PROOF

PARLIAMENT OF VICTORIA

LEGISLATIVE ASSEMBLY

DAILY HANSARD

WEDNESDAY, 27 OCTOBER 2021

SUGGESTED CHANGES TO THE FINAL EDITION MUST BE SUBMITTED BY 4.30 PM ON THE MONDAY AFTER THE SITTING WEEK.

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

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

OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-NINTH PARLIAMENT—FIRST SESSION

Speaker

The Hon. CW BROOKS

Deputy Speaker

Ms JM EDWARDS

Acting Speakers

Ms Blandthorn, Mr J Bull, Mr Carbines, Ms Connolly, Ms Couzens, Ms Crugnale, Mr Dimopoulos, Mr Edbrooke, Ms Halfpenny, Ms Kilkenny, Mr McGuire, Ms Richards, Mr Richardson, Ms Settle, Ms Suleyman, Mr Taylor and Ms Ward

Leader of the Parliamentary Labor Party and Premier

The Hon. DM ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

The Hon. JA MERLINO

Leader of the Parliamentary Liberal Party and Leader of the Opposition

The Hon. MJ GUY

Deputy Leader of the Parliamentary Liberal Party

The Hon. DJ SOUTHWICK

Leader of The Nationals and Deputy Leader of the Opposition

The Hon. PL WALSH

Deputy Leader of The Nationals

Ms SM RYAN

Leader of the House

Ms JM ALLAN

Manager of Opposition Business

Ms LE STALEY

Heads of parliamentary departments

Assembly: Clerk of the Legislative Assembly: Ms B Noonan

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

Parliamentary Services: Secretary: Mr P Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-NINTH PARLIAMENT—FIRST SESSION

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

PARTY ABBREVIATIONS

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

Legislative Assembly committees

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

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

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

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

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

Joint committees

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

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

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

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

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

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

CONTENTS

Wednesday, 27 October 2021

The SPEAKER (Hon. Colin Brooks) took the chair at 9.32 am and read the prayer.

Announcements

ACKNOWLEDGEMENT OF COUNTRY

The SPEAKER (09:33): We acknowledge the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future, and elders from other communities who may be here today.

Bills

CIRCULAR ECONOMY (WASTE REDUCTION AND RECYCLING) BILL 2021

Introduction and first reading

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (09:33): I move:

> That I introduce a bill for an act to introduce a circular economy in Victoria, to provide for the Head, Recycling Victoria, to provide for a regulatory framework for waste, recycling or resource recovery services, to make related and consequential amendments to other acts and for other purposes.

Motion agreed to.

Ms STALEY (Ripon) (09:34): I ask for a brief explanation of the bill.

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (09:34): The bill will establish a new Circular Economy Act that will maximise the continued use of products and waste materials and account for their environmental impacts; establish Recycling Victoria as a statewide departmental entity with a regional focus and statewide stewardship, planning, regulatory and market oversight functions; and provide for the implementation of Victoria's container deposit scheme.

Read first time.

Ordered to be read second time tomorrow.

EQUAL OPPORTUNITY (RELIGIOUS EXCEPTIONS) AMENDMENT BILL 2021

Introduction and first reading

Ms HUTCHINS (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (09:34): I move:

> That I introduce a bill for an act to amend the Equal Opportunity Act 2010 in relation to exemptions in respect of religion, and for other purposes.

Motion agreed to.

Ms STALEY (Ripon) (09:35): I ask for a brief explanation of the bill.

Ms HUTCHINS (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (09:35): The bill will deliver an outstanding Victorian government 2018 election commitment to limit the religious exemptions under the Equal Opportunity Act 2010 to better protect Victorians from discrimination. The bill will introduce a narrower inherent requirements test to sections 82 and 83 to limit the ability of religious bodies and educational institutions to discriminate in the area of employment only on the basis of a person's religious belief or activity where it is reasonable and appropriate.

Read first time.

Ordered to be read second time tomorrow.

Business of the house

NOTICES OF MOTION AND ORDERS OF THE DAY

The SPEAKER (09:36): I wish to advise the house that general business, notices of motion 15 to 17 and 27 to 28 and order of the day 1, will be removed from the notice paper unless members wishing their matter to remain advise the Clerk in writing before 2.00 pm today.

Petitions

Following petition presented to house by Clerk:

BREAST SCREENING

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

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

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

By Mr HODGETT (Croydon) (11 signatures).

Tabled.

Documents

PARLIAMENTARY DEPARTMENTS

Report 2020–21

Ms EDWARDS (Bendigo West) (09:37): I table, by leave, the 2020–21 reports of the Department of the Legislative Assembly and the Department of Parliamentary Services.

DOCUMENTS

Incorporated list as follows:

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT—The Clerk tabled the following documents under Acts of Parliament:

Audit Act 1994—Financial Audit of the Victorian Auditor-General's Office year ended 30 June 2021

Auditor-General—Management of Spending in Response to COVID-19—Ordered to be published

Planning and Environment Act 1987—Notice of approval of an amendment to the Victoria Planning Provisions—VC173.

Bills

EDUCATION AND TRAINING REFORM AMENDMENT (SENIOR SECONDARY PATHWAYS REFORMS AND OTHER MATTERS) BILL 2021

FORESTS AMENDMENT (FOREST FIREFIGHTERS PRESUMPTIVE RIGHTS COMPENSATION) BILL 2021

WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2021

Council's agreement

The SPEAKER (09:38): I have received messages from the Legislative Council agreeing to the following bills without amendment: the Education and Training Reform Amendment (Senior Secondary Pathways Reforms and Other Matters) Bill 2021, the Forests Amendment (Forest

Firefighters Presumptive Rights Compensation) Bill 2021 and the Water and Catchment Legislation Amendment Bill 2021.

FIREARMS AND OTHER ACTS AMENDMENT BILL 2021

Royal assent

The SPEAKER (09:38): I wish to also inform the house that the Governor has given royal assent to the Firearms and Other Acts Amendment Bill 2021.

Members statements

WESTERN VICTORIA TRANSMISSION NETWORK PROJECT

Ms STALEY (Ripon) (09:38): Today I rise to talk, again, about the Western Victoria Transmission Network Project and Labor's flawed route, taking it at the moment through Ripon, Buninyong and a bit of Macedon. Of course the Liberal-Nationals have an alternative route that would take it away from this special and intensively farmed land and put it in another place that would open up all of western Victoria to additional power generation. However, I particularly want to talk today about the concerns that Moorabool council has recently raised, as recently as last week, about the way AusNet, Labor's contractor, is behaving with this project. They have said:

> It is disappointing that the community and landowner engagement for the WVTNP has not yet developed sufficient trust between AusNet and affected landholders for them to provide voluntary consent.

So what we have got is that AusNet is entering people's properties—going over the fences, going through the gates—against people's will. They do have the legal right to do this; however, this is very poor practice, and it is yet another occasion where this Labor government is running roughshod over the wishes of the people along this corridor.

ANDREW JAN AND STEVEN HULL

Ms THOMAS (Macedon—Minister for Agriculture, Minister for Regional Development) (09:40): I would like to begin by congratulating two amazing local apprentices, Andrew Jan and Steven Hull, on their recent success at the Victorian Training Awards gala. Andrew has taken out Apprentice of the Year for his exceptional work at Macedon Ranges Plumbing and his dedication to his studies at Bendigo TAFE. Now, the thing about Andrew is that he is in his 30s, having just completed his apprenticeship, deciding on a career change a little bit later in life. He is also very well known throughout our community for his years of dedication to the CFA. What a fantastic ambassador for our great TAFE system and for apprenticeships in general. This just demonstrates the incredible pool of talent amongst our local apprentices and reinforces the commitment of our government to back our TAFEs and our TAFE students.

CHRIS MALLON

Ms THOMAS: On a similar note, I would like to congratulate Gisborne local Chris Mallon. Chris has been named one of Victoria's first VET Champions, a project which aims to put a spotlight on vocational pathways for high school students. Chris's work as a national sales manager for ACM Auto Parts began as an apprentice motor mechanic, and his experience will be valuable to inspire the next generation of apprentices right across our state. The Andrews Labor government is backing our TAFE system, backing trades and training and delivering on our commitments to all Victorians. Our free TAFE initiative is seeing thousands of young Victorians take up TAFE opportunities.

COVID-19 VACCINATIONS

Ms McLEISH (Eildon) (09:41): I was horrified to hear that children were excluded from participating in Little Athletics on the weekend because of their parents' vaccination status. Children and parents were told to go home if the parents were not fully vaccinated, as part of the state Labor government's mandate. This massive overreach is despite Little Athletics being held outdoors with social distancing in place and centres adhering to the COVID-safe procedures. It took a couple of days

of outrage from angry parents and officials before the government backflipped on this—and rightly so. Unfortunately it was not soon enough before the kids who were excited to return to sport were turned away. Parents are owed an apology, not just a backflip.

The sudden rule change that all hospitality staff must be double vaccinated rather than single vaccinated has hit business hard. With only three days notice, hospitality is going through grief organising and then reorganising rosters. Many businesses in my electorate trying to get back on their feet see this as a backward step as they find themselves short eight or more staff over weekend trade. Small regional businesses simply do not have staff to lose.

With restrictions easing and crowds expected to flock from Melbourne, businesses are genuinely worried that they will not be able to meet the demand. Some have already chosen to continue to operate with 10 patrons inside so that staff with only one jab can work. The Premier needs to be condemned for making these late changes with no warning or support, again showing he does not care about small business.

ELVIS: DIRECT FROM GRACELAND

Ms EDWARDS (Bendigo West) (09:43): Bendigo, Victoria and our nation are about to get all shook up with the announcement that the *Elvis: Direct from Graceland* exhibition will be coming to the Bendigo Art Gallery in March 2022. It is a huge coup for our region, made possible by the Andrews Labor government, and there is going to be anything but a little less conversation about this new exhibition, with huge economic benefits expected and visitors travelling to Bendigo to soak up the life and legacy of 'the King'. This is going to be vitally important to our region's recovery. I cannot wait to see what our creative local businesses do to bring Elvis to the streets in food, drinks and new experiences, just like they did when the Marilyn Monroe exhibition visited in 2016 and the *Tudors to Windsors: British Royal Portraits* in 2019. So Victoria and Australia, it is now or never. You cannot help falling in love with Bendigo yet again in 2022. Elvis is coming to town, so pull out your blue suede shoes, and I cannot wait to see you there.

COVID-19 VACCINATIONS

Ms EDWARDS: It has been a big week for central Victoria as we reached our 80 per cent double vaccinated milestone. Thanks to everyone who has rolled up their sleeves and to our healthcare teams across Bendigo and across Castlemaine. I am just so proud of our community for playing their part and getting it done, which is now helping us to open in a safe way and ensure we can get back to doing the things we love. So let us follow that dream for the good times, because we have all got a lot of living to do.

COVID-19

Mr D O'BRIEN (Gippsland South) (09:44): Well, the state government needs a little less conversation and a little more action to lift its game as the number of COVID cases grows across regional Victoria and in Gippsland. We appreciate that things are changing fast and that contact tracers are swamped. However, Gippslanders are wanting to do the right thing and get tested, yet there is little availability of testing locations on weekends and after hours. Several people have contacted me this week indicating a three-day wait for a COVID test in Wellington shire.

I am pleased that Central Gippsland Health has today stood up a drive-through testing site in Sale and more resources are being added to the Wellington Respiratory Clinic. However, contact tracers are behind the local community, with a Sale bakery self-reporting on Monday that a worker who has since tested positive worked at the store last Tuesday. It took until 10.00 pm last night for this bakery to be added to the government exposure site list—a full week after the exposure. While there is pressure on the system, I give a reminder to Gippslanders that they only need to get tested if they are experiencing symptoms, have visited a tier 1 exposure site within the specified times or have been directed to do so by the Department of Health.

Gippslanders have done a magnificent job of obeying the rules of getting tested and isolating when required and, most of all, of getting vaccinated. Most Gippsland shires are now past 95 per cent first dose. While this makes the government's vaccination mandate that is keeping unvaccinated people out of the economy for another year pointless and vindictive, it is a great credit to the vast majority of Gippslanders. We will have more cases and more illness as we open. The community is ready for it, but after 18 months I am worried that the government has failed to adequately prepare. *(Time expired)*

TOURISM JOBS BANK

Ms COUZENS (Geelong) (09:46): It was great to join the Minister for Regional Development at Provenance Wines in Geelong to launch the exciting new Tourism Jobs Bank pilot last week. I want to thank the minister and the team at Regional Development Victoria for their great work developing this pilot. It is linking tourism and hospitality businesses in Geelong, the Bellarine and along the Great Ocean Road with the prospective summertime workers in preparation for what we hope will be a bumper season 2020–21 for the region.

The Tourism Jobs Bank will help prevent labour shortages during the region's busy peak period. For tourism and hospitality businesses in the Geelong region who need workers in the coming months, or a jobseeker looking for more hours or wanting the opportunity to grow their skills or looking to move to this wonderful part of Victoria, the new Tourism Jobs Bank pilot is here to help. We want visitors to have a great time enjoying the wonderful experiences and services provided by tourism and hospitality businesses. We are working with Direct Recruitment Geelong, Great Ocean Road Regional Tourism and Tourism Greater Geelong and the Bellarine to deliver the Tourism Jobs Bank pilot program. Many businesses in the sector use more informal methods to hire staff, and the Tourism Jobs Bank will complement the more traditional approach. Under this program Geelong-based Direct Recruitment will link participating tourism and hospitality businesses with potential workers, taking away some of the burden of recruiting for employers. *(Time expired)*

CROWN CASINO

Dr READ (Brunswick) (09:47): Much has been said about the Royal Commission into the Casino Operator and Licence unsurprisingly damning findings and the somewhat surprising finding that Crown may be able to retain its licence. But not enough has been said about two groups of people: the more than 10 000 staff who depend on the casino for their livelihoods and the countless thousands of Victorians who have lost more than they can afford at this casino. Future arrangements for Crown must consider the workforce and ensure that they and their dependants are properly looked after in any major changes and not left out in the cold. As for Crown's future financial victims, the single most important thing that this government can do is reduce the amount of harm that this casino can cause. On top of the list must be the royal commission's recommendation for mandatory precommitments for gamblers to limit the amount of time and money they spend at the casino.

But the government could do well to improve its own reputation in the oversight of this corporate parasite by reducing the number of pokies, introducing maximum bets of $1 and reintroducing limits on spin rates, all of which will slow the rate at which Victorians will lose money there—money that they or their dependants often desperately need. Nothing good has come out of this casino, and at the very least the Andrews Labor government could show a sincere attempt at harm reduction.

COVID-19 VACCINATIONS

Mr SCOTT (Preston) (09:49): I rise today to urge members of the community I am lucky enough to represent to get vaccinated. COVID vaccinations in the area of Darebin, particularly in the Darebin North area, significantly lag the rest of the state. Of the relevant age group—and there is a statistical issue about how ages are measured, but it is a reasonable approximate—80.1 per cent of the eligible group have received their first dose and 64 per cent have received a second dose, as of 25 October. There are many sites that are available to get vaccinated. Northland shopping centre today and tomorrow has a walk-up from 10.30 am to 4.30 pm. The Moderna vaccine is available at the La Trobe

University in Bundoora, just outside of my electorate, with no bookings required. There are numerous GP clinics and pharmacies providing various vaccines, both in Preston and Reservoir.

While we significantly lag in the overall state figures there are hopeful signs. There has been a significant improvement in vaccination rates during the last measured week, with 88.5 per cent receiving second doses in the Darebin North area. But as I noted, Darebin still trails the rest of the state. Local doctors, pharmacies and community health are all playing a fantastic role. Please honour their work, protect yourself and most importantly protect the vulnerable. We are not the only community that lags behind, but there is something everyone can do—please get vaccinated.

SMALL BUSINESS SUPPORT

Mr M O'BRIEN (Malvern) (09:50): Small business is the largest employer in Victoria. It has also been the sector hardest hit by not only the COVID-19 pandemic but also this government's world record lockdown. Small business does not have the deep pockets of big business. It does not have the political connections of sectors like construction, which was allowed to stay open. Small business is just an afterthought for too many in government. Six months ago the Victorian Ombudsman tabled a damning report into this Labor government's administration of the Business Support Fund. Ms Glass found that thousands of applications were wrongly rejected, unacceptable delays occurred and people suffered as a result. The government promised to learn. The government promised to do better. But six months on the same mistakes are being made. One small business operator from Malvern, unable to work during the latest lockdown, submitted his grant application on 17 August. Despite numerous calls and emails there has been no progress. Ten long weeks later all the government offers is delay. This gentleman wrote to me saying, 'I am at my wits' end, and I'm now getting very desperate for funds to keep my business'. This Andrews government has been called out by the Ombudsman once for failing to treat small business decently. Shamefully, it appears that history is now repeating itself. Small business is too important to be neglected, and we need the Andrews government to lift its game and give small business the support that it deserves.

CLIMATE CHANGE

Mr HALSE (Ringwood) (09:52): As world leaders prepare to meet in Glasgow, it is an important time to consider our international efforts to address climate change. No government in Victoria's history has ever done more to drive the uptake of renewable energy than the Andrews Labor government. We have announced $1.6 billion in our energy system as investment, the largest single investment of any kind in any state in Australia. We have smashed our first Victorian renewable energy target, with 26.6 per cent of our electricity coming from renewables in 2020. We have also announced $108 million to support energy innovation projects, such as offshore wind and renewable hydrogen. This is all thanks to our 50 per cent VRET, which others have opposed. We know that right now is the most important time to address climate change. We have a very finite window to address this. On this side of the chamber we are addressing it. This government is showing not only leadership here within Victoria but leadership nationally. I hope that the Prime Minister decides to step up to the challenge and sets legislative targets over the next few weeks as he attends Glasgow and has the opportunity to do that. That would be good for Victorians. That would be good for Australia.

COVID-19

Ms SHEED (Shepparton) (09:53): The Shepparton community has suffered more than any other region in Victoria in terms of job losses during the pandemic. The number of people employed in Greater Shepparton fell 18 per cent from February last year to September this year. Our community has lost almost 13 000 jobs, and I have called for the state government to provide Shepparton with a consistent stream of targeted investments for major projects and manufacturing opportunities, just as it does for Geelong, where employment has increased. The pandemic has put the spotlight on the unstable nature of employment in our region, and the most affected have been women. More than 10 000 local women were out of work in this period, compared to only 2282 men. Across Victoria the ratio is similar, with female job losses being five times more than men. Monthly labour force data

shows that this is the highest ever rate of female unemployment. I am especially concerned about our Shepparton girls and women in the 15-to-24 age bracket, where the loss of 5329 jobs has occurred. We know that women are in the most casualised labour environments, such as the care industry and retail, which have been impacted greatly by COVID-19 restrictions. In Shepparton retail had 3800 job losses and health care dropped 2000 in its workforce between February 2020 and August 2021. Some of these female job losses may be long-lasting and result in long-term disadvantage.

COVID-19 VACCINATIONS

Ms RICHARDS (Cranbourne) (09:55): I rise today to thank the wonderful people of Cranbourne for their contribution to the efforts to raise vaccination numbers to what they are now. We have had so many stories of solidarity and pride coming from our community, but I do want to take a moment to congratulate and thank a handful of people who have been working extraordinarily hard over these last months.

I would like to thank those who have worked in the vaccination clinics. Just over the weekend we saw the massive success of the Cranbourne West Secondary College clinic, which was undoubtedly amplified by the typical hospitality of the principal, Rob Duncan, who was there along with his deputy and the school captain, Lachlan, inviting people in and welcoming them once they arrived. I do want to thank EACH for their work there and Daniel's Donuts for supplying the doughnuts to thank the staff as well.

But let us not forget the success of the pop-up vaccination sites on the home turf of the mighty Casey Demons at Casey Fields, where I was joined by the member for Bass, Andrew Gai from the South Sudanese-Australian Academic Society and Meha Sivarasa, who is a Tamil leader. Thanks to the community efforts, Casey Fields has once again been kicking some collective goals.

There were shots for shots at Dandenong basketball stadium, with the amazing Dr Bol, Nyadol Nyuon and Andrew Gai again. Whether it is getting the Dees back in, whether it is the local schools involved, everyone is coming together.

I would also like to thank our secret weapon, a group of amazing retired women: Liz Barton, Margaret Glasson, Hannah Spanswick, Sandra Roach, Anne Thompson, Felicity James and Helen Joliffe. Thank you very much.

COVID-19

Mr RIORDAN (Polwarth) (09:56): I rise today to put on the record—and I will be writing to you later today, Speaker, seeking advice on this—the use of parliamentary office CCTV to issue severe and harsh fines to members of the public who have come to my office in the last two weeks. On 15 October more than 20 fines were issued to my constituents, who came to see me about genuine concerns on a range of issues with the way their businesses, their families and their own individual circumstances have been dealt with during this pandemic. At the time those constituents were allowed across the road at Aldi, across the road at Bunnings; they were allowed across the road at the BWS. There were no restrictions on movement in Colac at the time. The local police had no inclination to fine these people. But this Parliament has handed over the CCTV to police officials to issue fines against my constituents. Those same constituents then came to my office again this past Saturday, 23 October, when more than 30 people were allowed at one spot. They came to see me about their fines, and guess what? The police turned up again. Not only did they interrogate and intimidate people who had come to my office to speak to me; they also did it to me—questioning, wanting names of the people who had been at my office. This is a gross invasion of parliamentary privilege. It should not be stood for. If this government gets its way with new pandemic legislation, those same constituents could have had multi-thousand-dollar fines.

The SPEAKER: Order! Just before calling the member for St Albans, the member for Polwarth has raised what I believe to be a genuine concern he has about an issue of privilege. I just remind

members that there are appropriate forms for matters of privilege to be raised. I would be happy to meet with the member after I leave the chair, with the Clerk, to discuss those matters with him.

COVID-19

Ms SULEYMAN (St Albans) (09:58): It has been great to see so many of my local community in St Albans rolling up their sleeves to get vaccinated, with an almost 10 per cent increase in double doses across Brimbank just in the last week. This is a massive achievement, and I am very proud of our community. To those who have not been vaccinated, again, please get the jab for yourself, for your loved ones and for your community, and there are various options and locations where you can get the jab in Brimbank.

To our GPs, pharmacies, local traders, construction workers and frontline health staff who have been getting us through the most challenging and tough periods—thank you to everyone. I know it has been difficult. Now that the restrictions are being lifted, it is time to go out and support our brilliant local businesses in St Albans, Sunshine, Albion, Sunshine North and Keilor Downs, so choose your favourite local restaurant or a family retail store that needs your support now more than ever.

Finally, I am very proud of our school communities, and good luck to all the VCE students today. I know you have got this. It has been tough, but you will get through this today. It has been heartwarming to see kids get back to school and in particular the efforts and the support of the principals, teachers, the school community and carers. We have been able to get community sport back on track as well, and that is so important for our kids to be active.

COVID-19

Mr TILLEY (Benambra) (10:00): The border is facing a COVID management issue that should be jumped on by this government whatever it takes, because it is the closest thing you are going to get to a trial run for when Melbourne schools open up next Monday. It started with one case in Albury three weeks ago. Yesterday there were 79 cases in Albury and Wodonga combined, 445 active cases in total. Extrapolated to a city like Melbourne, that would be something in the order of 3500 cases a day down here. Schools, primary and secondary, are opening and closing on a daily basis—about one in four positives are under 18 years of age. Testing centres in Wodonga are closing within an hour of opening, their books full for the day. I am not calling for a lockdown. Vaccination rates are more than 95 per cent single dose and almost 80 per cent double dose, and the community should be congratulated for stepping up on that. I need the testing to be able to meet the demand and cases identified so that contact tracers can do their job. Laura Macey has two children, aged five and seven, who need their day 13 tests on Sunday, and about 150 kids from their school will need their tests too. She is planning a 6.00 am start at the testing clinic queue, and Laura will not be alone. Yesterday I asked the Premier and the health minister for help, and I am calling for any extra resources, which would be great. All options are on the table— *(Time expired)*

COVID-19 VACCINATIONS

Mr MAAS (Narre Warren South) (10:01): I am so grateful to the people of Victoria and especially those in my electorate of Narre Warren South for all of their efforts to get vaccinated. In the local government area of Casey there is a double-dose rate of some 80 per cent currently and the single-dose rate is at around about 92 per cent—all of that in spite of this being an incredibly challenging 18 months. But there definitely is light at the end of the tunnel as hope builds for an imminent return to something that is much closer to normal, a hope that is based on effective vaccines and the incredible uptake in our community. It is so heartening to see many in Narre Warren South reject vaccine misinformation and trust our scientists, doctors and healthcare professionals to keep them safe. It took all levels of our community to work together to ultimately reduce the burden on our health system and save lives during this pandemic. From individuals simply following the rules and then getting vaccinated to community leaders, businesses, non-government charities, nurses, doctors, police and our emergency services, everyone chipped in. It has truly been a community-wide team effort. I wish

to thank the people of Narre Warren South for all they have endured and accomplished, and I look forward to seeing our community re-emerge and flourish.

MORDIALLOC ELECTORATE INFRASTRUCTURE PROJECTS

Mr RICHARDSON (Mordialloc) (10:03): I want to give a massive shout-out to the legends of the City of Kingston who have done an extraordinary job to roll up their sleeves and get vaccinated to support our community and support their families and our friends as we come back even better into our local community. Over 90 per cent of Kingston residents have had their first dose now and nearly 80 per cent are fully vaccinated, and it is at a great time, when there is lot of hope and optimism coming forward in our local community, because it is going to be a massive month in the City of Kingston in the south-eastern suburbs.

In under a month the Mordialloc Freeway opens up. Four years ago the Premier and I and local members of Parliament—the member for Frankston, the member for Carrum, the member for Clarinda, the member for Keysborough—stood there and celebrated a wonderful milestone. That freeway was promised for decades and is being delivered by the Andrews Labor government. But it gets far better from there.

With the level crossing removals opening at Thames Promenade, Bondi Road, Argyle Avenue and Edithvale Road we are seeing a substantial transformation, a once-in-a-generation change in our local community. More than 20 level crossings out of 30 between Frankston and Caulfield are gone for good, and to see the Chelsea, Edithvale and Bonbeach stations come out of the ground and really be built—and built back better, even—is incredible to see. There is so much buzz and optimism around the community. Of course we have got Glen Huntly and Neerim down the road coming up soon, and then Parkdale's level crossings will be removed as well.

We will not stop there, with future ambitions to keep building back better and create jobs and more prosperity for our future.

COVID-19

Mr FREGON (Mount Waverley) (10:04): I rise to acknowledge the collective efforts and resilience of all Victorians, and as we approach the final weeks of 2021 I would like to pause and reflect on all that we have been through as part of this pandemic. Each of us has been challenged and affected in some way, and our communities and indeed our world have been changed. As a community we have done what many in the world have not been able to achieve, and this should be commended.

But it could not be achieved without the dedication, sacrifice and sheer hard work of so many. I start with thanks and admiration for our doctors, nurses and healthcare teams, who put their patients first. My gratitude goes to caregivers and those behind the scenes who make our health system succeed and work tirelessly as both the first and last lines of defence, to those essential workers who kept us moving and those in our neighbourhoods who have reached out to each other to get us through this tough time, to everyone in our community who has been steadfast in following the recommended guidelines and ultimately helping us all slow the spread of this virus.

Last Friday we hit another significant milestone. Despite the early vaccine rollout and supply challenges, we have surged ahead, with over 75.9 per cent the Victorian population over 16 now double vaxxed. 90.8 percent of Victorians have received their first dose, and we are on track for 80 per cent double vaxxed later this week. We are moving ahead. Last Friday was a normal day, and how great was it just to have a fairly normal day. I had the opportunity to get a much-needed haircut, see our small businesses roaring back to life and see people dining outside and reuniting with family. This is what we have worked so hard for.

WORLD TEACHERS DAY

Ms GREEN (Yan Yean) (10:06): It is fabulous to get up today and acknowledge the work of our fabulous teachers, who do such great work each and every year, but the last two years have just been such a challenge for them. It is World Teachers Day this Friday. I will be delivering apples to all my local teachers. It is only a symbolic thing, but it really is from my heart, with my local apple producers, to say thank you for the amazing work that they have done.

I particularly want to shout out to VCE teachers, whose students are poised to begin their exams. Diamond Valley College, Hazel Glen College, Mernda Central College and The Lakes will be having year 12 students for the first time undertake their exams. Wallan Secondary College, Plenty Valley Christian College and Ivanhoe Grammar—all will begin their exams.

Our primary schools—Ashley Park; Beveridge; Diamond Creek East; Diamond Creek; Doreen Primary; Hurstbridge; Kangaroo Ground; Laurimar Primary; Mernda Park; Mernda; Panton Hill; Upper Plenty; Wallan Primary; Wandong Primary; Wattle Glen; Whittlesea Primary; Yarrambat Primary; Sacred Heart Primary School; the Learning Co-op; St Mary's Primary School, Whittlesea; St Joseph's School, Mernda; St Paul the Apostle, Doreen; Our Lady of the Way, Wallan East; Hume Anglican Grammar; and Gilson College—students from my electorate attend all these schools. Thank you so much to those teachers for everything they have done. Happy World Teachers Day.

COVID-19 VACCINATIONS

Mr McGUIRE (Broadmeadows) (10:07): The real success story of the week is the vaccine rollout in Broadmeadows and the City of Hume. Chief health officer Brett Sutton made this declaration yesterday after the turnaround from being one of the lowest vaccinated regions, at 35 per cent, a month ago, to having more than 70 per cent second-dose jabs in arms now. Such a response has been incredibly important for all of us and is deeply appreciated. Thanks go to everyone in the community who has been vaccinated and to health workers, especially nurses, for their commitment to vulnerable people.

Once the Australian government increased the supply of doses to Victoria, the state government supercharged the vaccine rollout. Pop-up sites made jabs in arms more accessible across Melbourne's north, and I witnessed the commitment and care of workers from DPV Health and St Vincent's Hospital in rapidly establishing a range of vaccination sites adapting to the needs of our communities. Town Hall Broadmeadows features walk-in vaccinations, and the old Ford factory delivers drive-through jabs in arms for the final vaccination push. The pandemic proves how our lives and livelihoods intertwine, and Broadmeadows is confronting the catastrophes of our time and reimagining opportunities. I am hoping we will have even more good news on housing to come soon.

Statements on parliamentary committee reports

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Reports

Ms BLANDTHORN (Pascoe Vale) (10:09): I am very pleased to rise today in relation to the reports of the Public Accounts and Estimates Committee. Whilst it is unusual, I am advised that it is allowed for me to comment on a number of them, and I do so for a specific reason, which I will come to. Just in the last two years, in the time that I have been chair of the Public Accounts and Estimates Committee, in the time I have had that privilege on behalf of the Parliament, the Public Accounts and Estimates Committee has conducted the following inquiries and tabled the following reports: *Report on the Appointment of a Person to Conduct the Financial Audit of the Victorian Auditor-General's Office*; the report on the inquiry into the Auditor-General's report *Meeting Obligations to Protect Ramsar Wetlands*—one that was particularly important to me; *Inquiry into the Victorian Government's Response to the COVID-19 Pandemic*: *Interim Report*; *Inquiry into the 2017–18 and 2018–19 Financial and Performance Outcomes*; *Inquiry into the Victorian Government's Response to the COVID-19 Pandemic* in reference to the final report; *Report on the 2020–21 Budget Estimates*;

Report on the 2019–20 Financial and Performance Outcomes; *Inquiry into the Parliamentary Budget Officer*; and the *Report on the 2021–22 Budget Estimates*, which was most recently tabled.

Indeed we have just concluded hearings for the gender-responsive budgeting inquiry, and we will be tabling a report on that shortly. We have also upcoming the financial and performance outcomes hearings in the next few weeks.

All of these reports it is my pleasure to table in the house on behalf of the committee, and every year the committee scrutinises the government's financial management in a number of ways and makes recommendations which promote the clear and full disclosure of the information in the budget papers and also over the last couple of years in relation to the government's response to the COVID-19 pandemic. Indeed the committee's role in ensuring the transparency and accountability of public sector finances has in many ways never been more important, and the reports in relation to COVID and the government's response to the COVID pandemic and the most recent rounds of the Public Accounts and Estimates Committee's consideration of the budget estimates have also been as important.

I note that department staff, ministers and the Presiding Officers dedicate significant time and effort in responding to requests for information from our committee and of course appearing at the public hearings, and on behalf of the whole of the committee I certainly thank them for their endeavours and of course other stakeholders who have appeared as well. Particularly during the consideration of the government's response to the COVID pandemic there were many community-based stakeholders who took the opportunity to appear at PAEC as well.

I am mentioning all of this because with the indulgence of the house I particularly want to thank the committee secretariat for their exemplary work and the sound advice that they have provided across all of these inquiries, led by Dr Caroline Williams. I mention Dr Williams in particular because Dr Williams has advised the committee that she is moving on to a new opportunity, and I want to take this opportunity on my behalf—and I note the previous chair of the Public Accounts and Estimates Committee, the Assistant Treasurer, is also sitting at the table. In addition to her earlier service to the Parliament Dr Williams has served the Public Accounts and Estimates Committee certainly in the time that I have been chair but almost for five years. She has always conducted herself with absolute professionalism and been an absolute pleasure to work with. Her advice to the committee has always been strong and sound, even in very difficult circumstances. At times obviously the Public Accounts and Estimates Committee is a relatively robust committee, and there have certainly been difficult and trying circumstances.

I am particularly grateful for her most recent advice in relation to the COVID and estimates inquiries during both the hearings and also the report writing. Obviously the public and the Parliament see the hearings side of things but not the amount of work that Caroline and her team put into preparing the reports that we ultimately table in the Parliament. Like so many people during this time, Caroline has balanced work and family demands during challenging circumstances, and I also want to thank her husband, John, and her two children and her extended family, who no doubt have had to endure the robustness of PAEC entering their household, which really is something that households particularly beyond those of us that are elected to this place really should not have to endure. So I certainly thank her family for that. She has a fabulous new opportunity, and I am sure she will be a great asset. We will miss her greatly at PAEC, and I can say that certainly on behalf of me as chair but also the entire committee we are disappointed to see her go but we wish her every opportunity and success in her new role.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

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

Ms VALLENCE (Evelyn) (10:14): I concur with the member for Pascoe Vale and pay tribute to Dr Caroline Williams and all of the secretariat for the immense contribution that they make to the proceedings of PAEC. Today I rise to speak on the Public Accounts and Estimates Committee's report

into the Victorian government's response to the COVID-19 pandemic, and specifically I refer to the minority report located at page 387 authored by me and supported by the member for Polwarth, the member for Gippsland South and Mr Limbrick in the other place.

I commend this report to the house. Like a good bottle of Yarra Valley wine it gets better with age, and today I particularly want to talk about section 1.1 on page 470. Specifically, the Liberal-Nationals members of PAEC in this inquiry exposed WorkSafe Victoria's investigation into unsafe work practices on the Labor government's hotel quarantine program. Certainly this minority report as it is printed there exposed the Andrews Labor government's then Department of Health and Human Services. We identified through the hearings that both the department of health and the Department of Jobs, Precincts and Regions were being investigated, but specifically for the health department the report found that it failed to train staff, it failed to provide PPE and it failed to put infection control in place in hotel quarantine—all at a government worksite. The Labor government's department of health failed in its duty of care to these workers.

Throughout the committee's hearings it became clear that private security guards were completely ill-equipped and unprepared to meet the challenges they faced to manage hotel quarantine in an infectious disease setting and carry out infection control on these government worksites. The report found, incredibly, that the former secretary of the DHHS back then, Ms Peake, attempted to lay blame for the inadequate training and PPE at the feet of the security contractors, despite the fact that it was the government's own contract that engaged these private security firms. At finding 21 of the report the committee found, and I quote:

> Without providing the private security guards with the appropriate infection control training and PPE, the Andrews Labor Government actively allowed the outbreak of the second wave to occur.
>
> Nowhere has there been a more shameful dereliction of duty than the Andrews Labor Government's failure to keep workers on Government work sites safe, and Victorians in the community safe. These fundamental errors resulted in more than 800 Victorians losing their lives—

an absolute tragedy.

During the inquiry it was also discovered under repeated questioning that WorkSafe was investigating government departments, including DHHS, in relation to whether they had failed to keep people safe from harm and injury, and in finding 23 of the report the committee found that DHHS was under investigation as to whether, and I quote from the report:

> … adequate protections were put in place to protect workers to whom they owed a duty of care from the harms of this infectious disease whilst working on a fully funded Victorian Government Program.
>
> These investigations illustrate the extent to which the Andrews Labor Government's Hotel Quarantine program became such a public policy calamity and a risk to public health and safety.

A year on we know that WorkSafe has just recently announced charging the Department of Health with 58 separate criminal offences, which confirms something that this Parliament had already heard in the PAEC inquiry: that the Andrews Labor government not only caused the outbreak of this deadly second wave but put the lives of all Victorians at serious risk as a consequence of its disastrous hotel quarantine program. Now, the Premier and the department of health, his department of health, oversaw the original superspreader event. The Premier and his ministers in the Andrews Labor government must be held to account. They must be held accountable for this fatally flawed government program, the biggest failure in public administration in our nation's history. We identified that in the Public Accounts and Estimates Committee hearings only 12 months ago, and again, the Premier and the ministers must be held to account.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Report on the 2020–21 Budget Estimates

Mr McGUIRE (Broadmeadows) (10:19): I refer to the Public Accounts and Estimates Committee's inquiry into the 2020–21 budget estimates and the contribution from the Minister for

Economic Development on how Victoria is trying to strengthen economic performance with a range of mechanisms. World attention is focusing on climate change. Combating this existential environmental threat and creating new economic opportunities is vital and urgent. 'Act globally, act locally' is the strategy I have adopted on the Commonwealth Parliamentary Association's Pacific region working group, which is calling for urgent action in our report to world leaders for the upcoming COP26 deliberations in Glasgow.

I have advocated for an economic, social and environmental analysis of threats and opportunities. This provides the focus for how our communities can transition to cleaner, greener, lower cost energy and green-collar jobs under the Victorian government's national leadership for Australia and in my role as the chair of the Broadmeadows Revitalisation Board 4.0 so we can deliver these results locally to try and act globally and act locally to get the results where they are needed most. Costs of addressing the impacts are growing exponentially. Developed countries made climate finance commitments of US$100 billion that were supposed to be there by last year, but they remain to be met. Recent OECD reports suggest current pledges are around US$79 billion.

The warning is that further deterioration will exacerbate humanitarian crises. From the Pacific region one of their concerns is the real and present danger of more people undertaking forced migration. As Australia's only representative, I have called for the Great Barrier Reef to be included in considerations. Reefs are the climate change equivalent of the canary in the coalmine. The Great Barrier Reef is emblematic of the threat to many of the commonwealth countries in the Pacific region. These countries contribute least to climate change while being most exposed to its adverse consequences. How to reduce such impacts and how they affect all of us is being considered around calls for G20 countries to commit to higher mitigation targets at COP 26, encouraging an international focus in climate change negotiations on strengthening the integrity of international carbon markets that represent genuine emission reductions and interlinking of carbon markets in different countries. So here is an opportunity that we can pursue.

Another initiative that I have called for is an audit of the problem areas and how to turn them into opportunities. Establishing natural resource inventories is an important step to ensure the risk associated with climate is accessible and transparent for governments, policymakers, private entities, parliaments and the public. So this transparency right now is an opportunity to make sure we can map where the problems are, how we address them and how we do this collaboratively.

Blueprints for such inventories exist. The World Database on Protected Areas is the most comprehensive global database of marine and terrestrial protected areas. It is a joint project between the United Nations Environment Programme and the International Union for Conservation of Nature and is managed by the United Nations Environment Programme World Conservation Monitoring Centre in collaboration with governments, non-government organisations, academia and industry. So that is the quadruple helix—how you bring them all together, how you actually get the insight, get the information, make it factually accurate and evidence based. This is incredibly important now in a time of counter-enlightenment, when facts, instead of being stubborn and cherished, have been besmirched as being alternate. So that is what we have to do—return to an enlightened view on how we address these matters. Further issues that we are looking at are that climate change is increasingly regarded as contributing to so-called slow onset events. These are creating more deserts, sea level rises, more acid in oceans, air pollution, rain pattern shifts and loss of biodiversity.

This is the range of issues that are being examined. I just wanted to make this contribution to the Parliament because obviously everybody from any party can be involved in this through the Commonwealth Parliamentary Association, and also to say that we are looking for greater leadership from the Australian government. We have had an announcement, but we want to see results, and it is the Victorian government at the end of the day that is our national leader, and that is what it will continue to do.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Report on the 2020–21 Budget Estimates

Mr McCURDY (Ovens Valley) (10:24): I am delighted to rise and make a contribution on the Public Accounts and Estimates Committee *Report on the 2020–21 Budget Estimates*. I particularly want to touch on item 5.7, Roads and Road Safety. Everybody in this place knows that since the Big Build started in Melbourne under this government we have taken a massive cut to our roads and infrastructure in regional Victoria. You have only got to drive around some of these roads and you will see the lack of safety measures in place. It certainly has just gone downhill over the last five to seven years.

And with the lack of public transport that we have in regional Victoria, obviously it means more people will be on our roads and using our roads as their main mode of transport—probably 95 per cent would be close. Our communities need our roads rather than a public transport system. It is fair to say that this lack of investment is really starting to poke its head through now after many years of neglect.

Last week I took my mobile office on the road, which is something I try to do a couple of times each year to get to the smaller communities. It gives them an opportunity to speak about their communities, their issues and their small towns. Some of them do not even have a shop; it is just an area and a place, a spot on the map. We go to some of those places. There are other ripping little communities—like Katamatite, Tungamah, Eldorado, Mudgegonga is a classic, Wandiligong and a few of the others like that—that I get around to and listen to their views. Overwhelmingly the biggest issue was COVID and the mismanagement of this government. But I certainly want to thank all of our communities for the way they have gone out and got themselves vaccinated. We are over 95 per cent in all of the three local government authorities that I look after—Moira, the Rural City of Wangaratta and the Alpine shire—and we are 82 per cent and above with the second vaccination. So we are going well, and I thank those committees for that.

But running a very close second in all this was the roads. When I was at Bundalong residents were concerned about just the massive potholes and the shoulders and what is going on at the general store at Bundalong. It is a very busy, very active place, particularly as we move into summertime, with the Murray River and obviously now our tourism sector—coming from Melbourne north again, which is terrific to see. But there are some little issues, like potholes, like the location of the 80- and 100-kilometre speed signs and the build-up of growth on the sides of the roads. Now, these are not massive spends. These are not like million- or billion-dollar spends; these are small issues that we need to keep on top of because road safety is paramount in our communities, because the roads will get busier, and it will start from this weekend, no doubt about that.

I was in Ovens, with the small community there, talking about roads and the Great Alpine Road where it meets with the intersection of Happy Valley Road. As crowds continue to flock to Myrtleford and Bright coming back from the Great Alpine Road you just cannot get out onto the Great Alpine Road from the Happy Valley Road. With the advent of Google, which we all use, it takes a lot of tourists up that Happy Valley Road to Mount Beauty and Falls Creek and brings them back that way. There is a convergence there that we need to spend some time on because cars can wait for 20 minutes, 30 minutes, because cars along the Great Alpine Road are backed up to Everton and Eurobin—halfway back to Bright. They are, again, small issues. A roundabout would probably fix that, but I am certainly going to write to the Minister for Roads and Road Safety to seek some support on getting someone out to have a good look at that intersection. I understand they have done some work previously. Some of the locals told me there have been some cameras and some things going on there. That demonstrates that there has been some ongoing work and it might be in the pipeline.

Up at Whitfield, on the Wangaratta-Whitfield Road up in the beautiful King Valley—and we all know about the wonderful wineries we have got up there with Gracebrook, Pizzini, Dal Zotto, Chrismont and many others—the real issue again is the communities are growing and the tourism is growing. We have got a mix of wine trucks, dairy tankers, cyclists, tourists in cars and tourists with caravans. On

the Whitfield road we have seen another death just recently, which is sad. That is the second death over the last few years on that Whitfield road, at a single intersection. Somebody who has been there since 1966 has seen 30 accidents at one particular spot on that Whitfield road, and I will be talking to the minister. I just think about this report on roads and road safety there is certainly much more we can do on roads like that.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

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

Mr D O'BRIEN (Gippsland South) (10:29): I want to just speak a bit on the Public Accounts and Estimates Committee Inquiry into the Victorian Government's Response to the COVID-19 Pandemic. Before I do, I just want to echo the comments of the member for Pascoe Vale, the chair of PAEC, in thanking and acknowledging the work of Dr Caroline Williams as our executive officer for this term and a large part of the previous term as well, in which I was also a member of the committee. Caroline has done a fantastic job.

As the member for Pascoe Vale indicated, it is a thankless task sometimes. Clearly the pre-eminent committee of the Parliament is PAEC, but it is also one that tends to get the most attention and sometimes the committee hearings themselves can get quite feisty. Caroline has done a great job in managing all of us and presenting some fantastic reports, including this report into the COVID-19 pandemic.

What I wanted to touch on was the way the government has handled the pandemic and more broadly, in a sense, its overreach on a number of issues. These issues have been well canvassed in this chamber but also particularly in the minority report in this report. I think we all understand and accept the need for the various lockdowns and restrictions that have been imposed over the last 18 months up to a point, but time and time again when there has been an option to do something and balance the needs and rights of people to go about their business and of businesses to operate, this government has overstepped those rights in the name of COVID response. People will say 'But we had to do that'—well, we can only look at the results. We have had the world's longest lockdown here in the city of Melbourne. We have had the worst outcomes in terms of numbers of cases and deaths across Australia, and our economy is suffering as a consequence as well. By no measure could you say that the government's approach has been successful.

I particularly want to add, on that issue of overreach, the current situation where the Premier is now saying that if you are not vaccinated, once we hit the 90 per cent mark of 12-year-olds and above you will effectively be locked out of the economy: you will not be able to go and buy shoes, you will not be able to go to non-essential retail or pubs or clubs or the MCG or whatever it is. That is overreach.

I think we all understand the need to get vaccinated. We are all pushing it. I have been pushing it in my community. I am double vaccinated. It is the way out, but the reality is there is going to be, as there always is with any vaccination, a small percentage—around 5 to 10 per cent, depending on the region and the vaccination we are talking about—that will resist. For the government to simply say that those people are to be excluded for a year is, I think, gross overreach. It is not just me saying that, and it is not just anti-vaxxer types saying that. The feedback I am getting from the community is that sensible people who are vaccinated, who accept the need for these restrictions, who accept the need for vaccinations, are concerned, and we have seen that. I got an email just this morning from a shopkeeper in my electorate. She says:

> I am very nervous about when we are at phase D. That will be right as we get into our busiest month of the year and the requirement to physically check everyone as they enter my store will require me to put another employee on each shift potentially. Aside from the concern of having to deal with customers who may become irritated by this decision, I cant imagine the hurt I will feel at having to say no to a potential customer who can not enter my store based on vaccination status.

That is one of many messages that I am sure all of us are getting.

On top of that, the experts do not even back this, and we see that both in the *Age* and the *Herald Sun* today. In the *Age* the director of the Doherty Institute, Professor Sharon Lewin, says that excluding people in the longer term will prove divisive and difficult. Epidemiologist Tony Blakely says:

> … it would be unethical at that point to keep the people who are unvaccinated out of society—

he is talking about once we get past 90 per cent double dosed. Likewise, Deakin University epidemiologist Catherine Bennett said today that it did not make any sense to keep people out of cafes and the like when they can mingle freely in private gatherings. The experts are also saying that this is overreach. I think it is overreach. It is exemplified by the legislation that will be second-read shortly that this government is overreaching on all these COVID things, and it does need to be reined in.

Bills

CASINO AND GAMBLING LEGISLATION AMENDMENT BILL 2021

Statement of compatibility

Ms HORNE (Williamstown—Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Fishing and Boating) (10:36): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Casino and Gambling Legislation Amendment Bill 2021.

> In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (**Charter**), I make this Statement of Compatibility with respect to the Casino and Gambling Legislation Amendment Bill 2021 (**the Bill**).
>
> In my opinion, the Bill, as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this Statement.
>
> **Overview**
>
> The Bill amends the *Casino Control Act 1991* (CCA), *Victorian Commission for Gambling and Liquor Regulation Act 2011* (VCGLRA), *Gambling Regulation Act 2003* (GRA) *and Casino (Management Agreement) Act 1993* (CMAA) to implement recommendations of the Royal Commission into the Casino Operator and Licence, strengthen the oversight and regulation of casino operators and establish the Victorian Gambling and Casino Control Commission. Relevant to this Statement of Compatibility, the Bill creates a Special Manager with powers to compel information and issue directions without notice, restricts the State's liability for damages and introduces a new accessorial liability offence for casino officers.
>
> **Human Rights Issues**
>
> The Bill engages the following human rights under the Charter:
>
> - The right to privacy and reputation (section 13)
> - The right to a fair hearing (section 24), and
> - Rights in criminal proceedings, including the right to be presumed innocent until proven guilty (section 25).
>
> **Section 13—Right to privacy**
>
> Section 13 of the Charter states that every person has a right to freedom from unlawful or arbitrary interference with their privacy. The right to privacy protects a person from government interference or excessive unsolicited intervention by other individuals. This freedom may be subject to reasonable limitations under section 7, provided the limitations are clearly defined in law.
>
> Clause 18 of the Bill engages this right by requiring an officer, employee or agent of the casino operator to give the Special Manager information despite any duty of confidentiality. New section 36F provides no right to a reasonable excuse for not providing the requested information. While the clause restricts the right to privacy, it meets the reasonable limits test under section 7. In effect, the provision will be operational only for the term of the Special Manager appointment. Furthermore, it is clearly defined and limits the collection of information to that required by the special manager to perform its functions.
>
> **Section 24—Right to a fair hearing**
>
> Section 24(1) of the Charter provides that a person has the right to a fair and public hearing. Parties to a civil proceeding are entitled to be heard by a competent, independent and impartial court or tribunal. This right

generally includes the right of each individual to unimpeded access to the courts of the State and may be limited if a person faces a procedural barrier to bringing their case before a court.

Clause 18 limits the ability of an individual to seek damages from the State. New section 7B provides that the State is not liable to compensate any person for losses incurred as a result of these amendments. However, as this provision changes the substantive right and does not affect the procedure by which the court is to determine the right, the right to a fair hearing is not engaged.

Clause 18 may engage section 24 by restricting procedural fairness. New section 36Q exempts the special manager from giving notice or providing someone with the opportunity to be heard. To the extent that this right is engaged, given that section 36Q may not be considered a civil proceeding, this limitation represents a reasonable and proportionate response. It acts on issues identified by the Royal Commission into the Casino Operator and Licence, which included the casino operator: providing incorrect or inaccurate information to the regulator when it was investigating potential misconduct, engaging in obstructionist and aggressive behaviour to the regulator and making submissions that had little or no evidentiary support.

Section 25(2)—Minimum guarantees in criminal proceedings

Section 25(2) protects the privilege against self-incrimination. While this section is concerned with criminal proceedings, courts have interpreted the protection as applying also to people who have not been charged. Thus, it includes information that a person was compelled to give prior to being charged.

Clause 18 engages both sections 24 and 25(2) of the charter by excluding the privilege against self-incrimination and legal professional privilege. New section 36F(5) provides that a person is not exempt from the requirement to provide information to the special manager where that information might tend to incriminate them. Similarly, new section 36F(6) provides that a person is not excused from providing information where that information is the subject of legal professional privilege.

The limitation introduced by clause 18 is reasonable and demonstrably justified. Firstly, new section 36F(5) provides a use immunity, which ensures that material given to the special manager is inadmissible in any criminal proceedings against the person. New section 36F(6) confirms that providing privileged information to the special manager does not waive legal privilege. Secondly, it is accompanied by new section 36F(2) that gives the person an ability to notify the special manager about the potential for self- incrimination. The amendment is proportionate and justified because it gives the special manager the information gathering powers it needs to enable it to effectively discharge its functions and duties while making the right to protection from self-incrimination clear.

Section 25(1)—the right to be presumed innocent

Section 25(1) of the Charter states that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law. Any new offence that includes a defence may affect rights under section 25(1).

Clause 18 engages section 25(1) by introducing criminal accessorial liability of officers of the Melbourne Casino Operator. New section 36P provides that where the Operator commits the offences of failing to comply with a direction of the Special Manager or obstruction or interference with the special manager or delegates, an officer will commit an offence if the officer authorised or permitted the commission of the offence by the Operator, or was knowingly concerned in the Operator doing so.

Under new section 36P(2), the officer may rely on the same defences that would be available to the operator.

In so far as the prosecution is required to prove the accessorial elements of the offence—that is, that the relevant person authorised or was knowingly concerned with the commission of the offence, or failed to exercise the necessary due diligence to prevent the offending, the amendment does not limit the charter right. Furthermore, this limited engagement of the charter represents a reasonable and proportionate response to issues identified by the Royal Commission into the Casino Operator and Licence, which included officers being aggressive and obstructionist in dealings with the regulator and providing false or misleading information. This offence will ensure that officers engage with the Special Manager in a productive and diplomatic manner, and raise concerns in an appropriate manner.

For the above reasons, I consider the Bill to be compatible with the Charter.

Hon Melissa Horne MP
Minister for Consumer Affairs, Gaming and Liquor Regulation

Second reading

Ms HORNE (Williamstown—Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Fishing and Boating) (10:36): I move:

That this bill be now read a second time.

I ask that my second-reading speech, except for the section 85 statement, be incorporated into *Hansard*.

Incorporated speech as follows, except for statement under section 85(5) of the Constitution Act 1975:

The Casino and Gambling Legislation Bill 2021 (the Bill) is an important step towards the Victorian Government's commitment to delivering on the Recommendations of the Royal Commission into the Casino Operator and Licence.

The Victorian Government called the Royal Commission in February 2021 to examine whether Crown Melbourne is suitable to hold the casino licence, and if it is in the public interest for Crown to hold the licence.

The Royal Commission delivered its final report to government on 15 October 2021. The Government accepts the findings of the Royal Commission. The Government is taking immediate action to implement nine recommendations that will be implemented through this Bill to allow for the appointment of the Special Manager, strengthen regulatory powers and enable the State to act on the recommendations. The Government also supports in-principle the other 24 recommendations, subject to further detailed analysis and consultation being undertaken, including to ensure there are no unintended consequences from our actions.

On 26 October 2021, the Government tabled its response to the Royal Commission's final report and affirmed its commitment to take whatever action is necessary to strengthen casino oversight in Victoria and ensure that Crown is held accountable to all Victorians for the wrongdoings uncovered by the Royal Commission and assure Victorians that such wrongdoings can never happen again.

As the final report stated, what has come to light during the hearings of the Royal Commission about the extent and gravity of Crown's misconduct, has shocked Victorians.

Crown's wrongdoing was not isolated instances of misconduct.

The Royal Commission uncovered grave, systemic breaches of the law by Crown and of its obligations as the state's casino licensee for over a decade, in many cases undertaken with the knowledge of senior executives.

It also found an ongoing pattern of noncooperation with the regulator that included bullying behaviour, providing it with false or misleading information, delaying investigations and taking whatever steps it could to frustrate the regulator's investigations.

As the final report makes clear, the Royal Commission outlines that perhaps the most damning discovery is the manner in which Crown has dealt with the many vulnerable people who experience gambling harm. It is not only the gambler who suffers, but also their family, friends and the broader Victorian community.

The behaviour uncovered is all the more egregious and inexcusable because it was engaged in by an operator that has been entrusted with the privilege of holding the state's casino licence. With that privilege comes a responsibility to the Victorian community to behave at all times with honesty and integrity.

Crown is unsuitable

The Royal Commission has found that Crown is unsuitable to hold a casino licence.

It notes that the scale of the wrongdoing is so widespread and egregious that no other finding is possible.

The Government accepts this finding.

There are important considerations

However, the Royal Commission has found that the immediate cancellation of Crown Melbourne's casino licence is not in the interests of the Victorian community. This decision was made in acknowledgement of the real risk of significant social and economic harms to Victoria and to innocent third parties.

It also considered the publicly stated will and capacity of Crown to implement the necessary reforms to once again become suitable to hold the licence and remove the stain from its reputation.

The Royal Commission considers Crown's program is likely to succeed, and if it does, will benefit Victoria.

For these reasons, the Royal Commission recommends that Crown be permitted to continue operating the casino under extremely stringent oversight arrangements for two years. A new position of Special Manager is to be created with the power to both oversee and monitor the affairs of an unsuitable casino operator until it reaches a state of suitability. In the meantime, the licence can remain in place.

It is important to recognise that the Special Manager will not be a mere monitor. It will have significant powers to make binding directions to the board to take particular action, as well as a power to direct the board to refrain from taking particular action. Though the casino operator will still manage the casino's operations, the Special Manager will have a final say over important issues.

At the end of the two-year period, should the regulator not be clearly satisfied that Crown has become a suitable person to hold the licence and that it is in the public interest for Crown to hold the licence, the licence is to be cancelled.

A Royal Commission is the highest form of inquiry. The Government appointed Commissioner Finkelstein to thoroughly investigate the casino operator and to recommend the course of action that he finds is in the best interests of Victoria.

The Government respects the integrity of the process and takes the Royal Commission's recommendations seriously. Consequently, the Government accepts Commissioner Finkelstein's recommendation that Crown be granted the opportunity to undertake a comprehensive reform and remediation program, with stringent oversight conditions.

As the Royal Commission notes, Crown will be being given one, and only one, opportunity to reform itself.

This opportunity comes with stringent conditions:

- Crown will be subject to the strictest oversight of any casino in the world.
- It will be required to pay all costs associated with this oversight.
- The regulator will have significantly stronger powers to oversight Crown's casino operations.
- There will be strict new obligations on Crown to cooperate with the regulator and much tougher penalties for not doing so.
- Crown will be prevented from taking any action against the State in relation to conditions imposed by the Royal Commission.

Crown has a long path ahead if it is to achieve suitability and the process to reform Crown must start immediately.

I now turn to the Bill.

Through this Bill, the Government is moving swiftly to establish the recommended role of Special Manager and strengthen the powers of the regulator to hold the casino to account, including the establishment of the Victorian Gambling and Casino Control Commission.

The Government is taking an even stronger response to several of the recommendations to impose strict conditions on Crown and to ensure the State is not hampered in its efforts to implement comprehensive regulatory reforms.

Appointment of the Special Manager

The Bill establishes the role of the Special Manager to oversee all operations and decision making of Crown Melbourne. The Special Manager is a time limited position created specifically to deliver on the key recommendation of the Royal Commission. The Special Manager will be appointed by the Governor in Council by an instrument in writing.

As noted in Commissioner Finkelstein's report, for two years the Special Manager will effectively be the ultimate decision maker at Crown Melbourne and will oversee all aspects of the casino's operations.

The Special Manager will have significant rights, privileges and powers over the casino operator. It will investigate the casino's operations and ensure it complies with all its regulatory obligations. When the Special Manager deems it necessary, it has the powers to direct the Crown Board to take a particular action. Equally, the Special Manager will have the power to direct the Board to refrain from taking particular action.

The Bill empowers the Special Manager to employ staff and engage consultants as necessary to perform its functions. As such, the Bill will enable the Special Manager to delegate functions, duties and powers. However, the exercise of powers to direct the casino board to act or refrain from acting will be restricted to the Special Manager.

