, and the auction itself exceeded its $8,000 target, raising $11,812.36.

I’d like to congratulate Rebecca and Ai-Ling, along with Advanced Diploma of Jewellery and Object Design teacher Laura Eyles, and all the other Melbourne Polytechnic students and staff involved, on this outstanding result. They weren’t afraid of taking this annual auction online for the first time, and made it into something quite extraordinary. I encourage both the students and Melbourne Polytechnic to keep up the good work.

SOUTHERN METROPOLITAN REGION TRANSPORT INFRASTRUCTURE

In reply to Ms TAYLOR (Southern Metropolitan) (18 August 2020)

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop, Minister for the Coordination of Transport: COVID-19):

I thank the Member for Southern Metropolitan Region for her question. I am delighted to update the Member on the significant progress across our Major Transport Infrastructure Authority portfolio.

As the Member is aware, the three level crossings at Cheltenham and Mentone are gone for good. Finishing touches on the two new stations will continue until the end of the year, including planting 250 new trees and around 44,000 plants, shrubs and grasses.

Construction of car parking, landscaping of the expanded station gardens and the new heritage deck at Mentone Station will continue until early 2021. Works on the multilevel car park at Cheltenham Station and the new 3.5-kilometre walking and cycling path between Cheltenham and Mentone will be completed in mid-2021.

Meanwhile, the Metro Tunnel Project’s (MTP) twin rail tunnels are now halfway to completion, with the state’s biggest ever public transport project forging ahead over the past month.

Tunnel Boring Machine (TBM) Meg broke through at the new Parkville station on Friday 19 September, less than 24 hours after TBM Millie completed its journey from Anzac Station to South Yarra. The dual breakthroughs mark a major milestone on the project, with 50 per cent of the tunnelling now completed.

The TBMs have so far excavated more than 364,000 cubic metres of rock and soil and installed more than 30,000 individual concrete segments, each weighing 4.5 tonnes, to line the tunnel walls.

TBM Millie’s cutterhead and shield will be lifted out of the South Yarra tunnel entrance site by crane then transported to the Anzac Station site. The rest of the TBM will be pulled back through the tunnel to Anzac Station, then reassembled and relaunched towards Town Hall Station later this year.

The MTP will create additional capacity for more than half a million passengers a week during peak periods and transform the way Victorians travel around Melbourne.

The project will connect the Sunbury Line to the Cranbourne and Pakenham lines via two nine-kilometre-long rail tunnels up to 30 metres below the streets of Melbourne, with five new underground stations and link to the existing network at key locations.

COVID-19

In reply to Mrs McARTHUR (Western Victoria) (18 August 2020)

Mr ANDREWS (Mulgrave—Premier):

The Victorian Chief Health Officer advised our Government that significant measures were needed to reduce the transmission of coronavirus across the state. The implementation of Stage 4 restrictions in metropolitan Melbourne and Stage 3 restrictions in regional Victoria was designed to dramatically reduce coronavirus cases in our state. These restrictions have ensured that Victoria has been protected from an exponential growth of coronavirus cases.
The Victorian Government is committed to suppressing the transmission of COVID-19 in accordance with the approach agreed by National Cabinet. This suppression strategy is strongly pursuing the goal of no community transmission of coronavirus across the country. Elimination would require strict long-term border controls and there would be a risk of importation from overseas, requiring the reimposition of significant public health controls.

Since the beginning of the pandemic, the Victorian Government has allocated approximately $1.9 billion to establish additional ICU capacity, provide personal protective equipment (PPE), ventilators and other equipment to ensure our hospital system is prepared. Since the end of July 2020, more than 1,500 spaces for ICU and critical care beds have been created or upgraded to ensure they have the ability to treat COVID-19 patients. More than 800 of these are fully equipped ICU beds. We have also temporarily suspended non-urgent elective surgery to free up hospital capacity.

The Victorian Government is committed to ensuring Victorians get the mental health support they need during the coronavirus crisis. On 9 August 2020, the Victorian Government announced a $59.7 million package to provide additional acute mental health services and reduce demand on emergency departments. This builds on almost $135 million that the Victorian Government has already invested in mental health during the pandemic to ensure Victorians get the support they need as well as to progress recommendations of the Royal Commission into Victoria’s Mental Health System.

Our Government understands that Victorians want to return to some semblance of normality, or at least a ‘COVID Normal’. A roadmap for reopening has been released which provides a clear plan outlining the safe, steady and sustainable steps we will take to ease restrictions across the state. Metropolitan Melbourne and regional Victoria have their own roadmaps due to the difference in active case numbers in those two communities. We have been transparent about the expert modelling which has told us that if we were to ease restrictions too soon, then Victoria would be on track for a third wave by mid-November 2020. The roadmap details the average case numbers per day over a specific period of time which need to be met, or below, and the rate of unknown transmission, before triggering a decision on moving to the next step towards reopening. The progression from each step will also be subject to public health advice.

