The Governor
The Honourable LINDA DESSAU, AC

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

The ministry

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Attorney-General and Minister for Emergency Services ..................... The Hon. J Symes, MLC
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Minister for Energy, Environment and Climate Change and Minister for Solar Homes .................................. The Hon. L D’Ambrosio, MP
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Minister for Health, Minister for Ambulance Services and Minister for Equality ............................................. The Hon. MP Foley, MP
Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation and Minister for Fishing and Boating ........ The Hon. MM Horne, MP
Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice and Minister for Victim Support .................. The Hon. NM Hutchins, MP
Minister for Local Government, Minister for Suburban Development and Minister for Veterans ........................................ The Hon. SL Leane, MLC
Minister for Water and Minister for Police ................................ The Hon. LM Neville, MP
Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events and Minister for Racing ......................................... The Hon. MP Pakula, MP
Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services and Minister for Creative Industries .......... The Hon. DJ Pearson, MP
Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business and Minister for Resources .................................................. The Hon. JL Pulford, MLC
Minister for Multicultural Affairs, Minister for Community Sport and Minister for Youth ............................................. The Hon. RL Spence, MP
Minister for Workplace Safety and Minister for Early Childhood .... The Hon. I Stitt, MLC
Minister for Agriculture and Minister for Regional Development .... The Hon. M Thomas, MP
Minister for Prevention of Family Violence, Minister for Women and Minister for Aboriginal Affairs ........................... The Hon. G Williams, MP
Minister for Planning and Minister for Housing .......................... The Hon. RW Wynne, MP
Cabinet Secretary ................................................................ Ms S Kilkenny, MP
Legislative Council committees

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

Environment and Planning Standing Committee
Dr Bach, Ms Bath, Dr Cumming, 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: Ms Crozier, Mr Davis, Dr Kieu, Ms Patten, Mr Meddick, Mr Melhem, Dr Ratnam, Ms Taylor and Ms Terpstra.

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

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

Joint committees

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

Electoral Matters Committee
Council: Mr Erdogan, Mrs McArthur, Mr Meddick, Mr Melhem, Ms Lovell, Mr Quilty and Mr Tarlamis.
Assembly: 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, Ms Hennessy, 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 Newbury, Mr D O’Brien, Ms Richards, Mr Richardson and Mr Riordan.

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

Heads of parliamentary departments

Assembly: Clerk of the Legislative Assembly: Ms B Noonan
Council: Clerk of the Parliaments and Clerk of the Legislative Council: Mr A Young
Parliamentary Services: Secretary: Mr P Lochert
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FIFTY-NINTH PARLIAMENT—FIRST SESSION

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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 28 February 2020
6 ALP until 15 June 2020
7 Appointed 23 April 2020
8 Appointed 13 October 2020
9 Resigned 26 September 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, 2 March 2021

The PRESIDENT (Hon. N Elasm) took the chair at 12.06 pm and read the prayer.

Announcements

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT (12:06): 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 (12:07): Just updating on some changes, as you are probably aware, masks should be carried with you all the time. If you feel uncomfortable and you want to wear a mask, it is up to you, but you have to take it off when you are making a speech. Coming into the chamber we are still using the same doors behind me and exiting from that door opposite. Anything to do with a division will still be from your place. When I call a division, you will stand up in your place. The temporary orders agreed to on 15 September for submitting material for incorporation in Hansard remain in place, and the sitting times agreed to on 2 February 2021 for the remainder of this week are Wednesday 9.30 am, Thursday 10.00 am and, if we sit, Friday 9.30 am.

Bills

OWNERS CORPORATIONS AND OTHER ACTS AMENDMENT BILL 2019

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

Royal assent

The PRESIDENT (12:08): I have a message from the Governor, dated 23 February:

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 Legislative Assembly for and in the absence of the Clerk of the Parliaments:

4/2021 Owners Corporations and Other Acts Amendment Act 2021
5/2021 Workplace Injury Rehabilitation and Compensation Amendment (Provisional Payments) Act 2021

SUMMARY OFFENCES AMENDMENT (DECRIMINALISATION OF PUBLIC DRUNKENNESS) BILL 2020

Royal assent

The PRESIDENT (12:09): I have another message from the Governor, dated 2 March:

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 Legislative Assembly for and in the absence of the Clerk of the Parliaments:

6/2021 Summary Offences Amendment (Decriminalisation of Public Drunkenness) Act 2021

Questions without notice and ministers statements

ROYAL COMMISSION INTO THE MANAGEMENT OF POLICE INFORMANTS

Mr O’DONOHUE (Eastern Victoria) (12:09): My question is to the Attorney-General. Attorney, I refer you to the final report and recommendations of the Lawyer X Royal Commission into the Management of Police Informants. A key recommendation of Commissioner McMurdo was the
urgent appointment of a special investigator to review the enormous volume of evidence and huge number of allegations aired during the commission. I note with alarm media reports today that despite already having had more than three months to make this important appointment you may not do so until mid this year. Minister, why will it take the government more than six months to make this critical appointment?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (12:10): I thank Mr O’Donohue for his question. The important issues that were presented by the Lawyer X royal commission are well known to this chamber, and I can assure the chamber that the implementation of every recommendation has progressed. There were 10 recommendations that were recommended by the royal commission to be implemented within the first three months, and those 10 recommendations have been implemented. Last week I was pleased to appoint Sir David Carruthers to the role of implementation monitor, and I have also appointed a special counsel to review the files that were not presented to the royal commission in relation to police informants. In relation to the issue that you raise, Mr O’Donohue, expressions of interest are out for that role and conversations continue about encouraging people to express an interest in that role. The royal commission recommended that that appointment be made within 12 months, and I certainly will be meeting the recommendations put by the royal commission.

Mr O'DONOHUE (Eastern Victoria) (12:11): I thank the minister for her answer and again refer to the appointment of a special prosecutor. Minister, as I am sure you are aware, during the Queensland Fitzgerald royal commission into police corruption the then Queensland government appointed a special prosecutor to investigate the allegations made during that royal commission as they were aired. The then Queensland government recognised that with the passage of many years from when the alleged criminal behaviour took place not a day could be wasted. Minister, given that many of the serious allegations made during the police informants royal commission are from over a decade ago, there is an increasing risk with each passing day that evidence from that time may be lost. Does the government accept that this unacceptable delay in making this critical appointment could stop those engaged in corrupt and criminal conduct from being brought to justice?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (12:12): Mr O’Donohue, as I have outlined, the recommendations are being implemented in accordance with the recommendations of the royal commission. Recommendation 92, which I would draw your attention to, requested that the government establish a special investigator to investigate possible criminal conduct or misconduct associated with the use of Ms Gobbo as a human resource within 12 months. I can confirm that within days of me being appointed as Attorney-General I was briefed on the recommendations. The 10 recommendations that were required to be implemented within three months have been acquitted. I do acknowledge that these are important matters, and I am continuing to implement the recommendations. On that recommendation, as I explained, expressions of interest are out, and I look forward to making announcements in relation to that appointment in due course and within the time frame set out by the royal commission.

VICTROADS INFORMATION PRIVACY

Dr CUMMING (Western Metropolitan) (12:13): My question is to the minister for roads in the other place. Can the minister please explain how a commercial organisation such as a petrol station has access to VicRoads information? On walking in to pay for fuel the sales assistant asked the customer if the make and registration number of the car was their car. On responding, the sales assistant informed them that the registration for the car was overdue. This information would only be available if they had access to the VicRoads database.

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (12:13): I thank Dr Cumming for her question. It seems an unusual conversation to have when paying for petrol. I will take the matter on notice and seek a response from Minister Carroll. You have not given me the name or registration
details, but I invite you to do that if you wish so that the very specific nature of the inquiry can be followed up. Otherwise I imagine Minister Carroll will give you a reasonably general answer about the security of that information.

Dr CUMMING (Western Metropolitan) (12:14): Thank you. I look forward to the minister’s response. Can the minister please provide details as to the extent of the information provided to petrol retailers? According to the information provided by the Office of the Victorian Information Commissioner, I would have thought this information would only be provided if, one, it is necessary to lessen or prevent a serious threat to health or safety; two, the organisation suspects unlawful activity has occurred and using or disclosing your personal information is necessary to investigate or to report this activity; three, another law allows or requires it; or, four, it is necessary to assist a law enforcement agency. Minister, I know this customer actually contacted the petrol retailer and was unable to get any response from them on why they had that information.

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (12:15): I thank Dr Cumming for her supplementary question. Again I will take that on notice for Minister Carroll. The allegations, I guess, at the heart of your question do go to, you know, a potentially quite serious matter, and I will seek a response from Minister Carroll for you but again reiterate, if you are in a position to provide some further information that can assist with this information, including the service station in question, I would encourage you to do that, either directly to Minister Carroll or to him through me as you prefer.

MINISTERS STATEMENTS: ROYAL COMMISSION INTO VICTORIA’S MENTAL HEALTH SYSTEM

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (12:16): It is an honour today to deliver a ministers statement in relation to the tabling of the mental health royal commission final report. The tabling of the final report from Victoria’s royal commission into mental health is a profound moment in our state’s history. As the report attests, and as many of us know, mental health impacts each and every one of us. If it is not our own personal experience, it is that of someone we love. It is our partners, parents, children, neighbours and friends, and it is impacting families and workplaces and communities across our state and our nation. People are either not sick enough for help or too sick to treat outside a hospital. Staff have been forced to choose who to see because the demand is too great, and too often emergency department rooms or police or courts are treated as the first and only port of call for Victorians suffering from mental health conditions.

These gaps in the system mean that people are falling between the cracks, and instead of getting help early we are leaving people until it is too late. The justice system is all too often an entry point for people suffering mental illness that leads to a justice response rather than an appropriate health response. People with mental illness are far too over-represented in our prisons, and we need to make sure we address their underlying health concerns before they interact with the justice system, which is not the best place in the first instance to address these important concerns.

As a government we recognise these profound failures and we commit ourselves to implementing every single one of the commission’s 65 recommendations. It is not going to be easy, and it is certainly going to take time. We are taking mental health out of the too-hard basket once and for all and making sure Victorians can access the care they need, when they need it, wherever they need it. This government will rebuild our mental health system from the ground up, because certainly many lives are relying on it.

COVID-19 VACCINATION

Ms CROZIER (Southern Metropolitan) (12:17): My question is to the Minister for Workplace Safety. Minister, the Victorian government’s vaccine hubs vaccinated 3862 people from 22 to 28 February, which is only 30 per cent of the available shots that have been provided by the federal
Legislative Council
Tuesday, 2 March 2021

QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:18): I thank Ms Crozier for her question. It is the case that matters regarding the COVID-19 vaccine rollout do fall within the health portfolio, and this is a commonwealth government led vaccine program. I understand that the Department of Health is working very closely with the commonwealth government and health providers to make sure that the vaccines can roll out as soon as they are available, and obviously this is a large logistical exercise that is being led by the commonwealth. It is appropriate that vaccines should be administered in accordance with the public health advice, and that is the approach that our government has been taking. And I know that Minister Foley has been working very closely with the commonwealth and also has made a number of announcements about the priority workforces that ought to be prioritised in terms of the rollout of the vaccine program. In relation to WorkSafe’s role, they are developing guidelines for workplaces on the vaccine rollout and will continue to work closely with the Victorian Department of Health and the Victorian government as the vaccination program continues to roll out.

Ms CROZIER (Southern Metropolitan) (12:20): Thank you, Minister, for that response. This is in relation to the safety of workers; that is your responsibility. I note that the federal government has provided Victoria with 12 000 doses last week and 12 000 doses this week, so that is 24 000 doses of vaccines that are very, very critical for these high-risk areas. In the public health sector, Minister, which the state government is totally responsible for, will you guarantee that Victorian public sector health workers are provided with the vaccine at equivalent rates to New South Wales and their vaccination program that they have been able to undertake?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:20): I thank Ms Crozier for her supplementary question, but I have to indicate that these are not matters that fall within my portfolio. These are decisions that the government is working closely on. It is Mr Foley’s responsibility, and he is working very closely with our health services and has made a number of announcements about the priority for various industries and high-risk workplace settings, as is appropriate.

BRIGHT HOSPITAL

Ms MAXWELL (Northern Victoria) (12:21): My question is to the minister representing the Minister for Health. Built in the 1970s and 80s, the hospital in the beautiful town of Bright is no longer fit for purpose. There are multiple serious problems compromising its ability to maximise its provision of service and care for patients. These include outdated buildings and plant and equipment, no high-care aged facilities, no separation of waiting and care areas, no consultation space for visiting specialists, shared patient bathrooms and poor security. The master and feasibility planning for the hospital’s redevelopment were completed in 2012 and 2015 respectively, but this work ultimately did not proceed. Those redevelopment plans now urgently need to be revisited, and I therefore ask the minister to clarify whether the government will be responding favourably to the recent request received from Alpine Health to help fund this work.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (12:22): I thank Ms Maxwell for her question and indeed raising the issues faced by the Bright community and the needs of their health service. This government has been a big supporter of country hospitals. Obviously our landmark Regional Health Infrastructure Fund for hospitals has been certainly very popular, oversubscribed, and I would certainly encourage our country hospitals to engage with the Department of Health on their needs. In relation to the status of the master plan for government and well below other states’ vaccination rates. For instance, New South Wales, for comparison, has recorded 10 339 vaccinations, or 74 per cent of the doses that they were provided. In the case of health and hotel quarantine settings, which are identified as high-risk settings or category 1 settings, employees are exposed to a greater risk because of the delay of vaccine rollout in Victoria. So I ask: what action will you take as workplace safety minister to ensure these at-risk employees are provided with a vaccination rate at least equivalent to the rate of New South Wales?
Bright health, I will seek a detailed response from the Minister for Health and provide a response to Ms Maxwell in accordance with the standing orders.

**Ms Maxwell** (Northern Victoria) (12:23): Thank you, Attorney. As everyone here would know, the Legislative Council is scheduled to hold a sitting in Bright on 29 April this year, so I therefore ask whether the minister would be able and available and/or whether he would be happy to delegate at least one government MLC on his behalf to join me that week in meeting with representatives from Alpine Health at the hospital in Bright. I seek that commitment as I believe this would represent a great opportunity to discuss the hospital’s requirements firsthand and to practically demonstrate the need for state government assistance to urgently improve health services and care for the thousands of people that the hospital serves across the Bright, Harrietville, Porepunkah and Wandiligong districts and beyond.

**The President**: I will ask the minister to respond, but it is more like an adjournment.

**Ms Symes** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (12:24): I will pass the request and invitation on to the Minister for Health.

**MINISTERS STATEMENTS: MENTAL HEALTH TRAINING**

**Ms Tierney** (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:24): I am pleased to speak today about the Andrews Labor government’s commitment to mental health training in Victoria. The Royal Commission into Victoria’s Mental Health System highlights the importance of listening to those with lived experience of mental illness. We have responded directly to feedback from the sector and the royal commission, and we are building our mental health workforce. Last year the certificate IV in mental health peer work was added to free TAFE, as recommended by the royal commission’s interim report. Free TAFE courses now include certificates IV in mental health, alcohol and other drugs, community services, and youth work. By making these important courses free, we are making them accessible to more Victorians.

Access to courses with immediate, real-world applications have proven life changing for people like Caroline Schmidli. Caroline began a certificate IV in mental health at Chisholm Institute of TAFE in 2019. She performed so well during her work placement that she was offered part-time work with the Royal Melbourne Hospital. Caroline is due to complete her diploma of mental health in June, when she hopes to move into full-time work. Her own lived experience of the mental health system helped her inform her own studies and those of her fellow students. That is why free TAFE plays such a vital role in building Victoria’s future pipeline of mental health workers. But there is more to do. We know that demand for mental health workers will continue to grow, and I look forward to updating the house on our response to the royal commission’s latest findings and recommendations. I congratulate all those involved in completing such an important review.

**COVID-19**

**Mr Davis** (Southern Metropolitan—Leader of the Opposition) (12:26): My question is for the Minister for Small Business. Minister, will you confirm for the house that Victoria’s tough, ongoing COVID-19 restrictions in place from 11.59 on Friday night mean that country sporting events, community festivals and functions with more than 1000 attendees are effectively being squeezed out, closed down or otherwise cancelled and that this is impacting severely the many small businesses involved in supplying and supporting these events, community functions and sporting events?

**Ms Pulford** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (12:26): No. As usual, Mr Davis is wrong. Arrangements for large events are determined on an individual basis under the public events framework. This information is on the internet.

**Mr Davis** (Southern Metropolitan—Leader of the Opposition) (12:26): The minister may not be aware that 1000 is still being used as the de facto number by the government. Action Events had all
18 school fetes they had booked cancelled following the lockdown. A school fete is not viable with just 1000 people spread across a whole day. On average a school fete raises more than $50 000 of much-needed funds for a school. I ask, Minister: will you intervene on behalf of these small businesses critically involved in supporting and supplying community events and functions to ensure that Victoria’s rules are brought into line with New South Wales and Queensland and that they are certainly no harsher or more restrictive?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (12:27): Unbelievably Mr Davis has learned nothing in what is now a full year of COVID arrangements in place that are keeping the Victorian community safe and providing the most certain and stable environment we can for our business community. I would draw to Mr Davis’s attention the second page of the current document titled ‘COVID-safe settings—from 11.59 pm Friday, 26 February 2021’ for Mr Davis to familiarise himself, as have and are countless organisations operating across Victoria, from school fetes to food and wine events to sporting events, limited only by the imagination of event organisers with how they use the public events framework to present their public health plan to the public health experts for consideration and the default arrangements that exist for smaller events.

EMPLOYMENT

Mr QUILTY (Northern Victoria) (12:29): My question is for the minister for small business, employment and innovation. Business needs certainty. Employees need certainty. We all need to know that jobs are available and that current employment is not about to evaporate. Victoria is suffering a brain drain of talented workers who are sick of the uncertainty created by this government. They look at other states and judge how well each government is managing the pandemic and how effectively they are minimising collateral damage. It is not just professionals who are looking to move to a different state; recruitment firms are targeting Victorians to fill interstate vacancies. Recruitment figures are showing a rise of more than 25 per cent of Victorians applying for interstate roles. In the past six months Melbourne job hunters have dominated the applications for roles in other states. Nearly a third of all applicants are Victorians. At the same time, the number of interstate applicants wanting to work in Melbourne has plummeted. What is the minister doing to address the exodus of Victorians fleeing this government’s COVID handling?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (12:30): That is a pretty strange old question, but what the government is doing to support people to find employment is significant. You would have seen in the recent state budget a $626 million investment to in effect triple our employment support services for Victorians that are looking for work. You may have noticed the state budget included many tens of billions of dollars of initiatives to create economic stimulus, and there would be projects, be they schools, hospitals, community facilities or sporting facilities right across your electorate, as in everybody else’s, that are all about creating a massive boost to economic activity.

Again, the member will have probably seen the recent unemployment data, the latest ABS reckoning of the state of the Victorian economy, and it is clear that the Victorian economy is recovering strongly and that people are returning to work. But we do not shy away from the fact that there are some people in the community for whom this has not been a straightforward exercise to return to work as their business or place of employment has reopened or resumed more normal trade and that there are some groups in the community, particularly women over 45 and particularly young people under 25, that have persistently struggled to be part of a successful personal employment experience and job experience even when we have had literally decades of consecutive economic growth in Australia and in Victoria. So through our infrastructure agenda and through our investment in social and community services, which has been and will continue to be significant, we are providing employment opportunities to people across the state. And through Jobs Victoria the level of support available to people, no matter where they live in Victoria, is now greater than it has ever been before.
I have had the opportunity in the last week to meet a number of people who have been employed in roles that have been funded by our Working for Victoria initiative.

**A member:** Great program.

**Ms PULFORD:** It is a great program, with now more than 11,000 roles created, almost all of them filled in organisations across the state doing very, very important work and important and valuable tasks, many including pandemic response. This program has provided for so many people an important bridge through this period of economic downturn that has occurred as a result of the restrictions that are keeping all Victorians safe. There are also of course, I would like to point out, businesses that are growing and that are expanding and that are enjoying great success and are attracting people from interstate and would dearly like to attract people from overseas if they could to meet the demands of their growth.

**Mr QUILTY** (Northern Victoria) (12:33): I thank the minister. She has probably partly addressed my supplementary, but I will go on. I note that people leaving the state improves the employment figures, so that is a thing happening there. Anyway, for those of us who live on the border, everyone knows someone who has moved across the river to escape Victoria and its lockdowns. While the effects of this are masked by all the people moving out of Melbourne into the regions, it is still a real phenomenon. Competitive federalism in practice—this government has somehow made New South Wales look good by comparison. That should be profoundly embarrassing for you. While Rexit will be a solution for regional Victorians to escape this government without having to cross into New South Wales or South Australia, that is still a few years away. Every skilled worker and entrepreneur who leaves Victoria makes our recovery harder. So, Minister, how does this government plan to repair the damage done to the Victorian economy by this ongoing brain drain?

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (12:34): We sort of jumped around a bit there. We are certainly investing in a reverse brain drain effect, and in particular in my portfolios of medical research, innovation and the digital economy we have some very exciting initiatives to support the retention and enhancement of a growing workforce. On your question about what we do to make sure that people have skills for not only the parts of the economy that are recovering but those that are growing—quickly, as I am sure Ms Tierney is chomping at the bit to have a go at this as well—certainly my responsibilities in the employment portfolio and Ms Tierney’s responsibilities in skills and training are ones that we have worked hard to make sure are in as neat an alignment as possible for people who are perhaps contemplating a mid-career change as a result of the pandemic or that are thinking of starting and opening a business because of the pandemic. There are loads of people, and we would all know people who have assessed their own personal circumstances—*(Time expired)*

**MINISTERS STATEMENTS: ROYAL COMMISSION INTO VICTORIA’S MENTAL HEALTH SYSTEM**

**Ms STITT** (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:35): As we mark the historic handing down of the final report of the Royal Commission into Victoria’s Mental Health System, I want to take a moment today to firstly thank those workers working in our mental health sector. I am acutely aware of the importance of ensuring these workers can go to work in a safe environment and come home safely from work each and every day. And for the broader Victorian workforce, we know that more and more workers are seeking help for mental health injuries. The royal commission’s final report challenges all of us to redouble our efforts and to commit to new and better approaches to tackling mental health in our workplaces.

Although we have pursued several significant reforms to improve workers’ mental health and give workers the confidence to seek support if they are struggling, we also know that there is much, much more work to be done. The final report details the important steps that we can and must take to create healthier workplaces, provide more support and tackle the stigma of seeking help when workers need it most. With adults spending about a third of their lives at work, there is a critical role for our
workplaces in improving the mental health of Victorians. The government is proud to be supporting Victoria’s workers’ mental health and wellbeing, and I look forward to working closely with employers and workers to do what is needed to implement the recommendations in the royal commission’s final report.

**COVID-19**

**Mrs McARTHUR** (Western Victoria) (12:37): My question is for the Minister for Small Business. Minister, last week an extraordinary coalition of business representative organisations from regional Victoria came together to write to the Premier in response to the recent statewide five-day shutdown. The 17 signatories included six committees for cities and nine regional chambers of commerce and tourism—an unprecedented coalition representing 25 per cent of the state’s population. Noting your dismissal of my question on Haymes Paint last sitting, you should note it included Commerce Ballarat, the Committee for Ballarat and Ballarat Regional Tourism. Minister, this constructive letter calls for a more nuanced approach to shutting down areas and regions, because of the impact on businesses, including small businesses. Will you adopt a more nuanced approach to future lockdowns, as requested?

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (12:38): I am certainly familiar with the correspondence from the regional tourism industry representatives, the regional chambers and the regional city municipalities. These are all organisations I deal with on a very regular basis. I am certainly familiar with their concerns, their issues and their priorities. I—and the Minister for Regional Development, I assume, also—meet with them on a regular basis, and indeed the Minister for Tourism as well. Mrs McArthur is inviting me to make some sort of public health ruling. I think it is perhaps best to leave that to the chief health officer, Professor Brett Sutton, given that that is the way that this pandemic is being managed in Victoria. But I am sure that the public health team are incredibly aware of the things that they have been asking the Victorian community to undertake over the last 12 months. I would suggest they are probably incredibly grateful to the Victorian community for the way in which they have rallied to that particularly significant challenge. We know that people in our regional business community, as is the case with people in the business community in Melbourne, do not enjoy the restrictions. Nobody enjoys the restrictions.

**Ms Crozier** interjected.

**Ms PULFORD**: Well, that is just a bit insane, Ms Crozier. That is just really dumb.

Members interjecting.

**Ms PULFORD**: You people are really weird, and you have really turned it on this morning. If anyone in the Victorian community was in any doubt about you people before this morning, they certainly are not this afternoon.

**The PRESIDENT**: Order! Minister, back to the answer, thanks.

**Ms PULFORD**: I look forward to future discussions with the regional chambers. I believe my next regular meeting with them is this week. I will be soon meeting again with the Committee for Ballarat, and I look forward to continuing ongoing constructive discussions with all of these organisations about the needs of their members as we support them to emerge from this pandemic in the best possible state that they can be and, for many of them, hopefully stronger. There is a really significant opportunity for regional tourism operators, incredibly difficult as it has been, particularly for those that have a real dependency on overseas markets. But to think that all of regional Victoria and all of Melbourne are thinking about their recreation opportunities and their expenditure in terms of local destinations is an opportunity, and we are working really closely with them to embrace that through lots of different things, including most recently a boost to the regional tourism voucher scheme.

**Mrs McARTHUR** (Western Victoria) (12:41): Thank you, Minister, but actually we need to know what your plans are to do things differently, because failing to prepare is preparing to fail. So what
will be your comprehensive plan for regional Victoria for small business and business in general next time this same situation occurs?

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (12:41): I did science in year 10, and I did physics till about halfway through term 2 in year 11. It all got a bit hairy. I am a humanities person.

**Mr Davis** interjected.

**Ms PULFORD**: Because you are a doctor, aren’t you! The point is that neither Mr Davis nor I, nor Mrs McArthur, ought to be determining the health advice. We have all got to understand our roles here. We will continue our strong support for regional businesses to thrive and to recover. We will continue to do that. But ignoring public health advice is very irresponsible and utterly foolhardy, and we will not be doing it.

*Members interjecting.*

**The PRESIDENT**: Minister, you were asked a question, and we are going to listen to the answer. Some people want to listen to the answer. I think Mrs McArthur wants to listen to the answer. Minister, have you finished?

**Ms PULFORD**: Yes.

**CRYPTOCURRENCIES**

**Ms PATTEN** (Northern Metropolitan) (12:43): My question is for the minister for the digital economy. In the last few months we have seen an extraordinary rise in the value of cryptocurrencies, led by the continued heights that the most popular currency, bitcoin, has achieved. Today one bitcoin is worth over A$65,000. I have asked the government before about its intentions towards new forms of digital payments and was told by former Leader of the House Mr Jennings that the government was keeping an eye on this space. Minister, given the greater acceptance of digital currencies in the community, is the government developing a plan to promote the wider use of cryptocurrencies as digital payments in Victoria?

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (12:43): I thank Ms Patten for her question. I was just talking about what I learned and did not learn in year 11 physics. Much could be said of my relative expertise in cryptocurrencies as well. I think Mr Jennings’s comments about watching the emergence of novel currencies—though some of these are not that novel anymore; they have been around for quite a few years—is something that government must continue to do. In terms of the modernisation of government payments and access to government services, that is a responsibility that predominantly sits with Minister Pearson, and the extent to which I have a role in it is in our supporting of industry capability and industry development, which of course is a neat complement to that. So rather than suggest to you that I know a lot about this, I might take that on notice and, if that is okay, confer with Minister Pearson and, if there is something we can provide you with in the way of an update between us, take the opportunity to do that.

**Ms PATTEN** (Northern Metropolitan) (12:45): Thank you, Minister. It was probably less directed at government payments but more at digital payments in Victoria. So, yes, I look forward to that information. One of the richest men in the world, Elon Musk, has bet his company’s future on the adoption of digital currencies by recently investing $1.5 billion in bitcoin and allowing Tesla customers to purchase vehicles with it. Digital payment giants such as Square and PayPal recently began allowing users to trade in bitcoin, and now financial powerhouse Mastercard has said that they will support select cryptocurrencies later this year. In that spirit, Minister, will the Victorian government lead the way in Australia by moving to make digital currencies such as bitcoin acceptable?
Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business) (12:45): I thank Ms Patten for her further question. I guess by way of introduction to your supplementary you probably skirted a bit close to commonwealth regulatory responsibility, but the essence of your question was about Victorian government receipt of these currencies for payments. When you are talking about $65 000 for a unit, that might be things like a significant stamp duty bill or similar, not a fishing licence. But again I might take that on notice and see if we can come back with some contemporary information on that.

MINISTERS STATEMENTS: AUSTRALIAN NURSES MEMORIAL CENTRE

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:46): I would just like to update the house on the Andrews government’s Restoring Community War Memorials and Avenues of Honour grant program. Last Thursday night I was very privileged, along with my good colleague Mr Tarlamis, a great MP, to be at the Australian Nurses Memorial Centre, where they unveiled a plaque which was actually funded through this program. The Australian Nurses Memorial Centre is a living memorial to the heroism and sacrifice of Australian nurses who gave their lives or spent years in Japanese prisoner-of-war camps during World War II. It was actually founded by nurses who survived those harrowing experiences.

I thank the families of some of the first people to establish this centre that were there: Evelyn King, who was killed on the Centaur, which was torpedoed in 1943; Dorothy Elmes, who was a survivor of the bombing of the Vyner Brooke and was then unfortunately killed on Radji Beach; Vivian Bullwinkel, a well-known nurse of her time and a survivor of the bombing of the Vyner Brooke and sole survivor of a massacre of nurses at Radji Beach; and if I could quickly mention Wilma Oram, Clarice Halligan and Mona Wilson.

Can I just say that these sorts of events are very important. We have got a historic day today, when the Royal Commission into Victoria’s Mental Health System report was presented, and these sorts of events are also very important for veterans for their own wellbeing. Can I say on this day that our report was delivered that I call on the federal government. Veterans want a commission into veteran suicide. Veterans’ families want a royal commission into veteran suicide, and I call on the federal government to act.

Questions on notice

ANSWERS


Questions without notice and ministers statements

WRITTEN RESPONSES

The PRESIDENT (12:48): Regarding today’s questions, Dr Cumming to Ms Pulford for the minister for roads, two days, both question and supplementary; Ms Maxwell to the Minister for Health, through Ms Symes, both the question and the supplementary, two days; and Ms Patten to Ms Pulford, the question and supplementary, two days.

Constituency questions

EASTERN METROPOLITAN REGION

Dr BACH (Eastern Metropolitan) (12:49): My constituency question is for the Minister for Local Government, and it is regarding development in Mount Waverley. Over the course of the last week or so I have communicated with thousands of residents in Mount Waverley, and I have heard a really strong message back about development. The City of Monash is currently looking at a plan to redevelop Mount Waverley Village. Now, many of those who have reached out to me have expressed
a very strong view that the village feel of Mount Waverley and this particular stretch of shops needs to remain. Currently the stretch of shops is almost entirely single level. The plan is looking at a higher density commercial and residential precinct not dissimilar in some ways to The Glen in Glen Waverley. I am most certainly not opposed to development of this kind, but it does need to be done in a way that consults local people and as far as possible not only keeps but enhances local amenity. My question to the minister is: will he seek to work with local government to ensure that this process is done in that way?

NORTHERN VICTORIA REGION

Mr GEPP (Northern Victoria) (12:50): My constituency question is for the Minister for Mental Health regarding the election commitments made by the Andrews Labor government ahead of the 2018 state election to undertake a royal commission into Victoria’s mental health system. The royal commission is a once-in-a-generation opportunity to fix a broken system and to save and improve the lives of Victorians affected by mental illness. The royal commission released its interim report on 28 November 2019, providing a range of immediate recommendations that we are already getting on with implementing. Last year’s state budget provided $868.6 million to deliver on the interim recommendations and ensure that services are supported as we recover from the COVID-19 pandemic. The final report from the royal commission was handed down this week, with the Andrews Labor government already committing to implementing every single recommendation. Can the minister update me on what my constituents in the electorate of Northern Victoria can expect following the final report being tabled and what they will benefit from in the final report?

WESTERN VICTORIA REGION

Mr GRIMLEY (Western Victoria) (12:51): My question is to the Minister for Health. My matter relates to specialist funding for Colac Area Health alcohol and other drug services. Since 2011 when healthcare reforms changed the way that regional health centres are funded, Colac Area Health has been worse off. Further, due to the state recommissioning of AOD services in 2014, funding has again been stretched. Colac Area Health are hoping to expand their team of drug and alcohol specialists, and therefore they are offering a prevention program. Specifically they are hoping to have a new AOD specialist to conduct alternative therapies that have proved to be very effective, such as nature therapy. Ideally this would also cover some funding towards commercial cleaning of a client’s home or a one-off payment of a client’s pharmacy bill to ensure that they can get access to their medications when living independently. These are small but cost-effective ways of making sure AOD programs are maximised in terms of their success rate. My question is: will the government explore funding opportunities for specialists to assist those affected by alcohol and other drug addiction in the Colac area?

EASTERN VICTORIA REGION

Mr O’DONOHUE (Eastern Victoria) (12:52): My question is for the Minister for Education. My question is: will the minister meet with representatives of the San Remo community who are concerned about the lack of infrastructure to support the new school being constructed at San Remo? Last week I met with residents near the site of the new school at San Remo, specifically residents from Shetland Heights Road and Potters Hill Road, who are concerned that without adequate infrastructure such as footpaths, the sealing of these roads and an upgraded intersection at Potters Hill Road and Phillip Island Road—or the highway—there will be traffic chaos, there will be enormous dust and it will be unsafe for children to ride bikes or walk to school. Whilst investment in new schools is absolutely necessary, the government must do the full job and ensure the associated infrastructure in the surrounding communities is provided, and I would ask the minister to meet with a delegation of local residents.
CONSTITUENCY QUESTIONS

SOUTHERN METROPOLITAN REGION

Ms TAYLOR (Southern Metropolitan) (12:54): This question is for the Minister for Mental Health. The Andrews Labor government made an historic election commitment ahead of the 2018 state election to undertake a royal commission into Victoria’s mental health system. The royal commission is a once-in-a-generation opportunity to fix this broken system and to save and improve the lives of Victorians. The interim report from the royal commission was handed down in November 2019, providing a range of immediate recommendations that we are already getting on with implementing. Last year’s Victorian state budget, 2020–21, provided $868.6 million to get underway with delivering on interim recommendations ahead of the final report and ensure that services were supported post pandemic. The final report from the royal commission was handed down today, with our Andrews Labor government already committed to implementing every single recommendation. Can the minister update me on what my constituents in the Southern Metropolitan Region can expect following the final report having been tabled and what they will benefit from in the final report?

NORTHERN VICTORIA REGION

Ms MAXWELL (Northern Victoria) (12:55): My constituency question is to the acting Minister for Police and Emergency Services regarding the volunteer emergency services equipment program. Emergency service organisations are heavily reliant on this program to fund new equipment. For example, the Beechworth fire brigade are waiting on confirmation of funding for two ultralights, which I raised in Parliament last year and wrote about again to the minister after attending a meeting at Beechworth where the community highlighted the risk to their town without these vehicles. Similarly, the Koondrook CFA anxiously awaits news of funding for a replacement tanker. Their existing tanker is 32 years old, unsafe and in constant need of repair, and the list goes on for many other brigades. Minister, the VESEP grants are usually announced in January, and emergency services rely on this to plan their vehicles for the year. Given it is now March, could the minister please confirm when the VESEP funding will be announced?

NORTHERN VICTORIA REGION

Ms LOVELL (Northern Victoria) (12:56): My question is for Minister for Education, and it concerns the construction of a designated tech school in Greater Shepparton. There are currently just 10 tech schools in Victoria, where both students and teachers build skills in science, technology, engineering and maths, known as STEM skills. The building of a tech school was originally included in the Shepparton Education Plan, but the Andrews Labor government has now reneged on this promise and continually tries to pass off the enterprise and innovation hub at the school as a tech school. I invite the minister to google ‘tech schools’ in Victoria, and his own website will tell him tech schools are a link between schools and industry to provide innovative learning programs and are hosted by universities or TAFE colleges, giving students a taste of higher education and potential career pathways. Greater Shepparton would benefit enormously from a genuine tech school, and the necessary partners are keen to see one established. Will the minister commit funding in the upcoming 2021–22 state budget to construct a designated tech school in Greater Shepparton?

WESTERN METROPOLITAN REGION

Ms VAGHELA (Western Metropolitan) (12:57): My constituency question is for the Honourable James Merlino, the Minister for Mental Health. The Andrews Labor government made an historic election commitment ahead of the 2018 state election to undertake a royal commission into Victoria’s mental health system. The royal commission is a once-in-a-generation opportunity to fix this broken system and to save and improve the lives of Victorians. The interim report from the royal commission was handed down in November 2019, providing a range of immediate recommendations that we are already getting on with implementing. Last year’s Victorian state budget, 2020–21, provided $868.6 million to get underway with delivering on interim recommendations ahead of the final report and ensure that services are supported post pandemic. The final report from the royal commission was handed out today, with the Andrews Labor government already committed to implementing every
single recommendation. My question to the minister is: can the minister update me on what constituents in the electorate of Western Metropolitan Region can expect following the final report being tabled and what will they benefit from in the final report?

WESTERN METROPOLITAN REGION

Mr FINN (Western Metropolitan) (12:58): My constituency question is to the Minister for Roads and Road Safety. Last week I was driving down Bulla hill in Bulla when I saw a major danger to motorists. On the other side of the road there was a sizeable pile of sludge. If any motorist heading up the hill had driven around the bend to be confronted by this sludge and had actually hit it, a tragedy may well have occurred. The sludge was clearly spilt from one of the hundreds of trucks now ferrying building waste to the Hi-Quality landfill in Sunbury Road. This is not the first spill on the Bulla hill, and I greatly fear what lies ahead if they are allowed to continue. Minister, what action will you take to protect motorists in my electorate from these sorts of incidents?

WESTERN METROPOLITAN REGION

Dr CUMMING (Western Metropolitan) (12:59): My question is to the Minister for Transport Infrastructure in the other place. The state government has stated that 8000 jobs will be created by the airport rail link. Brimbank City Council would like to know how many of these 8000 jobs will be allocated to people from the west and what skills will be required. As the minister is aware, Melbourne’s west has been severely impacted in terms of health, wellbeing and employment as a result of lockdown restrictions due to quarantine failures. The west has also seen the closure of the automotive industry, the shipyards and now the Altona refinery. New jobs are urgently needed in the west, and the airport rail link is needed for job creation.

SOUTHERN METROPOLITAN REGION

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (13:00): My matter is for the Minister for Public Transport but is also of interest to the Minister for Police and Emergency Services, and it concerns the presence of PSOs on railway stations in my electorate of Southern Metropolitan. The coalition supported the moving of a number of PSOs in the urgent period of the COVID-19 crisis, but we were very clear that they needed to be moved back and that every suburban railway station and the large regional stations need to have PSOs there from 6.00 pm until dark or until the last train. I want the minister to undertake a stocktake and report to the chamber on the number of the stations in my electorate of Southern Metropolitan which have the PSOs restored. I know that it is not all of them, but I want it on all of them and I think most people do. We need safety on our public transport system. We cannot expect people to return to public transport unless they feel safe, so please do the stocktake and put people back onto our stations.

EASTERN VICTORIA REGION

Ms BATH (Eastern Victoria) (13:01): I have a constituency matter for the Minister for Planning in the other place, and it relates to a petition that I am about to submit to the house. The instigator of this petition is Maggie Jones from Hazelwood North, and it has 2355 signatures. It is in relation to the used lead acid battery recycling facility that the minister has called in—to override due process, to override the council, to override a current VCAT proposed hearing—and the constituents ask for the minister’s calling in to be revoked and to make sure the health and wellbeing of this community is made front and centre rather than making a captain’s call without consulting the community and without doing the right thing by the environment.

WESTERN VICTORIA REGION

Mrs McARTHUR (Western Victoria) (13:02): My question is for the Treasurer and relates to the City of Geelong’s long-term ambition to create a northern aquatic and health hub at Waterworld in Norlane. Council has committed $20.6 million to the project and has already spent more than $2 million in preparatory work. It really is shovel ready. The investment would bring huge health,
social and economic benefits to Corio, North Shore and Norlane. It is a top priority for Geelong and has been in the planning since 2015. Local member Mr Eren’s excuse last time around was:

The biggest enemy of (the project) has been its lack of preparation …

Well, if that was ever true, it certainly is no longer. So my question is: will the Treasurer commit to supporting North Geelong in his next budget?

**SOUTH EASTERN METROPOLITAN REGION**

Mr TARLAMIS (South Eastern Metropolitan) (13:03): My constituency question is for the Minister for Mental Health, the Honourable James Merlino, MP. The Andrews Labor government made a historic election commitment ahead of the 2018 state election to undertake a royal commission into Victoria’s mental health system. The royal commission is a once-in-a-generation opportunity to fix the broken health system and save and improve the lives of Victorians. The interim report from the royal commission was handed down in November 2019, providing a range of immediate recommendations that we are already getting on with implementing. Last year’s Victorian state budget for 2020–21 provided $868.6 million to get underway with delivering on interim recommendations ahead of the final report and to ensure that services were supported post pandemic. With the final report from the royal commission having been handed down earlier today and the Andrews Labor government already committed to implementing every single recommendation, can the minister update me on what constituents in my electorate of South Eastern Metropolitan Region can expect following the final report being tabled and what they will benefit from in the final report?

Mr Atkinson: On a point of order, President, I wonder if you could just recirculate the definition of what a constituency question actually is. There have been quite a number today that are clearly not constituency questions, particularly those ones that have used prepared notes which basically cover exactly the same thing, which goes very much to the evidence that they are not constituency questions. They are dealing with a broad matter rather than a specific matter for their electorate. Now, I have not pulled up on it, and I do not want to diminish the importance of the contributions made by individual members today, because this mental health decision, the report, is a very important one and we should all be very concerned about it. I think that it might well have been better prosecuted by a motion in this place and a full debate in this place rather than by trying to corrupt the constituency question process to get across points.

The PRESIDENT: Thank you, Mr Atkinson. I was just preparing to get up on my feet and talk about constituency questions before Mr Atkinson raised a point of order. I am not pointing my finger at anybody, but I have allowed a lot of questions to go through, whether it was today, the previous sitting day or the day before. I thank Mr Atkinson for his point of order. We will recirculate to members what the purpose of a constituency question is: it is relating to their electorate. You can name a place. I do not want to talk about it further. We will circulate it, and we will follow it up.