The Government and the regulator will be kept informed; the Special Manager will provide formal reports to government and the regulator every six months on Crown's remediation efforts. The Special Manager's final report will make a recommendation to the regulator regarding Crown's suitability to hold its licence. The regulator must be 'clearly satisfied' that Crown Melbourne has reached suitability.

Transitioning to the VGCCC to strengthen regulatory oversight of the casino

The Bill establishes the new regulator, the Victorian Gambling and Casino Control Commission (VGCCC). The transition to the VGCCC is essential to maintaining powerful scrutiny of the casino into the future to ensure that the wrongdoing uncovered by the Royal Commission never occurs again.

New powers for the regulator and additional obligations on the casino operator

This Bill also includes measures to ensure that the new regulator is equipped with the necessary powers to hold the casino operator to account. This Bill strengthens the powers of the regulator so that it can compel Crown to comply with its recommendations from a review or investigation, to answer questions and produce documents and to engage and pay for any expert advice as required by the regulator. Failure to comply will result in a penalty.

Further the Bill introduces a duty for casino operators and their associates to cooperate with the regulator in a frank manner and do everything necessary to ensure the casino operations are conducted with integrity. This includes new provisions which require a casino operator to notify the regulator of significant breaches of its legal obligations as soon as practicable.

The Gambling Regulation Act already provides that it is an offence to provide information that is false and misleading in a variety of settings. However, in light of the multiple examples of Crown providing partial, misleading and false information to the regulator, the Bill amends the Casino Control Act to clarify that casino operators must comply with this requirement when providing information to the regulator.

Banning junkets

The vulnerability of Casino junkets to be infiltrated by organised crime and money laundering are well known and their insidious implications is well understood. Several jurisdictions are considering banning or have already banned junkets in recognition to the links between junket operations and criminal activity.

Therefore, the Bill amends the Casino Control Act to create a new offence prohibiting a casino operator from allowing junkets to operate at the casino. The new offence also applies to a casino operator who engages with or deals in junkets.

Ensuring the state and regulator can respond to the Royal Commission recommendations

The Bill includes important provisions to guarantee the state and regulator are not hampered in delivering the Royal Commission's critical reforms. The Bill includes provisions to expand the grounds for disciplinary action so the regulator may draw on the findings and recommendations of the final report. It also removes the requirement to allow Crown 14 days to demonstrate to the regulator it should not take disciplinary action.

In addition, the Bill also prevents action being taken against the State by any dissatisfied person or any person who may have suffered any loss through the State's implementation of any Royal Commission recommendations.

Additional actions

In recognition of the gravity of the Commission's findings, Government also goes a step further than the recommendations.

The Bill provides that that the casino licence held by Crown Melbourne will be automatically cancelled at the end the Special Manager's term unless the regulator is clearly satisfied that Crown has become suitable to hold the licence. The onus will be on Crown to clearly demonstrate through its operations and the progress on its reforms why its licence should not be automatically cancelled.

In addition, the Bill repeals Clause 24A.2 of the Casino Management Agreement Act, known as the 'regulatory certainty' provisions, that were introduced in 2014. These provisions limit the actions the State can take in relation to the casino without the consent of Crown.

The 'regulatory certainty' provisions hamper the State from giving effect to the recommendations of the Royal Commission and holding Crown to account including by cancelling the casino licence, imposing any form of tax as well as the State's ability to make future amendments to legislation to introduce stronger responsible gambling measures at the casino.

Significantly the final report finds the conditions imposed by these provisions are contrary to the settled principle that a person should not be entitled to recover damages caused by their own wrongful conduct. It recommends that the provisions be repealed where actions taken are response to the conduct of Crown.

This Bill goes further. The Government considers that it should not be hindered in its future pursuit of regulatory reforms that are in the interests of the Victorian community, particularly those undertaken to minimise gambling harm. This Bill therefore varies the Management Agreement to completely repeal the regulatory certainty provisions through overriding provisions in the Casino Management Agreement Act.

Given the scope and gravity of breaches identified by the Royal Commission, the Bill amends an initial two penalties, with a full review of penalties to be undertaken in 2022. The Bill substantially increases the maximum penalty relating to disciplinary action to $100 million and the penalty for failing to implement an internal control system has increased fivefold.

Conclusion

Victorian legislation requires that the casino operator act in a way that befits the privilege of holding the State's casino licence.

This Bill will not only hold Crown to account for its wrongdoing; it will also commence the important process of restoring the integrity of casino operations in Victoria.

Crown is being afforded one and only one chance to redeem itself. Therefore, if Crown is found unsuitable, it will no longer be the Victorian casino licence holder.

In addition to this Bill, the Government will bring a further Bill to Parliament in 2022 with a package of reforms to deliver the remaining Royal Commission recommendations.

I commend the Bill to the house.

Section 85(5) of the Constitution Act 1975

Ms HORNE: I now make the following statement under section 85(5) of the Constitution Act 1975 of the reasons why it is the intention of clause 26 in the Casino and Gambling Legislation Amendment Bill 2021 (the bill) to alter or vary section 85 of the Constitution Act 1975.

Section 85 of the Constitution Act 1975 vests the judicial power of Victoria in the Supreme Court and requires a statement to be made when legislation that directly or indirectly repeals, alters or varies the court's jurisdiction is introduced. Clause 26 of the bill inserts a new section 159 into the Casino Control Act 1991 to provide that it is the intention of section 158 of that act (as also inserted by clause 26) to alter or vary section 85 of the Constitution Act 1975.

The bill implements recommendations of the Finkelstein Royal Commission into the Casino Operator and Licence. This will affect the way Crown Melbourne conducts its future operations and, in turn, will have significant financial consequences for Crown and others involved with, or connected to, the operations of the casino. As a consequence, there is a risk that there will be legal challenges to actions arising from the provisions of the bill. Such challenges would undermine the implementation of the royal commission recommendations.

To address this risk the royal commission recommended that legislation be enacted to the effect that decisions made or not made in relation to the implementation or purported implementation of any recommendation in its report should not be subject to any appeal or any order in the nature of certiorari, prohibition or mandamus or the grant of any declaration or injunction.

Accordingly, to ensure that the jurisdiction of the Supreme Court is limited in relation to the adoption and implementation of the recommendations of the Finkelstein royal commission, it is necessary to provide that it is the intention of this bill that the jurisdiction of the Supreme Court be altered or varied. The reason for doing this is to prevent decisions and actions by the state or any responsible minister of the state from being frustrated or delayed by court proceedings. The limitation is essential to protect public confidence in the framework regulating the operation of the casino in Victoria.

Ms STALEY (Ripon) (10:39): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday, 10 November.

JUSTICE LEGISLATION AMENDMENT (CRIMINAL PROCEDURE DISCLOSURE AND OTHER MATTERS) BILL 2021

Statement of compatibility

Ms HUTCHINS (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (10:41): In accordance with the Charter of Human

Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Justice Legislation Amendment (Criminal Procedure Disclosure and Other Matters) Bill 2021.

Opening paragraphs

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (**the Charter**), I make this Statement of Compatibility with respect to the **Justice Legislation Amendment (Criminal Procedure Disclosure and Other Matters) Bill 2021** (**the Bill**). In my opinion, the Bill, as introduced to the Legislative Assembly, is compatible with the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill will strengthen the disclosure requirements for informants in criminal proceedings by amending the *Criminal Procedure Act 2009* to:

- Introduce a statutory obligation for informants to provide to the Director of Public Prosecutions (**DPP**) all information, documents, or things relevant to an alleged offence in proceedings conducted by the DPP. Where the material is subject to a claim of public interest immunity, privilege, statutory immunity or statutory disclosure restriction, the informant must notify the DPP of the existence of that material and provide it on request (**relevant withheld material**);
- Require the informant to complete a disclosure certificate identifying relevant material not contained in the brief of evidence that is subject to a claim of privilege, public interest immunity, a legislative immunity or publication restriction;
- Clarify that information relevant to the credibility of a prosecution witness must be disclosed to an accused; and
- Introduce a statutory mechanism for applicants to apply for a court order that excuses disclosure of relevant information to an accused person in a criminal proceeding (**non-disclosure order**).

The Bill will amend the *Magistrates' Court Act 1989*, *Judicial Entitlements Act 2015*, *County Court Act 1958*, *Supreme Court Act 1986*, and *Constitution Act 1975* to:

- provide for the Chief Magistrate to be dual commission holder with the Supreme Court;
- change the Chief Magistrate's salary, allowances, conditions of service, entitlements, and pension arrangements to reflect their status as a Supreme Court judge; and
- make consequential changes to relevant legislation to reflect these amendments.

The Bill will also:

- amend the *Criminal Procedure Act* and *Victims' Charter Act 2006* to allow the higher courts to provide an accused person with a more detailed sentencing indication, resulting in earlier resolution of appropriate matters;
- implement recommendation 71 of the Royal Commission into Family Violence (RCFV) by amending the Criminal Procedure Act and the *Family Violence Protection Act 2008* to provide for evidence to be given remotely in certain circumstances;
- implement recommendation 133 of the RCFV by amending the *Children, Youth and Families Act 2005* to enable the Children's Court to make its own rules for family law matters;
- amend the *Personal Safety Intervention Order Act 2010* to enable all applicants to make Personal Safety Intervention Order (PSIO) applications by electronic communication, for applicants who are not police officers to make applications by 'declaration of truth', and to clarify the current ability to make a PSIO application by electronic communication.

Human Rights Issues

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

The Bill engages the following human rights under the Charter:

- right to equality (section 8);
- right to life (section 9);
- right to privacy (section 13);
- right to liberty and security of person (section 21);
- right to a fair hearing (section 24); and
- rights in criminal proceedings (section 25).

For the following reasons, I am satisfied that the Bill is compatible with the Charter.

Obligations to disclose information in criminal proceedings

The Bill imposes the following statutory obligations on an informant in a criminal proceeding:

- the informant must provide relevant material to the DPP (clause 4);
- the informant must disclose the existence and nature of withheld material to the DPP (clause 4);
- the informant must provide the withheld material to the DPP upon the request of the DPP (clause 4); and
- the informant must file with the court and serve on the accused and DPP a certificate disclosing the existence of withheld material (clauses 5 and 6).

Right to liberty and security of person

Section 21(3) of the Charter provides that a person must not be deprived of his or her liberty, except on grounds, and in accordance with procedures, established by law. Clauses 4, 5 and 6 of the Bill engage this right. However, these clauses do not limit this right, and promote it by providing clearly established legal procedures to facilitate the determination of criminal charges prior to the imposition of any sentence that may result in a deprivation of liberty.

The duty of the prosecution to disclose to the accused information that is relevant to an alleged offence is well established at common law and in the *Criminal Procedure Act 2009*. That obligation extends to information known to the informant.

A failure to comply with disclosure obligations may prevent an accused from receiving a fair hearing (discussed below), and may result in a person being wrongfully convicted of a crime and deprived of their liberty other than in accordance with the law that requires all relevant material to be disclosed to an accused.

Disclosure obligations and the processes for complying with them are procedures established by law, within the meaning of section 21(3) of the Charter. The *Criminal Procedure Act 2009* provides clear procedural steps to be followed by the prosecution when complying with their disclosure obligations.

The Bill amends the *Criminal Procedure Act 2009* to clarify the obligations of an informant and provide procedures for an informant to meet those obligations.

Right to a fair hearing

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

Clauses 4, 5 and 6 of the Bill promote the right to a fair hearing by clarifying how police should inform prosecuting authorities, the court, and the accused person of the existence of relevant withheld material and the reasons why they are withholding that material. This ensures that both parties to a criminal proceeding, and the court, have access to relevant material. It also gives an accused person the opportunity to challenge, in a court, the grounds on which material has been withheld.

Rights to be informed promptly and in detail of the nature and reason for a charge

Section 25(2)(a) of the Charter provides that an accused person in a criminal proceeding should be informed promptly, and in detail, of the nature and reason for the charge in a language or a type of communication that he or she speaks or understands.

The provisions of the Bill that impose statutory obligations of disclosure on an informant (clauses 4, 5, and 6 of the Bill) promote this right by requiring informants to provide all relevant information to an accused, and requiring informants to inform an accused, the DPP and the court that material has been withheld, and the reasons why it has been withheld.

Right to time to prepare and to be tried without unreasonable delay

Sections 25(2)(b) and (c) of the Charter provide that a person who is arrested and detained on a criminal charge has the right to have adequate time and facilities to prepare his or her defence and has the right to be tried without unreasonable delay.

The legislated obligations to disclose information in criminal proceedings in clauses 4, 5 and 6 promote this right by:

- requiring the informant to provide information to the DPP as soon as practicable after the DPP assumes conduct of a proceeding, or new information comes to light; and

- requiring service of the disclosure certificate when the hand-up brief or full brief is served on the accused, which facilitates early identification and resolution of disclosure issues in criminal proceedings.

These amendments will facilitate timely disclosure to ensure that the accused has adequate time and information with which to prepare their defence, and that the accused will be brought to trial without unreasonable delay.

Right to privacy

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

Clauses 4, 5 and 6 of the Bill engage this right by requiring disclosure of relevant information, which may include personal information. However, this right is not limited as the Charter permits lawful interference with a person's right to privacy. The *Criminal Procedure Act 2009* and the Bill provide processes by which disclosures will be made lawfully, and any disputes concerning disclosure may be resolved by a court. Disclosure given in accordance with those processes is therefore neither unlawful nor arbitrary.

Exceptions to disclosure for privileges, immunities, and where precluded by statute

The informant may:

- withhold material from the DPP if it is subject to a claim of privilege or public interest immunity, an immunity conferred by statute or a prohibition or restriction on disclosure provided by statute. The informant must notify the DPP of the existence and nature of such material and provide it upon request (clause 4);
- withhold certain material from disclosure, subject to an order of the court (a non-disclosure order) (clause 9); and
- in completing a disclosure certificate, describe any information, document or thing in a way that would not prejudice a claim of public interest immunity, that has or will be made to the Supreme Court, or where an application for a non-disclosure order has or will be made (clauses 5 and 6).

Right to a fair hearing and the right to be informed promptly and in detail of the nature and reason for a charge

The limits on disclosure in clauses 4, 5, 6, and 9 will engage the right to a fair hearing and the right to be informed promptly and in detail of the nature and reason for a charge. They each restrict the material that a court and an accused will have in a criminal proceeding. However, these aspects of the Bill do not limit these rights as they do not involve any alteration to the well-established substantive law on public interest immunity.

Exceptions to the obligation to disclose information where doing so is contrary to the public interest are well-established in statutes and case law. Further, the exceptions to including material that could prejudice a claim of public interest immunity are designed to facilitate the determination of that claim by a court. This approach is consistent with current authority that it is not open to the prosecution to unilaterally withhold or disclose information where the issue of public interest immunity must be determined by the court. Where a court determines that public interest immunity does not apply, that information must be provided to the accused.

The implementation of clear processes for the informant to record that such information has been withheld, to disclose information to the DPP, and to resolve non-disclosure applications will improve accountability to the court and parties in criminal proceedings and protect the accused's rights.

Procedure for applications for non-disclosure orders

In a criminal proceeding, clause 9 of the Bill provides for:

- an application for a non-disclosure order to be made by a party to the proceeding, by a law enforcement officer or agency, or a person with a direct or special interest in the making of the non-disclosure order;
- non-disclosure order applications to be made without giving notice to the accused, in exceptional cases; and
- non-disclosure orders to be reviewed on the court's own motion, or on the application of a person who may apply for a non-disclosure order.

Rights to a fair hearing and to be informed promptly and in detail of the nature and reason for a charge

The process for the making of a non-disclosure order under clause 9 of the Bill may limit the disclosure of relevant material to an accused. This aspect of the Bill engages the rights of an accused person to a fair hearing, and to be informed of the nature and reason for a charge against them, under sections 24 and 25(2)(a) of the

Charter. However, clause 9 of the Bill does not limit these rights, as it does not create any greater restriction on these rights than already exists under law.

The Bill does not provide any additional powers to a court to make orders that would limit disclosure in the proceeding. The Magistrates' Court, County Court, and Supreme Court all have existing powers to hear and determine non-disclosure applications made in proceedings before them, including applications made without notice to the accused. The Supreme Court also has inherent jurisdiction to hear claims of public interest immunity.

The Bill also does not alter the courts' existing powers to hear and determine non-disclosure applications either with or without notice to an accused. The Bill provides a process by which an application may be made without notice to an accused, and the test to be applied is the same as that which is currently applied by courts when determining whether an application may be heard and determined without notice to an accused.

The Bill does not limit courts' abilities to regulate their own processes to ensure fairness to an accused. Processes utilised by courts in the past have included the use of amici curiae to assist the court or represent the rights of the accused, and ordering that the accused's lawyers can view withheld material subject to receiving appropriate undertakings as to confidentiality.

The Bill further provides that non-disclosure orders may be reviewed by a court on its own motion or the request of any person with standing to make an application for non-disclosure orders. Courts may therefore act to safeguard the rights of an accused in situations where the issues in a case change, or where further information comes to light, and a non-disclosure order no longer remains appropriate.

Right to time to prepare and to be tried without unreasonable delay

The process in the Bill for applications for non-disclosure orders engages the rights at sections 21(5) and 25(2)(b) of the Charter by allowing for persons with standing to pro-actively apply to a court for a resolution of a disclosure issue.

The Bill does not limit these rights as such applications will minimise delay by promoting early compliance with the prosecution's disclosure obligations, and providing a clear process for the resolution of applications.

Right to life

Section 9 of the Charter provides that every person has the right to life, and the right to not be arbitrarily deprived of life.

A risk to a person's safety is a well-recognised ground of objection to disclosure in various statutes and for a claim of public interest immunity. This right is engaged as disclosure of information may endanger the safety of a person. For example, disclosure of information would endanger the safety of a covert law enforcement officer, a confidential police informer, or participant in a witness protection program. Despite those risks, statutes may allow for that disclosure in certain circumstances, or a court may order it where the public interest in non-disclosure is outweighed by the public interest in favour of disclosure.

The Bill does not limit this right as the Bill:

- does not change the court's powers or tests to be applied by the court when determining public interest immunity applications; and
- facilitates a person with a direct or special interest applying to a court for a non disclosure order.

Right to privacy

Section 13 provides that every person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with, and not to have his or her reputation unlawfully attacked.

The Bill engages this right by providing a process by which an application may be made to a court that may result in personal or private information about a person being withheld or disclosed. However, these rights are not limited, as the Bill provides a legislative framework for non-disclosure orders. Accordingly, any interference with the right to privacy would be lawful and not arbitrary, and would not fall within the scope of section 13 of the Charter.

Clarifying that information relevant to the credit of prosecution witnesses must be disclosed

The Bill clarifies that information, documents, and things relevant to the credit of a prosecution witness must be disclosed in a full brief or hand-up brief (clauses 10 and 11).

Right to privacy

Clauses 10 and 11 of the Bill, in requiring that information, documents, or things relevant to the credit of prosecution witness must be disclosed, engage the right in section 13 of the Charter to not have one's privacy unlawfully or arbitrarily interfered with, or to have one's reputation attacked.

The right to privacy is engaged to the extent that material relating to the credit of a prosecution witness may include personal information, such as relevant aspects of a person's criminal history. However, this aspect of the Bill does not limit this right.

The Bill replicates the existing common law obligation for the prosecution to disclose material that is relevant to the credibility of prosecution witnesses in statute. It does not change the scope of this existing obligation.

Disclosure will also happen in accordance with lawful processes, and any objections (including from the witness) to such disclosure may be determined by a court. Disclosure is therefore neither unlawful nor arbitrary, and does not limit the right.

Amending the Chief Magistrate's Dual Commission

The Bill will amend the *Magistrates' Court Act 1989*, *Judicial Entitlements Act 2015*, *County Court Act 1958*, *Supreme Court Act 1986*, and *Constitution Act 1975* to amend the Chief Magistrate's dual commission from the County Court to the Supreme Court. Consequential amendments will also be made to other Acts to provide for the appeal process from the Chief Magistrate's decisions as a result of the Supreme Court commission.

Currently appeals of the Chief Magistrate's decision are made to the Trial Division of the Supreme Court. With the Chief Magistrate becoming a dual commission holder of the Supreme Court an appeal will need to be made to the Court of Appeal instead. While this removes a layer of appeal, this limit is necessary in order to ensure that appeals will continue to be made to a judicial officer higher in the court hierarchy. Appeals to the Court of Appeal are more costly for the appellant. However, this increased cost of proceedings is unavoidable to ensure that appeals will continue to be made to a judicial officer higher in the court hierarchy. This appeal process is also broadly consistent with the appeal of decisions of the Chief Judge of the County Court and the President of the Victorian Civil and Administrative Tribunal.

The amendments will remove a layer of appeal from the Chief Magistrate's decisions relating to summary criminal appeals under the *Children, Youth and Families Act 200*5 and *Criminal Procedure Act 2009*. Currently, summary criminal appeals from decisions of the Chief Magistrate are first made to the Trial Division of the Supreme Court and a further appeal, available only in limited circumstances, is made to the Court of Appeal. With the Chief Magistrate becoming a dual commission holder of the Supreme Court, appeals from a decision of the Chief Magistrate in summary criminal matters will be made directly to the Court of Appeal. While this removes a layer of appeal, this limit can be justified noting that the summary criminal matter was heard by a judicial officer with the seniority and expertise of a Supreme Court judge, in comparison to a magistrate. Further, this would ensure that appeals will continue to be made to a judicial officer higher in the judicial hierarchy and would maintain continuity, in that appeals from other Supreme Court judges, including the Chief Judge of the County Court, are heard by the Court of Appeal.

As such, to the extent that this limits the right to a fair hearing (section 24 of the Charter) and rights in criminal proceedings (section 25 of the Charter) these limitations are reasonable and justified.

Broadening sentence indications

The Bill will amend the Criminal Procedure Act and the Victims' Charter Act to:

- allow broader sentence indications in the higher courts, and require DPP to consult victims on a sentence indication hearing; and
- provide for a review of the operation of the broadened sentence indications scheme in two years which will consider whether the scheme is effectively reducing delay, the impact on victims of the reforms, and the availability of information of victim impact at the time of sentence indication hearing.

The Bill will also amend the Victims' Charter Act to extend an obligation on the DPP to consult with a victim on whether the DPP will agree with or oppose an application for sentence indication, and the reasons for this position.

Right to a fair hearing

Section 24(1) of the Charter provides the right to a fair hearing. The decision by the higher courts whether to grant a sentence indication does not infringe this right, as it does not limit the information that may be presented to the court in a sentence indication hearing, and there is no prejudice to the accused person's later proceedings if they are not given, or do not accept, the indication. If a decision not to grant an indication has been made, the proceeding will continue to trial or later plea.

Rights in criminal proceedings

Section 25(2) of the Charter prescribes a range of minimum guarantees for accused persons in a criminal proceeding, including that they must not be compelled to confess guilt. This right would be engaged if accused persons were being induced to plead guilty. Although the amendments are intended to reduce court backlog

and delay through appropriate early guilty pleas, the amendments do not induce or compel accused persons to plead guilty.

Under the Bill, a sentencing indication may only be given where the accused person has sought it. It is considered that providing an accused with an indication that suggests, for instance, the upper limit of imprisonment likely to be imposed on the entirety of the charges, would not result in an unfair inducement. It is considered that instead, it would provide the accused person with a better understanding of the sentence that could be imposed.

This is supported by the Sentencing Advisory Council, which in its *2007 Report on Sentence Indications and Specified Sentence Discounts*, stated that:

> The process preserves the accused's right to put the prosecution case to the test, by giving the accused the option of seeking sentence indication. The defence can weigh up the likely benefits and risks of sentence indication before making a request for it. While the request for an indicative sentence implies that the accused is willing to plead guilty as charged, the request for sentence indication does not commit the accused to pleading guilty or compromise a not guilty plea; the accused may 'reject' an indicative sentence and elect to contest the matter without prejudice.

Enabling personal safety intervention order proceedings to be commenced electronically

The Bill amends the PSIO Act to broaden the range of circumstances in which such applications may be made electronically and engages the right to equality before the law; the right to privacy and the right to a fair hearing.

Right to equality before the law

The ability for the courts to accept PSIO applications by electronic means promotes the right to equality before the law, as protected by section 8(3) of the Charter. The amendments are directed at ensuring that all members of the community can initiate PSIO proceedings including those who could not initiate the PSIO proceedings in a court by reason of a protected attribute under the *Equal Opportunity Act 2010*, such as having a disability. To the extent that the use of electronic communication could make it easier for people with disabilities to initiate PSIO proceedings, the amendments made by the Bill promote the right to equality before the law.

Right to privacy

To the extent that the use of electronic applications could include personal information such as a person's name, email address, or residential address, that person's right to privacy would be engaged (section 13). However, the right is not limited, as the interference is not unlawful, given that the communication by the court is in accordance with law, and it is not arbitrary, as it is proportionate to the legitimate aim that is sought.

Right to a fair hearing

To facilitate the making of applications electronically, the Bill amends the evidentiary requirements for such applications. The amendments to the evidentiary requirements for electronic applications for PSIO's engage the right to a fair hearing (section 24). It might be argued that the acceptance of electronic applications could lead to the unequal treatment of people by the Courts, due to the differences in each person's ability to access electronic applications. However, the amendments do not mandate the use of electronic applications, so the courts could continue to use other means of accepting PSIO applications. This flexibility ensures that there will not be adverse effects on those who might not have access to electronic means of communication. To the contrary, the amendments in the Bill promote the ability of persons who might be less able to participate on equal terms (due to barriers such as geographical distance or physical disability) to access the Courts.

Another aspect of the right to a fair hearing is the right to a reasonably expeditious hearing. The facilitation of electronic applications promotes the right to a fair hearing, as it will enable more speedy initiation and resolution of proceedings by enabling documents to be sent and received more rapidly.

The right to a fair hearing is also engaged and advanced through Bill's ensuring the validity of any current applications for a PSIO, and previously decided applications which had been filed electronically, is beyond doubt.

The validation of applications for a PSIO that were transmitted electronically from March 2020 to the commencement of the Bill, will clarify ambiguity in the current Act, which does not expressly allow for electronic lodgment of an application, except by a police officer. The Act requires applications to be provided at the proper venue of the court. Due to the impact of COVID-19 restrictions, the ability to lodge an application in person at a proper venue has been severely limited for extended periods from March 2020, and the court has allowed applications via email to address this. While the validation has retrospective application, it does not affect the substantive rights of parties to a PSIO application, but avoids the perverse outcome of a legal challenge to the validity of a PSIO order, made solely on the basis that the application was lodged by email. The respondent to a PSIO application may still challenge the application for a PSIO on substantive grounds.

Enabling family violence victims to give evidence from a place other than the courtroom

The Bill will amend the Criminal Procedure Act and Family Violence Protection Act to enable adult victims of family violence to give evidence from a place other than the courtroom in certain circumstances.

Right to a fair hearing

Section 24(1) of the Charter provides the right to a fair hearing. Providing for evidence to be given from a place other than the courtroom does not limit the right to fair hearing, as it still enables a witness to be cross-examined as to their account, ensuring, in a criminal case, that an accused person's lawyer can test the prosecution case, or, in an intervention order proceeding, the respondent's lawyer can challenge the evidence underlying an application for an order.

The Hon. Natalie Hutchins MP
Minister for Crime Prevention
Minister for Corrections
Minister for Youth Justice
Minister for Victim Support

Second reading

Ms HUTCHINS (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (10:41): I move:

That this bill be now read a second time.

I ask that my second-reading speech, except for the section 85 statement, be incorporated into *Hansard*.

Incorporated speech as follows, except for statement under section 85(5) of the Constitution Act 1975:

Introduction

This Bill is an important step towards the Government's commitment to implement the recommendations of the Royal Commission into the Management of Police Informants. The Bill will implement recommendation 62, 63, and 66 to strengthen and clarify disclosure obligations in criminal proceedings and safeguard against the misuse of information from police informants in the justice system.

The Government announced the establishment of the Royal Commission into the Management of Police Informants on 3 December 2018. This announcement followed the publication of the High Court's decision in *AB v CD*, *EF v CD* [2018] HCA 58, which revealed former criminal defence barrister, Ms Nicola Maree Gobbo, was a registered Victoria Police human source.

The Royal Commission into the Management of Police Informants delivered its final report to the Victorian Government on 30 November 2020. The report contained 111 recommendations, including several directed at strengthening legislative disclosure obligations in criminal proceedings. On 7 May 2021, the Government released its response to the Commission's final report, and reiterated its commitment to implement the Commission's recommendations.

Disclosure obligations play a vital role in ensuring criminal proceedings are conducted fairly. Both informants (usually police) and prosecutors have legal obligations to disclose to a person accused of a criminal offence all information that is relevant to the alleged offence.

The failure to disclose relevant information can have serious consequences, including convictions being overturned for a substantial miscarriage of justice. To date, one person's conviction related to the Commission's inquiry has been set aside on appeal directly due to failures to disclose information relevant to the credibility of a prosecution witness. Two more convictions have been set aside because of Ms Gobbo's conflicts of interest, which were not disclosed to the accused or the court hearing each charge.

The disclosure reforms in the Bill will amend the *Criminal Procedure Act 2009* to strengthen and clarify disclosure obligations to prevent future disclosure failures.

The Bill will make the Chief Magistrate a dual commission holder with the Supreme Court, giving the position the same status as Heads of Jurisdiction for other generalist courts and tribunals (County Court and VCAT). The Chief Magistrate is a senior role with significant and demanding workload and management responsibilities overseeing Victoria's highest volume court. Further it is anticipated that this change will ensure this position continues to attract candidates of the highest calibre.

The Bill will implement recommendation 133 of the Royal Commission into Family Violence (RCFV) by amending the Children, Youth and Families Act 2005 to enable the Children's Court to make its own rules for family law matters.

It will also amend the Criminal Procedure Act and *Victims' Charter Act 2006* to allow the higher courts to provide an accused person with a more detailed sentencing indication, resulting in earlier resolution of appropriate matters.

The Bill will amend the Personal Safety Intervention Order Act (PSIO Act) will enable all applicants to make PSIO applications online. It will do this by allowing a person to confirm that the contents of their online application are true at the time they make their application (a 'declaration of truth'), which will enable PSIO proceedings to commence by an application initiated online. The Bill will also validate applications for a PSIO submitted electronically during the COVID-19 pandemic, rather than at a proper venue of the court.

The Bill will amend the Criminal Procedure Act and the Family Violence Protection Act 2008 to provide for evidence to be given remotely in certain circumstances.

I now turn to the Bill.

Clarifying disclosure obligations to the Director of Public Prosecutions

The Bill will clarify the information that informants must provide to the Director of Public Prosecutions (**DPP**) so that the DPP has the information they need to ensure that criminal prosecutions are conducted fairly.

The Bill will require that informants provide all relevant material to the DPP whenever the DPP is conducting a criminal proceeding. If some relevant material cannot be provided because it is subject to a claim of public interest immunity, privilege, or a statutory disclosure restriction, the informant must still notify the DPP of the existence and nature of that material and the reason it was withheld, and also provide it if requested by the DPP.

The DPP occupies a role independent of law enforcement, and so this reform provides an important safeguard to the accused's right to a fair hearing and minimises the risk of information being unlawfully withheld from the court or the accused.

Requirement to complete a disclosure certificate

The Bill also requires police to complete a disclosure certificate when certain briefs of evidence are prepared and provide a copy to the accused, the court, and the DPP if they are acting in the proceeding. The certificate will require police to describe any material that has been withheld from the brief of evidence because it is subject to a claim of public interest immunity, privilege, or a statutory prohibition or restriction on disclosure.

This reform will ensure that where information is withheld from the accused, the parties to the proceeding will be on notice of it and may seek any orders from the court with respect to its disclosure.

Credibility of a prosecution witness

The Bill will also clarify that information that is relevant to the credibility of a prosecution witness must be disclosed to an accused. Such information might include relevant criminal history of the witness, and any payments, charge reductions, or other favourable treatment the witness received as a result of their cooperation with police.

This reform does not change the current common law position that all relevant material must be disclosed to the accused. However, the Royal Commission into the Management of Police Informants identified instances where this type of information had not been disclosed. The Royal Commission considered it critically important for police to understand that this category of information is disclosable and recommended that position be clarified by amending the Criminal Procedure Act.

Applying for non-disclosure orders

The Bill also makes it easier for law enforcement to bring sensitive material to a court to determine whether it should be disclosed. It includes a clear process for interested persons to apply to the court hearing a proceeding for an order excusing or preventing disclosure of information. The Bill does not create a new type of order, but provides a legislative mechanism to apply for an order the court already has the power to make.

This reform will ensure that relevant material is only withheld from the accused where lawful to do so. The mechanism preserves the current powers of the courts to control the conduct of such applications, balancing the need to preserve confidentiality of sensitive information with the accused's right to a fair hearing. This reform will also minimise delays to proceedings caused by outstanding disclosure issues as it will provide interested persons with a clear mechanism in the Criminal Procedure Act for proactively bringing the issue before the court.

Chief Magistrate Dual commission

These amendments will give the office of Chief Magistrate equivalence of seniority with the Heads of Jurisdiction of other generalist courts and tribunals, namely the Chief Judge and the President of VCAT. These reforms recognise the significant demands of the Chief Magistrate's role and will ensure that the position continues to attract candidates of the highest calibre.

Transitional provisions allow for the current Chief Magistrate to retain the office of Chief Magistrate and be appointed to the Supreme Court as a dual commission holder. These provisions provide that within three months of these reforms commencing, the Attorney-General would recommend to the Governor to appoint the Chief Magistrate as a Supreme Court judge. Upon the appointment, the Chief Magistrate would concurrently hold both the office of Chief Magistrate and the office of Supreme Court judge.

Similar transitional provisions applied in respect of both the Chief Judge's dual appointment as Supreme Court judge and the Chief Magistrate's dual appointment as County Court judge.

Future Chief Magistrate appointments would either be an existing Supreme Court judge or would be appointed as such at the same time as appointment as Chief Magistrate.

Appeals from hearings in the Magistrates Court constituted by the Chief Magistrate with a Supreme Court dual commission would proceed to the Court of Appeal. This would ensure those appeals are heard by members of a court that is superior in the judicial hierarchy to the judicial officer who originally heard the matter. This is broadly consistent with the arrangements for other Heads of Jurisdiction, namely the Chief Judge and the President of VCAT.

Implementation of Royal Commission into Family Violence, recommendation 133

The Bill supports the Government's public commitment to complete all of the recommendations of the Royal Commission into Family Violence (RCFV) to improve Victoria's response to family violence.

In accordance with Recommendation 133 of the RCFV, which requires legislative amendment to clarify the jurisdiction of the Children's Court of Victoria to make Commonwealth Family Law parenting orders, the Bill amends the Children Youth and Families Act to provide that any jurisdiction conferred on the Court under the Commonwealth Family Law Act 1975 be exercised in the Family Division of the Children's Court of Victoria.

The Children's Court may exercise family law jurisdiction only if prescribed as a relevant court under the Family Law Act. The Bill will assist the Court to exercise that jurisdiction if and when it is conferred by ensuring it may make its own rules about how family law jurisdiction is exercised.

Broadening available sentence indications in higher courts

The Bill will expand the role of sentence indication hearings in the higher courts, so as to support the continued effective and efficient functioning of the justice system and its recovery from COVID-19, including helping courts to manage and reduce a significant backlog of cases.

A broader sentence indication scheme will generate early and appropriate guilty pleas while also providing benefits to victims in providing an outcome and removing the trauma of giving evidence at trial, and accused persons in providing clarity of outcome where they are facing a lengthy wait for trial, but may consider pleading guilty.

Currently, the higher courts can only give a sentence indication about whether a sentence of imprisonment will be given. This is of limited utility given the seriousness of cases in the higher courts.

The Bill will therefore expand sentence indications to include the maximum total effective sentence and/or specified sentence type, which is predicted to substantially increase the use of sentence indications as a tool for reducing delay in the higher courts.

It is a key concern of mine that victim impact is sufficiently considered by the court giving a sentence indication and that adequate safeguards are put in place to ensure victims are informed and consulted as part of the sentence indication process.

In recognition of the importance of victim participation in the criminal justice process, the Bill will amend the Victims' Charter Act to strengthen the existing requirement on the DPP to consult with victims before a sentence indication hearing and seek their views. The Bill will make clear that the DPP is required to consult with a victim on their position as to whether to consent to an application for a sentence indication and provide a victim with information about the reasons for this position.

The effectiveness of the reforms will be reviewed in two years to ensure it brings promised benefits, victims impact is adequately taken into account at a sentence indication hearing, and that any operational issues are addressed. The review will specifically consider the impact on victims of the amendments to the Victims Charter Act and the availability of information of victim impact at the time of the sentence indication hearing.

This is in recognition of the importance of striking the right balance between the reduction of court backlog and victim participation and involvement in the criminal justice process.

Enabling online applications for PSIO

This Government has made a commitment to improve the justice system's response for victims of stalking, harassment and similar conduct, with victim safety and wellbeing the paramount consideration.

We made this commitment with the reference to the VLRC on the legal response to stalking, harassment and similar conduct, and I bring amendments today that will bring immediate benefits to victims seeking safety under the Personal Safety Intervention Order system.

Currently, a victim who initiates their own application for a PSIO must make their application by oath or by affidavit, which must be witnessed.

In view of the potential barriers, risks and trauma to an applicant associated with visiting a court in person to complete an application, the Bill provides that an application for a PSIO may be made online by a declaration of truth. The integrity of the online application will be maintained, as it will be an offence to knowingly make a false statement in an application made by a declaration of truth.

These amendments will enable the Court to develop a complete online application process that will increase its accessibility for victims, particularly those in rural, regional and remote areas of Victoria.

The Bill will also ensure that the validity of any current applications for a PSIO, which have been emailed to the court due to COVID-19 restrictions, is put beyond doubt.

The current Act does not specifically allow a person to submit an application to the court by email or electronic communication. While the new reforms will address this loophole, the Bill will provide that applications made by electronic communication since March 2020 are taken to be, and to always have been, a valid application as if they were filed at the proper venue of the court.

Enabling victims of family violence to give evidence outside of the courtroom

While court proceedings can be a means of providing victim survivors of family violence protection, and holding offenders accountable, we must acknowledge that the experience of giving evidence in a court room can be distressing to some victim survivors.

The Victorian government recognises the importance of providing victim survivors choice in how they participate in court proceedings, while also ensuring that victim survivors are not subjected to further trauma by having to give evidence in a court room with the perpetrator present.

The Bill will amend the Family Violence Protection Act 2008 and the Criminal Procedure Act to require that the court must permit family violence victim survivors to give evidence from a place other than the courtroom by means of remote technology that enables communication with the courtroom, unless the victim survivor wishes to given evidence in the courtroom. This is subject to the availability of these resources noting that courts are working to improve access to remote evidence capability.

Conclusion

The reforms to disclosure laws in this Bill strengthen and clarify disclosure obligations in criminal proceedings to facilitate earlier and improved disclosure. These amendments represent another important step forward to building increased confidence in our justice system and preventing a recurrence of the events that led to the Royal Commission into the Management of Police Informants.

The Bill recognises the demands of the Chief Magistrate's role and will ensure the position continues to attract candidates of the highest calibre.

The Bill includes necessary amendments to the Children, Youth and Families Act to enable the Children's Court to utilise its own rules when exercising family law powers. These amendments will acquit Recommendation 133 of the RCFV, which provides that the Victorian Government amend the Children, Youth and Families Act to clarify that the Children's Court of Victoria has the same jurisdiction to make parenting orders under the Family Law Act as the Magistrates' Court of Victoria.

The Bill will help alleviate significant pressures on the criminal justice system due to COVID-19 by broadening sentence indications and facilitating the early resolution of appropriate matters.

The Bill will enable all applicants to make PSIO applications online to maximise the safety of victims of assault, sexual assault, harassment, property damage or interference with property, stalking and serious threats.

This Bill acquits recommendation 71 of the Royal Commission into Family Violence and will help improve the court experience by minimising trauma resulting from face-to-face interactions with the respondent and/or the respondent's supporters at court.

Section 85(5) of the Constitution Act 1975

Ms HUTCHINS: I make the following statement under section 85(5) of the Constitution Act 1975 of the reasons why it is the intention of clauses 41, 56, 57, 58, 59, 72, 73, 74 and 75 to alter or vary section 85 of the Constitution Act 1975.

Clause 57 of the bill inserts the new subsection (3) in section 430R of the Children, Youth and Families Act 2005, clause 72 of the bill inserts new subsection (3) in section 283 of the Criminal Procedure Act 2009 and clause 73 inserts the new subsection (3) in section 290A of the Criminal Procedure Act 2009, to provide there will be no further right of appeal on an error of law against the sentence imposed by the Court of Appeal on appeal from a decision of the Chief Magistrate with the Supreme Court dual commission. This restriction will limit the jurisdiction of the Supreme Court and engage section 85 of the Constitution Act 1975.

Section 430R of the Children, Youth and Families Act 2005, and sections 283 and 290A of the Criminal Procedure Act 2009 currently provide for limited further appeals rights, including where a person is sentenced to detention or imprisonment by the Trial Division of the Supreme Court on appeal from a decision of the Magistrates Court, where detention or imprisonment are not imposed in the original hearing. In relation to criminal summary proceedings, the reforms in this bill provide for appeals from the decision of the Magistrates Court with Supreme Court dual commission to be made to the Court of Appeal de novo. Currently, criminal summary appeals are heard de novo and the bill maintains that right. If the limited further appeal right continues to be available, it will require the Court of Appeal to review its own decision for an error. This would be an unusual appellate process. In addition, the Children, Youth and Families Act 2005 and the Criminal Procedure Act 2009 require the appellate court to warn the appellant that they face the possibility of a more severe sentence than what was imposed in the original summary hearing, which helps to safeguard against the need for further appeal rights as on receiving that warning, the appellant would usually abandon their appeal.

Clause 58 of the bill inserts new subsection (2) in section 430VA of the Children, Youth and Families Act 2005, clause 59 of the bill inserts new subsection (1A) into section 430W of the Children, Youth and Families Act 2005, clause 74 of the bill amends section 302A of the Criminal Procedure Act 2009 and clause 75 of the bill inserts new subsection (1A) into section 308 of the Criminal Procedure Act 2009, to provide that questions of law arising on the hearing of an appeal from a decision of the Chief Magistrate with a Supreme Court dual commission would no longer be reserved for determination by the Court of Appeal, and any point of law arising from the appeal from the decision of the Chief Magistrate with Supreme Court dual commission will no longer be referred to in the Court of Appeal. This restriction will limit the jurisdiction of the Supreme Court and engage section 85 of the Constitution Act 1975.

Section 430W of the Children, Youth and Families Act 2005 and section 308 of the Criminal Procedure Act 2009 currently allow the DPP to refer a point of law that has arisen on appeal to the Trial Division of the Supreme Court, from a decision of the Magistrates Court or Children's Court constituted by the Chief Magistrate, to the Court of Appeal. The DPP's referral of a question of law under these provisions does not affect the appellant's case outcome. Section 430VA of the Children, Youth and Families Act 2005 and section 302A of the Criminal Procedure Act 2009 currently provide for questions of law arising on the hearing of an appeal to the Trial Division of the Supreme Court, from a decision of the Magistrates Court or Children's Court constituted by the Chief Magistrate, to be reserved by the Trial Division of the Supreme Court for determination by the Court of Appeal.

The reforms in this bill provide for appeals under part 6.1 of the Criminal Procedure Act 2009 and division 1, 2 and 2A of the Children, Youth and Families Act 2005 from the Magistrates Court or Children's Court to be heard by the Court of Appeal, if the decision being appealed was from the Chief Magistrate who is a Supreme Court dual commission holder, instead of the Trial Division of the Supreme Court. Accordingly, if the DPP continues to be able to refer a point of law, or if questions of law continue to be able to be reserved for determination by the Court of Appeal, it would require the Court of Appeal to review its own decision, or consider a question of law in a proceeding it is already hearing on appeal. This would be an unusual appellate process.

Clause 56 of the bill amends section 430Q of the Children, Youth and Families Act 2005 which provides that if a person appeals under Division 5 of Part 5.4 to the Supreme Court on a question of law, that person abandons finally and conclusively any right to appeal to the County Court or the Supreme Court in relation to that proceeding. Reference to the Supreme Court in section 430Q, as amended by clause 56, will include the Court of Appeal. This restriction will limit the jurisdiction of the Supreme Court and engage section 85 of the Constitution Act 1975.

There are multiple avenues for appeals for criminal summary proceedings under part 5.4 of the Children, Youth and Families Act 2005. One avenue provides a fresh hearing of all evidence, one avenue provides for appeals in relation to a failure to fulfil an undertaking, and another avenue involves an appeal on a question of law. Clause 56 of the bill provides that where a person chooses to appeal on a question of law from a final order of the criminal division of the Children's Court constituted by the Chief Magistrate with Supreme Court dual commission, they abandon any right to appeal to the Court of Appeal as provided for in other avenues of appeal in relation to that proceeding. This ensures that there is appropriate finality to proceedings and prevents the proliferation of proceedings in relation to decisions of the Children's Court.

Clause 41 of the bill relates to the rights of appeal against various decisions of the Children's Court in relation to child protection matters and provides that if a person appeals to the Supreme Court on a question of law the person is deemed to have abandoned any right under the section to appeal to the trial division of the Supreme Court or the Court of Appeal, as the case requires. The reason for limiting the jurisdiction of the Supreme Court is to prevent a proliferation of lengthy proceedings in relation to decisions of the Children's Court.

I commend the bill to the house.

Ms STALEY (Ripon) (10:50): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday, 10 November.

PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021

Statement of compatibility

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (10:53): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021.

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021.

In my opinion, the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021, as introduced to the Legislative Assembly, is compatible with the human rights protected by the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill introduces a number of amendments to the *Public Health and Wellbeing Act 2008* to establish a specific regime for the formal declaration and control of pandemics, which are currently dealt with under emergency management powers when a 'state of emergency' has been declared. The amendments draw on and refine the current powers in the Act, in light of what the government has learned responding to the COVID-19 pandemic. The new pandemic-specific Part allows for rapid pre-emptive responses of the kind that has been required during the response to COVID-19.

The new Part includes two tiers of compulsory powers, unlike the current emergency management powers which are all able to be exercised by authorised officers. Under the new Part, a broader power is given to the Minister to make 'pandemic orders' that are capable of significantly affecting large parts of the community, and a narrower power is given to authorised officers to take action and give directions 'on the ground' using various 'pandemic management powers' in a way that affects individuals and, in certain limited circumstances, smaller groups.

The bill provides a legal framework that strengthens Victoria's ability to respond quickly and decisively to emerging and existing pandemics and to diseases that have the potential to cause a pandemic, while at the same time safeguarding the rights of individuals who may be affected by these measures.

The right of everyone to enjoy the highest attainable standard of health is recognised by international human rights law, including article 12 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR). Article 12 requires parties to the ICESCR to take steps to achieve the full realisation of this right, including measures necessary for the treatment and control of epidemic diseases. Health is a fundamental human right that is essential for the enjoyment of many of the individual rights protected by the Charter, and in particular the right to life.

International human rights law recognises that a state may have to limit certain rights of individuals in order to address serious threats to the health of the population or individual members of the population. Such measures must be specifically aimed at preventing disease or injury and must not be arbitrary or unreasonable. In addition, the law must provide adequate safeguards and effective remedies against the illegal or abusive imposition or application of limitations on human rights. The bill clearly defines the circumstances in which coercive measures may be taken against individuals who may pose a serious risk to public health.

The objective of the new Part is to protect public health and wellbeing in Victoria by preventing and managing the serious risk to life, public health and wellbeing presented by the outbreak or spread of pandemics and diseases of pandemic potential; supporting proactive and responsive decision-making; ensuring that decisions made and actions taken under the new Part are informed by public health advice, including but not limited to the advice of the Chief Health Officer; promoting transparency and accountability in relation to decisions made and actions taken under the new Part; and safeguarding contact tracing information. The objective provision also confirms Parliament's intention that limits on human rights should conform to the proportionality and reasonableness requirements imposed by section 7(2) of the Charter. This will ensure that decisions made under the new Part will be compatible with the Charter.

The bill provides a mechanism for the merits of detention decisions to be internally reviewed and does not limit the ability of the Supreme Court to review the lawfulness of detention by way of its *habeas corpus* jurisdiction.

The rapid gathering, synthesis and sharing of information has been a major part of the response to the COVID-19 pandemic. The bill will establish information sharing arrangements to facilitate essential public health measures such as contact tracing. It also protects information that is gathered, including for contact tracing purposes. It will require people to provide contact tracing information and answer other questions under the new Part even where this may incriminate them, although this information cannot then be used against them in the criminal process.

The bill will allow requests for assistance to be made by authorised officers, including to police officers. Those requested to provide assistance in an official capacity will be able to exercise the powers they have under other Victorian laws and police officers can exercise some additional powers when they are assisting.

The bill also:

- introduces a number of consequential amendments to other legislation that reflect the above changes, including amendments having the effect that the pandemic powers are treated in the same manner as the equivalent emergency powers;
- makes amendments to the scheme for the charging of quarantine detention fees, which allow COVID-19 Quarantine Victoria (CQV) to obtain contact details in order to invoice fees, and charge an additional fee for late payment of quarantine fees; and
- introduces amendments to the *Infringements Act 2006* to amend the special circumstances provision.

Human Rights Issues

The bill engages a number of rights which are protected and promoted by the Charter.

This section examines the particular clauses which engage rights, and, to the extent that certain rights may be limited by the bill, whether such limitations are reasonable and can be demonstrably justified in a free and democratic society.

Pandemic orders and pandemic management powers

Proposed section 165AB will provide for the Premier to make a pandemic declaration if satisfied that there is a serious risk to public health arising from a pandemic disease or a disease of pandemic potential. This will not itself limit rights, but it will enliven the pandemic powers. The phrase 'serious risk to public health' is already defined in the Act as "a material risk that substantial injury or prejudice to the health of human beings has occurred or may occur having regard to the number of persons likely to be affected; the location, immediacy and seriousness of the threat to the health of persons; the nature, scale and effects of the harm, illness or injury that may develop; the availability and effectiveness of any precaution, safeguard, treatment or other measure to eliminate or reduce the risk to the health of human beings". The Premier is required to consult with and consider the advice of the Minister and the Chief Health Officer (CHO). This ensures that the decision is well-informed, and that declarations are likely to be made only where necessary on public health grounds, which is an important aspect of proportionality to be considered if rights are limited using the powers enlivened by the declaration. Proposed section 165AG requires that a statement of the reasons for the making of the declaration and a copy of the Minister and the CHO's advice must be laid before Parliament. This scrutiny is also likely to ensure that declarations are only made where there are sound reasons for doing so.

Unlike a state of emergency declaration, a pandemic declaration can extend for as long as the pandemic lasts—there is no predetermined maximum period of operation. This is consistent with the position in a number of other Australian jurisdictions. Although the existence of a legislative limit on how long a state of emergency could continue for was envisaged as being rights protective, in practice it has imposed an arbitrary time limit on the length of the state of emergency and, in the case of the COVID-19 pandemic, the relevant threat to public health has continued for well beyond that maximum. The pandemic powers will be available to protect public health for so long as, but not longer than, they are necessary. Proposed section 165AE requires that the Premier must revoke a pandemic declaration if they are satisfied that a serious risk to public health no longer exists. In order to ensure declarations are only extended when necessary, proposed section 165AG provides that any extensions are required to be reported to Parliament so that Parliament has oversight, and proposed section 165AF requires that extensions are gazetted, which makes them publicly available. These measures ensure that there is transparency, and the opportunity for public comment and debate, when the time for use of these powers is extended, so that they are not extended for longer than is needed.

Proposed section 165AI provides that the Minister may make a 'pandemic order' at any time while a pandemic declaration is in force if they believe that the making of the order is reasonably necessary to protect public health. Proposed section 165AL requires the Minister to consult with the CHO before making such an order. The Act already requires that the CHO must have medical qualifications, which ensures that this decision is informed by advice from a person with suitable health qualifications. Proposed section 165AP requires that before a pandemic order comes into force it must be published on a Pandemic Order Register, which is made available to the public on an Internet site maintained by the Department. The Minister must also ensure the publication of the advice given by the CHO, a statement of reasons and an explanation of the human rights that are protected by the Charter that may be limited by the order and how any limitations are demonstrably justified in accordance with section 7(2) of the Charter. This will provide transparency about why any limits on rights are needed and how they are demonstrably justified, and will ensure that these matters are thoroughly considered before a pandemic order is made. This measure relating to transparency about human rights also applies when orders are varied or extended. Proposed section 165AQ requires this same material to be tabled in Parliament, which provides a further safeguard and will allow public debate on the justification for the making of such an order.

Another critical safeguard is the ability for the Scrutiny of Acts and Regulation Committee (SARC) to review pandemic orders and make recommendations to Parliament for amendment, suspension or disallowance, including on the basis of any incompatibility with the rights set out in the Charter. If SARC recommends a pandemic order be disallowed in whole, or in part, or there is a failure to comply with the tabling requirements imposed by proposed section 165AQ, the Parliament may consider disallowance of a pandemic order. These safeguards also apply to instruments that extend, vary or revoke pandemic orders. This ensures that Parliament has oversight of pandemic orders, including for compatibility with Charter rights.

Pandemic orders may include a wide range of restrictions on individuals, including detention, restrictions on movement and gatherings, requirements to use personal protective equipment, the prohibition or regulation of activities, the requirement to provide information, the requirement to be medically examined or tested and to destroy or manage disease vectors. These same restrictions may be imposed by authorised officers (including the CHO) under proposed sections 165B and 165BA, which provide for 'pandemic management powers'. Proposed section 165AZ provides that authorised officers can exercise these powers at any time when a pandemic declaration is in force. Proposed section 165AK provides that the Minister's pandemic order can apply to all persons, specified classes of persons or specified persons. In contrast, proposed section 165BA provides that an authorised officer must not generally give a direction using the pandemic

management powers that applies to more than one person, except where reasonably necessary to implement or give effect to a pandemic order or where the people are participating or present at a specified event or activity at a specified location or, in the case of directions to restrict or require movement or limit entry, where the people are located in the immediate vicinity of the authorised officer or are present at a particular premises.

Both the Minister's powers in proposed section 165AI and authorised officers' powers in proposed sections 165B and 165BA will impact rights in similar ways. However, the Minister's powers have much broader application, including to groups of people, whereas the powers under proposed sections 165B and 165BA are intended to apply 'on the ground' in the particular circumstances confronting individual authorised officers and generally only with respect to individuals. The restrictions allowed for are similar to those that have been imposed under the current emergency powers in section 200(1) of the Act.

The use of these powers is likely to engage the following rights: equality (section 8); protection from medical treatment without full, free and informed consent (section 10); freedom from forced work (section 11); freedom of movement (section 12); rights to privacy, family and home (section 13); freedom of thought, conscience, religion and belief (section 14); freedom of expression (section 15); peaceful assembly and freedom of association (section 16); protection of families and children (section 17); cultural rights (section 19); property rights (section 20); right to liberty and security of person (section 21); right to humane treatment when deprived of liberty (section 22). The nature and scope of each of these rights is considered below, along with a typical example of how the use of the powers could engage the right. After consideration of each right, I explain why I consider that any potential limits on these rights under the Minister's powers and the powers of authorised officers are reasonable under section 7(2) of the Charter.

Right to equality

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

The use of the powers may potentially amount to either direct or indirect discrimination under the EO Act because of the differential effect that their use may have on certain groups of people. Indirect discrimination occurs where there is a requirement, condition or practice imposed that is the same for everyone but disadvantages a person, or is likely to disadvantage a person, because they have one or more of the protected attributes, and the requirement, condition or practice is not reasonable. Direct discrimination occurs where a person treats a person with an attribute unfavourably because of that attribute.

Proposed section 165AK provides that pandemic orders made by the Minister can apply to specified classes of person, and the class can be identified by a characteristic attributable to them, or by other circumstances relevant to the protection of public health. Some of the characteristics may be attributes protected under the EO Act, such as age and pre-existing medical conditions. It is also possible that vaccination status could be found to be relevantly linked to another protected attribute, so that distinguishing on that basis may discriminate on the basis of an attribute. When using similar powers under the current emergency provisions, exceptions are being made to vaccination requirements, for example where people have medical contraindications that prevent vaccination. Proposed subsection (4) of this section specifies that a pandemic order may differentiate between people on the basis of attributes protected under the EO Act and that a pandemic order is an enactment for the purposes of section 75(1)(b) of the EO Act. To the extent that the differentiation made in an order would otherwise constitute unlawful discrimination under the EO Act, this provision will limit the right to equality in the Charter. In terms of the nature and extent of any limitation, it is important to note the intention in proposed section 165A(2) that pandemic orders should be demonstrably justified in accordance with section 7(2) of the Charter.

Protection from medical treatment without consent

Section 10(c) of the Charter provides that a person must not be subjected to medical treatment without consent. In its general comment on article 12 of the ICESCR, the United Nations Economic and Social Council stated that the right to health embraces the right to control one's health and body, and includes the right to be free from non-consensual medical treatment. It also observed that article 12 of the ICESCR imposes an obligation on state parties to respect the right to health by refraining from applying coercive medical treatment.

The right not to be subjected to unwanted medical treatment is not, however, an absolute right at international human rights law. It is an accepted principle of international human rights law that it may be legitimate to require a person to undergo medical treatment in exceptional circumstances, including where it is necessary for the prevention and control of infectious diseases.

The Charter itself does not define 'medical treatment', however in *De Bruyn v Victorian Institute of Forensic Mental Health* (2016) 48 VR 647, 707 [159] the Court endorsed using the definition provided under the *Medical Treatment Act 1988*, which provides that medical treatment is the carrying out of an operation; the administering of a drug or other like substance; or any other medical procedure. It is unclear whether compulsory medical testing comes within the definition of 'medical treatment'. The dictionary meaning of 'medical treatment' is 'medical care for an illness or injury', which arguably covers any medical tests required as part of that care. In New Zealand, the taking of a swab to obtain a bodily sample for forensic purposes has been held not to be medical treatment (*Taylor v Attorney-General* [2011] NZHC 824, [32] and [36]); however, the taking of a blood sample for the purposes of determining paternity was considered medical treatment (*Cairns v James* [1992] NZFLR 353, 356 (High Court of New Zealand)).

The powers introduced in this bill could be used to require people to undergo medical testing for an infectious disease, if powers in addition to the existing examination and testing order powers in section 113 are required. The Act already clearly envisages that there will be circumstances in which it will be reasonably necessary to require a person to undergo medical testing in order to ascertain whether they have an infectious disease (see section 113). Where reasonably necessary to protect public health, additional testing powers may be required in a pandemic.

Proposed section 165AI(4) makes it clear that a pandemic order could be made to extend detention for persons refusing to comply with a requirement to undergo a medical test or examination. Where a person agrees to medical tests or examinations in order to avoid further detention, it is unlikely that this consent would be found to be freely given, so the right is also likely to be limited in these circumstances.

Freedom from forced work

Section 11(2) of the Charter recognises that people must not be made to perform forced or compulsory labour. Section 11(3) of the Charter clarifies that 'forced or compulsory labour' does not include work or service that forms part of normal civil obligations. It is possible that orders made by the Minister, or directions given by authorised officers, may require individuals or businesses to undertake activities that could be considered work or service, such as the cleaning requirements that have been imposed on exposure sites during the current pandemic.