The Victorian Government is conscious of the difficulties associated with these restrictions. We remain steadfast in supporting all Victorians during these challenging times and protecting our state from this deadly pandemic.

**COVID-19**

**In reply to Ms BATH (Eastern Victoria) (18 August 2020)**

Mr ANDREWS (Mulgrave—Premier):

The Victorian Government and V/Line are committed to stopping the spread of COVID-19 into the state’s regions. We have taken a range of actions to do so, including:

- Dedicating extra Protective Service Officer (PSO) patrols at Southern Cross Station V/Line platforms and Coach interchanges—over and above the regular regime of PSO patrols.
- Conducting intelligence gathering and reporting to mitigate unnecessary movement on the V/Line network that are in breach of Health Directions. This also involves close scrutiny of patronage numbers.
- Engaging with regional police to patrol railway stations and bus stops and check passengers’ entitlement to travel. Action has already been taken in Gippsland during August and further blitzes are planned for other regional areas.
- Comprehensive assurance checks to ensure all staff and contractors on trains and at stations, depots and worksites are compliant with V/Line’s COVID-Safe Plan.

V/Line remains focused on providing a safe workplace and travel experience for V/Line staff and customers both on trains and at railway stations across the network.

**EASTERN METROPOLITAN REGION HOMELESSNESS FUNDING**

**In reply to Ms TERPSTRA (Eastern Metropolitan) (18 August 2020)**

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing):

The pandemic poses significant challenges for funded homelessness service providers across Victoria. Services are continuing to manage increased workloads while adapting their services to COVID-safe work
practices. The allocation of emergency funding has enabled homelessness services to effectively meet the demand for shelter as part of the broader public health response to contain coronavirus. Since mid-March, services in the Department of Health and Human Services’ Inner Eastern Melbourne and Outer Eastern Melbourne Areas have been allocated an additional $1,973,647 in Housing Establishment Funds to purchase temporary motel or similar accommodation for people experiencing homelessness. During this same period, the Private Rental Assistance Program has been boosted by $690,748, stabilising or starting private rental tenancies for vulnerable households. Additional funding for workers to assess and assist people facing homelessness during the pandemic have also been important to meet increased numbers seeking assistance at homelessness Entry Points. Services in these areas have received $819,748 in additional funding to employ Entry Point workers as well as specialist support for people in temporary accommodation in the Inner Eastern Melbourne and Outer Eastern Melbourne Areas. Detailed planning is currently underway for the implementation of the remainder of the $150 million package, to ensure people who are in temporary accommodation across metropolitan and regional areas are supported to move into long-term accommodation that they can call home.

SMALL BUSINESS TENANCIES

In reply to Ms PATTEN (Northern Metropolitan) (18 August 2020)

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

I thank the member for the question. However, this does not fall within my portfolio responsibilities and should be redirected to the Minister for Small Business, The Hon Jaala Pulford.

WEST GATE TUNNEL

In reply to Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (1 September 2020)

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

Environment Protection Authority Victoria (EPA) has approved Environment Management Plans (EMP) for Maddingley Brown Coal in Bacchus Marsh and Hi Quality in Bulla as part of their applications to receive tunnel boring machine (TBM) spoil from the West Gate Tunnel Project. The approvals were issued in accordance with the Environment Protection (Management of tunnel boring machine spoil) Regulations 2020 (TBM Regulations) which were made under section 71 of the Environment Protection Act 1970 and allow for the management and disposal of TBM spoil to protect human health and the environment. The approval of an EMP does not mark the final decision on where TBM spoil will be sent. The TBM Regulations mirror the intent of the new tools under the Environment Protection Amendment Act 2018 which is intended to commence in July 2021.

Under the TBM Regulations the owner of a site applying to receive TBM spoil must develop an EMP and comply with specific conditions including constructing an appropriate containment system, ensuring any spoil processing areas are on an impervious surface, and managing spoil appropriately so risks are controlled. The TBM Regulations also impose strict requirements for receiving and containing spoil, including ensuring a 200 metre buffer between the boundary of the processing area and any building with a sensitive land use. EPA assessed each EMP for proposed environmental protections and controls, such as containment design, surface water and groundwater protection, human health and environment risk, dust control, and noise. Each approved site has been designed specifically to manage the risks of TBM spoil. Approved EMPs are available on EPA’s website at: https://www.epa.vic.gov.au/community/current-projects-issues/major-infrastructure-and-development/west-gate-tunnel-project/west-gate-tunnel-project- emps.