**Petitions**

Following petitions presented to house:

**LATROBE VALLEY BATTERY RECYCLING PLANT**

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the planning approval of a Used Lead Acid Battery recycling facility in Hazelwood North, Gippsland.

The approval of the planning permit by the Minister for Planning has truncated the community’s right to a fair, transparent and democratic approval process. This action has undermined 18 months of community consultation and is against the express wishes of the community and the Latrobe City Council. An open court case in Victorian Civil and Administrative Tribunal was due to be heard in April 2021. The intervention has prevented this from proceeding.
The Victorian Government made a commitment to prioritise the needs of the Latrobe Valley community, making it the first Health Innovation Zone in Australia. The development of a secondary lead smelter contradicts this commitment.

The secondary lead smelter has been approved to emit up to 54kgs of lead every year. This will fall directly on local primary schools, a playgroup, residential homes, main roads, existing businesses and agricultural land. The project poses an unacceptable health risk to the Latrobe Valley community, jeopardising the health and wellbeing of future generations through exposure to lead emissions and contamination of our air, soil and water. There is no safe level of lead that is not harmful.

The petitioners therefore request that the Legislative Council call on the Government to revoke the planning approval for the Used Lead Acid Battery recycling facility in Hazelwood North and prioritise the health, safety and wellbeing of Hazelwood North residents and the Latrobe Valley community, honouring their Health Innovation Zone commitment.

By Ms BATH (Eastern Victoria) (2355 signatures).

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

Legislative Council Electronic Petition

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that the broad, sweeping powers granted under the current State of Emergency were never intended or designed to be used for an extended period of time, for extremely good reasons.

After 12 months there is no justifiable reason the Government is not able to legislate more exact and minimal powers designed to deal specifically with the situation at hand, especially given their recent public statements that they have no plan to end the restrictive measures in the near future.

It is also of great concern that the Government has failed in its responsibility to table in Parliament documents that the Legislative Council called for on 2 September 2020, 16 September 2020 and 30 October 2020. The Council has clearly called for more transparency around decisions made under the State of Emergency. With the Government using unprecedented powers, the public deserves to know on what basis these decisions are made.

The Government should not be calling for an extension of these powers while disregarding democratic transparency.

The petitioners therefore request that the Legislative Council vote against the Public Health and Wellbeing Amendment (State of Emergency Extension) Bill 2021.

By Mr LIMBRICK (South Eastern Metropolitan) (7626 signatures).

Committees

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 3

Mr GEPP (Northern Victoria) (13:07): Pursuant to section 35 of the Parliamentary Committees Act 2003, I lay on the table Alert Digest No. 3 of 2021 from the Scrutiny of Acts and Regulations Committee, including appendices. I move:

That the report be published.

Motion agreed to.

Mr GEPP: I move:

That the house take note of the report.

Mrs McARTHUR (Western Victoria) (13:08): I would like to raise a couple of points relating to Alert Digest No. 3 of the Scrutiny of Acts and Regulations Committee (SARC) report, and specifically
I raise the issue of ministerial correspondence with the committee, which I had reason to raise at an earlier sitting. It is good to note from the digest that we have now had some long-overdue responses. The Treasurer wins the prize with an 11-month delay, followed by the Premier at six months and four months. I understand the Minister for Health may now have responded to a five-month delayed request due for tabling in the committee’s next digest. Of course I am sure this flurry of replies is unrelated to the matter being raised on the floor of this house recently or the notice of motion I put down last month.

But in all seriousness it is good to at least have these replies, and in that respect I am grateful to the Attorney-General for expediting her response on the Change or Suppression (Conversion) Practices Prohibition Bill 2020, which seems to have begun this avalanche. At least she can honestly date a letter. As eagle-eyed members will notice, in the footnotes to appendix 3 of Alert Digest No. 3 the Treasurer’s response to the committee’s letter on the North East Link Act 2020 from March 2020 was dated 27 April 2020 but not in fact received until 4 February 2021. Similarly, the Premier’s response to SARC’s 2 June letter on the COVID-19 Omnibus (Emergency Measures) Act 2020 dated 29 June 2020 was not received until 9 February 2021. Did they get lost in the post? The Premier and Treasurer might have scant regard for the deliberations of this Parliament, but surely it cannot have taken eight and 10 months respectively to work out how to get a letter over here. I will leave members to draw their own conclusions as to what this mysterious misdating says about the values of the Premier’s and Treasurer’s offices, to say nothing of the delay in the first place.

Now, without wishing to seem ungrateful, I need to raise another point. As the notice of motion I mention stated, the committee’s correspondence with ministers— (Time expired)

Motion agreed to.

Papers

Tabled by Acting Clerk:

Inquiries Act 2014—Royal Commission into Victoria’s Mental Health System Final Report (six documents) (Ordered to be published).
Planning and Environment Act 1987—
Notices of Approval of the following amendments to planning schemes—
Glen Eira Planning Scheme—Amendment C222.
Greater Geelong Planning Scheme—Amendment C366.
Melton Planning Scheme—Amendments C216 and C226.
Moyne Planning Scheme—Amendment C73.
Statutory Rules under the following Acts of Parliament—


Business of the house

NOTICES

Notices of motion given.

Notices of intention to make a statement given.

GENERAL BUSINESS

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (13:17): I move, by leave:

That precedence be given to the following general business on Wednesday, 3 March 2021:

(1) the notice of motion given this day by Mr Davis to revoke, in part, amendment VC190 to the Victoria planning provisions;

(2) notice of motion 502 standing in the name of Mr Meddick on companion animals in family violence;

(3) the notice of motion given this day by Mr Meddick on the production of documents relating to the decision to kill kangaroos for human consumption;

(4) the notice of motion given this day by Mr Davis on the impact of COVID-19 on small retail and other businesses in Melbourne’s strip shopping centres; and

(5) the notice of motion given this day by Mr O’Donohue on investigating the occupational health and safety risks and corresponding responsibilities for duty holders within the hotel quarantine program.

Motion agreed to.

Committees

ECONOMY AND INFRASTRUCTURE COMMITTEE

Membership

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (13:18): I move, by leave:

That Ms Lovell be a participating member of the Standing Committee on the Economy and Infrastructure.

Motion agreed to.

Members statements

FITZSIMONS LANE—MAIN ROAD, ELTHAM

Dr BACH (Eastern Metropolitan) (13:19): Well, the bulldozers have already rolled across many precious trees that were previously in the middle of the Fitzsimons Lane roundabout in Eltham. Ultimately the Labor government is seeking to replace this roundabout with a sprawling, unnecessary, tree-destroying, MCG-sized monstrosity that has met with fierce community opposition, and that is quite right too. I have been inundated with correspondence from concerned locals who love Eltham because of its amenity. Now, I know that the Labor member, Vicki Ward, has also been inundated with correspondence. Fortunately for the good people of Eltham Ms Ward wears two hats: she is both the local member and the Parliamentary Secretary for Transport. But the trick when wearing two hats is to ensure that one does not have two faces, and on this measure Ms Ward fails. Publicly she says this is a much-needed upgrade, and yet in correspondence leaked to me she says, and I quote:

I have pushed back against the MRPV and the Minister’s office a great deal …

She opposes the scheme. So in a letter, the response to which is delayed—nowhere near as delayed as other correspondence we have heard about today—I sought, well, first and foremost for Ms Ward finally to engage with residents who feel totally ignored by her and also to release a whole series of
important documents to at least seek to show to her constituents why she has one view in public and an entirely different view in private. Again, I would use this forum to seek to ask her to do just that.

**STUDENT MENTAL HEALTH**

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (13:21): Teachers know that some of their students will experience mental health issues during their school career, and many of those young people will need expert assistance to help them to be well enough to focus on learning. Early mental health intervention is crucial, and students and their families do need help to access and coordinate services beyond school as well as on-the-spot counselling. Rural and regional families have found these challenges especially difficult, so I am very pleased to see the progress being made in rolling out the mental health support for schools across the state.

In western Victoria by the end of last year 33 secondary schools and campuses had recruited qualified practitioners to work with and support students. These include psychologists, mental health nurses, social workers and occupational therapists. This year another 30 schools in western Victoria and especially in the south-west will recruit practitioners, and all specialist schools with a secondary component are part of the program. It is also great to note that several western Victoria primary schools are part of a pilot program where a trained teacher will coordinate mental health and wellbeing initiatives. These are fantastic programs, and they are complemented by anti-bullying and schoolwide positive behaviour initiatives, plus allied health support.

This government is committed to improving the mental health system in this state, made very evident by the comments of the Premier this morning. We want to give all of our children and young people the very best opportunities to start a great life in this state.

**LOUD FENCE**

Mr GRIMLEY (Western Victoria) (13:22): I rise today to give my support for Loud Fence and the broader victim-survivor community. I wear a Loud ribbon on my lapel today, as does Ms Maxwell, my colleague, to signify my ongoing support to those who have experienced child sex abuse and indeed survivors of any sexual assault, something that no-one should ever, ever experience. But these brave survivors are continuously standing in solidarity beside one another, tying ribbons to fences, signalling their ability to speak out about their experiences and help others come forward. This is especially important currently as we are seeing distressing scenes in our federal Parliament, with MPs seemingly denying they knew about alleged rapes within their parliamentary halls until the media were involved. It sounds all too familiar to these survivors, many of whom have spent years having their claims denied and hushed by those in superior positions to them. I say today that we support you, and Derryn Hinch’s Justice Party will always stand by you. If and when you speak up, we will listen.

**FOX FAMILY**

Mr O’DONOHUE (Eastern Victoria) (13:23): An interesting article in the Age over the weekend quotes senior Labor figures as saying the Fox family is the Premier’s ‘go-to billionaire’. It also said:

On his own side of politics there are concerns that his special relationship with one of Australia’s richest and most influential families is clouding his political judgement and potentially compromising his government.

It goes on to say:

Victorian Premier Daniel Andrews has declined to say how many times he visited the Fox family in recent months.

There is no dispute that Andrews is a regular and welcome visitor to the Fox’s den. The most recent occasion The Age is aware of was January 9, two days after Andrews returned to work from a short summer break.

The Fox family have made an enormous contribution to Victoria’s economy and indeed Australia’s economy, championing efficiencies in logistics and transport and a range of other industries. But at a
time when the Fox family has an application to extend their landholdings in Portsea because of sand accretion in front of their current landholdings, it is critical that the Premier be transparent, be clear and be up-front about whether this issue has been discussed when the Premier has been at that location, at the Fox family’s compound in Portsea, as he has many, many times—that he be transparent about any undertakings he has made, because this is an issue of public importance. The close relationship between the Fox family and the Premier is clearly known, and Victorians must have confidence in the transparency of these title transfers that the Fox family and others are seeking to make.

RUMBALARA FOOTBALL NETBALL CLUB

Mr GEPP (Northern Victoria) (13:25): I was delighted that the Minister for Aboriginal Affairs, Gabrielle Williams, was in Shepparton on 11 February to visit the wonderful Rumbalara Football Netball Club to announce an incredible $882 000 grant for new netball courts and other associated improvements at the club, featuring two new courts with fencing and lighting and significant safety improvements for players, officials and visitors. The footy oval itself will also undergo a makeover. On top of this an estimated 30 direct jobs will be created during construction, which will also help establish the club as the northern campus of the Munarra Centre for Regional Excellence. It will also see at least 10 per cent of all construction hours undertaken by apprentices, trainees and cadets as part of the Andrews Labor government’s Major Project Skills Guarantee. The Rumbalara Football Netball Club is a great community hub in Shepparton, so much more than just a sporting facility, which is why this transformative funding will go such a long way.

COMMUNITY FOODSHARE

Mr GEPP: On another matter, I am also delighted to announce that Mildura foodshare will receive a total of $646 774 in funding for operational capital projects. The Sunraysia Mallee Ethnic Communities Council hosts and operates Mildura foodshare, which has been in operation for 40 years, running many services in partnership with council and local community health organisations. I commend them on the work that they do.

MURRAY- DARLING BASIN PLAN

Mr QUILTY (Northern Victoria) (13:26): Last week I attended a conference in the beautiful northern Victorian town of Rutherglen, titled ‘The Future of the Murray Darling Basin—Lessons from History 2021’. The Murray-Darling Basin plan has been a noose around the necks of farmers and their communities for nine long, frustrating years. It has been almost impossible for those being crushed by the plan to make their voices heard. I have heard from many irrigators who are not able to survive because there is not enough water to go around. I have seen for myself the damage caused by forcing too much water down the Murray River to meet environmental flow demands. There is a growing rage that governments across the Murray-Darling Basin at state and federal levels are simply not listening. The science behind the current plan is wrong.

We heard that for the last 7000 years the estuarine lower lakes have almost never been fresh—brackish when not plain sea salt—and so 16 050 gigalitres of water has been wasted annually to destroy the natural environment, and with rising sea levels varieties are doomed in any event. We heard that the Ramsar conventions are not the barriers for effective management of the wetlands that we are told. We heard that the current plan is failing Indigenous communities and their traditional cultures and that the flood plains harvesting on the Darling has swallowed the entire river. Every person who attended—farmer, academic, economist, politician, business owner—shared the same belief: the Murray-Darling Basin has no future under the existing plan. Yet we have no political will for change. The Murray River and the communities along it need action, and they need it now.

SHEPPARTON GREYHOUND OF THE YEAR AWARDS

Ms LOVELL (Northern Victoria) (13:28): Recently I joined City of Greater Shepparton mayor Kim O’Keefe and other special guests at the annual Shepparton Greyhound of the Year awards to celebrate the 2020 season. Congratulations to Tony Duncan, from Harston, who was awarded the
club’s prestigious Trainer of the Year award. It was a special night all round for Tony, with his dog All Inn Ava crowned Greyhound of the Year. A special congratulations to Vicky Hope and Brian Fothergill, who were both honoured with life memberships for their outstanding service to the Shepparton Greyhound Racing Club. I would like to thank manager Carl McGrath and the club’s committee for the invitation to what was a great celebration of the local greyhound industry.

**BEN OKELY**

Ms LOVELL: It was an honour to recently attend and speak at a very special presentation of the prestigious Queen’s Scout Award to Shepparton teenager Ben Okely. The ceremony was held at the Kialla Scout hall, and it was particularly special for Ben to be presented with his award by Lord Michael Baden-Powell, who attended with his wife, Lady Joan Baden-Powell. The Queen’s Scout is the highest award in Scouting, and Ben’s award recognises his exceptional leadership skills, developed through his years with 1st Kialla Scouts. Ben’s leadership skills are also being put to great use as a school captain of the Greater Shepparton Secondary College and have also been recognised through two nominations in the 2021 7NEWS Young Achiever Awards. My sincere congratulations to Ben, and I wish him all the very best for his future.

**ROYAL COMMISSION INTO VICTORIA’S MENTAL HEALTH SYSTEM**

Ms GARRETT (Eastern Victoria) (13:30): I rise today, on this historic day, to commend the report and recommendations of the Royal Commission into Victoria’s Mental Health System. As has been identified today, the government made a commitment to listen to the lived experience of those who have suffered or who live with sufferers of mental illness. Importantly, organisations and individuals were encouraged—and I am glad Ms Shing is here, because she did so much work on this—to make submissions.

I just want to touch on a couple of those organisations. Good Shepherd Australia New Zealand, who operate support services in Hastings in Eastern Victoria, wanted the quality of support for women and girls improved, awareness raised about women’s and girls’ mental health and the timeliness of mental health interventions enhanced. Similarly the Health and Community Services Union, that wonderful union, sought the reduction of barriers confronting graduates looking to join the allied health professions, the facilitation of pathways between mental health services and other services and improved access to support services. Together, submissions from Good Shepherd, HACSU—with which I know Ms Shing has a long relationship—and individuals have helped inform the final report and recommendations. The commitment to deliver on each and every one of those recommendations means that these voices have indeed been heard and that these recommendations absolutely go to the heart of the issues that need to be addressed. I proudly, as a member of the government, acknowledge the significance of this final report.

**COVID-19**

Mr HAYES (Southern Metropolitan) (13:31): ‘State of emergency’, ‘lockdown’, ‘curfew’, ‘ring of steel’, ‘businesses shut’, ‘schools closed’ and ‘regional Victoria locked down’ are now terms familiar to us all. Three lockdowns were all due to Victoria’s importation of COVID-19 and the hotel quarantine bungling. Unbelievably the Morrison government, under the guise of perceived skills shortages, wants to ramp up immigration. Before one visa is granted should we not look at our own population and those on JobSeeker to fill the perceived workplace shortages? Our health is already at risk from our international borders. We have been told that only just over half of arrivals into Victoria in the six months to December 2020 were in fact returning Australian citizens. The rest were non-citizens—nearly half. Does the public know this? The push to open our international borders in a world of imperfect quarantine control simply risks our hard-earned COVID-free Victoria—and for what? Firing up the population Ponzi scheme burdens our cities with more infrastructure costs and reduces the bargaining power of Australian workers, lowering wage growth and keeping unemployment high. In Victoria over 300 000 people are on JobSeeker payments. Importing people will not decrease this number, it will only put us at risk of more COVID-19 outbreaks and closing state borders.
MEMBERS STATEMENTS
Tuesday, 2 March 2021
Legislative Council

WEST GATE TUNNEL SOIL

Mr FINN (Western Metropolitan) (13:33): The people of Melbourne’s west are keen to know the answer to one question: what the hell is going on with the West Gate Tunnel? The project has been cursed from its exceedingly dodgy conception. Let us not forget that Daniel Andrews was out telling the electorate about the $500 million western distributor—’shovel ready’ it was, you might recall, Mr Davis. At the same time he was doing a deal with Transurban to build the white elephant currently under construction. That is shysterism. The cost of this project has blown out by billions, and now it is two years late. I fear to think what the cost will be if this thing is ever finished.

Traffic havoc in many parts of the western suburbs is now a way of life as a result of the construction. It surely is only fair that locals are told how much longer they will have to put up with this. The toxic soil debacle is ongoing. Both the government and Transurban knew of the toxic soil issue years ago but did nothing. Now we see people in Ravenhall, Sunbury, Bulla and Bacchus Marsh expected to cop this poisonous crap in their neighbourhoods. And do not get me started on the role of the EPA in all of this. It is just an outrage. We deserve answers on this flawed project and its disastrous construction. The Andrews government has a responsibility to provide those answers.

VIETNAMESE COMMUNITY

Dr KIEU (South Eastern Metropolitan) (13:34): The past year presented many people and communities with great adversity. During these turbulent times I have been delighted to see people come together in solidarity across Victoria. I was particularly pleased to hear about the efforts of the Vietnamese community in their selfless and tireless effort to create and donate masks to the community. Indeed, early in 2020 a local organisation called Veducci led by Ms Kym Lee produced and distributed a number of cloth face masks to several hospitals and people in need. More recently a group of mainly volunteers coordinated by Ms Phuong Huynh has also supplied the community with almost 150,000 masks. The selfless work of these organisations, including the Quang Minh Temple led by the abbot, Thich Phuoc Tan, and Dr Nhan Pham, have helped to save lives, protect families and ensure that the broader community has remained safe and healthy over the course of the coronavirus pandemic. These are only a few examples from the community which serve as a testament to the selflessness and perseverance of groups and people across the state.

I want to take this opportunity to thank all those who worked to make and donate protective masks and PPE to the community. Your generosity, support and invaluable contribution to our diverse community give us hope for a brighter and safer future as we work towards a new COVID normal.

INTERNATIONAL WOMEN’S DAY

Dr RATNAM (Northern Metropolitan) (13:36): As we near International Women’s Day 2021 I cannot help but reflect on the moment that we are in as members of an institution that is in the spotlight for all the wrong reasons at the moment. The culture that has pervaded the halls of parliaments in terms of how we as women are treated needs to be named and changed. My heart is bleeding for the women and their supporters who are in the centre of the storm in Canberra. I pay tribute to their courage, and I share the anger felt by women across the nation. The prime minister and his colleagues are failing women everywhere.

It is not long ago that women were not counted at all in our parliaments. You just have to look at that portrait galley in Queen’s Hall to recognise that women have been systematically excluded from positions of power and decision-making. For too long our opinions counted for less, our issues were seen to be frivolous and we had to fight for the right to vote. But things did change. There are more of us in here now. But you just have to see what is happening in our federal parliament to know that there is so much more work to do. Women should not be preyed upon, assaulted, discriminated against and made to feel afraid to speak up, but we are. It is time for change. This International Women’s Day let us all commit to naming this culture and changing it.
PUBLIC TRANSPORT CONTRACTS

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (13:37): Today I want to draw the chamber’s attention to the extraordinarily fat bonuses provided by this government to the Metro group and to Yarra Trams. Both of our franchise operators were beneficiaries of new contracts under the Andrews Labor government in 2017. These are Daniel Andrews’s own contracts—his contracts extending the life of these franchises—but he said there were tough new conditions. Now, the tough new conditions were never met, and in the case of Metro in 2019 they never met the conditions once—the punctuality achievements that are required to get the bonuses.

Now, of course, when COVID has hit everyone has gone off the trains and people are not on the trains in anywhere near the same number, and they have been able to meet their targets. So a consequence of COVID is that Metro has been reaping fat bonuses, but it is a time when there is no-one on the trains. As I said in the paper the other day, this is like that Yes Minister episode in the Midlands hospital which was able to meet all its benchmarks, except it did not have any patients. This is the same story here. Metro has not been able to meet its targets when there are passengers—large numbers of passengers. So we want to see passengers returned, we want to see PSOs as part of that, we want to see punctuality achievements, and the new timetable does little on that. It actually cuts out a number of stations and forces longer travel times. But either way, fat bonuses—(Time expired)

COVID-19

Ms CROZIER (Southern Metropolitan) (13:39): ‘Early on, Brett wasn’t always at meetings where all these decisions were finalised’. I am quoting from an article in the Herald Sun that gives an account of what ministers and insiders from senior levels of government and from the Department of Health have told reporters. They are of course referring to the chief health officer, and Daniel Andrews is always telling Victorians that the decisions he is imposing on Victorians are based on the advice from the chief health officer. But we know that there are other health experts who are also making commentary around the pandemic and how things could be managed better.

The reason I am referencing this article in this members statement is because the report gives insight into just how the Premier, the government and the health department have been operating throughout the pandemic. It is no wonder that the Liberal-Nationals have never received the advice that has repeatedly been requested. Decisions that have shut down an entire state for just 13 community cases in six local government areas, the breaches in hotel quarantine, the catastrophic failures in contact tracing—the list goes on and on. But the appalling display by the Premier, three ministers and the 10 bureaucrats at the Coate inquiry was absolutely an affront to decency in this state and how they should be held accountable.

What is also telling in this article is that, and I quote:

The advice is not what comes out of Premier Daniel Andrews’ mouth at the end of the day, but it is always a compromise.

According to a source, it goes on to say, and I quote again:

The Premier steps in to try and spin the story when he wants to, but will hide behind the chief health officer on other occasions.

Our democracy is weakened because of this ongoing quest for ultimate power, the ongoing spin and arrogant disregard for decency by a man who is owned by billionaires and union masters—(Time expired)

ALTONA REFINERY CLOSURE

Dr CUMMING (Western Metropolitan) (13:41): I speak today about the closure of the ExxonMobil refinery in Altona. I am concerned at the loss of 300 jobs, and I hope that the government will work with Exxon to find employment for workers. A task force could be established similar to the very successful ones that have been set up for the automotive workers. Over the 70 years the refinery has been in operation it has provided thousands of local families with financial stability,
security and homes to raise their children in. Employees and their families have been part of the ExxonMobil family, with a strong sense of pride and belonging to something much bigger than themselves. Many have worked there for 10, 20, 30, 40 and even 50 years—long-term, stable employment. A plan is needed for the site and a local long-term plan for job opportunities for these employees and others within this area.

Business of the house

NOTICES OF MOTION

Ms TAYLOR (Southern Metropolitan) (13:42): I move:

That the consideration of notices of motion, government business, 403 to 447, be postponed until later this day.

Motion agreed to.

Bills

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

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) (13:43): I rise to make a contribution to this Public Health and Wellbeing Amendment (State of Emergency Extension) Bill 2021, and in doing so I indicate that the opposition is very unhappy with the shape of this bill and very unhappy with the government’s approach to COVID-19 management under the state-of-emergency model. It is not necessary to use this model. The government has had plenty of time to develop a separate and structured model with proper rights and protections in place, proper arrangements in place, that could have offered a way forward. The opposition and others in the chamber indeed have offered support for such an approach.

The claims by the government that it could not implement hotel quarantine are simply not right. There has been plenty of time to develop legislation that would have provided specific heads of power for those hotel quarantine arrangements. And indeed in New South Wales a different model has operated—a much more successful model, I might add. Many more thousands of people have been managed through hotel quarantine in New South Wales than in Victoria, and now I note the fear of the hotel quarantine program in Victoria leaching out further cases, as has happened now on a number of occasions, most spectacularly in the middle of last year when ultimately the failure of hotel quarantine and the failure of the contact tracing in this state led to the deaths of 801 people who would otherwise not have died.

So it was a disgraceful failure of public policy under this government—and indeed in the recent outing, when the government allowed again the bugs to escape from hotel quarantine and cause trouble in the community. We saw the sharp five-day lockdown, again in contrast to New South Wales. They have been able to manage significant outbreaks in significant areas of metropolitan Sydney and did that with the Northern Beaches cluster very successfully—not easy, of course, but requiring significant efforts of contact tracing and significant arrangements to be put in place. That is not the case here in Victoria. The government always resorts to harsh lockdowns, harsh closures and massive damage to business and the mental health of the community—children, the closures of schools and so forth—when alternative models are available. If the government had in place proper contact-tracing arrangements, we would be able to manage these things more appropriately. If the government had in place better hotel quarantine arrangements, we would have been able to manage these arrangements more appropriately—if the government had in place a proper regime that did not require a state of emergency to be declared with the extraordinary and unmitigated powers the government seeks under
that state of emergency. The unaccountable and unmitigated powers that they seek under the state of emergency is the wrong way to go and the wrong approach.

If possible, with the clerks, I would appreciate circulation of the amendments that the opposition will propose to this bill, and I will come back to those in a moment.

**Opposition amendments circulated by Mr DAVIS pursuant to standing orders.**

Mr DAVIS: I am thankful for the government belatedly bringing forward amendments early this morning. It is the opposition’s view that the government could have brought a different model to the chamber. The government could have brought a model that enabled it to have sufficient powers, including hotel quarantine or home quarantine arrangements that would have managed those risks in a sensible and thoughtful way. The opposition and others have offered support for that approach, but we are increasingly troubled about the reliance on open-ended or almost open-ended states of emergency as an attempt to give the Premier and his cohort even more power and more authority to make snap decisions, decisions that are not properly consulted, decisions that are not part of what you would think is the reasonable practice of government. Now, I understand the need for certain snap decisions with a virus like COVID-19, but the Premier has used that as his only tactic and his always tactic: it is always ‘We will close this down; we will lock this down’. There is never a thoughtful approach.

I have to say this chamber has ordered the release of the briefings that are available with each and every health decision, each and every health order that is made. The health orders are often put up late, and we understand that there is sometimes haste about that. But it is very difficult for businesses and for community groups to keep in touch with the arrangements that are in place and often put up late at night for implementation over the weekend. The five-day lockdown recently was a case study in this, where indeed at 11.59 pm the rules changed, but people who had events and all sorts of things planned across the weekend were obviously scrambling to understand what the orders were, to actually see the precise words. And often what is said in the press conference is not precisely accurate and is not precisely what the legal definitions as they relate to the orders deliver.

So the community want to see a more systematic process, they want to see a calmer process, they want to see a process where there is more consultation and they want to see a transparent process. The Public Health and Wellbeing Act 2008 has at its core, in its objectives, accountability, consultation, transparency and proportionality, and all of these are being flouted by the government routinely. The chamber has ordered the release of the briefings provided to the Minister for Health and to the chief health officer. The chief health officer has refused to provide them. The minister has refused to provide them. The Leader of the Government here has refused to provide them. At a separate briefing the other day I asked the chief health officer to provide the written briefings on each of his health orders. He was silent on that. I asked the minister the same question. The minister refused to engage properly with that question, and I can only believe that this is because the briefings are not satisfactory or otherwise in some way there is something there that they do not want in the public domain.

The Premier at a press conference recently tried to say that there were no briefings, and yet in the most extraordinary set of conversations in response to Rachel Baxendale’s questions last Friday he tried to argue that the order itself was the briefing. Well, that is not right, and it is not what his department says. For example, in an FOI on the curfew they say that they have a document but they will not release it. This is the case where the Premier says the document does not exist, but his own department says it does exist but ‘We’re not going to provide it to you anyway’. So that is now at VCAT and proceeding in the way that most of the FOIs on these matters are proceeding.

At the Department of Health they have blocked the release of any and all briefings to the minister, any and all briefings to the chief health officer. Why on earth would you do that given the transparency and accountability and proportionality and the consultation that are at the heart of the Public Health and Wellbeing Act in its objectives? Why would you do that given the objectives of the Freedom of
Information Act 1982? What on earth is there in those briefings that is so secret that the government cannot provide it? When there is a general public health order being made and promulgated by the chief health officer or their delegate it is improbable that there is highly personal information in there. It is improbable that there is commercial information. It is improbable that there is other information that needs to be kept secret. The government might try and say they are cabinet documents. Well, no, they are not cabinet documents, because the chief health officer or their delegate has to make these decisions on their own, separate from cabinet. They can make these decisions quite separate from cabinet. They are not cabinet documents; they are documents that are required to exercise powers under the state of emergency and under the Public Health and Wellbeing Act.

I say these documents should be released, I say they should be in the public domain and I say it is absolutely outrageous—it is a scandal—that the government is not prepared to release these documents. I say that if they are locking down businesses for five days and community groups for five days and households and schools for five days as they did in that recent lockdown, people are entitled to see the reasons in full in a structured, proper document. People are entitled to see why their business is closed. People are entitled to see why their children are not going to school. It is not enough for the Premier to attend a press conference and it is not enough, where there are formal documents behind these decisions, for these documents to be hidden. The process is shambolic, I have to say, and the government process is getting worse and worse as time goes on.

I am thankful to the Victorian Ombudsman for her report of December 2020. That report I think bells the cat on the behaviour of the government and the most extraordinary sequence of events that occurs with many of these health orders, where it is in the Premier’s office and in the legal sections where many of these orders are made and decided, not in the mind of the chief health officer or their delegate. I think it is worth drawing the chamber’s attention at length to the executive summary at page 13, point 20 on the lockdown of the towers of the public housing residents, the hard lockdown in July 2020. It is worth quoting this at some length with the indulgence of the house:

20. During the early afternoon of 4 July 2020, the Deputy CHO was informed that a decision had been made to bring forward the quarantine and testing operation.

She was told, although under the act if she is acting in that position, it is actually her decision, no else’s decision.

Directions were to be made under the Public Health and Wellbeing Act and announced at a Victorian Government press conference that afternoon.

21. An inter-agency Emergency Management Team meeting was convened at approximately 2.30 pm to plan for the imminent intervention.

22. The Deputy CHO was later emailed proposed public health directions relating to the operation, while travelling by car to the location of the press conference.

I mean, this is an absolute outrage. This is a serious experienced public health professional who is being treated like a juvenile by government boffins inside and the Premier’s people, who are controlling the thing from go to whoa in total opposition to the shape of the act and the way it should be operating. At 23 it says:

Under the proposed directions prepared by DHHS’s Legal Services team, nearly 3,000 public housing residents were to be immediately detained to their premises for an ‘initial detention period’ of 14 days.

This is an extraordinary intervention. This is draconian of the highest order. At 24 it says:

This was to be the first use of emergency detention powers to manage an outbreak of COVID-19 within the Victorian community, and the first ‘hard lockdown’ of a high-density residential building anywhere in Australia in response to the global pandemic. There were no Victorian or Commonwealth guidelines relating to such an intervention. The human rights implications of the decision were extraordinary and required careful consideration.
Absolutely, I would say. At 25 it says:

The press conference announcing the operation was scheduled to begin in less than 15 minutes.

At 26 it says:

The proposed directions were accompanied by a brief relating to the COVID-19 pandemic and a 15-page human rights assessment.

These are the briefs that the Premier says do not exist. The Ombudsman has seen them. He is a liar. The latter did not meaningfully address whether any less restrictive alternatives were available in the circumstances, nor did it explain why DHHS considered it necessary to detain residents immediately and without warning.

At 27 it says:

The Deputy CHO reviewed the human rights assessment and signed the proposed directions before immediately joining the press conference. She was ‘not entirely’ comfortable with the process observed on the occasion. This was the shortest period she had ever been provided to consider the human rights impacts of proposed directions relating to the COVID-19 pandemic. While convinced of the need to impose additional public health restrictions at the outbreak sites, she would have preferred an opportunity to consult with multicultural community leaders—
as is required under the act—

and further time to discuss the available options.

At 28 it says:

Later, given the opportunity to reflect on the severity of the intervention, the Deputy CHO told the investigation she was not convinced delaying the lockdown by a day would have made a ‘ hugely significant’ difference to containing the outbreak.

That is the archetypical approach of the Andrews government to these lockdowns. It is draconian, it is rushed, it is shoddy and it is likely illegal.

Mr Leane: It’s a global pandemic.

Mr DAVIS: It is a serious pandemic, and that requires serious responses. It requires a serious adherence to the law. It requires a serious adherence to the proportionality and the key aspects of the Public Health and Wellbeing Act, under the powers of which these orders are being exercised.

So the deputy CHO was uncomfortable with the set of decisions. The process was clearly shambolic. The Premier says these briefings that were provided to the deputy CHO in that case do not exist. He lied again. But let us be quite clear, let us be absolutely clear—

Ms Shing: On a point of order, Deputy President, in the first instance where Mr Davis made an unparliamentary comment I did not raise this objection. I am going to do it now, though, and I would seek that he withdraw that or otherwise move a substantive motion.

Mr Finn: On the point of order, Deputy President, the word that Mr Davis used was not unparliamentary. If he had referred to the Premier in the terms that Ms Shing apparently thinks he did, yes, it would have been unparliamentary. But he did not do that. He said he had done a particular thing, but he did not actually call him what he is.

The DEPUTY PRESIDENT: Mr Davis, I invite you, if you would like to withdraw, to withdraw. If not, we will actually consult the transcript.

Mr DAVIS: Well, I will withdraw later, if that is the decision after consulting the transcript.

Let me be quite clear that the government’s house amendments—I am conscious of time—have been circulated today at 12 minutes past 10 and indeed those house amendments were distributed whilst the
release of the royal commission findings was occurring. It is hard to see that that is a coincidence and that the government did not want to bury these. But, leaving that aside, let me comment on the government’s proposed house amendments.

Mr Leane: Is there anything you don’t see a conspiracy in?

Mr DAVIS: Well, why do you think it was released at 12 minutes past 10? I would say that, as some of these respond sensibly to the Ombudsman’s approach and comments and add an additional check and balance for those who were detained, we would not oppose them in that context. But we do not think they go to the core of the problem with the bill, and the core of the problem with the bill is that for a further nine months the government wants to give unbridled power to the Premier and his cohort and it wants to give enormous decision-making power without checks and proper balances.

Our amendments will seek to limit this to one month with parliamentary approval of both houses and with proper checks and balances and proper transparency. We still, despite the Premier and his cohorts exercising these huge powers, have not seen the health orders and the health briefings that should have accompanied those. We have not seen the details on which each and every decision was made. We think we should see those, and our amendments will seek to achieve that. We will also seek to put in place other checks and balances to make sure that briefings are obtainable through this process and that further extensions that are sought by the government will be accompanied by greater transparency measures. We think this is reasonable, we think it is sensible and we think that it is a fair way to limit the power of the Premier and the power of the government in this circumstance.

Now, I say that there is a need for sensible public health orders, but they need to be based on evidence and they need to be demonstrated to have evidence behind them. They need to have proper proportionality as the basis of them. They need to have proper consultation behind them, just as we heard the deputy chief health officer say that a delay of one day would not have caused a problem and that consultation should have occurred with a number of those multicultural groups that were locked down in the towers without any consultation. People were out at work and came home to learn that their family had been locked down. People were visiting and were locked down in a harsh lockdown in that way. These were extraordinary decisions that were made without the proper material, and we still have not had a transparent look at the decisions that were made and why and how and the sequence. We know that the deputy chief health officer was uneasy about those.

Mr Limbrick has talked at length about the need for proper checks and balances. I know he will say more about this and others will say more about the advice that has come from the Ombudsman, and we are very respectful and thoughtful on those points. At the same time we do not think that the government’s house amendments go nearly far enough in checking and controlling the power of this government—the extraordinary power of this government. The truth of the matter is that still the issues relate to the government’s inability to manage hotel quarantine and still relate to the inability of the government to undertake proper contact tracing.

People ask, ‘As an alternate government, well, what would you do?’ I can tell you what we would do: we would have proper contact tracing in place. We would run proper hotel quarantine. And in New South Wales they do. I have to say that the example is over the border. And Queensland has even done much better on many of these points too, so it is not necessarily even a partisan thing, this position.

I also want to make some comments about the Scrutiny of Acts and Regulations Committee. That committee—and I have read their note on this bill—has again fallen short. It has not understood that it is dealing with a major inhibition of people’s rights, a major restriction of people’s freedoms, and it has been too weak and too casual in its preparedness to look at the public health orders. It is clear that they can look at the public health orders under the Subordinate Legislation Act 1994. It is clear that they can make commentary about them, and they should. They should be looking at each and every one of them, they should be seeking the background documents behind them and they should be understanding whether they have been implemented in the correct way and with the right
proportionality, the right transparency and the right accountability behind them. So I say again SARC has fallen short. They fell short on the first extension of the state of emergency—terribly short—and on this occasion they have again not met the requirements that I think the Parliament and the community would expect of them.

I want to say something else too about the length of time—nine months. Why is the Premier pushing for this nine-month extension? Why is the government not prepared to look at other options for regimes of hotel quarantine and other arrangements? We say there are other opportunities, and those opportunities should be taken. We should have a proper system in place that does not require the declaration of a state of emergency. We should have in place a proper system that has decent accountability and decent transparency at the heart of it. I say that the key thing here is that the government come clean on many of these decisions: the failure of the government to understand the amount of damage it was doing with these orders; the failure of the government to understand the impact on small business and on the hospitality sector; and the failure of the government to understand the impact that it has on the events sector and other key areas of the Victorian economy. We know that the central city is suffering. We know that suburban areas are suffering. We know that Victoria has uniquely amongst states seen a fall in our GSP over this recent period.

The economic damage is huge. The government is racking up more and more debt as we go forward. Some debt is constructive, but you have got to ask whether $155 billion, which is the debt that we will have at the end of the forward estimates period, is a proportionate debt given the circumstances. I also say that when incurring debt as a response to these crises, obviously we need to support businesses and others and obviously we need construction and other works to go forward that are shovel ready, that are available to be put in place, but we do need to make sure that we still get value for money for those. We still need to make sure that the metrics around getting good value and getting good outcomes are not thrown away.

I mean, it is also a window into corruption, where these decisions are made in haste. We saw that with the V/Line decision on the COVID cleaning for V/Line trains, where the cleaners were thrown sprinkles, thrown extras, as the government did not have in place proper mechanisms to check these contracts—nor did the board, nor did PTV or the Department of Transport. I use that as a single case study just to show and illustrate the risks that are there as we start to spend wildly and without proper checks and balances, which is what is occurring under this government.

I also make the point that the government should be prepared to be more open. I say if the release of the orders was accompanied by the proximate release of the briefings and the arguments that are part of that, we would actually get better public health outcomes. Those in the public health community would be in a position to criticise and sharpen the outcomes. They would be in a position to propose alternate ways forward and alternate models. Without all of that information, it is very hard to see.

I finally want to end on something—and the question today that Ms Crozier asked Ms Stitt in the chamber was an important one. Victoria has been slow in releasing and getting the vaccine rollout going. We have been slower than New South Wales, and that is a concern. Given we have weaker management of hotel quarantine and much weaker contact tracing here, the vaccine becomes actually more important in Victoria in controlling the spread of COVID-19, and yet we are well down on New South Wales on the rollout of the COVID-19 vaccine.

Mr Leane interjected.

Mr DAVIS: Actually you have got more of it, and you are not getting it out there through the public hospitals, the state hospitals—

Mr Leane interjected.
Mr DAVIS: No, no. Actually in the state public hospitals our workers are doing it. The state workers are doing it. The freezers are there. Why is it that the New South Wales government is able to roll it out more quickly than Victoria? Why is that?

Mr Leane interjected.

Mr DAVIS: Mr Leane, I am. I looked at the figures this morning, and they were actually in Ms Crozier’s question, so there you are. And Ms Stitt did not seem to understand that she has got some responsibility as the Minister for Workplace Safety. If health workers are not getting the jabs quickly enough, there is a risk to them and there is a risk to the whole community. Why can’t the state get it out at the same rate as New South Wales? What is the problem here? Why can’t our health minister and others get it out at the same rate? That is the question, Mr Leane, and this is not good enough. It is actually a real problem if we do not get moving with this vaccine program.

I want also to make some points here in the short period I have left to me about the way that this will proceed. I think that the minor parties have obviously been talking to the government, and they have got some response in some of the proposed house amendments. But we say to the minor parties and to others—the crossbenchers—that indeed the best way to get the Premier and the government into a position where they will look after the community interest is to see that the Parliament is in a position to make sure that any extensions are proportionate, to make sure that any extensions are for a month only and to make sure that there is appropriate transparency around those extensions. Now, that is the sensible way forward. That is the way that we think things should go. We do not think giving the Premier a blank cheque, giving him unbridled power until Christmas, is the way to go. Unbridled power for the Premier until Christmas is the wrong way to go. It is not democratic, and it is not going to lead to the best public health results either.

So I say we need proper checks and proper balances. We need to make sure that there is proper transparency in place, and at the moment there is not. At the moment the Premier and the government and the Labor Party as a whole are thumbing their noses at the Victorian people arrogantly.

Dr KIEU (South Eastern Metropolitan) (14:13): I rise to support the Public Health and Wellbeing Amendment (State of Emergency Extension) Bill 2021. The essence of the bill is to have an extension to the state-of-emergency powers, and the emphasis is on the powers, under the Public Health and Wellbeing Act 2008, which are necessary to ensure that the chief health officer can continue to use and have available emergency powers to respond to the pandemic.

As such I was so concerned, about two Sundays ago—there was a report in the newspaper, none other than the Herald Sun Sunday, that unnamed members of the upper house from the opposition benches had put out a survey online. The survey included a question, and let me quote it directly:

Do you support the Andrews Government’s plan to extend Victoria’s State of Emergency to 16 December 2021?

This is misleading. This is not an extension of the state of emergency; this is seeking an extension of the state-of-emergency powers in case the situation demands a response appropriately, proportionately and necessarily. I would say that such a misleading survey by unnamed—and I may know who, but according to the newspaper they are unnamed—members of the opposition is not only misleading but irresponsible, and I would say borders on a lack of principle and decency.