The United Nations Human Rights Committee (HRC) has considered the meaning of 'normal civil obligations' in the context of article 8 of the *International Covenant on Civil and Political Rights* (ICCPR). The HRC has expressed the view that to qualify as a normal civil obligation, the labour in question must, at a minimum, not be an exceptional measure; must not possess a punitive purpose or effect; and must be provided for by law in order to serve a legitimate purpose under the ICCPR (see *Faure v Australia*, Communication No. 1036/2001, UN Doc, CCPR/C/85/D/1036/2001 (31 October 2005)). I consider that work or service requirements imposed under pandemic orders or directions given by authorised officers, such as the cleaning requirements that have been imposed on exposure sites during the current pandemic, would likely form part of a person's normal civil obligations during a pandemic.

Freedom of movement

The right to freedom of movement is contained in section 12 and applies generally to a person's movement within Victoria. It applies to persons lawfully within Victoria and is made up of the following components: the right to move freely within Victoria; the right to enter and leave Victoria; and the right to choose where to live. The right has been described as providing protection from unnecessary restrictions upon a person's freedom of movement. It extends, generally, to movement without impediment throughout the State and a right of access to places and services used by members of the public, subject to compliance with regulations legitimately made in the public interest (*Gerhardy v Brown* (1985) 159 CLR 70, 102). The right is directed at restrictions that fall short of physical detention coming within the right to liberty under section 21 (*Kracke v Mental Health Review Board* (2009) 29 VAR 1, 124 [588]).

Relevantly, the right to freedom of movement will be engaged where a person is: required to move to, or from, a particular place or is prevented from doing the same; subjected to strict surveillance or reporting obligations relating to moving; or directed or ordered where to live. Many of the ways that these powers are likely to be used will limit people's freedom to move about, both indoors and outdoors.

Rights to privacy, family and home

Section 13(a) of the Charter recognises a person's right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The explanatory memorandum to the Charter explained that "the right to privacy is to be interpreted consistently with the existing information and health records framework to the extent that it protects against arbitrary interferences". The right to privacy recognised by section 13 of the Charter goes beyond the right to information privacy and embraces bodily

privacy and territorial privacy. Provisions that enable people to be required to undergo a medical examination, test or treatment without consent will therefore engage section 13, as well as section 10(1)(c), of the Charter.

The requirement that any interference with a person's privacy must not be 'unlawful' imports a requirement that the scope of any legislative provision that allows an interference with privacy must specify the circumstances in which an interference may be permitted. The requirement that an interference with privacy must not be arbitrary requires that any limitation on a person's privacy must be reasonable in the circumstances and should be in accordance with the provisions, aims and objectives of the Charter.

'Privacy' is a right of considerable breadth. The fundamental values which the right to privacy expresses are the physical and psychological integrity, individual and social identity, and autonomy and inherent dignity, of the person. It protects the individual's interest in the freedom of their personal and social sphere. Relevantly, this encompasses their right to establish and develop meaningful social relations (*Kracke v Mental Health Review Board* (2009) 29 VAR 1, 131 [619]–[620]). The right to privacy may also incorporate a right to work of some kind and in some circumstances (*ZZ v Secretary, Department of Justice* [2013] VSC 267, [72]–[95]).

The 'family' aspect of section 13(a) is related to section 17(1) of the Charter, which states that families are entitled to protection by society and the State. However, whilst the two rights overlap, they are not coextensive. Section 13(a) is a negative obligation that only prohibits unlawful or arbitrary interferences with family; whereas section 17(1) is a positive obligation on society and the State.

The 'home' aspect of section 13(a) refers to a person's place of residence, regardless of whether they have a legal interest in that residence (*Director of Housing v Sudi* (2010) 33 VAR 139, 146 [32]). What constitutes an interference with this aspect of the right to privacy has been approached in a practical manner and may cover actions that prevent a person from continuing to live in their home (*Director of Housing v Sudi* (2010) 33 VAR 139), as well interferences with the home itself (*PJB v Melbourne Health* (Patrick's Case) (2011) 39 VR 373).

All three aspects of this right may potentially be limited by the use of these powers, which could affect personal autonomy and private relationships, require the disclosure of private information, affect the ability of families to gather, and the ability of people to reside in their own homes if they are quarantined at another location.

Freedom of religion

Section 14 of the Charter provides that every person has the right to freedom of thought, conscience, religion and belief, including the freedom to demonstrate one's religion or belief individually or as part of a community, whether in public or private, through worship, observance, practice and teaching. A person must not be restrained or coerced in a way that limits their freedom to have a belief. The freedom to hold a belief is absolute, however the other aspects of the right are not (*Christian Youth Camps Ltd v Cobaw Community Health Services* (2014) 50 VR 256, 394–5 [537]).

These new powers could be used to limit the size of gatherings and the use of places of worship, which would place limits on the freedom to demonstrate one's religion or belief as part of a community. They may also be used to impose vaccination requirements in order to enjoy certain activities in groups, including religious worship.

Freedom of expression

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

The right can be limited by requiring people to provide information (compelled expression), such as disclosing a medical diagnosis or by preventing large gatherings in which expression occurs (such as political protests or artistic events).

Freedom of peaceful assembly and association

Section 16(1) of the Charter provides that every person has the right to peaceful assembly. This provision reflects the right of persons to congregate as a means of participating in public affairs and to pursue common interests or further common purposes. Similarly, section 16(2) of the Charter relevantly provides that every person has the right to freedom of association with others. This right is concerned with allowing people to pursue common interests in formal groups, such as political parties, professional or sporting clubs, non-governmental organisations, trade unions and corporations.

The right to freedom of assembly is not an absolute right at international law. Article 21 of the ICCPR (which provided the model for section 16(1) of the Charter) is subject to a number of permissible limitations, including those which are necessary in a democratic society in the interests of public health.

This right will be limited by prohibitions on gatherings or directions that place limits on who a person can have contact with. The existing emergency powers in the Act have been used to prohibit gatherings of various sizes during the course of the COVID-19 pandemic, which has meant that large gatherings for political protest were unlawful at various times, where necessary to prevent a serious risk to public health.

A limitation on gatherings would not prevent the pursuit of common interests, including political protest, in a manner that does not involve gathering in groups in a way that creates a public health risk. People would still be able to pursue those interests through online forums and could gather in groups again to do so after the relevant threat has passed. In *Appleby v United Kingdom* (2003) 37 Eur Court HR 38, in which a group of protestors was prohibited from campaigning at a local shopping centre about proposed local development plans, the European Court of Human Rights held that there was no violation of the right to peaceful assembly, because the protestors had other means available to them to ensure the effective exercise of their rights, such as media exposure and door knocking. The Supreme Court of Victoria has considered whether the emergency powers in section 200(1) of the Act impermissibly burden the implied freedom of political communication provided for in the Australian Constitution, given that they have been used to prevent people from gathering in large groups, which prevents traditional forms of protest. Niall JA held that the preconditions to the exercise of those powers, in particular that a state of emergency had been declared on the basis of a serious risk to public health, ensured that it did not (*Cotterill v Romanes* [2021] VSC 498, [253]). I consider that the same result is likely to apply under the Charter and where a pandemic declaration has been made on the basis of a serious risk to public health.

Protection of families and children

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

The Charter does not define the term 'family'; however, extrinsic materials and judicial consideration confirm that it is to be given a broad interpretation. It at least includes ties between near relatives, with other indicia of familial relationships including cohabitation, economic ties, and a regular and intense relationship. Cultural traditions may be relevant when considering whether a group of persons constitutes a 'family'. In this respect, the cultural right in section 19(2)(c) of the Charter, which states that Aboriginal people must not be denied the right to maintain their kinship ties, is also relevant.

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child. It recognises the special vulnerability of children, defined in the Charter as persons under 18 years of age. 'Best interests' is a complex concept which must be determined on a case-by-case basis. However, the following elements may be taken into account when assessing the child's best interests: the child's views; the child's identity; preservation of the family environment and maintaining relationships; care, protection and safety of the child; the child's situation of vulnerability; the child's right to health; and the child's right to education (Committee on the Rights of the Children, *General Comment No 14 (2013) on the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration* (art 3, para 1), 62nd sess, UN Doc CRC/C/GC/14 (29 May 2013) [52]–[79]).

These rights could be limited where families are prevented from having contact with each other or where children are detained under quarantine restrictions or prevented from attending school when self-isolating because of their own diagnosis or close contact with a diagnosed case. Whilst some aspects of these rights may be limited, other aspects of these rights may be simultaneously promoted, for example by protecting other children from harm.

Cultural rights

Section 19 of the Charter protects the right of all persons with a particular cultural, religious, racial or linguistic background to enjoy their culture, to declare and practise their religion and to use their language, in community with other persons of that background. In particular, section 19(2)(c) of the Charter provides that Aboriginal people must not be denied the right to maintain their kinship ties. The use of the powers to put limits on the size of gatherings may limit the right to enjoy one's culture in community with others, including for important cultural events such as funerals and weddings.

Right to property

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. There are three elements to this right, and to demonstrate that it has been limited all three must be made out: the interest interfered with must be 'property', which includes all real and personal property interests recognised under the general law; the interference must amount to a 'deprivation' of property, that is, any 'de facto expropriation' by means of a substantial restriction in fact on a person's use or enjoyment of their property (*PJB v Melbourne Health (Patrick's Case)* (2011) 39 VR 373, 396 [89]); and the deprivation must not be 'in accordance with law' (which requires that the law be adequately accessible and formulated with sufficient precision to enable the person to regulate their conduct).

It is possible that orders or directions that prevent certain types of business from operating could restrict the use or enjoyment of property that is used to conduct those businesses. A provision that confers a discretionary power to deprive a person of their property will be consistent with the Charter if the limits of the power are defined and the criteria that govern the exercise of the discretion are specified. I consider that orders and directions are sufficiently well defined to satisfy this requirement so that any interference with property would not limit the rights in section 20.

Right to liberty

Section 21 of the Charter protects the right to liberty. The liberty rights in section 21 reflect aspects of the common law right to personal liberty, which has been described as "the most elementary and important of all common law rights" (*Trobridge v Hardy* (1955) 94 CLR 147, 152). In particular, section 21(2) prohibits a person from being subjected to arbitrary detention, whilst section 21(3) prohibits a person from being deprived of their liberty except on grounds, and in accordance with procedures, established by law. Together, the effect of sections 21(2) and (3) is that the right to liberty may legitimately be constrained only in circumstances where the deprivation of liberty by detention is both lawful, in that it is specifically authorised by law, and not arbitrary, in that it is reasonable or proportionate in all the circumstances.

The scope of the right in section 21 extends beyond detention as part of the criminal justice system to protective or preventative forms of detention, including to prevent the spread of infectious diseases. Whether a particular restriction amounts to a 'deprivation of liberty' for the purpose of the right in section 21 is a question of degree or intensity (*Kracke v Mental Health Review Board* (2009) 29 VAR 1, 140 [664]). Detention or deprivation of liberty does not necessarily require physical restraint; however, the right to liberty is concerned with the physical detention of the individual, and not mere restrictions on freedom of movement (*DPP v Kaba* (2014) 44 VR 526, 558 [110]).

The use of detention notices to require persons who have been exposed to an infectious disease to be detained for a short period of time while testing is carried out; the use of detention notices to require those returning from overseas to quarantine in a designated facility for 14 days; and the requirement for those diagnosed with an infectious disease to remain under self-isolation at home until cleared, may each amount to a deprivation of the right to liberty for the limited period that those restraints apply. Whether these examples involve a deprivation of liberty or merely limit freedom of movement will depend on the precise conditions imposed in each case. The bill will provide that a person is not to be taken to be detained under the new Part merely because a pandemic order or a direction given in the exercise of a pandemic management power requires a person to isolate or quarantine. The question of whether this involves a deprivation of liberty or merely involves limits on freedom of movement will depend on the precise limits imposed in each case, including the circumstances in which a person is allowed to leave the place where they are residing and whether they are wholly or only partially restricted from leaving that place. In *Loielo v Giles* (2020) 63 VR 1, 58–60 [217]–[221] the Supreme Court of Victoria found that the restrictions on leaving home imposed during 'lockdown'—including a curfew—did not involve a deprivation of Ms Loielo's liberty under section 21, but rather involved limits on her freedom of movement.

Proposed sections 165AI(3) and 165BA(1)(b) require that detention must not exceed the period that the Minister or the authorised officer believes is reasonably necessary to eliminate or reduce a serious risk to public health. Proposed section 165BF requires that before people are detained (or if that is not practicable, as soon as is reasonably practicable afterwards) they are given a notice that explains why it is necessary to detain them, sets out any available exemptions and their rights and entitlements to complain or seek a review, and alerts them to the fact that a failure to comply with the detention notice without reasonable excuse is an offence. Proposed section 165BG requires authorised officers to facilitate reasonable requests for communication by detained persons (so people are not held *incommunicado*) and undertake a daily review of whether a person's continued detention is reasonably necessary to eliminate or reduce a serious risk to public health. Authorised officers are also required to report on the use of these powers (and any failures to undertake a daily review) to the CHO under proposed section 165BH. That section also requires the CHO to advise the Minister in writing of detentions under these powers and provide a brief explanation of why the person is detained. Proposed section 165BI will establish a merits review scheme whereby detention is speedily

reviewed by Detention Review Officers and potentially by the CHO under proposed section 165BK. A person can seek review of the following aspects of their detention: the reasons for, the period of, the place in which and the conditions under which, that person is detained. Review can also be sought in relation to "any other matter relating to the detention". Detention Review Officers are required by proposed section 165BJ to use their best endeavours to decide the application and advise of the outcome within 24 hours (or longer if the application is received after 5.00 pm). Although a Detention Review Officer cannot overturn the original decision on their own initiative, they can refer the matter to the CHO with non-binding recommendations. The CHO can decide to cease, vary or not vary the detention and must provide written reasons for this decision to the detained person. These safeguards are designed to ensure that detention is not arbitrary and does not become arbitrary as a result of a person being detained longer than necessary.

Humane treatment when deprived of liberty

Section 22 of the Charter requires that all persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person. The right to humane treatment while deprived of liberty recognises the vulnerability of all persons deprived of their liberty and acknowledges that people who are detained should not be subject to hardship or restraint other than the hardship or restraint that is made necessary by the deprivation of liberty itself (*Certain Children v Minister for Families* (2016) 51 VR 473, 504 [172]–[173]). Section 22(1) mandates "good conduct" towards people who are detained (*Castles v Secretary to the Department of Justice* (2010) 28 VR 141, 167 [99]).

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

The bill introduces a new power in proposed section 165BM for the Minister to make and publish guidelines and standards in relation to the welfare of persons detained under the new Part. Regard must be had to these when performing functions and exercising powers under the Act, and functions must be exercised in compliance with them to the extent that they are not inconsistent with a pandemic order made by the Minister. This ensures that pandemic orders, which are likely to be tailored to the situation, prevail over pre-existing general guidelines and standards. This provision will promote respect for the right to humane treatment when deprived of liberty, as well the safeguards discussed above in the context of the right to liberty.

Reasonableness of limits on rights

Although a number of Charter rights are engaged or limited by the clauses discussed above, it is my view that in each case the limits are reasonable and demonstrably justified under section 7(2) of the Charter. That is because these powers are essential components of a scheme to effectively manage pandemics in Victoria, which aims to save lives and prevent grave illness.

Powers of a similar kind already exist in the Act, and I do not consider that Charter rights will be limited to a greater extent than is already allowed for under the existing provisions. This new Part tailors the powers to what is necessary to manage a pandemic and provides greater detail about how they can be used. This promotes the requirement in section 7(2) of the Charter that any limits on rights must be "under law" and that it should be foreseeable how the law will and can limit rights.

To the extent that only the Minister will be able to exercise the pandemic powers in respect of large groups (such as the entire State) the new Part will provide greater safeguards than the existing emergency provisions which allow all powers to be exercised by authorised officers. Having such significant decisions exercised at the senior level, and by the Minister after taking advice from the CHO who must be a medically qualified person, will ensure thorough public health consideration when pandemic orders are made.

The new powers have been designed to ensure that any limitations on Charter rights are no more restrictive than is reasonably necessary to address the specific pandemic response needed at the time. Existing safeguards that apply to the equivalent powers already in the Act have been carried over and additional safeguards have also been built into the use of the powers. This will ensure that any limits on rights are minimised when the powers are used. The legislative intent for the powers to be exercised compatibly with the Charter is also made expressly clear in proposed section 165A, which states Parliament's intention that in the administration of the new Part any limits on Charter rights should be demonstrably justified under section 7(2) of the Charter. This will guide decision makers when exercising the powers.

Additional, overarching, safeguards have also been introduced, such as the establishment of the Independent Pandemic Management Advisory Committee, which will provide advice to the Minister about the exercise of powers under this new Part. The Committee, taken as a whole, will have a range of skills, knowledge and experience encompassing public health, infectious diseases, primary care, emergency care, critical care, law, human rights, the interests and needs of traditional owners and Aboriginal Victorians, and the interests and needs of vulnerable communities. Proposed section 165CF provides that the Committee can make non-

binding recommendations to the Minister and report to the Minister, and proposed section 165CG requires that these reports are tabled in Parliament. This will allow for transparency and public debate with respect to the performance of functions and the exercise of powers under this new Part.

Requirement to provide information

Proposed section 212A requires a person to provide information that has been required under or for the purposes of Part 8A, notwithstanding that the information might incriminate the person or may make the person liable to a penalty. This power is needed so that contact tracing and other vital time-sensitive information can be obtained to assist in investigation and enforcement activities that contribute to the public health response to a pandemic. The section provides a direct use immunity to that person, which prevents that information from being used in any process that may make the person liable to a criminal penalty, other than for the provision of false or misleading information.

Section 25(2)(k) of the Charter recognises that people charged with criminal offences are entitled not to be compelled to testify against themselves or to confess guilt. The right against self-incrimination is an important aspect of the right to a fair trial in section 24(1) of the Charter. However, the right is limited to testimony being used against a person in criminal proceedings and does not preclude requirements that information be provided nor that such information may be used in other contexts. Provision for a direct use immunity will prevent the evidence itself being used against a person in criminal proceedings, although in the absence of an indirect use immunity the right may still be limited because it allows the use of derivative evidence which may not have been obtained but for the answers given by the person under compulsion.

The direct use immunity in proposed section 212A provides significant protection to the right not to be compelled to testify against yourself in section 25(2)(k) of the Charter, however the section does not prevent the derivative use of that information against a person, such as where that evidence is used as the basis for further investigation, which may uncover evidence about further offences. The derivative use of compelled testimony has been held to limit the rights in sections 24(1) and 25(2)(k) of the Charter (*Re Application Under Major Crimes (Investigative Powers) Act 2004* (2009) 24 VR 415).

Nevertheless, for the reasons that follow I consider that the ability to use evidence that is indirectly derived from compulsory questioning under Part 8A of the Act is a reasonable and justified limit on the privilege against self-incrimination and is also compatible with the right to a fair hearing.

The central aspect of the privilege against self-incrimination is protected by the direct use immunity provided in proposed section 212A and is therefore not disturbed by the bill. Further, in the *Major Crimes* case the Supreme Court recognised that the derivative use of answers given in an examination could be abrogated by statute (at [43]) and that some limitation on this right could be justified under the Charter (at [144]).

Providing a derivative use immunity would undermine the ability to prosecute persons responsible for offences that have serious life-threatening public health implications, where they have initially come to attention through the contact tracing process, for example where it is identified through the contact tracing process that a person caught an infectious disease from another person as a result of them breaching a pandemic order. This is the primary way in which most infringements of pandemic orders and directions given by authorised officers will be uncovered and would effectively preclude any prosecution of these offences, no matter how egregious the behaviour. This would rob this vitally important regulatory scheme of the important deterrent effects that high profile prosecutions can have.

I consider that allowing derivative evidence to be used is necessary to ensure breaches of pandemic orders and directions given by authorised officers can be investigated and prosecuted. The admission of derivative evidence obtained as a consequence of answers given under Part 8A would not result in an unfair trial. The law has long recognised that the privilege against self-incrimination may be limited by statute and the admission of such evidence does not render a trial unfair and I consider the same will apply under section 24(1) of the Charter.

One of the concerns that the privilege against self-incrimination protects against is the risk of unreliable testimony obtained through improper questioning techniques, including torture. These concerns do not arise from the use of evidence derived from questioning by authorised officers under Part 8A, because a person cannot be physically compelled to answer questions under these powers.

New offence provisions

The bill creates three new summary offences in sections 165BN, 165BO and 165CC. Sections 165BN(2) and 165BO(2) both contain "reasonable excuse" provisions and section 165CD creates a permitted purpose exception.

Section 25 of the Charter protects a number of rights that apply to a person who has been charged with a criminal offence. Section 25(1) protects the right of a person charged with a criminal offence to be presumed

innocent until proved guilty according to law. It requires the prosecution to prove the guilt of an accused beyond reasonable doubt.

Provisions that merely place an evidential burden on the defendant (that is, the burden of showing that there is sufficient evidence to raise an issue) with respect to any available exception or defence are consistent with section 25(1) of the Charter (and the right to a fair hearing in section 24(1) of the Charter) because the prosecution still bears the legal burden of disproving that matter beyond reasonable doubt.

Section 72 of the *Criminal Procedure Act 2009* applies to summary hearings and provides that where an Act creates an excuse, an accused who wishes to rely upon it bears an evidential burden (and not a legal burden) in relation to that excuse. A person accused of any of these new offences would not bear the legal burden of proving that an excuse applied. Reasonable excuse provisions are generally interpreted as imposing only an evidential burden, and not a legal burden, on an accused with respect to the excuse. For that reason they are not considered to limit the right to the presumption of innocence in section 25(1) of the Charter.

Similarly, section 130 of the *Magistrates' Court Act 1989* applies to summary offences that provide exceptions, exemptions, provisos, excuses or qualifications, and only requires the defendant to point to evidence that suggests a reasonable possibility of the existence of facts that, if they existed, would establish the exception, exemption, proviso, excuse or qualification. The burden remains on the prosecution to disprove those facts beyond reasonable doubt.

Information sharing and protection

Issues have arisen during the COVID-19 pandemic with information holders being reluctant to release important information to the Department of Health in a timely manner because of concerns about breaching the *Privacy and Data Protection Act 2014* (PDPA) and/or the *Health Records Act 2001* (HRA). Proposed section 165BR of the Act will authorise the Secretary and the CHO to collect, hold, manage, use, disclose or transfer information if this is reasonably necessary for the performance of functions or the exercise of powers under Part 8A or for achieving its objectives. Proposed section 165BS will clarify that the provision of personal information or health information required to be provided under Part 8A is taken to be authorised by the PDPA and the HRA.

The sharing of health and other private information about a person engages the right to privacy in section 13(a) of the Charter, although it will not be in an unlawful or arbitrary manner, because it is appropriately regulated and will only be used when needed to address the pandemic, which is a sufficiently important objective. To the extent that proposed section 165BS will clarify the application of the existing exceptions in the PDPA and the HRA, it does not impose any additional limits on that right. Any limits on the right to privacy are necessary for public health purposes and are demonstrably justified on that basis.

The bill also introduces a safeguard for information about individuals to the extent that it forms part of a system established for contact tracing purposes. This takes the form of the offence provision in proposed section 165CC, which provides that a person commits an offence if they use or disclose contact tracing information about an individual other than for an authorised purpose, such as a public health purpose. This provision promotes the right to privacy in section 13(a) and the equality and non-discrimination rights in section 8 by preventing contact tracing information being used other than for its intended purposes.

The right to privacy is also engaged by the power given to CQV in proposed section 258A to obtain the contact details of a person liable to pay fees from a prescribed body, where reasonable attempts to obtain that information, including from that person directly, have been unsuccessful. There is a limit on the uses to which CQV can put that information, which requires that the relevant purpose be permitted by law. I consider that any limit on the right to privacy under these provisions will be lawful, and not arbitrary because of the clearly defined circumstances in which it can be obtained and used, and because those uses are likely to be proportionate to the limited invasion of privacy involved.

Certain instruments are not legislative instruments

The bill will provide that certain instruments, such as a pandemic declaration, a pandemic order and a direction made in the exercise of a pandemic management power, are not legislative instruments. Under section 12D of the *Subordinate Legislation Act 1994*, proposed legislative instruments must be accompanied by a human rights certificate certifying whether the instrument does or does not limit any Charter rights and, if it does, setting out the factors referred to in section 7(2) of the Charter justifying the limitation. Although this requirement would no longer apply to these instruments, the bill includes a requirement in proposed section 165AP(2) that pandemic orders be accompanied by an explanation of the human rights that may be limited and why such limitations are reasonable and justified for the purposes of section 7(2) of the Charter. This explanation would therefore address the same information that would be included in a human rights certificate if the pandemic order were a legislative instrument.

An explanation of human rights that may be limited is not required in the bill for the exercise of the pandemic management powers by authorised officers, which are intended to operate 'on the ground' and are less likely to be considered legislative instruments in any event. It is necessary to provide a report to Parliament upon the making of a pandemic declaration (proposed section 165AG) but there is no specific requirement that this report address the human rights issues required by a human rights certificate. However such a declaration will not itself limit Charter rights, rather it enlivens powers which themselves could potentially limit rights. When those powers are exercised by the making of specific pandemic orders by the Minister, it will be clearer how rights may be limited, and those matters will be addressed in the explanation required by proposed section 165AP(2). In addition, as set out above, there is a role for SARC to scrutinise pandemic orders, including on the basis of any incompatibly with Charter rights. Further, if SARC recommends a pandemic order be disallowed in whole, or in part, or there is a failure to comply with proposed section 165AQ, the Parliament may consider disallowance of a pandemic order in whole or in part.

I consider that under these provisions there will still be an explanation of the impact on Charter rights, and the justification for any impact, at the appropriate time—namely when pandemic orders are made by the Minister as well as scrutiny of pandemic orders by SARC and oversight by Parliament.

Assistance powers

Proposed section 165BC will provide for requests for assistance to be made, in the same way as can occur under the existing emergency powers. Section 227A will allow persons requested for assistance under this new power or under the existing assistance powers to use the powers they have under any other Victorian laws, unless the request is made in a personal capacity. Whilst it cannot be anticipated what those powers may involve, the requirement that this remains subject to any limitations that apply in relation to the exercise of the powers under the other law will ensure that existing safeguards and limitations are carried over, which will prevent the unlawful or arbitrary use of those powers.

Proposed section 227B provides for police officers to, upon request, assist authorised officers in relation to the exercise of the authorised officer's powers under the Act. Where reasonably necessary, this assistance may take the form of: compelling the provision of information, including identity; and using reasonable force. Police may also provide assistance by effecting warrantless entry into premises, but only where reasonably necessary and where an authorised officer has specifically requested this form of assistance. Given their training and functions, there are circumstances in which it will be preferable and necessary for police officers, rather than authorised officers, to exercise these powers. The exercise of these powers could limit the rights to privacy and home in section 13(a) of the Charter, the right to freedom of movement in section 12 of the Charter, and the right to liberty and security in section 21 of the Charter.

I do not consider the right to humane treatment in section 22(1) of the Charter would be limited by the use of 'reasonable force', because by definition force of this kind must be proportionate and necessary in the circumstances. Further, proposed section 227B(3) expressly prevents police from using reasonable force to require a person to undertake an examination, test, pharmacological treatment or prophylaxis. This prevents the use of force by police in circumstances that could potentially deteriorate into a breach of the right to humane treatment when deprived of liberty in section 22(1), or into a breach of the right not to be treated in a cruel, inhuman or degrading way in section 10(b) of the Charter or of the medical treatment right in section 10(c).

I consider that these assistance powers are appropriately circumscribed to ensure that rights will not be limited unreasonably, including because existing safeguards are maintained.

Waiver of infringements

The bill will amend the definition of special circumstances in the *Infringements Act 2006*, which is one of the grounds on which a fine can be reviewed. In response to community feedback that the previous test was too difficult to satisfy and to implement a recommendation by the Fines Reform Advisory Board, the amendment will make the test for the existing categories of special circumstances more flexible and create a new, narrow category for very severe, long-term conditions that make it impracticable for a person to deal with their fines.

The bill will also create a concessional penalty scheme for infringement fines issued for certain offences under the *Public Health and Wellbeing Act 2008* relating to the COVID-19 pandemic.

These amendments promote the right to equality in section 8 of the Charter by increasing the extent to which the fines system can recognise and respond to fine recipients whose circumstances mean they cannot or should not be compelled to pay their fines.

Consequential amendments

The bill will make consequential amendments to the *Children, Youth and Families Act 2005*, the *Corrections Act 1986*; *Court Security Act 1980*; *Evidence (Miscellaneous Provisions) Act 1958*; *Occupational Health and Safety Act 2004*, *Planning and Environment Act 1987*, *Public Administration Act 2004*, *Victoria Police Act 2013*. These amendments have the effect that the pandemic powers are treated the same as the equivalent

emergency powers that are currently being used to address the circumstances that these new powers will be used in. Although rights are limited by these provisions, it is in the same manner as is currently provided for in the Act, but targeted to pandemic diseases. For that reason I do not consider that these amendments will limit rights further than they are currently limited.

Most of these consequential amendments relate to temporary provisions that were introduced specifically to deal with the COVID-19 pandemic and were assessed for Charter compatibility in a previous Statement of Compatibility. The limits on rights involved were considered to be reasonable limits for the purposes of section 7(2) of the Charter. I agree with that assessment. These consequential amendments do not extend the time during which these temporary amendments will remain in place.

Martin Foley, MP
Minister for Health

Second reading

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (10:53): I move:

That this bill be now read a second time.

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

Incorporated speech as follows:

Introduction

A critical and central role of all governments is to promote and protect the public health and wellbeing of their citizens. This Bill enables the Victorian Government to fulfil that role to continue to protect Victorians from dangerous pandemic diseases. First and foremost, this Bill is about saving Victorian lives during pandemics. It is also about promoting and protecting the social, economic and mental welfare of Victorians to the greatest extent possible.

The Bill makes major reforms to the *Public Health and Wellbeing Act 2008*. It creates a targeted regulatory framework that supports transparent and accountable Government action to keep Victorians safe during pandemics—both through the ongoing management of the COVID-19 pandemic in Victoria, and in the event of future pandemics affecting our State.

It is the first legislation of its kind—laws specifically designed to assist in the reduction and management of public health risk posed by pandemics—in Australia. The new regulatory framework in this Bill is built on many lessons from the management of the COVID-19 pandemic in Victoria, Australia and around the world over almost two years.

The emergency framework under the *Public Health and Wellbeing Act 2008* has served our State well in managing the grave risks to public health and life posed by the COVID-19 pandemic. Powers enlivened by the State of Emergency have been critical in assisting Victoria to overcome the "second wave" of COVID-19 in 2020, thereby avoiding the large-scale transmission of the virus—and resulting substantial loss of life—seen in most other countries around the world.

More recently, the State of Emergency framework has supported Victoria's first actions towards implementing the National Plan to transition Australia's national COVID-19 response. With the expiration of the State of Emergency approaching, this Bill will provide a fit-for-purpose framework which will facilitate the critical management of COVID-19 and the safe transition to the next stages of the National Plan, allowing Victoria to open-up carefully and optimistically.

The need for new, pandemic-specific legislation

The *Public Health and Wellbeing Act 2008* sets limits on the permitted total duration of state of emergency declarations. It has been amended multiple times over the course of the pandemic to extend this maximum duration limit and enable continued action to manage the serious risk posed by COVID-19. The current State of Emergency cannot be extended beyond 15 December 2021. With all epidemiological evidence indicating that the threat and unpredictability of COVID-19, while declining, will remain in our community for some time, new legislation is essential.

As the pandemic persisted through 2021, Members of Parliament and many others from various sections of the community have rightly questioned the appropriateness of continuing to rely on the State of Emergency framework. The suitability of some aspects of the current regulatory scheme for managing the kinds of risk posed by pandemics, which may persist for longer than other kinds of emergency, has also been questioned.

When agreeing to the most recent extension to the State of Emergency, Parliament requested that specific legislation be developed to support the response to COVID-19 outbreaks and to any future pandemic diseases. This Bill delivers on that request. It fills the gap that will be left by the expiry of the State of Emergency scheme, ensuring that Victoria can continue to implement crucial public health measures needed to prevent illness, hospitalisation and loss of life from pandemic diseases, both now and into the future.

However, rather than simply replacing the State of Emergency powers that expire on 15 December 2021, this Bill implements the lessons Victoria has learned to significantly improve the regulatory framework available to keep Victorians safe in the event of future pandemics.

Decisions about how to respond to public health risks from pandemic diseases can, as we have seen over the course of the COVID-19 pandemic, have far-reaching consequences. Inevitably, COVID-19 will not be the last pandemic faced by Victoria. The experience of responding to COVID-19, together with insights shared by the Victorian community and its leaders, have clearly demonstrated the need for pandemic management decisions to be transparent and accountable, proactive, protective of human rights, and guided above all else by the imperative of minimising risks to public health and the right to life. The Bill supports and promotes these key principles for effective Government action in a pandemic.

Key features of the Bill

The Bill inserts a new Part 8A into the *Public Health and Wellbeing Act 2008*. Among the key features of the new Part are:

- The Premier is responsible for making a pandemic declaration, which is the trigger that enlivens the powers contained in Part 8A.
- The Minister may make Pandemic Orders setting out public health measures and restrictions to protect public health in relation to a pandemic disease or disease of pandemic potential, and the Minister is required to publish a statement of reasons for making those orders.
- Pandemic Orders may include measures the Minister believes are reasonably necessary to protect public health. The use of detention powers under the new Part will be subject to strict safeguards and review rights.
- Both the Premier and the Minister will be required to seek and consider the advice of the Chief Health Officer in making a pandemic declaration or a pandemic order, and the advice of the Chief Health Officer must be made available to Parliament and the public.
- Public health considerations will be of primary importance in making Pandemic Orders. The Minister may also take into account other matters, including social and economic considerations in making a pandemic order.
- The new Part recognises the importance of human rights protected by Victoria's Charter of Human Rights and Responsibilities. The Minister will be required to publish an explanation of any Charter rights that are or may be limited by a pandemic order.
- An Independent Pandemic Management Advisory Committee will be established to provide advice to the Minister in relation to exercise of powers under the new Part.
- Authorised Officers will have a suite of pandemic management powers under the new Part to assist in protecting public health, including powers to support the implementation of Pandemic Orders.
- Provisions to better support information-sharing to protect public health during pandemics, and strong safeguards to ensure the protection contract tracing information.
- New offences and penalties for breaches of Pandemic Orders and other requirements, including an aggravated offence to deter the most serious conduct recognising the serious risks to public health that may result from non-compliance.
- New measures to promote fairness for vulnerable and at-risk communities, including a concessional infringement scheme and a published compliance and enforcement policy that will address the impacts of enforcement on these communities.

The COVID-19 pandemic

COVID-19 is a highly infectious disease caused by the Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) virus. The virus first emerged in Wuhan in China in December 2019, and swiftly spread across China and then around the world. The World Health Organisation declared a Public Health Emergency of International Concern on 30 January 2020, and by March 2020 had declared COVID-19 to be a global pandemic.

Millions of people around the world have died as a result of COVID-19. The global community's understanding of how transmission occurs, and how it is best prevented and treated, has evolved alongside the pandemic. Some patients experience mild symptoms akin to the common cold, but for others, the impact of the virus can be life-threatening. A significant fraction of people who contract COVID-19 experience such severe respiratory systems that they ultimately require the support of ventilators in a hospital setting.

In Victoria and around the world, governments have sought to contain the pandemic and keep their communities safe by limiting opportunities for transmission to occur. Often, this has involved drawing on legislative powers that have significant impacts on the liberties of their citizens.

The first case of COVID-19 in Australia was in Victoria and was confirmed on 26 January 2020. It quickly became apparent from the swift growth in the number of COVID-19 cases in Victoria and across the country, and from incoming reports of mass, serious illness around the world, that COVID-19 posed a very serious risk both to the health of the Australian community, and to the ability of our hospitals to keep people safe in the event of an unchecked spread of the virus. To combat this risk and keep our communities safe, the Victorian Government declared a State of Emergency under the *Public Health and Wellbeing Act 2008*, thereby enlivening a suite of powers under the Act to respond to serious risks to public health posed by a pandemic. This includes the power of the Chief Health Officer to make public health directions, which have underpinned Victoria's COVID-19 response.

The impact of this global pandemic on our communities has been enormous. Tens of thousands of people have been infected by COVID-19 in Victoria, and tragically, hundreds have died. Without the robust set of public health measures implemented by the Chief Health Officer and the Victorian Government, it is almost certain that many thousands more would have perished as we have seen in a number of other countries. It must be acknowledged, however, that these measures have come at their own, different cost. The pandemic has affected all of us. The physical, mental and social health of Victorians, as well as our livelihoods and our liberties, have been affected as we continue to deal with this extraordinary event.

Victoria's COVID-19 response

I would like to acknowledge all levels of government, communities, business leaders, our educational institutions, public health leaders, human rights and legal experts, First Nations people, faith leaders and many, many more Victorians that have come together for the common cause of keeping the community safe from the COVID-19 pandemic, and have worked tirelessly to learn, plan and research how to effectively manage and respond to it.

The Victorian Government's response has included the development and operation of an efficient and effective contact tracing system to track the spread of the virus and warn potentially infected people, rapid outbreak management responses, support for critical technological infrastructure such as the QR code check-in system, and strategies to assist frontline health services to mitigate the risks of COVID-19. Public health and policy experts, led by the Chief and Deputy Chief Health Officers, have worked around the clock to understand and respond to the constantly evolving epidemiological profile of the virus.

I would like to take this opportunity to once again thank every Victorian for your resilience, for the ongoing sacrifices you have made and for the actions you have taken every day to limit the spread of this virus and to save lives. We have made extraordinary progress through our collective efforts as a community, by accepting the need for unprecedented actions to limit the spread of COVID-19 and the critical importance of attaining very high levels of vaccination rates, to slow chains of infection and to prevent further loss of life.

The development of the Bill

Almost two years into the defining health crisis of our age, the situation in Victoria and around the world is more hopeful but remains fragile. The emergence of new variants of concern, which have changed the transmission and health risk profile of COVID-19 over time, raises the serious possibility that the virus could persist indefinitely in some form. The changing nature of this deadly virus makes our challenge even harder. The Victorian Government continues to adapt its response, guided always by public health advice and our fundamental purpose and responsibility: keeping Victorians safe.

This Bill is the crucial next step in the evolution of our COVID-19 response. It will provide our State with a contemporary, fit-for-purpose regulatory scheme with the right powers and checks and balances to protect our community from the dangers posed by pandemic diseases, while recognising and upholding the human rights, accountability and proportionality imperatives that are so important to our democracy.

The right to life is the most fundamental of the rights protected by our Victorian Charter of Human Rights and Responsibilities. Our core responsibility is to protect the lives of our citizens in ways that uphold both the right to life and, to the greatest extent possible, all the other vital rights and liberties protected under the Charter.

Knowledge shared by community leaders has been crucial to the design of this Bill. The Government has engaged extensively with some of the most trusted leaders in public health, administrative law, human rights

and policy-making. Our work has been assisted by an Expert Reference Group comprising a senior public health physician from the Burnet Institute, a senior barrister with expertise in administrative law and a senior executive from the Department of Health.

The community leaders and experts who took part in this process were clear that the public health measures Victoria has relied on to date have been effective in suppressing the virus that has ravaged so much of our global community. They also highlighted some problems that have emerged in implementing these measures. They raised concerns about aspects of the current legislative framework and difficulties in communicating the purpose and impact of these measures to the public. There were calls for greater transparency, more effective public communication, and more nuanced measures that better recognise the disproportionate impact these measures can have on at-risk communities.

I would like to take this opportunity to thank every person and organisation that has taken the time to participate in this policy process and contribute to this critical work. Your contributions have greatly assisted the design of the new regulatory scheme.

The pandemic management model presented to members today also takes inspiration from legislative approaches in other jurisdictions that have effectively managed the COVID-19 pandemic, including New Zealand and are informed by the powers we have relied on successfully under the State of Emergency during the COVID-19 pandemic.

The new framework contains a series of targeted reforms and improvements to address policy and operational risks that have emerged over the course of the pandemic.

Overview of the new regulatory framework to help keep Victorians safe in pandemics

The new regulatory scheme to support our State's response to COVID-19 and to future pandemic diseases that may arise in Victoria is contained in a new Part to be inserted by the Bill into the *Public Health and Wellbeing Act 2008*.

As we have seen in Victoria and around the world over the course of the COVID-19 pandemic, the public health measures necessary to keep the community safe in a pandemic can be extremely restrictive and impact on almost all aspects of our daily lives. In our democracy, elected officials represent—and are accountable to—their community. It is therefore most appropriate that our most senior elected officials, who are accountable to Parliament and have responsibilities to all Victorians, will hold the power to declare a pandemic and introduce restrictions through Pandemic Orders.

By providing the Minister, an elected official, with the ability to make Pandemic Orders, the Bill makes clear that the Government is ultimately responsible for pandemic decisions. However, it remains crucial that pandemic decision-making is informed, first and foremost, by public health considerations. Accordingly, these elected decision-makers will be required to seek and consider the advice of the Chief Health Officer as Victoria's most senior public health advisor.

I would like to turn now to consider the provisions of the Bill.

Objectives to guide pandemic decision-making

The Bill includes specific objectives for the new pandemic Part to help guide decision-making during pandemics. The core objective of the new Part is to protect public health and wellbeing in Victoria by establishing a regulatory framework for preventing and managing the serious risk to life, public health and wellbeing presented by the outbreak and spread of pandemics and diseases with pandemic potential.

The objectives recognise the need to support the proactive and responsive decision-making required to respond effectively to pandemics that has served Victoria well in its response to the COVID-19. The principles that underpin all decision-making under the Act continue to apply to the new Part, but the Part's objectives draw on the principles that support proactive and responsive decision-making, such as proportionality, the precautionary principle, and the primacy of prevention.

The new Part ensures the primacy of public health advice in decision-making and acknowledges the critical role of the Chief Health Officer in providing expert advice to government on public health matters. The objectives also reinforce the need for transparency and accountability in relation to decisions made and things done under the new Part.

The new Part also seeks to ensure the contact tracing information collected during pandemics is properly safeguarded, and to promote fairness in the enforcement of certain offences through a concessional infringements scheme.

The Bill also expressly affirms the existing responsibility incumbent on all government decision-makers in Victoria to consider the Charter of Human Rights and Responsibilities when making decisions and exercising powers, and to ensure that any limitations on rights protected under the Charter that arise from those decisions or exercises of power are demonstrably justifiable.

A pandemic declaration will activate the pandemic powers

The powers provided by the new regulatory framework are only available under controlled circumstances: when the Premier has made a pandemic declaration. The Premier can only make a declaration if satisfied that there is a serious risk to public health arising from a pandemic disease, or a disease with the potential to become a pandemic.

Importantly, the Premier must consult with the Chief Health Officer and the Minister and consider their advice before making the declaration. This requirement ensures that public health considerations remain front and centre in any decision to declare a pandemic and enliven the pandemic powers in the new Part, and that declarations are made only where necessary on public health grounds.

The Premier's pivotal role is a crucial policy element of the new model. It recognises that the most senior elected government official should make the significant decision to make a pandemic declaration. Providing for a pandemic declaration to be made by the Premier is similar to the Premier's power to declare a state of disaster under Victoria's emergency management legislation.

A pandemic declaration must specify the disease to which it relates and the pandemic management area, which may be throughout Victoria or in a specified area or areas. The declaration may be in force for an initial period of up to four weeks. A declaration may then be renewed for up to three months at a time, with no limit on the number of renewals or the total time period. This recognises that pandemics may continue for long periods of time and may require the retention of crucial public health measures for as long as is reasonably necessary to protect public health and lives generally. It acknowledges that pandemics do not have a neat "start" and "finish" and that a serious threat may remain even as the severity of pandemic conditions reduces globally.

Balanced against this is the requirement that the Premier must revoke the declaration as soon as they are satisfied that the circumstances giving rise to the declaration are no longer a serious risk to public health. This obligation is an important check in the new regulatory system which seeks to ensure that restrictions—and access to pandemic powers—are not maintained beyond what is required to respond to the serious risk to public health.

The Bill promotes transparency and accountability by requiring the Premier to report to Parliament on the pandemic each time a declaration is made, varied or renewed. This is one of several major new mechanisms introduced in the Bill to increase transparency in government decision-making during a pandemic.

The Minister may make Pandemic Orders

The principal decision-maker in the new framework is the Minister. The Minister may make Pandemic Orders setting out the requirements and obligations the Minister believes are reasonably necessary to protect public health.

Public health expertise remains the central consideration in developing a pandemic response and formulating pandemic restrictions. The Minister may only make a pandemic order after considering the advice of the Chief Health Officer. This model recognises the significant trust placed in the role of the Chief Health Officer by the Victorian community over the course of the COVID-19 response, and ensures the Chief Health Officer's input remains central to future pandemic decision-making. This is also an important part of ensuring that any limitations on human rights that might be caused by Pandemic Orders are specifically aimed at, and proportionate to, addressing serious threats to the health of Victorians, and are in accordance with the Charter.

The risk profile, geography and movement of the COVID-19 pandemic has evolved constantly since Victoria's first outbreak, and the State's ability to adapt to these changes has been vital to mounting a successful response. The broad powers available under the current State of Emergency framework have allowed the Victorian Government to implement public health measures swiftly and effectively.

The State of Emergency framework provides for the Chief Health Officer and other Authorised Officers to exercise emergency powers, including the power to give directions they consider reasonably necessary to protect public health. Directions made in reliance on this power have formed the regulatory backbone of Victoria's efforts to limit the spread of COVID-19. Directions have been made to restrict activities that increase the risk of transmission of the virus through the community. For example, at various stages of the COVID-19 pandemic, the Chief Health Officer's directions have restricted gatherings, limited reasons for leaving home, and required non-essential businesses and services to cease operating. Though these restrictions have undeniably had a significant impact on the social, mental and economic welfare of our community, they have also clearly prevented and reduced much illness and loss of life.

A Pandemic Order may include any requirement that the Minister believes is reasonably necessary to protect public health. This is intended to be a broad and general power, given the unpredictable nature of pandemics means that the public health measures required to respond effectively in every case cannot be specified exhaustively.

However, to provide greater clarity on the powers that are likely to be needed during pandemics, the new Part sets out a non-exhaustive list of matters in relation to which Pandemic Orders can be made: for example, orders to restrict movement, to require the use of face coverings, or to require persons to be subject to detention or quarantine requirements. These matters draw heavily on the experience of Victoria's COVID-19 response, as well as advice from epidemiologists and public health experts. This ensures that the scheme is sufficiently flexible to respond to the evolving COVID-19 pandemic and to support measures that may be required in any future pandemics, while still contingent on the overarching requirement that any measure is reasonably necessary to protect public health.

Developing Pandemic Orders

The new Part provides for a range of matters to be taken into account when making a Pandemic Order.

While preservation of public health and protecting lives remains the primary consideration, the COVID-19 experience has shown that the duration and complexity of pandemics, as well as the significant impact a pandemic and its management have on the Victorian community, mean that decision-making in a pandemic context will necessarily touch on a broad range of matters, including matters affecting social, economic and mental wellbeing.

Accordingly, the Bill enables the Minister to consider any other factor deemed relevant in making a pandemic order, including social and economic matters. Importantly, the new Part also provides for the establishment of an independent advisory committee, intended to comprise a diverse array of experts and community representatives, to advise the Minister in relation to decisions and actions under the new Part—including the nature and impacts of Pandemic Orders. I will discuss the new Independent Pandemic Management Advisory Committee in more detail shortly.

The new Part allows the Minister to consult any person considered appropriate before making a Pandemic Order, enabling the Minister to seek out a broad range of advice including specialist advice. This recognises the wide-ranging impacts pandemic decision-making can have on Victorians, and seeks to support the Minister to make holistic and informed decisions.

Transparent and accountable decision-making

Victorians whose lives and livelihoods may be significantly impacted by Pandemic Orders deserve to understand the reasoning behind them.

The Bill requires the Minister to publish, and table in Parliament, a statement of reasons for any Pandemic Order and a record of the advice the Chief Health Officer provided in relation to the making of that Order. This is a new requirement not contained in the current State of Emergency framework. The statement of reasons will provide a holistic understanding of the rationale for decisions, including the public health considerations justifying the decision, significantly increasing the transparency and accountability of pandemic decision-making. It reflects the serious implications of decisions in a pandemic context and responds to the justified concerns raised by organisations consulted on the Bill, and will also help to communicate the necessity and rationale for Pandemic Orders to the community.

The Minister must also publish an explanation of the human rights that are protected by Victoria's Charter of Human Rights and Responsibilities that are or may be limited by the order, and how any such limitations are demonstrably justifiable. This major reform to Victoria's pandemic management framework is a proactive mechanism to share the Minister's explanation with the public, providing transparency about the impacts on human rights of Pandemic Orders, and how those impacts are justified.

A final key reform that further embeds democratic processes into pandemic decision-making is that, under the new Part, the Scrutiny of Acts and Regulations Committee can review Pandemic Orders, and report to Parliament on Orders that, in the Committee's consideration, appear to lack legal authority within the terms of the Act or are incompatible with human rights as protected under the Charter. The Committee can recommend in its report that any such Order should be disallowed, in whole or in part, and if such a recommendation is made, both Houses of Parliament would need to pass a resolution to effect such a disallowance.

This is a critical reform that brings the major instrument through which pandemic decisions are implemented, the Pandemic Order, into the remit of one of our State's fundamental mechanisms for ensuring the legality and accountability of decisions made by Government.

Independent Pandemic Management Advisory Committee

Another major reform introduced in the Bill is the establishment of an Independent Pandemic Management Advisory Committee to review and provide advice in relation to Pandemic Orders.

The Committee's role is to review and provide advice to the Minister on the exercise of powers under the new Part, including the Minister's power to make Pandemic Orders. The Minister can request the Committee to provide advice on a particular matter, but the Committee can also initiate its own reviews.

The Committee will comprise experts and leaders from across the community, including epidemiologists and public health experts, front-line healthcare workers, human rights and legal advisors, representatives from culturally and linguistically diverse communities and First Nations leaders. The Bill sets out the minimum skills required for the Committee but does not otherwise limit membership in any way. A range of other experts, for example those representing business and industry or specific health sectors such as mental health, are likely to also be appointed. With experts in relevant fields and representatives from Victoria's diverse communities, the Committee will provide an independent and holistic view on the nature and effects of Pandemic Orders affecting the Victorian community.

The Committee will be appointed by the Minister and its reports and recommendations will be tabled in Parliament. While the Committee's recommendations are not binding, this reporting mechanism ensures that Parliament and the public, as well as the Minister, are informed about the key issues arising from the making of Pandemic Orders.

Role of Authorised Officers

Authorised Officers have played a critical role in Victoria's response to the COVID-19 pandemic and will continue to perform key functions under the new Part. Under the new Part, the broader power for the Minister to make Pandemic Orders will be supported by powers for Authorised Officers to take action and give directions 'on the ground' using certain pandemic management powers.

The Bill provides for the Chief Health Officer to authorise Authorised Officers to exercise the pandemic management powers. These new powers are additional to existing powers already available under the Act, including the public health risk powers and general compliance and enforcement powers.

There are two categories of pandemic management powers under the new Part. Pandemic management order powers are powers that relate to Pandemic Orders. Authorised Officers may take actions and give directions to implement or give effect to Pandemic Orders made by the Minister. This includes giving directions to ensure persons comply with Pandemic Orders. An authorised officer may also detain persons in accordance with a Pandemic Order that requires persons to be detained.

Authorised Officers also have separate powers to take actions or give directions that they believe are reasonably necessary to protect public health. The types of directions that may be given are similar to restrictions that may be imposed under a Pandemic Order (for example, restrictions on movement or requirements to provide information). This provides a residual power for Authorised Officers to impose reasonably necessary requirements to protect public health where these are not already regulated under a Pandemic Order. A direction given by an authorised officer must not be inconsistent with a Pandemic Order. Recognising that Pandemic Orders are the key instrument through which population-scale requirements may be imposed under the new Part, Authorised Officers will usually only be able to give directions applying to one person, apart from in certain, limited circumstances.

Temporary amendments to the Act have enabled broader classes of persons to be appointed as Authorised Officers under the Act (for example, police officers, Worksafe inspectors, and health service providers) to exercise a limited suite of public health powers to support the response to COVID-19. The new Part recognises this important surge capacity by providing for these officers to be appointed, in a pandemic context, to respond to changing demands.

We have also ensured that appointments of health service staff as Authorised Officers are able to continue beyond a pandemic and that delegations to health service staff are enabled on an ongoing basis. This reform is critical to the ongoing operation of our Local Public Health Units, which are now embedded as a pivotal part of the public health response.

The Bill also provides that Authorised Officers may be assisted in the exercise of powers under the new Part, and makes amendments to clarify the types of assistance that may be provided.

Legal protections for key officers

As we have seen over the course of COVID-19, determining and implementing the response, to a pandemic, demands that those responsible make extraordinarily difficult decisions. These decisions can have far-reaching impacts and can give rise to legal challenge.

In emergency situations such as pandemics, it is critical that officials are able to act quickly and decisively to respond to the circumstances confronting them. Delays in decision-making, or the influence of considerations beyond how best to manage the emergency situation, can have catastrophic consequences. In the pandemic context, these potential consequences include rampant spread of a dangerous illness and, ultimately, severe illness and loss of life.

In select instances, our legal system recognises that it may be appropriate to shield people responsible for exercising powers under emergency management legislation from the threat of personal liability for

consequences arising from the good faith performance of their duties, in order to support the best possible emergency decision-making and avoid potentially disastrous delays.

The Bill introduces statutory immunities for the Chief Health Officer and the Chief Health Officers' delegates, Authorised Officers and Detention Review Officers, applicable only to decisions and actions taken in good faith under the new Part and to powers under Part 10 of the Act.

The Chief Health Officer's advice lies at the core of pandemic decision-making through the obligations on the Premier and the Minister to consider their advice when considering whether to declare a pandemic or issue a Pandemic Order. Authorised Officers and Detention Review Officers also carry crucial responsibilities under the new Part for the on-the-ground operationalisation of pandemic management decisions and review mechanisms. For an effective pandemic response that keeps Victorians safe, all three classes of officeholder must be able to exercise their important functions with the best public health outcomes in mind, and without fear of legal proceedings. These immunities will also help to ensure that the best people are supported to take on and remain in extremely important, difficult and demanding roles.

The immunity provisions in the Bill provide that these officers are not personally liable for acts or omissions made in good faith in the exercise of their powers and functions, or in the reasonable belief that the act or omission was done in the exercise of those powers or functions. They can still be investigated and held liable for any improper conduct in office. Similar statutory immunities are common in public health and emergency legislation across most Australian States and Territories as well as the Commonwealth.

It is critical in a democracy that actions undertaken on behalf of the State and in reliance on legislative powers are subject to oversight by the courts. Therefore, the liability that would attach to the Chief Health Officer and other officeholders but for the immunity provisions is instead held by the State.

Compliance and enforcement

The purpose of the Bill is to provide a targeted framework for the management of pandemics. It is first and foremost public health legislation, and the enforcement framework it contains must reflect this public health focus. Compliance and enforcement activities taken under the Act should reflect the fact that education and clear communication are critical to keeping the community safe.

To ensure greater transparency in the way compliance and enforcement activities are undertaken in relation to the COVID-19 pandemic, the Bill requires the Secretary to develop and publish a compliance and enforcement policy in relation to COVID-19 that sets out principles and guidance for managing non-compliance with COVID-19 restrictions and requirements. The policy will support balanced, consistent and health-focused enforcement by all workforces involved in the compliance and enforcement aspects of our continued response to COVID-19 activities, including the Police. Importantly, the policy will be required to set out guidance on how persons involved in compliance and enforcement in relation to the COVID-19 pandemic are to consider the impacts of the performance of those functions on vulnerable persons and communities.

Fines reform

The Bill also introduces significant reforms to the fines system to mitigate its impact on the most at-risk members of our community.

The *Infringements Act 2006* and the wider fines system in Victoria have been under review through the Fines Reform project. The Fines Reform Advisory Board, responsible for providing independent advice to the Attorney-General on the Fines Reform project, has made a series of recommendations on how to make Victoria's infringements system fairer and more effective. Work is underway to progress these recommendations, many of which require further consultation.

However, given the central role that infringements have played and are likely to continue to play in the enforcement of the remaining, essential COVID-19 restrictions, it is vital that some of these reforms are introduced as soon as possible. Accordingly, this Bill implements one of the Board's core recommendations, and takes important steps towards acquitting another.

The Bill broadens the "special circumstances" test, the pathway provided in the *Infringements Act 2006* and *Fines Reform Act 2014* to remove, in appropriate circumstances, vulnerable and disadvantaged people from the infringements system. First, the Bill changes the definition of "special circumstances" so that people will only need to show that their challenging circumstances contributed to, rather than directly caused, their significantly reduced capacity to understand or control the conduct which led to their fine.

Second, the Bill introduces a new, very narrow category to the "special circumstances" test that will apply to people who may not be able to establish the required causal link between their condition and their offending, but who can show that they have a long-term, severe condition that makes it impracticable for them to pay or otherwise deal with their fine. This new category is intended to capture people whose circumstances are

particularly severe and disabling or incapacitating, and not fine recipients who are able to pay their fines or deal with them through alternative pathways, such as a work and development permit.

The Bill also includes a new concessional fines scheme to create fairer penalty options for people experiencing financial hardship, progressing another key recommendation made by the Fines Reform Board. Under this new scheme, eligible people who receive pandemic-related infringements under the Act will be able to apply to the Director of Fines Victoria to have their fine amount reduced. Eligibility criteria will be prescribed in regulations, but will relate to recognised indicators of financial hardship—such as holding a concession card issued by Centrelink or the Commonwealth Department of Veterans' Affairs. This approach is consistent with concession schemes for vehicle registration costs and municipal council rates.

I want to thank the Attorney-General and her department for their advocacy and collaboration in respect of these important reforms.

Nevertheless, some instances of non-compliance with pandemic restrictions will require a more conventional enforcement approach, such as breaches that have or could have catastrophic consequences, are intentional, or are especially culpable in other ways. The Bill introduces a new aggravated offence to deal with the most serious breaches.

Offences including a new aggravated offence for egregious and dangerous breaches

The Bill is designed to ensure that the legislative framework for offences and penalties for breaches of pandemic restrictions is fair and proportionate.

The Bill includes a general offence (similar to the existing offence for breaches of emergency directions) for a refusal or failure to comply with a Pandemic Order or a direction given, or requirement imposed, by an Authorised Officer. The maximum penalties for this offence are 120 penalty units for a person or 600 penalty units for a body corporate (the same as the penalties for the equivalent offence for breaches of emergency directions). Fines can also be imposed by infringement notice. Changes made to the Act and the Regulations last year support a graduated infringement scheme, with lower fine amounts for children under 18 years of age.

Some instances of non-compliance with pandemic restrictions will require stronger deterrence, such as breaches that have or could have catastrophic consequences, are intentional, or are especially culpable in other ways.

The Bill introduces an aggravated offence to capture the most serious and high-risk instances of non-compliance with pandemic requirements.

The new offence will cover situations where a person refuses or fails to comply with a Pandemic Order or other requirement, and knows or ought to have known that their non-compliance is likely to cause a serious risk to the health of another individual. This could include, for example: a person deliberately breaching a quarantine or detention requirement or knowing they are COVID-19 positive, deliberately facilitating or engaging in events that have the potential to result in serious risks to health such as large gatherings; or a business deliberately trading or offering services in breach of an order, particularly where there is an increased risk due to either the health status of a person (for example, the person is COVID-19 positive, has travelled interstate, has escaped detention, has attended an unlawful dance party or has delivered a service in a vulnerable setting such as an aged care facility). It is not intended to be used routinely, for example, to manage face covering breaches, manage peaceful; protests, or punish people and businesses that have not understood the rules despite best efforts.