The EPA will continue to monitor the performance of any receiving site to ensure compliance with approved EMPs and best practice safety measures to protect the local community and environment.
MOTOR VEHICLE REGISTRATION FEES

In reply to Mr Limbrick (South Eastern Metropolitan) (1 September 2020)

Mr Carroll (Niddrie—Minister for Public Transport, Minister for Roads and Road Safety):

I appreciate the financial strain that many people are under during this difficult time.

To alleviate the immediate burden of yearly registration fees, VicRoads offers short term registration for light vehicles, including motorcycles, that allows citizens to select 3- or 6-month registration payment periods.

Similarly, if vehicles are not being used, there is an option for operators to cancel their registration and receive a pro-rata refund of fees paid.

Concession rates on registration are available for pensioners, veterans and health care card holders as well as for primary producers, charities and apprentices.

Information about the government’s registration and licensing response to the COVID-19 challenge has been made available to the public on the VicRoads website.

LILYDALE KANGAROO CONTROL

In reply to Mr Meddick (Western Victoria) (1 September 2020)

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

I am aware of the significant community interest and concern created by the operation to control kangaroos at the Kinley Estate development in Lilydale. I am also aware that the Conservation Regulator has received documents proposing to amend the original approval that was issued in August 2019.

Victoria’s native animals are protected under the Wildlife Act 1975 and it is illegal to disturb or destroy wildlife without authorisation. The Conservation Regulator advocates for non-lethal management of native animals and, requires application for authorities to control wildlife (ATCW) to demonstrate that non-lethal methods are not viable or ineffective ahead of approving lethal control methods.

In June 2019, the developer of the Kinley Estate applied for an ATCW. The application was supported by a Kangaroo Management Plan. The plan was developed by an independent and experienced ecologist and assessed a range of available options for the kangaroos.

I understand an amended proposal, for translocation, is currently being finalised.

WEST GATE TUNNEL

In reply to Mrs McArthur (Western Victoria) (2 September 2020)

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

Environment Protection Authority Victoria (EPA) has approved Environment Management Plans (EMP) for Maddingley Brown Coal in Bacchus Marsh and Hi Quality in Bulla as part of their applications to receive tunnel boring machine (TBM) spoil from the West Gate Tunnel Project.

The approvals were issued in accordance with the Environment Protection (Management of tunnel boring machine spoil) Regulations 2020 (TBM Regulations) which were made under section 71 of the Environment Protection Act 1970 and allow for the management and disposal of TBM spoil to protect human health and the environment.

Under the TBM Regulations the owner of a site wanting to receive TBM spoil must develop an EMP and comply with specific conditions including constructing an appropriate containment system, ensuring any spoil processing areas are on an impervious surface, and managing spoil appropriately so risks are controlled.

The TBM Regulations also impose strict requirements for receiving and containing spoil, including ensuring a 200 metre buffer between the boundary of the processing area and any building with a sensitive land use.

EPA assessed each EMP for proposed environmental protections and controls, such as containment design, surface water and groundwater protection, human health and environment risk, dust control, and noise. Each approved site has been designed specifically to manage the risks of TBM spoil.

The EPA will continue to monitor the performance of any receiving site to ensure compliance with approved EMPs and best practice safety measures to protect the local community and environment.

The approval of an EMP does not mark the final decision on where TBM spoil will be sent. Planning approvals have yet to be secured and the tender process has yet to be finalised.

FAMILY VIOLENCE SERVICES

In reply to Mr GRIMLEY (Western Victoria) (2 September 2020)

Ms WILLIAMS (Dandenong—Minister for Prevention of Family Violence, Minister for Women, Minister for Aboriginal Affairs):

Family violence causes physical and psychological harm, particularly to women and children. The Victorian Government has expanded support for victim survivors of family violence, including women and children, so that they can access services that meet their need.

In 2019-20, the Victorian Government committed $21.2 million across the state in ongoing funding for evidence informed therapeutic and counselling services for victim survivors of family violence. Services are individually tailored to the unique needs of each victim survivor, including children with a focus on recovery, healing and safety.

The Victorian Government is committed to providing support to victim survivors in the Barwon and Wimmera South West Areas. Funding of $1.39 million is provided to agencies in the Barwon Area for counselling and therapeutic interventions, an increase of 151 per cent since 2016-17. Funding of $1 million is provided to agencies in the with Wimmera South West Area for counselling and therapeutic interventions, an increase of 155 per cent since 2016-17.