Why do we need the emergency powers? The emergency powers are delegated to the chief health officer under the act so that he, when necessary, can declare a state of emergency and so that we can have a proportionate, necessary and effective response to contain the spread of any outbreak and ensure that measures are in place to prevent the spread of the virus in the Victorian community. In Victoria we are the only place in the world that has successfully suppressed and got over the second wave in a very short time. I would like to take this opportunity to thank all Victorians who have adhered to the instructions of the chief health officer and also all of the public health workers at the forefront who have sacrificed so much to keep us safe and get over this second wave.
Now we have the vaccines, and the vaccination is being rolled out. It is still early days, but that is something that is very much welcome—and we are hopeful that it will be effective. But we have to know that the rolling out of a vaccination does take time. It is not just an overnight cure, particularly when the virus is so clever as well. There is an arms race between the virus and the available vaccine. The vaccine was developed in a record time frame—in a very, very short time frame. It used to take years—even nearly a decade—to have a vaccine. Now, thanks to the research, thanks to the availability of advances in science and also thanks to the knowledge we have accumulated over the years, we have the vaccine—not just one but several of them—available in a time frame of shorter than one year. We do have some protection for the person who is vaccinated with the vaccine, but it is still unclear whether it can suppress the transmissibility between people. More than that, as we know, there are new variants of the virus. We have the UK variant, we have the South African variant, we have the Brazilian and I would not be surprised if there were more to come.

I have had the privilege of studying the evolution process of nature applied to mathematics. What we do is a very good way of mimicking nature. We have an optimisation problem, which is a mathematical term. We take this in, we mutate it, we cross the gene and then we impose some condition and constraint on the system, mimicking natural selection. After only a few hundred or a few thousand generations of doing so, the ‘virus’ has mutated so well and adapted so well to the environment, and that is only a computer simulation for a mathematical problem. The real-life virus is much more intelligent and adaptable. We have seen it—

Mr Davis: The virus does not have intelligence. You know that’s wrong.

Dr KIEU: Well, I would say that is the process of evolutionary—

Mr Davis interjected.

Dr KIEU: There is an arms race between the evolution of the virus and the vaccine that we are developing. It is intelligent in the sense that it is adapting and changing so quickly, and it is so adaptable to the environment. What happens is the virus, when it infects somebody, can ‘lie’—in quotation marks again—to be able to spread so it will not damage the host. But the mutation or new virus or even new strain may be able to spread very quickly, and it does not care about fatalities. It could increase the fatalities, and that is exactly what happens with the transmissibility rate of the new virus apart from the original one. If it can transmit very quickly, then the fatalities can increase, because there is no threat to the survival of the virus if it kills the host. This pandemic is devastating as it is, and it is still ravaging all over the world. But it is not the only one. There will be more in the future while we keep destroying the ecosystem and while we keep clearing the forest and doing nothing about climate change or to protect the environment. That is why we need the powers to declare an emergency, because the situation is still not over.

Victoria is the only state that has a time limit for the power to make a declaration of emergency. No other state has a time limit. In New South Wales they can impose very stringent measures without declaring a state of emergency. We in Victoria are accountable and subject to a level of robust scrutiny that other states do not have. They do not need to declare a state of emergency before they can impose, as we have, some of the measures that are necessary, some of the measures that are as simple as wearing a mask, which has proven to be effective—very cost-effective as well as virus-effective. But in order to ask people to make a sacrifice and wear masks to protect themselves and their families and people around them, we do need the power to declare an emergency in the state and the statutory limit as well. Those are the reasons why the power of declaring a state of emergency is very necessary. We have done it with robust accountability, and we have done it proportionately and in a timely manner with expert and evidence-based public health advice—the best advice we have from the public health experts. For example, without the ability to declare a state of emergency, the chief health officer and all Victorians in the community would be left powerless in the defence against this virus and maybe others to come in the future.
We know whenever the government or the chief health officer make decisions to have a state of emergency declared, those decisions are never easy and never taken lightly. They are never made without the best and most up-to-date advice from the experts in public health and a consideration of the weight of the implications for us, for public health, for our loved ones and also for business and the economy of the state. Those are, have been and will be taken into account seriously whenever there is a need to declare a state of emergency and propose some of the measures to fight this very dangerous virus which is still raging all over the world.

Now, I have only a few minutes left so I would like to make some concluding remarks. Over the last year, 2020, Victorians and the community have made so many sacrifices in order to keep each other safe from the coronavirus pandemic. It is a global pandemic. It is thanks to the efforts of all the public health workers, the medical people at the forefront, that we are in the position we are today. We have had the best measures, and this has been proven in the result we have. We are relatively clear of the virus in comparison to the 500,000 deaths in the US, for example, and the hundreds of thousands elsewhere. We need to and must continue to build on that work, and not waste those sacrifices, in order to protect public health. And that includes giving our public health team the powers that they need to respond and manage outbreaks quickly, effectively and proportionately, something that would not be possible without this bill.

Without the emergency powers to declare a state of emergency, the measures that have been outlined above to protect public health would need to be passed through the Parliament. Introducing legislation or regulations in Parliament could take time—weeks, even months—when at the same time the situation on the ground with the virus, as we have known it to in only a very short time, could change very quickly. It will not wait for us to pass any legislation or regulation. As a consequence, the Victorian community could be exposed to COVID-19 and lives would be lost. I will end by saying this is a matter of life and death, and as a matter of public health it should not be politicised when we talk of these matters.

Ms CROZIER (Southern Metropolitan) (14:27): I am pleased to be able to rise and speak to the Public Health and Wellbeing Amendment (State of Emergency Extension) Bill 2021, and this bill, as the title suggests, is extending the current state of emergency to December of this year. It is extending it by a further nine months, which will take it in total to 21 months. Now, as members have already said and as we have been prosecuting in this place for months and months and months, everybody knows that this is a global pandemic and everybody knows that this is a dangerous virus. But how it has been handled here in Victoria compared to other states—and to New South Wales is where we should be comparing ourselves. And New South Wales—

Ms Shing: interjected.

Ms CROZIER: Well, Ms Shing, your government has been responsible for the most—

Ms Shing: interjected.

Ms CROZIER: Through you, Deputy President, I will make this point for the interjection. I was not going to raise this at this point, but it is through the policy decision-making processes of the Andrews government and the failures that have occurred, not only last year but this year, that we are in this mess. Tragically 801 Victorians have lost their lives. Others have suffered through very trying circumstances—and I hear the sigh from Ms Shing. We have had the Royal Commission into Victoria’s Mental Health System report tabled today, but I can tell you, Ms Shing, as Mr O’Brien and Ms Kealy presented, in my office I have had countless Victorians who have struggled, who have been in tears. Their businesses have been shut down. They have not been able to earn a living—

Members interjecting.

Ms CROZIER: A lot differently from what you would have done and what you have done. In fact what this state of emergency has done, and it is ongoing—
Members interjecting.

The DEPUTY PRESIDENT: Order! Ms Crozier without assistance.

Ms CROZIER: Thank you. Ms Shing is very sensitive about this because this government knows it has failed Victorians. The New Year’s Eve decision was a kneejerk, ridiculous decision. The five-day lockdown, an entire state locked down because they could not contact trace, because they had failed again—13 community cases in just six local government areas. We have got a state of emergency and the ability of this government to lock the entire state down because they have not done the work; they have not done their job. This is appalling, and as a result Victorians are the ones that are the losers. They have lost out under this government time and time again. The government members need to understand that there are Victorians who are still suffering because of the decisions, because of the extended lockdown, because of those ongoing failures of the government. With the decision on New Year’s Eve and with the five-day lockdown, the trust amongst the community is not there. They actually do not trust the government any longer.

They have seen the spin, they have seen the cover-ups, whether it is with the Coate inquiry—the Premier, the ministers and the bureaucrats all saying they could not remember, could not recall—and no findings about the decision on private security with that inquiry. The contact-tracing inquiry that the Legal and Social Issues Committee conducted was told everything was on track to be in place and that we would have the best contact tracing in the country. Well, it has not occurred, and we had that five-day lockdown that has just sapped the confidence from the business community. In fact it has sapped the confidence of the general Victorian community, and that is the thing: the community actually do not trust what the government is doing and how it is handling this. We know that from the advice that has not been forthcoming. We have seen it with the captain’s call, whether it was the curfew decision by the Premier. The advice has not been forthcoming, and that is why it is important, if we are to have a state of emergency because of the ongoing pandemic.

What the department said in the briefing to me was that we need this because of the strong prevalence of the new variants, which are of concern. They also went on to say that because of the commonwealth supply pathway, we do not have that visibility in relation to the vaccine, and that has been subject to supply. So we need this ongoing state of emergency till December to deal with those issues specifically. Well, the variants of the coronavirus—and it was always going to mutate; I think anybody would tell you that, knowing how the flu and how other viruses are very prone to variance—have been going into other states. Those variants, whether they are from the UK, from Brazil, from South Africa or wherever else, have been going into other states. There are those international travellers that have returned.

We know the government has not got faith in the hotel quarantine. They have shut it down. They are not vaccinating the hotel quarantine workers, which is an absolute disgrace. They are not making them a priority. All of these issues are just a cover for the government to be able to control Victorians, and Victorians are the ones that have done the hard yards here, because the government has failed them. They were the ones that were compliant and did what they did in last year’s lockdown 1 and 2. But we saw what happened. We could not get the information out during lockdown 1, with the issues around the cluster around Cedar Meats, and then of course the disaster—the absolutely catastrophic failings and the disaster—that was imposed on this state, on Victorian citizens, because of the appalling governance and decisions by the state government.

That is why it is important that this Parliament has the ability to review the state of emergency on a month-by-month basis. We can be in here. We can get those briefings from the department every month to say, ‘This is what’s been happening’. But they do not give us the directions. When you are in the Parliament, you can ask for those through various mechanisms, whether it is through documents. Even though the government continues to refuse to provide them, it is the house that has that power, and should have that power—not just hearing it from a briefing from some bureaucrat or a couple of them. I mean, I did not hear from the chief health officer or anyone else. I had a few bureaucrats and
advisers that were giving me the briefing, and that is what they said: it is because of the vaccine, subject to supply, and because of these variants. Other health experts would contradict the government and the reasoning that the Premier has given around those variants, and I am pleased that they have spoken out, because it makes no sense.

It is an excuse, an ongoing excuse, to have ultimate power over every single Victorian, and we saw that. We saw that with the five-day lockdown, and I cannot underestimate how damaging that has been to business confidence. The CBD is dead. It is really shocking, the number of ‘For lease’ signs and businesses closing down. You only have to walk through the city and see the numbers. The shops are not there. The traffic is not there. The City of Melbourne’s Lord Mayor needs to do much better; she needs to step up and really take charge of this.

But the Premier cannot hold this threat over Victorians any longer, because they do not trust him. He has been caught out time and time again. And if you look at New South Wales, who have been managing the outbreaks very successfully, they had isolated, proportionate lockdowns in their state in early 2020 because of those outbreaks that occurred through the Ruby Princess and others, but they never locked the entire state down and they never put people into 23-hour lockdowns in their own homes, having curfews and all sorts of other really draconian restrictions. This is what it is: it is about people’s ability to be able to obviously understand what is going on, to do what they need to do but not to live under these harsh restrictions—because, make no mistake, this Premier will lock us down again.

They cannot help it. They do not have confidence in the programs and systems that they are running. They have not fixed them. They refuse to go and get help from anyone. They refuse to go and say, ‘Salesforce software developers from New South Wales, please come and help us because we are not integrated’. They are spruiking that they have got a QR code; it is March, for heaven’s sake. They have had a year to get all this stuff up and running, whether it is contact tracing, hotel quarantining or the IT platforms, and I will be asking questions around that because the vaccine rollout itself is way behind other states. And where is the government on that? Again, they are putting us under this extended state of emergency because they have not got the systems in place to be doing the rollouts.

We are so far behind other states, both proportionally and in numbers, and that just demonstrates how dysfunctional and chaotic this government has been in managing this entire crisis. It has been an absolute dog’s breakfast, and sadly and tragically it is Victorians who are paying the price.

I was horrified when I drove around in the last sitting week when we were all in lockdown at the number of ‘For lease’ signs that were going up in my electorate of Southern Metropolitan Region—shop after shop after shop closed down in shopping strips. They will not return. They are people’s businesses and livelihoods. Some of those are family businesses that have been built up over years. Some of them just struggled. They had limped through lockdown 1 and lockdown 2, and the third lockdown just killed them.

I have heard from desperate businesses that have said, ‘We’ve got so many overheads, whether it is rent, whether is land tax, whether it is salaries and wages that we have been trying to pay to support our workers for the last 12 months’, and they have had very little to no income because the government shut them down. They did not fail. It was not the banks calling them in. The government shut their business down through no fault of theirs. The government made those decisions to shut them down. And now they have hundreds and hundreds of thousands of bills to pay that they cannot, and they employ dozens and dozens of people, so what happens? They are looking at letting them all go and declaring bankruptcy because they cannot go on. They say to me, ‘We just don’t have confidence in this ongoing way the government is handling this, and this whole notion that we’re under this state of emergency until December gives us no confidence to say that we will continue here, because we know he will lock us down again. We know he has failed us not once, not twice but three times, four times’. They are referring to the Premier of course, because he has. His decisions and the government’s decisions have failed so many Victorians.
So we need to have this response be proportionate. We need to understand that, yes, there is an ongoing threat. We are not all vaccinated; we know that. Certainly the government has not got it right. I appreciate that. And I appreciate that for the vulnerable and for those who are immunocompromised this is a very, very dangerous virus. We cannot afford to let it get out into the community and have that widespread, out-of-control community transmission that happened last year because of the failures in contact tracing. We just cannot have that again. But equally we cannot have a statewide lockdown because the government does not have confidence in its systems. That is what these decisions that are being made under the state of emergency are, whether it is a curfew, whether it is mask wearing in this place or that place, whether it is quotas and having an ability to have certain people doing certain things at certain events and others not, who can protest or who cannot. All of these decisions are subject to the government’s whim under this state-of-emergency declaration.

That, I think, is not truly what this state is about. It is not truly what our country is about in terms of having a very strong democratic process. We need that. We are a strong democracy. We need to maintain that democracy. We do not want our citizens to be sheep. We do not want them just caving in to everything this government says and not questioning it. I want to applaud every single Victorian who has contacted me to say, ‘Please keep asking the questions. Please keep challenging this government about their decisions’. I really do want to thank those Victorians that have reached out to me, and it is not just one or two, it is thousands, because they are concerned about where we are in this state. They can see what is happening and they want accountability, they want transparency and they want to be able to have faith in the governance and the decisions that the government is making at such a critical time as this. That is why it is so important that we in this Parliament have that ability to take our time. I do not care how long it takes, but every month we should have that ability to review this state of emergency because of the implications for business confidence, for community confidence and of course for keeping Victorians safe.

Mr HAYES (Southern Metropolitan) (14:42): I would like to acknowledge the public interest in this bill and the almost overwhelming flow of correspondence into my office since the bill was announced. The concerns raised ranged from strong opposition to—I do not think surprise—very strong opposition. There have been very few emails or telephone calls or letters to support the state of emergency. People have many concerns, and for us to continue to be a democracy, which I hope we do, I must raise and share the many concerns my constituents have conveyed to me about this legislation, as I did the last time it came before us.

This once-great state of Victoria, the jewel in the crown of Australia—once considered the enlightened state, the democratic state, the garden state even—has become the only state in the commonwealth to have imposed on us 12 months of living under drastic and sometimes draconian powers: three lockdowns, a curfew and regional Victoria locked down without any documentation given to us to show Victorians why these decisions were made and the reasoning behind all these decisions, apparently cabinet in confidence. This government does not consult and the government is not listening. Unfortunately much of the legislation that comes to us in the Legislative Council could be described as an overreach. This is a challenge that probably arises because of the overwhelming numbers in the government’s favour in the other house, where legislation such as this is passed by the government where it does not get modified in that chamber. Remember the even more draconian powers and extensions sought in the original omnibus bill before it came to the Legislative Council, where it did get subjected to changes.

After 12 months of living under unchecked, extraordinary emergency powers the government comes back here before this place for another extension of these extraordinary powers, which I voted against last time. That time it was a six-month extension. Now it has asked for nine months more of extraordinary powers: powers to limit people’s movement, powers to impose curfews, powers to limit how many people may gather in one place, powers to bar entry or exit from Melbourne, powers to substantially shut down the economy, powers to shut down regional centres hundreds of kilometres from an outbreak and powers which override the functioning of this Parliament.
Now, do not get me wrong on this. I understand the health emergency was such that the government felt it necessary, acting on advice, to impose these restrictions at various times. And credit where credit is due: the government did defeat the second wave. The government defeated the second wave. Remember during the second wave, when we were at about 700 new cases a day, so was Great Britain at that same number of new cases—700 new cases a day. The government here took drastic action and locked down hard, and I congratulate them for their fortitude on this. But over there the government listened to the naysayers and did not do anything like that, and look at the result. So let us give credit where credit is due. But many people now, as they did then, blame the government for the occurrence of the second wave, which brings me to recent events around hotel quarantine. We are learning all the time how to manage this pandemic, but in explaining events to the public there is a perception that the government has been and is being somewhat economical with the truth, both in the previous hotel quarantine outbreak and the recent one. People do not believe the government has fully explained the situation, and the truth has been handed out in economical amounts.

The government needs to take the public on the journey with them about these decisions and, I have to say, with many other decisions which they have made without consultation. Many of these decisions do come to Parliament, where they fly through the other place and only get properly examined here. We are now told we live in a state of COVID normal. We are told we must learn to live with the virus. Are we meant to live in a continual state of emergency with extension after extension? Now, we have had time to get used to this virus, as we have said before, and we have learned a lot about hotel quarantine, we have learned a lot about contact tracing. So I call for specific legislation to deal with public pandemic issues, not a continuous state of emergency.

The government has had time, since March 2020, to work on such specific legislation which addresses what needs to be done. It can be done and could be done quickly and efficiently. The government has had time to create promotional videos, new websites and even start preparing for mass vaccination, but it tells us it has not had time to write specific legislation. There are hundreds of departmental staff and advisers employed by the government, and to say they ran out of time beggars belief. There is no excuse not to have developed specific pandemic legislation drafted around state quarantine powers. Therefore I am most reluctant to grant this government a nine-month extension of these extraordinary powers.

Let us not forget that it was under these powers that the snap lockdown of Flemington towers took place. Let us not forget that it was the application of these powers that caused the Ombudsman to write in her report that the human rights of Flemington tower residents were breached and that the snap lockdown of the towers was not based on health advice. That is no trifling thing. As was widely reported, this snap lockdown caused widespread distress and resentment amongst residents. I remind the house that this is the first time we have had an opportunity to vote on these emergency powers since the release of that report in December.

The widespread use of snap lockdowns and curfews, while such measures have undoubtedly produced results, ruins business confidence and creates unemployment. We need to be more nuanced in our approach, otherwise businesses will continue to fold. The federal government has created JobKeeper, but without JobKeeper, if we are plunged into another widespread lockdown more businesses will go broke. The overuse of widespread state-of-emergency powers unchecked by Parliament will crush businesses. That is something else I have been calling for. There must be proper legislative and administrative oversight if we are to have emergency powers. We need an effective oversight committee, and Parliament must sit during any outbreak. There are ways of doing this.

There are obvious problems with hotel quarantine—both the method and the numbers. Hotel quarantine is the culprit for outbreaks of COVID-19 and the mutant strain in our state. Before Christmas all over Australia we were COVID free. We must treat every traveller into Victoria as a potential COVID carrier—every one of them. The fact of the matter is that of the incoming travellers to Victoria in the last six months to December—there have been over 18,000 entering; I am informed that these figures are from the federal government’s Department of Home Affairs—approximately...
half were non-citizens. Of course we must help Australians stranded overseas by circumstances beyond their control. However, it is a mockery of our compassion for returning Aussies that almost half are not even returning citizens, as we have been told.

Enough of the virtue signalling. As was demonstrated before Christmas, if we had a manageable and effective quarantining system we would not need a state of emergency, nor would we have to close state borders. There would be no need for a state of emergency to close state borders if we had more targeted admission and quarantining through our international borders. Now, I know the developer lobby and the international education lobby have the ear of this government. They have been continually pushing for the reopening of our international borders before it is safe. We have seen a number of far-too-ambitious schemes to bring back international students come to naught because they were defeated by events—schemes, I might add, which placed Australian citizens longing to return home competing for a place in the queue. Most appalling, I have to say.

We do not want another outbreak, and we do not want another state of emergency. I know the endless-growth lobby is eager to reopen the international borders and take a chance with all the success we have achieved here in Australia in terms of community safety. ‘Suppression, not eradication’ was their catchcry. Most people say no to this, and any government unwise enough to ignore them faces a large backlash at the ballot box. The vaccine rollout may not be the much-wished-for final blow to the COVID-19 pandemic, with manufacturers of vaccines unable to say how much they prevent transmission. Vaccines are effective against fatalities once people are infected, but there is no surety of prevention of transmission. Yet the federal government is relying on this to resume their higher-immigration agenda for the benefit of some and at the risk of all.

The experience in New South Wales has shown that a state of emergency, where broad-reaching powers are exercised, is not the only way to deal with these challenges. We need specific legislation enacted around hotel quarantine, returned international travellers and the health aspects of this pandemic. The broad scope of another nine-month extension of emergency powers sought in this bill is an overreach. The government wishes to use a state of emergency to tackle the challenges ahead. It is not right to ask for a nine-month extension and leave Parliament out of the picture. We must insist on parliamentary oversight, and that must mean effective, not token, parliamentary oversight. It will take some more effort rather than simply returning here with a bill and seeking another nine-month extension of these wartime-like powers. For many, such an overreach of emergency powers is now offending their deeply held sense of personal liberty.

The government can either return here regularly to justify a shorter extension of the state of emergency based on circumstances at the time and put it to a vote or it can present to this Parliament specific legislation around the central features of fighting this pandemic. I will not be voting for a nine-month extension of these broad-ranging powers.

Ms SHING (Eastern Victoria) (14:54): I rise to speak in relation to the Public Health and Wellbeing Amendment (State of Emergency Extension) Bill 2021. The comments which have been made around the chamber and specifically by Mr Davis and Ms Crozier probably warrant some response before I get to the merit and necessity of this particular bill. In getting to their feet today, we have heard yet again something which approximates an argument in an evidence-free zone from those opposite. This is probably the definition of ‘irony’, when we think about their requests and calls for an evidence-based approach to decision-making. What they have done in getting to their feet today is to depart from any notion of respect for evidence and for an evidence-based policy setting for public health decision-making and instead go on a frolic of their own which has completely ignored many of the facts associated with government’s response to the pandemic to date—the reasonable and proportionate response which has been undertaken by reference to expert public health advice—and flip-flopped with breathtaking dexterity along the lines of what they have been approaching as a strategy or indeed a series of tactics for the entire duration of this pandemic.
This puts those opposite at odds with a number of their colleagues in opposition around the country. We have seen measures of integrity and a bipartisan or non-partisan approach from several opposition leaders around Australia as this country, indeed the world, has grappled with a pandemic the likes of which we had not in fact seen since the Spanish flu swept around the world and caused thousands and thousands of deaths.

Unfortunately we know that those opposite will have an audience from people who are determined to achieve a confirmation bias by hearing only what they want to hear. This is where again, to go to a number of comments which Mr Davis made in his contribution, he has referred to snap decisions. He wants to assert that the Premier is seeking to achieve unbridled power and in fact, to paraphrase Mr Davis, embarking upon a draconian, shambolic, rushed and likely illegal response to a pandemic.

Now, it is really great to hear Mr Davis’s expert public health advice on this issue. The last time I checked, Mr Davis is not in fact a doctor or an epidemiologist, and banging a tiny little hammer on people’s knees does not constitute an expert understanding of epidemiological risk, of public health and outbreak response or indeed of the needs of an entire state across a variety of different circumstances in responding to the way in which a rapidly evolving virus cuts a swathe through our communities and in fact exposes various cohorts within our communities to a disproportionately high level of risk.

Mr Davis, however, did seek to qualify his position by saying that there is a need for sensible public health orders but that they need to be based in evidence and proportionate. So on the one hand Mr Davis says in fact it is necessary to have a public health response because, presumably, he is seeking to draw on his experience as a one-time health minister in understanding what is necessary to be done by governments in minimising the impact of a major public health crisis. But then on the other hand he says, well, what is being proposed by this government—of which he is not a part—is in fact not good enough or it should be better or it should be different. Depending on what day of the week you ask him, Mr Davis’s views will change pretty dramatically on what the most appropriate course of action, public health response and government response should be.

Similarly, Ms Crozier has form when it comes to these breathtaking acts of dexterity in public backflips around what should be done by way of support for lockdowns, opposition to lockdowns, support for the work of government in taking an interventionist approach to stage 3 and 4 lockdowns and then very, very vocal opposition. Again, it seems to suit the strategy or the tactic of the day for those opposite to embark upon these sorts of lines of argument when in fact what it does is achieve very little. It achieves very little when you hear Mr Davis and Ms Crozier stand up and talk about New South Wales and their expert response to debacles such as the Ruby Princess, the outbreaks which then led to the Black Rock cluster in Melbourne and then indeed the work being undertaken to roll out the vaccination program, which—and to correct several assertions made by Mr Davis and Ms Crozier—is in fact a commonwealth program; they will be responsible for the vaccination through the Pfizer vaccine and the AstraZeneca vaccine over the next part of the year, including a number of months to come. Ms Crozier made references to quarantine workers not having been vaccinated, and this is in fact so far from the truth that again it is actually embarrassing, even for Ms Crozier’s record. In fact by the end of March all hotel quarantine workers will have been vaccinated, and the vaccination program is rolling out at the moment.

We see that it is very easy to take these opportunistic grabs for perhaps a bit of short-term media relevance, for those opposite to get to their feet and to talk about how great New South Wales is and how terrible Victoria is and how we have no transparency and accountability and more needs to be done, whilst at the same time people like Ms Crozier are talking about the Legal and Social Issues Committee’s inquiry into the tracing work that has been undertaken and whilst we look at the work being undertaken by a Premier who got to his feet for over 120 days in a row to update the Victorian community, alongside Professor Sutton and others who are experts within their fields. This includes the Minister for Health as well as several people of longstanding expertise in their fields of epidemiological response—I am sorry, I have said this word a few times, and my apologies for
bungling it this time around. Professor Allen Cheng, Ms van Diemen and others who have worked around the clock alongside contact tracers and alongside our public and private health providers have worked assiduously, and it is a little bit rich and in fact completely disrespectful for Mr Davis to refer to people within our public teams and within the public sector as ‘some bureaucrats’. I note that Ms Crozier also made this reference, and it pays lip-service to people who have worked around the clock in fact to not just take us through the first wave but in fact to weather the storms of the second wave as it again spread out across Victoria and necessitated that second lockdown.

On to the substance of this particular state of emergency and finally to cover off on the comparisons with New South Wales, both Ms Crozier and Mr Davis have been at pains to talk about how in fact the actions being undertaken here in Victoria are disproportionate and are harsh and New South Wales has gotten it right. Well, in New South Wales the health minister, Brad Hazzard, does not need to undertake any of the processes that we find ourselves dealing with this week in the Legislative Council. What he does, and he is in fact not an epidemiologist—got to get that word right—

Mr Leane: He is not a lot of things.

Ms SHING: He is not a lot of things, but what he is is the health minister in New South Wales, and what he can do is get out his biro, without needing to go through this process that we are undertaking here, and he can just sign off on another order. So they do not need to be having the conversations that we are having in Victoria because those powers exist in a completely unfettered fashion.

Mr Leane: That’s the gold standard.

Ms SHING: That is what we call the ‘gold standard’ when we are referring to New South Wales. That is what those opposite are very happy to ignore at their will when in fact throwing rocks—chucking rocks when and as it is convenient—for the purpose of some kind of 5-second grab on the news or some kind of fleeting appearance on a show that nobody watches or indeed cares about. What we see with this state-of-emergency declaration is that it sets the framework for public health advice to continue to guide the evidence-based approach to decision-making as we deal with a pandemic which continues to evolve.

And those opposite again have acknowledged in passing the virulent nature of this virus. They have acknowledged in passing B.1.1.7, the Brazil variant and the South African variant, and they have acknowledged that we are to have more pandemics to come. And yet they then go on to say in the same breath that in fact these responses that we have undertaken here in Victoria are disproportionate, that they are an overreach, that they are draconian, that they are shambolic. I mean, Mr Davis must have gotten out a thesaurus at the start of every sitting week to have a crack at how he can use adjective bingo to complain about government when he is also prepared to say that in fact he would have done things differently. Well, the choice is clear. If you are going to do things differently and you are going to actually ignore the public health advice, that means by extension that you will have the sugar hit of opening the economy or indeed keeping it open for longer, of enabling people to have unfettered movement around the state and indeed to enjoy a wide variety of activities in close proximity to others, and what we then see, to extrapolate upon that and what the experience has been internationally, is that very quickly we move from 700 cases a day in the UK to tens of thousands of cases. What we then see is Prime Minister Boris Johnson coming out to say with some degree of contrition—some degree—that in fact 100 000 deaths as recorded would tend to indicate that that government’s response has not been proportionate and has not been suited to curtailing the worst impacts of the pandemic.

The lockdown which occurred most recently, on 12 February, was devastating for everyone—everyone I know, the businesses and the communities, particularly those who were celebrating Chinese New Year, who were looking to celebrate Valentine’s Day and who were looking to get customers through their doors as part of a calendar of events which included the Australian Open. Nobody wanted to shut the economy down. Lest it occur to anybody on the opposite side of the chamber or indeed anywhere else in the public domain who may run, produce or commentate on
shows that nobody watches, nobody should be under any illusion in fact that this was a decision taken lightly, because of the impacts that were felt in the extended second lockdown.

We have seen an explosion in demand for services. We have seen the devastation associated with isolation, with a lack of connection and with an inability for people to access face-to-face services. Nobody is denying that, and indeed it would be entirely inappropriate and irresponsible to even for a second try to downplay the impact that the second lockdown had. But with reference to the most recent lockdown, it was necessary and proportionate, based on the public health advice that was available through experts such as Professor Sutton, Professor Cheng, the public health team and indeed many others within the Department of Health, which concluded that the most necessary response, based on the modelling available, based on evidence and based on the impact of proportional decision-making, was to engage in that five-day lockdown, because the B.1.1.7 variant is in fact exponentially more infectious, with exponentially more significant and serious impacts, particularly for those who are immunocompromised or immunosuppressed.

We know that with the second lockdown, when we had the originating or novel coronavirus, COVID-19, in fact we saw Professor Sutton indicate at a press conference, to paraphrase him, that in one week one case becomes 100 and then in the second week 100 cases becomes 1000 cases. The B.1.1.7 variant, which was the precipitating factor in the most recent lockdown, which commenced on 12 February, is much more infectious than that. In fact when the initial case and then cluster occurred there was a concerted effort undertaken around the clock by contact tracers to determine who the primary and close contacts were. Because of the nature of this B.1.1.7 variant, it was revealed, as discussed publicly by the Premier and by public health officers, that by the time primary contacts had been identified they were already infected. We cannot afford to let this happen.

This state-of-emergency declaration is not in fact the mechanism by which lockdowns will occur. That sits with the public health evidence and advice; that sits with the expert advice. It beggars belief that those opposite would use this process, one which does not in fact have to be undertaken in New South Wales and one which exists in other jurisdictions, to argue in fact that they want the opposite to what is best for Victorians in the context of our long-term recovery and in the context of our long-term capacity to deal with pandemics of this nature.

Mr FINN (Western Metropolitan) (15:09): I rise to speak on the Public Health and Wellbeing Amendment (State of Emergency Extension) Bill 2021, and I sincerely hope that everybody was listening to Ms Shing. I hope that everybody was listening to her contribution in this Parliament today, because she told us exactly why this legislation should not be passed. Her arrogance on display today is just like the arrogance of the Premier, just like the arrogance of the government, that think they know it all and the rest of us do not matter.

Remember very early on when the Premier leaned over to the Leader of the Opposition in Parliament and said, ‘You people are just irrelevant’. That is his attitude. He thinks the opposition is irrelevant, he thinks the business community is irrelevant and he thinks the people of Victoria are irrelevant. This is all about his power, and more specifically it is about his power to lock us down. That is what he is mainly concerned about. He has already done it three times. Today we decide if it will happen again, and again and probably again.

He has got quite a record, this bloke, this Premier of ours. He oversaw a hotel quarantine debacle, that led to over 800 people dying who otherwise would not have died. His contact tracing has been found to be abysmal. The whole hotel quarantine debacle has to be seen to be believed, and of course you have got the inquiry that was set up basically to establish that nobody did anything. I knew as soon as I saw the terms of reference what was going on. This was an inquiry that was set up to clear the Premier, so the Premier—as well as a number of other ministers; one minister did not actually make it through the inquiry—could stand up and say, ‘I don’t remember. I don’t know’. If anybody believes that, I have got a bridge in Sydney to sell them. There is no way that a man like Daniel Andrews, a
man who is a control freak, who runs everything personally, did not know what happened with the hotel quarantine.

So here we have a man who is asking us for permission to give him extended power, basically for the rest of this year, almost until Christmas. What a prospect. Of course the three lockdowns that we have had so far have been absolutely and totally devastating. I recall spending many, many, many hours—many, many days in fact—on the phone last year during the lockdown speaking to people, whether they were people with families who were going through mental health crises or whether they were businesspeople who had lost everything and were just absolutely devastated, people who thought that there was no future. This is what this lockdown, what Daniel Andrews, did to people. They thought they had no future.

Large sections of this state were absolutely devastated, and no more so than the City of Melbourne. I hear the Lord Mayor talk about the City of Melbourne saying, ‘Oh, it’s great. It’s going marvellously well’. I do not know what city the Lord Mayor is in, but she is certainly not in Melbourne, because anybody who walks through the City of Melbourne, as I do frequently, will see the empty shops. They will see the signs ‘For lease’. They will see so many businesses that have hit the wall. And behind every business that has hit the wall, every small business that has hit the wall, is a personal tragedy, the tragedy of a businessman or woman, of a family, who have lost everything. I would not be proud of that if I were the Premier. I suggest the Premier should go out and have a look through the city—go for a walk through the CBD and have a look at what he has done to this formerly great city of Melbourne. Now he wants another nine months. We are currently living and have been living for almost a year under the constant threat of lockdown, and the Premier wants nine more months at this point.

We all know what is going to happen if he gets his way today—15 December will come along, and he will want to take it into 2022. We have this extraordinary situation where the Premier has only one weapon; the only arrow in his bow is lockdown. Now, we have seen overseas, we have seen interstate, that lockdown is not the answer. Lockdown can be as devastating, if not more devastating, than the virus. We cannot accept that this is the future of Victoria going forward. Because if this is the future of Victoria going forward, we have no future. Nobody will invest in this state. Nobody will build businesses. Nobody will employ people. Already we have seen thousands and thousands of people flee this state since they were actually able to get out. They have gone to New South Wales, they have gone to Queensland, and I have to say at the moment, particularly if this legislation gets through, you can hardly blame them. Because we have been through the world’s longest lockdown—the most severe and the longest lockdown in the world—here in Victoria, and it is purely because we have a Premier who is both power-hungry and incompetent. If he was competent, he would know how to handle this thing without destroying the place, but he did not, so he has destroyed the place. It is just absolutely extraordinary.

I was up in New South Wales, up in Sydney. I had a couple of days off—and that was all I had, I tell you—over the Christmas break. Just before Christmas I was up in Sydney when the Northern Beaches cluster erupted, and the Premier up there, Gladys Berejiklian—and I have to say I am not necessarily her greatest fan—handled it perfectly and certainly handled it far better than anything that we have seen here in Victoria. It does not matter about the Premier’s negligence. All he has to do is look to New South Wales. All he has to do is ring the Premier of New South Wales and ask her how to do it, because she knows. She knows. She does not lock everybody down. She does not shut all the shops up. She does not put the entire state at risk as a result of her policies. Why can’t we do in Victoria what they do in New South Wales?

Now, I have always been a proud Victorian, an exceedingly proud Victorian, and it hurts me to compare to New South Wales and come in lacking. It disappoints me, it saddens me, but not as much as it will if this bill is passed and Daniel Andrews once again locks us down, once again shuts us up. Every one of us can recall being locked in our homes for 23 hours a day—23 hours a day. We were granted clemency by the great man, who allowed us out to go for a walk one hour a day. Now, he has
done it before; who is to say he is not going to do it again if this bill is passed today? If I were a betting man I would head down to the TAB and I would have a few bob on that being exactly what is going to happen, because that is why he wants this bill passed. It is just extraordinary.

I had quite a bit to do with the Flemington flats situation because of course it is in my electorate. I was having contact from people who had been locked up in their flats. Remember there were thousands of people locked up with barely any notice at all; the Premier just got up at a press conference at 3 o’clock on a Saturday afternoon and announced that thousands of people were going to be locked up in their homes, they would be under police guard, and that is the way it was going to be until he decided otherwise. Those people in those units, in those flats, did not know when they were going to get out. Many of them did not have enough food to last. You know, the thing that really distressed me more than anything else about that is that many of the people in those flats in Flemington came from countries where democracy is not a given, where freedom is not a given. They came to Australia to be free. They came to Australia to get away from exactly what Daniel Andrews ended up doing to them. How must they have felt? How must they have felt, thinking that they had finally found the land of the free, that they had finally reached freedom at last, and here they were, with barely any notice at all, locked in their homes at the pleasure of the Premier of Victoria? What an appalling, disgraceful, despicable decision that was, and one, as the Ombudsman points out, that we should never, ever repeat.

The big question is: do we trust this government? Are we prepared to trust this government with another nine months of state of emergency? Not on your nelly. I cannot find anybody, apart from members opposite, who would trust this government, certainly not the people who have been writing to me in droves over the last week, begging me not to vote for this legislation. Well, I am here to tell them—I am very pleased to be able to tell them in fact—that I will not be. That should come as no surprise to anybody. There is no way that I or anybody on this side of the house is going to give Daniel Andrews a blank cheque to do whatever he wants to us, to anybody, over the next nine months. This is a democracy. If he has urgent issues, let him come to this Parliament and let him explain to members of this Parliament exactly what the situation is. It is not like it is a war. The virus cannot hear. The virus is not going to take a different course of action because of something Daniel Andrews told the Parliament. Let him come back. Let him bring us into his confidence. Let him bring Victorians into his confidence, because the one thing that Victorians are furious about is that they have been ignored and they have not been told the truth. And they are angry. In fact I have been shocked at how angry some of the people that I have had contact with are, and members opposite will be surprised to learn that I have actually removed a number of posts on my Facebook page because some people were quite forthright in what they would like to do to the Premier. So I felt that it was important that I remove those.

It is important that we have parliamentary overview. This Parliament is important. The Premier—I know he thinks he is important. I know he thinks he is more important than all of us combined. I know he thinks he is more important than every Victorian combined, but he is not. This Parliament takes precedence. This Parliament should have a say in who is locked down and who is locked up. They called it a lockdown, and in fact we were locked up. This Parliament must have a say. Bring it back here, every month if you want. Let us discuss it, let us hear what you want and let us decide whether it is worth it. It is not a big ask. What is a big ask is being locked down potentially for another nine months. That is not on.

Mr MEDDICK (Western Victoria) (15:24): Six months have passed since we last had to consider an extension to the state of emergency. In that time a great deal has changed whilst other things have not. What has changed is the virus. Since we were last in this position, we have seen it mutate, creating various new strains of itself and unleashing new outbreaks around the world, including here. That has also forced changes in the way we need to think about the virus and exposed flaws in what we consider good practice in the hotel quarantine system. After the admitted obvious failures of that system the first time around, we managed an extended period of no community transmission, a lifting of
restrictions, and we began the journey, albeit slowly, towards bringing things back to some semblance of a new COVID normal.

What has also changed is the way we now view the virus, and there is a new attitude that we should not keep our responses rigid but rather be ready to alter processes as we learn more and be agile in our approach. I am pleased to see the government adopt changes to how the community recovers financially and socially, with earlier than expected returns to work, social gatherings, protests and general movement throughout the community as well as financial support packages for different sectors. I encourage them to also be agile in this arena and move to deal with support for all industries, big or small, that need it. An example would be the struggling live music and events sector.

When I spoke to the government about the extension of the state of emergency, I asked them to consider that, as we now know, pandemics can take years to handle in our hyperconnected global environment and they should be prepared to end our state of emergency and replace those powers with something more fit for purpose—pandemic-specific legislation that gives the government and the chief health officer the powers they need for handling disease outbreaks—and no other powers. We could then bring the state of emergency in Victoria to an end while maintaining those controls we need to enable us to open up international travel, trade, education and industry with appropriate pandemic-specific contingencies in place. I am pleased to hear that the government has listened and will in fact introduce pandemic-specific legislation, making this the last time we will need to extend the state of emergency for this or any other pandemic in Victoria.

I am confident that they will consult with the appropriate range of experts across public health, emergency services, business and government. We are blessed with great expertise in Victoria, and together we can make a bill that is suitable for our recovery from this pandemic and, when they happen, and I am sorry for mentioning it, any new ones. I would be pleased to be involved in this process and make whatever modest contribution I can, representing the 800,000 or so Victorians within my electorate of Western Victoria. We are very fortunate in Victoria and Australia to have, through good management more than any other factor, avoided the worst of this global pandemic. But I do not discount the counterfactual: the tens or hundreds of thousands of people who may have died if we had adopted the ‘let her rip’ approach that some here advocated and some foreign governments actually implemented.

My belief remains firm that this issue should remain above partisan politics, one-upmanship and headline-grabbing political expediency. I will never hold public safety to ransom. I will never do a deal over the safety and health of Victorians. As well as consulting my constituents of course, I have also consulted widely with public health and other experts to ground my views on expert opinion and the best science available. I have spoken in detail with the chief health officer and other health professionals, including those from the Burnet Institute. I have spoken to representatives of Victoria Police. I have also spoken to Victoria’s solicitor-general and the deputy secretary of the Department of Health to understand the process and time line appropriate to drafting new pandemic-specific legislation.

I note that recent polling confirms my view that most Victorians are rightly proud of our success in controlling this pandemic and support the government keeping the powers they need to safeguard our controlled return to normality. More than 60 per cent of people across the state—city and country—support this extension to the state of emergency and trust the government to use the powers proportionate to the need. Of course I get that some people disagree. Indeed some people and businesses have been hit hard by the lockdowns and the disruptions to our normal way of doing things. I urge the government to ensure that no-one is left behind in our controlled return to a post-COVID world.