The maximum penalty for an individual for this offence is 500 penalty units for a person or imprisonment up to 2 years. For a body corporate, the maximum penalty is the greater of either 2,500 penalty units or a fine of up to three times the assessed commercial benefit gained as a result of the non-compliance. This commercial benefit penalty is a well-known measure in numbers of State and Commonwealth laws and is designed to deter businesses from breaching pandemic measures to make profits.

This reform has two key objectives. First, it responds to concerns that the single offence scheme under the State of Emergency provisions was too blunt a tool, and risked a situation where both minor, accidental instances of non-compliance, and serious, deliberate and high-risk contraventions would be treated in the same way. Second, it recognises that in a pandemic situation, some contraventions can have potentially catastrophic consequences, including severe illness and loss of life. Given the gravity of the risks involved, and considering the way behaviour that endangers life and safety is treated by Victorian law in other circumstances, the seriousness of deliberate non-compliance with respect to pandemic restrictions warrants a more punitive and deterrent enforcement approach.

Importantly, the aggravated offence is intended to be used rarely, only for the most egregious pandemic related breaches, and not for minor to moderate breaches that are less likely to cause a serious risk to health and carry lower moral culpability.

On balance, the Bill creates a more nuanced and proportionate framework to support the enforcement of crucial public safety measures.

Detention powers

Pandemics are, by their nature, highly infectious diseases. Requiring people to be detained is often an unavoidable pandemic management tool, whether used to prevent the entry of pandemic diseases into Victoria or to curtail the spread of outbreaks.

Detaining people is a very serious action. It impinges on fundamental rights and liberties, and these must be balanced against threats to equally fundamental rights to life and health. As with any limitation on human rights, any detention effected by the State must be demonstrably justified in a free and democratic society, and it must not be arbitrary.

The new Bill provides powers for people to be detained, as detention can be an essential element of a pandemic response. A person can only be detained for the period that is reasonably necessary to eliminate or reduce a serious risk to public health.

There are two kinds of detention power under the new Bill.

The first is the pandemic management power available to Authorised Officers to detain persons in accordance with Pandemic Orders. For example, a Pandemic Order may require persons arriving internationally in Victoria to be detained to manage the serious public health risks arising from a pandemic disease. The Minister must believe that any such Pandemic Order is reasonably necessary to protect public health, and must not require a period of detention longer than that the Minister believes reasonably necessary to eliminate or reduce a serious risk to public health.

The second is the pandemic management power available to Authorised Officers to detain a person for the period that the authorised officer considers is reasonably necessary to reduce or eliminate a serious risk to public health. This power can be used to detain a person in situations that may not yet be covered a Pandemic Order, but detention is reasonably necessary to reduce the spread of a pandemic disease—for example, a new and rapid outbreak in a location previously unaffected by a pandemic disease and that is not yet the subject of a Pandemic Order.

In addition to the requirements for detention to be reasonably necessary to protect public health, there are a number of important safeguards that apply to detention under the new Part, and which are designed to ensure that detention effected through the exercise of pandemic management powers is justified and not arbitrary.

Before a person is detained, or in circumstances when the period of detention is extended (for example, because they refused to take a COVID-19 test), the person must be given an explanation for their detention (which may be given by a written notice), including an explanation that a refusal or failure to comply is an offence, information about the detention exemptions that may apply to their situation, and information about their rights in detention, including the entitlement to apply for a review.

Any Authorised Officer responsible for the detention of a person must as soon as practicable report to the Chief Health Officer on the details of the detention, who must then report to the Minister.

These reporting and information requirements recognise and replicate the strengths of the current detention arrangements. They will ensure that people are informed about the reasons and rights associated with their detention.

An additional safeguard introduced by the Bill provides that the Minister may make and publish guidelines and standards relating to the welfare of people in pandemic detention, after consulting with the Chief Health Officer. The Government is committed to preparing such standards in relation to Victoria's COVID-19 quarantine program and this work is underway. By preparing and publishing these detention welfare standards, the Government is responding to community concerns about the impacts of detention and the need for clear standards and guidance in relation to detention.

While people entering Victoria's quarantine system are already provided with information about their period in detention, and there is equivalent information available online, these guidelines and standards will assist in ensuring that information provided to people being detained is consistent and appropriate and meets acceptable standards. The published guidelines and standards are likely to include factors that have been vital in preserving the welfare of people in COVID-19 quarantine, such as access to medical, psychological and physical support, contact with other persons, and appropriate accommodation conditions.

The existing Detention Review Scheme will continue to apply under the new framework. This scheme provides an efficient, accessible and effective mechanism for people to request a review of matters such as the reasons, duration or location of their detention.

Quarantine fees

While mandatory quarantine continues to play a crucial role in reducing the transmission of COVID-19 in Victoria, a quarantine fee scheme remains necessary to recover part of the cost and support the effective operation of our quarantine facilities, both now and into the future.

The Bill provides for the current quarantine fee scheme to continue past its current repeal date of 31 December 2021 and makes some changes to improve the efficiency and effectiveness of the scheme.

When COVID-19 Quarantine Victoria (CQV) is unable to obtain basic personal contact information from travellers entering quarantine, the Bill authorises CQV to collect that information from certain organisations (to be prescribed in regulations) and use it to generate or pursue an invoice for mandatory quarantine, or where otherwise authorised by law.

The Bill provides that liability for fees can be transferred to a traveller's employer or other third party, upon that party's acceptance, including where the traveller's quarantine occurs in the course of employment or is otherwise sponsored.

To improve CQV's ability to recover unpaid quarantine fees, and to serve as an incentive for timely repayment, CQV will be able to impose an additional fee on quarantine payments that remain outstanding following a reminder notice. The fee (to be prescribed in regulations) will be proportionate to costs incurred by the State in recovering the fee. CQV will also be able to waive fees on its own initiative, without an application from the traveller, in exceptional circumstances.

The mandatory quarantine regime in Victoria is undergoing significant change, including the introduction of home-based quarantine and the operationalisation of the Victorian Quarantine Hub. It is intended the fee scheme will be repealed by a future Parliament when the scheme is no longer considered a necessary measure in response to the COVID-19 pandemic. This means that the first set of regulations made after the passage of the Bill will be excluded from the formal consultation and regulatory impact assessment processes under the *Subordinate Legislation Act 1994*.

Sharing and collecting information

The ability to collect and share time-critical information is an important component of the public health response to a pandemic, particularly when tracking the spread of an outbreak through contact tracing. The sharing of this information between individuals and organisations in fast-moving pandemic events is critical and it can be the difference between controlled and uncontrolled outbreaks, and between low levels of illness and widespread loss of life.

The Bill sets out powers for information sharing in a pandemic context, including specific powers to collect and share information and strict safeguards around when and how contact tracing information can be used. The new Part provides specific powers for the Secretary and Chief Health Officer to collect, store, use or disclose information to respond to a pandemic.

The Minister may also require information to be provided under a pandemic order, and Authorised Officers will have separate powers to require the provision of information, in addition to other existing information gathering powers under the Act.

In order to facilitate time critical sharing and use of information during a pandemic, the Bill introduces a power for the Minister to apply to the Victorian Information Commissioner for a Pandemic Information Determination. A Pandemic Information Determination allows for sharing information in circumstances that would not be permitted by the Information Privacy Principles in the *Privacy Data Protection Act 2014* and the Health Privacy Principles in the *Health Records Act 2001*. A Pandemic Information Determination can be made if Victoria's Information Commissioner is satisfied that the public interest in sharing or using personal or health information outweighs compliance with the Information Privacy Principles and Health Privacy Principles. This reform strikes an important balance between enabling urgent and time critical information sharing and use, while ensuring that this can only occur in line with a decision of the Information Commissioner.

Under the new Part, Authorised Officers will also have specific powers to require individuals to provide information or documents. These powers may be used when it is critical to have accurate and reliable information, including to support outbreak management through contact tracing. Individuals must provide information regardless of whether it would implicate them in wrongdoing. However, information provided in such circumstances will not be admissible as evidence in criminal proceedings, except for prosecutions relating to the provision of false or misleading information.

Safeguards to protect contact tracing information

The Bill includes stringent restrictions on the use and disclosure of information collected for the purposes of contact tracing. The safeguards in the new framework are expected to be the strongest in any Australian

jurisdiction, and form vital protections around the right to privacy held by all Victorians and protected under the Charter.

Access to accurate information provided by Victorians has been critical to contact tracing efforts during COVID-19 outbreaks. Accurate and timely information enables faster tracing and reduces the spread of the disease, thereby preventing illness and saving lives. The community has placed enormous faith in our contact tracing system, providing information freely and voluntarily in almost all cases, with the knowledge that it will be used for the purpose it is collected, and that purpose only.

This is a relationship between the Victorian Government and the Victorian community that is based on trust. The new Part honours that trust by significantly strengthening existing protections to ensure that information voluntarily supplied as part of the contact tracing process, such as in contact tracing interviews, or through QR codes and manual check-ins, can only be used for public health purposes, with a small number of narrow exceptions.

Under the Bill, it is an offence to use or disclose contact tracing information for a purpose other than a public health purpose, or in the performance of functions or exercise of powers under the new Part, other than in very limited exceptions. The only circumstances in which information can be shared for another purpose are when the person who provided it consents to its disclosure, when its use is for the purpose of preventing self-harm to the person or an imminent threat to the life, health, safety or welfare of others, and for use in investigating or prosecuting either the unauthorised use of contact tracing information or the provision of false or misleading information.

Mandatory review of new Pandemic Part

Responding to COVID-19 has been a learning experience for governments around the world, and our understanding of the best pathway to manage both COVID-19 and future pandemics continues to evolve. As a final safeguard to ensure that the legislation underpinning Victoria's pandemic response framework is as effective as it can be, a statutory review of the operation and effectiveness of the new regulatory framework will be mandated, to begin within two years of the new Part commencing. The review report will be published and tabled in Parliament.

Implementation

A smooth transition to the new regulatory framework is critical to ensuring that Victoria can continue implementing the National Plan to transition Australia's COVID-19 response. As we continue to open up safely and with appropriate measures in place, we need to have a framework in place that ensures there are no interruptions to the Government's capacity to undertake essential activities if needed—such as the quarantine program, contact tracing and some targeted restrictions that keep our community safe.

The Government has undertaken extensive planning and preparation for the implementation of the new Part, and for the on-the-ground implications of transitioning to the new framework.

During consultations on the Bill, stakeholders pointed out that the requirements outlined in the public health directions can be technical, complex and difficult for people to understand. The need for timely publication of detailed orders was stressed by stakeholders. The Government has taken the opportunity provided by the transition to the new framework to ensure that the new Pandemic Orders are as clearly drafted as possible and put online and made accessible to the public as soon as they are drafted.

Operational teams are preparing training and guidance materials for Authorised Officers to support the Bill's measures to ensure proportionate compliance.

In addition, work is underway to prepare the new policies and guidelines required under the new Part in relation to compliance and enforcement and detention.

Finally, information materials such as factsheets and guides are also being prepared to help explain the key features of the Bill, particularly those measures that impose new obligations on government and individuals.

Conclusion

The global spread of COVID-19 has taken an enormous toll around the world. In Victoria, through the extraordinary efforts of our public health system and our community as a whole, and the imposition of crucial public health measures, we have prevented the pandemic from overwhelming our healthcare system. We have avoided the extremely high levels of illness and loss of life experienced elsewhere.

Victorians have sacrificed so much to protect their families, friends and the whole community—and, as a result have saved countless lives. With the majority of Victorians now fully vaccinated through the safe and effective COVID-19 vaccination program, and having taken the necessary steps to protect ourselves, our family, our friends and the entire community, I am proud to say Victoria is heading towards being one of the most vaccinated jurisdictions in the world.

The vaccination milestones we've already achieved mark a new and hopeful path for the whole State—they are a step to getting Victorians closer to doing the things they love.

It is undeniable, however, that COVID-19 continues to present a real and serious risk to the public health and safety of all Victorians, including in the form of potential strain on our public healthcare system. While COVID-19 remains present in our community, and indeed while it persists around the world and we resume international travel, this risk will remain.

The scale and nature of the risk will continue to change and, it is hoped, become even less grave in coming months as treatment programs are improved and the steady roll-out of COVID-19 vaccines continues to build immunity among Victorians. As the risk changes, the public health measures needed to manage the risk have already begun to change. What will not change is the need for the best possible pandemic management response to keep Victorians safe, underpinned by a robust legislative framework.

This Bill is critical to the effective management of Victoria's response to COVID-19 and to the future health and wellbeing of all Victorians. Victoria's current State of Emergency, and the suite of powers it supports to manage the pandemic and keep Victorians safe, expires on 15 December 2021 and cannot be used again for managing COVID-19.

The State plainly requires a proper legal basis for managing both the COVID-19 pandemic and future pandemics. Without a new legislative framework, the Chief Health Officer and so many others involved in the pandemic response will not be able to do their jobs and keep Victorians safe. The Parliament simply cannot permit this to happen.

The House is well aware that Victoria is still subject to the devastating impact of the COVID-19 pandemic. With an increasingly connected global population, along with changing climate conditions around the world, comes a growing risk of new and existing infectious and dangerous diseases spreading to Victoria. As a State and a community, Victoria has shown itself to be well up to the task of acting quickly, responsibly and proportionately to protect our people when dangerous pandemics strike.

This Bill draws on critical lessons about how to best protect the health and interests of the communities we serve in times of severe public health crisis. The Bill is the key to our ability to keep responding and adapting to the changing face of COVID-19. It will also ensure that our laws are as well prepared as can be for future pandemic events.

I commend the Bill to the House.

Ms STALEY (Ripon) (10:54): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (10:54): I move:

That the debate be adjourned until later this day.

Ms STALEY (Ripon) (10:54): This is an outrage. It is not a surprising outrage, but it remains an outrage. To have a bill brought into this place now and second read, that is 113 pages long with a Charter of Human Rights and Responsibilities statement of compatibility that is the largest I have ever seen, and then be told that they will be debating it later this day is a complete and utter abrogation of democracy. And it is not surprising. It is not surprising—

Members interjecting.

The DEPUTY SPEAKER: Order! I understand there is a lot of passion about this bill, but I do ask members to give the member for Ripon the respect of having the floor without interjections.

Ms STALEY: Thank you, Deputy Speaker. It is not surprising, though, that this government wants to truncate debate at every point, absolutely pull this in and, I assume, ram it through today and take it to the Council. And therefore this will be in one week; there will be no opportunity—no opportunity—for this bill to be seen by Victorians at all, and therefore I move:

That the words after 'That' be omitted and replaced with the words 'after the Scrutiny of Acts and Regulations Committee has reported on this bill'.

Surely that is the least that we can do. We can wait for the Scrutiny of Acts and Regulations Committee (SARC) to come back and tell us what it thinks about this bill in relation to the Charter of Human Rights and Responsibilities, because of course the bill that we have now just had dropped in front of us has—and I turn to page 18 of the bill, new section 165AK—'To whom a pandemic order may apply'. It says in subsection (4) of new section 165AK:

> Without limiting the meaning of the expression ***attribute*** …
>
> (a) a pandemic order may apply to, differentiate between or vary in its application to persons or classes of person identified by reference to an attribute within the meaning of the **Equal Opportunity Act 2010** …

Well, an 'attribute' within the meaning of the Equal Opportunity Act 2010 includes sex, gender, race—

Ms Allan: On a point of order, Deputy Speaker, I appreciate the Manager of Opposition Business is pretty excited and wants to show her troops that she can out-hysteria—

Members interjecting.

The DEPUTY SPEAKER: Order! The manager of government business—

Mr R Smith interjected.

The DEPUTY SPEAKER: Order! Member for Warrandyte! The manager of government business on a point of order without support from the opposition.

Ms Allan: Thank you, Deputy Speaker. To be fair to the opposition, I do not think it was support; I think it was a bit of anger and typical opposition behaviour that we have seen in this place in the last few years. It is interesting to see it is back. Deputy Speaker, this is a narrow procedural debate—

Ms Staley interjected.

The DEPUTY SPEAKER: Member for Ripon!

Ms Allan: As I was about to say before the Manager of Opposition Business put in another interesting performance, this is a very narrow procedural debate. The opportunity to debate the substance of the bill will come during the second-reading debate. I would ask that you bring the Manager of Opposition Business back to the narrowness of the procedural debate.

The DEPUTY SPEAKER: The member for Ripon will return to the narrowness of the procedural debate before the house, and I would ask her to stick to that.

Ms STALEY: Thank you, Deputy Speaker. I go back to noting that the amendment that I have moved is that this bill not be debated later this day but that it comes back to us when SARC has done its work, and of course SARC goes to the issues of human rights and how those are upheld and transmitted in this state. Now, it is bad enough that the government are trashing democracy with the way they are handling this bill in this place, but it is doubly bad that they are doing it in a bill that directly goes against the human rights of Victorians—and that is why I have moved that amendment. It is absolutely within the scope of this debate for me to say why I have moved the amendment that I have moved, and it is because this bill is absolutely about trashing the human rights of Victorians, not just in relation to pandemics but in the fact that in the legislation they have chosen to say that they can discriminate completely outside the Equal Opportunity Act. It is not necessary. Health legislation allows you to target groups based on their health status. There is no reason to target them based on any other attribute. So why is the government bringing in attributes like sex, race, gender identity and disability? Why are they in this bill? There is no need for them to be in there, and it is disgrace what this government is doing.

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (10:59): I just will make a couple of brief comments on the desire of the government to move to the second-reading debate on this bill—and I think we have seen over the

course of the last couple of days that the hysterio-meter dial in the opposition rooms has been ratcheted up to a whole new notch. After 2018 I did not think it could get any more hysterical. Well, 2021 has brought a whole new level of hysteria, a whole new level of misinformation and deliberate base politicking on one of the most important things that we have to consider in terms of how we protect the Victorian community into the future. But I will not debate the substance of the bill. This is a procedural debate. This is a bill, as the Minister for Health put quite well to the house yesterday, that has been through extensive consultation.

Members interjecting.

The SPEAKER: Order! I am just going to interrupt the Leader of the House. I have only just got into the chair for this debate, at 11 o'clock, but the level of noise is excessive. I need to be able to hear the debate on both sides of the chamber. The Leader of the House.

Ms ALLAN: Well, you see, Speaker, I think you have touched on the nub of the issue. They actually do not want a sensible, moderate, reasonable debate.

The SPEAKER: Order! The Leader of the House will resume her seat.

Ms ALLAN: They want hysteria for their base political reasons.

The SPEAKER: Order! The Leader of the House will resume her seat.

Mr R Smith: On a point of order, Speaker, the Leader of the House should be making explanation to the people of Victoria rather than having a shot at those on this side of the chamber.

The SPEAKER: Order!

Mr R Smith: The Leader of the House should be using her time to tell Victorians why she and her government do not care what Victorians think about this bill, but rather—

The SPEAKER: Order! The member for Warrandyte is not making a point of order.

Mr R Smith: the need to grab power and keep it by—

The SPEAKER: Order! The member for Warrandyte will resume his seat.

Mr R Smith: a power-drunk government—

The SPEAKER: Order! The member for Warrandyte has been asked to resume his seat. The Leader of the House.

Ms ALLAN: Thank you, Speaker. I am delighted that the member for Warrandyte made the point for me. It is exactly the point I was trying to make. We need to have in this place a sensible debate, a respectful debate. It is an important debate to have on this bill, and I hope what we are seeing today is not a sign of what we will see during the course of the debate, where angry, loud voices of those opposite scream and shout over the top of people making a genuine point of debate in this place.

The SPEAKER: Order! I ask the Leader of the House to resume her seat.

Mr Edbrooke interjected.

The SPEAKER: Order! The member for Frankston!

Mr Rowswell: On a point of order, Speaker, the manager of government business—

Ms ALLAN: No, it's the Leader of House. Get the title right, sonny.

Mr Rowswell: The leader of government business was at pains to remind the Manager of Opposition Business during her contribution that she should be relevant to the narrow nature of this debate. I would ask you to pay special attention to the contribution of the leader of government

business in her contribution, as I do not think she is being relevant to the very narrow nature of the debate.

The SPEAKER: I have not heard enough of the debate to know whether the Leader of the House is responding to the debate, but the Leader of the House will be speaking to the motion.

Ms ALLAN: Speaker, I know you regularly pay special attention to my contributions, and I am sure you would love to hear more of them, which is what I will endeavour to do in the next minute and 45 seconds that we have available.

The government felt it was important to have this bill debated this week in order to provide certainty for the Parliament to have the opportunity to consider this bill before the end of this parliamentary year, and that is a point that has been well made and well ventilated to those who chose to participate in the consideration of this bill. Secondly, too, as I said, there has been significant consultation and ventilation of this bill. We should not be held by the standards of those opposite, who chose to dial themselves out of those conversations. That is not a matter for us. That is why I support the motion put by the Minister for Health and reject the amendment moved by the Manager of Opposition Business. This is not a debate to be had with the level of hysteria we have witnessed today. We have a responsibility over the course of this week and into the future as we consider this bill to do it in a mature and responsible way. After nearly two years of a global pandemic the Victorian community deserves more respect.

Members interjecting.

The SPEAKER: Order!

Ms ALLAN: The Victorian community deserves—

The SPEAKER: Order! I ask the Leader of the House to pause for a moment. I am going to remind members again: if they shout across the chamber, they will not be here for the rest of the debate. The Leader of the House has the call.

Ms ALLAN: The Victorian community deserves all views to be aired, and we welcome the views to be put forward by all members of the Victorian community. What we will not have is this hysteria that is being developed and whipped up for base political motivations. We look forward to the debate on this bill, which is why we want to have it this week, to get the legislation in place that a modern pandemic framework needs in Victoria.

Mr T SMITH (Kew) (11:04): This is an egregious assault on our democracy. This is an egregious assault on the prerogatives of this place. It is outrageous that this government is seeking to ram through a piece of legislation of such magnitude in literally two days—ram it through in two days. Why would you not let this be debated both in this place and in the public realm for two weeks like usual? What have you got to hide with regard to this legislation? Why do you not want the scrutiny of this house to be brought to bear on this extraordinary and extreme piece of legislation that will enable the Premier to rule by decree if he thinks there is a pandemic disease in Victoria or anywhere else in the world?

We have evidence that this bill has been in the offing since March, so for the Leader of the House to contend that it has to be rammed through in less than two days is a disgrace. The minister's office emailed Mr Meddick on 5 March and said, 'I just want to lock in a placeholder—check your availability—to discuss pandemic legislation'. So if you have been discussing this with the three amigos in the other place since March, then why are you trying to ram it through in two days? This is nonsensical. It is an abuse of power—it is a disgraceful use of power—and you, Speaker, as the Chair of this body, should be very concerned about the way it has been treated by various individuals in the Australian Labor Party. It is a disgraceful mistreatment of our democratic traditions, giving a dictator dictatorial powers.

Members interjecting.

Mr T SMITH: And you are nodding your head. You think it is great. You think it is terrific, don't you? You think it is absolutely fantastic, giving the dictator the ability to rule by decree. Well, we on this side of the house do not think it is a very good idea.

The SPEAKER: Order! I am not going to allow this debate to descend into a screaming match across the table. The member for Kew is raising issues that he considers very valid to this debate. He should do so through the Chair and not respond to interjections, and members on my right should not interject.

Mr T SMITH: Thank you, Speaker. There has been no piece of legislation in the time that I have been here that extends the power of the executive more than this piece of legislation. As a basic courtesy to the traditions of this place, this bill ought to be treated like every other bill, where it sits and is debated over a fortnight's period. The fact that it is not indicates to me, indicates to the Liberal and National parties and indeed indicates to all fair-minded Victorians that the government has something to hide and that there are aspects of this legislation that the government is ashamed of, particularly, as the Manager of Opposition Business quite rightly pointed out, the ability to discriminate through pandemic orders on a person's physical attributes, sex, sexual orientation, gender and place of abode, distinguishing different classes of person. These powers are foreign to this continent. These powers are not within our traditions. These powers are from other places and other times that should never, ever be brought here. And the fact that this government is doing this in a ramshackle, ham-fisted, dictatorial fashion, ignoring the basic principles of parliamentary democracy, of accountability of the executive to the legislature, is an appalling abuse of power. It is an appalling abuse by the executive over the Parliament. It is treating the people of Victoria with contempt, because these characters wish to rule by decree next year and the vast majority of fair-minded Victorians do not want them to.

Mr CARBINES (Ivanhoe) (11:09): I am pleased to make a contribution on the procedural debate and support the contribution from the Leader of the House on the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021. Can I say from the outset that this legislation, this amendment bill, leverages off the very significant and substantial work of this Parliament under a previous Labor government in 2008 on the Public Health and Wellbeing Act 2008 that set the parameters to give the opportunity for this Parliament to legislate to protect Victorians and keep them safe throughout the pandemic. This is not something that is new and foreign to this Parliament or to the way in which we have conducted our support for Victorians with the public health advice throughout the pandemic.

What we are seeking to do here is to continue to keep Victorians safe, and what we see also as we head towards double-jab vaccination for 80 per cent of the population in Victoria by this coming Friday is an absolute resolve by the overwhelming majority of Victorians to make sacrifices and affirm their commitment to abide by those restrictions and abide by those public health orders. And no doubt, through that lived experience of all Victorians, we have the opportunity through this legislation to move quickly, to move effectively, to move in this Parliament to seek the affirmation of the people who put us here to make laws, to make decisions, to lead and to continue to keep them safe though this pandemic.

I know that we want to get to the business of exercising our democratic rights to vote in this place, as people have put us here in overwhelming numbers on the side of the house to make sure that we do that. I should also point out that the filibustering and commentary from those opposite is consistent with procedural debates that they have chosen to pursue as a parliamentary tactic in previous sitting weeks. This is not something that has come about purely in relation to this bill alone. We have seen this behaviour in previous sitting weeks from those opposite, which is a reflection, I think, more of a confected outrage rather than a specific desire in relation to procedural debate on this bill. It is very consistent with their behaviour in previous weeks to delay, to obstruct, to hold back and to deny opportunities to keep Victorians safe, to move forward with the lived experience that we have had in relation to our pandemic legislation—public health legislation that has been in place from the great

foresight of previous Labor governments—and the opportunity to amend those laws to continue to provide those protections to Victorians and to understand, as the Minister for Health has said, through that new framework where we have engaged extensively with some of the most trusted leaders in public health, human rights lawyers, public policymakers, culturally and linguistically diverse communities and also the community sector that we have been working hand in glove with throughout this pandemic. There is absolutely no way, without their dedication and support and commitment to the public good and to affirm what we have passed in legislation in this place time and again, we would be in a position where we have a great deal of opportunities and freedoms back here in Victoria as we roll through into Friday—thanks to the overwhelming commitment of people right across the state to get themselves jabbed and to do that not just for their benefit but for the benefit of their neighbours, their families, their communities and their suburbs and towns right across this state.

I not only commend the contribution from the Leader of the House, but I also reflect the very strong commitment over a very long period of time from Labor in government to protect Victorians, to work with the public health advice and to again provide opportunities here where the legislation can be amended and we can bring that opportunity forward for Victorians to support them and give them the confidence to get back out there in the community and provide the great support that they have been giving for 18 months in particular. Those opportunities are here in this legislation, and they are only being held up. Those opportunities for Victorians and those further contributions and experiences that everyone has made together—those sacrifices—we need to take into account in this legislation and take those matters and vote on them transparently and publicly in this place as we are elected to do. It is only being held up by those opposite, who have chosen once again as they did in previous sitting weeks to obstruct, to filibuster and to delay. They are only denying opportunities for Victorians to get on through this pandemic and reap the rewards and the benefits of the sacrifices they have made throughout this pandemic. I commend the procedural debate contribution from the Leader of the House and the opportunity for our government to get on in its support for the safety of all Victorians.

Mr McCURDY (Ovens Valley) (11:14): I rise to support the member for Ripon, the Manager of Opposition Business. This is another disgraceful day in this place. The Labor government again is showing that they are just running roughshod over the way this place works. It is another way of dismantling democracy in this place. Melbourne has already seen the longest lockdowns in the world, and people are sick of it. And now, what do they do today? They are going to ram legislation down our throats, ram it through and it will be done and dusted in a couple of days time. This is all about absolute power against the people of Victoria, their families and their communities.

The Victorian Parliament is here to debate issues. We are here to legislate. Will we all get a chance to speak on this legislation? I have got hundreds upon hundreds of emails already overnight about people wanting us to speak on this legislation and speak up against this government. Will we get the chance to debate it? That is for the Leader of the Government to decide, but I suspect we will not if they ram it through in a couple of days time.

Again, they are turning this place into a circus. I am absolutely frustrated when the leader of government business says there has been consultation—they have had eight to nine months to talk to everybody, but the only consultation that has gone on is with some grubby minor parties. We have seen them on the news talking about their consultation—

Ms Allan: On a point of order, Speaker, the ongoing denigration through references to members in the other place needs to cease. We can disagree with one another. We should not be denigrating each other and calling each other names by being cowards in this place. Please, can you ask the member to come back to order and address members appropriately?

The SPEAKER: Order! I remind members that it is inappropriate to reflect on members of the other place, but in this instance I think the member for Ovens Valley was reflecting on parties, not individuals in the other place.

Mr McCURDY: Thank you, Speaker. This workplace for us has standard procedures, like most workplaces do, and we have common courtesies. That standard procedure talks about introducing a bill and then we second read it. Then 14 days later, after consultation with people, after letting people have their say, we can address the pros and cons of a bill. I certainly disagree with the process that the government is doing this time in just ramming this bill through like they are planning to do in the next couple of days. This is not the behaviour that we accept in our community, and it is not the behaviour we should accept in our workplace. This workplace, as I say, has rules and it has common courtesies, and they are not being adhered to at all by this government, and it is a sad, sad day again.

The irony is that this bill will introduce massive fines for people who break the rules. It is this government who wants to break the longstanding rules. I support the member for Ripon.

The SPEAKER: The Minister for Health has moved that debate on the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021 be adjourned until later this day. The member for Ripon has moved that the words 'later this day' be omitted and replaced with the words 'after the Scrutiny of Acts and Regulations Committee has reported on this bill'. The question is:

> That the words proposed to be omitted stand part of the question.

Therefore those members supporting the amendment moved by the member for Ripon should vote no.

House divided on question:

Ayes, 16

Addison, Ms	Edbrooke, Mr	McGhie, Mr
Allan, Ms	Fregon, Mr	Staikos, Mr
Carbines, Mr	Green, Ms	Suleyman, Ms
Cheeseman, Mr	Halse, Mr	Tak, Mr
Couzens, Ms	Horne, Ms	Ward, Ms
Crugnale, Ms		

Noes, 10

Cupper, Ms	Newbury, Mr	Smith, Mr R
McCurdy, Mr	O'Brien, Mr D	Smith, Mr T
McLeish, Ms	Rowswell, Mr	Staley, Ms
Morris, Mr		

Question defeated.

Register of opinion on question

Ayes

Mr Andrews, Ms Blandthorn, Mr Brayne, Mr J Bull, Ms Connolly, Ms D'Ambrosio, Mr Donnellan, Ms Edwards, Mr Eren, Mr Foley, Mr Fowles, Ms Halfpenny, Ms Hall, Mr Hamer, Ms Hutchins, Mr Kennedy, Ms Kilkenny, Mr Maas, Mr McGuire, Ms Neville, Mr Pakula, Mr Pallas, Mr Pearson, Mr Richardson, Mr Scott, Ms Settle, Ms Spence, Mr Taylor, Ms Theophanous, Ms Thomas, Ms Williams, Mr Wynne

Noes

Mr Blackwood, Ms Britnell, Mr T Bull, Mr Burgess, Mr Hodgett, Ms Kealy, Mr Northe, Mr M O'Brien, Mr Riordan, Ms Vallence, Mr Walsh, Mr Wells

The SPEAKER: The question is:

> That debate on the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021 be adjourned until later this day.

House divided on motion:

Ayes, 16

Addison, Ms	Edbrooke, Mr	McGhie, Mr
Allan, Ms	Fregon, Mr	Staikos, Mr
Carbines, Mr	Green, Ms	Suleyman, Ms
Cheeseman, Mr	Halse, Mr	Tak, Mr
Couzens, Ms	Horne, Ms	Ward, Ms
Crugnale, Ms		

Noes, 10

Cupper, Ms	Newbury, Mr	Smith, Mr R
McCurdy, Mr	O'Brien, Mr D	Smith, Mr T
McLeish, Ms	Rowswell, Mr	Staley, Ms
Morris, Mr		

Motion agreed to and debate adjourned until later this day.

Register of opinion on motion

Ayes

Mr Andrews, Ms Blandthorn, Mr Brayne, Mr J Bull, Ms Connolly, Ms D'Ambrosio, Mr Donnellan, Ms Edwards, Mr Eren, Mr Foley, Mr Fowles, Ms Halfpenny, Ms Hall, Mr Hamer, Ms Hutchins, Mr Kennedy, Ms Kilkenny, Mr Maas, Mr McGuire, Ms Neville, Mr Pakula, Mr Pallas, Mr Pearson, Ms Richards, Mr Richardson, Mr Scott, Ms Settle, Ms Spence, Mr Taylor, Ms Theophanous, Ms Thomas, Ms Williams, Mr Wynne

Noes

Mr Blackwood, Ms Britnell, Mr T Bull, Mr Burgess, Mr Hodgett, Ms Kealy, Mr Northe, Mr M O'Brien, Mr Riordan, Ms Ryan, Ms Vallence, Mr Walsh, Mr Wells

SPECIAL INVESTIGATOR BILL 2021

Second reading

Debate resumed on motion of Ms HUTCHINS:

That this bill be now read a second time.

Mr T SMITH (Kew) (11:27): I rise to make my contribution on behalf of the opposition on the Special Investigator Bill 2021. I indicate that we will not be opposing this bill. It acts on an important recommendation from the Royal Commission into the Management of Police Informants into the behaviour of Victoria Police and Nicola Gobbo. We have been discussing very recently the abuse of one institution and now we are discussing the abuse of other institutions that has occurred in recent memory. What has occurred here is an absolute disgrace. What has occurred with the behaviour of Victoria Police and Nicola Gobbo is an affront to, once again, our traditions of democracy and judicial independence from the executive. The fact that Victoria Police behaved in such a way horrifies me. It horrified the High Court, and I will be quoting extensively from a judgement in the High Court.

The High Court described the conduct of Ms Gobbo and Victoria Police as 'corruption of the criminal justice system'. Ms Gobbo's actions in purporting to act as counsel for the convicted persons while covertly informing against them were fundamental and appalling breaches of her obligations as counsel to her clients and of her duties to the court. Likewise, Victoria Police were guilty of reprehensible conduct in knowingly encouraging her to do as she did and were involved in sanctioning atrocious breaches of the sworn duty of every police officer to discharge all duties imposed on them faithfully and according to law without favour or affection, malice or ill will. As a result, the prosecution of each convicted person was corrupted in a manner which debased fundamental premises of the criminal justice system.

In the commissioner's foreword Justice McMurdo made a number of very poignant observations. She also pointed to the behaviour of Victoria Police:

> On 24 August 2020, 18 months after the High Court's scathing criticism and the Commission's establishment, Victoria Police stated for the first time that it:
>
> > … accepts without qualification or reservation, that permitting Ms Gobbo … to give information to Victoria Police about her own clients … is reprehensible. It was an indefensible interference in the lawyer/client relationship … essential to the proper functioning of the justice system and to the rule of law. Victoria Police's failure at the time to ensure that these circumstances were identified and disclosed was also a profound failure.

The commissioner went on to say:

> I welcome Victoria Police's belated apology for the serious harm caused by its use of Ms Gobbo.
>
> In their complete and unredacted closing submissions, Counsel Assisting invited me to find that Ms Gobbo and named current and former officers may have committed criminal offences. For reasons explained fully elsewhere, I declined to do this. I have found, however, after considering the responsive submissions of Ms Gobbo, those current and former officers, and Victoria Police, that there is sufficient merit in Counsel Assisting's contentions to warrant further investigation to determine whether to bring criminal charges. I have therefore recommended legislation to establish an independent Special Investigator to undertake this task.
>
> If the Special Investigator assembles sufficient admissible evidence to support criminal charges, they will prepare a brief for the Victorian DPP to determine whether it is in the public interest to prosecute. Even if there is sufficient evidence to bring charges, the DPP's decision may be difficult. These events occurred long ago. Records may be incomplete and memories may have faded. Ms Gobbo was encouraged in her behaviour by police and now lives in fear of being murdered. The current and former officers acted within what Victoria Police accepts was a failed system and many, perhaps all have had otherwise exemplary careers serving the public good.
>
> If the DPP determines that it is in the public interest to prosecute, those charged will receive a fair trial according to law …

and she went on.

Now, there is a question that I have for this government. This royal commission's recommendations were presented to Her Excellency the Governor last November. What have you been doing? This special investigator should have been appointed months ago—months and months and months ago. In fact my predecessor as the Shadow Attorney-General, Mr O'Donohue in the other place, called for the appointment of a special investigator last October, as reported below:

> "The issues raised by the royal commission go to the heart of Victoria's justice system," Mr O'Donohue said. "It is critical that once the final report is completed that is not the end of the job.
>
> "I will be raising with the Attorney-General in Parliament that a special prosecutor model be established urgently and that the necessary resources are put in place before the final report of the royal commission being handed down."

Now, as I said at the outset, we think this is a very important recommendation from the police informants royal commission. The sheer audacity and behaviour that was revealed in the *Herald Sun* some seven years ago shocked me, I think shocked the Leader of the National Party and I am sure shocked members of the government. It goes to a very murky interaction between the executive and law enforcement, and it was corrupt. Those who did it—those who protected it—quite frankly will have their day in court, as they should. I am not presupposing the outcome of that day in court, but it is clearly the government's intent, supported by the opposition, that those who have debased the fine traditions of Victoria Police and have debased the fine traditions of the common law, the criminal law and indeed our judicial processes, to put it bluntly, ought to have the book thrown at them, and I am sure that view is carried on the other side of the chamber.

The interest for me though is: why, oh why, has it taken so long? And the reason why I make this point is not to gratuitously nitpick politically; it is to make the logical argument that the longer you wait, the less evidence there will be, the more opportunity there is for various things to disappear—go missing, dare I say it, dogs eating various people's homework and the like—which will not serve the public good at all. I am concerned, given that Victoria Police throughout the first term of the Andrews Labor government attempted on so many different occasions to suppress these matters ever coming to public

light. It does worry me about the interactions between the government and the police. It worries me profoundly, and it should worry all freedom-loving Victorians.

Now, in the minister's second-reading speech it was announced that former High Court Justice the Honourable Geoffrey Nettle, AC, QC, will be appointed as the special investigator upon the passage of this bill. We support that. Justice Nettle is an eminent Australian jurist who has served this country and the law with distinction, and we think that he will do a very good job. I note that the office of the special investigator has been given a budget of some $13 million. It is unclear to me why IBAC could not undertake these tasks. I suspect it is due to the ongoing budgeting issues between the elected government and IBAC, because again there seem to be a number of separate issues here that the government has not quite explained. I am not going to labour that point, but it is of interest as to why IBAC for whatever reason seemed incapable or unwilling or the government did not want a referral to IBAC for these matters.

This really is a litany of disaster that has essentially seen Victoria end up sounding and looking like Queensland in the late 1980s, which is of great embarrassment to me as a proud Victorian, as it ought to be for everyone in this place. In fact Doug Drummond, the Queensland special prosecutor whose work led to jailing former police chief in Queensland Terry Lewis and other corrupt police, backed the establishment of a special prosecutor in Victoria again on 6 October 2020. Mr Drummond said:

> The police and the Labor government of Andrews are so closely entwined that I wouldn't have any confidence in a prosecution run by prosecutors who were subject to political direction.

Now, that is a stunning assertion. Of course the Attorney-General at the time refused to comment. That is a stunning assertion from someone who has made a contribution to public life in another jurisdiction to root out the very corruption we are discussing here today. And I think that observation by Mr Drummond, which essentially says that our institutions here have been potentially corrupted by Labor governments now going back 20 years, is terrifying if you interrelate what the government has or has not done with regard to police corruption and the use of informants with the pandemic legislation, hypothetically, that was introduced just some moments ago, which seeks to give the government enormous power and the Premier personally enormous power to declare a pandemic for months and months and months on end. If you overlay that with the clearly failing institutions in this state that have failed to protect the rights of the accused—I mean, the failure to protect the rights of the accused in a democracy throughout the 800 years since Magna Carta—it is the most egregious assault on our judicial system and that fundamental check on the power of the executive to accuse someone of a crime but at the same time corrupt the one person who can defend them in a court.

To corrupt that process yet equally to continue to thrust the executive into each and every aspect of our lives is whittling away those individual defences, those institutional defences—those institutional defences that have existed and evolved over centuries both on this continent and in the United Kingdom and the United States, through all freedom-loving peoples, people who value the rule of law as being the fundamental basis to protect individual liberty and freedom. It is being thrown out the window in Victoria as we speak. It has been thrown out the window in Victoria not just for the last 18 months but now, as this royal commission has revealed, going back many years—many, many years of misdeeds and poor behaviour by those who are the most powerful in our society.

The Australian Labor Party often talks about power imbalances. Well, the power imbalance that now exists in the state of Victoria firmly puts Labor and its leader at the pinnacle, at that apex. See, the class war warriors on the other side of the chamber would have always argued that it was a class-based order of power. It is not the case anymore, if it ever was in this country; in this state it is very much an order based on your relationship with various Labor politicians, particularly the Premier, and the institutional control that this Premier now has over the key institutions of this state that are usually designed to keep us free, to keep us safe and to ensure that our basic traditions are not defiled. This is one element of the ongoing and growing malaise, of the institutional decline, in the state of Victoria because of the entrenched nature of Labor control, and not just through the elected government, not just the Parliament. The way the Parliament's institutions have been trashed by this government has been well

on display today, where a bill of the magnitude of this permanent pandemic legislation is going to be rammed through in less than two days, but it is more serious than that, because that was predictable. We knew that that was going to happen.

What was not predictable was the corruption of Victoria Police, the protection racket by the elected government and the extraordinary behaviour that saw this go all the way to the High Court. To be fair, the minister did mention this in her second-reading speech. Now, I am hoping that there are no further delays or impediments to the special investigator doing its work. I will return to the commissioner and what she said in her report:

> Police are not entitled to pursue suspects at any cost—they must comply with the law and use their powers in a fair and ethical way. Additionally, lawyers cannot freely hand over information about their clients to police—if they do … they risk breaching their professional obligations and undermining the criminal justice system.
>
> When the State prosecutes, convicts and punishes a citizen, it uses considerable powers, including the power to deprive them of their liberty. As a check on those powers, there are well-established rules and principles …

that have been enshrined in our laws for centuries.

There are a number of questions that the community may well have about the need to scrutinise and to denounce seemingly effective intelligence gathering. But at the end of the day the ends never justify the means—never ever; not when you are dealing with the erosion of such fundamental freedoms and liberties and not when you are dealing with the fundamental erosion of our judicial system, of the role of counsel within the judicial system. The commission was established to find out how and why these events occurred and to make sure they can never ever happen again. In line with this objective the commission recommends that the conduct of Ms Gobbo and relevant Victorian police be investigated.

This bill has the support of the opposition. We would contend that it has been too slow, too late in the offing—that it ought to have been proceeded with particularly earlier this year when Sir David Carruthers, who was appointed to implement the recommendations of the royal commission, made his report known, and that was in March. So again, I do question why this has taken so long. I put on record my profound concerns about what that may have done for the ability of the special prosecutor to do his job. Justice Nettle has very, very wide powers—very wide powers indeed. They are the powers essentially that Victoria Police have—and they could not investigate themselves, clearly. And his powers, his budget, are profound. We wish him all the very best in his duties, because we have to hold accountable those who have caused such a stain on the fine traditions of Victoria Police and indeed a stain on our judicial institutions that until recent times kept Victorians safe and free. I thank the house.

Mr EDBROOKE (Frankston) (11:48): I rise to speak on the Special Investigator Bill 2021, and from the outset I would just like to recognise the bipartisan nature of the debate we will have today and the support from the opposition on this bill. Of course, as we have heard the lead opposition speaker mention, this is about an individual on one side unbelievably discharging her role as counsel for those accused of criminal conduct whilst actually informing on those individuals at the same time. Of course, as we have heard, there are some underlying issues with that across the whole spectrum of the justice system.

The Royal Commission into the Management of Police Informants, that concluded its important work, found that—well, it condemned the conduct of Nicola Gobbo and members of Victoria Police and also made us aware of a lack of an appropriate body to investigate breaches of discipline and criminal conduct across the board as well. This bill is an important step towards the Victorian government's commitment to implement all recommendations of the police informants royal commission, and it will deliver recommendations 1, 3, 92 to 99, 101 and 103 of the royal commission and support the delivery of a number of other recommendations as well. Without going to those recommendations in detail, I will attempt to go through this bill and speak a little bit about it in detail and answer possibly some of the opposition's question as well.

In doing that, in answering some of those questions, I would like to just take the time to thank the ministerial office, all our justice stakeholders and all our legal stakeholders who were brought to the party, or to the table, as it may be, for community consultation on this. As the opposition lead speaker said, this has been going on for many, many years—very complex. A royal commission was called, and therefore it is not unreasonable that an appropriate amount of time is taken to ensure that the recommendations of the royal commission are rolled out correctly.

The bill establishes the Office of the Special Investigator as a new investigative body with responsibility for investigating possible criminal conduct or breaches of discipline in connection with Victoria Police's use of Ms Nicola Gobbo as a human source. It provides for the OSI's functions, powers and duties, which are wideranging. It also provides for the oversight of the OSI by the Victorian Inspectorate. Timely passage of this bill will ensure that the special investigator, who has already commenced preparatory work and has already received a $13.8 million budget, has the powers necessary to do the job recommended by the police informants royal commission. This bill will assure Victorians that their criminal justice system accords with the rule of law, as it should.

There would be those amongst us who would like to point, I guess, this royal commission out as something that is unique to this time and this place. Certainly those amongst us who have been on this planet for quite some time would know that it is not. There are times where we find corruption. There are times where we find people doing the wrong thing, and we do have to investigate it, and that was why this royal commission was called by this government.

Certainly I noted in the opposition lead speaker's speech that he did not understand why IBAC could not do or discharge this duty. I will just answer that by saying that the royal commission found that for various reasons it would be problematic or very challenging for the conduct of Nicola Gobbo and Victoria Police officers to be examined by existing investigative authorities, and that would be Victoria Police themselves, which would make no sense at all—or indeed IBAC. No finding was made by the royal commission that a special prosecutor was needed. The 'special prosecutor' term came up, I think it was last year, when in my opinion the opposition sought to influence the findings of the royal commission by lobbying publicly for the appointment of a special prosecutor ahead of the release of the final report, and that again is at loggerheads with the question of why IBAC could not do this when the opposition are now asking why IBAC could not discharge these duties but were actually lobbying for a special prosecutor.

What the commission recommended was a special purpose investigatory body be established to investigate any possible criminal or disciplinary wrongdoing in relation to the matters examined by the commission and to compile briefs of evidence for the DPP. The commission found that the special prosecutor argument was not necessary for our government. Rather than undermining two years of forensic investigations and hundreds of days of witness examinations, thousands of pages of submissions, reports and evidence and literally jumping the gun on consultation as well, our government chose to wait for the recommendations of the final report of the royal commission, and here we are with this Special Investigator Bill.

The special investigator will pick up where the commission left off, informed by full and free access to the commission's records to minimise the need for duplicate work of the commission. Following a criminal investigation the special investigator is responsible for determining whether a relevant offence may have been committed and compiling a brief of evidence for the DPP. The DPP will further determine whether charges should be filed, and the OSI will then file those charges and commence the criminal proceedings. Again, this is totally consistent with the commission's recommendations. The DPP will conduct a prosecution with the OSI acting as informant, similar to Victoria Police's role as informant in other criminal proceedings as well. The DPP's role under the bill is consistent with its existing functions in relation to criminal prosecutions, and it is fully capable and equipped and independent of government to undertake its role, as it does with many, many criminal prosecutions every year.

Also, it was recommended by the commission that the bill gives the OSI and IBAC full and free access to the commission's records as well. This will enable the OSI and IBAC to use the commission's records for the performance of their functions, and it delivers the commission's intent that the special investigator not be required to duplicate work already undertaken by the commission in the conduct of its investigations.

So there are other things that the government is doing to support the delivery of these recommendations by the Royal Commission into the Management of Police Informants.

On 7 May 2021 the Attorney-General released the government's response to the final report of the royal commission, alongside an implementation plan and an $87.9 million funding package. That plan focuses on the actions to implement the royal commission's 54 recommendations directed to government, and it also outlines the principles-based framework agreed to by all other bodies responsible for the implementation of the remaining 57 recommendations. When you consider we have had questions about the timing of this bill—about the tardiness of this bill—I think you would agree that to have a principles-based framework agreed to by all other bodies for the implementation of the remaining 57 recommendations and all the work that has gone into this bill would take up a fair amount of time.

Essentially, as I have outlined, this bill ensures that the special investigator is empowered to perform their role in the manner envisaged by the commission, they receive their budget, they have got wide and ranging powers and they can work within the framework and the existing justice system as well.

I have just a couple of things in the time I have left allotted to me. I would like to make it very clear that we fully support our Victoria Police on this side of house. A few rotten apples do not spoil the whole basket of apples, and certainly my interactions with Victoria Police—whether it be lately, and I know there has been pressure on different electorate offices across these chambers—have been outstanding, and I could not speak highly enough of them. When we see things like this, as we have heard, it is shocking. Was I surprised when I read this in the newspaper? Very much so. Was I shocked at some of the royal commission's findings? Yes, absolutely, definitely. But here we are ensuring that the recommendations of a royal commission into a very serious issue are laid out for our community to see so they can once again have confidence in a system that will provide them justice.

Now, the opposition—yes, I have acknowledged the bipartisan support, but when we are starting to talk about time frames and why IBAC cannot do something, or the different roles and different names that we heard last year, it does not really sit well with the royal commission's recommendations. This government of course will be adhering very strictly to those recommendations, because that is why we employed those eminent people to sit on that royal commission and sift through so many hours of evidence, so many witness statements from people, to make sure that this does not happen again in our state. I would say that this bill goes a long way to ensuring that this will not happen again in this state, because we have got a special investigator with the powers to investigate something that gave us trouble before I think as a state, it is fair to say. I commend the bill to the house

Mr WALSH (Murray Plains) (11:58): Sir John Dalberg Acton said two centuries ago, 'Power tends to corrupt, and absolute power corrupts absolutely', and I think what we are seeing with this legislation is symptomatic of Victoria under a long-term Labor government. The issue of nepotism, the issue of cronyism, the issue of a nod and a wink to protect your mates, has become endemic in this state. As the Shadow Attorney-General touched on—and I will elaborate a bit more—I used to once be very proud of Victoria and to be a Victorian, because I could see what had happened in New South Wales and what had happened in Queensland with the issues of corruption in those two states, and I always thought Victoria was above that. Tragically, I do not believe it is anymore, and what we are seeing today is just the tip of the iceberg about what has gone on in this state under a long-term Labor government. Because being in government in Victoria for the Labor Party is seen as a right, not as a responsibility. It is seen as a tool to get what you can for yourself as a government and what you can

get for yourself, for your mates. It is not seen as a public service for the good of Victoria; it is for the good of the Labor Party and the good of the friends of the Labor Party.

The lines of separation of powers have been blurred under this long-term Labor government. As I have said in this place at other times, I have a presentation I do for schoolchildren where I go and talk about the Victorian Parliament and about the separation of powers and how the executive government should be responsible to the Parliament, and we have seen that totally break down over the time of the pandemic, where no longer does the executive government in Victoria, particularly the Premier, believe it is answerable to the Parliament at all. And there should be a separation between executive government and the Parliament and the judiciary—and we have seen those lines blurred as well, which is why we have this legislation before us.

So that whole issue of hundreds of years of history in the Westminster system and the separation of powers has been blurred and broken down by this long-term Labor government.

As the Shadow Attorney-General put forward in his presentation on this legislation, the royal commission shocked everyone—I think it shocked everyone in Victoria who did not know what was going on. But I think for some of us who have had a sense of what has been going on it just confirmed what people had been concerned about for a long time. Under our judicial system, under our I think world-standard judicial system, the end does not justify the means, and that is where we got to with the issues that came out in the royal commission. Those people in senior positions felt the end did justify the means and did whatever it took to correct some of the issues that were going on with criminal activity here in Victoria. Once we get to the situation where the end justifies the means, we break down our long-term judicial system here in Victoria—the rule of law disappears because then it comes back to those who have the power actually making things happen.

As the Shadow Attorney-General set out in his contribution, it has been 12 months since the royal commission handed down their report, and we now have this legislation before us. That is a long period of time, and if one were a cynic, which I have become with this long-term Labor government, one would say this is about kicking the can down the road, taking as much time as possible, putting as many processes in place as you can to make sure that we never actually ever get to the end or by the time we get to the end most people have moved on, most people have forgotten and evidence is not available that would have been available if it had been done sooner. So it is a pity that this has all taken so long, because a lot of the actions that are being investigated here are 20 to 25 years old now That means that people's memories will change, and it is very hard to find the evidence about what actually did go on.

I suppose, again, what we are dealing with here is just the tip of the iceberg. Let us recount a bit of history about nepotism, cronyism and nods and winks for mates—the I Cook Foods debate that has been going on and the investigation that has been going on in the other house, the issue of a police investigation that appeared to go nowhere because people in high places did not want that police investigation to go anywhere. Can I put on the record that I think Victorians owe a vote of thanks to Ian Cook for having the intestinal fortitude, for having the determination and for spending his own money to get to the point where actually someone might be held accountable for what appears on the surface to be a very corrupt system that did a total injustice to Ian Cook and to his business—the things that have come out in the parliamentary inquiry in the other place. The work that particularly Georgie Crozier, the Shadow Minister for Health, up there has done to bring this to the fore I think is to be commended, because unless people stand up, unless people bring these things out into the public arena, unless people actually have the perseverance to continue to fight against all odds, the nepotism and the cronyism in this state will continue and the long-term Labor government will just ingrain that into the whole system of running this particular state.

Let us not forget the things that have happened around the CFA and what has gone on with the CFA. Whatever happened there, the nepotism, the cronyism, enabled a great tradition of this state—a proud organisation, the tens of thousands of volunteers who go out any day of the year to protect their

community—to be absolutely trashed by that particular process in making some alleged returns or promises to the head of the United Firefighters Union, to Peter Marshall. Everyone that had anything to do with the CFA debate a number of years ago all asked the rhetorical question: what has Peter Marshall got over the Premier that he would spend so much political capital to do so much harm to so many great people around regional Victoria? No-one knows the answer to that, but we actually do hope that IBAC might get to the bottom of that.

If the royal commission got to the bottom of the issues we are dealing with regarding police witnesses and informers, perhaps IBAC might get to the bottom of these issues with Peter Marshall and the Premier and what actually went on with the absolute trashing of the CFA.

There was the Coate inquiry and the issues around hotel quarantine, an inquiry that was set up to get to the bottom of who actually made the decision, who finally signed off on the requisition for the money, to employ private security officers in the hotel quarantine system that led to a huge lockdown in this state and led to the death of 800 people of this state, which no-one has actually taken responsibility for. To have the Premier of this state appear before the Coate inquiry and sit there and say, I think from memory, 27 times, 'I don't recall', when asked questions—I do not think that is about leadership. I do not think that is about responsibility. That is not what we expect of our leaders. We expect our leaders to be accountable. And if you get it wrong, why not say it? Someone in the system of government must have put a signature on a bit of paper for that requisition for those private security guards to be employed. For someone to say that it was a creeping assumption, that somehow when the hotel quarantine system was set up that amount of money was spent and all those people were employed to run it based on a creeping assumption—if that is the way the government is running things here in Victoria, that is an absolute disgrace. But I do not believe it was a creeping assumption; someone made that decision. Whether it was the Premier or someone close to the Premier, that decision was made by someone, and that someone should have been held accountable.

One of the things that have been lost with this government is the whole issue of ministerial accountability. Under the Westminster system, something that we are very proud of, something that we are based on, ultimately the decisions of the department should rest with the minister, and the minister should take responsibility and accountability for that. To have the WorkCover actions actually brought against a whole department and against individuals in that department—who the minister is responsible for—means that I do not think a lot is ever going to happen or anyone is ever really going to be held accountable for those issues in hotel quarantine. Ultimately a minister should be responsible and a minister should have their career terminated or should resign if he or she is the one that is responsible for those particular issues.

And dare I say it, when it comes to corruption in this state, nothing could be more corrupt than the red shirts, where the Labor Party eventually paid back the money but no-one took responsibility, again. The Labor Party profited by using taxpayers money to run an election campaign and be successful in that campaign, but they profited from the use of taxpayers money. That is why, in my view, Victoria is now a very corrupt state.

Mr CARBINES (Ivanhoe) (12:08): I am pleased to contribute to the Special Investigator Bill 2021, and I start of course with an extract from the decision of the High Court when they said Victoria Police, and I quote:

> … were guilty of reprehensible conduct in knowingly encouraging—

the informer—

> … to do as she did and were involved in sanctioning atrocious breaches of the sworn duty of every police officer to discharge all duties imposed on them faithfully and according to law without favour or affection, malice or ill-will. As a result, the prosecution of each Convicted Person was corrupted in a manner which debased fundamental premises of the criminal justice system.

I say also that for a large period of the hearings of the Royal Commission into the Management of Police Informants a former constituent of mine—a former Premier of Victoria, a former Attorney-

General of our state and a person who established the West Heidelberg Community Legal Service and was its patron when he passed away, and I am referring to the honourable John Cain—was a regular attendee at the royal commission hearings where the public were allowed to attend. Of course in his inimitable fashion, he would just sit up the back there, as another citizen in our state, to watch these matters unfold before the commission. As a constituent, he was someone I had many conversations with as he walked up from the train, from Jolimont, to this place and to his office in the other Treasury building, and it was no surprise to people in my community, people in legal establishments or people who worked with people like John Cain over very many decades in community legal work, protecting, advancing the interests of and being a voice for vulnerable people in the community but also tempering and holding to account the excesses of executives, of executive authority and of some of the institutions that we count on and rely on in our democracy and give great privileges to under law.

It is no surprise to me, and very disappointing of course, what he would have made of the findings of the royal commission. But I expect his attendance regularly at those royal commission hearings was about his values and perhaps his understanding, anguish and disappointment that it had come to this and that this was where we were, after the fact, having a discussion and having an investigation into these matters, as outlined of course by the High Court. Ultimately it was Canberra, it was the nation's capital and the highest court in the land where these matters were ultimately brought to the attention of the public and the Parliament to be addressed and excised—the absolute betrayal of people's human rights and the justice system.