In the Wimmera South West Area, several locally based agencies are funded to deliver counselling and therapeutic support including Grampians Community Health, Brophy Family and Youth Services, Emma House, South West Healthcare, Australian Childhood Foundation and Winda-Mara Aboriginal Corporation.

In the Barwon Area, the Sexual Assault and Family Violence Centre and Colac Area Health are funded to provide counselling and therapeutic support.

COVID-19

In reply to Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (15 September 2020)

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

Businesses, such as commercial galleries, that are focused on selling artwork are classified as retail and can trade under the Third Step in regional Victoria. Commercial galleries in metropolitan Melbourne will be able to open, with density quotients, cleaning, signage and other COVIDSafe requirements, when Melbourne moves to the Third Step.

HUME FREEWAY, AVENEL, INTERSECTIONS

In reply to Ms LOVELL (Northern Victoria) (15 September 2020)

Mr CARROLL (Niddrie—Minister for Public Transport, Minister for Roads and Road Safety):

The Andrews Labor Government is improving road safety in the north east, including on the Hume Freeway, with side road activated speed technology at Baddaginnie and Tallarook, and eye-catching community gateway signage already installed on some of Avenel’s key entrances to alert drivers that they are approaching a township.

Regional Roads Victoria is also reviewing signage at the Jones Street and Tarcombe Road intersection and will be monitoring the Lambing Gully Road intersection to assess whether any potential future improvements are needed.

Updated traffic counts will be undertaken once COVID-19 travel restrictions ease—ensuring any additional safety improvements match current and future traffic use in the growing Strathbogie Shire.
FAMILY VIOLENCE

In reply to Ms MAXWELL (Northern Victoria) (16 September 2020)

Ms WILLIAMS (Dandenong—Minister for Prevention of Family Violence, Minister for Women, Minister for Aboriginal Affairs):

The Victorian Government is committed to strengthening responses to adolescents who use violence in the home. While Recommendations 123 and 124 of the Royal Commission into Family Violence have not yet been acquitted, actions to improve supports to adolescents who use family violence are continuing.

In August 2020, the Government announced more than $20 million for a range of initiatives that will strengthen the service system’s response to perpetrators of family violence and young people using violence in the home. This includes funding to expand specialist services for adolescents using violence in the home. This allocation builds on the 2018-19 State Budget allocation of $1.35 million over two years to strengthen responses to adolescent family violence and to prevent escalation into justice and statutory services. As part of the 2018-19 allocation, funding was provided to design and pilot therapeutic responses to Aboriginal young people who use family violence in the Mallee, and to expand services to more young people and their families in the Barwon and Bayside Peninsula areas where Orange Doors have been established.

Family Safety Victoria has been supporting the broader workforce to intervene earlier in the lives of adolescents and their families through effective risk assessment and management. This has included publishing information on adolescent family violence throughout the Multi-Risk Assessment and Management Framework (MARAM) Victim Survivor Practice Guides and developing further detailed guidance on adolescent family violence in the next phase of MARAM Practice Guides in late 2020. In light of the increased risk to vulnerable children and families during the COVID-19 pandemic, the Adolescent Family Violence COVID-19 MARAM Practice Note has been published, to guide all workforces working with adolescents using family violence.

In partnership with the Centre for Excellence in Child and Family Welfare, Family Safety Victoria continues to build the evidence on adolescent family violence. This has included extensive consultation with the child and family services and specialist family violence workforces to identify current interventions and tools for working with these young people. Findings from these consultations were shared at our cross-government Adolescent Family Violence Symposium in March 2020, ‘Starting with the young person: reframing how we understand and respond earlier to adolescent violence in the home’, along with promising research and programs from other sectors. As part of this project, a guide to evidence-informed programs is being developed, providing information about promising and evidence-based programs that focus on adolescent family violence. This guide will inform decision making about the best programs for clients, families and organisations.

In response to recommendation 124, The Department of Health and Human Services continues to design housing options that better meet the individual needs of young people and support them to address their violent behaviours. Kids Under Cover and Anglicare Victoria have partnered to develop Village 21, a supported housing model designed for young people aged 18-21 experiencing or at risk of homelessness, who have an experience of Out of Home Care. Many of these young people have either experienced or used family violence. The Village 21 service delivery model is targeted to prevent homelessness, facilitate community networks, foster resilience, support social networks, and provide intensive management within a stable and supportive environment. The main objective is that young people will be able to transition from Village 21 to mainstream independent living options such as private rental or student housing, or that they are able to live with family where suitable. Village 21 will be operational in May 2021.