The government has listened to me, my fellow parliamentarians and the community in other ways. I applaud them for making it clear that demonstrations will be allowed when conducted safely and sensibly and not endangering public health and that excessive fines will be reviewed, especially for
those on low incomes and young people. It is sensibly responding to the recommendations provided by the Ombudsman emerging from the troubling snap lockdown of public housing tenants. I am also pleased to see the government seriously investigating Avalon Airport as a potential quarantine centre, with all workers needed to ensure the smooth running of operations living and working on site for set periods in an imitation of the fly-in fly-out model.

On balance I think this extension of the state-of-emergency powers for a nine-month period is not just reasonable but mandatory. Without the power to establish quarantine, to mandate masks in certain places and to limit travel when necessary, it will take longer to open up our borders and return the community to our normal standards. I note that every other state has these powers without passing bills and without parliamentary oversight. It is a feature, not a bug, that we in Victoria get to review them and hold the government to account throughout the process. I support the bill and commend it to the house.

Ms GARRETT (Eastern Victoria) (15:32): I am pleased to rise and make a contribution on this important legislation. As usual I am very pleased to follow Mr Meddick, who I think made some outstanding points, particularly at the end there where he rightly identified that every other state has these powers and is using them as necessary. Again, I do often seem to follow Mr Finn in these contributions, and to take up something Mr Finn said around one arrow in the back pocket here, I think that is where this is a simplification and a misinterpretation of what is before us in the house, because a lockdown is but one of the many tools in the arsenal and the many levers that the public health team has to pull, which go from the mandating of masks in all circumstances, some circumstances or no circumstances to outdoor dining and the number of patrons, having people in your home and requiring people to quarantine themselves for 14 days when they have exhibited symptoms or returned from a hotspot or overseas, just to name a few. I mean, these are a huge array of levers that the public health team is able to use to ensure that we keep Victoria safe.

And again, Mr Finn spoke about freedom. Yes, the lockdowns have been terribly difficult on Victorians and on other parts of Australia that have also had lockdowns. But I tell you who is not very free, and that is people in other parts of the world who are living in virus-crippled cities and towns, who have had the virus absolutely rip through their populations and decimate their loved ones and decimate their economies. So many of those places either did not have the powers or were not able to use them to get those levers correct, and the virus got completely away. One thing is clear when we look at the millions of people who have passed away from this virus around the world: it is deadly and it is unforgiving, and once it gets in and once it gets a grip it is impossible, really, to shake.

What Australia and Victoria have done so very well is have the powers and the capacity to stop the virus getting a grip, and in fact Victoria has been a hugely successful model for dealing with the virus when it appeared to be gaining a very serious foothold and driving it out again. That was because we had the set of powers, we had the public health team to pull the levers and we had strong leadership around how those levers were to be pulled. Again, no-one for one moment is suggesting that these are not challenging and difficult and of course unprecedented times—a global pandemic, a globalised world, a world under population strain, a world in which so many people are living in urban areas, a world in which many people are living a lot longer than they ever have before, and this as we know is a virus that particularly targets the elderly and the vulnerable. In that regard it is, as the Premier says, a wicked, wicked virus. It is not an enemy which we can take chances with or treat without respect for its capacity to cause destruction or where we can put our head in the sand and say that just because we do not like wearing masks or because we would like to have more people over at our house we can. Everyone understands the depth of the inconvenience and of course the depth of the economic damage that can be caused with these drastic measures that are required to be taken, but we just have to look around the world, as we are every night, at what other countries and other regions are grappling with where this virus is out of control—rampant, devastating and deadly, deadly in terms of body count and deadly in terms of economic destruction.
We as a parliament have a choice here. We have a choice to rely on the public health experts that to date have kept us ahead of the curve. We have a choice to be above politics, to be frank and open about what we are facing. We have a choice to take the tough decision, because we know the alternative. We do not need to look very far to know the alternative, that if the public health team does not have the levers to pull—and New South Wales has these very powers and has used them, so does Queensland and so does every other state—and we let those levers lapse we are not going to be able to jump on top of this thing. We are not going to be able to listen to the health experts. We are not going to be able to listen to the health experts who say, ‘Okay, we’ve had a breakout here. We’ve had an issue arise in this particular area. These are the steps we need to take and we need to take them now. We need people to go quarantine for 14 days’. With the mutations of this virus and the speed with which it can travel and the fact that people are highly infectious when they do not even realise they are sick, if we do not jump on top of these things straight away, we do not have those levers to pull and then the virus goes from one person infected to 1000 infected like that. We cannot afford or allow that to happen, particularly to our most vulnerable in the community but also to the broader population, to the businesses, to the households and to mental health as is clearly occurring all around the world.

I think it is very important to note—and we do—that it is not just these levers that the Parliament is debating and that will continue to be used should the bill pass. There are a suite of other policy decisions and developments that mean that hopefully these levers will need to be pulled less and less and hopefully not at all. That is where we are all going. We have got the vaccine now being administered to our frontline workers and vulnerable populations. We have got a really clear idea of how to combat outbreaks when they arise, and we have been very successful both here and as a nation. In fact most other nations are looking at us and saying, ‘Well done’. Now, that is critical, because they know what happens when this virus gets away from you. For now this is the choice that this house has. It was a very considered contribution from Mr Meddick. This is the choice, because if we do not extend the state-of-emergency powers then it is not just the detention of people who need to be quarantined; it is every other aspect of it that is put at risk. We know that the Victorian community are the leaders in doing their bit when they have to in digging deep and in restructuring their lives for the common good. Our aim in this chamber and elsewhere and right across government is that that be minimal and that we move towards, as the Premier has said, COVID normal and that we move towards a more terrific normal with the vaccine. That is a good sentence: ‘more terrific’. You can use that.

Mr Limbrick interjected.

Ms GARRETT: A ‘terrific normal’. I think so. We could really work with that, couldn’t we? My ‘terrific new normal’. That means that people are increasingly just able to go about their business without any of these restrictions on them, and that is what we all want in this house. The risk is that if we do not have the capacity to impose the restrictions, then they will not be able to go about their business at all, including, tragically, the very business of living.

The state-of-emergency extension will give the public health team the levers it needs. There are protections in place to ensure those emergency powers are used appropriately. There will continue to be the requirement that reports be tabled in Parliament for each of the four-week extensions of the state of emergency, and the chief health officer has to explain his public health rationale for the extension. It also requires the chief health officer to exercise emergency powers on the basis of proportionate, timely, expert and evidence-based public health advice, with the intent to reduce the serious risk to public health caused by COVID driving that exercise of power. The directions must comply with the principles in the Public Health and Wellbeing Act 2008 and the Charter of Human Rights and Responsibilities Act 2006. There is also the Public Accounts and Estimates Committee of Parliament, which is a public forum in which ministers and departmental officials are questioned in the full glare.

So again this is about these very extensive powers being undertaken in the public eye and with public accountability, but we cannot get away from saying, just because we would like these powers not to be necessary, that they are not necessary. That is just letting Victorians down. That is not acting with
responsibility, it is not acting with leadership and it is not acting on the basis of the best public health advice that is available. Our public health team needs these powers. They need these levers. They need the capacity to act, act quickly and act often in a localised fashion or a broad fashion. We do not have time in many instances to be going through clunky processes. The virus does not wait for clunky processes. The virus is speedy, it is smart and it has one goal—and that is to infect as many people as it possibly can as quickly as it possibly can. In response to that level of threat, we have to have levers that can be used quickly and can be used effectively to make sure that we stop that transmission, that we stop the virus doing what it desperately wants to do—and that is to replicate itself, particularly in our most vulnerable.

I commend this bill to the house. This is and should be a bill that is above politics. It is driven by public health advice, it is driven by keeping Victorians safe and it is driven by accepting the reality of what we are facing, which is slammed in our face not just here but every day from images beamed around the world. It is accepting that reality, it is responding to that reality and it is responding to that reality in the most appropriate and effective manner possible. The range of levers is extensive. They are used on the basis of the best public health advice available. They are in existence right across this country in every other jurisdiction. They have been used liberally in every other jurisdiction when necessary, and Victorians deserve those same protections and that same capacity to know that the public health team will act without hesitation to shut this thing down, to keep people safe and to keep Victoria open.

Ms PATTEN (Northern Metropolitan) (15:46): I could say it feels like groundhog day again, but I do not want to say that, because this is different. After a number of sleepless nights and after a number of weeks of negotiations with the government on this bill, I am satisfied to support this bill. Not only that, I know that not supporting it would have been the morally wrong thing to do. To just say no would have been the morally wrong thing to do. It would have been the easy thing to do.

Thank you to the Liberal Party. I received 7000 emails on Saturday all sent from a Liberal Party endorsed website saying all kinds of things to me. Sadly none of them provided me with a return email address, so I could not write back to them, because I do enjoy writing back to some of them; I do enjoy writing back and questioning them. But using the type of language that they used towards me, suggesting the things that I should do with all sorts of instruments and animals, I question how that helps them advocate for their position. How does that encourage me to change my mind? How does that encourage me to understand their position? But we did get a lot of those emails, and this had a lot to do with the opposition. I could have just said, ‘No, I’m out of here. This is not my circus, not my monkeys. You work it out’. But it is my circus. This is our state all together, and we have a responsibility to do what is right.

In supporting this legislation, I would have loved to have seen this legislation actually probably introduced six months ago, in October, when we were looking at this, when we asked for specific legislation, when we recognised that COVID was not going to leave us anytime soon. We just heard the World Health Organization today note that the number of COVID infections in the world is back on the increase. We had had seven weeks of steady decline. It has started increasing again today, or their reporting said there was an increase today. This morning we woke up to notifications about two wastewater announcements in Victoria: that fragments of COVID have been found in wastewater in the west and wastewater out in the Yarra Valley. It is still with us. We are still going to need controls. We are still going to need to act with caution. But we want to have some confidence, and I think certainly for me this was the hardest thing: how can we live in a state of emergency? And this is what we have been doing. We have been living in a state of emergency, and we cannot go on with that.

I am pleased to see house amendments today that also address some of those human rights issues—that right to protest, that right to question your detention—and that change the way that COVID fines will be applied specifically to children. These are all good amendments, but I think what got me over the line was really the absolute commitment to develop COVID-safe legislation—that we will be doing legislation that is focused on health. We will actually be doing something that no other state in Australia has done. Let us not forget that every state in Australia is operating under a state of
emergency. If we just said no, or if we said, ‘No, it must be one month’, I can tell you that my inbox could not deal with debating this every month, and I do not think it is necessary. We negotiated last time for at the very least the declaration to be tabled in Parliament so we could look at that. We also negotiated that we would get a briefing from the minister and the chief health officer, and that has happened every four weeks. We have been invited to these briefings. To me this is a level of transparency that no other jurisdiction has. There is no other Parliament that is getting this type of transparency.

But going forward we are going to have something better. We are going to have a piece of legislation that will be developed over the next few months, and it will be developed by an expert group. They will be consulting with business groups. I heard my good colleague Mr Meddick speak about this as well. They will be speaking to business groups, to the multicultural community, to the GPs, to the health services, to the rural and regional local governments, to the Department of Transport and to the tourism department. They will be speaking to everyone about how we can create legislation that is nuanced, that has the right risk measures and calculations in it.

On those risk measurements, I was very pleased that the government has also confirmed that within the next few days to a couple of weeks we will see some very specific regulations and information about how we deal with regional areas. Frankly, I have been spending a little bit of time in the regional areas with my colleague Ali Cupper in the other house, and I can tell you that the people at Wycheproof, the people at Birchip, the people at Manangatang, the people at Sea Lake could not understand for the life of them why they were in a five-day lockdown, why they were in stage 4 last month when they had never been in stage 4 before. However, they want to remain safe. So the conversations in the Patchewollock pub were about sheep racing, but they were also about the fact that they understood that we need to stay safe, that we need to have hotel quarantine, that we need to self-isolate when someone has been infected or someone was a close contact of someone. They understood all of that. They just want it to be nuanced and they want the risk to be properly assessed, and I am very pleased that we hear that this is what is happening.

Now, the government has not got it perfect by any means. We have seen mistakes made; I acknowledge that. I am not the government, though. But I am also not the opposition. I am actually here as a member of Parliament to do what I think is best for my community, and having no ability to quarantine, having no ability to self-isolate is not the answer. In fact we would see our borders locked down. We would see New South Wales, South Australia, WA, Queensland, Tasmania—every other state—lock us out. We may be free to walk around our own state, but we would be locked out of every other state; that is without doubt. Or we would have seen the government having to rely on far more draconian legislation, like state-of-disaster legislation, and I do not think any of us would have liked to have seen us go down that pathway.

Again, many people have said to me, ‘So you’re going to trust the government for another nine months?’. Frankly, we have to do something, and COVID-specific legislation is the right way to do it. I would have loved it to have been done when I asked for it back in October, but I am pleased that we are doing it now. I am pleased that we have an expert group doing it. I am also pleased that the government has agreed that they will report back to this chamber and report back to the Parliament every three months about the progress of that group. We will still see the same reporting back of the declarations, with that same briefing available to members of this chamber every four weeks. So we have got some levels of transparency that do not exist in other jurisdictions. I am not saying it is perfect. I know my good colleague Mr Limbrick will raise a number of issues around human rights and the transparency of those tests to our charter of human rights. I think he makes some very good points. However, just saying no here is not the answer. We actually have to do something. I have come into this place and so regularly I have said, ‘Let’s not let the perfect get in the way of the good’. This is another circumstance where we cannot let the perfect get in the way of the good.

I had 7000 emails, as I told you, telling me to stop the state of emergency—you know, ‘Stop the grab on power’ or whatever they were saying. But—I apologise; I will be very quick, Dr Bach—I spoke to...
the Burnet Institute. I spoke to the AMA. I spoke to the Australian Industry Group. I spoke to numerous groups that actually had significantly more nuanced approaches to this than ‘Just say no’, ‘Stop the state of emergency’ and the whole range of other kinds of wacky ideas that I heard. So who do I listen to? Do I listen to those 7000 emails that were generated by a Liberal Party website, or do I listen to the experts? Do I listen to the head of infectious diseases? Do I listen to the solicitor-general, Kristen Walker? Yes, I do. Do I listen to the Human Rights Law Centre? Yes, I do. Do I listen to the Law Institute of Victoria? Yes, I do. And they are telling me that we are on the right path—that this is the way to go.

Again, I accept that this is not perfect. I also accept that Victoria is more acutely aware of what a state of emergency means. I am acutely aware that the Northern Territory, the ACT, Queensland—well, Queensland had some lockdowns—some states, have never had to go into any form of lockdown, and that is great. I accept we have had a very tough year. I am talking to my constituents daily about how to improve that. I am working with small business operators in my community on how we can improve that. But I am seeing so many more people walking around the streets at the moment. I am seeing so many more businesses opening. I am actually starting to see some ‘For lease’ signs come down on Nicholson Street, on Sydney Road, on Lygon Street. I am starting see businesses build back up. I am starting to see us coming back. We will not bounce back, but we will come back stronger. I am starting to hear from mothers who are saying, ‘I love the flexibility that this has created—that I didn’t have to seem like some desperate person for wanting to take some time off to take the kids to school. I can do that. I can now work and take my kids to school, and I can do that effectively and efficiently’. I think we will keep some of the changes, and we have seen that with a piece of legislation that is coming to our house around the way the courts operate.

I have taken up this time so Dr Bach does not have to start for 30 seconds before cleaning. You can thank me later, Dr Bach.

I do not think this is perfect. I do not think that the government is without fault. But, again, I know that we are going to need something to take us forward. I know that COVID is not going to end, and it is not going to end in December. We are going to have to have a health response in place for this pandemic, and I plan to work with the government on this. I plan to have a seat at the table. I can bet that I will have a seat at the table and Mr Meddick will have a seat at the table. I kind of bet that the Shadow Minister for Health wishes she had a seat at that table. But by working with governments, by negotiating with governments, that is how you get a voice and that is how you get a seat at the table.

Sitting suspended 3.59 pm until 4.18 pm.

Dr BACH (Eastern Metropolitan) (16:18): I am saddened to have to rise, as I have done before, to speak once again about a bill that seeks to very significantly extend the period of time under which Victorians will have to labour under extraordinary state-of-emergency powers. In my contribution I am keen to focus on the kinds of impacts that are suffered by Victorians and have been suffered by Victorians under these powers to date. We had two periods of lockdown last year, one very extended lockdown. We also more recently had a five-day lockdown. Under these lockdowns, many elements of which were only possible because of the powers enshrined in the bill laying on the table of the house today, Victorians suffered a great deal.

In seeking to present its case regarding this bill, the government has done so in a Manichean way. This is about those who accept the science versus those who want to let it rip; this is darkness versus light. There is no choice, we have heard from members opposite, we know the alternative—with reference to European countries and to America. This position is intellectually moribund. This position is a deliberate political strategy.
Those opposite, I will concede, can point to a shrinking number of public health experts that support elements of the government’s approach; and we on this side of the house can undoubtedly point to a growing number of medical experts and public health specialists who support the coalition’s approach. In making some comments on this bill I am keen to focus on the impact upon young people. When focusing on young people and the closure of schools, those opposite continue to say—and have said today in this debate—that all the government does is accept the advice of public health experts. That is what they did when last year schools in country Victoria, where there was no COVID and no COVID transmission, were shut for months, and that is what they did, we are told, just over the course of the last week or so when we had our five-day lockdown or ‘circuit-breaker’, as members of the government like to call it. But that is not true.

At the start of this pandemic the government repeatedly said that it would rely upon the advice of the World Health Organization. The government repeatedly referred to the committee of all Australian chief health officers. Well, the World Health Organization says that schools should only be shut in areas with intense transmission. There was no transmission the week before last, when the government made its decision to lock down country Victoria again. Through the months and months of school closures last year there was no COVID in so many parts of regional and rural Victoria, so there was no public health imperative for the closure of schools. We know this from the mouth of the minister himself. Minister Merlino said that schools were closed in country areas to, quote, ‘level the playing field’, and in closing schools he utilised the powers that are enshrined in this act currently.

That was a particularly concerning comment to me and showed an utter lack of understanding about the impact of school closures. There is no level playing field between country kids and city kids. Any reputable study and any reputable expert will tell you that. The Productivity Commission in its report on government services just last month again made the case very plainly that for a whole range of complex reasons kids in country Victoria have significantly worse learning outcomes than kids in metropolitan Melbourne, and yet the government says there are, quote, ‘positives and negatives’ to school closures. The government says—indeed the minister himself says—many students thrived during the period of remote learning. Well, let us refer back to the experts that the government itself said it would listen to at the start of this pandemic. The World Health Organization says the impact on students both in terms of their wellbeing and learning is devastating. The minister said students thrived when they were away from school; the World Health Organization says the impacts are devastating. The minister says, and other members of the government say, there are positives and negatives; its tutor program, which it borrowed from the Liberal Party, will see to any learning losses. Well, the OECD, which members of the government regularly refer to as a reputable, independent, expert economic body, say that learning losses will be permanent. So the government has not listened, and this argument, this Manichean argument, that is being put once again today—that there is no choice, that there is one way to deal with this pandemic, and that is to, when thinking about schooling, shut schools down statewide against the advice of all expert bodies apart from, apparently, Victoria’s public health team—is therefore not sustainable.

Mr Davis spoke at length at the commencement of this debate about the need to see the medical advice. Now, I do not need to recapitulate every point he made, but respectfully I would put it to the house that if there is such robust evidence on which to base the sweeping decisions that the government has made recently—statewide lockdowns, statewide school closures in areas with not only no COVID transmission but no COVID, full stop—then why can’t we see it? The Premier says we are playing semantics. Well, signed orders by the chief health officer constitute advice—what nonsense. And he knows that is nonsense. So if there is advice, let us see the advice. When those opposite say that to raise any objection to the manner in which the government has managed this pandemic is to play politics, I say: how insulting to the 801 people who died directly because of government failures. I was a member of the committee chaired by Ms Patten, who spoke directly before me, that looked into gross failures in contact tracing, and that Labor-dominated committee said that people died because of government failures. I was very interested to read the report of the Coate inquiry, and numerous eminent experts who reported to the Coate inquiry—were called by the Coate inquiry—have since
come out to make really strong points about ongoing failures in hotel quarantine. Professor Grayson, a professor at the University of Melbourne, was called by the Coate inquiry, and recently he came out and made comments so strong—he said that it seems as if the Premier has not even read that report.

There is a reason we are here again, and that is because of ongoing failures in processes that the government said were fixed. We have heard again about the wicked nature and the ever-changing nature of this virus. Professor Grayson said recently that this virus did not escape from hotel quarantine because it was a different strain; he said, and he is an expert who was called by the Coate inquiry, that it escaped because of ongoing failures that could easily have been remedied if the recommendations of the report had been put in place. So again, I reject the quite frankly puerile notion being put forward by those opposite that to question them in any way is to embrace an approach, to quote those opposite, that simply says, ‘Let her rip’.

There are various different approaches that have been taken very successfully in the management of this virus, and of course Mr Davis in his contribution, and those of my other colleagues, pointed to New South Wales. From the very outset of this pandemic I have been advocating, and my colleagues have been advocating, an approach that is in some ways different to the approach taken by the government. That is the approach that we have seen taken in New South Wales—and we have been vindicated. On any metric, the approach taken by the New South Wales government is more successful than the approach taken here by the Victorian government—on any metric, on any health metric—and first and foremost in a pandemic it is imperative to keep people safe. That has been done better interstate. It is important as far as possible to keep people in jobs, to keep the economy growing. That has been done better under different approaches interstate, especially in New South Wales.

I disagree fundamentally with the minister regarding school closures. I agree with the World Health Organization. I agree with the UN, with the OECD and with independent Melbourne experts based at the Murdoch institute that school closures have a devastating impact on students. He says that students thrive when learning at home. Members of the government say there are positives and negatives. So on any metric, the approach consistently advocated by me and my colleagues has been shown to be the superior approach, yet we continue to hear from those opposite that there is no choice. This is a Manichean and intellectually moribund argument determined to serve a political objective and a political objective only. I have been interested to note some other comments from other speakers that the approach of the opposition is to just say, ‘No’. Well, I would refer those members to the initial comments of Mr Davis. That most certainly is not our approach.

I have been interested to receive a large amount of correspondence from all sorts of people across the region I represent and more broadly across Victoria, and I have been saddened that in this debate people who want to reach out to politicians have been denigrated. In a small number of instances I have received communications that quite frankly have been inappropriate—on a very small number of occasions. But the vast majority of people who have reached out to me, regardless of their views—and some of them sought to support the government, just like I admit some experts support the government—have not supported the government and have urged me to vote against this bill, which I certainly will unless the amendments that Mr Davis outlined are accepted. But I do not think it is appropriate to denigrate those Victorians who we disagree with or those Victorians who seek to communicate with us.

As I said at the outset, I am deeply saddened that we are here once again. We are here once again because of ongoing government failures. These powers are very significant. They are very significant, and my strong view, as Mr Davis outlined when we first commenced this debate, is that if these powers are to continue to be used, then they need to be used in a careful way with much greater oversight than this bill entails. So in its current format I certainly do not support it.

Mr LIMBRICK (South Eastern Metropolitan) (16:30): This legislation to extend the state of emergency proves the government cares a lot about its own freedom to act but does not care about the freedom of Victorians. Today we are not just talking about legislation, we are talking about a rubber
stamp to the terrible excesses of last year—women being assaulted in the street, children being forced into isolation, protesters being put in danger, businesses forced to go broke and people not getting check-ups for cancer, heart conditions and other medical issues. We might have been able to consider this legislation if the government showed how their directions are proportionate and the least restrictive of rights, as required by the Public Health and Wellbeing Act 2008, but it is easier to find the recipe for KFC than to find any insight into their decision-making. Every question I have asked about proportionality has either been denied or waved away, because it is apparently not about human rights. The Attorney-General herself was unable to even tell me if she has seen a human rights assessment in relation to the latest five-day lockdown. The Ombudsman’s investigation into the public housing tower lockdown revealed that sometimes this is just a mental process anyway, so the evidence suggests that many of these assessments probably do not even exist.

Once again we see the government cares desperately about its own privacy but does not care about the privacy of Victorians. We know this because they happily send police to smash down the doors of people’s homes who dare to organise a protest, they can and do use drones and helicopters to spy on people and download it to their servers, and for months last year this was happening while the state’s human rights commission decided to not take calls from the public on the telephone. Orwell once said that if you want a vision of the future, imagine a boot stamping on a human face forever, but it turns out in Victoria you do not even have to imagine this. Does anyone here remember last year when a man who was on his way from a mental health appointment was filmed being kicked in the head by a policeman? There is no safeguard against this happening again in this legislation, but mental breakdowns are rarely seen in public. We know about massive spikes in calls to Lifeline that occurred during lockdowns, but not much else, and that thousands of men, women and children in Victoria are left to battle anxiety and depression in private. During the latest lockdown somebody very close to me had a major mental health issue from which they are yet to recover. For those thousands of people who suffered the consequences of last year and the people that know them, what we saw today at the Royal Exhibition Building was sickening, because some of the people making the speeches were responsible for their suffering. So here we are a matter of hours later enacting legislation that could have a terrible impact on the mental health of Victorians—and make no mistake: these lockdowns are a man-made mental health crisis, and it all starts right here.

I note that the house amendment also indemnifies the government for locking up people if it is later found that they are unjustified. Once again they protect themselves while this legislation allows them to hand out $1600 fines to people for sitting on park benches. The government have made a few token amendments to this legislation this time around, but have shown their contempt for human rights by ignoring a key recommendation of the Ombudsman’s report into the public housing tower lockdown. The Ombudsman recommended that detained people be allowed fresh air and exercise, so anyone who denies this request is a literal oxygen thief. The Liberal Democrats are proud to stand up for the rights of Victorians to breathe and go for a walk; we are proud to stand up for the people with mental health issues when it actually matters, like right now; and we are proud to stand up for human rights. The Liberal Democrats condemn this bill.

Dr CUMMING (Western Metropolitan) (16:34): I rise today and it feels like groundhog day. We were here on 1 September debating just the same bill. The government has had two seasons, six months—they have had spring and they have had summer—to do something different, but lazily they have come here again just requesting an extension, an extension for nine months. Nine months is how long it takes to have a baby. For goodness sake, you have had two seasons and now you want nine more months to actually make specific legislation that six months ago—two seasons ago—we requested we wanted. I have heard some of the contributions here today, and some of the contributors here today I remember six months ago saying, ‘We’ll give the government six months more extension, but that’s it. That’s enough time to come up with specific legislation’. But here we are, hearing today that they are going to give them another nine months. I also remember those members talking about giving them possibly three months, but now they have backflipped and they have said, ‘No, no. Nine months’. 
So I really struggle today to feel that the government has done everything they possibly could. I have heard members of the government actually say today, and I agree, that the government should have their skates on. Really, I think they should have a jet pack on their back and actually do something about what is going on. They obviously have been snoozing when it comes to what has been happening here in the way of quarantine as well as, respectfully, thinking that they can dismiss what we all said six months ago—they feel they can come in here and will just get their nine-month extension—and it seems that they have from the contributions I have heard thus far today.

But it would seem that the people they have actually listened to are the Liberal Democrats and the amendments they were proposing. Their proposal, which came off the back of the hotel quarantine inquiry, the government read, obviously, in December. But two weeks ago there were no amendments to this bill. I was given a briefing on 15 February, and pretty much I was told that it was just an extension—groundhog day.

Thankfully they have come now, this morning, with some amendments that seem to be coming off the back of what the Liberal Democrats have actually put up as amendments. I thank the Liberal Democrats for taking the time, because I know what it is like to put up amendments and feel that they will be ignored by the government—and what is the point? It is great to see that the government has actually taken those amendments on board, but I do not see any other amendments. I do not see amendments around green zones, red zones and amber zones and how we are going to do things differently for regional Victoria. I do not see those amendments at all. I do not see anything in this legislation that is going to give greater Victoria any rest from snap lockdowns, or the proportionate response that is needed.

But I also would like to speak to some of the other contributions that I have heard around how this virus has mutated—again talking about it around the world rather than looking at Australia and Australia’s response and the different states’ responses, especially when it is really simple. You do not have to add the word ‘COVID-19’; you just have to look at the Public Health and Wellbeing Act 2008. Part 8 of that act, that we are amending here today, talks about the ‘Management and control of infectious diseases, micro-organisms and medical conditions’. It talks in great detail about the principles applied to the management and control of infectious diseases. This is already in the Public Health and Wellbeing Act. It talks at great length about the chief health officer’s responsibilities, and what he or she can actually do. It also talks in division 2 of part 8 about the ‘Least restrictive measures to be chosen’. It is here in black and white, in law, that the least restrictive measures need to be chosen. It goes into great detail about testing orders, and it virtually says that if a person does not take a test and they do not comply with the order to take a test they have committed an offence and it is 60 penalty units. It also talks about the amount of time. It talks about being reasonable. It talks about being proportionate. It also talks about people who fail to undergo a specific examination or test. It talks about how they can be detained—that they can be isolated—but it also talks about a specific period of 72 hours. It also talks about how the chief health officer has to put things into writing, and it goes into great, great detail about how we have to manage and control infectious diseases. It is pretty clear—it is spelt out in black and white—and it also goes into detail about detainment. It is all here. It is absolutely all here, all here, all here.

I want to go into just a little bit of detail on some of the things that the government has changed since last time. One of them is under section 3A, which is ‘Secretary may declare immunisation requirements’. There is a change in this, and I will be questioning the committee later about this. It says here that:

(1) For the purposes of the definition of age appropriately immunised in section 3(1), the Secretary may declare immunisation requirements by notice published in the Government Gazette.

I would like to understand why there has been just a minor change in that part, and I will question that later. It goes to great lengths to talk about the detention orders and the review officer and the review requirements that will be now actually placed in here, where people have a right to appeal and a right
to have things in writing so they can actually understand why they are being detained and what is actually going on.

I am also interested in a difference that I do not think I have ever seen before, where we are going to have a fine that is different for children and adults. I am almost actually glad to see this here, and I am not quite sure if it will become a precedent. I would love to see this applied to fines that you receive on a train, tram or bus for children, for people under 18. Does this open the door for all fines that are applied, and can we now actually start changing them to be age appropriate? If that is the case, I think the government has actually cracked open the door to make sure that the young people of the community who cannot afford fines and do not have the means and have casual jobs can actually look at nearly every fine that the government imposes on them and that the fines can be cheaper or can be waived because of their age. So congratulations, government: by putting this here I think you have opened a door for other conversations about all the different fines that the government proposes. I cannot wait to have those ongoing debates about how we are going to change all the fines and prescribe penalties that are different for adults and children. That will be great to see. This is the start of a new age, I feel.

**Ms Symes** interjected.

**Dr CUMMING:** Well, you know what? They do not have that when a PSO gives you a ticket—

**Ms Symes** interjected.

**Dr CUMMING:** There is a cheaper fine, is there? Great. I am looking forward to all the different fines. I will speak to the proposed amendments to the Public Health and Wellbeing Act 2008 that aim to extend the state of emergency for another nine months. On 16 March last year the state of emergency was first declared for a period of only four weeks, and it has been extended many times since then. And in September last year this chamber debated the extension to allow it to be a total of 12 months. As I have said, I remember quite distinctly that there was only going to be an extension for six months given and somehow the state government was going to get its act together to write up some specific legislation about hotel quarantine. So this bill is like groundhog day. Here we are, debating it again.

The questions that I asked six months ago still remain unanswered. Why back 12 months ago were we not updating and creating a pandemic plan that could be used today? Why are we now trying to change our existing legislation to suit the current situation? So many of the things that I said when I stood here last September are sadly still the same. My electorate has been the worst hit by COVID: the highest numbers of cases, Cedar Meats, the Flemington towers. My suburbs have been locked down specifically, with Footscray, Maidstone, the Holiday Inn—all in my electorate. This virus has not just been causing suffering but it has also amplified those problems and suffering that already existed—physical illness and death, stresses and anxieties, financial and social instability. We still have some industry sectors, such as events industries and their businesses, that have been going interstate. Since last September at least four reports have been handed down to the government—one about hotel quarantine, one looking at the Flemington towers, another about contact testing and tracing. And have the government adopted all the recommendations contained in those reports and the reports prepared by their agencies? No.

The government still are not managing quarantine effectively, because if they were we could all sleep at night. The only way this government actually manages quarantine is to stop the flights from coming here. And even in those months and weeks when we actually do not have any interstate travellers they still cannot seem to get their act together—when they have been given that amount of time to actually get their house in order.

Instead of having it managed by an infectious disease expert, the new designated COVID-19 Quarantine Victoria is headed by someone from corrections. They are supported by three deputy state controllers—one is from health, another from police. Nearly two months after forming CQV, the third was still to be appointed—nearly two months after the agency being formed. I thought quarantine was
a health response, not detention, and it should be staffed accordingly, with infectious disease experts and infectious disease having the most protection that you could imagine so it cannot escape quarantine and so that we can all sleep at night and it cannot actually get out into the community. It failed us.

Then there is the issue of the former lockdown last year and then the snap lockdown just in February. These have all been because of cases coming out of hotel quarantine. So how is the government operating gold standard quarantine? Did we have workers at the hotel facilities contracting this virus? Why do we still have staff moving between hotel quarantine and offices, in breach of the recommendations? The government’s own agency, WorkSafe, issued improvement notices to the health department and the quarantine agency prior to the Holiday Inn. Inspectors have had concerns about the movement of quarantine staff between red and green zones at terminal 2 at the airport. The concept of hot and cold hotels is irrelevant. They should all be treated the same. The whole purpose of quarantine is to treat everyone as if they are positive until they are proven negative. However, the two hot hotels managed by hospitals have seen no breaches. They apply infection control procedures comparable to those in hospitals, and that is how quarantine should be applied—and to think that there are nine hotels with less stringent measures, creating the problems of workers unknowingly catching the virus and taking it home to their families and into the community.

The virus is not going away, even with a vaccine. The vaccine will reduce the symptoms. It will maybe give us six months of cover. We will be hoping that there will be continual improvement in vaccine development to the point where they could possibly have a vaccine that could be a magic silver bullet. But let us not hold our breath, because they have not found a vaccine for coronavirus yet, and this vaccine is not going to stop you from getting coronavirus; it is only going to reduce your symptoms. It will only give you six months of cover. I can understand why the government are pushing very hard for the vaccine to roll out—because they do not trust their own hotel quarantine. They do not. You have to roll out the vaccine, because really, if it is going to continue to creep out of hotel quarantine, you are going to need a backup—and I thank the federal government for providing it for free for the people who want to take it.

As a state we need to figure out how we are going to adjust to this and find ways to do so, where we do not have to rely on people being in total lockdown and ultimately where we do not have to rely on a state of emergency to manage our response. Quarantine is going to be with us for a long time, for years, especially as borders start to open up around the world. We need to work out how to manage it effectively so people do not get sick and people do not die. We need to have separate legislation to manage quarantine without having to declare a state of emergency, and we need to ensure that the new legislation ensures that everyone in quarantine has basic human rights—access to fresh air and exercise—unlike the residents of the Flemington towers. We need quarantine facilities fit for purpose or hotels that have proper airflow and access to fresh air. We need testing at airports for all returning travellers similar to what has been happening in other states. Instead we have returning Victorians just able to wander through the airport. I do not accept the explanation that the government have not had the time to produce such legislation—two seasons, spring and summer. They have had 12 months to do so, since the start of this pandemic. A group of private barristers have shown that this can be done, so it is a lie to say that the government did not have the time or that it could not be done.

Community members continue to contact my office about how they have been suffering. They should not have to live in a permanent state of uncertainty, wondering when the next lockdown is going to occur because the government has not got hotel quarantine right. They should know if they can actually provide for their family, they can make plans and they can pay their bills. They should be able to plan for their businesses and when they can open them. They should be able to plan for their weddings, for family celebrations, for funerals, for going to church and for other activities, because we should be feeling safe that hotel quarantine is just that. They should have the confidence in the government that it will manage quarantine and contact tracing, and it should have the confidence that it has got it right; otherwise the government should not sleep at night.
Thousands have written to me, begging me not to support this extension of the state of emergency. And why? Because you have had 12 months, you have had six months. It is lazy to think that you need an extra nine months. It is my job to listen to who I represent, and to be my community’s voice. As an Independent I have a free voice from party politics, and I am here to hold others to account, to scrutiny. We need to consider those who are quarantined, who are sick and the entire community. But most of them are fit and well and healthy, and the government still has not changed their messaging towards the healthy and what people can actually do to keep themselves healthy and safe. If you catch a cold, there is stuff to reduce your symptoms, in a chemist, in your supermarket. So please tell me: what can those in the community do if they get COVID to reduce their symptoms? The health and wellbeing act talks about giving them the access, the right, to all available ways—I will read it—’to have access to any appropriate available treatment’. It is in the act, so why aren’t those messages out there? It is here: ‘appropriate available treatment’—to have access to it. But there is no messaging around that—no messaging. I have been told, ‘Just take a Panadol and go home’. Amazing. You get more support for a cold or if you get your tooth out. You get more information on what to do—from the government, mind you, or from the public dental system. But for COVID, good luck.

So the government is asking for another nine months for a state of emergency—nope—another nine months to have unbridled power, nine months of no scrutiny, nine months of continually having the chief health officer just produce the orders without having the background information. They have certainly shown contempt for the members of this chamber. Whenever they have been asked to produce the medical advice to warrant their directives, it has not been forthcoming, despite numerous requests—something as simple as that, for the community to be able to read and understand, and not just the orders. I see that as an abuse of power—when you withhold that information from the community, from us, when we are requesting it. It is our right to understand these orders. The people of Victoria deserve better governance. We have a Parliament for a reason, and that includes representing the people and holding the government to account for its policies and its actions. How many members of the government sitting here today can say, hand on heart, they are actually representing their community members and not just towing a party line? To think that I have heard people in this chamber saying that the last lockdown was proportionate and was needed—in country Victoria, 5 kilometres? You need to look your community in the eye and say that that lockdown was needed in regional Victoria. Because we know that the government had it under control with contact tracing. They should have trusted themselves. Last year when we had the four-month lockdown, the government should have trusted themselves. But no, no—an additional week, an additional week, an additional week, an additional week. You do not know what that actually means to the community, being locked up like that. When you created that last lockdown, you did not think about Valentine’s Day or what was going on that weekend, and you should have—all the people that it hurt, the thousands of dollars, the small businesses.

Unfortunately I do not believe the government supports the inscription at the entrance of this Parliament. It says:

Where no counsel is the people fall but in the multitude of counsellors there is safety.

So you need to listen to us all and to be respectful; you need to listen to all the crossbenchers. I am not here today saying no for no reason. I am here saying no because you have had plenty of time. There are things in place. There are other examples. There have been two seasons, and you want another nine months. And I am definitely not saying no. I think that the government should have been hearing us six months ago, because if you had actually listened to us six months ago we would have had specific legislation. No, you knew that you were just going to come in here and that certain individuals would sell out their community.

I have weighed up the responses from my community on what is needed. We need separate legislation for quarantine. You have had enough time to already have this done. We need better quarantine. We need excellent quarantine. We need to sleep at night. We need it to be better managed by infectious
Ms LOVELL (Northern Victoria) (17:02): I rise to speak on the Public Health and Wellbeing Amendment (State of Emergency Extension) Bill 2021, which amends the Public Health and Wellbeing Act 2008 to increase the period for which a state-of-emergency declaration related to COVID-19 may continue in force for a period of up to 21 months and to extend the temporary provisions of the act pertaining to COVID-19 until 16 December 2021, which will make it 21 months that this state will have been in a state of emergency. Legislation provides for a state of emergency to be for a period of six months, but of course in September last year the government came back and wanted to extend that period to 12 months. They did that with the support of Ms Patten, Dr Ratnam and Mr Meddick. They extended it to 12 months, and we will always remember Dr Ratnam’s miraculous appearance back from maternity leave just to vote for that bill.

At that time the crossbench actually said that they would give that six months extension to give the government time to bring in COVID-specific legislation. Now after six months we see that the government have done nothing, and now they want to extend it for a further nine months to 21 months, with no accountability, no transparency and no way for the government to be held to account. The entire time the government have kept saying that they are relying on health advice, and even though we have all called to see that health advice, no-one has been able to see the health advice that the government rely on. The government should table the health advice every time they extend this so that we can see openly and transparently why the government are wanting to extend the state of emergency.

This time, again, after having said that she would support the government to extend it for six months to allow them to bring in legislation—knowing the government is not bringing in that legislation—when Ms Patten spoke she told us that she will support this nine-month extension, because the government have promised now to bring in COVID-specific legislation. That is the reason she told us she voted for the six-month extension. Now she says she will vote for a nine-month extension for the same reason. She then outlined the consultation process for that legislation to be developed—and the extensive consultation process she outlined would probably take around nine months to complete anyway—and she told us that she would be a part of that committee.

Victorians have actually done it really hard over the past 12 months. They have suffered lockdowns, they have suffered separation from their family and they have suffered their loss of freedom. Children have had to be schooled at home. We have been denied participation in sporting and other activities. There was no football in 2020, and for Mr Finn and me that was a huge impost on our lives, wasn’t it, Mr Finn, particularly as we had to watch a grand final happening in Brisbane, where they did not have lockdowns and have never had a statewide lockdown.

Even when sport did resume in this state, we saw restrictions on crowds—so about 7500 at the tennis. This is the first year since I can remember that I have not been to the tennis. Last season was the first year that I can remember in my life that I did not go to a football match. And we have seen limited crowds at the cricket as well over the summer. We are now told that there might be up to 50 000 people at the MCG for the football this year—we hope it is more—yet our country sporting teams are being told they can only have 1000 at their grounds. So we are still suffering tremendously under this government and the restrictions on our lives and the activities that we participate in. The theatres have only just reopened. The summer ballet series has been at Melbourne Park, which is fantastic. The Princess Theatre has only just reopened. For 12 months we have not had those activities that we all enjoy so much and that are so much a part of Victoria, our culture and our lifestyle.

Other states have actually managed to do this much better. No other state has actually suffered a statewide lockdown. And if this government want to know how to handle this virus, they can look no
further than New South Wales and their Premier, Gladys Berejiklian, who has handled this extremely well. They had a little hiccup at the start with the *Ruby Princess*, but they got that under control. They have had around 5000 cases of COVID-19. Around 3000 of those have actually been returning travellers, because they have taken more than 125 000 returned travellers from overseas. Victoria on the other side has had over 20 000 cases, only 1000 of those from overseas, because the Andrews government cannot be trusted to run hotel quarantine, so we do not have as many travellers coming into Victoria. In New South Wales they have also gone for localised lockdowns, so they have not needed a statewide lockdown. If there was an outbreak, like there was in the Northern Beaches just before Christmas, which was terribly unfortunate for them right on Christmas, they locked down the Northern Beaches or locked down another suburb that was affected, but they did not lock down their entire state as Victoria have done.