I will refer as well to a couple of articles on these matters, particularly one from the *Age* on 11 December 2020 with the headline, '"Kafkaesque": How Victoria Police worked hard to keep their secrets blanked out', and in particular of course that capacity to use what is the public interest immunity legislation to protect sensitive documents from the public eye. Of course we know that in relation to those matters, and I will quote from that article:

> The royal commission was outspent by some distance in its own investigation. It was required to review documents tendered by more than 100 staff on the Victoria Police team and their helpers from top flight firm, Corrs Chambers Westgarth. The royal commission's budget was $39.5 million; Victoria Police spent $64 million, including $42 million just on lawyers.
>
> Commissioner McMurdo's frustration was evident in her final report …

where she said

> Victoria Police repeatedly told the Commission that its ability to make and address PII claims—

public interest immunity claims—

> was hampered by a lack of resources …
>
> … Commissioner McMurdo ultimately found that many of Victoria Police's PII claims and justifications for failing to hand over documents lacked substance, did not sufficiently value the work of the commission and the public interest of airing these issues. And that, she wrote, had a "detrimental consequence" on her work.
>
> …
>
> The Royal Commission has recommended recrafting the legislation to bring it into line with other jurisdictions so that if or when Victoria Police was again called to account for their actions, their scope for refusing cooperating would be curtailed.

And that is one of the 111 recommendations our government has pledged to implement.

Multimillions of dollars—not Victoria Police money; Victorian taxpayers money—was used not to uphold the right in the community but to defend and potentially uphold a culture that does not reflect our community's values or the laws of this Parliament. I think that while culture in any organisation is critical, it also comes back to the character of individuals. You always have a choice about how you conduct yourself and how you behave within the good graces and the privileges of your workplace or in your community or society and about how you want to behave. Culture can be a cop-out at times. It is important—it sets the framework and boundaries—but ultimately it is the character of individuals working as a team in an organisation that gives life to the culture, that influences it and that drives it.

What we have seen, particularly at a high level within Victoria Police, was a great disappointment in relation to what unfolded through the High Court's case and its judgement and then the subsequent royal commission established by our government. Implementing this Special Investigator Bill 2021 now is a large and critical factor and part of the work that we need to do to implement those recommendations that Commissioner McMurdo put forward.

But what is also important here and inherent in everything that we do is that the blank cheque that is there—taxpayers funds to defend what is not fair and reasonable, tens of millions of dollars of taxpayers money, for Victoria Police defending positions clearly both in the High Court and in the commission's hearings—is not appropriate and not acceptable. I am hopeful too that the further recommendations outlined that we have accepted and are pleased to implement will address these particular matters around public immunity in relation to Victoria Police.

These issues of culture and character infect everything that we do. This 'end justifies the means' attitude debases us all, debases our community, and also leads not just to the big-noters out there—the high-profile criminals and those we expect and suspect are wrongdoing—but ultimately feeds down to the bottom, to the vulnerable people, to people who rely on the institutions to be pure, to do their work effectively and to be a bulwark against people's ill discipline, temptation and poor behaviour. When those institutions fail us, when they then seek to use the community's resources to defend and hide and obfuscate and run down and exhaust the investigatory bodies at the highest levels—of a royal commission—the recommendations alone, the legislation alone, will not change those organisations. We will be back here dealing with these issues again, having royal commissions again, unless the character and the culture of organisations change.

We have got a really critical and big job to continue—as we are, as our government is, as this Parliament is in relation to this legislation. It is another critical and key part of what needs to happen to ensure that, in the record recruitment in Victoria Police, in the giving of themselves for their working life to an organisation like that—as so many thousands and thousands of Victorians do to Victoria Police—in that commitment at the highest levels, right down to the cop on the beat, there is an understanding that they are being supported when they put their life on the line and that they are also being supported around the character and culture that is required to make sure, as they progress through the ranks if that is their choice, that the leadership that they can show in every facet of the organisation does not bring us back to this place.

There is no doubt that when John Cain attended those royal commission hearings he was representing, as he had throughout his life, vulnerable people and community legal services. This spreads everywhere in our society, and it has to be held to account. This is a good start. There is a heck of a lot more to do. I commend this bill to the house and the findings of the royal commission.

Mr TAK (Clarinda) (12:18): I am really delighted to join the honourable member for Ivanhoe after his fine contribution. Can I just start by acknowledging the hardworking members of our police force who protect us, especially at this difficult time. So back to the bill. This is a very important bill with three very important objectives. Firstly, it is to deliver recommendations 1, 3, 92 to 99, 101 and 103 of the Royal Commission into the Management of Police Informants; secondly, it is to establish the Office of the Special Investigator, OSI, as an independent statutory office and new investigative body; and thirdly, to provide for the appointment of the special investigator and the functions, powers and duties of the Office of the Special Investigator in that nature.

As context, as we have heard from our lead speaker, the honourable member for Ivanoe before me, on 3 December 2018 the Premier announced the establishment of the royal commission. This followed the High Court's decision, which revealed that former criminal barrister Ms Nicola Gobbo covertly provided information to Victoria Police about the criminal activities of people she legally represented.

I remember the announcement. It was a very important announcement and a positive step towards investigating matters that go to the heart of Victoria's justice system and to how police use informers

with confidentiality obligations. The commission delivered its final report to the government on 30 November 2020. The commission's extensive and detailed inquiry uncovered significant historical shortfalls in the criminal justice system, and as a result the report contained 111 recommendations, 54 of which are directed to the government. The delivery of the report was a really important milestone for our justice system and an important step towards strengthening and restoring public confidence in that system, which is very important. All of the findings and recommendations have served as a blueprint to deliver strong reforms like the ones that we are seeing here today.

On 7 May 2021 the government released a detailed response to the commission's final report, in which it reiterated its commitment to implement the commission's recommendations. Among the 111 recommendations the commissioner recommended that a special investigator be established and, where criminal conduct or police misconduct may have occurred, the government will ensure it is thoroughly investigated. These recommendations come through as recommendations 92 through to 99, and I will just run through briefly those here. Recommendation 92 provides:

> That the Victorian Government, within 12 months, develops legislation to establish a Special Investigator with the necessary powers and resources to investigate whether there is sufficient evidence to establish the commission of a criminal offence or offences (connected with Victoria Police's use of Ms Nicola Gobbo as a human source) by Ms Gobbo or the current and former police officers named in the Commission's final report or in the complete and unredacted submissions of Counsel Assisting.

Recommendation 93 provides:

> … the person appointed as the Special Investigator be an Australian lawyer with at least 10 years' experience in criminal law or a related field.

And there are more recommendations, such as recommendations 94 to 97, which provide guidance on the investigating and prosecuting of potential criminal offences, namely through the Victorian Director of Public Prosecutions, as well as misconduct or a breach of discipline under the Victoria Police Act 2013. There is also the requirement for the special investigator to report regularly to the implementation monitor proposed in recommendation 108 on their progress to establish their operations and on the outcomes of their investigations.

Finally, recommendations 98 and 99 provide that the legislation should provide the special investigator with all the necessary and reasonable powers that are required to fulfil their role in investigating misconduct or breaches of discipline, including but not limited to the power to direct any police officer to give any relevant information, produce any relevant document or answer any relevant questions during the disciplinary investigations. There is even more in that the documents and answers given in response to such a direction should not be admissible in evidence before any court or person acting judicially other than in proceedings for perjury or for a breach of discipline.

To support the special investigator's powers, the failure of an officer to comply with a direction from the special investigator should itself constitute a breach of discipline, and therefore the special investigator needs to be empowered to lay disciplinary charges against relevant police officers if satisfied that there is sufficient evidence to do so. The need for and the importance of the establishment of a special investigator endowed with sufficient and appropriate powers is very, very clear.

I just would like to use the remaining time for my contribution to say that the bill will also establish new criminal offences to safeguard the OSI's investigations as well as to provide oversight of the OSI and OSI's officers by the Victorian Inspectorate. These are comprehensive and important changes that will help to strengthen our justice system.

I would just like to continue by talking about my engagement or my interactions—and I would also like to join with the honourable member for Frankston in these reflections—with our hardworking police officers. They are not there for the name or fame or anything like that; they are there to protect us and keep us all safe. We have seen during this pandemic that day in and day out they have been ensuring that everyone is safe, including by ensuring that those who are anti-vaxxers are contained to the best of their ability. All the time we see on TV, on the screens, hundreds and hundreds of our police

officers standing and protecting our citizens in these difficult times. They ought to be and have to be commended when we get to the end of this pandemic. For this reason I am very proud today to be here contributing to this important bill and to support the bill and support that cornerstone of our justice system.

The Department of Justice and Community Safety has consulted thoroughly. There was an extensive consultation process, which shows once again how our government continue to work closely with our key agencies and also institutions, including, once again, our Victoria Police and the courts, to make sure that shortfalls identified by the commission are corrected effectively and efficiently. The bill has broad support from a wide range of stakeholders, and I am really happy to support this important bill, one that helps strengthen public confidence in our Victorian justice system. As a proud Victorian I am very proud that this bill is here today, and I commend the bill to the house.

Mr McGUIRE (Broadmeadows) (12:28): This is an important piece of legislation to try and address issues concerning the use and abuse of power. The creation of a special prosecutor to perform that role is because it is necessary to have a mechanism that is separate from the possibly contaminated police perspective. There is evidence of a contamination of police procedures and processes that may be necessary for criminal charges. The requirement is to establish a body independent of government and police and to lay appropriate criminal charges disclosed through any investigation. Government requires that this person has sufficient power to secure access to all necessary materials, including some that under current circumstances would be regarded as confidential, and that is required for them to pursue this function.

This is a very powerful office, as disclosed by the details in this bill, because there is evidence of a contamination of the whole process of the use and handling of Nicola Gobbo throughout these activities. It is important, however, that while these powers have to be extensive, they do not themselves become a source of injustice or damage to individuals. The test for the legislation is whether or not it provides sufficient power to undertake the role intended but is sufficiently confined and controlled to avoid unnecessary injury to those exposed to the exercise of that power.

We have to be very careful. We need to get this balance right, and it is delicate. We need enough power to expose and deal with practices which may appropriately be described as corrupt, not in the traditional sense of securing money or power by use of a position but because they depart from the fundamentals of how our system operates in investigating criminal behaviour. Those whose duty it is to enforce the law must be expected to comply with it. While it is important to secure the prosecution and conviction of criminals, and from time to time pressure on authorities may be powerful to produce a result, that cannot be achieved at the expense of the integrity of the system and abandonment of the fundamental values on which it is based. This legislation is designed to try to provide an appropriate balance of these very powerful but sometimes competing objectives and values.

I will now go to the details of the bill. What it is establishing is the Office of the Special Investigator to investigate potential criminal conduct and breaches of discipline relating to the recruitment, management and use by Victoria Police of Nicola Maree Gobbo as a human source. It provides the power to enable access to all records held by the Royal Commission into the Management of Police Informants, the Office of the Special Investigator and the Independent Broad-based Anti-corruption Commission. It confers on the Victorian Inspectorate oversight functions in respect of the Office of the Special Investigator and makes amendments to other acts related to this function.

This is providing these mechanisms, and the aim is to coordinate the different powers and different requirements from various investigative bodies already. There is a requirement to provide assistance. The IBAC must give any assistance, and ensure that IBAC personnel do that, to the Victorian Inspectorate which the Victorian Inspectorate reasonably requires to enable it to conduct any investigation in relation to the IBAC or IBAC personnel under this part. The Auditor-General must give assistance and ensure that Victorian Auditor-General's Office officers give any assistance to the Victorian Inspectorate which it reasonably requires. Then there is the Ombudsman, who must give

assistance and ensure that the officers of the Ombudsman provide to the Victorian Inspectorate again anything it reasonably requires. Then we have the issue that the chief examiner and examiners must give any assistance to the Victorian Inspectorate which it requires, and the information commissioner must do likewise. The Principal Public Interest Monitor is included.

These are wide, sweeping powers. It is about how we get to the obtainable truth in this investigation and in these matters that have already been subject to a royal commission that was instigated by this government. The key point is, in having these powers, making them have the focus that is required from what is already known and understood and then be able to dig deeper into what is held in confidential files that are still hidden from public scrutiny and therefore accountability. This has already been a significant process in the public interest to get this done. If you just look at the Royal Commission into the Management of Police Informants, it was appointed by this government and went on for a considerable time.

We have heard from other contributions made today on this bill how significant that was and what needs to be done now to take the investigation to the next stage.

This bill displaces any derivative use immunity attached to the royal commission's records. This means that the Office of the Special Investigator will be able to use commission records in its investigations—for example, to identify further lines of inquiry. The Office of the Special Investigator will also be able to rely on commission records for the purpose of applying for warrants under the bill—that is, under the Crimes Act 1958, the Criminal Procedure Act 2009 or the Surveillance Devices Act 1999. Clause 5 provides that the bill binds the Crown in right of Victoria and, to the extent that the legislative power of the Parliament permits, the Crown in all of its other capacities. It also provides that the Crown is a body corporate for the purposes of the bill and the regulations.

In summing up, the Office of the Special Investigator has been given enormous powers and has a budget that the opposition has also acknowledged is sufficient to do the job. This is what the government is doing to actually make this change. It goes to a specific case at a specific time, but as other contributions have talked about, it also goes to culture and it goes to: when you have the power, how do you use it and what is the appropriate use? This is legislation designed to try to provide the appropriate balance, even in incredible times when the public was outraged at what was going on—they could see it on news reports on the television every night—and a time when there were great demands for remedies for this set of circumstances. Then you have to also look back at how long it had been going and what were the circumstances that started these relationships. This is timely. It is important. The powers are there, the resources have been provided and now we hope that in the public interest the balance is right and justice is finally delivered.

Mr CARROLL (Niddrie—Minister for Public Transport, Minister for Roads and Road Safety) (12:38): I move:

That debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until later this day.

SEX WORK DECRIMINALISATION BILL 2021

Second reading

Debate resumed on motion of Ms HORNE:

That this bill be now read a second time.

Ms BRITNELL (South-West Coast) (12:39): I rise today to lead the debate for the Liberal-Nationals on the Sex Work Decriminalisation Bill 2021. This is a very important bill with wideranging implications, and as one might expect, there have been a wide variety of opinions on the bill—people are either on one side of the fence or the other—but I think that is the beauty of our role as

parliamentarians. We are in a position of great importance, and we must listen to all sides of the debate, regardless of our personal opinions and beliefs. I came to this place almost six years ago with a promise of listening to the community and taking their views into account. It is a role I take very seriously.

The premise of the bill sounds straightforward, to decriminalise sex work, but in doing so requires complex changes. There are over 80 clauses. I will spare the house from going through it clause by clause, but there are important points to be made on various elements of the bill. This is a serious piece of legislation, and it cannot be simply rammed through without appropriate scrutiny and enough time to properly debate and consider, which the Andrews Labor government has been doing all too often lately—that is, ramming things through without that proper time to consider and debate.

Clause 1 sets out the main purpose of the bill, which is to decriminalise sex work and provide for the reduction of discrimination and harm towards sex workers; initially repeal certain offences in the Sex Work Act 1994 and then repeal the rest of the act later; re-enact certain offences from the Sex Work Act 1994 into the Crimes Act 1958 and Summary Offences Act 1966; amend the summaries act of 1966 to provide for the regulation of sex work advertising and amend the Equal Opportunity Act 2010 to establish anti-discrimination protection for sex workers, including introducing a new protected attribute to protect people from discrimination on the basis of their profession, trade or occupation; repeal an exception permitting accommodation to be refused to sex workers; and make some consequential changes in other acts.

In clause 4 the government provides for a review of the operation of amendments made by the bill to be started three to five years after commencement. The review is intended to assess the operations of all amendments made by this bill and consequential regulatory and policy changes as they relate to sex workers and the sex work industry. According to the bill's detail, matters for consideration in the review will be determined by the Minister for Consumer Affairs, Gaming and Liquor Regulation through terms of reference, and it is expected to consider whether the act has achieved its stated purpose to provide for the reduction of discrimination against and harm to sex workers and operation of any regulation or policies relevant to sex workers.

A review of such important and serious legislation should of course be conducted. What I do have an issue with, however, is the government is proposing a very wideranging time frame for this review. If the bill is passed in its current form, the review will start in somewhere between three and five years, and there is actually no set time frame in which the review must be completed and tabled.

I question why the bill presented is not more definitive. The implications of this legislation are going to have serious effects and impacts across several areas of the community, and I think there is a missed opportunity to provide more definite structure for this review. I am sure my colleagues in the other place will also have some things to say on this, and I hope that when we get out of this there is an admission by government that this review really does need to be commenced sooner than in five years and completed and tabled within a set time frame. If the government wants to make sure the right elements are in place to support these changes not only for the new workers themselves but for the wider community, we cannot allow such a vague review process to be in place from day one.

Moving on to clauses 8 and 10, we come to some serious changes regarding the safe sex practices employed by sex workers and their clients. This clause repeals section 18A of the Sex Work Act, which makes it an offence if a sex worker or client does not adopt safe sex practices, and also removes the requirement for mandatory testing for sexually transmitted infections. The purpose of this repeal is to remove, according to the government, a discriminatory, industry-specific public health offence. Now, for the life of me I cannot work out why it is discriminatory to make a law that a sex worker should perform their work safely and that a client should take precautions.

For example, stealthing will no longer be an offence. Stealthing is when a sex worker or client, unbeknownst to the other party, removes their condom during sexual intercourse. For those who think that this would be a sexual assault or some other offence under another act, based on the advice of the

Police Association of Victoria and others I have spoken to it is not. For a government that purports that they are caring for Victorians, the removal of offences for not employing safe sex practices is mystifying. If those opposite were really interested in protecting vulnerable women and men that work in this industry and indeed clients of those workers, they would have transferred those offences for unsafe sex practices into existing acts instead of binning them altogether. It would be very dangerous for the framework and offences to be removed, considering the potential influx of new workers into this legalised industry.

The Australian Sex Workers Association told me the requirements for:

> … mandatory prophylactic use or compulsory sexual health testing are incompatible with full decriminalisation of sex work.

They also went on to say that assuming that sex workers will not continue to engage in safe sex or sexual health testing if it was voluntary is incorrect. They claimed that mandatory policies in this area are counterproductive and that the voluntary practices work best, but they could not give me an ounce of evidence or point me to any studies to back this up. The evidence is anecdotal at best, and we must not rely on this when we make such important changes. Whilst I accept that a lot of sex workers will take the right steps even without a mandate, it remains a fact that the new cohort of workers coming into the legal industry are doing so from the unregulated side of things, and we cannot assume that they will just do the right thing. I am not being alarmist here. I am speaking from 30 years of experience in the health industry as a nurse, and I have seen what happens when you have got rules and regulations backed by evidence and I have seen what happens when you do not. There is no evidence to say this is a safe approach.

Moving on now. To enable the decriminalisation of sex work changes are proposed to the planning controls. Home-based sex work businesses should not be allowed to operate without a permit subject to the same planning requirements as other home-based businesses. If sex work is to be treated as a normal job in Victoria, they should have to comply with all the normal requirements. A planning permit should be required, and neighbours should be consulted on any new business in the vicinity of their homes and given opportunity to object.

Further, the future repeal of section 21 from the Sex Work Act 1994 will allow brothels to apply for a liquor licence, and this introduces a very real danger, particularly for sex workers. It is in direct opposition to the government's own report from the Prostitution Control Act Ministerial Advisory Committee, which states that the prohibition of liquor in brothels appears most closely related to the objective of promoting the welfare and occupational health and safety of workers. A ban on liquor in brothels may protect sex workers from undesirable behaviour of clients who are under the influence of alcohol, and the effects of alcohol on sex workers themselves include impaired judgement and lower diligence about personal health and safety. The committee stated:

> The Committee recommends Government retain the restrictions on consuming liquor in a brothel. While reliable data on drinking patterns within the sex industry is not available, we do know that the environmental determinants of liquor-related harm include general workplace stressors, physical availability, the social norms defining its consumption, and the economic incentives that promote its use. Separating liquor and brothels has proved an effective measure to serve the public good.

The committee agreed that workplaces should be free from liquor-related harm, so I really do not know what reason the government has all of a sudden for allowing this. This discussion paper rightly raises concerns about unsafe working conditions for sex workers in both the licensed and unlicensed sectors. It raises concerns about the risk of occupational violence and the poor quality of security on working premises. It is contradictory to express concern for the safety and wellbeing of sex workers and then add alcohol to such workplaces, which is likely to increase the risks of violence and decrease safety and wellbeing for sex workers.

A review of the literature of alcohol use among female sex workers and their male clients published in 2010 reviewed 70 articles covering 76 studies. The review found that alcohol use by female sex

workers and their male clients was associated with adverse physical health, illicit drug use, mental health problems and victimisation of sexual violence. A study from the Netherlands found that sex workers working in a context where alcohol was sold drank more than other sex workers and that clients' use of alcohol increased aggression towards sex workers. Further, there are concerns among several groups that some brothel owners may adopt the practice of having their employees promote the sale of alcoholic beverages to their clients to drive up profits on the alcohol side of the business.

Aside from what I have already spoken about there are also several even more serious concerns that the Liberal-Nationals have. At this stage I would like to circulate and discuss the reasoned amendment that the Liberal-Nationals will be moving in relation to this bill, and I will discuss each of the four points in general.

I move:

> That all the words after 'That' be omitted and replaced with the words 'this house refuses to read this bill a second time until:
>
> (1) a redacted and de-identified copy of Ms Fiona Patten's government-commissioned review is released to members to enable them to scrutinise the recommendations that have led to the proposed legislation;
>
> (2) consultation occurs between the Department of Justice and Community Safety and Victoria Police to facilitate an objective definition of 'near' in relation to exclusion zones to remove any ambiguity and cause for community dissatisfaction when authorities are policing the law;
>
> (3) the minister confirms what support programs and mechanisms will be put in place to support workers from a health and safety perspective; and
>
> (4) consultation occurs between the Department of Justice and Community Safety and stakeholders (both individual and representative groups) on the proposal to remove the protection for landlords that currently allows them to refuse accommodation to sex workers if that worker wishes to conduct sex work within that accommodation'.

Three years ago the government asked Fiona Patten from the other place to conduct a review of the current sex worker laws and make recommendations for decriminalising sex work in Victoria. By the government's own admission, Ms Patten's report is the basis on which this discussion paper and the legislation now here on the floor in this place is based on. I have so many problems with this process.

Firstly, I would like to take this opportunity to remind the Minister for Consumer Affairs, Gaming and Liquor Regulation, who is not even present in the house to hear the debate on this bill, about the Sex Work Ministerial Advisory Committee. I wonder if the minister even remembers that committee. The committee's role includes advising the minister about issues relating to the regulation, control and general operation of the sex work industry in Victoria. Now, I am no expert, but I would think if you were looking at how to reform the sex work industry, you might start by asking your own advisory committee instead of working with a member of the crossbench in the other place. What is even worse is that at a time when there is serious change afoot to sex work in Victoria the minister's own advisory committee is dormant and all positions are vacant.

What possible reason could the government have to ask a crossbench member to advise them on an issue like decriminalisation, which Ms Patten has been on the record many, many times as wanting? I think it is clear: they want to get Ms Patten onside. It is clear to those on this side of the ,house and probably to those on the other side as well, that they need Ms Patten to pass pandemic legislation. The Andrews government continue to do these dodgy deals with Ms Patten so she will vote with them on legislation they are trying to force through. We have seen it with all the state of emergency changes and we are seeing it again this week with the pandemic legislation. It really is such a dodgy, dirty way of operating. If you need to do these deals to curry favour and get your undercooked legislation through this place, it just shows how this government operates.

In a submission to the discussion paper that was released following the review the victims of crime commissioner was absolutely scathing of the government's review and their approach to the review. I

will now quote directly from the submission, because it perfectly encapsulates the problems with the process undertaken:

> … I want to express my dissatisfaction and disappointment with the review process:
>
> - the process has been a lost opportunity to transparently consider issues of violence and exploitation that sex workers experience in the industry and the most appropriate regulatory model to address these issues
> - a comprehensive report should have been made public to outline the review process, the stakeholders consulted, the research and findings, the proposed model, and the rationale for the regulatory model to be adopted
> - while the review was publicly announced in November 2019, stakeholders have only been given two weeks to consider complex and nuanced issues …

The report not having been made available to the public is a substantial concern. Now, I am very aware of the sensitive nature of the subject matter and that people that were spoken to by Ms Patten during compilation of the report will have more likely given full and frank information if they were assured that their personal details would not be made public. I accept that. But keeping personal and identifiable information private whilst at the same time allowing public scrutiny of the recommendations is entirely possible. The report could, I am certain, be de-identified and redacted as required. I have been told by people familiar with the report that it already exists in this format, so my question is: why has it not been released? This is very divisive legislation being proposed, and the proposition of changes to sex work in Victoria is very important to many people for a whole host of reasons. Members of this place cannot be expected to give this legislation the full and frank review it should be given when the very basis of it has been hidden.

Why do we continue to see legislation coming to the floor of this place in such an arrogant, rushed manner from this government? Even the victims of crime commissioner—a Victorian government officer—voiced their disappointment at being forced into such a narrow time frame to consider the Patten review and provide a submission.

I bet this sounds familiar to those who are here, including my colleague sitting here in the chamber with me, the member for Ripon. We have seen the same with the health advice used to justify continual lockdowns and restrictions. They say they have done a report. They introduce legislation, but where is the detail to justify it? I could go on about this government's claims that health advice around COVID-19 is released, but apart from a couple of pages of PR and spin and dozens of pages of public health orders there are no stats, there are no graphs, there is no modelling and so really there is no information at all. So in this case as well, with the Sex Work Decriminalisation Bill 2021, we again see legislation proposed without the basis for it being released. It is just not good enough from this arrogant government.

But moving on now, I take your attention to clause 28, which inserts a new division into the Summary Offences Act 1966 to establish a new set of street-based sex work offences. It is intended that these provisions will limit where and when street-based sex work can occur. It will be an offence for a person to intentionally solicit or invite any person to engage in sex work or loiter for that purpose in certain public places between 6.00 am and 7.00 pm. It sounds straightforward, doesn't it? You only start to realise that it is not straightforward when you investigate the wording of new section 38B(1), which says:

> … a person must not intentionally solicit or invite any person to engage in sex … in a public place that is at or near …

certain premises. The new section defines 'certain locations'—government schools, children's services, school premises et cetera—but there is no definition of near, and that is a huge problem that we have with this piece of legislation. When asked about clause 28 and the lack of a definition of near, the department told me that the term is intended to be non-explicit, in that the police will end up using their judgement on a case-by-case basis. When a law or regulation is in place the application of it must

be equal or fair for all. When the distance from somewhere that a sex worker cannot legally work is not defined, you cannot apply the law equally and fairly to all.

The job of our hardworking and dedicated Victoria Police has already been made difficult enough through poor planning, lack of consultation and poor legislation, and here is the government now asking them to make things up as they go. Now, I am not suggesting for a second that the Victorian police members are not skilled or are unable to use sound judgement and decision-making skills, but this is too big an ask. What if Constable A arrested somebody 2 kilometres from a school for working as a sex worker, but Constable B did not think it was required when somebody else was 500 metres away? The community would be rightly angry about the disparity in application of the law, and the dissatisfaction would be directed at the police.

So again, we have a problem. The government are going to be putting the police into a difficult situation and have them deal with the repercussions, instead of the government doing their job and taking away ambiguity. When I put clause 28 to the police association they told me it was concerning that there was no definition. This arrogant government continually puts police in the position of having to bear the brunt of community frustration because of poor policy and becoming quite literally in some situations human punching bags. It is just not good enough to treat Victoria Police with such disdain and leave them to pick up the pieces.

The next part of the reasoned amendment concerns the support programs and mechanisms that will be put in place to support workers from a health and safety perspective. Clause 73 of this bill repeals part of the Public Health and Wellbeing Act 2008, which provides for a framework to manage infectious diseases within brothels and escort agencies. According to the government this framework is no longer required, as the Department of Health is developing a new public health and infection control framework for the sex work industry as part of the broader sex work reforms. The submission from the Victorian victims of crimes commissioner to the discussion paper, which I have quoted from earlier, I will quote again, because it is quite literally brilliant:

> While the Discussion Paper states that decriminalisation doesn't mean sex work will be deregulated, it is not clear what regulatory protections will be in place to ensure the health, safety and protection of sex workers in the industry.

So the commissioner flagged a massive issue around this in August and September, and she is absolutely spot on. What is the government's response? They bring a bill into this place and try to ram it through without having a sex work specific framework of protection in place, saying existing regulatory systems will be sufficient.

The ACTING SPEAKER (Ms Settle): Order! Under the resolution of the house, the time has come to break for lunch and cleaning. The member will have the call when we return to this bill.

Sitting suspended 1.00 pm until 2.01 pm.

Business interrupted under resolution of house of 26 October.

Members

MINISTER FOR WATER

Absence

Mr ANDREWS (Mulgrave—Premier) (14:01): I rise to inform the house that today I will answer questions for the portfolios of water and police.

Questions without notice and ministers statements

COVID-19

Mr GUY (Bulleen—Leader of the Opposition) (14:01): My question is to the Minister for Health. In phase D of the national cabinet plan, vaccine passports will no longer be needed. The plan states

COVID-19 will be managed 'consistent with influenza or other infectious diseases'. Does the government still intend to adhere to that part of the national plan?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:02): I thank the Leader of the Opposition. I think his question goes to the Victorian government's support for and delivery of the national plan, which the Prime Minister launched some time ago. As we know, there were a series of preconditions that attended to that, and of course the first of those is getting to phase D. I am very pleased that, given the enormous numbers in which Victorians have come forward in recent times to get vaccinated, we are well on the way to achieving that. I look forward to the next step of that coming into place this Friday when we hit 80 per cent double dosed for the Victorian population aged 16 and above, and then of course we will get to the final phase, phase D, where the Victorian government will be delivering on its part of the national road map. If I understand the honourable member's question, it goes to the issue of vaccination passports, and I assume he is talking about international arrangements that apply to that. But in regard to some of the preconditions that we are still working through—

Mr Guy: On a point of order, Speaker, on relevance, I do thank the minister for his answer, and I accept the minister has maybe misheard one part. I asked the question in relation to COVID-19 being managed 'consistent with influenza or other diseases', so it was not in relation to one or two other aspects, but I appreciate the minister was answering part of that.

Mr FOLEY: Can I thank the Leader of the Opposition for that assistance. One of the measures that the national plan has in place when it comes to managing ongoing issues, and it is specifically in phase D, goes to the issue of boosters. I was very pleased to see that this morning the federal health minister made announcements around booster arrangements that will be in place, potentially starting as soon as—I think he indicated 8 November. We will work through those issues with the federal government, as the federal health minister indicated in his public comments this morning.

In regard to what that then means for the wider vaccinated economy approach, the Victorian government's position is very clear. We will—and we are—deliver in full on the national plan. We will deliver every aspect of it, and as we move into essentially phase D—that being living with, as much as you can live safely with a wildly infectious virus—we will do so in a way that protects Victorians.

We will do so because Victorians have come forward in such large numbers to get vaccinated. Being amongst the world's most vaccinated places, which we will be in by that stage, will give us lots of options, be that for managing the pandemic, be that for delivering the arrangements in place that we are seeking to have in a COVID-safe 2022.

Mr GUY (Bulleen—Leader of the Opposition) (14:05): New South Wales has set its date of 1 December for phase D, and people there will no longer need to check in at retail and hospitality businesses. I ask the minister: when will the Victorian requirement to check in at retail and hospitality end?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:06): I thank the Leader of the Opposition for his supplementary question, and I say, well done to New South Wales. I wish I had had the best part of a million extra Pfizer vaccines and hundreds and hundreds of extra GPs accredited months before they became available to the Victorian health system. Of course that gave New South Wales a good head start—and good luck to them, I say. They have done a really good job, as indeed have the Victorian people, who have closed that gap, which was months and months ahead, in a very, very short time.

When it comes to QR coding, when it comes to making sure that we normalise the operation of our public health teams and our contact-tracing teams, we will have in place all the appropriate measures that are needed to keep Victorians safe—whether that be QR code systems, whether that be light touch public health measures—because we will work with our community to keep them safe.

MINISTERS STATEMENTS: COVID-19 VACCINATIONS

Mr ANDREWS (Mulgrave—Premier) (14:07): I am pleased to be able to inform the house and all Victorians that some 91.9 per cent of Victorians aged over 16 years have now had a first dose of one of the COVID-19 vaccines and 76.4 per cent of our community over the age of 16 are fully protected. Because of that full protection they can be confident that they will not finish up in hospital, that they will not finish up gravely ill, that they are at much less risk of contracting this virus or spreading it. They are playing their part, and to them we say thank you. To others we want to make it very clear that, whilst these numbers in aggregate are very strong and a great credit to the Victorian community, it is important that we look to every part of the state and every group within the Victorian community. There are some, because of multiple and complex circumstances, who need extra support in order to participate in this vaccination rollout. We have a $21 million package that will boost tailored support for Victorians facing additional barriers to getting vaccinated. Just a few examples: people living with disability, at risk youth, some culturally and linguistically diverse communities, victim-survivors of family violence. There are many different groups and cohorts within the community who need extra support, extra assistance in order to participate and gain access to these vaccines. But we are not seeing hesitancy. There are some access issues, and that is why we are seeing high rates of uptake but also a targeted focus by our government and of course our partners, and in that conversation we have to reference First Nations peoples and Aboriginal community controlled health organisations who, together with us, are doing a great job, a fine job. We are going to get as many people vaccinated as we can. That is all down to them. We again say thank you, and please get your first and second doses as quickly as possible.

ELECTIVE SURGERY WAITING LISTS

Mr GUY (Bulleen—Leader of the Opposition) (14:09): My question is to the Minister for Health. Many private hospital theatres remain unutilised, with many beds across the system remaining empty. Surgeons are at home, unable to operate on patients who need vital elective surgery which has been cancelled. I ask: on what date will elective surgery in Victoria return to full capacity?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:09): I thank the Leader of the Opposition for his question. Moreover can I thank Victoria's private health system for signing up to the national partnership agreement in March 2020 to essentially deliver during the course of the pandemic an integrated national approach to our health systems, particularly when it comes to responding to various surges in COVID outbreaks, which we have seen particularly in New South Wales, the ACT and Victoria, where there has been a coming together of those public health and private health systems to manage the increased cases in COVID-19 in our community.

In all of those jurisdictions, and in keeping with that arrangement, what we are seeing—based on clinical need as the overriding motivator and decider—is in some cases elective surgery for non-urgent cases being deferred. In that regard our private health system has cooperated really, really well in the course of recent weeks. Unlike 2020, when there was just the universal ban on all elective surgery, this year, based on the learnings that both the public and the private sectors have made, it has been a much more integrated approach. We have seen substantial numbers of elective surgeries continue. But as we have seen cases increase in the community and therefore in our hospital system, urgent cases, based on clinical need, have taken priority, and that has meant an unfortunate but inescapable delay in some applications of how elective surgery is applied.

I thank the private sector for its assistance in managing those issues. As soon as it is clinically safe to do so, we will continue to revisit those arrangements. It will probably be in a graduated way. It might not be like it was in 2020—switching it on and switching it off. It is most likely, again based on clinical advice, to be a graduated switching back on as we have seen the graduated switching of some elective surgeries off. In that regard, in terms of specific dates, it is a fluctuating date depending on the clinical

issues at hand, the location, the availability of the clinicians and support services and of course the particular circumstances of particular public and private hospital networks.

Mr GUY (Bulleen—Leader of the Opposition) (14:12): Bellarine Peninsula resident Jeff tore his Achilles tendon in January this year. He requires aid to walk and is in extreme pain. He requires surgery to repair his torn tendon. The surgery has been indefinitely cancelled as a result of the government's directive to cut elective surgery. Why have Victorians like Jeff experienced such long delays—almost a year of pain—while waiting for basic health care to be provided that is currently available to residents of other states?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:13): I do not comment on particular individual circumstances; it would not be appropriate to do so here or anywhere else. But in regard to the general principle that the honourable Leader of the Opposition raises, the fundamental issues are—as I explained in answering his substantive question—we are dealing, on clinical advice, with those cases of greatest need getting the priority. That is the fundamental principle that our public and private health systems in this integrated approach that we are dealing with during this global pandemic deliver. It has served Victorians well. In regard to any particular individual circumstances or the broader issue of how those elective and non-urgent waiting lists get dealt with, the Victorian government has shown time and time again that we are committed to dealing with those issues based on resources as they become available. *(Time expired)*

MINISTERS STATEMENTS: MENTAL HEALTH SECTOR ENTERPRISE AGREEMENT

Mr MERLINO (Monbulk—Minister for Education, Minister for Mental Health, Minister for Disability, Ageing and Carers) (14:14): I rise to update the house on the recently settled mental health enterprise bargaining agreement and how it will both improve conditions for our hardworking mental health staff and attract new people into this critically important sector. An in-principle agreement has been reached between all parties. Subject of course to finalisation of the paperwork, this will deliver improved new conditions and wage increases to our mental health nurses, allied health workers and administrative staff across the system. I thank the Australian Nursing and Midwifery Federation and the Health and Community Services Union for their advocacy in achieving this great outcome for their members.

Our mental health workforce is the beating heart of the sector. That is why over the next four years we have committed to creating at least 800 new full-time equivalent jobs in the sector, delivering on the promise of the Royal Commission into Victoria's Mental Health System.

We have committed to providing parity between mental health and general health nurses, recognising the dedication and skill of our entire nursing workforce and ensuring there is no disadvantage in choosing a career in mental health. We are increasing staffing across our secure extended care units and aged mental health services, delivering better care for consumers. We will hire a designated mental health director of nursing for each mental health service, provide more clinical educators for parent and infant units and increase the staffing profiles in high-dependency units. Importantly, we will provide compassionate leave for those who lose a pregnancy before 20 weeks, acknowledging the extra support needed in such a difficult time.

All of this would be at risk if those opposite, who voted against the mental health levy, against a key recommendation of the royal commission, had their way. Those that oppose the levy oppose funding mental health adequately. This is a government that respects, values and funds mental health.

ELECTIVE SURGERY WAITING LISTS

Mr GUY (Bulleen—Leader of the Opposition) (14:16): My question is to the Minister for Health. Even during the peak of case numbers, hospitalisations and ICU admissions for COVID in New South

Wales, elective surgery continued in large numbers in non-critical private hospitals. Why was that not the case in Victoria?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:16): I think the honourable Leader of the Opposition might want to—as seems to be his wont—check his facts, because of course elective surgery has continued in different ways throughout the course of this particular wave. So for the honourable Leader of the Opposition to assert that elective surgery has stopped in Victoria is simply not right. Elective surgery—

Members interjecting.

Mr FOLEY: Yes, it is not continuing at the rate that it was—that is without doubt. So for the honourable Leader of the Opposition to make that wild assertion just goes to the form that he has shown time and time again. Alternative facts—

Mr Guy: On a point of order, Speaker, I asked a simple question around elective surgery continuing in large numbers in New South Wales. I never asserted that it never continued at all in Victoria. That is something the minister has inserted into the question that I asked, which I never did, so I ask you to please bring him back to answering the question I asked.

The SPEAKER: Order! It is in order for the minister to reject the premise of a question but not to debate the question. I ask the minister to come back to answering the question.

Mr FOLEY: I thank you for your guidance, honourable Speaker. The Victorian government and the arrangements it has put in place with public and private operators have seen elective surgery continue in large numbers, and it has continued throughout the course of 2021. It has not continued at the level that it had some two or three months ago, and it may well not get back to that level until such time as the clinical advice is to do so.

Having said that, I do note that in recent days we have seen an actual reduction in hospital admissions through COVID-19 and we have seen an actual reduction in ICU numbers in hospitals, and I want to thank all of those healthcare workers, be they in the private or public sector, for the extraordinary work that they have done in helping to turn, we hope, those numbers around. That has come through their hard work. It has come through the extraordinarily successful COVID positive pathways plan of treating people as closely as possible to their home locations and keeping them well locally. It has been really well supported by GPs. It has been really well supported by community health organisations. And in that regard, what I want to do is to thank everyone who is involved in getting our community through this current issue and getting us back to as COVID normal as possible.

Mr GUY (Bulleen—Leader of the Opposition) (14:19): Last week at a government press conference the Minister for Industry Support and Recovery said:

> The truth of the matter is while the case numbers are tracking pretty close to the Burnet modelling, the numbers in hospital and … ICU are significantly lower than what was modelled and anticipated.
>
> Those numbers are tracking below the model and … this is the path …

the government is now on. Minister, if this is the path the government is now on, why is today around 50 per cent of Victoria's elective surgery still suspended? Why are Victorians still suffering?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:19): For the very reasons that I referred to in my substantive answer—because the clinical advice says that you prioritise those who are most unwell first.

On the basis of that, the funding that is needed, the support that is needed, the resources that are needed have seen the coming together, in extraordinarily cooperative ways, of our public and private systems. I thank all of who are those involved, and I look forward to the opportunity, in the not-too-distant future, of all of those clinical decisions continuing that nuanced approach to making sure Victorians continue to get the world-class care and support they need.

MINISTERS STATEMENTS: FAMILY VIOLENCE

Ms WILLIAMS (Dandenong—Minister for Prevention of Family Violence, Minister for Women, Minister for Aboriginal Affairs) (14:20): Today I rise to update the house on the Andrews Labor government's rollout of the landmark Orange Door network across our state. Since 2018 more than 170 000 people have accessed support through the Orange Door network across Victoria, and I am pleased to advise that yesterday we further expanded the network with the opening of the south-west Orange Door. South-west residents can now access the family violence and child wellbeing support they need closer to home, by phone, by email or face to face in Warrnambool, with additional sites coming online soon in Heywood, Terang and Camperdown. I would like to thank our exceptional partners for the work they have done to establish the south-west Orange Door despite the pandemic but also because of it. Emma House, Brophy Family and Youth Services, Gunditjmara Aboriginal Cooperative, Winda-Mara Aboriginal Corporation, Grampians Community Health, Uniting and Goollum-Goollum Aboriginal Cooperative are our amazing partners in the south-west Orange Door network.

This marks the 11th Orange Door network in Victoria, with two more to open this year and the remaining four on track for next year, 2022. We are getting on with delivering the family violence services that Victorians need and deserve. Through this reform we are ensuring that victim-survivors no longer have to tell their stories over and over again. We are increasing the focus on children, recognising them as victims in their own right, and we are ensuring that a woman in Mildura can be linked to the services she needs just as easily as a woman in Malvern.

Ultimately this is about ending the horror inflicted on too many at the hands of those who are supposed to love them the most. This reform is not easy, and there is a very long way to go. We held the Royal Commission into Family Violence for every Victorian living silently with the trauma of a violent home, and it is for them that we are implementing every single one of the royal commission's 227 recommendations. It is also for every family violence worker who has persisted throughout the pandemic, carrying out difficult work in even more difficult circumstances. We are getting on with delivering the Orange Door across Victoria.

ARTS MILDURA

Ms CUPPER (Mildura) (14:22): My question is for the Minister for Creative Industries. Arts Mildura is a community-based organisation that has been a powerhouse of creative industry since 1994. Its key goal over the years has been to democratise the arts, to make high-quality arts and culture accessible to everyone in our community, to bring arts to the streets, to the riverbanks, to empty shops and public spaces. For many years Arts Mildura was supported by local philanthropy, but that funding stream has largely ceased. The new guard of creative leaders at Arts Mildura are young, dynamic, talented and committed, but not so deep pocketed. To ensure the survival of Arts Mildura and its extraordinary contribution to the life and culture of our region, it needs government support. What support, if any, is the government willing to provide?

Mr PEARSON (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (14:23): I want to thank the Independent member for Mildura for her stellar work in this place since she arrived here in the service of her community of Mildura. Her strong advocacy for her community is to be commended. I note that the member and I recently met, with my office, to discuss some of these issues as part of the Independent member for Mildura's broader advocacy approach.

Mildura has a well-founded reputation as a creative space, a strong local creative community, great venues and facilities and a track record in presenting quality creative events and festivals.

So since June of last year Creative Victoria has provided nearly $1 million, almost $1 million, to Mildura-based creative organisations, venues and projects. This figure is a testament to the member's advocacy on behalf of her community. Now, we do have as a government a longstanding relationship with Arts Mildura, providing multiyear funding, which enables the organisation to deliver an annual

program and events across music, performing arts, literature, visual arts, community arts and more. We know that the creative industries are a really important part of the Mildura community, and that is why this government invests and supports them.

Our funding programs for both organisations and individuals have dedicated streams for regional Victorians to ensure that regional Victorians get the funding they deserve. Last year we provided Arts Mildura with additional funding to help them respond to additional challenges resulting from the pandemic, and in addition to this we also provide annual funding to the Mildura Arts Centre, which includes both a gallery and a performing arts centre and which also includes regular performances from the Melbourne Symphony Orchestra. In addition to these major organisations we have provided support to three live music venues in Mildura in 2020 as well as providing support for a local creative project at Tempy Primary School. So we are really proud to provide this level of support and investment to the regions, to Mildura and the surrounding areas, and I look forward to continuing to work with the Independent member for Mildura over the rest of this parliamentary term.

Ms CUPPER (Mildura) (14:26): Arts Mildura wants to be part of a Victorian visitor-led recovery, which is a matter of urgency for our COVID-battered economy. We are very grateful for the support that we do receive, and it has been ongoing. The context has changed though. The context is that we have had some fairly deep-pocketed philanthropists over time contributing money that has been needed—that has been pulled out, so that is the new context. Given that we also have missed out on some other government programs, such as the Play On program, can we get additional assurances that this is on the radar of the government, that you do understand the new context and that support will come through?

Mr PEARSON (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (14:27): Yes, look, I absolutely give that assurance to the member because of her tireless advocacy, and I am very happy to establish a separate formal briefing with the member and Creative Victoria. One thing I can say as well is that because of the great sacrifices Victorians have made in obeying the orders of the chief health officer and getting themselves vaccinated, regional Victoria is going to come alive this weekend, across this long weekend. I know that we have provided $465 million in the Victorian tourism recovery package that was announced in the recent budget. We have provided $54.5 million to the outdoor economy package as well. This will really stimulate the regions and get people to go out and see some great art in a wonderful city like Mildura. But certainly I would welcome the opportunity of providing a further briefing to meet with the member and with Creative Victoria and find other opportunities to work together more collectively and cooperatively.

MINISTERS STATEMENTS: BIG HOUSING BUILD

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing, Minister for Child Protection) (14:28): I rise to update the house on this government's continued investment in social and affordable housing across regional Victoria. These investments are of course part of our $5.3 billion Big Housing Build, the most significant investment in the history of Federation. I recently reported to Parliament the first allocation of funds through the Big Housing Build to community housing projects, and they are rolling out, a total of 89 projects for over 2300 new houses. But there is more. The Victorian government is right now calling on community housing agencies to put forward more proposals for new social housing in regional Victoria. Funding of up to $300 million will be provided as grants to fund over 1000 new homes. The following nine local government areas are being prioritised in the regional round: Bass Coast, Baw Baw, Golden Plains, Greater Shepparton, Horsham, Macedon Ranges, Mildura, Moorabool and Swan Hill.

Mr Walsh interjected.

Mr WYNNE: That is the first tranche of them, as I say to the Leader of the National Party. That is the first tranche. This is an opportunity for community housing agencies to work together with private,

non-profit and local government partners for their communities to create stable and secure housing for low-income Victorians.

Local councils that identify opportunities such as under-utilised council land will be encouraged to partner with community housing agencies to develop proposals together, and further funding programs will be released, Leader of the National Party, in late 2021 and through 2022. These investments have positioned Victoria to generate significant economic activity to see us through the pandemic and beyond. Every dollar invested in social housing is an investment in Victoria's people, and we will continue to deliver on that record investment.

COVID-19

Mr SOUTHWICK (Caulfield) (14:30): My question is to the Minister for Health. With almost four out of five shopfronts in Melbourne's CBD still closed, when will the government remove the work-from-home order for all public servants and get people back to their desks and back to work?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:31): I thank the member for Caulfield for his question. In regard to the substantive issue that the honourable member raises in his question, I look forward to the successful delivery of both of the next two steps of the road map for Victoria to deliver its part of the national plan for opening up and living safely with the COVID-19 virus. In that regard, the return-to-work arrangements which are set out in Victoria's plan for the national road map change progressively based on the public health advice and based on the arrangements that are in place to make sure that that is done safely and sustainably and keeps going once it has happened.

In regard to the issue of public servants—

Mr Southwick: On a point of order, Speaker, I ask if you could bring the minister back to answering the question. The question was: when will the work-from-home order cease? When will people be able to get back to work in the CBD? I ask you to bring the minister back to answering the question.

The SPEAKER: The minister is being relevant to the question that has been asked.

Mr FOLEY: I would have thought the honourable member, if he wants a precise answer, needs to ask a precise question, but perhaps he could write a PhD on it. In that regard, what we need to make sure of is that the facts are clear here, because those opposite have real trouble with facts. Those opposite have real trouble with reality. Those opposite have a real difficulty with make-believe events.

Ms Staley: On a point of order, Speaker, the minister is debating the question, and I would ask you to bring him back to answering it.

The SPEAKER: The minister should refrain from debating the question and not use an answer to a question as an opportunity to attack the opposition.

Mr FOLEY: Thank you for your guidance, Speaker. I will make sure that I follow it. What the member for Caulfield misunderstands is the facts. The facts are that the work-from-home arrangement is a recommendation as things roll out in the delivery of the road plan. In that regard, 'where you can' is not an order. 'Where you can' is just that—'where you can', and we look forward to that part of the road map being delivered in full. We look forward to the progressive, safe reopening of the Victorian economy, thanks overwhelmingly to the extraordinary take-up of vaccinations that Victorians have done in real, real numbers that have been extraordinary. That will make us one of the most vaccinated places on the globe, and as we see booster shots start to now roll out on the back of the TGA's announcement from today, we really do look forward to 2022 and beyond being safe, open and a COVID-safe future for us all.

Mr SOUTHWICK (Caulfield) (14:34): The Victorian Chamber of Commerce and Industry has raised concerns that wearing masks in the office is a significant barrier to getting people back to their desks. At what stage of the government's plan will masks no longer be required in an office setting?

Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:35): This is extraordinary. I just yet again urge the opposition to come into the world of reality, to come into the world of facts. This stuff is on the public record. I would urge the honourable member to read material that is on the public record.

Mr Southwick: On a point of order, Speaker, I ask you just to bring the minister back to answering the question. Forgive me for being confused, but I think every Victorian is confused about the road map that the government is handing out. We have had more backflips on this than a diver in the Olympics.

Members interjecting.

The SPEAKER: Order! I need to be able to hear the member for Caulfield's point of order. Can the member for Caulfield just repeat the last part of his point of order.

Mr Southwick: Thank you, Speaker. Look, if the minister will come back to answering the question. We have had more backflips in this road map than a diver in the Olympics. Victorians are confused and we need some consistency from this government, not the backflips that they continue to do.

The SPEAKER: Order! The Minister for Health was being relevant to the question.

Mr FOLEY: My old nan used to say, 'Son, we're in a hole—stop digging is the first way out', right? And I would share that advice with the honourable member for Caulfield. It is truly, truly amazing. But I thank the honourable member for Caulfield for his question. I would refer the opposition to the public record, to the announcements that have been made and shared with Victorians. All the material he is looking for is set out in writing in those documents, and I appreciate the hard work that Victorians have put in to make sure that we stay safe with masks.

MINISTERS STATEMENTS: ROAD SAFETY

Mr CARROLL (Niddrie—Minister for Public Transport, Minister for Roads and Road Safety) (14:37): I rise to speak on the actions the Andrews Labor government is taking to keep Victorians safe on our roads as they return to our roads this coming weekend. On Saturday I had the honour and indeed the great pleasure to speak at an event hosted by Road Trauma Support Services Victoria along with the Amy Gillett Foundation and to meet family members, to acknowledge the heartache of losing a loved one on Victoria's roads, to support them in their recovery and also to honour their loved ones' legacy. Behind every statistic is someone's father, mother, son, daughter, brother or sister. We have all made enormous sacrifices over the past 18 months to protect our health and the health of our loved ones and the broader community. As we move out of restrictions this weekend we are asking everyone to please take care on Victoria's roads. Drive to the conditions, take your time and make sure you also take your breaks. We have all worked so hard to keep our community safe, and with the Andrews Labor government's record investment in road safety—at the last state budget over $380 million in road safety—we are working very hard to keep Victorians safe on our roads.

Can I also acknowledge our road safety partners—Victoria Police and the Transport Accident Commission—for their incredible job. To make it very clear, Victoria Police will be on all our major highways this coming weekend, from the Princes Freeway to the Calder Freeway, the Hume Highway and the Western Highway, right across Victoria, making sure people obey the rules. Can I put on the record my appreciation and support for the work they do.

Our message could not be clearer: plan ahead, slow down, do not drink or drug drive and make sure you make safe choices, including putting away your mobile phone. We are investing in the road safety initiatives that Victorians need. We are also rolling out record investment as well as cutting-edge road

safety campaigns targeted at young people, targeted at vulnerable Victorians. We will not leave any stone unturned in reducing the road toll because we know every life matters and every statistic on our road toll is preventable. We need to do more, and we want the community to join us in that effort.

Ms Sandell: On a point of order, Speaker, I just seek your guidance. I have 25 questions that are outstanding. Many of them have been outstanding for some time. I am not sure what more can be done to get answers for my constituents.

The SPEAKER: If the member for Melbourne could provide that list to the clerks, I will follow that up today for the member.

Mr Wells: On a further point of order, Speaker, I have a number of unanswered questions—very important questions too—to the Minister for Health, 5945; to the Minister for Health again, 5971; to the Minister for Health again—can you believe it?—6000; and my last one, 5885 to the Minister for Disability, Ageing and Carers. I wonder if you could ask the relevant ministers to follow those up, please.

The SPEAKER: I would be honoured to follow those matters up for the member.

Constituency questions

CROYDON ELECTORATE

Mr HODGETT (Croydon) (14:40): (6096) My constituency question is for the Minister for Health. Can the minister provide accurate information on the legality of ongoing employment beyond 5 November while an employee seeks medical advice on vaccination? One of my constituents suffers from a serious heart condition and cannot receive the Pfizer or Moderna vaccines. Before determining whether it is safe for the constituent to receive the AstraZeneca vaccine her GP wants to consult with a cardiologist, who is not available in the short term. While the GP has provided a letter stating that he is waiting to consult with the specialist to determine whether an exemption is appropriate, the constituent's employer is hesitant to allow her to continue working after 5 November in case the business is penalised. Minister, is the GP's letter sufficient to allow the constituent to continue working while satisfying an employer's obligation under the mandatory vaccine workers directions while she awaits further consultation with a cardiologist?

The SPEAKER: Order! Just before calling the member for Burwood there is too much chitter-chatter in the chamber at the moment. If people want to have a conversation, they might want to take it outside. I heard the member for Croydon, and I am sure I will hear the member for Burwood, but if people are having conversations, they might want to leave the chamber.

BURWOOD ELECTORATE

Mr FOWLES (Burwood) (14:41): (6097) Normally the shushing happens after I speak, not before, Speaker, but thank you. My constituency question today is directed to the Minister for Energy, Environment and Climate Change. Can the minister please advise how many power saving bonus applications have been processed for constituents of Burwood? I recently wrote to all my constituents aged over 60 about their potential eligibility for the $250 power saving bonus program, and the response we received was phenomenal. Through my office alone we have processed close to $85 000 worth of power saving bonus applications in recent weeks. Local neighbourhood houses and church groups have also been working hard to help pensioners and other eligible concession card holders make these applications. We know that power costs can be significant and disproportionately affect low-income earners, not just as a percentage of income but as a direct result of dwellings that are often not built to modern efficiency standards. For many in my community this $250 makes a real difference, which is why this program is so commendable. I look forward to finding out just how many of my constituents have benefited from this initiative.

GIPPSLAND SOUTH ELECTORATE

Mr D O'BRIEN (Gippsland South) (14:43): (6098) My question is to the Minister for Training and Skills, and I would like to know whether the new Sale campus of TAFE Gippsland is actually going to be opened as scheduled in February 2022. This is a significant project underway in my electorate, one that I have been fighting for since I was elected in 2015. The Nationals and Liberals committed to it in 2017, and finally the government came on board in 2018. But here we are, end of 2021, still no campus, but it is well and truly underway and looking good. However, I am concerned as to whether the project will in fact be finished in time. The government and TAFE Gippsland have said it will be ready for classes next year, so I am seeking confirmation of that and also information on when courses and enrolments will be available for the TAFE Gippsland, port of Sale campus. It will be a great facility, but I hope it is running on time.

WENDOUREE ELECTORATE

Ms ADDISON (Wendouree) (14:43): (6099) My question is directed to the Minister for Innovation, Medical Research and the Digital Economy. The Andrews Labor government is leading the nation in the fight against brain cancer and providing improved treatments and outcomes for patients and their families. How will the Victorian government's investment of $16 million into the Brain Cancer Centre improve brain cancer diagnosis and prognosis for paediatric, adolescent and adult patients? As a community we all know friends and families that have been touched by this heartbreaking disease. Brain cancer has the lowest survival rate of almost any cancer. The disease does not discriminate. Brain cancer kills more children in Australia than any other disease. Four out of five patients die within the first five years of diagnosis. For some of us this is personal. I recently lost my father to brain cancer. He passed away 20 months after his initial diagnosis. To date, little is known about its treatment and progress has been slow, so I thank the government for this investment.

ROWVILLE ELECTORATE

Mr WELLS (Rowville) (14:45): (6100) My question is to the Minister for Health. Minister, what additional measures are the government taking to ensure elective surgeries can begin as soon as possible? The cancellation of elective surgery is creating heartbreaking delays with desperate patients. I was contacted last week by a Scoresby constituent whose 23-year-old daughter works for a major public hospital as a paediatric ICU nurse and COVID nurse. Her daughter urgently needs work on her hip. Despite treatment, her severe pain has prevented her from working this year. This nurse is a private patient using a private hospital bed; the pressure on waiting lists for public patients is even worse. There are few jobs more vital than ICU nurses right now. This case highlights the absolute urgency of getting elective surgery up and running again.

BOX HILL ELECTORATE

Mr HAMER (Box Hill) (14:45): (6101) My constituency question is to the Minister for Transport Infrastructure. In relation to the Suburban Rail Loop can the minister confirm that the Box Hill Gardens will be restored to open space for the enjoyment of the community after the completion of the works? At the 2018 state election the Suburban Rail Loop was emphatically endorsed by our community. The new underground Suburban Rail Loop station at Box Hill will be one of the busiest and most well connected stations on the metropolitan network, making it easier and faster to access the area's thriving retail, education and health services. The authority's website currently states that the Suburban Rail Loop station at Box Hill is proposed to be built close to Whitehorse Road and may involve the temporary use of part of the Box Hill Gardens during construction. Box Hill Gardens is a fantastic public space in the heart of Box Hill, providing residents and visitors with a green oasis away from the hustle and bustle of Main Street. My constituents would like the reassurance of the minister that once the project is completed the Box Hill Gardens will be returned to the community as public open space and not be used for any other purpose.

MELBOURNE ELECTORATE

Ms SANDELL (Melbourne) (14:46): (6102) My question is to the Premier. As the rest of Victoria celebrated the end of lockdown over the weekend, 46 refugees were still locked up with no end in sight in small rooms in the Park Hotel prison in Carlton in my electorate. Now, many of these men—we believe 21—have also become infected with COVID-19. At least one man is in hospital and extremely sick. There have been reports that ambulances were blocked by security, that people with COVID symptoms were just given Panadol and not placed in isolation or tested for COVID and that vaccines were not even offered until August, well after many others in high-risk settings, when we know how quickly COVID spreads in high-rise buildings. This again shows the horror of locking up innocent refugees indefinitely with no access to fresh air and no idea when they are going to be free. My question is: will the Victorian government urgently advocate in the strongest possible terms to release these people from this hotel prison immediately?