I actually surveyed quite a large section of my electorate. I surveyed across three electorates—the electorate of Shepparton, the electorate of Mildura and the electorate of Bendigo East—to see what my constituents thought about this nine-month extension to the state-of-emergency powers. I received relatively even results from all of those electorates. In fact more than 82 per cent of people were against any further extension of the state of emergency, only under 17 per cent said that they thought it should be extended and just under 1 per cent were unsure. But overwhelmingly people did not want this extended.

We gave people the opportunity to give us feedback. And of some of the feedback that we heard from people in regard to the state of emergency, this one I found particularly interesting. This one was from a registered nurse who said:

> I am a registered nurse and I am disgusted with how there has been no consideration of human rights throughout this pandemic. The fear I have seen in my own patients from the constant fear mongering by government which actually has stopped people coming to hospital. The goal posts moving from maintaining hospital capacity to eradication which is not the advised way to manage this. This needs to stop. This is extremely unethical practice by the government. I would like my name to remain anonymous for my own protection.

It is dreadful that people feel that they need to be protected from this government. Regarding some of the other comments, of course there were all sorts of things about Daniel Andrews being bad news and ‘sack Daniel Andrews’ et cetera. One said that the state of emergency:

> … was supposed to give the government time to formulate a legislative framework to contain COVID, they have failed to do so and should not be given any more blank cheques …

Another said:

> The Andrews government has shown itself to be incompetent, disrespectful of the people of Victoria and Australia and to date has been … wholly unaccountable.

What else did we have?

Premier Andrews uses emergency powers excessively—

and—

… doesn’t seem to factor in the economic, social & mental health damage done by decisions which appear excessive …

They go on and on and on:

> There needs to be a royal commission into Dan Andrews and his whole cabinet past and present, for corruption and the covid response

And:

I am concerned about the Andrews Government’s over reach into our daily lives without open and honest debate and scrutiny.
And:

The Premier appears to have little regard for the trauma caused by lockdowns and is unable to respond to risk in a measured manner. As our local MP you should be representing our interests.

I am representing those interests, and this was from a person in Kialla. Suzanna Sheed, on the other hand, voted to extend the state of emergency. She did not represent the interests of her constituents.

Another one said:

It’s time the premier got off his self made throne and treat the people of Victoria like adults. His leadership has been immature, pannicked, controlling and destructive to the economy …

Of course there were a few that had something positive to say about why it should be extended, but they were not too positive. One said:

… if it makes sense, do it. Don’t oppose for opposition sake!

But again, I say that if it makes sense we would be seeing their health advice, and we are not seeing the health advice to know if it makes sense. One said:

This is a public health issue, not a political one and the state of emergency is in place to allow the public health teams to respond swiftly and appropriately.

Another one said:

I support him but he can’t just block people from living, people are being careful but they want to be able to travel and visit within Australia. He needs to calm down

Another said that they trusted Daniel Andrews and his team’s ability to decide what was best for them. Someone else said:

No, I think the current Gov’t is doing a good job under the current circumstances

So there were a few sort of lukewarm responses, but there were many more very angry responses that I could read out if I had a lot more time. In addition to all of the responses that I had to my survey throughout those three electorates, I also had around 3000 emails that came into my office, pleading with me not to support this legislation.

Ms Patten complained in her contribution about the emails that she had received, and it is a shame that she does not want to listen to the Victorian community. She claimed that those emails were generated by a Liberal website, but the emails are not actually written by any website. If people contacted her through a website, they contacted her through a genuine want to contact her, and those emails were written individually by those people. Ms Patten should listen to the people of Victoria.

Ms Patten and Ali Cupper have been saying that they will not support this legislation. They have been up there misleading the community, saying that they would not support an extension to December. Of course Ali Cupper voted against it in the lower house, where her vote does not matter because the government has more than 50 per cent of the representation down there and it was always going to pass that house. But when the bill comes here and Ms Patten’s vote may count towards the result, she votes with the government. So there is no point saying that the Reason Party voted against it in the lower house when they are going to vote for it here, because this is where it is going to be decided whether this bill passes or not. So the Reason Party are out there trying to pull the wool over people’s eyes, but the people of Mildura are smarter than that. They are country people. They know when they are being lied to, and they do not like the misleading politics that Ms Cupper and Ms Patten have engaged in in this.

So the Liberal Party is going to move amendments today to make this a month-by-month extension that would be voted on by both houses of Parliament to provide for scrutiny, transparency and accountability. I urge every member of this chamber to support the Liberal Party’s amendments—not just to vote blindly with the government but to support amendments that will provide for transparency,
Mr BARTON (Eastern Metropolitan) (17:16): I rise to speak on the Public Health and Wellbeing Amendment (State of Emergency Extension) Bill 2021. It saddens me to be standing here once again discussing yet another state-of-emergency extension. We have had a year to get this right. The Victorian people share a trauma. The lockdowns we all experienced last year have not been forgotten and have scarred many people. Whilst last year proved how adaptable we can all be, it did not come without immense cost. It is understandable that many feel anxious at the prospect of being locked inside their homes once again. We went months without seeing close family. Some went for months without seeing anyone at all. Parents struggled as they not only transitioned to working from home but also were responsible for the homeschooling of their children, essentially attempting to manage two full-time jobs. This had an impact even on my own team. That is not to mention the financial suffering that plagued many Victorians. This was a time of perpetual uncertainty. No-one could tell you when this suffering would end. This is nothing short of a shared burden we must all carry. That is why I am not surprised at the enormous response that this proposed state-of-emergency extension has had.

However, let it be known: I know nobody on the crossbench that will be intimidated by bullying, harassment and threats.

Given Victorians can now enjoy the fruits of their labour—visiting cafes, going on holidays and spending valued time with family and friends—there is of course a deep-rooted fear that this could all be taken away again. While I know this bill does not guarantee another lockdown, nor does it take away the COVID normal we live in today, the public pushback to this bill indicates an entirely different perception. The same controversy that cast a shadow over the last state-of-emergency extension and the omnibus bill continues to shadow this bill today. Likewise, the same concerns I had with the last state-of-emergency extension bill are just as relevant today as they were six months ago. The public has not been brought onside for this bill; rather this bill is characterised by a complete lack of understanding, misperceptions and outright lies.

I have always believed that effective communication is the responsibility of the communicator. Now, I just want it noted that I have not been involved in any of the negotiations with the government—no input whatsoever—and like everybody else in this place, I believe, we all got the amendments at 10 past 10 this morning. The anger felt by some in the community regarding this bill is not a reflection of the public but rather a reflection on the communication of the government on this matter. What is needed right now is a light touch by government to bring the community along. This is not a time for a sledgehammer. Likewise, unworkable amendments—for example, a month-by-month extension—in my view are impractical and unworkable. That is why I will not be supporting the opposition amendments today. However, I will be supporting the Liberal Democrats amendments on the basis of fairness.

Given the trauma carried by the public I think it is frankly unfair to allow this misinformation and emotional debate to play out as it has. The public deserves transparency, the assurance of independent oversight and clear information on what this bill actually entails. There is no argument government needs to maintain legislation that can mandate masks, operate hotel quarantine and maintain public distancing measures. This is a responsibility that has been borne by all states. However, Victoria seems to be unique in that it is the only state suffering from this immense backlash. Some states do not even
have a limitation on the time frame for a declared state of emergency—Queensland, New South Wales, Tasmania and the Northern Territory are all free to extend this period on a rolling basis. This is done without Parliament involvement.

The public accepts that these measures are introduced as required so that we can get to the other side of this pandemic. However, this state of emergency fails to resonate with our reality. For many, the phrase ‘state of emergency’ brings forth images of tanks rolling down the streets and sirens blaring. This is not at all similar to the COVID normal that we are experiencing today. Many are returning to their workplaces, attending weddings, going to the footy and getting back to normal. This does not seem like a state of emergency to me. Perhaps simply acknowledging that we are not in emergency is the first step to bringing the public onside.

The next step will be recognising the importance of public trust in maintaining cohesion, introducing legislation and improving compliance. Public trust is absolutely critical in our democracy. To see this trust eroding concerns me. COVID-19 is not over. For us to get through this the public need to have faith in their government. We cannot continue to let suspicion inflame existing tensions and anxiety. Whether or not this occurs will have a great effect on how quickly we overcome this virus. Given that the current vaccine rollout is a ticket out of this pandemic, the government must have the trust of the public for this to work. Because of our failures of the past we have disenfranchised large sections of our community, who are now resisting the vaccination process. We all have a responsibility to make sure this vaccination rollout is successful. Our future depends on it. Trust is hard earned. The government must make a genuine commitment to independent oversight. This also means engaging with the crossbench for better policy outcomes and to understand the experience of our constituents.

I have come to this place to judge each bill on its merit, to be fair and to be true to my own values. I did not vote for the state-of-emergency extension the first time, and I will not be voting for it today.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (17:23): I rise this afternoon to oppose this bill, which seeks to extend the period of a state of emergency. The Public Health and Wellbeing Act 2008, section 198, provides that the Minister for Health on the advice of the chief health officer may declare a state of emergency, and when that is declared it allows the chief health officer to then impose a range of directions which, as all Victorians know, are draconian in nature. They restrict where people can go and what people can do. They can direct that people be detained in certain ways. They can even direct health treatment. When the original act was put in place and that provision was made, it was with a view that that would be used in exceptional circumstances and typically in a targeted, short-term way. In fact the act provided that a state of emergency could only be declared for one month and it could be extended, renewed, for a maximum of six months, and that was done for a very particular reason—because the Parliament recognised that the powers granted to the chief health officer through the declaration of a state of emergency were enormous, they required enormous trust and they required appropriate constraints.

We saw last year in September the government come to this Parliament seeking to extend that six-month maximum to 12 months, and that was passed by this Parliament in September—or just passed by this Parliament in September. Now the government is back wanting to add a further nine months to that maximum state-of-emergency period. As I said, the powers the state of emergency grants to the chief health officer—effectively to the government—are draconian. Their imposition on the lives of Victorians, the way in which Victorians live and move about, and the way in which visitors come to this state or do not come to this state, as we have seen, are enormous. The exercise of those powers requires enormous trust by the people in their government, and that trust over the last 12 months has been comprehensively broken.

We have to ask: why is this needed? When this state of emergency was first declared in March and April of last year, it was on the basis that we needed to flatten the curve. We do not hear that phrase anymore, but back in March and April of last year we were told we needed to flatten the curve, which meant we had to slow the growth in the rate of COVID infections so that our health system was not
overrun. We were told by the then health minister, who was subsequently thrown under the bus and has left, that we had limits on the health system capacity, the number of COVID cases was growing and we needed to slow that growth rate so that the health system would not be overrun.

Well, we jump forward 12 months to March 2021, and there is no pressure on the health system from COVID. There are few, if any, people in the health system, in hospital or in intensive care in relation to COVID. If there are any, there might be one or two people. There is not the pressure on the health system that we were warned about a year ago. In fact the number of deaths in Victoria over the last 12 months is lower than it was in 2019. For the last eight months in particular it is down by about 6 per cent—1500 fewer people died in Victoria in the last eight months compared to the same period in the previous year. So the crisis the government predicted a year ago has not come to pass, but enormous damage to the Victorian community and the Victorian economy has as a consequence of the way in which this government has used the restrictions under the state of emergency.

When the government came to the Parliament last September seeking an extension, the opposition opposed it—as we will oppose it today—because we had seen the way in which the government had used the state-of-emergency powers to that point and in fact was using them at that time, with an unprecedented lockdown which went for more than 100 days and was arbitrary in nature. It was badly managed, and it had no regard to the impact it was having on the Victorian community and on the Victorian economy. We saw the then Minister for Health, who took the legislation through at that point in time, before she was thrown under the bus, answer questions in committee about the bill—about the way in which the government made decisions around the use of the legislation and the use of those powers. It was clear from her answers that there was no consideration of the broader impacts of the state-of-emergency declaration—the broader impacts on community health, the broader impacts on the economy. The government was using the health advice as a fig leaf, and they continue to do it to this day. We heard the Minister for Small Business in question time today do as much.

Well, health advice is not a shield for the government, because it is the government’s role to make decisions which are bigger than simply the advice from the chief health officer or the Department of Health. The impacts of what you are doing and what you have done over the last 12 months are far bigger than just the COVID pandemic, because the impacts on the Victorian economy and the impacts on Victorian families are far wider than simply the COVID situation. The best example of that was the five-day lockdown we endured a fortnight ago, where because of two or three cases in the community in a population of 6 million we saw impacts on every single household and every single business in this state which were dramatic, long term and in many cases irreversible. To hide behind the fig leaf of health advice is simply a dereliction of leadership on the part of this government, because there are far more considerations, far more factors, which need to be taken into consideration in exercising powers under a state of emergency than we are seeing from this government.

When the legislation came forward last September, the Liberal-Nationals coalition proposed that any extension should only be on a one-month basis, with reviews by the Parliament. That was to ensure there was a check and balance on the government in the way in which it exercised the powers under a state of emergency. The Parliament, this chamber, voted not to go down that path. We saw three members of this chamber—Dr Ratnam, Mr Meddick and Ms Patten—vote with the government, vote with the Labor Party, to pass the extension to the state of emergency. Those three members are complicit in the damage and destruction which has followed with the state of emergency since it was passed in September of last year. One of the requirements of the Public Health and Wellbeing Act at section 9 is the requirement for proportionality. Section 9 of the act says:

Decisions made and actions taken in the administration of this Act—

(a) should be proportionate to the public health risk sought to be prevented, minimised or controlled; and

(b) should not be made or taken in an arbitrary manner.

That is exactly opposite to what this government has done, and again, the five-day lockdown two weeks ago for three or four cases is the best example of that. When the Premier was asked why it was
statewide, the answer was essentially because it was convenient—‘We haven’t got ourselves organised to have a barrier between metro and regional areas, so for convenience we’ll have a statewide lockdown’—which is in no way consistent with the principle of proportionality which the Public Health and Wellbeing Act requires. So what we have seen in that instance and in numerous other instances is an illegal use of the state of emergency, a use which is in contrast with the requirements of section 9 of the Public Health and Wellbeing Act.

We saw the debacle on New Year’s Eve, where suddenly, mid-afternoon, the Acting Premier closed the border between Victoria and New South Wales with no regard to the impact. We saw people who were in New South Wales—Victorians in New South Wales—having to suddenly pack up their camps over the border in Moama and Albury and elsewhere, people who may already have started festivities for New Year’s Eve, having to drive back over the border to get to Victoria by midnight and the government having no regard to those impacts and the danger created because of the directions it was issuing. Again, no regard to the proportionality requirement of the act, no regard to the consequences, the broader consequences far beyond the impact of COVID, that these directions it has been making are having.

We already know that 150,000 jobs have been lost in Victoria. We have a dozen cases currently in the community, and we have 150,000 jobs lost. For every day the economy is shut down, for every day we are in lockdown, the estimate is $300 million to $400 million lost from Victorian businesses. That five-day lockdown, that so-called circuit-breaker the Premier declared in a panic a fortnight ago, cost the Victorian economy well over a billion dollars—for four or five cases—because this government is so incompetent it cannot even manage its contact tracing. We shut down the whole economy for five days at enormous cost to the community and at enormous cost to businesses.

We saw this morning, with the release of the Royal Commission into Victoria’s Mental Health System report, the hypocrisy of this Premier and the hypocrisy of this government, because no-one has done more damage to the mental health of Victorians over the last 12 months than Daniel Andrews has. No-one has done more damage in the history of this state to the mental health of its citizens than Daniel Andrews has, as we saw over the last 12 months. In fact I received on this issue an email this afternoon from a constituent of mine who lives in Dingley. I will read the three relevant paragraphs onto the record. It arrived at 3 o’clock this afternoon:

Hi Gordon.
I couldn’t agree more.
Both my 53 year old wife and my 14 year old daughter are now suffering from extreme depression. That last 5 day lockdown was the final straw for my 14 year old.
They are now both about to begin 12 weeks psychological counselling, my daughter actually mutilated her wrists with a screw driver.
And the irony is that the Andrews government created the problem in Victoria. How can the government not even understand the basics of quarantine which have been established since time immemorial?

That is the impact your lockdowns are having on the community, and you have no regard to that impact. Jenny Mikakos, the former health minister, stood in this place when the extension was given six months ago, saying, ‘Oh, we got the health advice from the chief health officer and we haven’t looked at the other factors’. For four or five cases in the community you locked down the economy for five days, and as this email shows you have a 14-year-old girl attempting to harm herself with a screwdriver as a consequence of the impact that had on her. And there are thousands of families, thousands of people, in Victoria with a similar story to tell because of this government’s first inability to manage the COVID situation last year but also its complete disregard for the need for proportionality in the use of state-of-emergency restrictions and in managing the impact of the COVID situation versus the broader impacts in this state.

This is having an enormous impact on confidence—confidence for investors, confidence for citizens. Talk to any Victorian about their willingness to travel, to book a motel, to go interstate or to go to a
regional city. Their confidence is shattered. That five-day lockdown a fortnight ago has shattered confidence across this state because people know it can happen at any time with no reason—an arbitrary decision by a panicked Premier. Three or four cases and the state is shut down. That is not the way to run a state. That is not the way to ensure confidence in the community, to ensure confidence in business. We have heard today the impacts of people leaving the state, professionals leaving the state, business investment which is going to be deferred or diverted to other states. In that lockdown we saw florists who had planned for Valentine’s Day with tens of thousands of dollars of stock going to waste, restaurants and cafes that had planned for Valentine’s Day with tens of thousands of dollars of stock going to waste. You seem to think you can turn it back on a couple of days later. It does not work like that. Some of those businesses which closed two weeks ago will not reopen at all because of your inability to manage and your inability to recognise the need for proportionality in the restrictions that you are imposing ostensibly because of COVID.

We are very much of the view that if there is any extension to the state of emergency beyond the expiration in mid-March it needs to be tightly limited and there needs to be tight oversight. That is why we will again be proposing amendments to restrict the length of any state-of-emergency extension to no more than one month at a time, with the government to come back to the Parliament for future endorsement. I would say to those members of the crossbench who voted with the government six months ago and who have done enormous damage and share culpability for the enormous damage which has occurred in this state over the last six months—enormous damage to mental health, enormous damage to families, enormous damage to jobs: now is not the time to stand with Dan. Now is the time to stand with the people of Victoria and reject this extension of the state of emergency.

Mr QUILTY (Northern Victoria) (17:37): I want to be brief, but I am not sure that I can be. I wanted the state of emergency to be brief. I wanted Victorians to be free again, but the Premier is determined to ensure we are all kept in a permanent state of panic. He wants to keep us in constant fear by ensuring the state of emergency is part of our daily lives. Just like Ivan Pavlov with his dogs, Daniel Andrews is conditioning Victorians to feel fear by keeping the phrase ‘state of emergency’ in our everyday lexicon.

We wear masks when we walk around in crowds. We wait with bated breath for the daily update on how many new cases have been recorded and sigh with relief when the numbers remain low. Many Victorians have come to view the Premier as a saviour, the only person who is keeping us safe from the hyper-infectious, hyper-intelligent, hyperbolic virus. He can do no wrong. We must do what he says. We are not safe without him. We are cowering in fear, and only the Andrews government can save us. But those sentiments are not proof the Premier is doing the right thing, not proof that this government is managing well. They are proof that we have all become conditioned, and the state of emergency is the primary tool of oppression.

I went to a dictionary—and by ‘dictionary’ I mean the internet—to find a definition of the word ‘emergency’. An emergency is an unforeseen combination of circumstances or the resulting state that calls for immediate action. So let us roll that concept around in our overworked brains for a little while. What strikes you about it? An ‘unforeseen combination of circumstances’ is the part that strikes me squarely between the eyes. By this stage there is absolutely nothing unforeseen about this virus. There used to be. Around this time last year a state of emergency might almost have been justifiable, depending on how the powers were going to be used. COVID-19 came almost out of nowhere, and the entire planet had to act fast. We locked down in our homes, doused ourselves in handwash, bolted masks to our faces and started creating sizeable pyramids out of toilet rolls. That was a year ago. So much has happened since in what was, while falling well short of the mark of being one of the most significant years in human history, as some people have suggested, at least one of the most significant years of the century so far. Almost all of us were glad to see the back of 2020.

2021 was viewed by many as a chance for redemption, to allow hope to become anticipation. The start of the vaccination program, the images we have been seeing of the first Australians to get the jab in the last couple of weeks, have been for many the start of the post-COVID era. I am not so naive as to
think we are on the last victory lap, and no doubt there are more twists in this tale. But what I do believe is that the emergency has long since passed. It is entirely wrong for this government to be seeking to keep us in fear, to maintain the response conditioning.

The record shows that I have long advocated for a more nuanced and delicate approach to virus containment. If there is one thing that has become obvious over the past 12 months, it is that this government cannot be trusted with these emergency powers. Regional Victorians have for no reason whatsoever been subjected to danger, abuse, bullying and insult from the Premier. He has made it his business to ensure that, while many others in Australia have been enjoying increasing freedoms, all Victorians must be kept under his yoke of tyranny equally. At zero cases in the regions we were pushed to stage 3, at zero cases we were forced to wear masks, at zero cases we were split by border closures and at zero cases we endured at zero notice a five-day lockdown. It was easier, we were told, to lock down the entire state than to just lock down Melbourne. Imagine how delighted all the communities in the regions were at that. The third lockdown, only a couple of weeks ago, imposed on the whole state, is all the evidence anyone here should need not to support this bill.

Let me be entirely clear. I do not trust you with these powers. I do not think you know the meaning of ‘proportionate’ or ‘minimum necessary’. Perhaps you need to be the ones consulting the dictionary. I do not think you understand human rights. You certainly do not care about them. We asked the Premier if we could see the evidence that he was relying on to justify this behaviour. He told us all the evidence was secret information that we were not allowed to see. We asked to see the human rights impact statements, and we were told those were secret too. Secret evidence is as good as no evidence at all.

When we asked the chief health officer about restrictions for which we know there was insufficient evidence, the CHO turned to the precautionary principle. He said that we must turn towards the use of force as a precaution, just to be safe. We should deprive Victorians of their liberty, to be safe. With a straight face, we were told that Victorians were to be subject to a guaranteed and severe harm as a precaution against a potential harm. If we are going to use the precautionary principle, then we should be taking precautions to prevent harm caused by this government when using these emergency powers. We should withhold these emergency powers as a precaution—a precaution against authoritarian power and against the deprival of liberty. Voting against this bill is a precaution against this government and against the Premier and his unlimited power. We cannot risk another nine months of unilateral lawmaking by the Andrews government, and there is very real and public evidence to back that claim.

The Andrews government has repeatedly asserted that it is not possible to manage COVID-19 without the use of emergency powers. This is a lie, a fabrication. It is false. The government could present legislation that provides the necessary powers to deal with COVID-19 that would also include the necessary protections for human rights and liberty. The government does not need emergency powers to handle COVID-19. The Premier has instead delivered Victorians an ultimatum. He is telling us that we either give the Premier unchecked power or he will let COVID run through Victoria unchecked. The Premier is holding Victoria hostage and is using the threat of an unmanaged pandemic as leverage to secure more power. The choice is not between a state of emergency and nothing; it is between emergency and management of the virus as business as usual. The government is hiding behind the state of emergency, hiding evidence and hiding responsibility for decisions. Any MPs who support this legislation are betraying Victorians. It will do no good to claim you stand for the rights of the disadvantaged, the downtrodden and those who cannot speak up for themselves when you are the ones enabling the boot pressing on their necks. The Liberal Democrats oppose this bill.

Ms BATH (Eastern Victoria) (17:45): I am not really pleased to rise and speak on this bill, but certainly I feel it my duty to stand against this bill, the Public Health and Wellbeing Amendment (State of Emergency Extension) Bill 2021. Indeed The Nationals will be opposing this bill that is lying on the table today. The amendments that this bill proposes seek to extend the period of the state of emergency by another nine months. Not until December this year will we be potentially free from these draconian rules that have seen Victorians go into the most shocking lockdowns—and the whole
of Victoria go in recent times into those shocking lockdowns—without compelling evidence. It provides inordinate powers, and we have seen those powers enacted: lockdown 1, lockdown 2 and then recently the most ridiculous total lockdown of the entire state because of the hotel quarantine fiasco once more. It absolutely defies belief that this government—with the inquiry, with understanding, with all of the technical expertise across the nation, with medical professionals offering their support and with recommendations in various reports saying what needs to be happening—still chooses to ignore those reports, and I will look into them further in my contribution.

What Victorians and people writing to me and ringing my office and emailing me have said overwhelmingly is that they are so frustrated with the lack of respect given to them by this Andrews government and that they fear that the weird stuff that happens in books is so much a reality that it will continue to become the norm in Victoria. They have asked me to push back, and today I certainly will push back. We have heard people say ‘give credit where credit is due’ in this house today. How can you give credit to the jailer? How can you give credit to a Premier that created this problem in the first place? Now, admittedly he did not create the coronavirus coming into our state, but his public health response has been of his making and of his choice. He has not listened to other states and learned from other states—and other states have made mistakes, there is no doubt about this. This had to be a learning experience because of its huge, significant and pandemic nature. But he has not learned. We have seen the Stockholm syndrome. We have seen Daniel Andrews locking up Melbourne for 23 hours, containing people within 5 kilometres. We have seen huge and extreme clamping down on our public life and liberties, yet we are asked to thank and congratulate and give credit where it is due. It just astounds me.

Those on the opposite side say, ‘Let’s talk about the facts’, and say that we over here are not presenting the facts. Well, let us just do some quick comparisons of the evidence: 20 000 positive cases, or a bit over, and 820 deaths from this coronavirus in Victoria; 74 per cent of the cases across Australia and 90 per cent of the deaths have occurred in this state. By contrast, New South Wales—let us look to them. They have made mistakes. They have learned from their mistakes. They have had 5000 COVID cases to date and 56 deaths. And we are seeing this again and again. Three times the returned travellers to this country have come back and gone into New South Wales, so the demographics should be stacked against them—but they are not. They have made mistakes, they have taken responsibility and they have acted seriously. Here we have seen weddings cancelled, we have seen families in isolation, we have seen businesses forced to close, open, close, open. We have seen many of them closed, and you only have to walk through the city to see the ‘To let’ signs on them. We have seen in regional Victoria—an alarming state.

Indeed just before I came into this chamber I spoke to my son who lives in New South Wales. He is a paediatric nurse, and I am so very proud of him. He has just had his Pfizer vaccine today. Our rollout is not rolling out like it is in New South Wales. We applaud the work of our nurses, our frontline staff and our teachers, who have worked under amazingly difficult and challenging conditions to pivot and work to support their students, but we also have seen small business absolutely crippled and on their knees. Our small businesses pay taxes. They pay our wages, we who work for the public purse, and they are being curtailed and they are not being given the respect that they deserve.

Let us look at how Victoria has suffered. The Public Accounts and Estimates Committee report speaks to what is happening in Victoria. Again I say to those opposite, these are the facts: Victoria recorded an 8.5 per cent gross state product fall in the June quarter last year, 2020. It was the only Australian state to do so. Gross state product is expected to fall 9 per cent in Victoria over 2021. Unemployment was 7.1 per cent in October and it was up from July, and the unemployment rate is expected to rise again this year. Older workers, younger workers, part-time workers and the female employee sector seem to be really hard hit through this, and we saw this in my own electorate of Eastern Victoria Region, where people, many women, work as sole traders in businesses and they were put off without any support because they did not reach the bar and qualify. It is an absolute indictment. This government needs to be held to account. I know that the Liberals and The Nationals will be putting
forward a proposal, an amendment, to look at rolling this state of emergency on a month-by-month basis. That is the only way we will agree to this bill going forward. Otherwise it is no deal.

I would like to talk about an expert that has come in and I have listened to, a very invaluable expert. We had him in the contact-tracing inquiry, in which I was a participating member. He is the AMA president, Associate Professor Julian Rait, and he had some valuable insights. He put them in the *Herald Sun* the other day. He talked about Victoria’s two-tier system in hotel quarantine and why it is failing. He also said, and I quote:

In Victoria, the Australian Medical Association advocated as far back as April last year for an operational approach to the state’s quarantine system.

How radical, an operational approach—and to talk to the experts, talk to the infection control experts. He goes on to talk about the fact that at present, which is why we saw that third crazy lockdown statewide, we are running a two-tier system. There is a hot hotel for those who come into the country with a positive test. They go into the hot hotels, and they are secure and there is a high degree of operational rigour. Then we have the cold hotels accommodating people that come back with a negative test, but we have seen since—and this is the nature of this virus—they have gone on and ended up being positive in there. We have seen leaks through that system. Why, when we will have a $155 billion debt in the forward estimates, wouldn’t this government put the funding in and create all hot hotels—treat all hotels and all returned travellers as if they have the disease and keep them locked down? Indeed we saw the terrible, terrible situation where people were wearing garbage bags over their heads as they were being transferred. Now, I appreciate that they may well have wanted their dignity intact and their identity hidden, but I can only feel, and really challenge the government, that this is not the right thing to do.

Professor Rait said, and I quote, ‘This is a mistake’ in relation to the cold hotels. He went on to speak about again the Andrews government deflecting the way we handle it by looking at different quarantine facilities. He said:

A best-practice, expert-led approach is more important than where quarantine might be located.

In relation to even what New South Wales does at its airports—and we have seen this quite vividly with people coming into and out of Sydney and back to Melbourne—we have seen the difference there. This is not rocket science, and it should be contained. We should be doing the best we can for our Victorian population, not what we are being served up.

We see the economic loss, and it has a human face. We have seen sole traders, as I mentioned before, denied access to the Business Support Fund, a grant that was instigated by Labor to support small businesses. They backtracked and then provided the sole traders with grants, and to date only $12 million out of the $100 million that was supposedly on offer has been taken up because the criteria have been too constrained. But not only that, we had people apply for and be given grants, given $20,000, as was a business owner in my electorate, and then told that they must pay it back—‘I’m sorry, you don’t qualify’—even after it had gone into their bank account after they had been closed down so that they could try and pivot and create new opportunities. Not only that, if they do not pay it back, the government will charge them interest: ‘We lock you down in regional Victoria. We say you can’t have grants. We give you the grants, then we make you send them back to the coffers. If you don’t, we’ll charge you interest on the way’. This is a terrible indictment.

I have commented in the past that we had Orbost small businesses being shut down in this third lockdown of five days. A really good example with employment agencies is that someone wrote to me recently, saying that it is very challenging to get long-term unemployed people ready and interested to learn, particularly in this environment. I had a gentleman speak to me about interns that were deferred from construction opportunities where people were going to construction jobs, local hardware shops and the like—they were being deferred. Businesses lack confidence, and they are lacking it like never before. The tourism industry has been decimated. And yet we have got a government saying,
‘Here, trust us, public. Trust us for another nine months. Trust us’. I have had example after example of example of constituents that have reached out to tell their story, and I could fill the next 2 hours with their conversations and their lament. They are trying to survive, but it is so, so very challenging.

Today we saw the Royal Commission into Victoria’s Mental Health System deliver its findings and its recommendations, and they will be a very interesting read. I know that people from my electorate too have wanted to speak and have had the opportunity in the past to speak at the roundtable events. But what can be learned from this? The government has to stop this brain drain, this emotional suppression, this hurt that people are living in separation and this fear about the loss of their jobs or not being able to see people interstate and overseas again. We know that Beyond Blue have reported during the stage 3 lockdowns that 64 per cent of the nationwide calls came from Victoria. By comparison 19 per cent were from New South Wales. Does that mean that we have more w orriers in Victoria? No, they are under far more pressure than any other part of this country. It is an indictment of this government, and again if we pass this bill it will only serve to create more and more devastation. We have seen it in education, and particularly regional education. We had to go into the third lockdown—it just defies reality—‘because we want to keep you all the same’. Well, students in regional Victoria already have a layer of pressure, already have a layer of challenges, and yet we see the government continuing to do this.

The Nationals will not be supporting this bill. We will support the Liberals and Nationals amendments for a month-by-month extension with great oversight. We do not support the Andrews government having a blank cheque on the Victorian population, and this government needs to do better.

Dr RATNAM (Northern Metropolitan) (18:00): Victorians have done an incredible job in the past year. We have responded to an ever-changing pandemic on a scale none of us have seen before. Our hard work has meant that Victoria is once again back to a COVID-safe level, but this does not mean the pandemic is over. Our success is in stark contrast to much of the rest of the world, where many countries still report daily infection rates in the tens of thousands and hundreds of deaths per day. Our success is partly due to the public health measures implemented to control and suppress COVID-19, which rely upon state of emergency powers.

A number of these measures still need to be in place today. We still need to be able to implement mandatory quarantine for international arrivals and to ensure that people who have tested positive are required to isolate, and we need the flexibility to respond to any future outbreaks so that the chief health officer can issue reasonable directions to keep us all safe, including density levels and mask wearing. These are necessary measures, but they are measures that at the moment can only continue under the state-of-emergency powers.

From day one the Greens have backed a public health response to this pandemic and will continue to do so. However, from the outset we have had several concerns about the way the state government has implemented the response. These concerns include heavy-handed policing and the disproportionate impacts of lockdown on disadvantaged members of the community, including public housing residents, people of colour and young people from low-income backgrounds. We have been particularly concerned about hefty fines given out to young people who are just not in a position to pay. We have also been concerned with the messages from the government seeking to dissuade public protest. Public protest is essential to democracy and important for making sure that issues like the plight of refugees locked up in hotels for months in unsafe conditions are brought to the government’s attention.

As the Ombudsman found, we were rightly critical of the way the snap lockdown of the public housing towers in Flemington and North Melbourne was instituted, where residents were locked in their homes without warning for up to two weeks. The heavy-handed approach was criticised by the Ombudsman, who described the move as the theatre of policing. We raised these issues with the government, and I am pleased that the government was willing to listen to these concerns and implement some really
important changes to the bill we have before us today. I want to thank Minister Foley for the way he conducted these important discussions with us.

The government has circulated amendments which address two of our concerns: firstly, by implementing key recommendations from the Ombudsman’s report into the public housing lockdown by providing an appeal process for people given a detention order and requiring certain information to be provided to people if they are subject to a detention order. The amendments provide that such appeals will be considered in a timely fashion, given the significance of detention. Secondly, the amendments ensure that fines for young people are set at an appropriate level and are able to be administered by the Children’s Court. We know that these fines were not issued evenly but disproportionately handed out to Sudanese and First Nations people. The Greens have been really concerned about the high number of fines that were handed out to young people, especially teenagers from low-income families. These fines, as much as $5000, are higher amounts than what can be issued by the Children’s Court, and they can only be contested in the adult Magistrates Court. I have spoken in this place before about how our justice system expects children to grow up too quickly, giving kids as young as 10 years old adult criminal responsibility. The way young people have been saddled with fines they have no way of paying off is yet another example.

I am pleased that the amendments will provide for a reduction in COVID fines for people under the age of 18 to around half of adult fines and will set a maximum of 5 penalty units, the amount enforceable by the Children’s Court. We have also received a commitment from the government to a more transparent and accessible process for Fines Victoria to review COVID fines for people from disadvantaged backgrounds, including people who experience homelessness, people with mental health issues and people from low-income backgrounds, including young people. We expect that as Fines Victoria reviews more fines the unfair burden experienced by many will be reduced.

We are also pleased to see that the government confirmed the right to protest during a pandemic. The right to protest is an important part of our democracy. It is how we gather to speak for those whose voices have been silenced and how we have achieved some of the most important changes in Australia. I have been attending refugee rights rallies recently, and I have been disappointed at the over-the-top police presence. Refugee rights protesters have been intimidated and faced significant penalties for advocating for basic humanity to be provided to asylum seekers. The fact that we continue to rally for the medevac refugees to be released has kept their plight in the public eye and has resulted in most of those refugees now being released into the community. Our democracy cannot be a casualty of the pandemic, and the clarifications provided for the first time would now give protest organisers and protesters greater confidence.

I am also very pleased that the Greens will be involved in developing post-state-of-emergency legislation for managing COVID-19 into the future. Once this current extension is finished most Australians will be vaccinated against COVID, and we are hopeful of entering a new phase in managing the pandemic, although much is still uncertain. We will be ensuring a proper and robust process is followed in developing the appropriate legislative framework for dealing with COVID without needing to rely on the state of emergency. This is the right thing to do and an appropriate framework in relation to both the current stage of the pandemic and the need to get the legislation right.

We know that the pandemic is not likely to vanish any time soon, and while we are all looking forward to the vaccine rollout across our state, we have to be prepared for the possibility that the virus may keep mutating and that vaccine-resistant strains may emerge. So instead of continuing to extend emergency powers we need a new framework for managing this particular public health crisis. We need a framework that enables the measures that keep us safe and prevents community transmission without relying on the blunt instrument of the state of emergency, which is currently the only option under the Public Health and Wellbeing Act 2008. I look forward to working with the government on this new legislation that will allow Victoria to continue implementing a public health response to the COVID-19 pandemic.
I would like to finish my remarks on this bill by noting that this piece of legislation has once again been the subject of a targeted campaign of misinformation that has incited hysteria and fear amongst the Victorian community. It is now almost an entire 12 months since the first state of emergency was issued to deal with the COVID-19 pandemic. It has been a difficult and challenging year for all of us, but taking people’s exhaustion and anxiety over a year of restrictions and exploiting that, whipping it up into a frenzy of paranoia, is not just irresponsible; it is harmful.

The thousands of emails I received at the weekend generated from a Liberal-funded website show that some of the people in this chamber are all too willing to put all the things Victoria has achieved together over the past year, managing and suppressing a deadly virus like nowhere else in the world, at risk. It is unfortunate that some of my crossbench colleagues have fallen for the tactics that undermine a public health response and are fuelling conspiracy theories also. At its essence the bill before us today is about ensuring we have the tools needed to continue to keep Victorians safe while we continue to battle a global pandemic. With the changes we have secured in the bill to protect disadvantaged Victorians and a commitment that COVID-specific legislation will be developed in the coming months, the Greens will continue to support a public health response to this public health crisis and, by extension, this bill.

Mrs McARTHUR (Western Victoria) (18:08): I rise to speak on this bill with an unsurprising sense of deja vu. Just six months ago we put through this place the Public Health and Wellbeing Amendment (State of Emergency Extension and Other Matters) Bill 2020, at the time an unprecedented expansion of government state-of-emergency powers, and now here we are again doing exactly the same thing. A blanket extension of the powers was unacceptable last September. It already went far beyond the limits imposed by the original Public Health and Wellbeing Act 2008. That act carefully balanced the increase of executive power and the consequent reduction of Parliament’s role with potential emergencies in public health. At the time of that debate we were promised by the Premier these restrictions would be in place for not one day longer than they needed to be. Now, at that time some of us were pretty sceptical about that statement. It was already obvious to us that this Premier had acquired a taste for presidential government and would miss no opportunity to continue to sideline the normal democratic process, but it does raise a serious question for some on the crossbench. Some of you, a minority in fact, gave the Premier the benefit of the doubt last time, and he has done nothing in the time provided to remedy his reliance on emergency powers.

I am sure the same deception will not work again. As they say: fool me once, shame on you; fool me twice, shame on me. It really should be quite straightforward. For anyone with any sense of history, any regard for the parliamentary process, the continued reliance on emergency powers is an anathema, particularly from a Premier who has demonstrated in his handling of the crisis to date a deadly arrogance and stubbornness which only confirms how dangerous it is to concentrate power in the hands of an individual. As someone once said: power corrupts; absolute power corrupts absolutely.

An alternative is possible. We have already heard members remark today that the successful situation in New South Wales has been implemented without the requirement for state-of-emergency legislation, which damages democracy, deters investment and prolongs despair. They have a track-and-trace system that works and a hotel quarantine system which is doing the heavy lifting for the whole nation. Countless thousands of Victorians would not be back in Australia today if it were not for the brave and balanced approach taken by New South Wales.

In the year now since the first of these emergency powers, what has been done to replicate this success? It cannot be beyond the wit of the Premier and his vast team of public servants and consultants to construct a system which provides accountability and transparency consistent with our democracy and does so without requiring a perpetual, confidence-destroying and liberty-threatening state of emergency. Where is the targeted legislation? If new powers are required, new laws needed, they should be brought to this place and discussed in full. Instead the Premier still wants to rely on sweeping emergency powers which put back our recovery further. Where are the moves back to ordered,
everyday government? It seems that the longer this government sign off on the state-of-emergency powers, the longer they want complete control over the populace.

Businesses and Victorians want normality back, and a continued state of emergency undermines this. As I said before, who in their right mind would invest in a state under emergency powers? Some of us warned that the Public Health and Wellbeing Act amendment passed by this Parliament was writing the Premier a blank cheque. The shocking job loss and business closure toll now make it clear that it is Victorian businesses who are footing the bill. Messages matter, and a unilateral declaration of a further nine months of the state of emergency is a disastrous message. I ask you all, the crossbench in particular, not to acquiesce in sending this message. This Premier has operated to date via control and fear, and extending these powers will simply amplify this fear and continue to justify the government’s flawed approach.

Yet again it seems that the Premier has successfully called our bluff. His failed contact-tracing system and hotel quarantine procedures have produced a situation where certain emergency powers may still be required, and his failure to introduce any legislative alternative means that as responsible politicians we are once again required to allow some form of extension. That is why I support the Liberal-Nationals opposition and Liberal Democrat amendments tonight. We must give him the absolute bare minimum: short extensions requiring parliamentary approval and predicated on full transparency of the public health advice.

He has done absolutely nothing to earn our trust for any longer extension, and he should be held to account for his approach. This is why, with respect, I fail to understand the approach of those crossbenchers we have heard from who plan to support the bill as proposed by the government. Firstly and fundamentally, why do they now suddenly believe that the Premier will do what he has so utterly failed to do to date and produce alternative legislation? As the quote I read previously notes, we have heard this vow before. Why does Ms Patten believe him now? She makes great play of the promises she has been sold, but those are in her memory, not here in black and white in this bill. She is right to push for these assurances. But where is the commitment?

This brings me to my second point. Accepting all of Ms Patten’s arguments, which I liked, why does she not seek the extra assurance provided by the opposition amendments? What are the downsides? Really? Is it really that much of an imposition to require Parliament to vote on extensions of the state of emergency? Is it really that onerous to require full disclosure of the advice that the state-of-emergency measures are based on? I would say that respect for the proper constraints on power in our system is worth that inconvenience. Try telling those whose businesses and livelihoods have been ruined that it is just too inconvenient or difficult for the government to come back to Parliament to seek extensions. And why nine months? All the wonderful things we have heard the government is about to do should have been done already. But even starting today, it does not require nine months. So why give the nine months and have no commitment in this legislation? It just does not make sense.

I would urge those members again to see that their positions are entirely consistent with the opposition amendments tonight. In fairness, I should note the one concession which has been won here—namely, that made by Dr Ratnam’s reported concern about COVID fines for children. In this case, to her credit, the commitment is there in black and white, but I do have to ask: this discretion on fines for those under 18, how many does that affect? We have been told recently that the collection of fines is not even being enforced. Is that tiny concession really worth handing a nine-month carte blanche extension to the government? Surely it should have been the starting point, not the sum total of a deal.

My doubts about government by emergency powers do not simply relate to the arrogance, stubbornness and trustworthiness of our Premier or the sidelining of Parliament; they are also about the process itself. Ministers are renouncing all responsibility for government. Yes, experts are important, but by definition they are experts in their own area. It is the job of government to gather advice, to consult, to consider and to respond to the totality of that advice. We heard an alarming example of this tendency this morning. In response to my criticism about the economic misery
wrought by our recent circuit-breaker lockdown, the Minister for Small Business confirmed comprehensively that the Andrews government had abdicated all responsibility for management of the pandemic, subcontracting it to public health advisers and shutting down any alternative perspectives. She could not have been clearer that the only thing that mattered was the public health advice.

Government is about difficult choices. It is about taking advice from all sectors and deciding what is best for the community as a whole. Public health advice will always be about public health. It is the job of government to weigh that risk against other competing economic, social and health demands. By definition, the chief health officer has a public health perspective. It is the Premier’s job to take the wider view and to make the judgement call on where the health advice fits with the bigger picture. His total failure to do this is the clearest reason why Victoria has not only had the worst health outcomes in Australia in this pandemic but has done most to damage its own economy, its social fabric and the long-term mental and physical health of its population. The medicine has clearly been worse than the disease. It is also anti-democratic. Governments are hired and fired by the people. They are accountable to them in a way that public health advisers are not. Enshrining this further extension of state-of-emergency powers is enshrining this abdication of responsibility. It is wrong in principle and, as we have seen last year, it has proved wrong in practice.

In conclusion, when this legislation highlights a broken promise that the powers would not be extended, it shows an anti-democratic instinct. In extending emergency powers it shows a failure in planning, either in learning from other jurisdictions or in introducing alternative legislation to provide the necessary powers, and it shows an abdication of responsibility. Giving complete primacy to public health advice—not treating it as one part, albeit an important part, of the picture—is irresponsible.

I heard with interest the arguments of the crossbench members who have pledged their support, but I urge them to think again. All of the aims they outline are worthy. The outcomes they seek are the right ones. Yet every single one could be achieved and indeed would be more likely to be achieved by this house retaining control of the process, not writing a blank cheque. Now is not the time to reward a Premier who has shown this elected chamber, and by extension the constituents we represent, nothing but contempt. I urge this house to support the coalition amendments, and I urge you not to extend the state of emergency for another nine months. That would be totally in contempt of the Victorian population, and you would be irresponsible if that was the path you took.

Mr BOURMAN (Eastern Victoria) (18:21): I will not be supporting this bill today. We are now 12 months or so into the pandemic. We have been here before, and here we are again. I am going to cover a lot of the points that we have covered already but in bits and pieces. The definition of an emergency is actually part of the problem here. I remember when the first extension happened, and then there was a change to the definition of an emergency that meant that it could also apply when there were zero cases, as we have now and as we did for a while. Now, the recent five-day snap lockdown circuit-breaker—whatever you want to call it—shows that we still sometimes need to do things. But a state of emergency that is ongoing forever—which is basically where we are heading, at least until Christmas, and then we will probably have to cover this yet again—is not the way to deal with this. We have had a number of alternatives put up. The coalition are putting up an amendment, which I will not support, because it again presupposes that a state of emergency is needed.

What I would have loved to have seen and was not able to do myself was something similar to what a group of barristers contacted a whole lot of us with: an alternative set of legislation that would have covered off on all of the points the government needed to deal with this without a state of emergency. I could whine about the resourcing of crossbenchers and things like that, but it just was not quite within my ability to get that done. I think that is the crux of the matter. There is no need to have all these state-of-emergency powers. There is no need to put the heel on the throat of the Victorian people, as I think some people would put it, because it is just not necessary. It is absolutely not something this government should do. I think it has been a little bit lazy after the last time and has just banked on the extensions of the state of emergency instead of taking a more detailed look at the situation and putting in some legislation that actually would have dealt with this specifically.
Now, obviously there are also lots of quarantine problems—I am not going to labour that point—and to be frank I think the whole hotel quarantine system, not just Victoria’s system, has too many flaws. There should have been something done—it is easy to say now—a lot earlier in the piece to actually try and sort that out so we do not have people that are COVID positive inside densely populated areas. As we have seen, despite our best efforts, the virus does get out, and that is where the problem is.

Regarding the last five-day lockdown, I would have preferred to have seen something a bit more similar to New South Wales, where we did not do the whole state. Now, I understand that it was done statewide to try and stop people from the city entering the regions and taking what might have been an infection with them. But for five days everyone—Cann River, Mallacoota, all these tiny little places out in the middle of nowhere—was in lockdown for a very small infection rate. In my opinion at least—and I admit I am not a health professional—it would have been far wiser to lock down a couple of local government areas. And to be frank I think 90 to 95 per cent of people are going to comply whether there is a state-of-emergency lockdown or not. But if we had done it in a small area, we would have found a lot more people, or a lot of people—the same number of people in my opinion—would have stuck to the rules. They would have actually stayed at home, worn masks, not done everything, and you could have put maybe more travel restrictions on the rest of the state rather than a complete lockdown.

I am a bit of an introvert and I generally prefer my own company, but the lockdowns actually do have a bad effect even on people like me. I have got to say over the last bit of the first big lockdown I too was struggling and just needed to get out and needed to do things, and the five-day lockdown—it was only five days, but if it had gone on longer I might have gotten cranky, or crankier than normal. This is what we need to avoid. There are a lot of people that actually struggle a lot with being locked down. There are a lot of people that struggle with the government telling them what to do, and there are also a lot of people that are not going to complain no matter what. I think this being done in such a one-size-fits-all, heavy-handed approach—whatever you want to call it—is creating problems that we do not need. It is creating a pushback. It is creating people that are now feeling that they are not being heard, and particularly when this goes through—and we know it is going to go through—they are going to be even more upset.

Now, there have been some concessions won by those that are supporting it. That was theirs to do. I have not negotiated with the government at all. I would not have negotiated. This whole business of using the state of emergency to deal with the pandemic really needs to stop. We do need a health response, I understand that, and they do need powers, but the way they are doing it I am finding is just sending a bad message. I am kind of very much tired of seeing all the memes and that about the situation. We do need to do something. We do actually need to give the government of the day powers to put people in quarantine and wear masks. But not by this.

**Sitting suspended 6.27 pm until 7.35 pm.**

Ms TAYLOR (Southern Metropolitan) (19:35): There has been a pretty meaty debate here tonight, as we would expect on a subject as serious as the one that we are debating, so I would like to acquit some of the matters that have been raised without reprosecuting what has already been acquitted as well. I will try to be as efficient as I can in the discussion.

There is a lot of emphasis on New South Wales and how we should be like New South Wales, but one must be really careful—and I just want to put this out there—about picking and choosing what we want from New South Wales and what we want from Victoria. We want to be just like New South Wales, but I think we should be factoring in that no other state or territory in Australia has a time limit attached to their declaration of a state of emergency. Do we want the same powers in Victoria as Mr Hazzard has in New South Wales? This picking and choosing according to what suits a particular argument—and it is a political argument, I might add—is actually quite confusing and perplexing, and I actually do not think it is fair to the broader public, because we are not comparing in a very accurate and fair way.
So I think we have to be really, really careful with these discussions, because we do not want to actually frighten people and misrepresent what is actually the case when it comes to the powers that are present in these circumstances and are required to keep people healthy. I think that is a really, really important point, because there is a lot of debate, and I understand that, about the extension of the length of time, and nobody is querying people debating that issue. But we do need to be fair when we represent how the rest of the country looks at emergency powers and how they are being used versus how they are being used in Victoria, so it was a bit concerning to see what I think has been a bit of a misrepresentation and a bit of a convenient picking and choosing of what we want for our argument tonight, even though in reality we know that that is not actually the way the powers land.

I am going to jump around a little bit here, because I am just picking up on various points, because I am aiming to do a rebuttal. This is not necessarily a discussion; I am specifically rebutting points that have been raised. I am paraphrasing, I guess, as best I can, but Ms Bath talked about the Premier congratulating himself for all the efforts to do with COVID. I think that is actually far from the truth. It has nothing to do with that at all, and it is not what the Premier is seeking to do. What the Premier and, if I can take liberty here, the government are seeking to do is purely to keep the Victorian people healthy, to protect them from a virulent disease, a pandemic that has gone around the world. I do not think it is unreasonable for us as, ultimately, people who are meant to serve the public to want to protect our fellow Victorians, to protect our relatives and to protect ourselves. I do not particularly want to get COVID-19 either. I have cousins who have had it, and we have heard of the dreadful statistics of people dying or having protracted illness and side effects from this disease.

There seems to be an inference also that I find disturbing, and the inference is: not enough people have died; it does not warrant these measures. That is really what I am hearing when I translate some of the points that have been put by those opposite, in a way to invalidate the measures that have been undertaken to date. The fact is that it is because of these prudent measures, proportionate measures, that we have not seen—we certainly have seen death in Victoria, so I do not want in any way to dismiss that, as disturbing as it is, and nobody here would get any joy whatsoever out of what has happened in that regard. That is the very sinister nature of this disease. But having said that, these are very prudent measures that have been put in place—note these are extraordinary circumstances. This is unprecedented, and to state otherwise and to try and diffuse the nature of this pandemic—and inherently a pandemic is global—is also disturbing. And I find it sad as well because we do have to be realistic about what can happen with this disease. Unfortunately you do not really have the luxury of saying, ‘Well, we won’t put these measures in place. We’ll just hope for the best and, you know, look, if it unfolds, well, you know, too bad’.

There is no room for hindsight in this situation. We have seen that overseas. I am not trying to emphasise overseas. I do want to focus on Victoria. But we have seen how disastrous—I mean, we have even seen in Victoria how quickly this disease can spread. We saw that with the UK variant and even prior to that how quickly it can spread and how contagious this disease is; hence the very prudent measures such as wearing masks, good hand hygiene et cetera have been put in place to provide the best possible mechanisms, based on the knowledge that we have to date and noting that this situation is still unfolding and evolving before our eyes. I do not pretend for a second to know more. I mean, I have studied law; I have studied education. I did not study medicine; I am not a public health expert. I do not feel somehow invalidated as a human being or as a member of Parliament if I am deferring to public health experts for advice on the measures that are undertaken by our government. I think that is very considered and sound.

I am not sure, but I know there were points made about, ‘Oh well, you know, we’ve got to scrutinise every little decision that Victoria makes’, but I note—and I am just going to find that point that I had before that I was wanting to talk about—the checks and balances that are in place with regard to these emergency powers. I know some members were talking about a blank cheque. I think that is actually quite manipulative language because with a blank cheque, when you are talking about that, the inference there is, ‘Oh, we’ll just spend whatever on whatever’—and it has nothing to do with public
health. What also concerns me in some of the discussions in the chamber is the diffusion of really what is actually at the core of this issue. The core of this issue is public health. Yes, a pandemic is massively inconvenient—and in fact inconvenient is not significant enough as a word—and has devastating consequences, and then in order to control the virus that then has a flow-on effect, no question.

I think what sometimes is perhaps forgotten about government members is that we live in our communities too. We have relatives and friends, we have constituents, we hear from them every day as well—not just in the metro area, in the regional areas as well. We all are privy to the very significant impact of control measures that are required in order to keep people safe, because—let us be honest—once you are dead, there is no going back from that. There is no hindsight. And I think that is something that we really have to get back to—the core of this debate. That is about centring on the fact that if we work from the premise that every being is of value and a life must be preserved as best as we can, then the control measures that are put in place, that are constantly being evaluated and attenuated pursuant to the unfolding scientific and otherwise knowledge that is circulating across the globe, mean we are managing this with scientific evidence, with experts in their field, and making the most sound decisions that can possibly be made based upon the knowledge and the evidence that we have to date. I do not presume to have knowledge ahead of those research scientists who are developing the vaccines and the like. We are relying on our scientists in many regards to find solutions to what has been a devastating disease across the globe.

There are just some other things that I wanted to note also. I heard it mentioned that people were sheep and having to follow public health orders. I really think again that is very manipulative language and it is also invalidating people taking legitimate steps and following legitimate advice, reasoned and proportionate advice, from a chief health officer in order to protect their health. I mean, do we call people sheep because they wear a seatbelt? We have seen evidence, and we know that that protects people. Does that mean you are a sheep, because you follow evidence and advice over many, many decades? You know what I am saying? I mean, how far do you want to manipulate the community with language that ultimately can be very, very destructive.

I just put that out there because it concerns me and it makes me sad. You can see I am not actually angry tonight, I am actually saddened by some of the manipulative behaviour that I have witnessed, noting that out of respect for the community we should be having a very honest conversation about what the ramifications are and also not understate the technicality and the expertise that is required with drafting. I remember as an articled clerk watching senior lawyers draft contracts—nothing like a public health and wellbeing act, let me say, with the enormous ramifications that can unfold from that—and the amount of effort, study, care and prudent consideration that went into paragraph after paragraph. And yet here we have sweeping statements that are made: ‘You can just whip up that legislation in one or two weeks—done, all done. It won’t have any consequences. Just whip it up’.

Members interjecting.

Ms TAYLOR: And can I say, those on the other side have on many occasions dished up amendments at the last minute. I do not think you are clean on this issue—you are certainly not clean on this issue. But coming back to the debate, also I think that is unfair to those who may not be privy to what is required to draft legislation that can be relied upon. Even then, with the best minds being diligent and drafting that legislation with the greatest of care, there is still risk, as we know; hence we have the committee stage in Parliament to needle through the legislation and hopefully iron out the ramifications. So I think it is actually insulting to the public to try to understate the technical nature of drafting and the skill that is required to draft legislation, and even with the best minds and the best intent we still have to be very prudent in that regard. I was disturbed by that, having seen people draft and having admired that skill. I would not pretend to be an expert in drafting myself, because I am certainly not, but I know, having witnessed it all the way back as an articled clerk, that there are some in this chamber who have taken some liberty. I think it is inappropriate. I do not mean to be too emphatic in that statement, but I have found it disturbing, to say the least.
The only other thing I did want to just go to in the 2 minutes I have remaining—I think I have rebutted most of the points—was just to talk about the issue of the vaccine and where the vaccine is at, because that was raised a few times. And fair enough; that is what debate in the chamber is about. We know the commonwealth government is leading the rollout of the COVID-19 vaccine program. Minister Foley is working closely with the commonwealth government and health partners as part of this rollout, and I think that is really important to understand. We are with them on this. We want this to be successful. We are on track to deliver all vaccines that the commonwealth have confirmed are being delivered to Victoria within the first four weeks of the rollout, noting that it commenced on Monday, 22 February. We are ensuring we have all the systems safely in place for this huge logistical undertaking, and that is the right approach. It has got to be done right.

Looking ahead, we expect to deliver over 40,000 vaccines through our hospital vaccination hubs in the first four weeks of the program. Victoria is standing up nine hospital health service hubs across the state which are linked to major healthcare providers who have the immediate workforce to stand up hubs. Hubs will be located at Monash Health, Western Health with outreach to Melbourne Airport, Austin Health, Ballarat Health, Barwon Health, Latrobe Regional Hospital, Goulburn Valley Health and Albury-Wodonga Health. The first phases of the vaccine rollout, phases 1A and 1B, are aimed at targeting the most at-risk cohorts in our community, which is understandable, and those groups most likely to contract COVID-19 and potentially seed it into the community.

So I think that goes without saying: we want our most vulnerable to be protected. Airport and port-of-entry workers, hotel quarantine workers and other frontline personnel will be the first cohorts to receive the vaccine. Victoria is also planning to stand up high-volume vaccination hubs to provide AstraZeneca vaccines, which were approved by the TGA on 16 February. Victoria has the highest immunisation rates in the country, and we are planning for this vaccine to be no different—making sure that Victorians are able to access the vaccine as soon as it is available. So I hope that acquits concerns regarding the vaccine rollout.

Mr O’DONOHUE (Eastern Victoria) (19:51): I wish to commence by just talking about a couple of points that Ms Taylor made. It is remarkable how out of touch government members have become. How can she say that the government is aiming to keep Victorian people healthy without referencing the hotel quarantine debacle, the second lockdown and the disastrous way that Victoria has handled the COVID response compared to every other jurisdiction in Australia? She dismissed the comparisons with New South Wales. But if only Daniel Andrews had done the things that Gladys Berejiklian and the Liberal-Nationals government in New South Wales have done—the economy could have been kept open, the population could have been kept safe and the extended lockdown that has had a disastrous impact on so many Victorians, both economically and socially, could have been avoided. For her to come in and talk about this extension of the state of emergency as if the government has done an amazing job just reflects how out of touch, with the greatest respect, government members are with the feeling on the ground and with what has happened elsewhere within Australia.

Her final point was, ‘Well, it’s very difficult to draft legislation; therefore we’d just better rely on the state of emergency. Let’s just as a Parliament outsource, to the Premier and the chief health officer, decision-making, because drafting legislation is a very complicated business and we might get it wrong’. Well, I have had the pleasure and the privilege of dealing with parliamentary counsel now for many, many years, and I think they are very, very capable. They do a great job. They have the capacity to draft any legislation that a member or a government requests. And let us not forget that the government has had a good 12 months now to plan alternative legislation like what exists in other states. New South Wales does not operate under a state of emergency and Tasmania does not operate under a state of emergency, yet they have the regulations and the powers, when they are needed, to keep their states safe. So Victoria could have developed alternative legislation, and unlike Ms Taylor, I have faith in parliamentary counsel. I have faith in the drafters of legislation to put together government policy or the Parliament’s will when it comes to drafting specific legislation.
Now, it is interesting that I am not the only one that believes alternative legislation could have been drafted if the government had wanted to as an alternative mechanism. Because, as has been reported, some members of the Victorian Bar got together and did just that. The bill they have drafted could be examined, improved, reflected upon. It may not fit every requirement, it may not do everything that is needed, but the fundamental point is that two or three barristers, two or three members of the Victorian Bar, concerned members of the Victorian Bar, got together and drafted some legislation—some legislation that could have been considered by government.

As I say, the government has had 12 months to put thought to this as an alternative to an extension of the state of emergency. And going back, why does the government need to consider extending the state of emergency in Victoria? It is because they completely botched the COVID response, with the hotel quarantine debacle that cost over 800 Victorian lives. So when Ms Taylor talks about the great job that the government has done, when she talks about putting the health of Victorians first, if only they had put those words into practice when it came to hotel quarantine. Isn’t it a pity that from the Premier down, everyone—the senior government officials who were asked to give evidence to the Coate inquiry—just could not remember? They could remember what they had for lunch two years ago. They remember going to the footy three years ago and watching a great game of footy and who kicked the last goal. But who made the decision to use private security? ‘Gosh, I just cannot remember. I know that afternoon I did a few other things. I called this person, I did that. But when it comes to post the national cabinet meeting, I just cannot remember who said what to whom and when and what we talked about’. It is a real pity, given that over 800 Victorians lost their lives because of that disastrous mismanaged scheme.

Of course it is clear to Victorians and it is clear to members of this place that now, in 2021, we still do not have the contact-tracing system up to scratch, because if we did, we would not have had the five-day lockdown—the five-day lockdown that led to a record spike in calls to Lifeline; that sent schoolchildren home on the Friday night in tears about the prospect of homeschooling again; that caused thousands of small businesses to lose an enormous amount of trade during a very busy weekend, not least for florists and the like.

When a similar outbreak occurs in New South Wales, they manage it. The Liberal-Nationals government manage it. They put their contact-tracing teams into the field, they do what is needed and they manage it. They keep the economy open. They lock down the necessary areas, but they let the rest of the state remain open. It is amazing how many constituents have said to me in recent weeks what a shock it is going to Sydney and seeing the CBD bustling, a hive of activity. It has a good feel about it, a dynamic feel. And it is the same when constituents have been to Brisbane. They say Brisbane is humming along, that it has got a positive vibe. And the sad reality is that the Melbourne CBD is like a ghost town and remains thus. It did not have to be this way. It did not have to be this way if the Andrews government had copied other jurisdictions in Australia, had put focus and attention on managing hotel quarantine and had put the investment and time and energy into getting the contact-tracing system correct.

So we are where we are because of the mismanagement of the Andrews government. Now, is a state-of-emergency extension the least restrictive way of managing an ongoing pandemic response at this juncture? As I say, there are other models within Australia, there are alternatives that the government could have considered, and they have not. They have been lazy. They have failed to consider alternatives to manage the pandemic response. So here we are with the legislation in front of the house, and then we consider: is there appropriate oversight? Are there appropriate checks and balances? I know government members have just dismissed the notion of checks and balances and we have to put our faith in and handball decision-making holus-bolus, 100 per cent, to the chief health officer. Well, given the consequences and the powers that the state of emergency grants to the executive government and the chief health officer, appropriate accountability is the least we can ask for, and the government is basically dismissing that.
Mr Davis has moved amendments to try and increase the transparency and accountability of the use of these extraordinary powers that Daniel Andrews has shown he is all too keen to put into place. And the least we can do, given where we are now in this debate and given the effluxion of time and the failure of the government to consider alternative options, is to agree to bring appropriate transparency and accountability back to this chamber, back to this house. I for one, as an elected member of the Parliament, do not want to just handball responsibility to three or four members of the executive and say, ‘Job done. We put our faith in you 100 per cent, regardless of whatever, come what may’. We have a job as parliamentarians to review, check and keep accountable those with those powers. I thank Mr Davis for bringing those important amendments. The Liberal-Nationals will support amendments that seek to increase transparency of and accountability for these extraordinary powers.

If you had said to Victorians at the start of last year that we would have a state of emergency and a state of disaster declared concurrently, I think most would have said, ‘Not a chance’. If you had said to Victorians early last year that we would have a state of emergency for nearly all of calendar year 2020 and then the government seeking to extend that into all of 2021, I think most people would have dismissed that as just nonsense. States of emergency should be reserved for very limited purposes and limited time. Ultimately the Parliament should have proper oversight of these extraordinary powers. It should have regular reporting and regular accountability, and unfortunately this bill does not do that. The opposition cannot support legislation that extends these extraordinary powers for an extended period to the end of this year with no connection to any outcomes or any known achievable goals. I congratulate Mr Davis on his amendments, and I look forward to consideration of this bill in the committee of the whole.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (20:03): Thank you, members, for your contributions to this important legislation today. Just by way of summing up, I do note that many of the issues both relevant to the bill and indirectly relevant to the bill have been canvassed this afternoon. Obviously this is the Public Health and Wellbeing Amendment (State of Emergency Extension) Bill 2021, and it proposes to amend section 198(7)(c) of the principal act to extend the period of the state of emergency declaration relating to the COVID-19 pandemic so that it may continue to be in force from 12 months to a total of 21.

This extension is vital. It will ensure that the chief health officer (CHO) can continue to use or have available emergency powers to respond to the pandemic, including issuing directions that are reasonably necessary to protect public health. The bill also seeks to amend section 254 of the Public Health and Wellbeing Act 2008 to change the repeal date of part 13 of the act. The bill seeks to repeal part 13 on 16 December 2021, which is the last possible day the current state of emergency can be extended to if this bill passes this evening. Part 13 of the act provides COVID-19 temporary measures, including for the power of the Secretary to the Department of Health to appoint certain types of persons as authorised officers and for certain types of persons appointed as authorised officers to have certain public health risk powers. That is pretty much all the bill does. Obviously what the bill enables is much broader, but that is really all that is the subject of the bill. You can tell that this bill is an important bill, but it is certainly not a very large bill because it is only seeking to do a limited range of things.

Of course the extension is necessary. Government members have argued that this afternoon. The nature of COVID-19 has certainly meant that even with a low incidence of cases in Victoria there continues to be a risk of potential community outbreaks that can threaten public health. We know recent events in Victoria stemming from a New South Wales outbreak and the risks associated with returning international travellers have demonstrated the risks of large outbreaks arising from an initial small number of cases—until, at least, a significant degree of vaccine coverage is reached.

Since the first extension of the state-of-emergency time frame was passed in September the emergence of COVID-19 variants overseas with higher transmissibility potential have highlighted the ongoing risk posed by the virus and the need for a continued emphasis on mandatory quarantine. Effective prevention and management of outbreaks as well as being able to implement national cabinet decisions
are dependent on measures and powers only afforded by the state of emergency. I do concede that the language is quite inflammatory. It is not the desire for people to feel in Victoria that they are under an immense sense of urgency and emergency, and I would actually say that what I have enjoyed in the last couple of weeks, particularly since the summer period, when restrictions have been lifted, is that the vibe in Melbourne has been fantastic. I would refute Mr O’Donohue’s claims that the city is dead. I was in the city both Thursday and Friday nights of last week late at night and there were people everywhere. On Smith Street, Collingwood, all the kids were lined up at the clubs as per usual and I have got to say—I was not in the line, by the way, but I drove past the line—it was fantastic to see that confidence is returning. The theatres are back, people are going to the movies, live music is back and that confidence we want to see grow and grow.

What I want to say that is important in relation to any ability to extend that is granted tonight is that we will continue the reporting that we have as a government agreed to do. This ensures that the minister must table a report to Parliament on the reasons for the extension and the public health risk and emergency powers exercised, including a copy of the chief health officer’s public health rationale for the extension, and the report must be tabled for each four-week extension of the state of emergency. Further, the government has committed to developing COVID-specific legislation. In seeking the nine-month extension the Victorian government has committed to and will commit to working on legislation that will ensure Victoria has access to the essential powers we need to manage the pandemic without having to extend what has become quite an inflammatory term, the state of emergency.

This proposed legislation will be similar to what New South Wales has in place, whereby the New South Wales minister for health has access to emergency powers as required without a state-of-emergency or similar declaration. To develop this legislation the Victorian government will engage with experts in public health, epidemiology, legislative drafting and legal principles. We have also committed to ensuring there is strong consultation with colleagues in this place, including briefings every three months with our panel of experts to ensure that the final legislation that we bring before this chamber in the second half of the year is well understood and it benefits from the experience and knowledge that is brought to bear.

We are committed to ensuring that any new legislation incorporates the measures that we currently have in place for transparency, checks and balances. There is also a number of policy areas that the government will seek to address through strengthened communication materials, and this will include clarification in relation to obligations and processes for organising mass gatherings, including protests; providing clearer information online about the process for applying to hold a protest, including making it clear that you are able to hold a protest; providing information on options available for vulnerable people when they are possibly issued with a fine; and providing clear information on the coronavirus website and the Department of Health websites on how to request reviews of fines issued under COVID directions and providing details of services that can help in that regard.

This certainly brings me to the house amendments that I will be seeking to put on behalf of the government this evening. Clerks, I would like to have those circulated, please.

**Government amendments circulated by Ms SYMES pursuant to standing orders.**

Ms SYMES: Of course these are the same amendments that were circulated this morning via email. I do thank the members in this chamber who have worked constructively with the government in seeking to resolve some issues that were of concern to them. These are a result of very constructive dialogue and indeed will help clear up some processes. The two house amendments are (1) a review process for persons issued with detention notices under the act and (2) a mechanism for lower penalty amounts to be issued to children.

The first house amendment, regarding the introduction of a review mechanism for detention notices, was raised by the Victorian Ombudsman in her investigation in mid last year. The house amendment seeks to give policy effect to the intent of the Ombudsman’s recommendation whilst also ensuring that
the review mechanism is prompt and sufficiently targeted to meet the objective. This amendment inserts a new provision in the Public Health and Wellbeing Act to establish a detention review mechanism. The review mechanism will allow for a recipient of a detention notice to seek review of the detention decision by a detention review delegate, who will be a person with legal qualifications, appointed by the secretary. The detention review delegate will be responsible for reviewing the detention order and whether it is reasonably necessary to eliminate or reduce a serious risk to public health. They must give written notice of a decision with reasons within 24 hours of receiving the application. The amendment does not change or remove the current ability to seek a review of the detention notice through the Supreme Court.

In relation to the second component of the amendment, in relation to fines for young people, this will allow the variation of penalty amounts for fines related to breaches of the CHO’s directions to children. The amendment acknowledges the additional financial burden on children compared to most adults and better aligns with the maximum penalty that the Children’s Court is permitted to impose under the Children, Youth and Families Act 2005.

Each of these amendments is designed to further ensure that the state-of-emergency powers are fair and balanced, if enacted. It is important to note that the CHO exercises emergency powers on the basis of proportionate, timely and expert evidence-based public health advice, with the intent to reduce the serious risks to public health caused by COVID during the exercise of this power. Each time the public health directions are issued under the state of emergency, they are reviewed to ensure they comply with the principles of the Public Health and Wellbeing Act and the Charter of Human Rights and Responsibilities. Nonetheless, we are keen to advance these amendments due to our experiences in the past couple of months.

Again I would like to thank members who have contributed to the debate, and of course we will, following the second-reading debate, enter committee this evening.

**The PRESIDENT:** Thank you, Minister. Earlier today, while Mr Davis was contributing to the bill, Ms Shing raised a point of order and asked for him to withdraw. The Deputy President took a decision that we check *Hansard*. We have checked *Hansard*, and I call Mr Davis.

**Mr Davis:** President, I withdraw calling the Premier a liar.

**House divided on motion:**

**Ayes, 19**

- Elasmar, Mr
- Erdogan, Mr
- Garrett, Ms
- Gepp, Mr
- Kieu, Dr
- Leane, Mr
- Meddick, Mr
- Melhem, Mr
- Patten, Ms
- Pulford, Ms
- Rattam, Dr
- Shing, Ms
- Stitt, Ms
- Symes, Ms
- Tarlamis, Mr
- Terpstra, Ms
- Tierney, Ms
- Vaghela, Ms
- Watt, Ms

**Noes, 18**

- Atkinson, Mr
- Bach, Dr
- Barton, Mr
- Bath, Ms
- Bourman, Mr
- Crozier, Ms
- Cumming, Dr
- Davis, Mr
- Finn, Mr
- Grimley, Mr
- Hayes, Mr
- Limbrick, Mr
- Lovell, Ms
- Maxwell, Ms
- McArthur, Mrs
- O'Donohue, Mr
- Quilty, Mr
- Rich-Phillips, Mr

**Motion agreed to.**

**Read second time.**
Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (20:20): I move:

That the bill be considered in the committee of the whole later this day.

Motion agreed to.

Production of documents

MULTIPURPOSE TAXI PROGRAM

The Acting Clerk: I lay on the table a letter from the Attorney-General dated 2 March 2021 in response to the resolution of the Council of 3 February 2021 relating to the multipurpose taxi program trial. 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.

Bills

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

Committed.

Committee

Clause 1 (20:23)

Ms CROZIER: The minister in her summing-up was quite softly spoken, so I would like to just question the minister if I could to get some clarification. You spoke of the changes with detention review officers being appointed by the chief health officer in relation to what is going on, but you also mentioned the directions to children and the maximum penalty that would be applied under the Children’s Court. You also said, Minister, experiencing the last couple of months has led the government to make these changes and bring these house amendments into the house this evening. Could you explain to the committee what the experience that you spoke of is?

Ms SYMES: Thank you, Ms Crozier, for your question. I guess I was referring to the experience from the chief health officer’s (CHO) directions that have led to the issuing of fines to different people in our community and the impact of those fines on community and how they are processed by the courts, Fines Victoria and police and looking at whether we can refine that to be a little more fit for purpose given the experience that we have had during the pandemic.

The DEPUTY PRESIDENT: Ms Crozier, just before you go on with your next question, I might ask Mr Limbrick if he would like to circulate his amendments just so that others can see them. They have not been circulated yet.

Mr LIMBRICK: Thank you, Deputy President. Can my amendments please be circulated.

Ms CROZIER: Thank you, Minister, for that explanation. I am wondering if you could then provide to the committee—you mentioned those fines that have been undertaken for minors and you mentioned various avenues that have been undertaken with Fines Victoria, through the police and also the courts—how many actual fines have been issued to minors, how many have been put through Fines Victoria and have been paid, how many have been put through the court system and also any advice that the police have provided to you.

Ms SYMES: Thank you Ms Crozier for her question. As at 22 February 1626 fines have been issued to people under 18 for a variety of infringements, but I would point out that the vast majority are failure to wear a face covering. As at 22 February, 97 of these fines have been paid; 273 fines have been withdrawn or cancelled. They may have been the result of seeking an internal review via police. My advice from the department is that Victoria Police conducted an internal review in relation to the processes for issuing fines. In relation to your question of how many have been registered with the
courts, I do not have that figure on me, but it is small at the moment. But I will seek an exact figure for you. When it comes to Fines Victoria there is no mechanism for police to lodge fines with Fines Victoria directly.

Ms CROZIER: Thank you for that response. So in terms of that internal review that was conducted by police, could that be provided to the house?

Ms SYMES: It was a review not of people’s fines but a review of their procedures and guidelines for issuing fines, as I understand it, and whether there is a formal report that was prepared or whether it just informed the guidelines and advice to Victoria Police I will have to seek further advice on, but I do not think there is an internal review document per se.

Mrs McArthur: On a point of order, Deputy President, up here it is very hard to hear the erudite answers of the Attorney. Is it possible to speak up or turn up the microphone? We cannot hear anything you are saying.

The DEPUTY PRESIDENT: Thanks, Mrs McArthur. I appreciate what you are saying. When I was up there, I found it hard to hear as well. Is it possible, Hansard, to turn up the microphone? Thank you, that would be great.

Mr DAVIS: I want to basically, with the house’s indulgence, treat this in two parts. First, I will talk about our amendments, and secondly, I will ask some questions of the Leader of the Government, if that is possible. Firstly, the house now well understands our amendments. We do not support the government’s extension of the state of emergency by nine months.

Mr Andrews will go nuts. He will do whatever he likes. We will be locked down again and again and again and again without proper oversight, and we will be locked down again and again without proper transparency, which is the other aspect of our amendments—greater control and greater transparency for the community and greater control for the Parliament.

On the framing of our amendments, I should put on record my thanks to parliamentary counsel, who I think are amongst the most professional people in the state bureaucracy, and I value their advice and their capacity greatly. Notwithstanding that, the amendments that we have drafted are drafted perhaps necessarily in such a way that the voting on some aspects of them bundles up several principles, and I will seek to test those separately. One of them relates to the month-to-month extension, with a proper short period—not a nine-month period, not a period to Christmas, not a six-month period and not even a three-month period. In our clause 1 amendments, as I say, a number of these points are wrapped up in one amendment. In a sense they are a test for them, but actually in another sense they are not, because they do not enable those in the house who might want to vote for one part of them to vote for that bit but not for the other.

Mr DAVIS: No, I know. That is what I am about to say. I am about to say that. I will actually test the separate parts through trying to insert new clauses at a later point. So I am just giving the house that heads-up. We obviously do want to see transparency measures, and some of my questions to the minister in a moment will relate to those transparency issues.
This house has issued a series of directions to government to provide the briefings that are available. We know they are available. The government’s FOI officers tell us they are available. They tell us that they are going to refuse. They tell us how many documents there are, but then they say, ‘You can’t have them’. So all of that is at VCAT. Parallel with that, last Friday the Premier said the documents did not exist—at a press conference, in response to questions. Actually he was untruthful in what he said at that press conference.

Mr Finn: Deliberately.

Mr DAVIS: Well, either that or he has lost the plot. That is another possibility. I do not know. I cannot look into the Premier’s mind. But it does trouble me when his department is telling me that the documents exist, and we cannot have them.

Dr Cumming: They’re in the mail.

Mr DAVIS: No, no. They just say, ‘You can’t have them’. But we know they exist, and they tell us in some cases how many of them there are. For example, in relation to the documents on the curfew—they are famous documents—the Department of Health tells us there are at least five documents, but they are voluminous so they will not provide them. The Department of Premier and Cabinet tells us that when it comes to the curfew, ‘There is a single document’—just one—‘but you can’t have it’. And the Premier at the press conference last Friday said those documents did not exist. I mean, these cannot all be true. So I reiterate the importance here and to the community: where extraordinary powers, draconian powers, extreme powers are being utilised, they have to be balanced by accountability and transparency. Those documents explain why the government has acted as it has or will act on a certain occasion if it has made a certain order.

For example, the other day, when the state was locked down for five days, there must have been a document that went to the chief health officer, and that document, in my view, should be in the public domain. The Freedom of Information Act 1982 would say it should be, but beyond that the Public Health and Wellbeing Act 2008 says it should be too. It talks about transparency, openness, accountability, consultation, proportionality—all of those things that must be weighed legally by the chief health officer or their delegate. And for the Premier to then turn around and say that these documents do not exist—we know, for example, that weightings on the human rights aspects do exist. We know they exist, so they should be in the public domain. Some of our amendments relate directly to the need to extend the curfew, for those documents to be laid before the house swiftly so that people can see in a reasonable amount of time exactly the reasons behind the government’s decisions.

Another part of our amendments relates to the need to treat these regulations, these public health orders, as subordinate legislation. They are subordinate legislation, but there is an explicit override in the Public Health and Wellbeing Act that prevents them from being reviewed by both houses of Parliament. Normally subordinate legislation can be disallowed by either house of Parliament alone. If the amendment that we propose is passed, an extreme, aberrant or ill-founded measure could be disallowed by the Parliament. Now, subordinate legislation is very rarely disallowed by the Parliament. In fact in my time here I think there has only been one piece of subordinate legislation that has been disallowed. But nonetheless the existence of the power does force government to look at things. It does force government to think more carefully. It does force government to frame things more thoughtfully and with a greater eye on the rights of citizens and the position of citizens. For that reason this is, I think, also an important amendment.

The transparency measures also relate to briefings, and many in this house will attest to the difficulty of getting suitable briefings from the government. It limits the power to give directions to those in the Parliament. We remember back to that period through the middle of last year when the government, frankly, closed down the Assembly and it was only this chamber that kept sitting. It was only through a very strong and united group on the crossbench and the coalition that we kept sitting, and that is the
sad truth of the matter. If we had not done that, there would have been no parliamentary oversight through that difficult period. I say that officials of the Crown ought not to be able to direct Parliament not to sit, so for the avoidance of doubt this is also an important amendment.

I make the point that some of these amendments have been tested in this chamber before, but we believe they are extremely important. The points raised by Mr Limbrick—his fresh-air amendment—we will support because we think that this is a modest improvement. It is a modest improvement, but nonetheless it is a real improvement. I mean, those poor people—those people who were vulnerable in the housing towers—were locked down without proper justification, without proper process. It makes your hair curl to read the Ombudsman’s report about how that was done. It was a travesty.

Mr Limbrick: It was shocking.

Mr DAVIS: It was shocking, and if ever you need an example of an overbearing government misbehaving and using its powers—I mean, let us just think back to that day. There was a shocking story in which the Premier was the prime suspect, let us call it, on the front page of the newspaper, and the press conference was pushed back and back and back during the day. You know, you cannot help wondering. Some have seen Wag the Dog and shows like that, and they understand that sometimes media junkies like the Premier may act in ways that are driven by media cycles rather than the realities of a public health situation.

It is clear that Dr van Diemen, the deputy chief health officer, did not believe that the approach was justified. It is also quite clear that she believed a delay of one day would not have materially affected the outcome. So here you have the Premier in his wag-the-dog moment who wants to lock down thousands of people in public housing towers in the most outrageous violation of human rights in many, many decades in this country. I for one pay tribute to the Ombudsman for her work on this matter. She saw public health advice. She saw legal advice about the human rights implications. This is the same advice that the Premier says does not exist. He said to a press conference last Friday that that advice does not exist. That is what he said. I withdrew what I called him before, but it is hard not to conclude that there was some accuracy in my description of him, and the fact that he was unprepared to be honest with the press pack the other day is another in the long trail of points.

The opposition will not oppose these house amendments. We think that there are mild improvements in some aspects of the bill in this way. We think that the genesis of a number of these points is unclear, but we will not oppose those amendments.

The second part of what I wanted to say now was to begin some questions of the minister, with her leave, if that is possible. I wonder whether the minister could explain to the house why, despite repeated orders in this house, the government has not provided the public health briefings that the house has sought. There have been a series of these requests. There was a request that I made on 19 March 2020 in an adjournment, a motion in the Council on 2 September, a further motion in the Council on that day and on 16 September another motion in the Council. There was a motion in the Council on 30 October and one on 18 February 2021 seeking further documents—Ms Crozier’s motion. What I would seek from the minister is why the government has not provided these documents. We know the documents exist, but why?

Ms SYMES: Well, I guess I will respond in two parts, Mr Davis. You have spoken to your amendments, and it will come as no surprise to you that the government will not be supporting the opposition’s amendments. I will go through them and the justification briefly.

Extending the state of emergency on a month-by-month basis is something that has been well canvassed in this place previously. It would see the Parliament consider this exact legislation with dates changed in at least one of the houses every other week. The amendment would not only be a waste of government resources, particularly those hardworking people in the public health team; it would certainly just involve the servicing of debate and continued conversation on the same topics. It is certainly the government’s intention to be transparent, to have briefings, to explain what we are
doing to both this chamber and to the public—that is very important—but we are seeking an extended period of up to nine months so that there can be the opportunity to ensure that our health officials have got the consistency and the capacity to ensure that our community is kept safe.

I would put on the record that, as we know, Victoria has done what very few other jurisdictions have done, and our public health team should be spending time on ensuring that we can continue to stay open safely, and we need to react where we can when outbreaks or the like occur. I guess this addresses both Mr Davis’s amendments and also his question in relation to the government’s transparency. The amendments that are proposed by the opposition seek regular briefings of members in this place from our public health team and questioning of our public health response in order to enhance transparency. This is already the case. All MLCs and the Shadow Minister for Health have been invited to a monthly briefing following the state-of-emergency declaration by the CHO where he presents the most recent health advice, and members are invited to ask questions. The CHO also provides a monthly report detailing the public health advice and directions to both houses of this Parliament, and as we know, we have seen an inquiry into the COVID-19 response completed by the Public Accounts and Estimates Committee.

Mr Davis, in relation to the request for documents, there have been several requests for documents. Some of those are being progressed through the FOI system. Some of them have been tabled in this chamber. Those that have not been tabled, of those that are subject to the FOI process, I would just point out that in some of those instances when the requests are just so voluminous it is just impossible to expect the public service to go through thousands and thousands of documents that underpinned frank and fearless advice to the government, and there are appropriate checks and balances in order for the government to do its business. We have cabinet in confidence, we have other appropriate measures to apply to the request for documents, and indeed where possible we always seek to provide those documents to this chamber and comply with the FOI legislation.