BROADMEADOWS ELECTORATE

Mr McGUIRE (Broadmeadows) (14:47): (6103) My constituency question is to the Minister for Local Government. How should Moreland City Council apply for funding to redevelop Fawkner Library? I have long advocated for the City of Moreland to apply the successful global learning village model to cater for the growing needs of Fawkner residents. Fawkner Library was first opened in 1969, when the suburb was part of the old City of Broadmeadows council. Fawkner is now home to a growing multicultural community, where lifelong learning for skills and jobs is vital. Fawkner has one of the highest levels of youth unemployment in the City of Moreland, and the suburb is one of the most disadvantaged. The Victorian government is also part of committing nearly $30 million to a community hub under construction in Glenroy, in Wheatsheaf Road. This is the next extension of that model and how we bring the services to the people who need it the most. From here I will be going to a meeting of the Broadmeadows Revitalisation Board to try and supercharge the multiversity for lifelong learning.

POLWARTH ELECTORATE

Mr RIORDAN (Polwarth) (14:48): (6104) My question this afternoon is to the Minister for Housing. It is to do with one of the recent allocations for the Big Housing Build project in regional Victoria, which he was very quick to talk about at question time. My question to the minister is: will he sit down with the Corangamite shire and the residents of the Shire of Corangamite to work constructively with the allocation of 26 new homes, which are much needed and much welcome in the Corangamite shire? Sadly, these units will be built in one spot in a mini ghetto on the edge of the beautiful town of Camperdown. The Shire of Corangamite has many towns sprinkled across its region, and that community really wants those 26 homes, but they want those 26 homes built in keeping with their towns and communities and having those homes spread across towns such as Timboon, Cobden, Skipton, Camperdown and Terang—not just thrown in one corner of one town, which will not provide the outcomes the government says it is seeking to achieve by supporting low-income and needy home owners.

RINGWOOD ELECTORATE

Mr HALSE (Ringwood) (14:50): (6105) My constituency question is for the Minister for Youth. Minister, what is the Andrews Labor government doing to help and support young people in my district of Ringwood? The Ringwood youth council has been meeting throughout this year to discuss the issues close to their heart. At the last session I was delighted to hear and learn from youth council members Renee, Kate and Beau that they and their peers did not wait a second to get vaccinated. Members also highlighted the challenges that young working people, particularly in hospitality, are facing as we move into a more open situation. The Andrews Labor government understands and recognises the barriers young people such as Renee, Kate and Beau are facing due to the disproportionate impact of this pandemic, and we are here to make sure they get the support they need. I look forward to the minister's response.

Bills

SEX WORK DECRIMINALISATION BILL 2021

Second reading

Debate resumed.

Ms BRITNELL (South-West Coast) (14:51): Just before lunch I was referring to the fact that the government, as part of this bill, will be repealing the infectious diseases health framework and will not be putting in place something to take its place for some time. The government has stated that in the interim this bill will:

- regulate the sex work industry just like any other industry, by agencies such as local government, Worksafe and the Department of Health

Now, as a former nurse with some health system experience, this is just a red flag for me. I am really worried. To again quote from the victims of crime commissioner:

> … it is potentially naïve to hold other industries up as safe workplaces that can be replicated in the context of the sex work industry and its complexities of workplace safety. It is evident that many … non-stigmatised industries … cannot always provide a safe workplace for their workers.

By the government's own admission during the bill briefing, they still have not worked out what the framework will look like and what support mechanisms and elements the framework will contain. Again, they are proposing to remove a framework designed to protect the health and safety of all workers in the sex work industry before even having conceptualised a new framework. It does not even make any sense.

Not only do they not know what the new framework will contain but they also have no idea about the capacity of the interim protections to sufficiently work. It is very difficult to get an accurate idea of how many sex workers are working illegally in Victoria. The most recent estimate of the size of the unlicensed sex industry is from 2016, and it was estimated at that time that there were around 500 illegal brothels compared to 91 legal brothels. And as far as sex-based street work, which is currently illegal in Victoria, goes, recent estimates from both the Department of Justice and Community Safety and the St Kilda Gatehouse, a not-for-profit group that provides support and safety for women involved in sex work, put the current number at around 15 to 30.

This ambiguity is an issue when decriminalising the industry without having health and safety protections in place. The government have no idea about the numbers of workers coming into the system and if the proposed protections will be up to the task. This really is too important a bill for the government and Fiona Patten to basically say, 'Let's decriminalise sex work now, hope the current protections are up to it and work some new ones out later'.

People who engage in sex work fall into a number of categories, but for many it is the result of limited choice. People may feel locked into the industry because they are homeless or out of work or for a number of other reasons. We really should be seeing in this bill support for people working in the sex industry by resourcing three areas that feature most prominently in literature on best practice for exiting from sex work: drug treatment; housing; and training, education and employment. An Australian survey of sex workers conducted by the Crimes and Misconduct Commission in its review in Queensland found that most sex workers indicated they would like the opportunity to retrain for another career. Now, we must allow them to leave the industry if they so wish but not just cast them aside when they do so. We must support them, and I see no evidence in this bill that the government has appropriate plans in place for that.

The final element of our reasoned amendment concerns clause 36, which proposes to repeal parts of the Equal Opportunity Act 2010 which provide that it is lawful for a person to refuse accommodation to another person on the basis that they intend to use it for lawful commercial sexual activity. According to the government, repealing this is intended to address discrimination against sex workers

in accommodation settings. In the Equal Opportunity Act 2010, division 5, discrimination in accommodation covers the settings in which a person cannot withhold accommodation from a person or persons depending on the purposes of that accommodation.

As one would expect, there are several exceptions to these rules—for example, section 58A in the Equal Opportunity Act states that:

> A person may refuse to provide accommodation to a child or a person with a child if the premises … are unsuitable or inappropriate for occupation by a child.

There are also religious exemptions to allow that a person may refuse to provide accommodation to another person in a hostel or similar institution established for the welfare of persons of a particular age, sex, race or religious belief if the other person is not of that sex, age, race or religious belief.

The removal of a person's right to not rent their property to somebody if that person intends to conduct legal sex work is something that concerns me greatly. During the consultation I have done on this bill, clause 36 has been raised with me by many landlords, private citizens and industry bodies. I have spoken to property owners who reside in or own properties near legal brothels currently, and they have raised with me their concerns—people coming and going at all hours of the night, the type of people frequenting these establishments, the damage and disruption caused and concerns about such facilities being near family homes. Now, I understand the changes to the circumstances for these people are outside the purview of this bill, but the real-world concerns of these people are being mirrored by many in the community.

The Andrews Labor government are setting a very dangerous precedent by proposing to take away the rights of property owners to not have legalised sex work undertaken in their property. The existing protection that is afforded to property owners was created to solve an issue, and I cannot see anything to indicate that the problem no longer exists. This protection is about more than just the protection of a property owner's philosophy or beliefs; this is about an ordinary person's right to decide who to rent their property to.

Yet again we see the Andrews Labor government trying to ram through legislation. There is no evidence that the government has consulted with individual stakeholders and stakeholder representative groups, and this, again, is another massive red flag. There are just so many areas of concern for us in this bill. If the government was serious about doing a good job rather than rushing legislation through to appease a member of the crossbench in the other place, they would withdraw this bill and try again, but we know they will not. We know they like to rush bills through without oversight. We know they like to just push bills through without time to consult with communities. That is what I heard the commission say in their report. It is not acceptable and it is not democratic. This is simply because they absolutely detest differing opinions or scrutiny of their work. There are so many concerns with this bill: there are health concerns, there are concerns with public safety, there are concerns for the safety of the sex workers. For these reasons, if our reasoned amendment is not supported, the Liberal-Nationals coalition will be opposing this bill.

Ms WILLIAMS (Dandenong—Minister for Prevention of Family Violence, Minister for Women, Minister for Aboriginal Affairs) (14:58): It is a pleasure to rise today in support of the Sex Work Decriminalisation Bill 2021. From the outset I want to acknowledge that when we talk about sex work in this place it can have drastic ramifications for sex workers in our constituencies outside of this place. Few industries are as burdened by moralistic judgement as the sex work industry is, and sex workers experience the brutality of this stigma in extraordinarily cruel ways each and every day. For this reason I hope that today's debate is guided firstly by respect, closely followed by evidence. I hope that every member in this place, particularly those who are opposing this legislation, are brave enough to assess their own position and ask genuinely whether it is born of prejudice, of moralism, or whether it is genuinely founded in fact and with an eye to good public policymaking, which is our responsibility, I believe, in this place.

We are not really here to talk about sex. We are here to talk about safety and about stigma. We are here to problem-solve, to make the necessary changes to a regulatory regime that by almost every measure, no matter where you sit in this debate, can only be regarded as unsuccessful. I want to outline just a few of the reasons why, but before I do I thought it might be helpful to give an overview of the sex work industry, because there are some popular misconceptions on this point which I think often steer people's beliefs and their judgements.

The largest component of the sex work industry in Victoria is private sex work, which comprises about 80 per cent of the licensed industry. Brothels—legal and illegal—constitute, I understand, the remaining 20 or so per cent. It is important to understand that within that 80 per cent private sex work street sex work comprises somewhere around 1 per cent, but I think we would all agree it gets a disproportionate amount of the public attention in debates like these. It is also worth noting in relation to street sex work that it is in decline, mostly because of technological advances—different internet options available and of course apps and the like—which have resulted in street solicitation being less prevalent, I guess, than it was at previous points in history.

The core or central motivation for our proposed changes to this regulatory regime as outlined in the bill before us today is safety. Our core consideration is safety, so to frame this I want to talk about why the current system is unsafe, and there are few components to this.

Firstly, under the current regime, in order to be compliant with it, sex workers need to be registered and are assigned a unique registration number, a registration number that I understand cannot be extinguished. It is attached to you for life, irrespective of whether you are still working in the industry or not. This is deeply, deeply stigmatising, but there are other consequences of it that I also want to talk to and highlight today. The current system requires sex workers to include this registration number on all advertisements for their services. This was designed at a time when advertising featured primarily in newspapers—days that I think we would all agree are long gone now. If you translate that into an online environment, this registration number can present a great risk, an enormous risk to personal safety and privacy and be used as a tool for humiliation and abuse. These numbers can be used to harass, to stalk and to track people down. This is what happens, and this is what is happening currently out there in our community. If, for example, a sex worker has left an abusive relationship and changed her phone number in order to get away from an abuser, all her abuser would need to do, if she was compliant, would be to google her registration number, which features on her advertisements if she complies with the current regulatory regime, and that would enable that abuser to locate her new ads, which would likely have her updated contact details on them for the purposes of her work. I think we would all agree that is quite a frightening proposition.

Secondly, the current arrangements set rules that effectively force those working in the private sex work industry to operate in unfamiliar and therefore dangerous environments. For example, private sex workers are not allowed to operate out of their own homes—their own homes where they can control the space, where they know where the exits are and where they can arrange appropriate security. They are also not permitted to book hotel rooms under their own names, meaning they are at the whim of a client's choice and a client's control. This has led sex workers to making the unenviable but not unreasonable calculation that they are safer if they do not comply with the current licensing laws—an impossible choice, I think we can all agree, between operating legally and keeping themselves safe. This means that if they happen to be harmed in the course of their work when they are operating illegally and they then report that harm to police, they are also likely to be prosecuted for their non-compliance. So what happens? They do not report incidents. Sometimes those incidents may be horrifically violent assaults that have been perpetrated against them, and because of this regime they are effectively forced to suffer in silence.

Now, the bill before us today will ensure that the scheme governing the sex work industry respects the rights of sex workers and protects the safety and wellbeing of these workers, as we endeavour to do in all other industries. It proposes to remove the Sex Work Act 1994 and regulate the sex work industry

through existing regulatory agencies, and it will introduce related reforms to support decriminalisation; for example, planning, public health and anti-discrimination laws.

In doing all of that, in using the regimes that we already have in place for all other workplaces and industries, we also move a step closer to destigmatisation—and I hope I get time to talk about why that is also so important.

In short, this effectively seeks to regulate the sex work industry like any other industry subject to occupational health and safety and planning laws and, as I said, in doing so go some way towards that process of destigmatisation. It not only removes barriers to sex workers operating safely but also allows them to operate their businesses in a way that arguably not only is more safe for them but has benefits for clients as well. Now, I acknowledge that there will be some people who will oppose these reforms, who will be concerned that decriminalisation will mean that sex work will go unchecked and will lead to a proliferation of activities that they deem undesirable. But I do want to point out to that end that we are not alone in doing this. The experience of other jurisdictions, including New South Wales, has debunked a lot of the concerns that are often thrown up in opposition to this bill and others like it. I think we need to keep focused on the fact that the current system leaves sex workers very unsafe. It actually incentivises non-compliance, puts workers at risk of harm and discrimination and also limits choice in the long run.

That probably leads me to talk a little bit about why destigmatisation is really important. I know even within streams of feminism there are different views about sex work, but I think one of the things that we can, I hope, all rally around is that people should be able to have a choice about their participation in sex work or not. To have free and open choice you need to have other options too, and because of the stigma that attaches to sex work, a stigma that is compounded by our own regulatory systems, we limit the choice of people to move out of the sex industry if they would like to, because the stigma is so great that we effectively close doors to them. So by bringing the sex work industry in line with any other industry hopefully we can move towards a time when we are no longer, through a moralistic lens, making judgements on some industries, on the people in those industries, and therefore making judgements about what they deserve to have in their lives or do not deserve to have in their lives but are enabling people to make the choices that suit them at different points in time and to move on from different points of their lives when they feel it is appropriate to do so. We all want to live lives of freedom and choice, and destigmatisation allows people in this industry to do that just like the rest of us get to who work in other professions and industries.

Finally, I just want to touch on the fact that I know there has been some commentary that these changes are in some way limiting our ability to police crimes like child abuse, sex trafficking and a range of others. They remain crimes—they will remain crimes—and they remain crimes that deserve to be prosecuted. I commend this bill to the house. This is a significant step forward and one all Victorians should be proud of.

Ms HALL (Footscray) (15:08): Today is a historic day because today we debate a bill that will decriminalise sex work between consenting adults, bringing Victoria in line with other states, including New South Wales, which decriminalised sex work in 1995. I am very proud to speak on the Sex Work Decriminalisation Bill 2021, which repeals the Sex Work Act 1994 and amends other acts to decriminalise sex work. Ultimately these reforms will provide sex workers with a safer and more straightforward environment to work in. These are occupational health and safety reforms which will have the powerful benefit of destigmatising sex work and negative attitudes that are caused by the stigma. These attitudes and this stigma have a very damaging impact. It permeates our society more broadly, and it can have terrible consequences. It can lead to violence against sex workers, coercion or unsafe working environments. The stigma of criminality also has very gendered consequences, and it is inherently laden with judgement. I am so pleased that today we draw a line under this unacceptable situation.

Sex workers should be able to conduct their work in an environment where they can pay their tax, have access to the health care that they need and are regulated just like other businesses. Importantly, sex workers should feel safe and supported to seek assistance from the police if they need to. Sex workers should be respected as workers. The outdated licensing system has created different classes of workers, exacerbating vulnerabilities and risks to workers. Sex work is legitimate work, and it should be treated as such.

Before I outline in more detail what this bill does, there are people to thank and to acknowledge for their commitment and hard work to make this change happen. There are a number of ministers and their offices who have worked tirelessly to bring about this reform. Thank you to our reforming reformers: the Minister for Consumer Affairs, Gaming and Liquor Regulation and her team, who have led this, supported of course by the Minister for Women and by Minister Stitt in the other place. I would also like to acknowledge the work of the Department of Justice and Community Safety and of course Consumer Affairs Victoria.

Ms Patten in the other place is owed a debt of gratitude for her many years of advocacy and her work leading the review into the decriminalisation of sex work in Victoria. There are many reasons, pardon the pun, that I admire Ms Patten's constructive work in the Parliament, but the very comprehensive work of the review is a testament to her commitment to drive change.

The terms of reference for the review considered a wide range of factors and all forms of sex work and the settings of sex work. It explored workplace safety, stigma and discrimination. Importantly, the review considered criminal activity in the industry, including coercion, exploitation, debt bondage and slavery. Experiences of violence were also examined—terrible and traumatic situations. And of course the laws in Victoria were reviewed as against other jurisdictions here in Australia and abroad.

The review consulted with sex workers and sex worker peer organisations; legal, health and education support services; commercial operators and industry organisations; police and workplace safety agencies; local government and federal government agencies; and other community and expert organisations. Fifty-four individual consultation sessions were conducted, with each session led by Ms Patten, and 64 written submissions were considered by the review. The review engaged the Michael Kirby Centre for Public Health and Human Rights to facilitate input from individual sex workers. I thank everyone who contributed to the review but in particular the sex workers themselves.

In general terms the review found that the regulatory framework around sex work had led to a two-tiered system: an industry of compliance and illegal operation. Of course where illegal operators function in an underground capacity, that has a detrimental impact on safety, pay and conditions, just like in any other industry where the law is broken. It found that the arrangements were confusing for workers, that licensing was expensive for the state and the sector and not well enforced. It found that massage parlours continued to operate as unlicensed brothels. It found that sex workers were unsafe, experienced violence and were discriminated against in many everyday parts of our society, such as within the justice system or taking out a bank loan or seeking alternate employment.

I think it is worth reflecting that in 1994 we had limited access to the internet in Melbourne. Sex workers now, particularly independent sex workers, who as the Minister for Women noted make up around 80 per cent of the workforce, in 2021 rely heavily on the internet to operate their businesses. During the time of the review I met with a local sex worker, and she was incredibly generous with her story and her time with me. She spoke about her concerns around safety and registration as someone who worked in private residences and homes.

She worried about having a number attached to her name for the rest of her life and that she could be searched for and stalked, and she did not feel safe. Currently sex work is regulated under this legalised model, which in effect means that it is legal if it takes place within the licence and registration system, but she spoke to me about her fears that that number would be held against her in the future.

She also spoke to me about an issue I have been concerned about in my electorate of Footscray and answered my questions about the health and wellbeing and self-determination of women working in local illegal brothels. These reforms will mean that brothels will be brothels, and I hope that this transparency will deliver much-needed change for the workforce. In an article in the *Age*:

> Heidi Olsen, a 28-year-old sex worker … described Victoria's licensing system as discriminatory, and one that 'enshrines whorephobia' in law.

Ms Olsen said:

> The decriminalisation of sex work is the model that is best able to uphold human rights of sex workers and to ensure our health and safety …
>
> The system in Victoria is inherently discriminatory and for me, as a sex worker, it reduces my ability to make choices about … work that are in my best interests.

As I mentioned, an important component of this will be getting rid of the sex work licensing system, and one thing that I feel is important to note is that this is not deregulating the industry. Rather, it is reforming the regulation to achieve better safety outcomes for workers. There are a range of benefits that workers are expected to experience with the abolition of the current licensing system, including the ability to formally unionise and participate in collective bargaining to challenge industry practice, improve standards and seek redress of issues through our labour laws. They will have improved visibility for business owners to pursue best practice among their peers and improved access to justice when a crime is committed against a sex worker at work in the community, due to removing police regulatory but not criminal oversight of the sex work industry.

There will be reduced pressure for sex workers to operate in risky ways to avoid detection by police, such as working alone or working at night in poorly lit or isolated areas. There will be reduced incentives for perpetrators to target sex workers in committing acts of violence, sexual exploitation or coercion, such as pressure to not use a condom or crimes against property; and improved access to outreach and other social services provided by government. For too long sex workers have been denied their occupational health and safety protections that come with the simple acknowledgement that sex work is legitimate work. We must acknowledge that violence and discrimination against sex workers have been compounded by a system that is complex, is lacking transparency and operates underground. These reforms begin a process both culturally and in law to fight and end discrimination and stigma.

Ms KEALY (Lowan) (15:18): I rise to speak on the Sex Work Decriminalisation Bill 2021. I am fortunate in that while I am the current Shadow Minister for Women, Shadow Minister for Prevention of Family Violence and Shadow Minister for Mental Health, in a previous role I was actually the Shadow Minister for Consumer Affairs, and during that period of time I engaged with people, groups and organisations who represented sex workers. They raised a number of concerns with me regarding some elements that were confronting them in protecting their members and ensuring that they did have a safe workplace, and they referred to a number of the challenges that this bill seeks to address. They are certainly elements of the bill that I support. However, there are also elements of this bill that remove some key protections for sex workers.

Just from the outset I want to be very clear that while many sex workers are women there are also of course men too, so it is not a gendered workforce in that there are male and female sex workers. And while it is something that potentially happens behind closed doors and people do not talk about with their friends and family or through business discussions very often, it is an important line of income for a lot of people. It is something they rely on to put food on the table—not just for single people but also for people who have got children and who are supporting a family.

It is certainly a group of people who are Victorians and who are contributing to the community, and we want to make sure that everything we do protects them and keeps them safe.

I note the comments from the Minister for Women. She spoke earlier on this bill, and I agree with her on a number of points. I agree that the registration number does inadvertently enable a group of women particularly who are victims of violence to be easily tracked in the system. A system where you expose women to being stalked, to having their details easily accessible through a public forum, which is the internet, which anyone can access of course—they can have their address tracked down no matter how many times they change it and update it—and that number being associated with them for life is something that should not be the case. Obviously that was brought in for a certain reason at the time, but the vulnerabilities and perhaps the way that the internet works with internet usage and particularly advertising on the internet regarding sexual activities and even some of the work that is undertaken on the online platform do mean that it is easy to track people down and identify them and that they are able to be stalked and, even worse, able to be tracked down and violently treated wherever they are based or located depending on what is allocated on their licence number.

I also spoke to people who are representing the sex work industry around the inability to work from home. It always has to be at an address organised by the person who had booked their services, so there is no control at all around what workplaces they are setting up for themselves, and this is specific to people who are working for themselves. They are not working as part of a larger brothel system or bigger business; they are people who basically have a small business of one and manage their own services. They advertise online generally, and that is how they work through their booking system. But at this point in time you have to go where the client wants you to go, so there is no ability to put safety measures in place, like making sure that there is an escape door or there is somewhere to hide or that you have got an emergency duress button that you can press if things are not going the way they had been planned and if you feel like your safety is being put at risk. And of course, as was mentioned earlier, you cannot book a hotel room in your own name.

However, there are elements of this bill which I feel put women and sex workers more at risk than the current legislative framework, and that is why I support the reasoned amendment put forward by the member for South-West Coast, because there are key concerns around in particular removing some of the elements in relation to sex work under the Crimes Act 1958. I am deeply concerned that this piece of legislation is going to leave a gap for a significant period of time where there are not going to be appropriate protections in place to make sure that people who are working from premises that offer sexual services do have a level of safety and control, whether it is about the condition of the workplace or whether it is about ensuring that there are not practices such as stealthing, so the removal of a condom during intercourse—that would not be seen as a criminal act anymore. They are elements which are very, very important to making sure we are keeping sex workers safe.

Specifically this refers to clause 8, which is around repealing section 18A of the Sex Work Act 1994, which makes it an offence for a sex worker or client to not adopt safer sex practices. This is specific to stealthing. It also removes the element which requires a sex worker who has a sexually transmitted infection to not work. Again, this comes down to consent in making sure that that is disclosed as part of the services that they perform. Whether somebody would agree to go ahead with those services if they thought there was a risk, if they may have a higher risk of getting an STI as an outcome of their engagement—that needs to be refined. Just removing that clause is very, very problematic.

I also refer to clauses 73 to 75, which repeal the existing framework to manage infectious diseases within brothels and escort agencies. It also means that authorised officers will no longer be able to enter premises to check compliance with the framework as it simply will not exist. There will be an extended period of time before there is replacement legislation in relation to the repeal of specific clauses in alternate acts at the moment, and that does concern me.

I know that our brothels in Victoria are generally highly regarded, but we all know of the stories we have seen in the media where people have not been treated right, where the rooms have not been cleaned on a regular basis as they should be between clients, where women are not paid appropriately, and particularly the horrific stories around women from overseas who are basically treated like sex slaves and forced to do sex work to pay off the fees for them to come to Australia perhaps as part of

their transport or getting the visa to come over here, and they are essentially working to pay back the person who 'owns' them and to whom they owe a debt. That is horrific, and unfortunately in Victoria we have seen a scourge of illegal brothels right over the state. You see them reported through the media. They might be a massage parlour which is not actually just massages. They often pop up unfortunately, as I have been told by the Police Association Victoria and by the sex industry, next to construction sites, where there is a workforce that will be there for a short period of time and then move on. Those women are being incredibly harmed and not protected under the current laws, and I do not believe that the laws proposed by the government today will adequately protect those sex workers either or prevent the trafficking of women for sex work. I think that is a key issue that must be addressed.

I would like to pick up on a couple of comments made by the member for Footscray. She referred to the Patten review, which was announced back in November 2019, but that report is still not public. I note that the member for Footscray said that she has seen the review. We would love for that to be shared with not just ourselves but the public. We need to see what all of the recommendations are, what all of the issues are within the industry so that we can properly give input and scrutiny into making sure the legislation fits what the industry actually needs.

I also refer back to my time when I was the Shadow Minister for Consumer Affairs. There was a key issue at that point in time where the sex work industry were very concerned that the Sex Work Ministerial Advisory Committee still had not had any members appointed. Now, seven years into this government's term there is still nobody, not one person, who has been appointed to the Sex Work Ministerial Advisory Committee.

We need to do a lot to protect sex workers; there is no doubt about that. There are elements of this bill that go towards that. However, the risks that are contained in this bill leave sex workers, and in my view particularly women, exposed to increased harms for a period of time. It appears that it has been rushed through. I think that there are drafting errors within this bill, and I do urge the government to take the opposition's comments on board and that they do make relevant changes to this bill to make it stronger so that we actually can have legislation in place to protect sex workers.

Ms SETTLE (Buninyong) (15:28): I am very pleased to rise to speak on the Sex Work Discrimination Bill 2021. This bill is one that is quite important to me. I had a wonderful staff member by the name of Rick Youssef, and I know that Rick was very interested and concerned in this area and had worked with a range of groups to come to this point. I have discussed this bill long and hard with him, and I am very pleased to stand to speak to it.

I think one of the things that I feel very strongly about with this bill is that it is representative of all of the reasons that I got into Parliament. It speaks to equality, it speaks to the fact that the Labor Party will always support everybody equally, and I think it really, really strongly speaks to probably the most important tenet for all of us in the Labor Party, which is the protection of workers rights. I was saddened to walk into the chamber moments ago. The wonderful member for Footscray was making a contribution and talked about the union support that could wrap around this industry.

I was really saddened to hear from the other side some sniggering at the desk about the idea that we were trying to unionise a workforce, and I think what really struck me in that was the real difference between those on the other side and us. Absolutely we believe in unionisation, and we believe in unionisation because unions are there to protect workers rights. For all of the sniggering from across the other side, this bill is about making sure that working men and women are protected to the absolute best of our ability, and this bill speaks very much to that. I notice in the reasoned amendment, for example, that in number (4) they want to have some more consultation around protecting landlord rights, and really that speaks to me about those on the other side. They would rather protect landlords rights than think about working men and women. As I say, this bill absolutely speaks to that, and all hail their unionisation. I think that protecting workers rights is the most important thing we can do,

and unions can stand there and do it. So while those on the other side might snigger, I am very glad that we can facilitate some support—and collective support—through this bill.

Of course Victoria was the first Australian jurisdiction, in 1984, to recognise and regulate the sex work industry, acknowledging that prohibition and criminalisation had failed to protect sex workers. We need to be there for all of those people, and prohibition and criminalisation do not protect those people. Since that time the industry has operated under a largely unchanged model, which criminalises part of sex work, such as street sex work, and regulates the licensed or permitted sector. The Sex Work Decriminalisation Bill recognises that sex work is a legitimate form of work and should be regulated through standard business laws, like all other industries in our state. We need to protect these people; we need that regulation in place. I would rather see our efforts in this house go towards protecting these men and women than, like the reasoned amendment, protecting landlords.

There has been extensive consultation in the development of this bill. I talked about Rick Youssef, who worked in my office, and he worked very closely with Mathew Roberts and Lisa Dallimore from Sex Work Law Reform Victoria Inc. Rick arranged for me to meet with them here in Parliament House, and they brought along a worker from the industry to talk to us. I know many of my colleagues on this side took the time to sit down with those people and really hear what their experience was and what they needed in terms of protection. I certainly know when we were talking they did get a sense that this side of the house were very willing and able to meet with them and that perhaps the other side still had a bit of judgement in meeting with them. It was certainly something that was expressed very strongly to me by that collective.

Ms Britnell: On a point of order, Deputy Speaker, I think some assertions are being made about the work that I did on this bill, and I take offence to that.

The DEPUTY SPEAKER: That is not a point of order.

Ms SETTLE: Thank you. So I was really delighted to meet with them, and I cast no aspersions about anyone's work on these bills. I am talking about meeting with people, sitting down and hearing from them what their life experience is. There is nothing like lived experience to form a bill, and I know that those of us on this side spend a lot of time making sure that we are speaking to the people that it is going to impact to make sure that this really will meet their needs. So I want to give a shout-out to the tireless work of advocates like the Vixen Collective, which operates out of Trades Hall—and yes, that is a unionised premises, and good on them, because that is what collective action is all about. The Vixen Collective, operating out of Trades Hall, represents the interests of sex workers and has been a very strong supporter of this legislation. To quote advocacy coordinator Dylan O'Hara:

> We welcome the government's acknowledgement of the harms the current laws have been causing for many years and the recognition that sex workers work and police should not be regulators of the sex industry.

They also said:

> We have a set of laws in Victoria that divide the sex industry into a two-tiered system, where basically workers who are unable to comply with these complex, unworkable and dangerous laws are forced to operate outside of the legal framework, which leaves them open to police targeting, contact with courts and lifelong discrimination.

As I said at the outset, one of the fundamental tenets of those of us on this side is equality, and I think that is where this bill is really trying to say, 'Look, all sex workers are valued. All sex workers need that protection', and that is what we need to change with this bill.

As I mentioned, I would like to thank Matthew Roberts and Lisa Dallimore from Sex Work Law Reform Victoria Inc. They came to talk to us, and it was really striking to hear those stories of discrimination. It did inspire me. I want to make sure that we change this, and I was adamant that I wanted to speak on this bill because I heard from those people and was moved by those people about the need for these changes. Their words made it very clear in my mind the absolute importance of this

bill that recognises that sex work is just like any other work and people should not be treated like criminals.

I also want to recognise the work of Fiona Patten from the other place who chaired a review into the decriminalisation of sex work in Victoria. I was mortified to hear those on the other side suggest that this was in some way motivated. Fiona Patten in the other place has worked tirelessly in this space, and I thank her for her efforts—I thank her for her work on this and the report and the review that she generated. I find it absolutely abhorrent that those on the other side would suggest that there was some sort of political machination in us working with somebody who has proved their dedication. This government listened to Fiona Patten, so I really want to extend my deep, deep thanks to Fiona Patten for all of her work. This bill is an important bill. It creates equality and protects all workers, and I commend it to the house.

Ms RYAN (Euroa) (15:37): It is a pleasure to rise today to make a few comments about the Sex Work Decriminalisation Bill 2021. From the outset I want to place on record my strong disappointment with the member for Buninyong and her comments that members of the opposition did not meet with the sex industry or sex workers in the lead-up to this bill. In fact I have met with sex workers in the lead-up to this legislation, as I know the member for South-West Coast as the responsible shadow minister did extensively, as I know the member for Lowan has done also and other members of the National Party. So she is totally out of bounds when she suggests that. Indeed I know from the member for South-West Coast's conversations with stakeholders in the lead-up to this bill that there are a lot within the industry who said they were not consulted by the government but that the government in fact consulted a select few.

I think there is a prevailing attitude from the government that any criticism or any suggestion that things could be done differently or better somehow equates to a lack of support for the people impacted by a piece of legislation, and nothing could be further from the truth. The whole intention of this place and the intention of Parliament is to debate ideas and to actually come to more rigorous, more thought-out positions, and unfortunately that is just not something that the government has an open mind about. They seem to think that they are the only ones who can draft legislation and that everything they do is 110 per cent correct all the time. Well, we just do not take that approach.

We do have concerns about the legislation. That is not to say that we do not also very strongly believe that we need to make reforms to improve the safety of sex workers. I do not think there is anyone in this house that would hold a contrary view to that. It is important that this legislation is debated and it is important that concerns are actually raised and placed on the record, and it is our obligation to do that.

I do want to make a few comments though about the circumstances in which this bill arrived before the house. It is particularly important, I think, to note the role of Ms Patten in the development of this bill. We know of course—it is a matter of public record—that Ms Patten was asked by the government in November 2019 to undertake a review on the decriminalising of sex work. Sex work is currently only legal if it happens in accordance with the conditions that are set out in the Sex Work Act 1994.

And I know that changes in this space have always been a particular passion for Ms Patten as a crossbench MP. She has never made any secret of that, and I think she has been advocating for that for years. So that is not our issue here. The issue is that, for a start, the government appointed a crossbench MP to undertake a review. Anyone who knows the government knows that is highly unusual, and I think Victorians deserve to know what agreement the government came to with Ms Patten in order to introduce this legislation. Has this bill, which has been rushed into the house, come before the Parliament because Ms Patten has guaranteed her support for the pandemic legislation that we also saw introduced into the house today? We know that Ms Patten in her time in Parliament has had a number of clearly stated objectives. She has sought to abolish the Lord's Prayer, and the government has agreed to do that if it is re-elected. She has sought the establishment of a second injecting room—and we know that the government has put that in the budget, though they are not keen

to talk about it—and we also have the bill that is before us today. So I do strongly suspect that the government has negotiated a deal with Ms Patten for this legislation in return for her support on government priorities, and the issue with that is that if this legislation has been rushed then it will contain issues and errors that are of concern. It means that it has not necessarily been done with the best intent of the industry and of sex workers but rather for political expediency, and that is our concern.

With that context, the purpose of the bill, as we know, is to decriminalise sex work, to repeal the Sex Work Act 1994, to provide for a new protected attribute in the Equal Opportunity Act 2010 and to make consequential and other related amendments. I will not go through all of the provisions of the bill, but I will say, again, that we support the aim of the bill to the extent that it does seek to reduce harm towards sex workers. I do believe that there is a need to address the exploitation and harms that occur within the sex industry and the fear from many people within the industry—that they are reluctant to report violence or crime, because they are working illegally. However, there are some significant concerns with this bill which cannot be ignored, and I commend the member for South-West Coast for her very thorough contribution in which she outlined a number of those.

The review process we hold a number of concerns about. Stakeholders were given just two weeks to consider the recommendations of Ms Patten's review, and that review has never been released, though I do note the member for Footscray earlier appeared to be referencing that document. So it would appear that members of the government have seen the review, but it has not been made available to the opposition and it has not been made available to the wider public. So I very strongly support the member for South-West Coast's call for the government to release that report, of course appropriately de-identifying individuals as the case may be.

The Municipal Association of Victoria (MAV), which represents the state's 79 councils, has expressed their concerns about the compressed consultation, lack of detail and evidence drawn upon to frame the changes, and the regulatory frameworks in planning and public health to be developed sometime in the future, which it argues will have a resourcing impact on councils. The victims of crime commissioner has also expressed her concern about the process by which this legislation has come to the Parliament. In response to that discussion paper which was released by the government, the commissioner stated this:

> At the outset I want to express my dissatisfaction and disappointment with the review process:
>
> - the process has been a lost opportunity to transparently consider issues of violence and exploitation that sex workers experience in the industry and the most appropriate regulatory model to address these issues
> - a comprehensive report should have been made public to outline the review process, the stakeholders consulted, the research and findings, the proposed model, and the rationale for the regulatory model to be adopted
> - while the review was publicly announced in November 2019, stakeholders have only been given two weeks to consider complex and nuanced issues outlined in a high-level discussion paper.

That of course is backed up by the MAV, who say:

> The lack of detail on implementation can lead to confusion amongst stakeholders and potential public backlash based on ill-informed reactions to some of the broad proposals.

I think it is just the usual fashion of this government. They are so keen for the headline and to pat themselves on the back and say, 'Look, we're so progressive. Look at what we've done', but they leave the details on how this will be executed unresolved, and that is not a good outcome for the industry. We just do not believe that that is acceptable.

I think the political nature of this bill is evidenced by the fact that the minister has not even drawn on any advice from her own ministerial advisory council. That council is supposed to be an independent statutory body, and it does not even exist. The chair and all the membership positions of that council, which is supposed to advise on the regulation, control and general operation of the sex work industry

in Victoria—all of those positions are vacant. She has not even bothered to appoint anyone. If she was genuine about reforming the industry and improving the safety of sex workers, surely she would have appointed experts to that council to actually give her advice on how to do that. She has not done that. Instead she has gone to an upper house MP, who the government desperately needs to support it on key pieces of legislation, and asked her to go and do a review that has not been made public, that the industry and other stakeholders, like councils, who will be largely responsible for implementing these changes, have not been able to see and have input into.

On the detail of the bill, I would certainly refer people to the contribution that the member for South-West Coast has made in terms of our concerns with this legislation, but I speak strongly in favour of the reasoned amendment. *(Time expired)*

Ms ADDISON (Wendouree) (15:47): I am very, very pleased to stand up here to talk about this important landmark legislation that we are debating today and also have the opportunity to clear up some misnomers that have been presented by the opposition. I am going to keep my comments short because I would like to give the member for Brunswick his full 10 minutes, so I will just make a few comments before ceasing.

I am really pleased to speak in support of the Sex Work Decriminalisation Bill 2021, a significant bill that will decriminalise sex work in Victoria and make sex work safe. Given calls for sex work reform across Australia and growing interest in decriminalisation, the time to act is now. I am proud to stand with MPs from my side of the house, and I thank the Minister for Women, the member for Footscray and the member for Buninyong for their excellent contributions. I believe it is important to support this bill because it will remove offences and criminal penalties for consensual sex work and repeal public health offences. It will repeal the Sex Work Act 1994 to instead regulate sex work through existing government agencies and business regulation, and it will update and modernise planning, public health and anti-discrimination laws to support a decriminalised system. Not only will this bill improve the safety and protection of sex workers, it will legitimise sex work and lead to a shift in community attitudes about sex work. The current system serves to entrench stigma and discrimination against sex workers. We need to put an end to this, and this bill is an important step. Our government believes that sex work is legitimate work and that it should be regulated through standard business laws like any other industry across Victoria.

It is important to note that this bill will only decriminalise sex work between consenting adults. State and federal law enforcement agencies will continue to enforce laws to protect children and workers from coercion and address other forms of non-consensual sex work.

I am very disappointed that the opposition are not supporting this important legislation. Sex work has been decriminalised in New South Wales for more than 25 years. We are 25 years behind New South Wales when it comes to this issue. This idea that this policy or this bill has been rushed is false.

I would also like to talk briefly to some aspects of the amendment that has been put forward by the opposition, because the member for South-West Coast seems to have a lack of understanding of what this bill seeks to achieve. With regard to Ms Patten's 2019 review findings, let me be really clear. The recommendations are confidential. This is because the terms of reference for the review required the recommendations to remain confidential.

The member for Lowan has claimed that the member for Footscray has seen the review. This is not correct. She has not seen this. I have not seen this. No-one has seen this. That is not true, because it is confidential.

Ms Kealy: On a point of order, Deputy Speaker, I ask the member to withdraw. I find the comment she made offensive. She said that I have misled the house, and I have not done so.

The DEPUTY SPEAKER: I ask the member for Wendouree to withdraw.

Ms ADDISON: I will withdraw, but I will stress—

The DEPUTY SPEAKER: You withdraw unconditionally.

Ms ADDISON: I withdraw. I would like to stress that that review is confidential. No-one has seen it. The minister has received the reference. The minister has received the confidential findings of the review, and they have not been seen by anyone else—not by me, not by the member for Footscray, not by anyone.

Also I would really like to address this amendment that the Liberals in the opposition have put forward that we need to have the police actually define what 'near' means. I see that is in their amendment. I would like to clarify that currently the use of the word 'near' does not have a fixed legal definition. It is currently used in the Sex Work Act 1994. 'Near' is common throughout Victoria's criminal laws, including stalking and loitering of the Crimes Act 1958. When it comes to getting clarification around the term 'near', that is really up to the courts to decide. I am glad the Shadow Attorney-General is here as well, because it really goes to the heart of lawmaking in Victoria. But 'near' is a very common term throughout Victorian criminal law, so that amendment should not take place.

The other accusation that has been put is that we have not widely consulted on this bill, and that is not true. I disagree with the assessment made by the member for Euroa. There were 12 face-to-face sessions in terms of briefing and consultation, 101 participants, 698 people who completed surveys and 159 written submissions. This is clearly an area of policy where the department and the ministers involved have gone very, very wide and far to ensure that we are very much in step with community values and expectations. This is an important bill. I thank the minister for the work that they have done on it. I also thank the Minister for Women and I thank the Minister for Workplace Safety. I would also like to add my thanks to Fiona Patten, a member for Northern Metropolitan Region in the other place, for the incredible amount of work that she did. This legislation is so important because it is about workplace safety, keeping our sex workers safe and making sure that we live in a Victoria where everyone is protected at work.

Dr READ (Brunswick) (15:53): I would like to thank the member for Wendouree for truncating her speech so I can speak this afternoon. I will start by saying that the Greens will support the Sex Work Decriminalisation Bill 2021, which repeals the Sex Work Act 1994, with the aim of treating sex work like any other business. The provisions of the bill will be implemented in stages over the next two years. I should point out first of all that while the bill decriminalises sex work, sex work has been legal for decades. There are roughly 82 licensed brothels in Melbourne, and a study in 2010 identified at least 13 unlicensed brothels, plus informal sex work or currently illegal sex work occurs in a wide number of other environments.

Historically lawmakers have always felt obliged to regulate sex work for varying reasons—ethical, religious, under the guise of health care—but despite being prohibited or regulated for millennia, sex work has flourished. The prohibition of sex work leaves sex workers defenceless. It means that they are reluctant to go to the police for help if threatened with violence or coercion. The prohibition of many things—sex, drugs, whatever—also inspires as many creative attempts to evade prohibition as there are people trying to do it. But it also inspires corruption. So wherever prohibition exists, particularly around sex work, there is scope for corruption and therefore for organised crime.

So decriminalising things like sex and drugs also undermines the business model of organised crime. Limited prohibition also leaves open some potential for corruption and evasion.

The illegality of street sex work has persisted for far too long in Victoria. Unfortunately some vestiges of prohibition remain in this bill in the prohibition of soliciting around churches and schools. When you consider that street sex workers are probably amongst our most vulnerable sex workers, it is really important that this be removed from the legislation. It is of course increasingly pointless given that soliciting has largely moved to the online space.

What is a good thing in the bill though is that sex workers no longer have to be registered, and the Minister for Women gave a really good justification for why registration should go in her speech.

Unfortunately, however, the register is being retained. It is hard to understand why, and the Greens support the calls from sex workers to destroy the register. In fact last night I was contacted by a sex worker in my electorate. As a student, she was aiming for a career with the Australian Federal Police, but like many students she participated in some sex work to support her studies and belatedly realised that having her name on the register would likely make it impossible for her to have a career in policing. She said, 'I hope that destroying the records gives me some opportunity to move on from the industry'. The Minister for Women gave a great description of why this register is a bad thing, so for the life of me I cannot understand why it has been retained, and I strongly urge the government to consider making an amendment to the legislation to simply destroy the register.

There are some other good things in the bill. The anti-discrimination amendment to the Equal Opportunity Act 2010 to disallow discrimination on grounds of profession, trade or occupation is excellent, and my sex worker constituent suggested that we also add the phrase 'sex worker' to remove any room for interpretation. Apparently there has been a case interstate where, despite such a provision in an equal opportunity act, some discrimination was allowed. She also suggested that the regulations for the bill still allow for the advertising of what services are and are not offered so that there are no misunderstandings that put sex workers in situations where they may be facing violence or coercion. I think that allowing liquor licensing in brothels is an obvious consequence of removing sex work-specific prohibitions, but the consequences of that should be monitored for any impact on the safety of sex workers.

I want to just conclude by commenting on the aspects of health. About a decade ago—nine years ago in fact—we had requirements for monthly sexually transmitted infection screening of sex workers. There was a very low yield of infections in that screening and then that shifted to three-monthly testing. When that was analysed, it was found that the Melbourne Sexual Health Centre detected more sexually transmitted infections when they moved from monthly to three-monthly screening, because it freed up space to see more members of the community. The rates of sexually transmitted infections were so low among sex workers that when they saw fewer sex workers and more general members of the community they actually discovered more sexually transmitted infections. So I would like to stress that I think that voluntary health check-ups should work well. They have a voluntary system in New South Wales, and a comparison of New South Wales, Victoria and WA sex work health testing regimes found that in fact the New South Wales voluntary system probably had the highest levels of compliance among sex workers.

To conclude, I will just say that we will not be supporting the opposition's reasoned amendment, although we agree that Ms Patten's review report should be public.

Business interrupted under resolution of house of 26 October.

Matters of public importance

CHANGE OR SUPPRESSION (CONVERSION) PRACTICES PROHIBITION ACT 2021

The SPEAKER (16:01): I have accepted a statement from the member for Oakleigh proposing the following matter of public importance for discussion:

> That this house notes that the important protections in the Change or Suppression (Conversion) Practices Prohibition Act 2021 should not be revoked, removed or amended.

Mr DIMOPOULOS (Oakleigh) (16:01): I want to open my contribution by quoting the words of a young Victorian called Benson. Benson was a young man when he was subjected to gay conversion therapy—he is still a young man in my book. He said, and I quote:

> As a young man who attended therapy to be made straight, I experienced hypnosis, exorcism, and was told that the reason I was gay was because my mother was overbearing, and my father was distant, thus making me more feminine, and searching for the love I supposedly did not receive from my father, in other men.
>
> I experienced months of night terrors, which later in life I was told can be brought on by extreme stress, however the church told me these were demonic attacks, which only saw me engage in more exorcisms. As

> a result I began losing my hair at the age of 16 due to stress. After years of engaging with therapy I made attempts to take my own life, as I knew nothing had changed. Eventually I gained the strength to leave the church and come out, and engaged in non-religious therapy to attempt to repair the damage, and still do so almost ten years on.

That is the cost of what we are talking about, and that is just one person—one Victorian.

I rise on this matter of public importance because whenever we see homophobia and stigma and bigotry we have to address it. The Premier often talks about the standard you walk past being the standard you accept. I rise on this MPI because last week we heard reports—and I imagine they are true, because there is an audio recording—of the opposition seeking to relitigate something that I thought we had put to bed, which was banning gay suppression practices. And we did it proudly in December last year in this Parliament. That is why I think it is important that this MPI is up for debate—and hopefully agreement—in this Parliament today, because the consequences are big.

What are suppression and conversion practices? You know, it is effectively not believing somebody. It is denying somebody's humanity. That is what it is. You can strip it all back and talk about other things, but it is actually about not believing people, denying their humanity or somehow thinking that—like some kind of surgical procedure, a physical surgery—you could separate someone's sexuality from their humanity and you would then still have a whole human being. You cannot. They are inextricably linked. Anyone who thinks that way—think about your own sexuality and how it is a key part of your life just because it is who you are, not because you express it every moment but because it is who you are.

And when you add to that a trusted authority like a church or a family or community leaders, the power of those people in helping you deny your humanity is extreme—the power imbalance, as we have discussed, is extreme. Then add on top of that de facto support by a secular state, which up until December last year was exactly what it was. It was secular support—de facto support from a secular state—for those practices, because they were not banned. Yes, thankfully, they were less than they had been 10 years earlier, but they still existed, and many, many Victorians expressed their personal experience of this process.

But can you imagine the state that you are a citizen of just condoning this activity? The messages that sends are absolutely at the centre of why this is important. It is about the denial of your equality, the denial of your humanity, the denial of your rights. So I just want to say to those members of the opposition—and I know there are good people, absolutely, on that side who are happy we have banned gay conversion therapy, but I want to say to the others—let individuals be. They are individuals. Let them be. Do not interfere, do not let other people interfere in their lives. I am someone who believes very much in the role of the state, but I also believe in individual liberties, definitely when they come to your own humanity. Let individuals be. I say to those people on the other side that do not believe in this—and I am not saying by any stretch that it is all of them—let us just put this to bed. This should have been put to bed in the 80s, and I am not talking about the 1980s. This should have been put to bed a long time ago.

But the minute it is re-prosecuted, we cannot abdicate this space. The government of Victoria, this government, the Andrews Labor government, cannot walk away from the space. Our values will not allow it, but we are also just too committed to it, given our record. The minute you abdicate a space, the minute you let commentary permeate the public domain—you know, the concept of 'nature abhors a vacuum'—it gets filled. In this context with misinformation, with untruths, with ugliness, that is what it gets filled with, and even a comment here or a comment there is enough to just retraumatise people who have suffered for decades—and in this context, I have got to say, even retraumatise families who were the perpetrators of suppression strategies, because maybe they have now got a different perspective. It is unnecessary for this whole thing to be re-prosecuted.

I just want to share—and I am sorry to my colleagues who may be here to listen to me sharing me—a contribution I made on the Change or Suppression (Conversion) Practices Prohibition Bill 2020 in December last year about why this matters. I said in that contribution:

> I have shared personal reflections before in this chamber on adoption equality, on expunging historical criminal convictions for gay men and on some other important reforms, but it always takes it out of you. After hearing the Premier's contribution, I felt encouraged to share personal reflections, because those stories are the ones that do shift people.
>
> The Premier sharing his conversation with a nurse that he met during the pandemic and the nurse self-censoring the gender of their partner—I felt he was talking directly to me. I could not count the number of Monday morning tearoom conversations in workplaces over the last 25 years when my answer to this simple question, 'Did you get up to much on the weekend?', would be 'No, it was a quiet one' or just 'I caught up with a couple of friends'—using the plural 'friends' rather than 'friend', lest that invite questions about who this friend is. I became an expert at avoiding gender pronouns or avoiding those conversations altogether. I was self-censoring all right. But not sharing your weekend with your colleagues or being nervous about writing 'partner' next to the question at the doctor's reception about the relationship between you and the person you have just identified as your next of kin or grimacing a little when ordering or glancing around the restaurant when the waiter opens a bottle of champagne for just the two of you and you sneak in a kiss across the table knowing that there may be judgements made by other patrons or staff—all that is not all there is to this. It is only the start.
>
> It is the smallest messages you send yourself about who you are and how that is not okay. That is where the real damage happens—the damage to your confidence, the damage to your spirit and the damage to the relationships with the people you love, with those you have lied to, and the lost opportunity for the things you could have achieved had you felt stronger, more confident and more worthy. That is what it is at stake here. It is big.

And that is why this matters. That is why conversations anywhere, whether they be in the opposition caucus room or anywhere in the media, bring back so much of this for a lot of Victorians and the people who love them.

That is why it matters, and that is why it matters that the government today is standing up here taking 2 hours of the Parliament's time to say, 'We redouble our efforts and our commitment to every Victorian that they are equal not just before the law but in our eyes, because it really, really matters'.

I think people forget the real impact. That was a bit of my story, and we heard the story of a young Victorian at the beginning of this contribution. But it is beyond question that LGBTIQ+ Victorians have a higher suicide rate than the average Victorian suicide rate. If you talk about trans Victorians, it is explosively higher. Almost half of all trans Victorians—almost half—have attempted suicide. Can you imagine if almost half of the entire population of women or of workers in a particular industry had that statistic? We would be falling over ourselves to address it—and this government has. But let us not forget these are true, lived experiences: higher rates of discrimination in employment, even in access to basic services; higher rates of verbal and physical abuse; not being able to walk down the street holding hands with your male partner if you are a male or your female partner if you are a female, because some idiot will drive down the road and throw something at you. That is not 1821, it is 2021. And why that matters is every little bit of grist we give to that mill is a problem. We need to put this to bed, and there are good people on all sides of this Parliament that want to do the same. But last week was not an example of that. We need to put this to bed.

As Ro Allen, our first ever sexuality and gender commissioner, said:

> We don't wake up in the cot hating ourselves, it comes from somewhere.

It comes from somewhere, and can I just put it to you: it comes from these conversations. When we are talking about family violence, it comes from these conversations. When we are talking about bigotry against LGBTIQ+ people, it comes from these conversations. Words are powerful. But more than that, the words of leaders are even more powerful, because they get a platform. The words of those leaders ended up in the most widely read newspaper in Victoria. That matters. The signals we send matter. The stigma is the reason all the statistics in terms of the mental health of LGBTIQ+

Victorians are the way they are. It is a stigma. We have come a long way, do not get me wrong, but this stuff really matters. It really matters.

That is why political leadership matters. And I have got to say that there is no question on the side of this government, no question at all: every single one of us has an alignment between our values and our politics when it comes to equality—all of us. I am not just going to name the Premier and the minister but all of us, all 71 of us.

For me as a gay man, it is an extraordinarily safe environment. You all in this chamber on this side of the house and some on that side provide me a safe environment to do my job and to live my life, and I appreciate that extraordinarily. But you know, and I have said this before, the Minister for Equality, the first ever such minister to be appointed in any jurisdiction, we think, in the world—definitely within Australia—is at the cabinet table just really to take care of stuff like that. And then you have got Ro Allen, who has now gone to the Victorian Equal Opportunity and Human Rights Commission at the public service level, to be the change agent. Then you have got the Premier and his wife, Catherine, and their family marching in Pride every year. That is a signal that is very, very powerful, and this is an environment where signals, symbolism and language absolutely matter.

We have done an extraordinary amount of work. We are not going to let it go now. It is a pity that we are even debating this. It is almost like, 'Can we just put it to bed already?'.

But it is also a privilege to be able to get up at any time and just reaffirm your values, just remembering we were the ones that expunged the criminal convictions of Victorian men—

Mr R Smith interjected.

Mr DIMOPOULOS: Thank you. That is a fair point. The opposition's interjection is that it was not just us. Part of the work commenced under, I think, Robert Clark back then. But we were the government that actually delivered the legislation, with support from the other side. Then you have got the apology the Premier gave, which was extraordinarily powerful, and then you have got standing up for Safe Schools when it was not politically convenient to do that. The member for Eltham is in this chamber, and I remember being on the Public Accounts and Estimates Committee with the member for Eltham and having to put up with some of the most awful, awful questions about Safe Schools. We stood up for it, and the Victorian Pride Centre and the Rainbow Door funding.

Mental health matters, not just to every straight Victorian but to every Victorian. I just say this in concluding my remarks: I have no doubt some people in the opposition—most of them in fact—care about mental health. But how is it possible that as a party you have as a top agenda item, as we have seen in the chamber from the opposition, mental health and in the same agenda you have reprosecuting the case for suppression strategies? They do not match. This is a very important area. We will stand on our values on this.

Mr T SMITH (Kew) (16:16): The Liberal Party has a very proud history of ending discrimination for gay people, beginning with a predecessor of mine as the member for Kew and a former Premier of Victoria, Rupert Hamer. It was his decision to decriminalise homosexual activity in Victoria on 1 March 1981. Premier Hamer was a visionary, a very decent man, and I am proud, very, very proud, to be the member for Kew following on from him, as he was the member of Kew for many years in the 1970s and 1980s.

The member for Oakleigh made a number of interesting remarks with regard to the Liberal Party and indeed these matters, and I want to put on record that the member for Oakleigh is wrong. I can quote from an *ABC News* article from 16 September 2014, before the 2014 election so the coalition was in government. Under the heading 'Victorian men charged with gay sex crimes will have their convictions expunged' it reads:

> Victorian men who have criminal records due to historical gay sex charges will have their convictions erased by legislation introduced to State Parliament this week.

That would have been the government that you were a member of, member for Warrandyte. As the then Premier said:

> It is now accepted that consensual sexual acts between two adult men should never have been a crime …

Absolutely right. It should never, ever have been a crime. It should never have been a criminal act. It was quite right that there was bipartisan support in this place for expunging those convictions. These men should never have been charged in the first place. As our society has matured it has come to understand that tolerance is a fundamental of it. It was a heinous stain on our society for many decades—longer, I must say, here than in other parts of the English-speaking world—that consensual acts between adults were criminal offences, and it is a damn good thing that Mr Hamer and his government got rid of them. It is a great thing that the Napthine government began the process to expunge the convictions, and I pay tribute to the Labor Party as well because we voted for the bill that the member for Oakleigh referred to. We voted for it. We support the criminalisation of conversion therapy and conversion practices. They will not be decriminalised if there is a change of government.

But I would point out some specifics that were not mentioned in the member for Oakleigh's matter of public importance (MPI).

There is to be a review of the Change or Suppression (Conversion) Practices Prohibition Act 2021, and I will read from section 57:

> The Attorney-General must ensure that an independent—

very important—

> review of the operation and effectiveness of this Act commences 2 years after the commencement of this Act and is completed within 6 months.
>
> The Attorney-General must ensure that the review is conducted by a person who, in the opinion of the Attorney-General, possesses appropriate qualifications and expertise related to change or suppression practices.
>
> The person conducting the review must consider the following—
>
> > whether the criminal offences contained in this Act are effective;
> >
> > whether the civil response scheme is effective, including whether broader investigation and enforcement powers are required;
> >
> > whether a redress scheme should be developed.
>
> A person who undertakes the review must give the Attorney-General a written report of the review as soon as practicable after completing the review.
>
> The Attorney-General must cause a copy of the review to be laid before each House of the Parliament within 15 … days of that House after receiving the written report.

So Labor have put a review essentially within six months of the next election—whoever wins. I might quote also from the Victorian Pride Lobby in a note to my friend the member for Lowan:

[QUOTE AWAITING VERIFICATION]

> It is worth noting that the act includes an inbuilt review two years after its commencement conducted by a qualified professional. In that way any group can propose amendments as part of the review, which will be considered by a qualified expert.

Now, this is the point that I want to make. We opposed gay conversion practices. It should have been a criminal act; it will remain a criminal act. That does not mean to say that Labor's legislation was perfect. This was reflected in correspondence received from a number of very respected NGOs, the Law Institute of Victoria and the AMA. I might for the house's interest read some parts of this correspondence, because there is a distinction between the broad intent of legislation and of course our support to criminalise these heinous acts. You are entitled to raise legitimate criticisms of certain parts of legislation that various groups like the law institute and indeed the AMA have raised with you. For example, in a letter of 28 January 2021, and I am quoting:

[QUOTE AWAITING VERIFICATION]

> The LIV's fundamental recommendation is that the ban on conversion practices should protect all persons. The LIV acknowledges that the bill attracts differences of opinion on how to manage harmful practices connected with some religious ideologies, however fully recognising the limitations of religious freedom based on the harm principle. The LIV also recognises that harmful conversion practices may occur in many settings external to the health sector and that there is value in acknowledging this fact. The LIV has received concerned feedback in relation to the scope of the bill. A commonly expressed concern is that the bill is overly broad in its definition of what is a change or suppression practice. The concern is exemplified by the explanatory memorandum, which states that the definition of change or suppression practice is intended to capture a broad range of conduct, including informal practices such as conversations with a community leader that encourage change or suppression of sexual orientation or gender identity. Some members are specifically concerned that the bill may impose limitations on conversations between children and their parents or other family or caregivers on the issue of gender identity or sexual orientation. Is it the department's intention that the bill intends to cover such conversations between children and their parents, families or caregivers?

This is a legitimate concern from a highly respected body. In this regard, for example, the LIV refers to the briefing they received from the department in November 2020 and the advice received from the department to the LIV that the bill intends to capture conduct which is targeted towards an individual and is not designed to capture general or indirect conduct. They understood from their briefing that 'general conduct' would be likely to include informative conversations between a parent and child or health professional and child on health effects of any medications, including hormone replacement therapies.

And it goes on:

[QUOTE AWAITING VERIFICATION]

> While we note that the explanatory memorandum does not refer to conversations with families or parents, there is an example of a community leader. The example appears to be clear. The LIV understands that the bill does not seek to preclude guidance counselling or general parental conversations between children, their parents and other family members in relation to gender identity or sexual orientation. It is currently unclear—

and this is important—

> whether the bill reflects this understanding. If this is correct, it may be appropriate that the bill clarify that general familial conversations, including general words of guidance and counselling in familial settings, do not constitute a change or suppression practice.

This is, again, reasoned argument, and too often reasoned argument gets lost. You can be very supportive of criminalising various acts but want a more targeted piece of legislation. The Australian Medical Association's letter is important, and for the house's interests I shall read it. This is from Associate Professor Julian Rait:

[QUOTE AWAITING VERIFICATION]

> Concerns regarding the Change or Suppression (Conversion) Practices Prohibition Bill 2020
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> I am writing to bring to your attention several concerns that the AMA Victoria has with the Change or Suppression (Conversion) Practices Prohibition Bill 2020. AMA Victoria is strongly opposed—

I repeat, AMA Victoria is strongly opposed—

> to conversion practices—

as are the Liberal-National parties—

> and endorse the public policy intention of the bill. We are concerned, however, that the bill as currently drafted unnecessarily focuses on psychiatry and psychotherapy, is excessively punitive and has the potential to compromise legitimate practice of medicine to the detriment of both practitioner and patient alike. Clause 5(3)(a) of the legislation currently states:
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> > For the purposes of subsection (1), a practice includes, but is not limited to the following—
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> > (a) providing a psychiatry or psychotherapy consultation, treatment or therapy, or any other similar consultation, treatment or therapy …

> AMA Victoria believes this unfairly targets psychiatry and psychotherapy specifically. We note that this goes further than similar legislation in either the Australian Capital Territory or Queensland. Consequently AMA Victoria believes that these terms should be removed from the legislation. Clause 5(2)(b) as currently drafted states:
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> > For the purposes of subsection (1), a practice or conduct is not a change or suppression practice if it—
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> > …
> >
> > (b) is a practice or conduct of a health service provider that is, in the health service provider's reasonable professional judgement, necessary—
> >
> > (i) to provide a health service; or
> >
> > (ii) to comply with the legal or professional obligations of the health service provider.
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> AMA Victoria is concerned that clause 5(2)(b) restricts what psychiatrists can talk about in a session, and therefore limits appropriate normal psychiatric practice. This restriction is brought about by the use of the word 'necessary'. There can be significant discussion around whether a treatment is necessary and by whom; therefore we urge that the words 'when clinically appropriate' be substituted in place of 'necessary'.

These are reasonable contributions, and this is why when the member for Oakleigh talks about how language actually matters, this stuff really does matter. Well, it actually really does matter, because what you are talking about is a bill that passed the Parliament in February with the support of the opposition. What we are concerned about is a bill that you have just snuck into the Parliament that has not passed the Parliament and that we do not want to pass the Parliament, and that is your Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021 that refers to a pandemic order being applied, and this is proposed section 165AK for your interest, member for Oakleigh:

> (1) A pandemic order may be expressed to apply to the following—
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> (a) all persons;
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> (b) specified classes of person;
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> (c) specified persons.
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> …
>
> (d) their characteristics, attributes or circumstances.
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> (4) Without limiting the meaning of the expression ***attribute*** in subsection (3)—
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> (a) a pandemic order may apply to, differentiate between or vary in its application to persons or classes of person identified by reference to an attribute within the meaning of the **Equal Opportunity Act 2010** …

Now, one of those attributes that is mentioned in the Equal Opportunity Act 2010 is sexual orientation. I cannot believe that on the day you, the Labor Party, put this heinous piece of legislation into the Parliament that allows for discrimination based on sexual orientation, gender, race, place of abode, political belief and age—

A member interjected.

Mr T SMITH: And this is not a game. It is right here.

Language does matter. This is sloppy. It is wrong. It is discriminatory, and you should withdraw your pandemic legislation, redraft it and take out these highly discriminatory clauses. The intent of the legislation is wrong, and it will seek to do everything that you have railed against in your considered remarks earlier.

Ms Green: On a point of order, Speaker, it is quite clear and quite obvious what the MPI is on today. The member for Kew will have an opportunity to debate the other bill that he wants to. If he cannot think of anything else to say on the MPI, he should sit down.

The SPEAKER: I do not uphold the point of order. The MPI does allow for members to make contrasts to the debate that have been put by other members—as long as the member for Kew does not stay on the other bill that he is talking about.

Mr T SMITH: I have got 30 seconds left, and I shall not refer to it again. I would say, again, these awful practices and indeed the awful discrimination that has gone on for too long to the gay community must end. The Liberal and National parties supported those practices being criminalised, and they will never be decriminalised under our watch ever again.

Ms THEOPHANOUS (Northcote) (16:31): I rise to speak on this matter of public importance (MPI) with a sense of sadness—sadness and disappointment that we should even have to be putting up a matter such as this, sadness that we are needing to revisit in this Parliament a matter as fundamental as the right to love and live free from bigotry and violence, and sadness that this matter of public importance is required now to be put up to solidify, safeguard and reaffirm the laws our Labor government enacted so many months ago to protect these rights.

At a time when Victorians are turning their minds to the future recovery of our state, those opposite are more focused on arguing about watering down our laws to ban conversion therapy. Our government, the Labor government, committed to outlawing these practices in response to the health complaints commissioner's inquiry, which uncovered evidence of serious harm caused by attempts to change a person's sexual orientation or gender identity, harm that spans from complex trauma through to physical violence, harm that embeds in the very soul of a person—their self-worth, as the member for Oakleigh has so eloquently put it today.

In February 2021 we passed laws that made this type of action unlawful. The legislation was welcomed by survivors and the broader community. It was an emotional day, symbolic as well as tangible in its impact. Now, as I said, it pains me to have to stand here and have this debate again. We all know why we are here, the catalyst for this debate. I will not rehash any of those hesitancies and uncertainties we know linger in those opposite, except to say this: we could have let this moment slip by. We could have said nothing, turned our heads and quietly moved on, but we are not about that. This government and every person on this side of the chamber is about speaking up—speaking up for equality, speaking up for fairness, speaking up against violence.

We will not let this moment pass, because in that moment passing is complicity itself. In that moment passing, harm is inflicted. Too many of those moments happen every day for those in our LGBTIQ community, too many moments of harsh words given implicit approval, of subtle jibes falling by the wayside or of overt discrimination going unspoken and unchallenged. Every time that happens it is a signal to all those who suffer under stigma and ridicule, all those who self-censor who they are for fear of rejection, all those who fight to stand proud in themselves—that they are in it alone. Well, they are not alone, because we are standing up side-by-side with them. We are standing up in this house of Parliament with them and for them.

This MPI asks this house to note that the important protections in the Change or Suppression (Conversion) Practices Prohibition Act 2021 should not be revoked, removed or amended. In doing so we reaffirm our commitment to these laws and our fight for equality. We reaffirm that no person should be subjected to attempts to have their sexuality or gender identity forcibly changed. We reaffirm that no person should ever be made to feel like they need to change such a fundamental part of who they are.

Earlier this year we saw many heartfelt contributions, thoughtful contributions, on this bill from all sides of this chamber. The debate was, in the main, measured and sensitive. Indeed we had the Premier stand up to address the bill, and the power of those words still resonates. He said:

> Imagine not being able to tell your truth because so many had revealed theirs: prejudice, fear and judgement. No-one should have to hide who they are or who they love, let alone apologise for it. Stigma and prejudice are everywhere for our LGBTQI communities—sometimes subtle, always brutal.

We also had the member for Oakleigh give a contribution which was incredibly moving and personal and raw. His contribution today was outstanding, but what he recounted in his original speech really touched the heart of these issues. He spoke about the damage to your confidence, to your spirit and to

your relationships but perhaps most heartbreakingly the lost potential and lost opportunities had you but had the confidence, strength and self-worth that come from simply having who you are affirmed.

There were so many other heartfelt contributions to that historic debate. The members for Burwood, Yan Yean and Ringwood all come to mind. Though there was much variety in what was said across so many different personal experiences, at the core of what was conveyed was the deep and abiding pain felt when someone is told they are innately wrong, because that is the basis on which so-called 'conversion therapy' occurs. It is based on an absurd and harmful assumption that lesbian, gay, bisexual, trans and gender-diverse, intersex, queer and questioning people are broken and need to be fixed—and nothing could be further from the truth. Nothing could be further from our values as an inclusive, diverse and just society.

So the question naturally arises of those opposite: which part of the legislation would they seek to repeal or amend? Which right to freedom and protection from bigotry and violence would they now like to strip from Victorians? Yes, our laws should be scrutinised and reviewed. That is why provisions exist for that. But it sounded like the member for Kew wants to pre-empt this review, this independent review—like they have already made their conclusions and already decided to support watering down these laws.

Mr T Smith: On a point of order, Speaker, I do not really wish to be moving this point of order, because the tone and tenor of this debate has been respectful. I said no such thing, and I would ask the member to withdraw her comment about me pre-empting the independent review.

The SPEAKER: I cannot ask the member to withdraw a comment that has not genuinely caused offence to the member, which is more a point of debate. It may be something that is picked up in debate further in this MPI.

Ms THEOPHANOUS: I do not want to debate the legislation again, but I am also conscious that there has been some very misleading material put forward about the act, so I just want to clarify a few things that the act does not do. It does not ban free speech, it does not penalise thoughts or ideas, it does not place a prohibition on faith leaders informing people of their faith's view of gender and sexuality, it does not penalise anyone explaining the tenets of their faith, it does not prevent parents from raising their children in their faith, it does not ban schools from teaching religion, it does not ban prayer. What it does do is prevent anyone from attempting to change another person's sexual orientation or gender identity. This legislation is about protecting people from abusive, harmful and hateful practices.

It is about simply letting people be who they are. What it is not about is the people that that might offend. The barriers faced by the LGBTIQ community are hard enough as it is. They do not need the pile-on from people who cannot seem to come to terms with basic human rights.

I have never experienced the uniquely ugly kind of hate that is manifested by those holding prejudice against our LGBTIQ community. The closest I can liken it to is the racism I have experienced throughout my life and the reverberating impact of those sometimes subtle, sometimes overt markers that you are not quite as you should be. It is that low-level, embedded, socialised fear of rejection that eats away at your self-esteem and your self-worth, that constant awareness of being part of a minority when every human instinct, every learned behaviour, tells us to blend into the collective because that is where it is safe.

I have heard from people close to me that coming out is a lifelong burden—at the playground, in the bank, with colleagues, to doctors, to new friends. Every day LGBTIQ people must traverse that anxious tightrope between living their authentic, beautiful selves or straying too far from safety, too far from the norm. I want to pause and say thank you to every single one of them who has with bravery and defiance stood up against outdated modes of thinking. Stigma and prejudice are still there for our LGBTI community. Sadly our bill did not change that. But it did ban the worst forms of abuse that these prejudices can manifest. There is no place for suppression or change practices in Victoria.

Mr SOUTHWICK (Caulfield) (16:41): Can I say at the outset and repeat certainly what my colleague the member for Kew has very eloquently said: the Liberal Party support a ban on gay conversion therapy. We have supported that ban right from the very outset. We stand by that, and we will continue to stand by that at every single turn. This form of conversion therapy is abhorrent. It is sickening, quite frankly, and we all a number of months ago stood up in this chamber and, I thought, on both sides very eloquently spoke out against this type of conversion therapy, which has no place in this state—none—in Australia or anywhere for that matter, anywhere at all. I thought the debate was done. I thought that together we would move on and continue to support people from all backgrounds, as we do, to ensure that we do not have discrimination, that we do not bring up things that are quite hurtful. Yet again we are back in the chamber talking about the thing that I thought we all supported, the thing that I thought we all agreed about—that gay conversion therapy should be banned.

I cannot believe that the government is seeking to reprosecute a case that we all debated and agreed upon. So one may ask why we are here. Why are we talking about this?

Mr T Smith interjected.

Mr SOUTHWICK: Well, it goes beyond that, and I must say there are a number of reasons why we are here. Initially there was an attack on the Liberals by the left to actually run a mistruth or series of mistruths that we did not support the ban. So this was a deliberate attack to reprosecute a case that we absolutely supported in the Parliament of Victoria. Now, those that seek to run these agendas, those that seek to divide people, are actually hurting the very people that they propose to stand up for. I have been just about to every single Pride March that there has been since I have been a member, and I have walked with and alongside many people from the LGBTI community very proudly. The last thing that I think any of those would want is to reprosecute—to have to relive—this yet again, when we have already dealt with it, when we have already stood together on it.

There are certain things in this Parliament that we actually should not be divisive about. Multicultural affairs—we often talk about how we should not be divided on that but we should work together with different communities.

This is one of them.

The member for Kew, again very eloquently, mentioned that there are elements of the Change or Suppression (Conversion) Practices Prohibition Act 2021 that have nothing to do with gay conversion therapy, may I point out, but that come under a review that has been set up by the government itself. This is a government review. This is not something that we as the opposition are seeking to do; it is a review as part of that process. Now, when a review is there and you are looking at legislation, you always, always seek to improve that legislation. If that was not the case, you would never change anything. You would never change a single thing. You would actually turn around and say, 'You know what? In fact, take a holiday'. I know we have spent a lot of time on holiday with the lockdowns that this government has put us through and we have not been in the chamber, but when we are here, we are here to try and improve legislation. We are here to try and make it better, and we are here to try and protect people from the LGBTI community. That is what we are here for—to protect all of those, regardless of their race, religion, sexual background or sexual beliefs. We need to be looking at protecting everybody.

I am very proud to be part of the Liberal Party that is all about freedom—all about freedom of association, freedom of religion, freedom to practice, associate, believe whatever you believe and not be judgemental on individuals. I am very, very proud of that, and in fact I think that is what has always made me somebody that supports this side of politics versus the left side of politics—not a political party that seeks to interfere with people's lives but in fact does the opposite and says that people should be able to live their own lives in the way that they want to live.

We have a very, very proud background on supporting those from the LGBTI community. As the member for Kew said, in 1981 the Liberal Premier Rupert Hamer decriminalised homosexuality in

Victoria and, as the member for Kew also corrected, in 2014 under the Liberal government people with historical convictions for consensual homosexual acts were able to have those convictions expunged from their criminal records. I want to put on the record that certainly this was done by the then Premier, Denis Napthine; the Attorney, Robert Clark; and also the former member for Prahran, Clem Newton-Brown, who did a mountain of work. I remember sitting alongside him in the chamber and going to a lot of briefings with him with members of the community, so I absolutely know the mountain of work that was done in expunging criminal records as part of that change.

The coalition has done a lot of work. I want to talk about the time spent, also in government, on things like in my portfolio, the events portfolio, hosting the 2014 International AIDS Conference in Melbourne, Australia—the largest medical and research conference that we have ever seen. David Davis, a member in the other place, was the health minister at the time, and this brought people, researchers, from all around the world to talk about the very, very important topic of AIDS and medical research in this space. That government was involved in increased funding for hepatitis B vaccinations to include gay men and people with HIV. There are a number of issues that we have been very supportive of, including LGBTI initiatives, GLBTI suicide prevention programs, working with a whole lot of mental health issues within the LGBTI community, establishing and working with a GLBTI ministerial advisory committee and also a lot of work in terms of outcomes and celebrating the community through a number of these health practices and promotional activities that we did when we were in government.

We have also supported a lot of the initiatives that have happened since then. As I say, the work that we have done includes visits to the Victorian Pride Centre and other things in terms of supporting that, and the initiative that is being run is also something that we all on this side not only support but value as an important element for the community. So you will not get any argument from me. We should not have any politics with this stuff. We should be working absolutely together. We should not be trying to divide on this stuff. We always should be trying to make things better.

I even raise the point that in terms of the same-sex marriage stuff the member for Oakleigh, whose matter of public importance this is today, and I have a federal member that covers both of our electorates, the member for Goldstein, Tim Wilson. Tim Wilson was, I believe, the very first individual to propose to his partner, Ryan Bolger, in the House of Representatives when the same-sex marriage bill was introduced into the Parliament.

I think it was absolutely wonderful to see that very open attribute, to go out and profess your love to your loved one and do that in public in the Parliament of Australia.

Can I say that it does disappoint me that we are talking about this, and I know the member for Kew did mention the pandemic legislation. I do want to put in the last minute that I have got the concerns I have about the attributes in there, specifically dealing with people's sexual beliefs, orientation, race, religion and gender identity, which is actually in as part of the attributes according to the Equal Opportunity Act 2010 that defines attributes as part of the pandemic legislation.

I know the member for Northcote asked: why are we bringing this stuff up? I think it is important to actually bring this stuff up, because if it is not important, then why is it in the bill? Why are these attributes of a specific nature in the bill? I think we have got to be very, very careful when we talk language. We have got to be very, very careful when we have people that effectively can be targeted in the bill, and as somebody from a Jewish background that has seen that all happen before, I am sorry, but I do not accept it when you are targeting people as individuals because of their background. That is why I have real concerns with that element of the bill, and whether it is gender, race or religion, I do not think those things should be included in that pandemic legislation.

Mr FOWLES (Burwood) (16:51): It is with a heavy heart that I rise today to contribute to this matter of public importance moved by my dear friend the member for Oakleigh. I am heavy-hearted not because the matter is not important, far from it, rather it is because having debated the Change or

Suppression (Conversion) Practices Prohibition Bill 2020 last year we find ourselves here again. And disappointingly, those opposite have once again catapulted this issue onto the front pages of Melbourne's newspapers.

The member for Kew in his contribution earlier said 'We voted for it' in reference to that bill. He did not, and they did not. It is just not true. *Hansard* quite clearly records what happened. The house proceeded to divide on the question, that is that bill, and there were 55 votes for the ayes and no votes for the noes. There were 55 votes for the ayes and no votes for the noes, and then the bill was dealt with in the other place. In the other place there was a division, again, and there were just eight coalition votes for the bill—

Mr R Smith: On a point of order, Speaker, let the record reflect that the member for South Barwon opposed that bill in calling a division.

The SPEAKER: Order! The member for Warrandyte knows that is not a point of order.

Mr FOWLES: That point of order was just a twang. So in the other place eight coalition members voted for the bill and two voted against it. So that is eight votes cast in favour of this legislation out of 38 coalition members across both houses of this Parliament—hardly a ringing endorsement. That feeble support, I think, speaks to the actual enthusiasm for this issue by those opposite.

On this side of the chamber, though, we will always take the opportunity to express solidarity and support with LGBTIQ+ communities—always. But I am cognisant of the fact that these debates can be triggering, distressing and hurtful for many, because what sits at the heart of the suggestion that laws on banning gay conversion therapy are somehow wrong is that the people protected by these laws are somehow wrong—that lesbian, gay, bisexual, trans and gender-diverse, intersex, queer and questioning people are in some way broken and need to be fixed. This is not true, and it has never been true. Nobody should ever be led to believe that any practice could change their sexual orientation or gender identity. Sexuality and gender are simply part of who you are. It bears repeating: sexuality and gender are simply part of who you are.

The trans queer activist Hannah Simpson has published an analogy that I think is helpful.

She compares being transgender to handedness. She says: how do you know you are right- or left-handed? No-one tells you. You are not born with a mark on your hand telling people what you are; you just know. When you put something in the wrong hand, you know then too. You know it feels wrong, not right. That is how gender is. When a trans person is walking around the world in the gender they are not, they know it feels wrong—they just know—and when they transition, when they live authentically, it is like picking up a pencil in the correct hand. It feels good, it feels natural and organic and normal and right.

Imagine for a moment left-handed people being subjected to practices, sometimes violent practices, seeking to convert them to being right-handed. Of course it does not require much imagination, because that was once the educational orthodoxy right across the western world. It seems absurd now, and it is. The objections to this law are just as absurd. The conversion practices we have banned are absurd too, but they are dangerous as well.

So what do these laws do? Simply put, they protect LGBTIQ+ folk from harm and injury, and they are world-leading laws. We know that governments across the globe look to our government as a standard-bearer on queer rights issues and equality more generally. We are a beacon of hope, and it makes me so proud to be part of this Andrews Labor government. The law itself captures and defines a whole host of practices which cause harm. Importantly, though, there is nothing in it that criminalises thought or speech. This bill only criminalises actions which cause injury and harm.

Labor understands that LGBTIQ+ rights are human rights, which is exactly why the law we made empowers the Victorian Equal Opportunity and Human Rights Commission to investigate systemic conversion practices in our state. In doing so it protects vulnerable queer folk and especially young

LGBTIQ+ Victorians. Contrary to the assertions of many of the transphobes and queer-phobes who emailed me about this debate last year, the sky has not fallen in. What has changed, though, is that young LGBTIQ+ Victorians are better protected from the mental and physical torture that sadly many of their predecessors were subjected to. When we passed this bill, we sent a powerful signal to the Victorian LGBTIQ+ community: you are not broken. In Victoria you are loved, you are respected, you are cherished and we will stand up for you in the face of hatred, ignorance or misguided fear, but here we are again, in no small part due to the extraordinary behaviour of some of those opposite, again, having to put forward the case, again, for basic human rights. It is deeply traumatic for these communities, and it just should not be happening.

The desire of many members of this place to reprosecute this debate amounts to seeking a liberty to put LGBTIQ+ Victorians through the ringer again, to publicly question their legitimacy and their integrity and to assert in a manner most demeaning that somehow other people know better what gender or sexuality is right for them. And in relitigating these issues in the public domain, we are forced to confront the implied argument that sits at the heart of this debate—that there is something wrong with those who do not identify with the gender that they were assigned at birth. Extending Hannah Simpson's analogy, it amounts to asserting that it is okay to subject left-handers to counselling or prayer or psychotherapy that seeks to make them right-handed or seeks to have them consider whether left-handedness is a lifestyle choice or somehow against God's will—well, it is not okay.

The ban on change or suppression practices is a critical element of our equality agenda, but there is so much more happening in this space. Under our government, Victoria is a leader both by righting past wrongs and by creating a brighter future for LGBTIQ+ Victorians. Importantly we have established and funded the gender unit at the Royal Children's Hospital. Despite the outrageous attacks on it from the Murdoch press and in particular the *Australian*, this unit brings together a team of caring, empathetic and highly professional specialist medical staff supporting kids that are undergoing transition or grappling with the existential challenge of gender dysphoria. It is an initiative that has made a powerful difference for many, many Victorian families, including mine.

Tackling legal injustices is critical to LGBTIQ+ acceptance and destigmatisation, and that is what we have done. We have outlawed forced divorce of trans folk. We have improved access to birth certificate changes and banned adoption inequality. We have built the new Victorian Pride Centre as a hub for LGBTIQ+ organisations. This year alone $45 million has been allocated to support LGBTIQ+ Victorians, because as a government we put our money where our mouth is. There is always more to do, and we are committed to doing it because we stand in solidarity with queer Victorians.

What we will not do, though, is justify for the millionth time why LGBTIQ+ people deserve basic human rights, why people deserve not to be harmed or injured or discriminated against or forced to be someone they are not.

So to those who want to continue this debate, perhaps in perpetuity, I say this: we should not be here. It is traumatic, and it is a slap in the face for all Victorians who value compassion and justice. But we are here, and like many Victorians I am disappointed and dismayed, apprehensive and angry. I am disappointed that this is the subject of rank political brawling amongst some members of this Parliament. I am dismayed that we have to once again outline the importance of the protections that only this government has had the courage and foresight to enshrine into law. I am very apprehensive about the impact the reignition of this debate will have on young LGBTIQ+ people, most especially those struggling with their sexuality or gender identity.

Ms Britnell: You're the one raising it.

Mr FOWLES: It is those opposite who put it on the front page of the paper again through their appalling conduct. That is a case of fact. And I will gladly confess that I am angry. I am angry that

anyone—anyone—would seek to dismantle a legislative framework that exists to protect kids at perhaps the most vulnerable time of their life.

A member: No-one is.

Mr FOWLES: Your colleagues are. That is exactly what they are doing. And I say to those who would choose this path: please reconsider. Do not be yet another voice added to the pile on of pressure these kids are facing. Do not be another person, whether by act or omission, who ostracises, marginalises or condemns kids struggling with these deeply personal challenges. These journeys are hard; do not make them harder. The protections against this conduct are important, they are proportionate, they are necessary. They should not be revoked, removed or amended. Nor should any conservatives indulge those who wish to reopen this debate, for only harm can come of it. It is my impassioned plea to let these kids be.

Mr D O'BRIEN (Gippsland South) (17:02): Like the two previous speakers, I come to this debate today in sorrow—not in joy or anger or pride or any of that, but in sorrow. After that last contribution from the member for Burwood, I am quite astounded. This is quite possibly one of the most pointless debates that this chamber has seen this year. The member for Burwood and others on that side are trying to build up some picture of a homophobic straw man on this side that simply does not exist.

I just re-read my contribution to the debate on this bill last year and was reminded of the stories that I told—the story of my friend Patrick McIver, who went through, effectively, gay conversion therapy and how his experience and his story actually told me how important this was. It is ironic today, I guess, that I also saw just before a video, a tweet, from a young man called Josh Cavallo, who is a football player at Adelaide United, coming out and telling his story and being brave and talking about how relieved he was and how happy he was when he came out because he had spent so much of his life compressing and concealing what he actually was. It reminded me of the line that some of those opposite have just used, and I will say it again, that probably the most important part of this legislation that we are discussing today is not necessarily even what it actually did itself but the fact that it sent a message to young gay and lesbian—LGBTIQ—people right around this state: you are who you are. That is completely fine. You are not broken, and you do not need fixing.

Those of this on this side, I can say, to a person, 100 per cent support that, and we 100 per cent supported the notion of outlawing gay conversion therapy. But as I said in my speech at the time, it is not as simple as just saying—you cannot put up a sign out the front of a shop saying—'Pray away the gay here'. If it were, it would be simple and the legislation would be one page long. But the conversion therapies that I talked about that my friend Patrick McIver actually went through were far more subtle and far more insidious than that and therefore far more difficult to legislate away. When I hear the member for Burwood saying that some of us on this side want to rip it up again and want to take this away—even in the depths of the arguments that we have had in our party rooms that has never, ever been the issue.

And if you actually listened at any stage to the debate that we had last year, it was about the detail of the legislation and getting that right. As the member for Kew has pointed out, this was not just the Liberals and Nationals saying this; there were some serious organisations with some serious gravitas with some very serious concerns, the AMA most particularly. We had the Royal College of Psychiatrists and the National Association of Practising Psychiatrists. The Law Institute of Victoria talked about how this bill was badly written. I will just finish with a letter from the then president of AMA Victoria, Julian Rait, to our shadow minister at the time, which finished with:

[QUOTE AWAITING VERIFICATION]

> We are vehemently opposed to conversion practices. AMA Victoria's concerns are not motivated by politics or morality, only that the bill as currently drafted has the potential to be detrimental to clinical practice.

I think the member for Kew went into some detail about their specific concerns about the ability of doctors, psychiatrists and other health professionals to legitimately treat people and help them with

issues of gender and of sexuality. That in no way says that we support gay conversion therapy, and this straw man argument that those opposite are trying to put up is just ridiculous. We moved a series of amendments. We moved initially a reasoned amendment because we thought that the government needed to actually go away and get this right. That was rejected. We moved a series of amendments about the AMA's concerns, about the Royal College of Psychiatrists' concerns, about the concerns of families about whether they could talk to their children.

Now, whether those issues are legitimate or not, time will tell, but this matter of public importance (MPI) that basically says the protections in the Change or Suppression (Conversion) Practices Prohibition Act 2021 should not be revoked, removed or amended is undone by the bill's own content, which says that it will be reviewed after two years. Not anyone is ever suggesting that a piece of legislation is flawless, and that seems to be what we are getting from those opposite, that you should not even be questioning this legislation. This government itself in the legislation has said, 'We will review it after two years'. That is entirely appropriate, as it is for any legislation, and we think that those issues that we raised at the time, that we moved as amendments in the upper house after our reasoned amendment failed, should be addressed in the review that will come about starting in February 2023, whoever is in government. It would be pretty silly to look back on the language of this matter of public importance if the Labor government is re-elected and then start to review the bill. I mean, that is really what we are talking about here, and so it is quite extraordinary for those opposite to suggest that there is a problem and the Labor Party has the solution. If you do not support the Labor Party's solution, then you obviously do not want to address the problem. That is the sort of fount-of-all-wisdom attitude that brings this government down.

I go back to what I quoted in my speech on the bill at the time. It was an *Age* editorial, and as I said at the time, it is not often that I quote *Age* editorials. In fact it is very rare that I even read them. But the *Age* editorial at the time talked about some concerns put forward by the Catholic archbishop, and it said:

> … addressing the concerns put forward by Archbishop Comensoli and other faith leaders regarding how the bill will work in practice can only strengthen the legislation in the final analysis, and avoid its use as a wedge issue between or within political parties.

Now, I think the Labor Party should be thinking. When the *Age* editorialises to that extent, it should be actually having a serious think about its position. It went on to say:

> Meanwhile, though it may be impossible for the government to satisfy the bill's opponents on every point, reaching out to them now will ensure that the government is able to proceed in good faith.

Amen to that—in good faith. We have heard the member for Oakleigh, the member for Northcote and the member for Burwood all say we should not be having this debate. We agree. What are we having this debate for? The member for Oakleigh said, 'Let's put this to bed'.

Well, we did not put this MPI on the agenda. Our position has not changed. We said all this, and we raised our concerns about the legislation back in December and February of this year—and yet the government puts this up for base political reasons.

Look, I get, particularly with the MPI, that party politics goes on all the time, but with this one in particular, after I spoke—and I spoke pretty heartfelt about the story of my friend as well—I had Labor members tap me on the shoulder and say, 'Well done; well spoken'. But shortly afterwards they came in here when it came to voting on the bill—and no-one opposed the bill—and they sat there mute while the member for South Barwon called a division. Now, that is the bit that the member for Burwood just left out. He read out the votes, which actually were not tallied as a division. But those votes were only read out because the member for South Barwon call a division deliberately to try and wedge the opposition, not because of concern about the LGBTI community.

A member interjected.

Mr D O'BRIEN: Well, the member for Burwood well knows, and anyone listening to this should understand, there is no vote taken if no-one opposes legislation. There is no vote taken. That was a very cynical and frankly appalling piece of work that the government did at the time. I was frankly quite offended by it, particularly after those members had said, 'Gee, you spoke well', and then they went and pulled that stunt. This particular MPI—well, it is not as bad as that, but it is that lack of good faith that the government is undertaking here, because it is boiling it down to politics, and I think the LGBTI community should not be subjected to that. We had legitimate concerns about the drafting of the bill. It should be completely fair for us to raise those concerns at the same time as opposing gay conversion therapy.

Ms HALL (Footscray) (17:12): I am pleased to be standing today with the Victorian LGBTI community and my community in the western suburbs. I strongly supported the original Change or Suppression (Conversion) Practices Prohibition Bill 2020, and if my memory serves me correctly, there was a bit of chaos on the day of that vote. A division was called, and the opposition did not appear to vote for it. However, in the upper house, two members of the opposition voted against it, as outlined by the member for Burwood. I am contributing to this today as a member for the western suburbs. I do not think I am a particularly politically combative person, but today on behalf of my community I appeal to the Liberal Party to do something about their representation in the western suburbs, which is undermining and hurting our community. We suspected what was going on then, on the day of that division, but now we know, because it was on the front page of the paper. But if there had to be a vote on this matter, we here in the Andrews government would be voting in support of and standing by this community every day of the week.

That is why we are all here on this side today reaffirming our commitment to all of those people out there who feel the sting of words and debates about their inherent sense of self and their humanity, as the member for Oakleigh described it. We know that words and actions matter and that no person should feel that they have to change their sexuality, that their sexuality is wrong or that there is anything wrong, and every day as members of Parliament we have the responsibility to lead mindfully and positively as Victorians and for our fellow Victorians.

In 2018, when the health complaints commissioner was asked to lead an investigation into conversion therapy practices in Victoria, the commissioner found that they were happening in Victoria and outside the medical field. The recommendation was that the government legislate to prohibit these practices in all their forms. Even calling this abhorrent practice 'therapy' runs the risk of legitimising these practices, because therapy as we know it does work but suppression practices do not, because they cannot.

And it is not just me saying that. The Australian Medical Association and the Australian Psychological Society, not to mention other national and international and health associations, have denounced efforts to change or suppress a person's sexual orientation or gender identity. The bill that was passed in Parliament in 2020 ensures that the balance is met by protecting religious freedoms while also protecting people in our community from harm or injury.

This is about our brilliant and diverse community and celebrating them for who they are. One of the things I really love about the western suburbs is that it is a very supportive community where people lift each other up instead of pulling each other down. In my electorate specifically we are so lucky to have Pride of our Footscray, run by the tireless Mat O'Keefe. If people are not familiar with Pride of our Footscray, it is a community-owned bar. It is owned by shareholders of the local community in the western suburbs. The Saturday night drag shows are a highlight of the weekend, and the annual Melbourne Cup drag race that takes place throughout Footscray is a highlight of the year. Pride is one of the most fun venues you can visit in Footscray, and a big part of the reason for that is people feeling empowered to be themselves—empowered and supported. It is an amazing space. I was proud to meet with them before the Pride March and to see so many people from the western suburbs participating in the Pride March, because unsurprisingly it turns out that when people feel confident and supported

to be themselves they are usually happier for it, and our LGBTI community has always had a home in the west.

In the book *The Trauma Cleaner*, which tells the story of Sandra Pankhurst, who unfortunately passed away this year, the western suburbs feature prominently. It was not always the case that people were supported in the way that they are now. It is very saddening to read that book, catching a glimpse of Footscray and Sunshine decades ago and what that experience was like for members of the LGBT community locally. More importantly, when you finish reading that book, it illustrates how much things have changed for the better. But improvement is a continual process and one that I am committed to, and I am so proud to be a member of this government.

I want to get the message out to members of our community locally in Footscray and the inner west: even though I am personally appalled that one of your representatives is on the front page of the paper, he does not speak for us. He certainly does not speak for me, and from what has been said by those opposite, that individual does not speak for the Liberal Party either. So now is perhaps a good opportunity for the Liberal Party to do something about this person, who makes shameful comments time and time again about people in our community who need support and need to be lifted up and loved just because they are wonderful contributors to our community. You are who you are; you are part of us. You are a Victorian and we love you. The Liberal Party could do my community a favour; they could preselect someone who will do no more harm in the western suburbs of Melbourne.

The CEO of Equality Australia, Anna Brown, rightly said:

> Regardless of who is in government, Victorians deserve to know that there is no room for discrimination in their state, and that everyone, no matter who they are or whom they love, can live, work and study with dignity and respect …

no ifs, no ands, no buts. Victorians and members of the LGBTI community around Australia and the world have fought too hard for too long to be treated with the sorts of indignities that we have been reading about in the paper.

Their existence is not political, and their lives do not deserve to be reduced to cheap, divisive politics. To them I say, 'I stand with you now, and I stand with you always'.

When the Change or Suppression (Conversion) Practices Prohibition Bill 2020 was introduced the government engaged extensively with stakeholders on it. There were 21 face-to-face discussions, including with faith groups, and multiple rounds of consultations. We have a diversity of faith in the western suburbs that we celebrate, and no-one's faith is being criminalised. Criminal penalties only apply in the most serious of cases, where someone causes 'injury' or 'serious injury' as defined in the Crimes Act 1958, and I do not think it is too controversial to say that someone who causes injury or serious injury to another should face consequences for it. I am so proud to live in an electorate and a state that empowers people to be who they are.

With the time I have remaining I just want to reflect on a very special day earlier this year at the Pride March. I attended the Pride March with my children, and that day I had a small insight into some of the terrible abuse that people in our community receive when I posted pictures on Facebook. Some of the abuse I received was appalling. That to me was a small window into how other people feel. I just want to conclude by saying that words matter. Those opposite have a real opportunity to take action now, and they know what they need to do.

Ms KEALY (Lowan) (17:22): In many ways I thought that this was nothing more than a usual political trick to have the matter of public importance (MPI) listed around some sort of reinvigoration of the debate that in some way or in some form there were members of this Parliament who were in support of gay conversion practices. However, I now have come to the conclusion, after listening to the entire debate today, that it is a fantastic opportunity for our side of politics to push back on some of the mistruths that have been put out in the community, that have been mischievously—and I think that is the most polite use of the term—peddled in the community that in some way anybody, any

member of this place of any party or any Independent, will at this point in time or in the future seek to reintroduce gay conversion practices. I do not know of one single individual. I am incredibly angry at this point in time because members of this house, members of the Labor Party, are using this debate as a political tool to create mental harm, to provide some level of uncertainty, which will create a lot of distress for members of the LGBTIQ+ community. They are deliberately putting their thoughts, feelings and sense of self, sense of belief and sense of purpose in the world completely to the side, completely disregarding them for political pointscoring.

We can all do things in politics. We all have our own passion points and what we are willing to fight for. But never, ever, ever should a member of Parliament seek to malign or harm someone based on complete and utter lies. I know that in my community of Lowan at no point in time during the period when the Change or Suppression (Conversion) Practices Prohibition Bill 2020 was up for debate late last year and early this year did I receive one point of contact that we should support gay conversion practices being allowed in Victoria—not one level of communication at all. There was not an email, not a handwritten letter, not a phone call, not a drop-in to the office, nobody. I had thousands of contacts. Not one person is seeking to reintroduce gay conversion practices in Victoria.

So there is no member of Parliament, there is nobody in the community—I do not know of anybody who wants to decriminalise and to bring back gay conversion practices. I do not know of anybody, and so there is this terrible push by Labor Party members, not just today but over the previous months, who have deliberately gone out to say that members of the Liberal-Nationals want to remove—and as in today's MPI, again, to revoke—this bill and to bring back gay conversion practices. It is nothing more than completely a mistruth. In fact my first thought when reading the outline of this MPI was it may actually be misleading Parliament, because what they have alleged is completely non-representative of the views of the Liberal and Nationals MPs who represent Victorian people in this place. I want to make that enormously clear. I hope it has been made abundantly clear, but I am so very, very angry about some of the earlier comments, because they are completely wrong. As I reiterate, you should never, ever use people and be willing to put their mental health and wellbeing on the line for the sake of political pointscoring and winning a vote.

And do not think that just because you are in government that, yes, you can make the changes. There is no doubt about that—that is what being in government is all about—but we know it is not just your side of politics that has done good things. I just look back, and in my electorate of Lowan I am so proud of all of my people and particularly my National Party membership. I remember back when I was first elected, at one of the first state conferences that was held after that time we had a motion from Lowan that was unanimously supported by the conference, which was to allow for same-sex adoption. Now, I am not aware of any other political party that actually has passed a motion around same-sex adoption.

So at our very grassroots level The Nationals are leading the way when it comes to supporting everyone in our community, and The Nationals are far beyond being just farmers who are standing out in our crops all day. The Nationals are about everyday people in our community, whether it is our health workers have been doing a great job during the pandemic, whether it is about our schools and making sure we are teaching and training the next generation of fantastic people—CEOs and board directors who are leading the way on massive international companies right around the world—or whether it is about just making sure we are coming up with those entrepreneurial ideas, that is what we stand for, because we stand for people in country Victoria, no matter where you live.

I am deeply concerned that elements of the intention of the gay conversion practices bill have been lost on this government and that they have somehow pushed aside the two-year review that will be coming up that is outlined within the legislation. I received some correspondence from the Victorian Pride Lobby and I met with them recently, and it was fantastic to speak with them and to hear their views about many different things about how we can best support the LGBTIQA+ community in Victoria. I would like to just read out a section of their email to me:

[QUOTE AWAITING VERIFICATION]

> It is worth noting that the act includes an inbuilt review two years after its commencement conducted by a qualified professional. In that way any group can propose amendments as part of the review which will be considered by a qualified expert.

Now, that is exactly what we all support, because it was the government's bill that actually enshrined that in legislation. We strongly support that, and that of course means that we can seek to improve this legislation into the future. The MPI somehow outlines that there should never, ever be a change to this act in the future, that it is perfect in the way that it is and it cannot be further strengthened. Now, I think there probably are elements of this bill that can be improved and refined over time, as has been flagged by the Victorian Pride Lobby. Now, I do not think that trying to malign this as a way to water down or bring back gay conversion practices is anywhere near similar to the what the truth of it is. It is enshrined in legislation, legislation which was written by the government, and that is what we will seek to support.

Most of the bills that come through this place are amendment bills. There are very, very few that are brand new bills from scratch. We had one this week, which was quite unusual, and Labor MPs actually noted that it was unusual to have a bill debated in this place that was a fresh bill rather than an amendment bill.

We do know things change. Our understanding of things change. We might find that there are drafting errors in the bill, which is something we see quite frequently in legislation brought through this chamber. So why would we say we are never going to amend it? But that does not mean anybody would seek to take away the cut and thrust of that legislation, which is to ban gay conversion practices.

I stand by all of my colleagues who I have spoken to directly about this, and nobody supports gay conversion practices being in place in Victoria. I reiterate the comments of my good friend the member for Gippsland South. He spoke earlier very eloquently, as he spoke very eloquently on the original bill when it was debated in this place, around his friendship with Pat McIvor. I know Pat very well also, as a National Party member, and his experience through his own experience of being exposed to gay conversion practices is something that—I have read his story—chills me to the bone that that would ever occur in the state of Victoria. Anybody who has not read Patrick's story or is not aware of what actually takes place, please go out and familiarise yourself.

But I can say absolutely that this should not be in place in Victoria. Gay conversion practices do not belong in Victoria. The Nationals do not and will never support gay conversion practices, and we will never ever undermine the ban on gay conversion practices in Victoria. But I do further admonish any Labor Party MP who seeks to marginalise and harm people's mental health and wellbeing by using them as a political pawn. That is wrong and I will always— *(Time expired)*

Ms GREEN (Yan Yean) (17:32): I rise to this matter of public importance with a degree of sadness. I think, as the member for Oakleigh outlined at the beginning of this MPI, that it is really sad and it is really difficult when these issues are in the public domain again. I think that all right-minded people, good people, were truly horrified when they read on the front page of a Melbourne newspaper that this issue is in fact being relitigated—and relitigated within the opposition, those sitting on that side of the Parliament. You know, they have got a Shadow Minister for Equality and it seems like he has been muzzled in this debate. He has been muzzled. We have not seen the Shadow Minister for Equality in this debate. And the whole reason that we have actually—

Members interjecting.

The DEPUTY SPEAKER: Order!

Ms GREEN: In this debate—when it was completely the subject of a conversation the subject of the leak in the *Age* newspaper.

However, I am going to return to the wonderful contribution by the member for Oakleigh. And I say to the member for Oakleigh: thank you. Thank you for leading this MPI and thank you for being who you are. Thank you for being a role model, a leader and an openly gay man, comfortable in his own skin.

I must say that I felt quite sad. I mean, he thanked the 71 members of the Labor caucus to say that he felt safe in his workplace, being able to contribute. And the fact that he even felt the need to say that just underscores how many gender-diverse young people and middle-aged people—I know that the member for Oakleigh looks terribly young, but you know he is getting toward his middle years. And to think that someone at that age still has to say that he feels comfortable in his workplace—and that he had many times through his career not been able to share his private life and who he is.

But I say thank you, because as the mother of one straight son and one gay son, I know that Blake is in his late 30s now and he still really struggles with that discrimination and that fear. And like the member for Oakleigh said, you still have to think about it if you are in a restaurant and you open a bottle of champagne and have a quick kiss with your partner or hold hands in the street. That is what everyone needs to understand—that this pain never leaves you. Like the member for Northcote said, you do not just come out once, you come out every time.

I remember when my son had come out to me, and then he was asking: should he tell members of our family? Like the member for South-West Coast, I have got many dairy farmers in my family, and some of them can be a bit more conservative. And I said to Blake, 'Look, it's no-one's business who you choose to be intimate with', and he said, 'But, Mum, I've always wanted to be who I am, and you've always said I should be who I am'. I said, 'But who you are intimate with is no-one's business', but he was open and honest, and I am glad that the family members have moved on. But a dear uncle, who I am very fond of, found it very difficult, and he and my aunt withdrew from my son. That broke his heart. I mean, they love him to death now and they have come around, but I think that we have to recognise that there are still many attitudes like that that still exist.

As someone who grew up in regional Victoria, like the member for Lowan, like the member for South-West Coast—we even went to the same school—I think the marriage equality vote was actually remarkable, seeing the high levels of support in the federal electorate of Wannon, in the federal electorate of Mallee. And I am really reassured that the member for Lowan in her contribution said that there was no-one in the electorate of Lowan that contacted her and said that these practices should exist. I am not sure whether the member for Lowan was not in that party room meeting or whether she has not read the Melbourne newspaper, but it quoted her leader:

> 'Just because James has been appointed to shadow—

meaning the shadow ministry for equality—

> doesn't give him the right to change history and put a very definite view that is counter to what's been agreed to by our party processes,' Mr Walsh said.

So is the member for Lowan saying that there is going to be a coup and that there will be a different Leader of the National Party? We have seen what the federal Leader of the National Party, the Deputy Prime Minister, is like.

You know, young people are crying out for leadership, whether it is on gender diversity, whether it is on climate change, whether it is just being listened to and being able to be part of our community, and troglodytes like the Deputy Prime Minister and the deputy leader of the coalition here in Victoria need to be called out. Just because—

Ms Staley: On a point of order, Deputy Speaker, the member's comments in relation to the Leader of the National Party are offensive and they contravene the standing orders, because if she wants to make allegations and call people names, she needs to do that in another way. I would ask you to stop her doing that.

The DEPUTY SPEAKER: There is no point of order.

Ms GREEN: Thank you for your ruling, Deputy Speaker. I was really taken with the contributions during the debate last year, and the member for Gippsland South reminded us of him speaking about his friend, James, I believe it was. It is not good enough—and I say that as someone who grew up in regional Victoria and speaking up for young people and gender-diverse people in regional Victoria—to say, 'Darren Chester's a good bloke, and the member for Gippsland South is a good bloke. Trust us. You know, the member for Lowan and the member for Euroa are great women. Nothing will happen'.

The fact is that their leader holds a different view. The passion we see from the member for Lowan—but, really, it was like the emperor had no clothes. I have been in this place for a long time, and I have heard many contributions from the member for Swan Hill—

Mr Wynne interjected.

Ms GREEN: Well, now the member for Murray Plains—as has the member for Richmond, and I do not believe he has changed his spots. He opposed the Relationships Bill back in 2007. I would suggest that the new members of the National Party need to actually read his contributions, because I believe that he has not moved with the times and he is not representing the views of his community, and this is causing damage to our young people.

There were others in the chamber—I think it was the member for Gippsland South and the member for Lowan—that made accusations against the then Government Whip, the member for South Barwon, when he called the vote. It was not a political stunt. It was not a tactic. It was actually the decent thing to do, because gender-diverse people need to know who their supporters are. Leadership is important, and you need to stand up for these issues. What we saw earlier this week showed that the gender-diverse community cannot be certain of this new leadership group in the coalition and that they are not unified on this position. But on this side of the house we are. The member for Lowan also said that she had never met anyone that did not support it. She obviously did not meet the endorsed Liberal candidate for Yan Yean last time, an avid supporter of conversion therapy and an opponent of Safe Schools. Apparently the Leader of the Opposition disendorsed her, but until recently she was on the Liberal Party women's committee. They are the people that the member for Lowan is in bed with. We will oppose—*(Time expired)*

Ms WARD (Eltham) (17:42): I do join my colleagues in frustration and some disappointment that we are here again talking about this issue. Like many in this place I am frustrated; I am upset at the hurt that this debate can cause. No-one wants to be told that they can be fixed or that they are broken. But it is shallow for those opposite to claim that it is Labor that causes hurt through today's discussion. We are discussing this today because of the hurt that came from last week's—and I use this word respectfully—discussion that was had within the coalition. There is still division within the coalition about this issue, and they have been considering taking to the next election a policy that changes this important and necessary legislation. That was the discussion last week. We are discussing it this week. We did not start this conversation. We were not in the paper talking about this conversation. We are talking about it now, though.

But I do want to say: how dare they claim that the member for Oakleigh put forward this matter of public importance for political pointscoring, for political expediency. How dare they diminish his lived experience or diminish how important—how personally important—this debate is to him. To accuse him of putting forward this debate as a political stunt is absolutely disrespectful and means that they have not understood the full importance of this conversation, the sensitive nature of this conversation and what it means to people. I ask them to desist—to stop—with that accusation, because it is unfair and it is wrong. The member for Oakleigh is a good man. He is a man of a lot of integrity. It takes bravery to stand up here and talk about your personal story, to share it with us, to highlight why this conversation is important and why this conversation has to be held in a respectful way, and that is

exactly what the member for Oakleigh did. He was incredibly respectful, and I ask those opposite to be as respectful of his story as they should be—as everybody in this place should be.

This issue is really important, which is why the member for Oakleigh brought it up. We do not need to see the headlines that we saw last week about the dissent in the coalition on conversion therapy.

The member for Gippsland South, who is not here at the moment, did speak well on the bill when it came before us last year. His speech and his acceptance of the need to end conversion therapy is not the issue here. This is not what we are talking about. We are not talking about some really important contributions that those opposite made last year. What we are talking about is the hurt that comes from what we saw in the papers last week, the hurt that comes from that kind of conversation, the hurt that comes from the uncertainty of not knowing the direction that a political party would take this state in were they to be given the privilege of being elected to lead this state. It is leadership that is required in policy areas overall, but especially in policy areas that are such heartfelt issues, that matter so much to people and that are so deeply important. There continues to be angry, aggressive and abusive debate within the coalition about this dangerous therapy. This is what we are talking about. This is not about political pointscoring. This is not about one-upmanship. This is about a really serious policy area that absolutely affects people's day-to-day lives, that absolutely affects their mental health and that affects the way they feel and think about themselves, which is why it needs to be discussed in a respectful way. It is why we do not need to see what we saw on the front page of the papers last week.

I thank the member for Oakleigh for his words, for sharing his story and for reminding us why words as well as actions are so important. Words are so important. Words matter. Words can hurt. Words can hurt more than a punch. They really can.

Now, I want to give an example, with your indulgence, Deputy Speaker. My aunt is left-handed, and like my mum she went to a Catholic primary school. My mum is right-handed. Unlike her sister my mum did not have her left hand tied behind her back to correct her. The nuns would not let my aunt use her left hand. They saw it as the wrong hand—in Latin the sinister manus, the sinister hand. We know this was wrong. And guess what? My aunt was born left-handed; she is still left-handed. Despite the nuns' best intentions of making her right-handed, she is still a leftie. She is still a southpaw. We cannot change someone who is same-sex attracted, and nor should we. They are not wrong. They are not sinister sexus.

The United Nations has asked for conversion therapy to be banned globally. It is abuse. There are no two ways about it. That is the cut and dry; that is the black and white of it. It is abuse. Let us go back to 1899 when Albert von Schrenck-Notzing, a German psychiatrist, claimed to have changed a homosexual man to being heterosexual through hypnosis and trips to brothels. He also had this idea that homosexuality was caused because someone had gay testicles and that you could remove them and replace them with heterosexual testicles. There has been mad stuff that people have been doing for a long time to change people who cannot actually be changed and to harm other people. We have seen electroconvulsive treatment, lobotomies, hormone therapy and aversion therapy—all abuses portrayed as tools to help people be better and to become a gender-conforming heterosexual. Many of these therapies have been used in the past to ensure strong women, opinionated women, changed and became more compliant. I am not glad that these therapies became popular, but they peaked in the 1970s, and the 1970s is where they belong. They do not belong here and now in our state.

Conversion therapy is abuse. It is an attempt to legitimise abuse. It is an attempt to gain control of someone else's sexuality, and I do find it a challenge that the party which demands small government and limited intervention into the lives of citizens remains confused about its position on this issue. I do hope that the coalition sorts itself out and speaks with one voice—one respectful voice—on the issue of conversion therapy. I commend the Liberal Party for their work in decriminalising homosexuality, as I commend the Labor Party for removing these damaging historical records. Good can be done in this place by both sides of politics. But make no mistake, conversion therapy is about

control. Laws preventing this are not about stopping parents talking with their kids. They are not about stopping a religious leader from teaching religious views.

This is not what it is about. It is about stopping people from being hurt, and I direct strong criticism to the Australian Christian Lobby, the ACL, for the stuff they are putting in letterboxes—the misinformation that they put out that is hurtful, that is wrong and that is damaging. Any person who knows, loves, is in the LGBTIQ community who sees those pamphlets in their letterbox would be absolutely devastated. The ridiculous fear that those pamphlets create is shocking, shameful and absolutely not what Christianity is about. In fact it should be not what any religion is about that purports to care about people.

We have seen for millennia that male-dominated societies have tried to control women through sex, and I find it hilarious that it is only in modern times that the world has decided that women not only can actually have their own sexuality but could even be attracted to other women—this just was not a thing; it was only men. They could not imagine that it could be women. It is interesting that our laws have really in the past been focused on homosexuality as male, not in terms of both genders or all genders. It is just such a bizarre view. We had Sigmund Freud, who thought that lesbian desires were an immaturity women could overcome through heterosexual marriage and male dominance. There has been some bizarre stuff that has come about trying to control people's sexuality and trying to ensure that that sexuality conformed to whatever the norm was at the time. I can only say I am glad that the norm has now changed and that we are inclusive and accepting of other people.

I have to say as I finish up that one of the areas that has disappointed me in this conversation that we have had today with the matter of public importance has been the emphasis and the retreat by those opposite away from discussing this as an important issue and jumping onto the pandemic bill that is before us this week—that they, like the ACL, want to drum up fear, want to drum up uncertainty and want to use political expedience— *(Time expired)*

The DEPUTY SPEAKER: The member's time has expired. There are no more speakers on the matter of public importance. The house will now return to the Sex Work Decriminalisation Bill 2021. I call the member for South Barwon.

Mr CHEESEMAN (South Barwon) (17:52): I am here to speak on the MPI. Thank you, Deputy Speaker. It is actually with some surprise this afternoon that I rise to speak on the matter of public importance. I must say I am surprised because I would have thought it incumbent upon the opposition to supply an adequate number of speakers to speak on such an important matter of public importance as this.

Now, I must say in listening to the contribution from our fantastic Labor speakers this afternoon on this matter of public importance the reality very much dawned on me that indeed leadership is really hard and indeed words—

Mr Rowswell: On a point of order, Deputy Speaker, just as a matter of correcting the record, the reason why we are at this point in time for the matter of public importance allocation is that the member for Morwell, who is allocated on the speaking list, is not here and present in the chamber to contribute, hence why the member currently on his feet is in the position of needing to contribute. It is not a reflection on a lack of planning or a lack of contribution opportunity from the opposition.

The DEPUTY SPEAKER: The member who has not taken the call is from the Greens political party. I call the member for South Barwon.

Mr CHEESEMAN: As I say, I very much enjoyed the fantastic contribution by our fantastic Labor members on this matter of public importance. The point I was about to make before I was rudely interrupted was that indeed every single member of the Labor caucus a number of months ago now very much wanted to put their names down on the *Hansard* record as supporting the legislation that passed through the Parliament at that point in time. Every single member of the Andrews Labor

government in this chamber wanted to as a very direct expression of love towards our lesbian and gay community put on the record very clearly, very plainly, their support—our support—for banning suppression and conversion practices in this state.

We know the hurt that has been caused to that community forever, and we of course very proudly want to stand and show our love and support to those communities. It was interesting listening to the debate today, listening to the weasel words expressed by so many of the members of the Guy Liberal opposition in this place. Indeed I was very pleased to hear the member for Eltham's contribution, which highlighted, very sadly, I think, that just last week the *Age* exposed deep divisions in the Liberal Party on this matter. I want to be very clear—and I have no doubt that every single member of the Andrews Labor government wants to be very clear—that we stand with our gay and lesbian communities across this state. We very much show our love, our support and our solidarity, and we will continue to strive in every way that we can to reform Victoria's statute books to recognise the legitimacy of their relationships.

I listened very intently to my friend the member for Yan Yean in her contribution, and I know the many stories she has shared with me about some of the communities that she has represented, some of the members of her family and some of the challenges that they have been through. Indeed those stories are so reflective of the conversations that each and every member of the Labor caucus has had with their community, and that is why we stand and we want to show very clearly our love and our support for Victoria's very diverse communities. We know the challenges that they have endured for a very long time. We know very clearly from engagement with those communities how important words are, how important leadership is, and I must say, from the Premier down, the Andrews Labor government has shown very clear leadership on this. We want to stand with our very diverse communities. We want to make sure that there is no statute on our statute books that discriminates in any way. We want to make sure that we strive to make it that much better for our gay and lesbian communities—communities that we love, communities that we want to support.

With the few moments left I do want to very much acknowledge the member for Oakleigh, who very thoughtfully submitted this MPI, because it again provides us that opportunity to use our words to express our support and love for our communities—and that is why I am here this afternoon to support the member for Oakleigh. I am disappointed that other political parties could not fill their speaking spots. I am disappointed by that. I guess I am not surprised by that, given the journey that they have been on. Again I just want to make the point that we took that opportunity to express ourselves very clearly for these communities by wanting to record our names in the *Hansard* record in support of banning these subversive practices. That is why we supported it. That is why I called the division. It was a proud moment for every one of us when that legislation passed both chambers, and I was very proud to listen to those fantastic contributions. I was very proud to hear those magnificent contributions from Labor comrades in this chamber expressing their support for these communities. I very much look forward to taking further opportunities, when appropriate, to support our gay and lesbian communities to make sure that we can make Victoria a diverse place to be.

Bills

SEX WORK DECRIMINALISATION BILL 2021

Second reading

Debate resumed.

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing, Minister for Child Protection) (18:00): I move:

That the debate be adjourned until later this day.

Motion agreed to and debate adjourned until later this day.

PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT) BILL 2021

Second reading

Debate resumed on motion of Mr FOLEY:

That this bill be now read a second time.

Mr T SMITH (Kew) (18:01): I speak tonight on the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021 with a heavy heart and indeed genuine apprehension and fear for what these extraordinary laws will do to the society and indeed the people of Victoria, who have endured so much for such a long time because of the incompetence of those opposite us, who have misused their powers, who have locked people up, locked people out, destroyed businesses and mental health, seen our children miss more days at school than any other state in the nation, seen 85 000 people contract COVID-19 and seen 1065 people perish of COVID-19. We had the highest number of cases, the highest number of deaths, the most jobs lost and the most school days lost in the world's longest lockdown. For 263 days we were deprived of liberty, deprived of happiness and deprived of a right to live our lives as we would choose—inalienable rights, rights that we never thought would be threatened on this continent, rights that have been stripped away again and again and again by the Labor Party. Rights, freedoms and traditions have been taken away by a bunch of people who think that they know best, that they can all tell us how to live our lives.

And now they want to do it all again. In fact they do not want to just do it all again, they actually want to make it worse. The provisions that are presented to us and to be debated for the next hour and then for some time tomorrow before the guillotine hits are garrotting, crunching through and smashing democracy, smashing parliamentary oversight, insulting the traditions of this place and insulting the basic premise of parliamentary oversight of the executive.