The other two amendments are, quickly, making parliamentary precincts exempt from directions. We will not be supporting that. We do not believe that the Parliament is above other workplaces. Of course we have been deemed essential and it has been my practice to work with members of this chamber to indeed ensure that we can sit. I would also like to thank the clerks and the parliamentary staff for their tireless efforts in making sure that the chamber and the Parliament can be as safe and compliant with all of the directions as possible. It is my commitment to this chamber to continue to seek to always sit because it is easier than not and it is important business that we do. That has probably covered off your amendments, Mr Davis, and your transparency questions.

Ms CROZIER: Minister, thank you. I was just listening to the response that you provided to Mr Davis in relation to our amendments. I know that you are not the health minister and I know that you are not within the Department of Health, but can I say to you that actually what you have just stated is not entirely accurate because some of these documents that we are requesting are not voluminous. In regard to the FOIs being refused, we have seen absolutely frivolous reasoning from the government. When I request a situation report, which is a daily report given to the minister on this pandemic issue, it is refused on the basis of it being voluminous. It is a document a day. That cannot be difficult to find. Your government continues to refuse to provide the basic information to the people of Victoria, so I respectfully say that those notes that you were reading from that have been provided to you by the department are not at all accurate, and to go to Mr Davis’s point, this is what Victorians expect. They want transparency, and this is why we are moving this. It is incredibly disappointing that the crossbench have at one point said that they are not going to support a nine—or some members of the crossbench, I should not lump them all in there, but I am referring to Ms Patten, who is sitting there smiling at me because she knows I am referring to her.

I am seeking to understand exactly what has been going on with those discussions, because when I got a briefing from the department around this they were saying that they needed this long extension to December because of the vaccine rollout, subject to supply—these are my notes and they can absolutely push back on me, but these are the notes that I wrote from that briefing—and the fact that
they needed to contain the spread and the incursions into the community. Well, we actually do not have any unknown community transmission. It is not out there. There are— I cannot remember the latest numbers— 12 cases? They are contained and they are controlled, which is a good thing. That is exactly the situation that we want Victoria to be in.

The reason, the department told me, they needed this state of emergency was because of the variance in the vaccine rollout, and we are seeing the vaccine rollout. The federal government is rolling out the vaccine through the aged-care sector. I do not know where the state is in terms of the public health aged care and other issues; it seems to be a bit of a dog’s breakfast. But I do not want the government to be using this state of emergency as an excuse because they cannot get their act together and do these rollouts.

So my question to you, Minister, is that briefing said ‘subject to supply’. Well, it is clear that Victoria does have adequate supply of vaccine dosages, and I would just like to understand the other reasonings, because we do not need this if we have got things in place. We do not need this extension until December. The follow-up question is: what happens then if we are in this same situation in December? Is it the government’s intention to continue with the state of emergency until we never have COVID in our community ever?

Ms SYMES: Thank you, Ms Crozier, for your question. I think probably the first part of it was a statement, which you are certainly entitled to make. I would point out that the commonwealth’s vaccine program is going well, and tonight I am advised that they have called in the ADF to help them to administer their program. Obviously Minister Foley continues to work with Minister Hunt on this important development for the protection of Victorians and Australians. What was your other question?

Ms CROZIER: I was told in the briefing, ‘We need this to extend until December because of the supply of vaccines and the incursion into the community’. But we do not have that dreadful situation that we had last year. I am not saying it will not happen again. In fact I dread the thought that it will happen again. But surely to goodness if this is going on until December and we are in this exact same situation in December, what is to stop you from doing this for another 12 months? It just does not make any sense.

Ms SYMES: I refute that assessment, Ms Crozier. The legislation that is being proposed tonight gives the government the ability to extend the state-of-emergency declaration on a month-by-month basis for up to nine months duration. We have also given a commitment to bring together a panel of experts, working with the parliamentary drafters, to look at COVID-specific legislation to take this out of the realm of the state of emergency, and it is a good opportunity to be able to do that when you are through the height of what we experienced in Victoria and the challenges with daily cases last year. We wanted our public health team focused on that response.

We are in a good position right now, and I am sure everyone in this chamber joins me in hoping that it remains that way. It is appropriate to seek nine months. There is at least that amount of time required for legislation. We have committed to get it done in that time—I would say that is a tight time frame—so that we can have this conversation then about that legislation.

I would point out that I think a lot of people in this chamber throughout the debate this afternoon have pointed out that other states are in states of emergency, bar New South Wales, because they have legislative frameworks that allow them to do it without having to go through their parliaments. Here in Victoria I guess it would be easier for us not to, but I guess we are here tonight having that debate, having the conversation about the importance of this legislation, and we are seeking nine months in this legislation with a view to having more appropriate, fit-for-purpose legislation at that time. I must say, if we manage to get it done earlier, there is nothing to stop us bringing it into the Parliament earlier. But as has been canvassed, it is not simple legislation. You do not want to end up in the courts having it challenged and undermined at any cost.
Ms CROZIER: You have had to amend this legislation, so what is to say you will not get the next lot wrong too?

Mr O’Donohue interjected.

Ms CROZIER: Minister, just on that, it is a good thing that the government is looking at specific legislation to deal with this pandemic, meaning looking at hotel quarantine. But I note that the commentary around hotel quarantine for hotel quarantine workers is that they will not be vaccinated for three months.

Ms SYMES: No, they will be done by the end of the month.

Ms CROZIER: All hotel quarantine workers will be done by the end of March?

Ms SYMES: That is my advice.

Ms CROZIER: Well, that is good, because that was not what the report was—

The DEPUTY PRESIDENT: Ms Crozier, instead of a conversation across the chamber, can we have a question and an answer so that Hansard can pick it up, please?

Ms CROZIER: Certainly—my apologies—but the minister did answer that. I was just going to ask: in terms of the specific legislation, I am wondering if the minister could outline to the house what legislation that is specific to the measures that we are looking at not requiring a state of emergency, such as what is in operation in New South Wales, the government is looking at that you referred to.

Ms SYMES: I guess, Ms Crozier, I am more than happy to give you an indication. It is early days and I am probably not in a position to be exhaustive, but as I outlined in my summing-up, the current view would be that the proposed legislation would be similar to what New South Wales has in place, where the New South Wales health minister has access to emergency powers as required without declaring a state of emergency. But also, just in relation to pandemic or COVID-specific incidents, the development of this legislation will involve engagement with experts in public health, epidemiology, legislative drafting and legal principles, and we are certainly committed to strong consultation in relation to that. I guess you can draw the reason for the legislation from my reasons that I have argued why we need ongoing state-of-emergency powers, and it is predominantly in relation to hotel quarantine and, as the experience has demonstrated, the ability to put restrictions on high-risk situations, enforce workplace COVID-safe plans and the measures that have kept Victorians safe to date.

Ms CROZIER: Minister, with the New South Wales legislation, they have an appeals process. Will there be an appeals process built into what the government is looking at for any proposed legislation specific to dealing with COVID-19?

Ms SYMES: I thank you for your question, Ms Crozier, and I would point out that it is outside the deliberation of this bill, although I do acknowledge your interest in this matter and that obviously it is relevant to the passage of this bill because it is the journey that we are on. But I can commit to you that there will be extensive conversation, and issues such as that will be well canvassed.

Mr DAVIS: I just want to return to these public health orders and the associated briefings. This chamber passed a motion on 2 September seeking a series of public health order briefings that had been provided to the chief health officer, the deputy chief health officer or their delegate and the briefs provided to the Minister for Health. I want to go very specifically to one day and one set of briefings, and this is 4 July. Now, the Premier has tried to say that the public health briefings do not exist—he said this at a press conference the other day. But I want to draw the minister to the Victorian Ombudsman’s report of December 2020 on the treatment of public housing residents and specifically to page 14 at paragraph 26. This is Annaliese van Diemen, the deputy chief health officer, seeking to make a decision and the Ombudsman relating the details of that. At paragraph 26 it says:
The proposed directions were accompanied by a brief relating to the COVID-19 pandemic and a 15-page human rights assessment. The latter did not meaningfully address whether any less restrictive alternatives were available in the circumstances, nor did it explain why DHHS considered it necessary to detain residents immediately and without warning.

The first point I want to make is the orders that were made on that day were accompanied by briefings. I actually believe the Ombudsman—I believe that she understands what was going on—and I believe the deputy chief health officer on this. Those briefings exist. This chamber has ordered the release of those briefings, and this is now many, many months later. We are into a new year, well into a new year. Three thousand people were locked down. Why on earth have the government and you, Minister, not provided that briefing to the chamber, a briefing that we know exists, in line with the direction of the chamber?

Ms SYMES: Mr Davis, I am sure you know as well as I do that that is not relevant to the bill that we are debating tonight. I understand why you would be seeking answers in that regard, but I am not in a position tonight to go through every relevant matter in relation to the health advice, the health response, in relation to the pandemic. I will seek to give you some high-level answers, and if it continues to too much extent, I will have to seek advice from the Deputy President in relation to the content of the bill, but my advice is that the legal services are currently collating the documents to be provided to the Victorian Government Solicitor’s Office. The advice is that it is likely to be in excess of 7000 pages, and an estimate on the time frame for responding to the order is under consideration. The response will likely have to be in tranches. Although I cannot give you much more detail than that, I think that given your question is outside the bill that is not a bad response.

Mr DAVIS: I would welcome those documents being provided to the chamber, because obviously I consider them important. I consider that where great power is being exercised—and I cannot think of anything much more extreme than an order of the executive that locks down 3000 people for a very lengthy period of time—it can do tremendous damage on so many levels. I do not expect the minister to respond further; I think I have made my point. These briefings do exist, and the very fact that the minister is now conceding that there are many thousands of pages means they do exist, unlike what the Premier said at the press conference where he said they do not exist. He denied the existence of these briefings. I do not know whether—

Mr Finn interjected.

Mr DAVIS: Well, that is a legitimate question, but there are also other interpretations—that he had lost the plot. But either way I welcome those briefings coming, and you can see why, where these extreme powers are being exercised, we think accountability and transparency are critical.

Mr LIMBRICK: I would also like to ask a question. Many times during the second-reading speeches the government spoke about the checks and balances and specifically around the proportionality. My question to the Attorney is: who outside of the public health team can actually determine whether the responses are proportionate or not? Because I note that they would need to understand or at least have access to these briefings. Is there anyone outside the public health team that can actually make a determination of proportionality other than the courts?

Ms SYMES: Mr Limbrick, I guess I will attempt to answer that in terms of the way government works. The public health team obviously provide advice to government. That does not mean that other areas of departments do not interrogate that health advice, do not ask how it applies in certain situations and do not acknowledge the harshness and the impact on industry, community and families. Those are discussions that happen all the time at a ministerial level, at a cabinet level and at a bureaucratic level. It is not just that public health say ‘this’. They give you advice, you talk it all through and then they finalise their public health advice after being given questions and after consideration of the impact on people. It is how it kind of evolves to become public health advice. It does not happen in a vacuum.
Mr LIMBRICK: I thank the Attorney for her answer. I have asked many questions of ministers on this exact topic, and one of the questions that I have asked many times is: ‘Have you challenged any of the advice?’ And the response, without fail, from each of the ministers and the Premier—I am paraphrasing of course—was, ‘It’s not my job to challenge the health advice. I just take the health advice’. The government seems very assured that the directions are proportionate, but I cannot understand, if the advice is not being challenged and interrogated, how the government can be so sure about proportionality, because I am certainly not convinced of it.

Ms SYMES: Of course questions get asked. You do not challenge the validity of the health advice, but you ask the question when the health bureaucrats say that a five-day lockdown is going to be appropriate to deal with this level of risk. Of course the advice is interrogated. It is not challenged and pursued by saying, ‘I’m a doctor; I know better than you guys’, but there are certainly conversations had about how it is going to play out for the Victorian community.

And in relation to proportionality, there is a review of the charter for proportionality, and there is also the VGSO, who provides advice in relation to those matters. So it is correct to say of course a minister does not question the health advice, but of course there are discussions from a range of people at the State Control Centre and relevant departments about the impact of the health advice. That does not change the health advice, but it does explain how it is going to play out with restrictions and the like in response to the risks that are identified by the health team.

Mr LIMBRICK: I thank the Attorney for her answer. However, on one of the few occasions where this decision-making process has been interrogated in detail, which was the Ombudsman’s report, they discovered, when they were looking at the human rights charter assessment, as Mr Davis has pointed out, that there was no meaningful consideration of less restrictive responses, as required by the act. This is something that I have talked about many, many times—if the government is required to take the least restrictive option, that necessarily implies that there must be multiple options considered and they chose the least restrictive option. But in this case, there was no meaningful consideration of other options.

Mr Davis: And the Ombudsman makes that clear.

Mr LIMBRICK: And the Ombudsman makes that very clear, as Mr Davis points out. I still do not understand how the government—and the public, for that matter—can have assurance that this is actually what is happening when in one of the few cases where this has been interrogated it has failed the test.

Mr O’DONOHUE: Attorney, I just wish to pursue the line of questioning a little bit further, if I may, that Mr Limbrick has raised. Moving away from the Ombudsman’s report and looking at the litigation that took place in the Supreme Court between Associate Professor Michelle Giles and Michelle Loielo, as part of the discovery process in that matter the matters that were considered by Ms Giles were released. There was some input from the Premier’s private office about variations they sought to directions, but there was no material from the Department of Jobs, Precincts and Regions or from the Department of Treasury and Finance—that I recall anyway—being discovered that gave any analysis of the economic impact of the curfew or of the other consequences of the curfew that you referred to in your answer to Mr Davis. The material that was discovered was her consideration of the directives, the health advice and the then Department of Health and Human Services legal advice that said the charter may be breached by the curfew. And they were the main considerations that Ms Giles had in front of her—no economic analysis, as I said, that I recall, no analysis from DTF et cetera. I suppose the question is in a similar vein to those of Mr Davis and Mr Limbrick, but from the perspective of what we know from a case where material has been put in the public domain. That issue of proportionality, of other factors, simply does not appear to have been part of the deliberations or considerations of Ms Giles when she extended those directions.
Ms SYMES: Mr O’Donohue, the public health advice always considers the least restrictive option proportionate to the risk. The health concerns of Victorians are of utmost importance and are the reason that restrictions have been in place since March of last year, and I would point out that the charter assessment was considered for the curfew in the High Court challenge and it was upheld—the court challenge, sorry. The health of Victorians has been at the forefront of all of the decisions. We take the health advice for the protection of Victorians, and ‘the least restrictive having regard to the protection of the lives of Victorians’ is effectively the frame that we are under. That does not mean to say that we ignore the impact on everything else. That is the job of government departments and governments, to make sure that those are considerations that are weighed up against the health advice, but the health advice has to be paramount in this instance. We are in a global pandemic.

Ms CROZIER: If I could just follow on, and I am sorry to labour this point but I think this is really important because you have talked about proportionality, you have talked about the restrictions that have been put in place that are least impacting the community, yet it is clear that over the five-day lockdown that advice and the risk to the community was unknown by government. You concede that, Minister. The point is, you are saying that you get that advice and you understand from various bureaucrats and individuals and departments the impact to the broader community. That five-day lockdown had a massive impact on Victorians—on business, their confidence, their certainty—and that is playing out as we speak. They actually do not trust you anymore, because there were only 13 community cases in six local government areas. So my question is: how can you say what you have just said when that is clearly a disproportionate response—locking down the entire state for just a little over a dozen cases? Could you explain to the house how that is proportionate and the advice you received, or was it a question of actually the government did not know because our systems failed?

Ms SYMES: Thank you, Ms Crozier, and again we are straying outside the bill. We have got five clauses. This is a bill predominantly to extend the ability. I am happy to have a conversation. I think the questions that you ask are important questions, and that is why I am attempting to give you a level of detail and engage in this conversation, but I would point out that predominantly they are statements.

Ms Crozier: No, they are not.

Ms SYMES: Yes, but circuit-breaker lockdowns are happening all across the world. The advice from the public health team was that 14 cases could quickly form into a very dangerous outbreak and lead towards lockdown 3, so of course government considers the impact. It would be heartless not to. Of course we know the impact of restrictions on people’s health and their family interactions. Of course we understand all that. To say that it is just dismissed without a thought is just not true. But when the public health team give you advice that the consequences are dire if you do not follow them, then I think it is responsible of government to follow it. And I think it actually is quite alarming that I am being questioned by members of the opposition—it seems to me that you are saying that if you were in government you would not follow the public health advice, and frankly that is terrifying.

Members interjecting.

Ms CROZIER: It is nonsense, Mr O’Donohue. Because what you are dismissing, Minister, what you fail to recognise, is that the actions of this legislation that we are discussing today are the actions you were able to do: lock an entire state down, keep us in our homes—an entire state—over 13 cases. Now, you say that it could have formed a very large outbreak. If you go back—

Ms Symes interjected.

Ms CROZIER: Well, in New South Wales, Minister, they do not have the same level of—

Ms Symes interjected.

Ms CROZIER: The UK strain happens in—

Ms Symes interjected.
Ms CROZIER: Deputy President, through you, I know the minister is trying to defend the government’s position here, but this is important for Victorians to understand. The same UK—

Ms SYMES: What would you be saying if we had 4000 real cases now? You would be saying, ‘Why didn’t you lock us down for longer?’ It is arbitrary.

Ms CROZIER: No, Minister. This same UK strain is going into New South Wales. In fact they are having returned travellers every day. We have not had the returned travellers. 130 000 have gone into New South Wales. They have had the UK strain.

Ms Symes interjected.

Ms CROZIER: No. Minister, you are trying to defend the government’s position—I understand that—but to go to Mr Limbrick’s—

Ms Symes interjected.

Ms CROZIER: Deputy President, you have already—

The DEPUTY PRESIDENT: Ms Crozier, can we just have a question.

Ms CROZIER: Well, the minister is getting very upset about me making these points—

Ms Symes interjected.

Ms CROZIER: I beg your pardon? Well, you are interjecting and, as the Deputy President said, Hansard cannot pick it up. But what I am saying is that the point that Mr Limbrick was making about the proportionate response and what Mr O’Donohue raised in relation to the court case are really serious issues, and I do not think the government understands the flippant nature with which it is doing this. And that is why we continually ask for that advice. So if you are so sure about that risk to the public for the five-day lockdown, then please provide that advice on the reasoning for that five-day lockdown. That is not unreasonable for this Parliament or for us to ask, and we will continue to ask for this. I do not understand why the government refuses to provide us with that very basic information. If you go back 12 months, Minister, we were trying to flatten the curve, we were trying to spare hospitals and our health teams from being overwhelmed, and everybody absolutely understood that and supported that endeavour. Well, we have not had that situation, and it goes again to the proportionality issue. So I think Victorians deserve to understand those reasons that you as part of the cabinet, the government and the Premier are making these decisions. So my question again is: will you provide that advice that was given for that five-day lockdown?

Ms SYMES: Ms Crozier, I have addressed this line of questioning in my responses to Mr Davis. Much of what you said I will take as a statement. And as I said, you are more than entitled to make those statements, but it is outside the scope of the bill. I would seek direction from the Deputy President about the line of questioning that we seem to be stuck on. I have attempted to be reasonable and considerate and attempted to respond to your line of questioning, but there comes a limit where I believe I have responded adequately. I would ask if we could return to the clauses of the bill, of which there are only five. We are on clause 1, and that specifically deals with the extension from 12 months to 21 months and the repeal of part 13, so they are kind of the line of questioning that we should be sticking to.

The DEPUTY PRESIDENT: Thank you. The minister just asked for a little bit of direction. I think we are starting to stray a little bit outside the scope of the bill by asking about things that have happened in the past. Perhaps if we could have examples of things that have happened in the past and how they will operate under this legislation, that might bring it more into the scope of the bill.

Ms CROZIER: Thank you for that guidance, Deputy President. I understand that. I mean, we came out of this five-day lockdown just 10 days ago. The briefing that was provided in relation to this prior to that lockdown that I received on 8 February did speak about these very issues—containing the
spread, incursions into the community, mask wearing, density quotients, hotel quarantine—so I do not think my line of questioning, really, or using the five-day lockdown as an example are outside the scope of the bill, because it could happen again. What I am trying to say, and I will finish here, is to make the point to the government and to those that are listening that these are the questions Victorians want answered. They want to see that advice for the five-day lockdown, because exactly that briefing that was provided to me covered off these issues. We have just had a lockdown, so who is to know that we are not going to have another one?

**The DEPUTY PRESIDENT:** Using things that have happened in the past as an example is fine, but the bill is about the future, so we cannot just ask for advice on what has happened in the past but how that will be implemented in the future.

**Mrs McARTHUR:** Attorney, you say that the health of Victorians is at the forefront of your decision-making. Can you tell us for the next nine months how that will be the case in relation to the risk assessment, if you have to embark on further lockdowns and restrictions, of the effects on Victorians and their mental health when you embark on lockdowns?

**Ms SYMES:** Thank you for the question, Mrs McArthur. As part of all the considerations of the risk assessment, the health advice considers such matters as well as the weighing up against the charter.

**Mrs McARTHUR:** Thank you, Attorney. How much extra investment will you be allocating to mental health as a result of potential risks in the mental health area as a result of this extra nine-month extension?

**Ms SYMES:** Mrs McArthur, as you would know the government tabled the Royal Commission into Victoria’s Mental Health System report today, a monumental occasion really dealing with the failures of the past and looking to create a better system going into the future. We are a government that invests heavily in record numbers in mental health reform, including in the last budget in November, and we have committed to implementing the recommendations in the royal commission’s report, which are all about better systems, better treatment and early intervention for people who are suffering mental health issues, and there will be a forthcoming budget which will indeed have investment in that regard.

**Mrs McARTHUR:** Thank you, Attorney. In relation to the economic cost to the business community of lockdowns, when you get risk assessments from your departments, how do you take into account how many businesses you can afford to close down as a result of your lockdowns?

**Ms SYMES:** Again, we are straying outside the bill, but, Mrs McArthur, the economic impact on businesses if you do not address a global pandemic is playing out in many countries around the world. If you speak to businesses in Victoria, they would much prefer to be open, and to be open we have to be safe and on top of the global pandemic. That is where we currently are, and that is where we are directing all of our efforts to stay.

**Mrs McARTHUR:** Thank you, Attorney. Then how do you account for the extreme measures that you imposed on rural and regional communities and businesses in this last five-day lockdown, harsher than even before, and will you be proposing to do that again in this next nine months of potential lockdowns?

**Ms SYMES:** Thank you, Mrs McArthur. It is not actually my role to propose anything in relation to the health advice and the protections for Victorians. I will leave that to the experts.

**Mrs McARTHUR:** Thank you, Attorney. But if you have left it to experts, we have seen extraordinary business closures, job losses and the effects on families and communities of your decision-making in relation to how you have handled the pandemic. How do we know that, if granted this extension, life will be any different in Victoria in the next nine months from how it has been in the past in terms of the extraordinary effects on Victorians?
Ms SYMES: Mrs McArthur, I would argue that without the state of emergency and without the ability to impose restrictions on Victorians—with full knowledge of how difficult it has been on people—we would not find ourselves in a situation with zero cases in our state right now.

Mrs McARTHUR: Thank you, Attorney. Why is it then that New South Wales businesses, families and communities can fare so much better when they have outbreaks, and they are not treated in the same draconian way that they have been treated here? How do we know that is not going to continue in the future?

Ms SYMES: Mrs McArthur, we have had a good conversation about your views on what you would do if you were given the opportunity to govern Victoria. I think we have exhausted that line of questioning, considering it is outside the contents of the bill.

The DEPUTY PRESIDENT: I was just going to confirm what the Attorney said. I think that asking about other states is outside the scope of the bill.

Mr LIMBRICK: I would like to ask the Attorney about the new house amendments—a couple of questions. Firstly, I would just like to get on the record, with regard to the new detention appeals process, if someone making an appeal through this process is not satisfied with the process, what other avenues do they have beyond that? Can they go to VCAT or the court outside of this process?

Ms SYMES: Thank you, Mr Limbrick. Yes, my advice is that you have got further advice in relation to going to the Supreme Court.

Mr LIMBRICK: I thank the Attorney for her answer. Can I just clarify that VCAT is not an option, only the Supreme Court? Is that correct?

Ms SYMES: Mr Limbrick, I am advised that with the ability to request an urgent review, the matter could be dealt with much more expeditiously through the Supreme Court.

Mr LIMBRICK: I thank the Attorney for her answer. With regard to new section 200E, where it talks about ‘Detention not unlawful merely because of a decision on review’, this seems a little bit dangerous to me. It sort of seems to imply that if a detention order was made unlawfully and then an appeal was launched against that order and then overturned on appeal, then there would be no mechanism through which that original detention could be found unlawful. Under what conditions could a detention be found unlawful if it passed an appeal?

Ms SYMES: I might come back to you on that, Mr Limbrick.

Ms CROZIER: If I can just follow on from Mr Limbrick, because I was going to ask similar questions around this. But now that we are into the government’s amendments, just following on from the detention not being unlawful because of a decision of that review—200E and the regulations that follow—it says:

… specify the circumstances in which the different amounts of penalty apply.

Could you provide to the house just an explanation of how that may eventuate in a real situation?

Ms SYMES: I am not sure where you are, sorry.

Ms CROZIER: It is just following on from Mr Limbrick—the regulations, with the house amendments.

Ms SYMES: The fines or the detentions?

Ms CROZIER: No, it is the detentions is my understanding. And I am just wondering what circumstances the differences would apply in, if you could explain.

Ms SYMES: I do not understand the question.
Ms CROZIER: Well, in the regulations, at the end of section 232(2) of the Public Health and Wellbeing Act 2008, through the house amendments you are inserting, through the Infringements Act 2006, various penalties. So it is following on from Mr Limbrick’s line of questioning in terms of your house amendments. I am going to this point and I am asking: you are saying there are different circumstances in which a penalty would apply; could you explain to the house those different circumstances and how that would actually play out?

The DEPUTY PRESIDENT: Ms Crozier, can you just clarify? I think the Attorney asked you was it detentions or penalties.

Ms CROZIER: It is following on from the detentions—so you have done that—and then it is the regulations component, so the infringements. Sorry, I have probably confused you in terms of where I have gone to. But you are talking about the minors, so it is around—

Ms SYMES: It is a little bit confusing because our amendments effectively, because they are insertions into a clause, are flowing from the rights of appeal in relation to detention and the—

Ms Crozier interjected.

Ms SYMES: Different. No, because then it is in relation to the fines that can be issued to people who are in breach of a health order, and predominantly this amendment deals with a differential rate for young people. But that is separate to the detention. It is just because it flows weirdly because of the way it goes in the amendment. But there is no differentiation of fines related to detention, just in relation to fines given to people for breaches of health directions.

Ms CROZIER: Thank you for that clarification, Minister. That clears that up for me.

Mrs McARTHUR: Attorney, why are you discriminating against Victorians on the basis of age in relation to the fines?

Ms SYMES: Thank you, Mrs McArthur. I appreciate your question. This is not the first time that there has been a differential rate proposed for people that are in breach of a particular law or a particular by-law. For instance, there are differential penalties applied to public transport infringements for people under 18. Through the experience of the past 12 months, the ability for young people to pay these fines is obviously quite challenged, as compared to the majority of adults. There is also an anomaly with the fine amount and that which can be imposed by the Children’s Court if a matter goes to court. So therefore after the passage of this bill we will seek to look at an appropriate fine for young people—one that is designed to deter breaches of such orders but also not unfairly create a situation where it is impossible for a young person to pay that fine. I do acknowledge that there are different rates based on age, but that is a longstanding practice.

Mr DAVIS: I move:

1. Clause 1, lines 5 to 8, omit all words and expressions on these lines and insert—

“(a) to provide for the state of emergency declaration that relates to the COVID-19 pandemic continuing in force for a total period that exceeds 6 months, on a month by month basis; and

(ab) to provide for measures to enhance transparency during a state of emergency; and

(ac) to provide for restrictions on the making of directions in relation to the Parliamentary precincts; and”.

Deputy President, I have already spoken to that amendment earlier. I will reiterate that this is in the purposes and actually lays out a number of aspects and in one sense tests all of the amendments, but actually we will move some of them separately because they are distinct matters. In general I would say that this amendment primarily tests the six-month period and the proposal that we have for month-to-month extensions, obviously with parliamentary approval.
Committee divided on amendment:

Ayes, 15

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Noes, 22

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Amendment negatived.

The DEPUTY PRESIDENT: I invite Mr Limbrick to move his amendment 1 on his sheet DL33C, which is a test for all his remaining amendments in that set.

Mr LIMBRICK: I move:

1. Clause 1, line 8, omit “21 months” and insert “15 months”.

There was a media report that stated there had been some sort of deal to shorten the state of emergency to three months. I was sort of surprised when I discovered this morning that that actually was not the case, so I drew up that amendment myself. This amendment basically just shortens the emergency from an extra nine months to three months, which will allow further accountability when this has to come before Parliament again.

Dr CUMMING: In rising, anything is better than nine months, so let us see how this goes, because there have been those conversations about three months.

Ms PATTEN: I think it is flippant to say anything is better than nine months. What we need is legislation that sets in place a future going forward. While I am disappointed that that did not happen in October, and there was a commitment to it happening, it did not happen. I was able to speak to the solicitor-general about what that passage looks like and how that legislation will get through. I think Mr Limbrick may have been alluding to comments that I may have made in the media about ‘three months’. I certainly did want to see a three-by-three occurring, but I am willing to accept that three months is not enough time to write this legislation. However, I also take the point that we just voted down a month-by-month extension, which would have meant that we would have been debating the state of emergency every sitting week—in the Legislative Assembly one week and in the Legislative Council the next week. Frankly, I can think of better things I would like to be doing in this chamber than listening to you talking about states of emergency. I would like to see significant, strong health legislation that deals with the pandemic without putting us under a state of emergency. And yes, there was some leap of faith in supporting the government to do this now—

Members interjecting.

Ms PATTEN: I take your interjection, Mr Limbrick. I put that to the solicitor-general. I put that to the Law Institute of Victoria. I put that to the Human Rights Law Centre. I am not the expert. I did accept the evidence. I did accept the information that they gave me about the time it might take to get this legislation passed. I think the one-month legislation—this time limit—is really good; we should reintroduce it. On that, I am not supporting this part of Mr Limbrick’s amendment.
Mr DAVIS: It is no secret that the opposition did not want this legislation at all. It should have been cleared up a long time ago with proper, prudent legislation with proper checks and balances. Ms Patten is right that that was not the case and has not been the case. It is not possible to do complex legislation of that type from opposition. Nonetheless, in this circumstance, where our amendment for one month has been defeated, with checks and balances and parliamentary oversight we would support a three-month extension as an alternative to nine months. It is a much better alternative to nine months. It is clear to us that the government has enough people in this chamber to pass a nine-month extension. We do not agree with that. I make the point that I simply do not accept Ms Patten’s point that it is impossible to produce legislation over a three-month period. That is just bunk. She may believe that is right, but I believe she has been hoodwinked, and that is a sad state of affairs. It is possible to produce legislation over a three-month period, and that would have put this into a reasonable time frame.

Ms PATTEN: Just in response to Mr Davis saying that I was hoodwinked, if you are suggesting that I was hoodwinked, I was hoodwinked by the solicitor-general, Ms Walker. Are you saying that you know more than the solicitor-general about developing this?

Members interjecting.

The DEPUTY PRESIDENT: Order! Mr Davis! Sorry, can we just have some order in the chamber? I will just caution people on the length of this debate, because it is getting to the point that we are going to have to start ringing the bell for 4 minutes. If we could just be quick, that would be great.

Mr DAVIS: It may come as a surprise to some in the chamber, but the solicitor-general is not like the Pope and is not infallible.

Dr CUMMING: I would like to make the point that I was not being flippant, and that three months is being—

A member interjected.

Dr CUMMING: Pardon me. Wait a minute. I was not being flippant by saying three months, and with respect, I have not done a backflip like others in the chamber.

The DEPUTY PRESIDENT: I think we have got to the point that we are going to have to ring the bells for 4 minutes. Mr Quilty.

Mr QUILTY: So the government has already had 12 months to get this right. They have not done it. This would be another three months for them to get this right. The fact is that if people want specific legislation they would support this amendment. If you do not want specific legislation, you would not.

Committee divided on amendment:

Ayes, 15

Atkinson, Mr
Bach, Dr
Bath, Ms
Crozier, Ms
Davis, Mr
Finn, Mr
Grimley, Mr
Hayes, Mr
Limbrick, Mr
Lovell, Ms
Maxwell, Ms
McArthur, Mrs
O’Donohue, Mr
Quilty, Mr
Rich-Phillips, Mr

Noes, 21

Barton, Mr
Bourman, Mr
Elasmar, Mr
Erdogan, Mr
Garrett, Ms
Gepp, Mr
Kieu, Dr
Leane, Mr
Meddick, Mr
Mehem, Mr
Patten, Ms
Pulford, Ms
Ratnam, Dr
Shing, Ms
Stitt, Ms
Symes, Ms
Tarlamis, Mr
Terpstra, Ms
Tierney, Ms
Vaghela, Ms
Watt, Ms

Amendment negatived.
The DEPUTY PRESIDENT: I invite the Attorney-General to move her amendment 1, which is a test for all her other amendments.

Ms SYMES: I move:

1. Clause 1, after line 8 insert—

   “(ab) to provide for enhanced review rights for detained persons; and

   (ac) to provide for prescribed penalties to be different for adults and children; and”.

The house amendments proposed by the government I took you through in my summing up tonight at the end of the second-reading speech, but I will take the opportunity just to remind the house that they are in effect providing two things: one, a review process for persons issued with detention notices under the act in accordance with the Ombudsman’s recommendation of her inquiry, and also a mechanism for lower penalty amounts to be issued to children. I will take the opportunity to thank those members of the chamber that have engaged constructively with the government in the development of these amendments and thank them for that engagement. I commend these amendments to the house.

Mr DAVIS: The opposition will not oppose these amendments. We understand the reasons the government has brought them forward. Clearly there are some improvements. We do not think they go anywhere near far enough, but nonetheless.

Mr LIMBRICK: The Liberal Democrats will not be opposing these house amendments. They go some way to making some modest improvements to protection of human rights. I note that the detention powers only partially implement the recommendations of the Ombudsman. They are missing the recommendation that she made around allowing fresh air and exercise and therefore I will be moving that as another amendment, but the Liberal Democrats will not be opposing this.

Amendment agreed to.

Mr LIMBRICK: I move:

1. Clause 1, after line 8 insert—

   “(ab) to provide additional rights for detained persons; and”.

Again, this amendment is quite simple. It also relates to the detention powers. As I have already indicated, recommendation 2 from the Ombudsman’s report into the housing tower lockdown recommended a range of things around allowing for a right of appeal, which the government’s amendment is doing; making sure that people get information in a language that they can understand and information about their rights and appeal processes, and it is good that that is already happening; but the other recommendation was to allow for meaningful access to fresh air and exercise to the extent reasonably practicable. This amendment has a condition of ‘reasonably practicable’. If there are circumstances where it is not practicable, there may be an excuse for the government to not do that, so I think this is a very reasonable amendment. It allows people who are detained under these orders to at least get something similar to what a prisoner might have access to.

Business interrupted pursuant to standing orders.

Ms SYMES: Pursuant to standing orders, I declare the sitting of the house to be extended for up to 1 hour.

Mr DAVIS: The opposition will support this amendment. It is consistent with the Ombudsman’s recommendations. It does seem a very basic and reasonable amendment to put in place.

Ms SYMES: The government is not in a position to support Mr Limbrick’s amendments. Whilst we acknowledge that they are well intended, I would put on record that access to fresh air and exercise are facilitated by the current Victorian hotel quarantine system. However, under the quarantine model fresh-air breaks are largely limited to mental health grounds, and this is because public health and
safety for all other guests in the hotel, for staff and for the community are the primary consideration in the operation of any hotel quarantine system. The Victorian government, like governments around the world, are actively looking at alternative models of hotel quarantine such as that which is currently used in the Northern Territory—namely, at Howard Springs.

Transitioning to this model will have many potential benefits, among which is the ability to have accommodation that is designed for the purposes of quarantining for at least 14 days and being able to have regular access to the outside and fresh air throughout that time. There are many factors to consider when looking at change to the hotel quarantine system, including that it meets the standards agreed by national cabinet and ensuring that anybody who does quarantine can return to their normal home in 14 days. For this reason it is important that any changes to hotel quarantine are considered and implemented in accordance with public health advice. I would put on record that in relation to aerosol spread an open window in a hotel room and an open foyer has the potential to spread more of the virus through that aerosol spread, and these are really important matters. We need to make sure that we have the highest quality quarantine system in relation to reducing all of the risks, and for that reason we are not in a position to support Mr Limbrick’s amendments.

Ms PATTEN: While I think this is actually a very good amendment, I guess my position is that Mr Limbrick is not going to support the bill, so even if the amendment was successful he would vote against the amendment. If I felt that you were very committed to this and that meant that this would change some of your positions on the bill, I would probably be more inclined to support it.

Dr CUMMING: I guess in rising to speak I believe that actually taking up some of the recommendations from the hotel quarantine report is very fair. To not support an amendment because someone might not intend to vote for the rest of the bill I do not believe is fair. I think anyone should be able to put up amendments and they should be looked upon for their merits. I would hope, listening to the government, that they are looking for alternative models, and I would suggest that they actually do.

Committee divided on amendment:

Ayes, 18

Atkinson, Mr
Bach, Dr
Barton, Mr
Bath, Ms
Bourman, Mr
Crozier, Ms
Cumming, Dr
Davis, Mr
Finn, Mr
Grimley, Mr
Hayes, Mr
Limbrick, Mr
Lovell, Ms
Maxwell, Ms
McArthur, Mrs
O’Donohue, Mr
Quilty, Mr
Rich-Phillips, Mr

Noes, 19

Elasmar, 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
Tarlamis, Mr
Terpstra, Ms
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Vaghela, Ms
Watt, Ms

Amendment negatived.

Mr DAVIS: I move:

2. Clause 1, line 10, omit “16 December 2021” and insert “to align with the date on which the state of emergency declaration that relates to the COVID-19 pandemic ceases to be in force”.

This simply omits the 16 December 2021 date.
Committee divided on amendment:

**Ayes, 16**

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Amendment negatived.

Amended clause agreed to.

**Clause 2 (22:15)**

Dr CUMMING: Attorney, I just have one question. It is just the marked-up version that I have got. It might really be a simple question. There is a marked-up version, and under part 1(3) it says the ‘Secretary may declare immunisation requirements’. It is marked up on the copy that I was sent; it is in red. But I cannot see what has been changed in 3A, which is:

Secretary may declare immunisation requirements
(1) For the purposes of definition of age appropriately immunised—

and I would be guessing that is normally the immunisation schedule for minors—

in section 3(1), the Secretary may declare immunisation requirements by notice published in the Government Gazette.

Just because the version that I have indicates in red that 3A has somehow changed, could the minister please just indicate what the change has been in 3A, if there has been any.

Ms SYMES: It is good to seek clarification, and I will do my best to answer it, because my copy is not marked up. It does indicate that there were amendments in 2018 to that section, which may be why yours looks as though it has been amended, but it is certainly not being amended by this bill. I move:

2. Clause 2, line 2, omit “This” and insert “(1) Subject to subsection (2), this”.
3. Clause 2, after line 3 insert—

“(2) Sections 2A, 2B and 3A come into operation on 20 April 2021.”.

Amendments agreed to; amended clause agreed to.

**New clauses (22:18)**

Ms SYMES: I move:

4. Insert the following New Clauses before clause 3—

   **2A Definitions**

   In section 3(1) of the Public Health and Wellbeing Act 2008 insert—

   “Detention Review Officer means a person appointed to be a Detention Review Officer under section 32A(1);”.
2B New section 32A inserted

After section 32 of the Public Health and Wellbeing Act 2008 insert—

“32A Secretary may appoint Detention Review Officers

(1) The Secretary by instrument may appoint a person to be a Detention Review Officer for the purposes of this Act.

(2) A person appointed as a Detention Review Officer must be an Australian lawyer of at least 10 years’ experience.

(3) An instrument of appointment of a person as a Detention Review Officer may—

(a) specify the functions, duties or powers under this Act or the regulations to which it relates; and

(b) be made subject to any conditions that the Secretary considers to be appropriate.

(4) The Secretary may give a general direction to a Detention Review Officer in relation to the performance of the Detention Review Officer’s functions or duties or the exercise of the Detention Review Officer’s powers under this Act or the regulations.

(5) An instrument of appointment under subsection (1) must be published in the Government Gazette as soon as reasonably practicable after it is made, but a failure to publish the instrument does not affect its validity.

(6) A person appointed as a Detention Review Officer is employed under Part 3 of the Public Administration Act 2004.”.

New clauses agreed to.

Clause 3 (22:19)

The DEPUTY PRESIDENT: Mr Limbrick, your amendment was tested via your amendment 1, so that is fine. Mr Davis, your amendment 3 is actually an omission, so those who support the amendment should vote with the noes. The question is that the clause stand part of the bill.

Committee divided on clause:

Ayes, 19

Elasmar, 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
Tarma, Ms
Terpstra, Ms
Tierney, Ms
Vaghela, Ms
Watt, Ms

Noes, 18

Atkinson, Mr
Bach, Dr
Barton, Mr
Bath, Ms
Bourman, Mr
Crozier, Ms
Cumming, Dr
Davis, Mr
Finn, Mr
Grimley, Mr
Hayes, Mr
Limbrick, Mr
Lovell, Ms
Maxwell, Ms
McArthur, Mrs
O’Donohue, Mr
Quilty, Mr
Rich-Phillips, Mr

Clause agreed to.

New clauses (22:27)

Mr DAVIS: I move:

4. Insert the following New Clause before clause 4—

‘3 Declaration of a state of emergency

(1) In section 198(7)(c) of the Public Health and Wellbeing Act 2008 for “6 months or, in the case of the emergency declaration in respect of the COVID-19 pandemic, 12 months.”
substitute “6 months, other than in accordance with a resolution of both Houses of the Parliament that approves the total period exceeding 6 months.”.

(2) After section 198(7) of the Public Health and Wellbeing Act 2008 insert—

“(7A) A resolution passed by both Houses of the Parliament that approves a state of emergency declaration continuing in force for a total period that exceeds 6 months—

(a) must specify the total additional period, not exceeding one month, for which the state of emergency declaration may continue in force in accordance with the resolution; and

(b) must be in respect of a state of emergency declaration that relates to the COVID-19 pandemic; and

(c) should not be moved until—

(i) a statement of the basis on which it is proposed that the declaration continue in force and the objectives of continuing the declaration in force, including as to how these objectives relate to the objects of the Act has been laid before the House; and

(ii) all members of Parliament who so request have received appropriate briefings and appropriate information on the circumstances causing a serious risk to public health out of which the state of emergency arises; and

(d) may be passed more than one time in respect of the same state of emergency declaration.”.

(3) After section 198(9) of the Public Health and Wellbeing Act 2008 insert—

“(10) Despite anything to the contrary in the Subordinate Legislation (Legislative Instruments) Regulations 2011, a declaration under subsection (1) is not an exempt legislative instrument, but the following are not required for any proposed declaration—

(a) consultation under section 12C of the Subordinate Legislation Act 1994;

(b) the preparation of a regulatory impact statement under section 12E of the Subordinate Legislation Act 1994.”.

This amendment covers some of the same territory but is quite explicit in terms of the need for resolution of both houses of Parliament for any extension month to month or indeed other periods, so it is a very precise matter relating to the declaration of state of emergency.

Committee divided on new clause:

Ayes, 12

Atkinson, Mr  Davis, Mr  Maxwell, Ms
Bach, Dr  Finn, Mr  McArthur, Mrs
Bath, Ms  Grimley, Mr  O’Donohue, Mr
Crozier, Ms  Lovell, Ms  Rich-Phillips, Mr

Noes, 25

Barton, Mr  Leane, Mr  Shing, Ms
Bourman, Mr  Limbrick, Mr  Stitt, Ms
Cumming, Dr  Meddick, Mr  Symes, Ms
Elasmr, Mr  Melhner, Mr  Tarlamis, Mr
Erdogan, Mr  Patten, Ms  Terpstra, Ms
Garrett, Ms  Pulford, Ms  Tierney, Ms
Gepp, Mr  Quilty, Mr  Vaghela, Ms
Hayes, Mr  Ratnam, Dr  Watt, Ms
Kieu, Dr

New clause negatived.
BILLS

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Legislative Council
Tuesday, 2 March 2021

Mr DAVIS: I move:

5. Insert the following New Clause before clause 4—

‘3A New section 198A

After section 198 of the Public Health and Wellbeing Act 2008 insert—

“198A Measures to enhance transparency during a state of emergency

(1) This section applies during any period when a declaration of a state of emergency is in

force.

(2) The Leader of the Opposition, the leader of any other political party represented in the

Parliament or an independent elected member may request that the Premier provide

briefings or specified information in relation to the circumstances causing a serious risk

to public health out of which the state of emergency arises, or any other matter relating

to the state of emergency.

(3) The Premier must, as soon as practicable, provide the requested briefings or information

to the person who requested it.

(4) The President of the Legislative Council and the Speaker of the Legislative Assembly

must make their best endeavours to summon each House to meet at least once during

each month that the declaration is in force.”’.

Amendment 5 again relates to measures to enhance transparency in a state of emergency. It requires

briefings and it requires that the Speaker and the President seek to have the Assembly and the Council

sitting regularly during a period of a state of emergency.

Committee divided on new clause:

Ayes, 18

Atkinson, Mr  Cumming, Dr  Lovell, Ms
Bach, Dr  Davis, Mr  Maxwell, Ms
Barton, Mr  Finn, Mr  McArthur, Mrs
Bath, Ms  Grimley, Mr  O’Donohue, Mr
Bourman, Mr  Hayes, Mr  Quilty, Mr
Crozier, Ms  Limbrick, Mr  Rich-Phillips, Mr

Noes, 19

Elasmar, Mr  Melhem, Mr  Symes, Ms
Erdogan, Mr  Patten, Ms  Tarlamis, Mr
Garrett, Ms  Pullford, Ms  Terpstra, Ms
Gepp, Mr  Ratnam, Dr  Tierney, Ms
Kieu, Dr  Shing, Ms  Vaghela, Ms
Leane, Mr  Stitt, Ms  Watt, Ms
Meddick, Mr

New clause negatived.

Ms SYMES: I move:

5. Insert the following New Clauses after clause 3—

‘3A New sections inserted

After section 200 of the Public Health and Wellbeing Act 2008 insert—

“200A Information to be given to detained persons

(1) As soon as practicable after a person is made subject to detention under

section 200(1)(a), the person must be provided with the following information in a form

that the person is capable of understanding—

(a) the purpose of the detention and its terms;
(b) any exemptions that may be available to the person in respect of the detention;
(c) an explanation of the person’s rights and entitlements in relation to making a complaint or seeking a review of the decision to make the person subject to detention including, but not limited to—
   (i) the process for making a complaint or seeking an exemption; and
   (ii) the process for making an application for review under section 200B.

(2) Nothing in this section limits the requirements under this Act or any other Act in respect of information to be given to a person who is subject to detention under section 200(1)(a) including, but not limited to, the information required to be given to the person under section 200.

200B Applications may be made for review of certain decisions in relation to a person subject to detention

(1) A person who is subject to detention under section 200(1)(a) may make an application to the Secretary for a review by a Detention Review Officer of—
   (a) the decision under section 200(1)(a) to make the person subject to detention including, but not limited to, in respect of the following—
      (i) the reasons for the detention;
      (ii) the period of the detention;
      (iii) the place of the detention;
      (iv) the conditions of the detention; or
   (b) a decision under section 200(1)(d) that relates to the person’s detention.

(2) An application under subsection (1) cannot be made in respect of a decision under section 200(6) that the continued detention of a person is reasonably necessary to eliminate or reduce a serious risk to public health.

(3) A person who is subject to detention under section 200(1)(a) and has made an application under subsection (1) may make further applications under subsection (1) in respect of that detention if—
   (a) the most recent application made by the person has been determined; and
   (b) since the most recent application was determined, new and materially different circumstances have arisen that affect the person in respect of the detention.

(4) An application under subsection (1)—
   (a) must be in writing; and
   (b) must specify the grounds on which the application is made; and
   (c) if the application is a further application of the kind permitted by subsection (3), must include a description of the new and materially different circumstances that have arisen and affect the person in respect of the detention; and
   (d) must include any prescribed information; and
   (e) may include any other information that the person making the application considers appropriate.

(5) The Secretary must ensure that an application made under subsection (1) is referred to a Detention Review Officer immediately after the application is made.

200C Detention Review Officer must decide applications

(1) This section applies if an application in respect of a decision is referred to a Detention Review Officer under section 200B(5).

(2) The Detention Review Officer must use their best endeavours to decide the application, and advise the applicant in writing of the decision and the reasons for it, within 24 hours after the application was received by the Secretary.

(3) In deciding the application, the Detention Review Officer—
   (a) must consider the information included in the application; and
(b) may make such further inquiries and seek such further information in relation to any aspect of the application as the Detention Review Officer thinks fit including, but not limited to, making inquiries to or seeking information from persons with expertise in public health.

(4) The Detention Review Officer may decide—

(a) to affirm the decision under review; or

(b) to refer the application to the Chief Health Officer, accompanied by such non-binding recommendations as the Detention Review Officer considers appropriate (if any).

(5) A decision by a Detention Review Officer to affirm a decision made by an authorised officer is taken to be a decision of that authorised officer.

200D Review referred back to Chief Health Officer

(1) If a Detention Review Officer refers an application to the Chief Health Officer under section 200C(4)(b), the Chief Health Officer must use their best endeavours to decide the application, and advise the applicant in writing of the decision and the reasons for it, within 24 hours after the application is referred.

(2) The Chief Health Officer may—

(a) affirm the decision under review; or

(b) vary the decision under review; or

(c) set aside the decision under review and make a new decision in substitution for it.

200E Detention not unlawful merely because of a decision on review

If a person makes an application under section 200B(1) for review of a decision, and the detention of the person ceases because of a decision made on the review, the detention of the person is not unlawful merely because of the decision made on the review.”.

3B Regulations

After section 232(2) of the Public Health and Wellbeing Act 2008 insert—

“(3) Despite anything to the contrary in Division 5 of Part 2 of the Infringements Act 2006, regulations prescribing an amount as the infringement penalty for an offence may—

(a) prescribe a lower amount of penalty for an offence committed by a person under the age of 18 years; and

(b) specify the circumstances in which the different amounts of penalty apply.”.”.

As put in clause 1, the same topic—so moved.

New clauses agreed to.

Mr DAVIS: I move:

6. Insert the following New Clause before clause 4—

‘3B New sections 200A and 200B

After section 200 of the Public Health and Wellbeing Act 2008 insert—

“200A Limit on power to give directions

(1) For the avoidance of doubt, a direction must not be given under subsection 200(1)(d) in relation to the attendance in the Parliamentary precincts of a member of the Parliament, or any other person engaged in the normal carrying on of business of the Parliament.

Note

Section 19 of the Constitution Act 1975 provides for the privileges, immunities and powers (parliamentary privilege) of the Council and Assembly respectively and committees and members thereof. The Public Health and Wellbeing Act 2008 does not expressly override section 19 of the Constitution Act 1975.”
(2) In this section—

parliamentary precincts has the same meaning as in the Parliamentary Precincts Act 2001.

200B Directions etc. to be laid before Parliament

(1) If a direction is given under section 200(1)(d) in the exercise of the emergency powers, the Minister must cause to be laid before both Houses of the Parliament, within one business day of the direction being given, a copy of—

(a) the direction; and

(b) all briefings provided, in respect of the giving of the direction, to the Chief Health Officer and the authorised officer who gave the direction (if that was not the Chief Health Officer); and

(c) a statement of the basis on which the direction was given, including as to how the giving of the direction relates to the objects of the Act.

(2) If the Minister proposes to cause a copy of a direction, briefings and a statement to be laid before Parliament at a time when Parliament is not sitting, the Minister must give a copy of the direction, the briefings and the statement to the Clerk of each House within one business day of the direction being given.

(3) The Clerk of each House must—

(a) give a copy of the direction, the briefings and the statement to each member of the House as soon as practicable after receiving them under subsection (2); and

(c) cause a copy of the direction, the briefings and the statement to be laid before the House on the next sitting day of the House."

Amendment 6 inserts a number of amendments—limits on the powers to give directions and, importantly, directions to be laid before the house. That is, where a public health order is put forward under the state of emergency, there should be laid before the house within one business day the direction and all briefings provided, in respect of giving the direction, to the chief health officer and the authorised officer who gave the direction if it was not the chief health officer.

Committee divided on new clause:

Ayes, 18

Atkinson, Mr
Bach, Dr
Barton, Mr
Bath, Ms
Bourman, Mr
Crozier, Ms
Cumming, Dr
Davis, Mr
Finn, Mr
Grimley, Mr
Hayes, Mr
Limbrick, Mr

Lovell, Ms
Maxwell, Ms
McArthur, Mrs
O’Donohue, Mr
Quilty, Mr
Rich-Phillips, Mr

Noes, 19

Elasmar, 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
Tarlamis, Mr
Terpstra, Ms
Tierney, Ms
Vaghela, Ms
Watt, Ms

New clause negatived.

Clause 4 agreed to.
Clause 5 (22:40)

Ms SYMES: I move:

6. Clause 5, lines 3 and 4, omit “the first anniversary of its commencement” and insert “20 April 2022”.

This just amends the automatic repeal of the amending act. It is consequential to the new clauses that have been passed by this house this evening.

Amendment agreed to; amended clause agreed to.

Reported to house with amendments.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (22:41): I move:

That the report be adopted.

Motion agreed to.

Report adopted.

Third reading

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (22:41): 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, 19

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 Tarlamis, Mr Terpstra, Ms Tierney, Ms Vaghela, Ms Watt, Ms

Noes, 18

Atkinson, Mr Bach, Dr Barton, Mr Bath, Ms Bourman, Mr Crozier, Ms

Cumming, Dr Davis, Mr Finn, Mr Grimley, Mr Hayes, Mr Limbrick, Mr

Lovell, Ms Maxwell, Ms McArthur, Mrs O’Donohue, 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 amendment.
Adjournment

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources) (22:48): I move:

That the house do now adjourn.

SURREY PARK

Dr BACH (Eastern Metropolitan) (22:48): My adjournment matter is for the Minister for Transport Infrastructure, and it concerns the government’s bizarre proposal to use the Surrey Park ovals as a dumping ground for heavy machinery that will be necessary to be used for the level crossing removal close by. We on this side of the house are wholeheartedly behind level crossing removals; indeed we commenced the Level Crossing Removal Project. However, these things need to be done carefully and appropriately with local consultation. That is not what is happening in Surrey Hills, which is in my electorate.

I had the great pleasure of meeting with Mal, who is the president of the Surrey Hills Cricket Club, just last week, and he quite passionately made the case to me that if this plan goes ahead and if heavy machinery is dumped on his cricket oval and adjoining ovals that are used by any number of different clubs—and I have spoken about those various clubs in the house before—but also a huge number of local residents, well, his club, which has been there for over 100 years, will never recover. It will never recover. I am not sure what the government’s plan is or if the government has one. I am not sure if the government is intending to move the Surrey Hills Cricket Club to other facilities, but Mal made the point to me that, even if that is the case, given the attachment of so many members of this thriving local cricket club to the particular place that this club has played at for over 100 years, well, the club will never recover.

I was pleased to spend some time with members of the cricket club over the weekend. It is a beautiful oval. It is a fantastic turf wicket, and that oval will be ruined, as other ovals have been ruined, by becoming a dumping ground for heavy machinery. Mal and other members of the club spoke to me in particular about the impact upon young people. I have spoken in this place today and on many other occasions about the impact of the government’s lockdowns on young people. I received an email just yesterday from one young boy, a 13-year-old boy, who is a member of the Surrey Hills Cricket Club, speaking to me in incredibly candid terms about his battles with mental health, about what occurred to him last year when he was not able to play sport and the likely impact upon him if his cricket club was shut down.

So I use this forum and this opportunity to plead with the local member, Paul Hamer, to listen and engage in a way that he has not listened or engaged, and I would plead with the Minister for Transport Infrastructure to heed the calls of local residents and local sporting clubs. The action that I seek from the minister is to find an alternate site that does not have the kind of devastating impact on a local community that the Labor government’s current plan undoubtedly will.

COMMUNITY SPORT

Ms VAGHELA (Western Metropolitan) (22:51): My adjournment matter is directed to the Honourable Ros Spence, MP, the Minister for Multicultural Affairs, Minister for Community Sport and Minister for Youth. This adjournment matter relates to the portfolio responsibilities of community sport. Applications for the latest round of the sporting club grants program are open. Clubs can apply for grants of up to $1000 for new uniforms and equipment, up to $5000 for training coaches, officials and volunteers, and up to $5000 to improve club operational effectiveness. Additionally, a new COVID recovery category has been created which provides grants of up to $5000 to help clubs, leagues and associations to procure items that will help them return to play safely. The sporting club grants are an integral part of the Victorian government’s sport and active recreation policy priorities. They provide a single entry point for community sports and active recreation clubs to receive funding that will assist in addressing a range of barriers to community participation in Victoria.
An additional $6 million has been added to the ongoing program that attained great popularity last year, supporting 1200 clubs with $1.8 million across the state during the COVID crisis. The grants are for people of all ages and abilities. It is a grassroots sports initiative. This grants program will add a substantial forefront for people yearning to meet, interact and do sports as a hobby, which will further boost community inclusions. This is a massive opportunity for community sports and active recreation clubs to avail themselves of grants that will help in transcending an area of barriers and will ensure community participation at a wider level across the state. Western Metropolitan Region has many sporting clubs that will get benefits from this program. The action I seek from the minister is to provide me with an update on how the government is promoting this important initiative to clubs, leagues and associations in my electorate of Western Metropolitan Region.

ZOONOTIC DISEASES

Mr MEDDICK (Western Victoria) (22:53): My adjournment is for the Minister for Agriculture in the other place, and the action I seek is a briefing from the department on how they are minimising the probability of further zoonotic disease outbreaks. Avian influenza regularly breaks out in intensive chicken growing operations both here and around the world. The most recent outbreaks in Victoria were last year, where not one but three different strains of avian influenza were detected across six different farms. Three egg farms were detected with the highly pathogenic H7N7 avian influenza, and there were different strains on turkey farms and an emu farm. It is unusual to see three different strains of avian flu all circulating at the same time.

In these cases in Victoria we are meant to be reassured by the action taken, including depopulation and disposal of stock, which is Orwellian jargon for killing all the individual animals, whether infected or not, and throwing their bodies into a pit. We see outbreaks of avian flu around the world quite regularly. A few days ago we saw an outbreak of avian influenza in the Russian Federation. In 2020 the same strain was detected in Bulgaria, the Czech Republic, Egypt, Germany, Hungary, Iraq, Japan, Kazakhstan, the Netherlands, Poland, Romania and the United Kingdom. What was different with this outbreak was that for the first time the virus then jumped to humans, with seven farm workers testing positive for the virus. The World Health Organization has for the moment decided that the risk of human-to-human transmission is low. However, if the rapid spread and ability to evolve of all the other zoonotic diseases we have seen infect humans are any guide, the risk is still there. Battery cages and densely stocked sheds of chickens are the perfect breeding grounds for disease.

I raised in this place in 2019 that a zoonotic disease pandemic could come at any time. I did not make those statements from a position of isolation but merely echoed the warnings of experts from around the world, including the World Health Organization, who all warned that if we did not fundamentally abandon factory farming our agricultural practices would unleash the next worldwide pandemic. How right they were.

What our recent history shows is that our continued reliance on factory farming—intensive concentrations of animals kept and killed in cruel and unsanitary conditions—whether here or overseas, is not just bad for animals but a danger to human health. I know we have not yet finished dealing with the last one, but I hope the minister will provide me and other interested parties with a briefing on how the government is acting to minimise the risk of creating the next zoonotic disease pandemic.

PAKENHAM EAST TRAIN STATION

Mr O’DONOHUE (Eastern Victoria) (22:56): I raise a matter for the Minister for Transport Infrastructure. It is related to the location of the new Pakenham East railway station. The new Pakenham East railway station was revealed to residents in Ryan Road in the vicinity of Pakenham literally hours before the public announcement by the minister, and it took many of these local residents by absolute surprise. One local resident I met with last week told me she had spent the last two years upgrading her house and going through detailed council processes to get approval for a shed to finalise her dream home, consistent with the semirural character of that part of Pakenham on the
outskirts of town, only to be told that a metropolitan railway station will be abutting her property and may take some of her property. It was an absolute shock to these residents at Pinehill Drive and that precinct for them to learn that it will be the final stop on the Pakenham railway line and a very busy railway station.

Just to the east of where this railway station is proposed is the new Pakenham East precinct. It has been through a detailed precinct structure plan and will be home to approximately 20,000 residents. There has been no explanation as to why the new railway station was not identified to be located in that new PSP. We are told that the planning process is vigorous and goes through an analysis of the infrastructure required and the like, yet the new railway station was not identified to be part of that PSP and has now been lobbed on these residents, who feel like they have been mistreated by the government through a lack of consultation and a lack of listening to their concerns.

This is a beautiful part of Pakenham which I know well—I have spent some time there meeting with various constituents over the years—and they are very concerned about what impact this railway station may have on traffic and amenity. And introducing a railway station to a low-density urban environment does not seem to make planning sense when there is going to be a newer, much higher density urban environment just down the road. So the action I would seek from the Minister for Transport Infrastructure is that she engage with the local residents and meet with the local residents, because so far she has refused to do so. With the greatest respect, the member for Bass has done little, I am advised, to respond to the concerns of these residents. Let us engage in a proper process with the community to see whether this project can be salvaged to meet community expectations and there can be a win-win.

MISSING PERSONS

Dr CUMMING (Western Metropolitan) (22:59): My adjournment matter is to the Minister for Police and Emergency Services in the other place, and the action that I seek is for the minister to provide data as to the number of missing children and teenagers in Victoria over the last three years. We all know that COVID has had a huge impact on young people, and I am looking at the Victoria Police media. There seems to be an alarming number of missing children and teenagers in Melbourne’s west, if not across Victoria, at the moment. This appears to have increased over the last year, and I am concerned that it may be connected with either family violence or a decline in mental health. One in 13 Australian teenagers is taking antidepressants and other prescription drugs for mental illness. One in 25 primary school children has had a prescription for anxiety or an antidepressant medication. A Productivity Commission report has revealed that one in seven school-aged children has been diagnosed with a mental illness, and suicide is the leading cause of death for young Australians aged between 15 and 24. Primary school children have started to self-harm at an alarming rate, and lockdowns have created high levels of family breakdowns and uncertainty over employment.

In August last year the Victorian Mental Illness Awareness Council conducted a survey to identify the impact of COVID-19 on their members and others experiencing mental distress. To quote their report:

The most concerning findings from this second survey, however, were regarding respondents’ behaviour. Half of all respondents experienced either suicidal thoughts or attempts during the second wave. A fifth of respondents experienced self-harm, whilst over 70% have used alcohol or drugs inappropriately. In addition, over three-quarters of the respondents have experienced anger, over half are withdrawn, and 20% have experienced violence towards themselves or inflicted it upon others.

These statistics demonstrate harmful and destructive behaviours to self and potentially to others, which is extremely alarming, and with the alarming amount of missing teenagers, I would like to understand what is going on.
GREATER SHEPPARTON SECONDARY COLLEGE

Ms LOVELL (Northern Victoria) (23:02): My adjournment matter is for the Minister for Education and concerns the ongoing violent brawls at Greater Shepparton Secondary College. The action that I seek from the minister is for him to ensure a safe school environment is provided for every student at the Greater Shepparton Secondary College and that additional secondary school options are made available to provide choice in public education for families in Greater Shepparton.

At the end of the 2019 school year the Andrews Labor government closed all four secondary colleges in Greater Shepparton and established the Greater Shepparton Secondary College, a single-entity school that will eventually see around 3000 students on one campus. The government also announced the transition plan that has disrupted students by mixing students from the four schools and distributing them across three campuses. The single-school model and the transition plan have proved to be an unmitigated disaster. Since its inception, violent brawls have been a constant feature at all three campuses of the college. Last week the Wanganui and McGuire campuses of the college were the sites of massive all-in brawls, with a brawl occurring at least one of the campuses every day. This week of shocking violence resulted in a student being transported to hospital with serious injuries.

Police attended the school multiple times throughout the week, and teachers have informed me that at least six, possibly more, police cars, paramedics and media attended one incident at the Wanganui campus on Friday. I have also been informed that the school have hired security guards, but this failed to stop the violence last week. Students, teachers, parents and grandparents have contacted me to inform me that students and some teachers do not want to go to school because they do not feel safe. One of the biggest frustrations parents have is the school and government constantly denying there is a problem, because you cannot fix a problem until you recognise you have one. Parents are desperate to get their children out of this school, but there is no other option. Private and Catholic schools in Shepparton are full, and many families could not afford them even if there was space for their child. Our closest public secondary schools are in Numurkah, Nathalia and Kyabram, but these towns are more than half an hour away and there is no school bus or public transport option that could provide transport for students. These school options would require parents to do an hour’s round trip each morning and afternoon to drop their children off and pick them up, which would not be possible for many families.

Suzanna Sheed and her Andrews Labor government mates closed our four schools and imposed a single-school model on Shepparton. Parents voiced their concerns at the time, but Suzanna Sheed and Labor ignored them. Ms Sheed continues to ignore parents who have contacted her office over the past few days to try and organise meetings to discuss their concerns; they have been fobbed off and told to send an email.

HOMELESSNESS

Mr BARTON (Eastern Metropolitan) (23:05): My adjournment tonight is for the Minister for Housing, Minister Wynne. Recently the federal government announced a $50 increase in fortnightly payments for the JobSeeker payment. This increase has been proposed due to the $150 coronavirus supplement ending on 31 March. This amounts to a mere $3.60 a day—not even enough for a cup of coffee, let alone making a serious contribution to pay the rent. Victorians are already experiencing homelessness and there are those only one or two pay cheques away from being unable to afford safe and stable housing.

The latest Australian Bureau of Statistics data show that 24 825 people were experiencing homelessness in Victoria on census night in 2016. It is expected that once COVID-19 income protections end and the bans on evictions are lifted, homelessness will rise. These coronavirus supplements staved off a new, recession-induced homelessness crisis through last year’s colder months. With the proposed permanent increase to the JobSeeker payment being so little, this is a problem that has only been deferred rather than solved.
In this day and age no Victorian should be sleeping rough or forced to live in unsuitable and unstable housing. I do commend the government for their homes for the homeless initiative, which has provided over 2000 homeless Victorians with accommodation in hotels until this coming April; however, homelessness cannot be overcome purely through better management and coordination of these existing services. We also need greater financial support for those unable to work and more affordable housing. We know that many tenants who have lost incomes and sought reduced rent have only been granted deferrals, and they are building up big arrears.

The main problem is the lack of homes at rent that low-income tenants can afford. The shortfall of private rental properties that are affordable for low-income tenants grew by 54 per cent in the decade leading up to 2016. This pandemic has seen house prices increase in the outer-city suburbs and regional Victoria, where previously low-income tenants could seek more affordable housing.

We should be concerned that the federal government is considering freezing the rate at which employers contribute to superannuation. The employer contributions are legislated to increase to 12 per cent by 2025, starting with a 0.5 per cent increase this year. This could leave even more vulnerable Victorians relying on the pension to survive once they retire. There is no doubt this increases the risk of our elderly population experiencing homelessness.

Nobody in Australia should have to be making choices between medication, bills, food and having a roof over their heads. Therefore the action I am asking the minister to take is for the government to release a road map for how it intends to accommodate the expected increase in those experiencing homelessness.

**TICKETMASTER ACCESSIBLE SEATING TICKETS**

Mr FINN (Western Metropolitan) (23:08): My adjournment for this evening is addressed to the Minister for Disability, Ageing and Carers, and I raise with him a matter of some concern. As those who have attempted to use the Ticketmaster system will know, it can be a challenge even for those of us who are able and well to know what to do with these ticketing systems. But for those with disabilities it can be a real challenge at times. For that reason Ticketmaster has an accessible phone number for people with disabilities, which is great. The trouble is that during this COVID period it is closed. So basically what is happening is that a lot of people with disabilities are not able to access tickets to go to the sorts of games or theatre or whatever they might want to go to, and that is a major problem.

I have received an email from a constituent who says that she wanted to get tickets to the women’s football, tried to ring the Ticketmaster accessible phone number and then discovered that it was not available during these COVID times. She is not happy, and I do not blame her one little bit. Now, I am aware that Ticketmaster is a private company, but I am hoping that they will also have to abide by the laws which preclude discrimination against people with disabilities. As this constituent of mine said in her letter:

Why is the Ticketmaster excluding a person with a disability from purchasing tickets?

Why are they allowing Ticketmaster to do this? Why is the State Government allowing this behaviour?

I reckon they are particularly good questions, and what I am asking the minister to do tonight is to intervene in this particular matter—to take Ticketmaster to one side and advise them of the law, advise them of their obligations under the law and ensure that the accessible phone line, the line that is most often used by people with disabilities, is opened as a matter of urgency. It is just not good enough that people with disabilities miss out on what many others of us take for granted. So I am asking the minister to intervene to provide information to Ticketmaster to ensure that they do the right thing by people with disabilities and that they do in fact put back in operation their accessible phone number for tickets—and do it as a matter of priority.
Ms MAXWELL (Northern Victoria) (23:11): My matter is for the Attorney-General and it is about the recent commencement of an 18-month trial to expand the court integrated services program, or CISP as it is commonly known. There have been some varying reactions about this pilot and its potential value. There is certainly great concern across some sections of the community about the prospect through this trial of more criminals accessing bail or avoiding custody and the significant risks associated with that, especially given that so often the perpetrators of serious crimes in Victoria are on bail or some other form of early release at the time. Accordingly, there is a fairly widespread and reasonable expectation that the government and court officials simply must maintain a very vigilant eye on how this trial is working in practice. I know the Attorney would be well aware, and I hope very mindful and respectful, of this sentiment.

I do also want to acknowledge, in fairness to the government, that the decision to proceed with this trial should not be seen as new or unexpected. In fact the impetus for it is actually recommendation 27 of the Coghlan bail review back in 2017, and funding to pursue it was also announced back in the 2019–20 budget. I do, however, want to raise one particular element of recommendation 27, namely, 27d), about which I had hoped there might be some more information on the public record. That part of the recommendation talks about the need for the government to fund a longitudinal study of the effectiveness of the CISP program. In various public statements about the new pilot there have been references to a three-year University of Melbourne study. It is not clear that these refer to anything recent, though. Indeed the only such study that is easily attainable publicly is one completed way back in 2010. Separately, a tender process for a new study did seem to be initiated last year, but apparently that was only for a future evaluation of the new pilot.

Accordingly there are for many of us still a lot of unanswered questions about all of this. I therefore seek from the Attorney an explanation of how the government has specifically responded to and implemented recommendation 27d) of the Coghlan bail review. As part of her explanation, I would hope that she might also be able to touch on the current strengths, weaknesses and risks of the CISP from the government’s perspective and how many more people are now likely to become participants in the program through the new 18-month trial.

Ms BATH (Eastern Victoria) (23:14): My adjournment matter this evening is for the Premier, and it relates to the Andrews government’s illogical and inconsistent spectator limits for country community sport under the COVID regulations of 2021. The action I seek from the Premier is for him to review and remove the 1000-person crowd limit at regional sporting events, such as our country football and netball matches.

Country sport is very much an integral part of our communities, particularly in my Eastern Victoria Region. The state government’s 1000-person cap for this coming season is just unfair, and it is inconsistent with other sporting events that the government has permitted already this year and will in the future. At the tennis we have had 30 000 people attend the Australian Open in February just gone. The government also has announced that 50 000 people will be able to attend AFL matches at the MCG and 28 000 at Marvel Stadium. Now, my country constituents and I firmly agree with these arrangements, but it is unfair then to cop a 1000-person spectator cap when there is sufficient space all around our country ovals to keep social-distancing requirements.

Gate takings are always important for our regional communities and for those small clubs that need to have those gate takings in order to support sponsorship and really keep our clubs chugging along. Many volunteers support our clubs and people do it for the goodness, but they do need to keep players paid, the lights on and all of those fixed costs covered, so I call on the government to support this idea by removing this stupid limit and creating certainly a COVID-safe environment—I am always very much for that—but removing this 1000-person crowd limit at our regional sporting events.
CHINA TRADE

Mrs McARTHUR (Western Victoria) (23:17): My adjournment matter is for the Premier, and it relates to the interim World Health Organization report on the origins of COVID and its consequences for Victoria’s relationship with China. The action I seek from the Premier is an update on what this means now in light of the belligerence of recent months and the political manipulation of the World Health Organization report.

From the very beginning the Chinese communist government’s lack of transparency has raised serious questions about its motives and trustworthiness as an international partner. If we cannot trust them to prioritise a worldwide public health crisis above domestic politics and the regime’s international prestige, how can we begin to believe their motives in our trade relationship will be any less one-sided? We have already seen beef, barley, coal, timber, wine and lobster targeted, and there are reports that copper ore, sugar, cotton and even wheat may join the list. Of course iron ore and natural gas exports have been spared, not thanks to any interest by the Chinese government in fairness or in abiding by the terms of our free trade agreement but simply due to naked self-interest.

We can see the motives in China’s response to the World Health Organization delegation, sent after international pressure led by the Prime Minister and backed even by our Premier. The 14 scientists sent were initially denied entry and then denied essential data on the early phase of the outbreak by Chinese authorities. The resulting report does not simply dismiss the idea the outbreak may have been related to a scientific research institute in Wuhan; it launches the theory it could have arisen from imports of frozen meat, including Australian beef. It would be laughable if it were not so serious. Victorian beef farmers will be horrified at the potential consequences, given Australia’s export of red meat to China in 2019 was worth about $3 billion. They have already been whacked once by China’s response to our call for the World Health Organization investigation; now the report’s laughable conclusions could be used to justify further economic aggression. In June 2020 the Premier said:

… if you want a good trading relationship, if you want to send more Victorian-made product to China, to create jobs here in Victoria, then a good relationship on the things you can agree on is very, very important.

Well, just what are the things that he and the Chinese regime will agree on, and how much more damage can Victorian farmers and other exporters expect before he finally ditches his morally dubious and economically naive attachment to communist China?

ST JOHN AMBULANCE

Ms CROZIER (Southern Metropolitan) (23:20): It is a very worthy adjournment matter because it is very important, and I address my adjournment matter to the Treasurer. St John Ambulance has got a proud history in Victoria. It was first established in the late 1800s. I think in 1883 they first gave first-aid lessons in Victoria. From that time they have done a whole range of public service, and today they attend events and all sorts of community events and sporting events right across the state. Now, those volunteers that make up the St John Ambulance consist of nurses and doctors and other paramedics, but they have also got a range of other volunteers.

They are a tremendous organisation, but they have come under huge stress in the last year. They have attended so many different tragedies. Not only did they deal with the bushfires in late 2019 and 2020, but also then of course since COVID hit they have been dealing with the pandemic. And during the pandemic I am led to believe that they have actually delivered a whole range of different services and have contributed enormously to Victoria’s emergency response, including by having transported over 9000 confirmed and suspected COVID-19 cases in non-emergency patient transport, including aged-care transfers—incredibly important; doorknocked more than 4000 homes; supported various health facilities and health organisations; and distributed 7.8 million pieces of PPE from the Department of Health stockpile across 400 locations. They opened up a pop-up field hospital when the lockdown occurred, during the second lockdown when the public towers were being affected, and they have done a whole range of other things that I do not have time to go into here.
But what they are finding very difficult is that their funding is really under huge pressure, and they have not received any recurrent government funding since 2015–16. Because of COVID and because of the inability to generate any revenue, they really need some additional funding from government. So the action I am seeking from the Treasurer is that the $4 million that the St John Ambulance is asking for, which is $1 million per year over four years, is provided in the upcoming budget so that this very worthy organisation can continue to undertake all of those very worthy commitments that they do meet and provide the services that they do provide to the Victorian community in so many areas.

RESPONSES

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (23:23): There were 12 matters raised by members this evening: from Dr Bach, Ms Vaghela, Mr Meddick, Mr O’Donohue, Dr Cumming, Ms Lovell, Mr Barton, Ms Crozier, Mrs McArthur, Ms Bath, Ms Maxwell and Mr Finn. All those matters will be referred to the relevant minister.

I have nine responses to adjournment matters.

The PRESIDENT: On that basis, the house stands adjourned.

House adjourned 11.23 pm.
Written adjournment responses

Responses have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.

Tuesday, 2 March 2021

COVID-19

In reply to Ms MAXWELL (Northern Victoria) (23 April 2020)

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Resources):

I thank the member for her question.

As the courts operate independently of government, it would not be appropriate for me to comment on the particular court cases or outcomes that have been raised. I can, however, provide the following information about bail and sentencing decisions during the COVID-19 pandemic.

In relation to bail decisions, I’m advised the COVID-19 pandemic may be one of the “surrounding circumstances” that bail decision makers take into account when making each individual bail decision.

However, bail decisions are still fundamentally about risk to the community, and the “unacceptable risk” test applies in every case. This test requires a bail decision maker to refuse to grant bail if satisfied there is an unacceptable risk that the accused person would:

- endanger the safety and welfare of members of the public
- commit an offence while on bail
- interfere with witnesses or otherwise obstruct the course of justice, or
- fail to attend court.

Even where an accused has satisfied a reverse onus test during the COVID-19 pandemic, the courts have not in every instance been satisfied that they also meet the unacceptable risk test and, in these instances, have refused to grant bail.

Bail decision makers must also take into account “surrounding circumstances” at each step in the two-step bail process:

- while applying a reverse onus test (if applicable)—the exceptional circumstances test or the show compelling reason test, and
- while applying the unacceptable risk test (which applies in every case).

The courts have said that the COVID-19 pandemic will not, in every case, be a matter which will lead to a judge or magistrate to be satisfied that exceptional circumstances exist. In some instances, the courts have been satisfied that an accused person has established exceptional circumstances, or compelling reasons, and in others they have not.

COVID-19

In reply to Ms CROZIER (Southern Metropolitan) (2 September 2020)

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality):

An inquiry into Victoria’s contact tracing has recently concluded and its findings have been tabled.

The restrictions placed upon Victorians during Stage 4 restrictions in 2020 achieved the goal of stopping the spread of this virus and defeating the second wave.

The Victorian government has invested in technological enhancements and process improvements to contact tracing and is committed to ongoing continuous improvement within this space.

The department remains committed to contacting every person in Victoria who is diagnosed with COVID-19, and their primary and secondary close contacts.
LEARNER DRIVER TESTING

In reply to Ms BATH (Eastern Victoria) (10 November 2020)

Mr CARROLL (Niddrie—Minister for Public Transport, Minister for Roads and Road Safety):

To better protect the safety of its employees and customers, VicRoads has introduced several safety measures specific to COVID-19. These measures include increased cleaning, hand hygiene, contact tracing and wearing of face masks to ensure a safe environment.

Whilst the VicRoads safe operating procedures and material endorsed by the Department of Health allowed for exemptions to face mask wearing, VicRoads regrettably made an error in judgment in November 2020 when it failed to accommodate a customer with a genuine exemption at the time of their appointment.

VicRoads has apologised directly to the customer for the error and provided additional training to its frontline staff. This has ensured there is greater clarity over the allowable exemptions for face mask wearing, and that our staff know how to better support customers through this process.

VicRoads also responded by supporting the customer with a test appointment later that same day.

VicRoads remains committed to ensuring our policies and procedures are inclusive and allow for the special requirements and needs of the Victorian community.

FRUIT TREE NETTING SUBSIDY

In reply to Ms LOVELL (Northern Victoria) (2 February 2021)

Ms THOMAS (Macedon—Minister for Agriculture, Minister for Regional Development):

The Federal Government announced funding for a horticulture netting program in late 2019, however, the Victorian Government was not formally invited by the Federal Minister for Agriculture to participate until mid-2020. A draft intergovernmental agreement was not received until late 2020.

Victoria produces 46 per cent of Australia’s apples and over 90 per cent of Australia’s pears with the Goulburn Murray region a major contributor. Despite this, the Federal Government provided $4 million for Victoria, compared with South Australia, which received $14.6 million.

Due to the smaller funding pool, the Victorian Government has worked very closely with key industry stakeholders to ensure that the terms of the limited program are fair, equitable and provide the most benefit to Victorian growers.

The Victorian Government will continue to work in consultation with local industry representatives to ensure that implementation of the program meets their needs and does not distract growers from their important harvest activities, which have recently begun.

I welcome your support for growers in your region, and encourage you to advocate for their best interests by asking the Federal Minister for Agriculture to ensure that Victorian growers are provided with their fair share of support and at the same time as growers in other jurisdictions.

ANIMAL WELFARE

In reply to Mr MEDDICK (Western Victoria) (2 February 2021)

Ms THOMAS (Macedon—Minister for Agriculture, Minister for Regional Development):

Animal Welfare is a high priority for the Andrews Government.

Existing provisions under the Prevention of Cruelty to Animals Act 1986 (POCTA Act) make it an offence for an owner or person in charge of livestock to not provide proper and sufficient shelter and water. Victoria’s animal welfare Codes of Practice, made under the POCTA Act, provide guidance on what is proper and sufficient shelter for livestock. Shelter for livestock can take various forms, often involving tree-lines on paddock boundaries, large trees, and small sheds.

The Victorian Government has committed to modernise Victoria’s animal protection laws. In October 2020, the Government released a Directions Paper seeking feedback from the public on proposals for a new Act. Setting minimum standards of care for animals in legislation is among the proposals under consideration, including standards for shelter and other aspects of an animal’s environment.

The Department is considering over 1200 responses from the community, industry and other interested stakeholders received during the consultation as part of work to develop draft legislation for a new animal welfare Act.
DUCK HUNTING

In reply to Dr RATNAM (Northern Metropolitan) (2 February 2021)

Ms THOMAS (Macedon—Minister for Agriculture, Minister for Regional Development):

The Government recognises that duck hunting is a legitimate activity, provided the rules are followed.

The GMA’s recommendation for the 2021 duck season is based on assessments of rainfall data, wetland conditions, waterfowl abundance and distribution, harvest data and whether hunting activities could impact on the conservation and sustainability of game duck populations.

In formulating its recommendations, the GMA invited and considered submissions from relevant stakeholders both supportive and against the hunting of ducks. In its request for submissions the GMA sought any additional data, information, and any subject matter expertise that can be provided.

The process by which the GMA formulated its recommendations for the 2021 duck season are available publicly at https://www.gma.vic.gov.au/hunting/duck/duck-season-considerations

GRAMPIANS NATIONAL PARK

In reply to Mrs McARTHUR (Western Victoria) (4 February 2021)

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

Parks Victoria together with Gunditj Mirring Traditional Owners Aboriginal Corporation, Eastern Maar Aboriginal Corporation, and Barengi Gadjin Land Council Aboriginal Corporation have prepared the Greater Gariwerd Draft Landscape Management Plan.

The draft plan proposes the reintroduction of significant animals that were once in the landscape, but now do not occur or are threatened. This includes animals such as quolls, bandicoots, and the dingo. The dingo is recognised as an important part of the cultural landscape for Traditional Owners.

The Greater Gariwerd Draft Landscape Management Plan recognises the complexities involved in reintroducing species. It notes that further planning and research is necessary, in collaboration with the agricultural community, academic institutions, relevant government departments, local communities and neighbouring landholders.

Parks Victoria has received many community submissions from the local agricultural community, and all submissions and proposals will be thoroughly reviewed and inform the final Greater Gariwerd Landscape Management Plan.

DUCK HUNTING

In reply to Ms BATH (Eastern Victoria) (4 February 2021)

Ms THOMAS (Macedon—Minister for Agriculture, Minister for Regional Development):

As the Member for Eastern Victoria Region will appreciate, coronavirus (COVID-19) has impacted many activities. The restricted access to government buildings due to COVID-19 resulted in the Game Management Authority (GMA) suspending the Waterfowl Identification Tests (WIT) at government locations.

Although the testing has not resumed at government offices, the Game Management Authority (GMA) has resumed some testing at hunting organisation locations when requested in line with the relevant COVID-19 protocols.

I am advised that the GMA’s new MyGl licensing system is now available. The ability to book WIT tests will be available through MyGL shortly, however the testing will still be conducted in person at locations supervised by the GMA. Once WIT tests have resumed, an online education module will be required to be completed prior to booking the WIT test.

Everyone that had a valid game licence as at 30 June 2020 (including a Provisional Junior Licence) automatically received a 12-month extension. If this constituent held a valid game licence at that time and didn’t receive an automatic extension, I would strongly urge him to contact the Game Management Authority directly by emailing game.licensing@gma.vic.gov.au so this matter can be rectified as a matter of priority.
ABORIGINAL LEGAL SERVICES

In reply to Ms PATTEN (Northern Metropolitan) (4 February 2021)

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations):

The matter you raise about Victorian Aboriginal Legal Service should be re-directed to the Attorney General as the responsible Minister.