I will keep my remarks relatively short, because I want as many of my colleagues to speak on this as I possibly can manage. The president of the Victorian Bar Council, Christopher Blanden, QC, this afternoon has said this. The Andrews government's draconian pandemic legislation is so bad that Mr Blanden has said:

> If the Stasi had these powers, they would still be in force.

The Stasi—referring to the East German secret police. He said:

> Once a declaration is made, the health minister is given the extraordinary power to make an order necessary to protect public health, including the power to order detention, restriction of movement … They can be enforced and punishable if you breach them by imprisonment for an unspecified period of time, effectively at the whim of the minister …
>
> And then they've got this bizarre system where the only way you can challenge that is by making an application for review to someone called a detention review officer … not to the courts.

That is absolutely true. Clause 165B provides:

> The ***pandemic management order powers*** are as follows—
>
> …
>
> to detain a person in a pandemic management area in accordance with a pandemic order that requires the detention of the person (including a pandemic order that requires that the detention of a person be extended).

For the avoidance of doubt, clause 165BE provides:

> **Requirement to isolate or quarantine not of itself detention**

So for those of you who were thinking that this is simply requiring returned travellers or the like to quarantine at home, be in no doubt: you are under arrest. These provisions relate to the arbitrary arrest of Australian citizens on their home soil. Arbitrary arrest—that is what we are talking about. That is the magnitude of these provisions.

Clause 165BI provides:

> **Review of certain decisions in relation to detention**
>
> A person who is detained or whose detention is extended under section 165B(1)(b) or 165BA(1)(b) may make an application to the Secretary for a review by a Detention Review Officer of the detention including, but not limited to, in respect of the following—
>
> the reasons for the detention;
>
> the period of the detention;
>
> …
>
> the conditions of the detention;
>
> any other matter relating to the detention.
>
> A person who has made an application under subsection (1) may make further applications under that subsection if—
>
> the most recent application made by the person has been determined; and
>
> since the most recent application was determined, new and materially different circumstances have arisen that affect the person in respect of the detention.

Now, here is the kicker if that was not bad enough. Clause 165BL provides:

> If the detention of a person ceases because of a decision made on a review of the detention, the detention of the person is not unlawful …

Think about that. The minister through an authorised officer can detain you and deprive you of your liberties—liberties that we have held dear for 800 years. The right of freedom from arbitrary arrest is enshrined in the Magna Carta:

> No free man shall be seized, imprisoned, dispossessed, outlawed, exiled or ruined in any way, nor in any way proceeded against, except by the lawful judgement of his peers and the law of the land.

And here we are with this monstrosity, this thing, this egregious attack on ancient liberties, whereby if you are charged and apprehended and then detained by the minister's goons at his discretion, not the courts but the executive, the Crown, can arrest you at his pleasure—at the member for Albert Park's pleasure and indeed the dictator's pleasure through the health minister's pleasure. And even if the review officer happens to find your detention has been for whatever reason erroneous, it does not make that detention unlawful. I think it is utterly horrifying that when 90 per cent of the community at the very least over the age of 12 are going to be fully vaccinated against COVID-19 the government are giving themselves the power of arbitrary detention for an unknown period of time.

Let us go back to what is being proposed here. The Premier of Victoria can declare a pandemic even if the virus or the disease is not present in the state of Victoria, or Australia for that matter. His health minister is then empowered to issue pandemic orders. These orders will constrain freedoms and rights that have been ripped from us over the last 18 months. But what makes this truly terrifying is that, without any redress, individual citizens—Australian citizens, Australians born with inalienable rights particularly against arbitrary arrest—can be banged up without charge at the minister's pleasure.

There are some other egregious aspects—well, the entire bill is egregious, let us be frank. But there are some other particularly concerning aspects I wish to raise. There is no real parliamentary oversight of these provisions. Professor William Partlett at the University of Melbourne makes a very damning observation:

> … the bill rejects a key parliamentary safeguard that is used in NSW and NZ.

The government talking point that this is similar to New Zealand and New South Wales is wrong. Those jurisdictions have entrenched parliamentary oversight over declarations of pandemic or emergency that give the government extreme power. Instead what we have here in Victoria is the government appointing an executive committee that sits within the executive government to oversight decisions made by the executive. They are a consultative body only. They have no veto powers. It is not of the legislature, it is of the executive.

What we on this side of the house demand is genuine, legislative parliamentary oversight. We think—and we think it is only fair and reasonable given the extraordinary powers this bill is seeking to give the Minister for Health and his boss—that after a pandemic declaration or after a state of emergency is declared they should come back to the Parliament once every 30 days and get special majorities in both houses. It is only fair, it is only reasonable and it empowers each and every representative of the people of Victoria to approve or not to approve the extraordinary, unprecedented, ugly, foreign—very foreign—powers that the government is attempting to give itself through this legislation.

The Universal Declaration of Human Rights, often spoken about by those opposite:

> No one shall be subjected to arbitrary arrest, detention or exile.
>
> …
>
> Everyone has the right to freedom of movement and residence within the borders of each State.

I suspect this document, this bill, this monstrosity, somewhat contradicts those high and lofty ideals, and that is why we on this side of the house, the Liberals and the Nationals, the only custodians in this building of individual liberty, of freedom, of people who do not want the government controlling each and every part of their lives—we are sick to death of the Andrews government controlling each and every part of our lives—say please, please just leave us alone. Get off our case. We are sick of hearing from you. We are sick of your lecturing, your hectoring and your posturing. Just go away. Stop telling us how to live. We do not want your pandemic legislation. We do not want your state of emergency.

You told us that if we all got vaccinated, which we all have, on 24 November the only restrictions we would need would be for quarantine and to lock out the unvaccinated for the rest of 2022.

I might have some disagreement with you about locking out the unvaccinated for the whole of 2022, but I agree you need some powers with regard to quarantine, particularly for non-Australian overseas arrivals. But that is it. You do not need arbitrary arrest powers. You do not need the power to use individual characteristics to declare a pandemic.

I do not think the government realises the level of fear that now exists within ethnic and religious communities and minorities because it has put into a bill the ability to discriminate by each and every characteristic that is listed in the Equal Opportunity Act 2010: race, religion, sexual orientation, gender and political belief. The Minister for Health has given authorised officers at his command the ability to discriminate on those characteristics.

It is a stunning overreach. It is a shameful overreach. We oppose these laws to the very core of our political beings. This is why the Liberal Party and the National Party exist. That is why Menzies set the thing up—to stop Labor overreaching, to stop Labor extending the state into areas of society and human existence that it was never meant to be in. We will oppose this bill in and out of the Parliament, and we will oppose it every single day until election day next year. I thank the house.

Mr CARBINES (Ivanhoe) (18:17): I am pleased to contribute to the debate on the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021 and to pick up in particular on some key aspects of where we started, where we have got to and where we need to go next to keep Victorians safe right across the state. As we know, the legislation that is before us today, these new laws, will provide a very clear and streamlined framework for managing pandemics into the future and making sure that we continue to keep Victorians safe.

As the Premier said just this week, and I quote:

> Last year we committed that we would bring forward pandemic-specific legislation that was fit for purpose, and that is exactly what we have done.
>
> We have learned a lot over the past two years of a once in a generation pandemic, and we are applying these lessons to manage pandemics in the future—while maintaining our ability to rapidly respond to outbreaks.

I think the key elements are, to take them from our media release of 26 October:

> As is the case with current State of Emergency declarations, a report setting out the reasons for declaring a pandemic and advice of the Minister and CHO will be tabled in both Houses of Parliament.
>
> A declaration can initially be made for only four-weeks but can be renewed for three-month periods until the pandemic no longer presents a serious risk to the community.
>
> …
>
> The Minister will also be able to issue a pandemic order to a specific classification of person or group depending on their location … or a particular characteristic such as age, vaccination status …
>
> In addition, the range of transparency and accountability measures introduced will act as a strong check and balance on the use of pandemic powers.
>
> An Independent Pandemic Management Advisory Committee made up of experts and community representatives will be established to advise on the pandemic response and management powers.

We have also made sure that:

> The new framework introduces two of the recommendations of the Fines Reform Advisory Board. The first is to exclude, in appropriate circumstances, vulnerable and disadvantaged people from the infringements system.
>
> The second is to include a new concessional fines scheme to create penalty options for people experiencing financial hardship.

As we approach this Friday and 80 per cent double-dosed vaccinations—80 per cent of Victorians across the state—that is what you really need to focus on around the compact that we have been in with the Victorian community, the Victorian Parliament and certainly the Andrews government that has seen people make huge sacrifices, not just for themselves—we heard a lot about individuals in the opening remarks of the lead speaker for those opposite—but what they are prepared to do for others, what people are prepared to do for their families, what they are prepared to do for their neighbours or prepared to do for their suburbs, their towns, their communities, their state and their country, what they are prepared to do to keep people safe. It is not just about getting yourself jabbed twice.

It is about what you can do to lead by example—like wearing a mask when you are going to buy yourself a coffee or you are doing your shopping so the frontline workers, whether they are behind the check-out, whether they are serving you a meal, can see you are making sure that you are living by the rules and that you are demonstrating to others in the community that it matters to you and it matters to other people who are working hard not only to keep people safe but to maintain goods and services in our community. That is why you are wearing a mask when you are on public transport, why you check in through a QR code, when transport workers who have worked right through the pandemic are out there keeping Victorians safe and keeping them moving.

All these elements are nothing new in relation to the amendment bill. It is building on the learnings that we have developed and the practical experiences over the past 18 months to two years. It brings us back again to the Public Health and Wellbeing Amendment Bill back in 2020 that was passed by this Parliament and in particular that omnibus emergency measures bill that led to temporary changes to protect tenants and injured workers and allow vital government functions to continue to operate—the national cabinet tenancy reforms. There were a whole range of elements that led to local government, who of course have grassroots connections in their communities, and the work that so many other organisations had to have done. So we had that back in 2020, and we had to pass them through this Parliament.

Of course we can go back further. We can go back to 2008, as I have touched on previously in this place, in relation to the forward-looking work we did when we had the issue of the SARS pandemic back in about 2002. And the plans that were put in place in the lead-up to 2008, when the Public Health and Wellbeing Act was first passed by this Parliament through the work of the Bracks and Brumby governments, led in large part by the now Premier and then Minister for Health, the member for Mulgrave, set out a plan to make sure that there were some legislative mechanisms, some priorities in place. While we dodged the worst of the SARS pandemic at that time, we were then able to address and deal with a pandemic if, heaven forbid, we had to deal with a pandemic—as we have had to. Back

in 2008 we set some parameters and some experience that we could draw on, and that of course gave us a starting point; that gave us a basis from which to keep Victorians safe and to get our public service on the front foot to do what it could at that time to provide a safe environment for people as we got more and more information and of course back then, through the national cabinet, to do the lobbying and the work that needed to be done to ensure a reasonable vaccine supply to Victorians, let alone more broadly to Australians.

In 2008 we set those building blocks in place. Who would have thought and who would have ever wanted to hope that we would need to draw on that, to rely on that, to use that? That public policy foresight from the Bracks and Brumby governments, Labor governments at that time, has stood us in good stead. That has led us then of course to our Public Health and Wellbeing Amendment Bill in 2020, the omnibus bill, and the work that we have had to do in bringing that back each and every time to the Parliament to be affirmed in this place. Other states in a state of emergency do not have to come back to the Parliament; it is ad infinitum—they do not need to renew it, do not need to check it again. Once it is done it is done. It is not the way we have operated here. We have always had to bring these matters back for extension, for debate, and to affirm them here in the Parliament. We have had criticism from those opposite and the crossbench in the other place. They have as much right to participate in the development of legislation and to vote in this place and in the other chamber as any other member in this house and in this Parliament.

We have seen, further, the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021—again, further legislative plans that are needed to respond to what we know and what we have learned over the period of the pandemic and from that foresight and the plans that were put in place many, many years ago by previous Labor governments.

In the time left to me I would like to quote from the *Age* of 9 October 2021, where the member for Bulleen said:

> 'Those who make these decisions—politicians—should be ultimately accountable for them …
>
> 'As a general principle, I think [public health orders] should be ticked off by a minister or the Premier.
>
> 'When it's a minister or a politician, we are responsible and we are accountable to the people, and I think during a pandemic, making legislation that is so wide-reaching, they should be accountable, and those decisions should be accountable to the people.'

No problem. That is why we are here. That is why we have got this amendment bill in front of the Parliament. That is why we seek to debate it today.

That is why we dealt with the procedural debates earlier in the day, and the obfuscation and the filibustering of those opposite, because ultimately it is our government, through this Parliament—and we will see where things lead in the other place—that continues to refine, amend and provide practical solutions to reflect the realities of today, and as best we can into the future, and continues to keep Victorians safe.

As people make their plans—post Friday, in many cases—to visit family and friends far flung that they have not been able to see and children who have been born into families that they have not been able to visit, people are thinking ahead to those opportunities that lie before them because of the sacrifices and the commitments that they have made over so many, many months. That is the focus, absolutely and utterly, of all Victorians—each and every one of them that I meet in the Ivanhoe electorate and across our state. I know that that focus in large part comes from the sacrifices people have made, the decisions that have been made in this Parliament, the opportunities that we have been able to give and the good graces of those who commit their working lives as health workers and public servants in our community to keep people safe and to implement the will of this Parliament.

I absolutely and utterly support the further amendments in this bill—just as we did with the earlier Public Health and Wellbeing Amendment Bill 2020, as we did with our omnibus bills in relation to

these matters and just as we did back in 2008 as a government in planning ahead for just such occasions.

Victorians can rest assured that with further checks and balances we will continue to ensure that we draw support for these bills, and our affirmation is to introduce such laws to the Parliament on each and every occasion. I commend the amendment bill to the house.

Ms STALEY (Ripon) (18:27): I rise to speak on the Public Health and Wellbeing (Pandemic Management) Bill 2021. As the lead speaker for the Liberal-Nationals, the member for Kew has indicated we will be opposing this bill, and I certainly oppose this bill. I note in my opening remarks that we have actually had the text of this bill in the Parliament for less than a day. The government has what is called second-read it this morning, and now we have it for debate. That is very poor practice.

Could I say, though, it runs into what this bill is about, because this bill is an atrocious bill and it abrogates a lot of the powers that should be with the Parliament instead to the Premier and the Minister for Health. The member for Ivanhoe has noted some comments that were previously made by the Liberal-Nationals in relation to whether you have pandemic-specific legislation or state of emergency legislation. Now, we recognise that constantly having a state of emergency is not ideal, and that is one of the reasons we opposed the extension of the state of emergency. However, in crafting pandemic-specific legislation the whole idea is that you can narrow the focus on anything you might need to just manage the pandemic. That might be quarantine for overseas arrivals. It may be sporadic outbreaks. There may be a number of things that need to be done. But instead this bill goes the full overreach. It is as if it wants to start from the beginning and think of every way in which it can control Victorians if there is a pandemic here or anywhere else that it chooses to say it thinks is dangerous to Victorians. There is no limit to where the Premier can declare a pandemic and then re-declare it every three months.

This government has lost the moral authority to bring in legislation on this topic that is not welcomed by everyone. It should have worked with everyone. This is the government that has presided over the most deaths from COVID of any state in Australia, the most days locked down of any city globally—for Melbourne. I mean, this government does not have the moral standing to act alone anymore. It should be bringing a collegiate approach on a bill like this. Instead it has brought to us a truly draconian bill. That is not my word; that is the president of the Victorian Bar Council's word, 'draconian'.

I am just going to do a few of the provisions. I have limited time, and other colleagues will cover other aspects. But I will do what I can to explain what I think is wrong.

The first is that the pandemic does not need to be in Australia. It can be anywhere. It does not need to have a link between the risk from wherever it is from and the need to invoke this legislation. That is overreach. The Premier makes the declaration. Now, I happen to agree that it should be politicians that make the calls on these things, but they have got to be subject to the house. They have got to be subject to normal parliamentary scrutiny. This bill gives none of that. This bill does not have parliamentary scrutiny over the Premier making pandemic declarations. And there is no limit on the number of times a pandemic declaration may be extended—again, overreach. A key point about good governance is that you have regular checks and balances and you have mechanisms for others to evaluate—others being the Parliament, not somebody you have appointed yourself, which is how this bill works—work it out, have views and put them to you, and you have to defend them. But that is not in this bill.

Then I want to move to new section 165AK, and that goes to 'To whom a pandemic order may apply'. It says in subsection (1):

> A pandemic order may be expressed to apply to the following—
>
> (a) all persons;
>
> (b) specified classes of person;
>
> (c) specified persons.

But then when we get down to who those specified classes of person are, it says in subsection (4):

> (a) a pandemic order may apply to, differentiate between or vary in its application to persons or classes of person identified by reference to an attribute within the meaning of the **Equal Opportunity Act** …

Now, what would be an attribute within the meaning of the Equal Opportunity Act 2010? Well, that would be race. That would be sexuality. That would be sex. That would be gender identity. That would be the presence or otherwise of a disability. It would also be political belief or religion. The Equal Opportunity Act is a cornerstone of our rights and liberties in a democratic society. As a society we have, through the Equal Opportunity Act, said these various groups cannot be discriminated against, must be protected in various ways, and to create laws that discriminate against them breaches that act and is unlawful. However, when we look at the statement of compatibility—a very long statement of compatibility—there is an admission. It says:

> To the extent that the differentiation made in an order would otherwise constitute unlawful discrimination under the EO Act, this provision will limit the right to equality in the Charter.

They admit it; they know it is there. They cannot say that they do not know that they are setting up a framework that allows the Premier to declare a pandemic even though there is not one here and the Minister for Health to then create orders for classes of people not based on their health status but based on one of these characteristics. Now, that is unacceptable. It is fine to create classes of orders for people who have a specified illness or might be more susceptible to the illness or in some other way should be identified in relation to the illness. That is standard practice within public health legislation. Of course you can have groups of people. Groups of people can get an illness, and particularly when you are talking about an infectious disease, it can spread to others. I have no problem with them being able to identify groups. I have a massive, fundamental ideological, philosophical objection to overriding the Equal Opportunity Act.

I absolutely abhor that, and I abhor the idea that they think that that is okay because they 'won't use it that way', in their words. That is not how you make legislation. You cannot make legislation and say, 'Oh, but by the way, we won't do it. We're going to put it in the bill, we're going to put it in the law, but trust us. Trust us, who had more people die from COVID than any other state. Trust us, who failed in our lockdown strategy so badly that Melbourne was locked down more than any other city. Trust us that we are not going to use the provisions in this bill that we are putting there that override the Equal Opportunity Act'.

'We won't use them', they say. Well, I am sorry if I put it out there that I do not believe them. I just do not believe them. These provisions should not be there. They should be removed via a house amendment during the course of this debate. We are starting tonight. The Minister for Health is at the table; he can go away overnight and find a way to get rid of these abominable provisions from this bill. Because while they stand, the bill allows the Premier to declare a pandemic and the health minister to create classes of people that are subject to these orders and it overrides the Equal Opportunity Act. And I am sorry, but that is just not acceptable when we have over decades, in a bipartisan way, supported the removal of discrimination and legal hurdles against the very groups that the Equal Opportunity Act seeks to protect. And then they come with this pandemic legislation and they try and pretend that that is not what it says, but their own statement of compatibility admits that is what it says. They are in violation of Victoria's charter of human rights. They know that. They know this legislation does that, and yet they persist. It must be opposed.

Mr McGHIE (Melton) (18:37): I rise today to contribute to the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021. This bill seeks to amend the Public Health and Wellbeing Act 2008 to insert a new part to provide a targeted framework for government action to keep Victorians safe in pandemics. This includes provision for the ongoing management of the COVID-19 pandemic, following the expiry of the state of emergency. It will not only ensure Victoria can continue its effective management of the COVID-19 pandemic after the state of emergency expires on 15 December but also ensure that Victoria has fit-for-purpose legislation to implement

crucial public health measures in the event of any future pandemics, and let us hope that that never, ever occurs—having any future pandemics. Managing pandemics through dedicated provisions will mean there is a legislative framework that recognises that. Unlike some other types of emergency, pandemics often pose an ongoing threat over a period of months and, as we have experienced, over years. The bill enhances the state-of-emergency model with improved powers to gather and share information, legislative safeguards to protect contact-tracing information and new accountability, transparency and review mechanisms. This transparency is what others have been calling for for some time.

I want to thank the Minister for Health for his work on this bill, and I notice he is at the table here today. Of course the essence of this bill seeks to allow the government to manage pandemics effectively and begin the road to recovery for Victoria sooner. As Victoria emerges from lockdown and seeks to recover, we have talked about the amazing events and upcoming attractions, be they the *Moulin Rouge!* production, the Australian Open or Formula One, but here we are this week all in disbelief at a surprise event. We have the Liberal-National parties' cirque du soleil—the backflips and the mental gymnastics of the opposition. What an amazing example of psychological contortionism those opposite have performed recently on this issue.

We have seen in an article on 9 October 2021 in the *Age* that, and I quote:

> Opposition Leader Matthew Guy agrees. He says the government—not public servants—should take responsibility for managing the pandemic.
>
> 'Those who make these decisions—politicians—should be ultimately accountable for them,' Mr Guy said this week.
>
> 'As a general principle, I think [public health orders] should be ticked off by a minister or the Premier.
>
> 'When it's a minister or a politician, we are responsible and we are accountable to the people, and I think during a pandemic, making legislation that is so wide-reaching, they should be accountable, and those decisions should be accountable to the people.'

Sounds to me like he agrees with the legislation.

And now this week we hear of the acrobatic feats where now suddenly they do not agree with their own musings. While opposition parties Australia-wide have worked in a bipartisan approach to fight this pandemic, we have now got clear evidence that those opposite are just playing politics. And like all circus performances, at some stage you bring out the clowns, and I refer to the Shadow Attorney-General, who could not articulate his own arguments about wanting to follow the New South Wales model when questioned on ABC radio. That was yesterday with Virginia Trioli. What an enlightening interview that was. It was all 'but, but, buts' and 'um, um, ums'. It is one thing to be not across your portfolio, but it is a problem that you cannot even explain your own ideas and arguments.

The chief health officer last briefed non-government MPs on the state of emergency declaration in its report on 21 July this year. Despite their interest, it is my understanding that neither the Shadow Minister for Health nor the Leader of the Opposition have ever requested a briefing on the state of emergency or public health orders. It is this government that gets on and delivers for Victoria, and I should say first and foremost, this bill is about saving Victorian lives during pandemics. It is also about promoting and protecting the social, economic and mental welfare of Victorians to the greatest extent possible. We all know that Victorians have sacrificed so much over the last 21 months to get us to this point where we can reopen safely, and this Friday cannot come quickly enough for all Victorians.

To manage the pandemic and keep Victoria safe the state of emergency powers have been essential, and those powers are set to expire on 15 December. When we extended these through the Parliament back in March the government committed to reviewing the arrangements and bringing legislation to the Parliament to support the ongoing response to the pandemic. That is what we have here before us today. So this government listens and learns as well as delivers, and it has the ability to learn, not just criticise.

The government has looked at the New Zealand model in terms of how their arrangements have supported their very successful ongoing response to COVID-19. Their lockdowns provided them with freedoms that were unseen anywhere else in the world until the delta variant escaped into their community from New South Wales. Of course in New South Wales the minister for health has very broad powers to take any action and give directions necessary to deal with the risk in consequences of COVID. This does not require a declaration of state of emergency or similar order to enliven these powers.

We are applying these lessons to manage pandemics in the longer term while maintaining our ability to rapidly respond to the current pandemic, including continued quarantining of international arrivals, requirements to be vaccinated and requirements to test and isolate for confirmed cases. Our current framework has allowed us to mount a world-class response to the COVID-19 pandemic, but as we move to the next stage of ongoing management of the pandemic, new arrangements will support the best and most transparent community response. So under Victoria's updated pandemic management framework elected officials will be accountable decision-makers, with the role of the chief health officer remaining central to all key decisions. In addition the range of transparency and accountability measures being introduced through this bill are a strong check and balance on government's use of pandemic powers. Public health orders will be made by the Minister for Health, who is accountable to Parliament. Public health advice on the pandemic orders will be tabled in Parliament, and a new independent advisory committee will review the public health orders and report to Parliament. The Scrutiny of Acts and Regulations Committee has the ability to review public health orders. The minister will be required to publish an explanation on any charter rights that are or may be limited by a pandemic order.

There is no other Australian state or territory equivalent legislation that requires this level of transparency and accountability.

This framework will replace the current system where state-of-emergency powers must be renewed every four weeks up to a maximum of only six to nine months. An independent pandemic management advisory committee made up of experts and community representatives will be established to advise on the pandemic response and management powers. A statement of reasons for the decision to make pandemic orders, the chief health officer's advice on how each order affects human rights under the Charter of Human Rights and Responsibilities, must be published within 14 days, and any advice of the new independent pandemic management advisory committee will be tabled in Parliament.

The Leader of the Opposition will be pleased that this government, the Andrews Labor government, agrees with his comments of 9 October. Under this new part of the Public Health and Wellbeing Act 2008 the Minister for Health will have the power to make pandemic orders if needed. As the Premier has said, we have consulted leaders in public health, human rights, law and policymaking as well as culturally and linguistically diverse community groups and the public housing and social service sector to ensure this legislation will meet Victoria's needs well into the future. As we get on and deliver for and protect Victorians, these amendments allow us to continue to do just that.

Again, I just want to send my thanks to our nurses, doctors, health professionals, paramedics, police and all those that have been the coalface to protect and provide for Victorians. I encourage those Victorians that are not vaccinated to go and get the jab, and by the end of this week the Melton vaccination centre will have administered vaccines to 100 000 people. I want to thank all Victorians for their amazing effort to fight off this pandemic, and I know that we all look forward to getting the state back as one this Friday. I support these amendments, and I commend this bill to the house.

Mr R SMITH (Warrandyte) (18:47): I have been in this place for 15 years and without fear of exaggeration I can honestly say that I have never seen a worse piece of legislation that gifts not the government of the day but the Premier of the day unprecedented and draconian and dictatorial power. Now, putting aside for the moment that when an ordinary, pedestrian, run-of-the-mill bill comes into this place the minimum time that the opposition and indeed the people of Victoria have to review that

legislation is two weeks. That is the standard in this place, two weeks. This legislation came to us this morning, a scant 7 or 8 hours ago—120 pages of legislation that will have the most far-reaching impacts on every one of the 6.5 million people that live in this state, that will have huge impacts on all of those people in a greater way than the government has had impact on them in the past two years.

Now, I should not have to stand up in this place and explain to those opposite the difference between intent and what is actually in a bill. I should not have to explain that, because this bill allows the government to do an extraordinary number of things that ordinary Victorians would be horrified with. And to hear the government in their press conferences get up and say, 'Oh yeah, but we wouldn't use it that way', is just a ridiculous comment from a government that just is trying to pull the wool over ordinary Victorians' eyes. This bill will allow detention without cause. This bill will allow arbitrary arrest. This bill will allow discrimination against people based on race, sexuality, sex, gender, disability, religion, political beliefs. That is what this bill allows, and if the Minister for Health and the Premier do not want to use the bill for those things, then put clauses in that narrow it, because at the moment that is what the bill allows. It is just an unbelievable situation that the government—the Labor Party, who come in day after day and talk about their commitment to getting rid of discrimination, ensuring that we do not discriminate against any class of person ever—come in with a bill that actively allows one man, the Premier of this state, to discriminate against all sorts of classes.

Do we think for a moment, do Victorians actually think for a moment that this Premier, who has let them down so badly in the last 18 months; who has stripped two years out of our children's lives and who has damaged their education, their wellbeing, their mental health; and who has been the cause of thousands of businesses going bankrupt and closing their doors—you only have to walk down the street out the front doors of this Parliament to see 'For lease' signs and empty shops over and over again—or do you think people who were trapped on the other side of the New South Wales border for weeks and weeks and weeks believe that this Premier will not use these draconian powers to continue to hurt them?

Do you think that Victorians who were sent scrambling for the border on New Year's Eve last year, sitting in a queue until 3 or 4 o'clock in the morning with babies and children, do you think that they believe this Premier will not use these dictatorial powers? Those parents who have homeschooled their kids week after week after week, do you think they believe this Premier when he says he will not use these dictatorial powers? Do you think they believe the Premier who says, 'Hey, Victorians, we don't want to be like New South Wales; we're just going to have a short, sharp lockdown, seven days'? It is a joke, but I have to say it anyway. It is too serious to joke about, but they say the worst part of a seven-day lockdown is the first three weeks.

It is ridiculous that this government expects that people will believe that they will not use the powers that are in this legislation. If you are not going to arbitrarily arrest people, then take it out of the bill. If you are not going to discriminate based on religion or political persuasion, then take it out of the bill. If you are not going to arbitrarily detain people, Premier, take it out of the bill. If you are not going to declare a pandemic and give yourselves the opportunity to impose these orders and directions on Victorians when there is not a pandemic in the state, let alone the country, then take it out of the bill. It is in the bill because you are going to use it. No Victorian believes you are not going to use the powers, because they have heard, day after day, the Premier get up in front of a press conference, hector them, lecture them, tell them off—never take any blame.

I hear those opposite: 'Oh, this bill's about responsibility and accountability'. Who remembers the Coate inquiry into hotel quarantine? No-one took responsibility. You want to give powers to one man who cannot even remember what he said to someone on one of the biggest policy failures this state has ever seen: 800-plus people dead, and this government could not remember who made the decision to put in train the circumstances by which they died. I mean, do you want to give this guy any more responsibility, any more accountability? Because he just will not deliver—but he will lock down Victorians again and again and again.

Between the lecturing of the Premier and the droning diatribe of the health minister, Victorians have had enough of this government. They have had enough of being told that they are always wrong. The only certainty people of Victoria have is that this government is going to lock them down even more, subject their children to more lost days of education, subject their children to more mental health issues and subject business to more days and weeks and months of uncertainty.

I seriously have no idea how those opposite think that small business people are paying the bills. How is a gym owner paying a bill? How is a hairdresser paying their bills? How are these thousands, hundreds of thousands, of small business owners and sole traders paying their bills? Oh, it is just another week, another week. Do you know what? If you want to trade, take all your stock outside—I mean, what a ridiculous situation. It just shows that not one of those opposite has one clue how business runs, not one clue. So they think that a shoe salesman or a jewellery salesman is going to trot all their wares out in the front of their shop in the rain and the wind and trade. Is that what you honestly think? I mean, you must not have one clue about how business works. You think about a restaurant or a pub or a club that orders food on a Friday, has it delivered in the morning of the Friday, and you tell them at 6 that the weekend is over—and they throw $2000, $3000, $10 000, $20 000 worth of stock in the bin. How are they paying for that?

The Minister for Health could not care less. The Minister for Health, in this most important debate, is on his phone. Victorians, can you believe that? I am sure you can. Watching him on his phone is probably better than listening to him drone on and on and on about how he is locking them down again. Do you think any Victorian now believes that the government is doing all this according to health advice? I mean, it is the most unbelievable phrase coming out of the mouths of these people that we have seen in 18 months. I will give you a tip, Minister for Health, and I will give a tip to the Premier: no-one believes that you are following health advice, no-one. That is not why we have curfews—because of the health advice.

That is not why we shut down playgrounds—because of the health advice. That is not why we make people wear masks in the middle of a paddock in the country with no-one around—because of health advice. We do not do that. That is not why people cannot send their kids to school in areas like the member for Lowan's over in Horsham, where there has not been a case. I mean, it is just ridiculous.

No-one believes this government anymore. No-one believes the Premier. I do not know if anyone believes the health minister, because nobody is listening to him anymore. But the fact is that this legislation has so many draconian clauses in it and the government is saying, 'But we won't use them'. There is not one possible way that a right-minded Victorian will believe one thing that this government says. You know why? Because this government said when we were 90 per cent vaxxed it would be all over. A week ago, 'It'll be all over. The pain's done. The most lockdowns of any country, any city in the world will be over'. And by the way, that is not good government. That is nothing to congratulate yourselves on—having the worst lockdown rate in the world and the most deaths in the country. If you think that is good management and you think that is good public policy, you have got to be joking yourself. Victorians will not hear it. They were told last week there would be no more lockdowns, and one week later there is legislation that gives the government draconian, unfettered, unshackled power to do it all again. Well, I say to Victorians: on this side of the house the Liberal Party and the National Party will not stand for it. We will oppose this every step of the way—in this place, in the upper house and out on the streets.

Let me tell you something. If the Premier wants to know how much Victorians love this legislation, let him go down Bourke Street and stand in the mall. I tell you he will get a free character assessment down there, and he will have no doubt what people actually think of this legislation. I oppose this bill with the very core of my being.

Ms GREEN (Yan Yean) (18:57): I am very pleased to join the debate on the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021, and at the outset I want to congratulate my electorate for the fantastic take-up rate that they have had with vaccination. In the Nillumbik shire,

part of the Yan Yean electorate, more than 95 per cent of those 16 and over have had their first jab, and the second jab rate is at 85.7 per cent. That is up 7.8 per cent, and I congratulate them. In the Shire of Mitchell there is also in excess of 95 per cent first jab, and it is up 10 per cent in the last week for the second jab. That is at 76.2 per cent—so close. In the city of Whittlesea it is a little lower, but their rate of increase has been massive. They are at 89.7 per cent, that is up 2.9 per cent, for the first jab, and the second jabs are at 68.8 per cent—up by 10.2 per cent. Really the only reason the City of Whittlesea lags behind is that, like every municipality that has had younger people in it, it has taken longer to get them vaccinated—not because they did not want to but because there was a supply issue.

I cannot believe the confected outrage that I have heard from the other side. The member for Melton talked about the amount of somersaults and changes in position in relation to how this pandemic should be managed. He was absolutely right. He also referred to an interview that the member for Kew—the lead speaker on this—did on ABC radio with Virginia Trioli yesterday, which I also heard and which was just an absolute joke. He appeared to favour the New South Wales model, but he could not even describe what it was. And yet 24 hours later, 30 minutes he has got as lead speaker and he barely managed just over half of that speaking very slowly because he does not know what he is talking about. He actually has no ticker and no guts and no commitment in relation to fighting this pandemic. Just like the opposition leader, he will say and do anything to get elected and to raise fear.

It is a complete nonsense what the member for Ripon has been saying about the Equal Opportunity Act 2010. Is she really saying—

Business interrupted under sessional orders.

Adjournment

The DEPUTY SPEAKER: The question is:

That the house now adjourns.

COVID-19

Mr SOUTHWICK (Caulfield) (19:00): (6106) My adjournment is to the Minister for Health, and he is in the chamber briefly—

Mr Foley interjected.

Mr SOUTHWICK: Thank you, Minister. I do raise this very important issue for you, Minister. It is from Arcare Caulfield, and it is particularly from Leo Bloumis—and I have contacted you, Minister, twice, both on 4 October and 21 October. Leo represents 110 residents. He is a resident at Arcare Caulfield. He wants to get a haircut, and his residents in Arcare want to be able to have their resident hairdresser back at Arcare. They are still waiting on some kind of response from the minister on this. Leo Bloumis, as I say, a resident, one of 110, contacted our office. He is effectively representing the 110 residents that are all desperate for a haircut. I know this might be a small thing now that we have all had a haircut, but I can tell you, those residents—and we have spent a lot of time during the pandemic talking about how the impacts of the pandemic lockdowns have affected a whole range of people—our elderly that have worked all their lives, that have paid taxes, they are the ones that we should also not be neglecting. Leo writes:

[QUOTE AWAITING VERIFICATION]

> The government through the health department, the Department of Health and Human Services, is contributing to the deterioration of the emotional, mental, physical wellbeing of residents as well as their morale by having decreed the hairdressing business is not essential and could not be opened due to lockdown.

Evidently not. You have no idea what it has meant, what it is doing to the residents in their homes. One of the few luxuries for the residents is to feel good, to present themselves better, and they cannot do it. Having experienced long periods of lockdown this is a great and worrying concern, seeing themselves messy and unruly and they desperately want their hair cut. What Leo says is that it is:

> … emotional, demoralising, devastating for the residents to see themselves in the mirror.

Their hairdresser is a family business. They have been double vaccinated. They have been the hairdresser for the entirety of the seven years that Arcare has been in business and they cannot allow their business to operate as a resident hairdresser. Leo finishes by saying:

> Just remember, that elderly lady in the aged care home with a messy head of hair in two colours, faded dye, natural colour, needing a perm and a wash—they could be your or your friend's grandmother or great-great aunt. Please help them.

I think that is an emotional plea from somebody that deserves to be helped. Those residents deserve to be helped. As I say, I have written twice to the Minister for Health, with no answer. I would hope with this adjournment tonight that the Minister for Health has the decency of answering those elderly residents— *(Time expired)*

COVID-19 VACCINATIONS

Mr FOWLES (Burwood) (19:03): (6107) My adjournment matter is also directed to the Minister for Health, and it does not involve hair. The action I seek is for the minister to continue to work with local communities and the Victorian Aboriginal Community Controlled Health Organisation to ramp up the Victorian government's efforts to vaccinate Indigenous Victorians against COVID-19, particularly in large Indigenous populations such as Shepparton and Mildura. Close to 80 per cent of Aboriginal and Torres Strait Islander Victorians aged 12 and over have had one dose, compared to 90 per cent of the wider population. When it comes to second doses, 58 per cent of eligible ATSI Victorians are fully vaccinated, compared to 71 per cent of the state's total population. This gap leaves our First Peoples vulnerable to infection with coronavirus. In fact, recent leaked federal briefing papers, as reported in *The Saturday Paper*, reveal that Aboriginal and Torres Strait Islander people have been infected with COVID-19 at a rate between two and three times higher than that of non-Indigenous Australians.

I note that once again the state government is doing the heavy lifting when it comes to fighting this pandemic. The Andrews government has partnered with Aboriginal community controlled organisations to close this gap by deploying mobile outreach vans, culturally sensitive pop-ups and surge workforce teams right across Victoria to offer more opportunities to Aboriginal and Torres Strait Islanders to get vaccinated. The mobile vaccination vans operated by the Victorian Aboriginal Community Controlled Health Organisation are being deployed to areas such as a Morwell, Seymour, Warrnambool, the Mornington Peninsula and the Grampians. In addition, a newly commissioned vaccination van coordinated by the Victorian Aboriginal Health Service will begin servicing metropolitan Melbourne from this week. Closing the gap between Indigenous and non-Indigenous vaccination rates is so crucial, and we acknowledge that community-led programs are the way to increase this vaccination take-up.

This is an issue that First Nations people have been vocal about right across the nation.

Central Land Council CEO Les Turner has pointed out that communities with Aboriginal controlled medical services rolling out the vaccine programs have had a far higher success rate, such as Kintore in the Western Desert, which has been soaring ahead of other regional communities. AFL star Charlie Cameron talked to the ABC about this issue recently after visiting his birthplace in regional Queensland. He acknowledged the trust deficit that communities like his own have for non-Indigenous authorities. The mayor of Charlie's home shire said:

> One of the best tactics we've come up with is getting our own people to do the jabs …
>
> Our mob don't trust too many people, especially when it comes to needles, so if we've got our own people sending the messages, that makes it a bit easier for our people to come to terms with.

This is such important work, and I look forward to seeing the fruits of the minister's continued efforts.

YARCK PUBLIC HALL

Ms McLEISH (Eildon) (19:06): (6108) I have a matter tonight for the Minister for Energy, Environment and Climate Change, and the action I seek is for the minister to find the funding to make a majority contribution to repainting the outside of the Yarck public hall.

Yarck is a delightful, very small town in Murrindindi on the Maroondah Highway. The hall has considerable history. It is 133 years old. It had a major refurbishment in July 2015, and the community groups were really supportive of this. The Yarck CFA, the Yarck CWA, the hall committee and Yarck incorporated all contributed to this project, which was pretty well driven by the Regional Growth Fund under the Baillieu-Napthine governments. The result is that they have a wonderful facility smack in the centre of town for community events. They have social events. They have markets—I was there just recently at the market—but it is also somewhere for an emergency response and a bit of a refuge centre for the town. The hall's committee of management relies on local fundraising—sausage sizzles, functions, volunteers, performance shows. They have trash and treasure markets, and it has been near impossible to fundraise during COVID.

Yarck, as I said, is a small town, and it is so important that they have somewhere that they can meet. The issue is that the hall is of substantial size and the paint on the outside is lead based, so it is not something that the local community can do themselves. The job needs professional work. It cannot be just painted over; it needs to be sanded back. The committee of management have sought some quotes, and the price was in excess of $40 000. That is just well beyond what they will ever be able to afford. I can attest to this because I was there and I did see the state of the hall on the outside, and it is really difficult for them to fundraise. They are never going to able to do that. No number of events or concerts at the hall are going to be able to raise this much money, and they have lost events over the last couple of years. What needs to happen is the committee of management does need that funding. They might be able to provide $5000 at a stretch. They will be able to do working bees, but they are not going to be able to do the lion's share of the work because of the requirements around lead-based paint. They really do need some help.

It would be a shame for this 133-year-old hall to fall into disrepair. It is really looking great on the inside, but it is getting shabbier and shabbier on the outside. I plead with the minister to support this. The community plead with her to support this so that we can have this wonderful building restored on the main street, on the highway, at Yarck.

COVID-19

Ms CONNOLLY (Tarneit) (19:09): (6109) My adjournment is for the Deputy Premier and Minister for Education, and the action I seek is that the Deputy Premier update me on the rollout of air purifiers right across my electorate of Tarneit. With COVID restrictions easing at last, parents and their kids can finally look forward to a return to school. I say that with a really big smile on my face here in this house because I have two small, primary school age children, and I know on not just several but many, many occasions it has been a struggle, to say the least, to juggle working from home with remote learning for two young kids.

As we open up and we create a COVID-safe environment, it is so important to ensure that our youngest kids, particularly those that are not eligible to get vaccinated yet, are able to go to school safely and happily, and most importantly that they are able to learn in a COVID-safe setting.

That is why it is so wonderful to see our government has actually got on with the job of making our school safe by rolling out many, many air purifiers and installing them in schools right across Victoria and indeed in my electorate of Tarneit. Now, in my electorate 11 local schools have received over 400 air purifiers as part of this rollout. This is really important. Knowing where we are at with their installation, for hundreds of families right across my electorate, will provide so much relief to parents who have done it pretty tough over the past couple of months and to their kids—to students who are returning to the classroom.

COVID-19 VACCINATIONS

Ms RYAN (Euroa) (19:11): (6110) My matter tonight is for the Premier. The Premier must abolish vaccine passports when we reach the threshold of 80 per cent double vaccinated on Friday. That is the action I am seeking from the Premier. I am deeply uncomfortable about the Labor Party's refusal to outline an end date for the discriminations it has put in place for people who are not vaccinated. When I was in year 12 we studied the dystopian science fiction film *Gattaca*. I now feel like I am living in that film. The Andrews government is actively creating two classes of citizens, and it has shown no desire to end that. This week it has introduced its pandemic legislation, which enables it to shut down protests and individuals on the basis of attributes. Today the government said that that was to support the vaccinated economy. Why is the government bringing in legislation with no end date to these restrictions?

National cabinet agreed that at 80 per cent vaccination these restrictions should end. New South Wales has set a date of 1 December. In Victoria the Premier says that these restrictions on unvaccinated people are here to stay well into next year. On what basis? We are currently at more than 91 per cent single vaccinated, which means we will achieve 90 per cent double vaccinated. We are expected to reach 80 per cent double vaxxed on Friday. That is the threshold where national cabinet agreed that restrictions between vaccinated and unvaccinated people would end. But the Premier has walked away from that. Labor has broken that contract with the community, and by keeping these restrictions in place indefinitely Labor is entrenching disadvantage, fear, disunity and suspicion. You are tearing communities apart and you are tearing families apart.

Call me old fashioned, but I believe in some notion of individual responsibility. I believe that the government should be doing everything in its power to encourage people to get vaccinated, to convince them of the merits of vaccination and to warn them of the danger that you could get very, very sick and you could die if you do not get vaccinated. But I think that once we hit 80 per cent double vaccination, in line with national cabinet, any restrictions that seek to put in place different rights for vaccinated people versus unvaccinated people must cease, and epidemiologists agree with me. Tony Blakely says that at 90 per cent double vaccinated it would be unethical to keep people out of society. Professor Nick Coatsworth today said that excluding people from society was likely to cause more problems than it solved. Sharon Lewin, the head of the Doherty Institute, said that excluding people in the longer term was divisive. Catherine Bennett said it does not make sense to ban unvaccinated people from public settings when they had free range to mingle in private— *(Time expired)*

BALLARAT INTERNATIONAL FOTO BIENNALE

Ms ADDISON (Wendouree) (19:14): (6111) My adjournment matter is for the Minister for Creative Industries, and the action that I seek is for the minister to visit the Ballarat International Foto Biennale, the most significant biennial photographic festival in Australia. The original plan for the 2021 Ballarat International Foto Biennale was that it would run from 28 August to 24 October. Over 58 days visitors would enjoy 29 curated exhibitions featuring 260 artists at more than 100 venues. Public art would be on display throughout Ballarat from the main street to down laneways and in shop windows.

The 2021 biennale headline exhibition was a huge coup for Ballarat—to land the *Linda McCartney: Retrospective* exhibition. The retrospective has been curated by Paul McCartney and his daughters, Mary and Stella, and is being presented for the first time in Australia.

Significantly, the exhibition can only be seen in Ballarat. The Linda McCartney exhibition features more than 200 extraordinary photographs, including images of the Beatles, the Rolling Stones, Jimi Hendrix and Jim Morrison, McCartney family shots and a series of prints from the McCartneys' time in Australia between 1975 and 1993—wonderful images of Melbourne which have never been shown before.

However, as has been the case so often over the last 20 months, the challenges of the global pandemic prevented the crowds from coming to Ballarat from Melbourne, from interstate and internationally. It

was so disappointing for so many. Fortunately the extraordinary Fiona Sweet, the creative director of the Ballarat International Foto Biennale, was able to negotiate with the McCartney family for the *Linda McCartney: Retrospective* exhibition to be extended to 9 January 2022. This is wonderful news. This will allow so many people the opportunity to visit Ballarat to enjoy the 2021 Biennale. It is just the tonic we all need.

With more exhibitions and artists than ever before, the 2021 biennale is one not to be missed. I look forward to welcoming double-vaxxed Melburnian art lovers from this weekend and visitors from interstate and internationally. The 2021 biennale also boasts the Michael Gudinski exhibition in the basement of the Ballaarat Mechanics Institute, showcasing photos of some of the biggest artists signed to the Mushroom Records label. Another exhibition, *In Translation*, an exhibition of modern architectural photography, is in the Catobeen space at Ballarat's wonderful $100 million GovHub and is certainly one to see.

I wish to take this opportunity to thank the minister for his ongoing support of the Ballarat International Foto Biennale and have no doubt the minister will thoroughly enjoy the 2021 Ballarat International Foto Biennale. I hope to welcome the Minister for Creative Industries to Ballarat very soon.

GAMBLING HARM

Mr NORTHE (Morwell) (19:17): My adjournment debate matter is directed to the Attorney-General in the other place, and the action I seek is for the Attorney-General to adopt the recommendations contained within a report just completed by my parliamentary intern, Georgina Stephens. Georgina has done an incredible job in compiling evidence, research and background into the linkages between mental health, addictive behaviours and how they intersect with the justice system. Georgina made four worthy recommendations in her report, with the number one recommendation being for Victoria to adopt South Australia's version of a gambling intervention program, GIP, which operates similarly to Victoria's Drug Court.

In particular Victoria persons with drug and/or alcohol addiction who have committed low-level crimes may be eligible in the courts to receive a drug and alcohol treatment order if they are prepared to undertake rehabilitation treatments in lieu of being incarcerated. Georgina rightly pointed out that whilst drug- and alcohol-related crimes are treated to some extent with health and mental health responses in the judicial system, it seems problem gamblers are not treated equally in that same context. Yes, Victoria does have an assessment and referral court, it does have the court integrated services program, which can assist persons with underlying issues and provide referrals to programs. However, it would appear that the South Australian GIP is directly aimed at problem gamblers and their poor mental health, and I encourage the Attorney and the Victorian government to consider a similar program in our jurisdiction.

It seems such an initiative can and will save lives. As one local counsellor said to me recently, people are presenting to the courts as a result of crimes associated with gambling and their mental health, yet they are treated without any respect or dignity, and this is leading to suicides. This is a disgusting blight on our society, particularly if gaps in the system are allowing that to happen. Implementing a GIP in Victoria's courts is a no-brainer. It will give hope to offenders, it will enable people to be rehabilitated by improving their mental health and it will save lives.

In the *Latrobe Valley Express* last week a young local father of four, Jamie Hall, shared his story about gambling addiction and how it had impacted his life and that of his family. Jamie mentioned the shame, guilt and deceit that comes with addiction, and whilst he has not gambled for 2½ years, it was only after seeking help for his mental health and a diagnosis of ADHD that he was finally able to recover.

On Sunday evening I shared a Facebook post on my own battles with mental health and addiction, and I can say that I was overwhelmed by the number of people who reached out expressing an understanding given their own lived experience. If you fix a person's mental health, you go a long way to fixing addictive behaviours, and that is what a GIP can achieve. I can say clearly I am who I

am today and not who I was when unwell. Once again, I commend Georgina for producing a very comprehensive, informative and valuable report that sets out very clearly that problem gambling should be treated from a health and mental health perspective, and I trust the Attorney-General will agree.

COBURG RSL

Ms BLANDTHORN (Pascoe Vale) (19:20): (6013) I appreciate the opportunity to raise a matter for the attention of the Minister for Veterans in the other place, and the action I seek is that the minister provide me with an update on the Andrews Labor government's veterans capital works project at the Coburg RSL. Back in early July I was pleased to welcome the minister to the Coburg RSL, joining president Michael Pianta and RSL members in celebrating the announcement of $48 902 from our government for a ramp replacement to meet accessibility standards and the construction of a new deck and canopy. The RSL will also relocate a fence, which I was pleased to also support, boosting space and opportunities for outdoor entertainment by moving the fence to the perimeter of Sydney Road and creating a very pleasant grassed area—one of the few grassed areas along Sydney Road in Coburg.

On this visit the minister had the chance to see the great potential for the RSL's front entrance and outdoor area and to envision the entertainment and social camaraderie that will be promoted through this new space. The minister and I were also able to see the project plans and to connect this upgrade with all the history, memorabilia and warmth that has been cherished and nurtured by this club and its community for so many years. Indeed Coburg RSL is the oldest operating RSL in metropolitan Melbourne and has a rich history.

This project will form one of the many foundations for this club's future and its ability to entertain and host events for the community in the open air, accessible also to the indoor spaces that they love and enjoy—and, as they very proudly like to point out, are pokie free. The club is always working hard to create new opportunities to connect our community, from ex-service personnel and their families to the wider community, including young families, who I am sure will greatly appreciate another local outdoor space to catch up in in the most COVID-safe way possible.

As we enter the warmer months and the sun comes back, as we have all witnessed today, I am keen to be able to provide the community with an update on this great local project for our RSL, and I also particularly understand from recent advice that the RSL is awaiting permits from the council. I trust that these will be processed efficiently to allow for further movement—

Mr Wynne: Yes. Get on with it.

Ms BLANDTHORN: and, as the minister at the table, the Minister for Planning, says, to get on with it. I am sure the Coburg RSL community would very much like to be able to get on with it. So I trust that these permits will be processed in a timely fashion and I would appreciate it if the minister can keep me updated on this process and what it means for work time lines and completion.

TIMBER INDUSTRY

Mr BLACKWOOD (Narracan) (19:22): (6114) I raise a matter for the Minister for Energy, Environment and Climate Change, and the action I seek is that she immediately release and adopt the recommendations of the recent code of forest practice review. A media release issued by the Premier on 30 June 2021 stated:

> The Andrews Labor Government is overhauling the Code of Practice for Timber Production to provide much needed certainty for conservationists, the forestry industry and the Conservation Regulator.
>
> The review makes significant improvements to the Code and addresses a number of deficiencies raised by the industry and community, in order to ensure the Government delivers on the Victorian Forestry Plan.
>
> …
>
> The most significant proposed changes to the Code include restoring a clear definition of the Precautionary Principle based on an internationally recognised language used by the United Nations and the precedent set

> in the Brown Mountain case, which has been the approach followed by DELWP and the Conservation Regulator to date.
>
> Recent court decisions have undermined certainty about the application of the Precautionary Principle. Allowing court decisions to provide precedents for industry has proven to be slow and convoluted. This will establish a clear definition that everyone can understand and apply.
>
> The proposed change to the Code means the Precautionary Principle will apply when there is any threat of serious or irreversible environmental damage. It will be mandatory to apply this test before timber harvesting.

VicForests has been applying the precautionary principle in its pre-harvesting surveys for some time now, but in the absence of a clear definition of the principle, it has allowed green activists to apply an interpretation to suit their legal argument that has never reflected reality. Industry and the conservation regulator need the certainty of an accepted interpretation urgently. Currently around 60 per cent of the approved coupes on the timber release plan are subject to court injunction. Sawmills are running out of logs, VicForests are having to harvest very marginal coupes of species and quality that have only limited demand. Contractors are running out of work or working at 50 per cent capacity or below. If the minister does not resolve this in the short term, Opal Australian Paper will not get their legislated volume for this year, leaving open the payment of compensation to be borne by the taxpayer.

To add insult to injury the Department of Environment, Land, Water and Planning have increased management prescriptions for the spiny crayfish in East Gippsland without any consultation with industry or VicForests or consideration of genuine science. This will remove another 50 000 hectares from harvesting and completely destroy the East Gippsland timber release plan, effectively ending any timber harvesting beyond this Christmas.

I ask the minister: does the Premier know your department are sneaking in changes that are deliberately undermining the *Victorian Forestry Plan* and will end native timber harvesting in 2021, not 2030? The minister continues to allow the science fraud David Lindenmayer and feral activists like Sarah Rees and Amelia Young to advise her department on species management in production forests. The minister needs to pull her department into line and remind them that they have a government policy to deliver, and she must release and adopt changes to the code of forest practice immediately.

MELTON PUBLIC TRANSPORT

Mr McGHIE (Melton) (19:25): (6115) My adjournment matter is regarding public transport in my electorate of Melton. Public transport services for new communities as developments take place in our growth corridors has been a concern that has existed for some time. The Eynesbury estate is approximately 35 kilometres west of the Melbourne CBD in the City of Melton and on the border with regional Victoria. The development has a vibrant community that has benefited from the Andrews Labor government investment in the community with a new primary school and early learning centre as well as the development of recreational and dog parks. Many families are choosing to make Eynesbury their home, and it is exciting to see how the town will develop with further investments in the community.

As Eynesbury grows and the children of the new primary school get older, the need for public transport is even more important. Access to health and community services, education and employment, after-school extracurricular activities, social interactions as well as shopping for necessities are all impacted by access to public transport. This is a concern that I have raised with the government previously to advocate for the residents of Eynesbury and Exford. The small community recently worked together to address their concerns and have organised a petition to request public transport to connect them with the rest of the Melton community. The action that I seek is for the Minister for Public Transport to receive from me the petition of Adele Mowat and 603 other signatures and to review the public transport plans in relation to the Eynesbury estate.

RESPONSES

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing, Minister for Child Protection) (19:27): What a delight to be back here doing adjournments again. We are almost back to—what do we call it?—full action.

The member for Caulfield raised a matter for the Minister for Health relating to the Arcare nursing home in his electorate, seeking support for the reinstatement of the hairdresser who provides very, very important services to that community. I understand absolutely how important one's hair care is.

A member interjected.

Mr WYNNE: I do. Very much so I do. I will not go there.

Members interjecting.

Mr WYNNE: It is a good yarn, I tell you. It is a beauty. No, we will let it go. But it is very important actually to the psychological health of people, and absolutely I will make sure both that the minister is aware of this issue and that we get the hairdresser reinstated to the facility as quickly as possible.

My colleague the member for Burwood raised an important matter for the Minister for Health in relation to vaccination rates for our First Nations people. They are below the rest of the community. I just want to commend the work that has been done in a number of these communities, particularly Mildura, Robinvale, Shepparton, Rumbalara of course—the wonderful people at Rumbalara—and also some of our other settlements at Framlingham and Lake Tyers, where in fact there is a direct, a very strong, outreach program through the Aboriginal Community Controlled Health Organisation, through the Aboriginal health service, which is doing a magnificent job to reach out in a culturally appropriate way to lift those vaccination rates. We know of the very significant vulnerabilities that there are for our First Nations people, and I thank the member for his timely reminder and the response that the government has put in place. So we very much look forward to getting those rates lifted significantly.

The member for Eildon raised a matter for the Minister for Energy, Environment and Climate Change—she probably should have raised it with me actually, but anyway—seeking support for the painting of the Yarck public hall. The member indicated to us that it is a 130-year-old facility. You would have to expect—I would imagine—it is at least on the local heritage register and potentially on the state register. I do not know, but we can find out. I will come back to her in relation to that.

I mean, we have grant programs, as many members know, to support heritage restoration works. This would seem to me, if it is of that ilk, that it is one that they ought to apply for. We will try to assist in that.

The member for Tarneit—as the local member but also as somebody who has homeschooled her own children through very challenging work, and we commend you and so many others, colleague—is seeking an update on the rollout of the air purifiers program, which is going out right across all of our school system. We have got some in here at the moment. They are going to be a really important addition to make sure that our students are safe going forward as they steadily return to their classrooms.

The member Euroa raised a matter for the Premier seeking the abolition of vaccine passports.

Ms Ryan: From 80 per cent.

Mr WYNNE: From 80 per cent—I note the matter, and I will make sure the Premier is made aware of this matter.

The member for Wendouree—

Ms Addison: That's me.

Mr WYNNE: Indeed—raised a matter for the Minister for Creative Industries, and this sounds like a cracker exhibition, the Ballarat International Foto Biennale of—

Ms Addison: Linda McCartney.

Mr WYNNE: Linda McCartney—unbelievable. People will be coming from everywhere to go to that. That is a beauty. And you want the minister to come up, obviously, and see it.

Ms Addison: You're welcome as well.

Mr WYNNE: I'll be there. Don't worry about that. I'll love that.

The member for Morwell, I think, actually in a very courageous way tonight raised a really significant matter that has been part of his personal journey and his struggle. I say to you, member for Morwell, we acknowledge you. We absolutely acknowledge you tonight. I think I can speak with confidence on behalf of everyone in this house that we are with you in this struggle, member for Morwell—absolutely we are. The work that your parliamentary intern has done—Georgina, I think her name is. She has four recommendations in relation to mental health and addictive behaviours, and absolutely if you give me that report I will personally give that to the Attorney-General and it will be dealt with, as you would expect, in a very respectful way, acknowledging, as I say again, the journey that you are on and the journey that you continue to be on. We support you absolutely on that journey. Terrific.

The member for Pascoe Vale raised a matter for the Minister for Veterans seeking an update on the capital allocation—I think close to about $50 000—to the Coburg RSL, and we look forward to the minister engaging with you at the RSL but of course hope that the council gets a wriggle on and gets the approvals in place too.

The member for Narracan raised a matter for the Minister for Energy, Environment and Climate Change seeking the release of the code of practice review in relation to forestry, and I will make sure that the minister is aware of that request.

Finally, the hardworking member for Melton raised a matter in relation to public transport access in the Eynesbury estate outside of Melton and the importance of these emerging communities and public transport access. I understand there is a petition that he would like brought to the attention of the Minister for Public Transport, and I will make sure that the minister is aware of that. Our business is done.

The DEPUTY SPEAKER: Thank you, Minister. The house now stands adjourned until tomorrow.

House adjourned 7.34 pm.