

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-NINTH PARLIAMENT**

**FIRST SESSION**

**THURSDAY, 28 OCTOBER 2021**

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## **The Governor**

The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable KEN LAY, AO, APM

## **The ministry**

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

**OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY  
FIFTY-NINTH PARLIAMENT—FIRST SESSION**

**Speaker**

The Hon. CW BROOKS

**Deputy Speaker**

Ms JM EDWARDS

**Acting Speakers**

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

**Leader of the Parliamentary Labor Party and Premier**

The Hon. DM ANDREWS

**Deputy Leader of the Parliamentary Labor Party and Deputy Premier**

The Hon. JA MERLINO

**Leader of the Parliamentary Liberal Party and Leader of the Opposition**

The Hon. MJ GUY

**Deputy Leader of the Parliamentary Liberal Party**

Mr DJ SOUTHWICK

**Leader of The Nationals and Deputy Leader of the Opposition**

The Hon. PL WALSH

**Deputy Leader of The Nationals**

Ms SM RYAN

**Leader of the House**

Ms JM ALLAN

**Manager of Opposition Business**

Ms LE STALEY

**Heads of parliamentary departments**

*Assembly:* Clerk of the Legislative Assembly: Ms B Noonan

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

*Parliamentary Services:* Secretary: Mr P Lochert

**MEMBERS OF THE LEGISLATIVE ASSEMBLY**  
**FIFTY-NINTH PARLIAMENT—FIRST SESSION**

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
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
Home, 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:* Ms Hall, Dr Read and Mr Rowswell.

*Council:* Mr Erdogan, Mrs McArthur, Mr Meddick, Mr Melhem, Ms Lovell, Mr Quilty and Mr Tarlamis.

### **House Committee**

*Assembly:* The Speaker (*ex officio*), Mr T Bull, Ms Crugnale, Ms Edwards, Mr Fregon, Ms Sandell and Ms Staley.

*Council:* The President (*ex officio*), Mr Bourman, Mr Davis, Mr Leane, Ms Lovell and Ms Stitt.

### **Integrity and Oversight Committee**

*Assembly:* Mr Halse, Mr Rowswell, Mr Taylor, Ms Ward and Mr Wells.

*Council:* Mr Grimley and Ms Shing.

### **Pandemic Declaration Accountability and Oversight Committee**

*Assembly:* Mr J Bull, Ms Kealy, Mr Sheed, Ms Ward and Mr Wells.

*Council:* Mr Bourman, Ms Crozier, Mr Erdogan and Ms Shing.

### **Public Accounts and Estimates Committee**

*Assembly:* Ms Blandthorn, Mr Hibbins, Mr Maas, Mr Newbury, Mr 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 Morris and Ms Theophanous.

*Council:* Ms Patten and Ms Watt.

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**Thursday, 28 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 any elders from other communities who may be here today.

**Business of the house**

**NOTICES OF MOTION**

**Notice given.**

**The SPEAKER (09:35):** I wish to advise the house that general business, notice of motion 34, will be removed from the notice paper unless the member wishing their matter to remain advises the Clerk in writing before 2.00 pm today.

**Documents**

**CONSUMER POLICY RESEARCH CENTRE**

*Report 2020–21*

**Ms HORNE** (Williamstown—Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Fishing and Boating) (09:36): I table, by leave, the Consumer Policy Research Centre report 2020–21.

**VICTORIAN LAW FOUNDATION**

*Report 2020–21*

**Ms HUTCHINS** (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (09:36): I table, by leave, the Victorian Law Foundation report 2020–21.

**VISIT VICTORIA**

*Report 2020–21*

**Mr PAKULA** (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (09:36): I table, by leave, the Visit Victoria report 2020–21.

**DOCUMENTS**

**Incorporated list as follows:**

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

Accident Compensation Conciliation Service—Report 2020–21

Adult, Community and Further Education Board—Report 2020–21

Adult Parole Board—Report 2020–21

*Advancing the Treaty Process with Aboriginal Victorians Act 2018*—Advancing the Victorian Treaty Process—Report 2020–21

Agriculture Victoria Services Pty Ltd—Report 2020–21

Alfred Health—Report 2020–21

Ambulance Victoria—Report 2020–21

AMES Australia—Report 2020–21

Austin Health—Report 2020–21

Australian Centre for the Moving Image (ACMI)—Report 2020–21

Australian Criminal Intelligence Commission—Report 2020–21 under s 30L of the *Surveillance Devices Act 1999*

Australian Grand Prix Corporation—Report 2020–21

Bairnsdale Regional Health Service—Report 2020–21

Ballarat General Cemeteries Trust—Report 2020–21

Barwon Region Water Corporation—Report 2020–21

Beaufort and Skipton Health Service—Report 2020–21

Bendigo Health—Report 2020–21

Calvary Health Care Bethlehem Ltd—Report 2020–21

Cenitex—Report 2020–21

Central Gippsland Region Water Corporation—Report 2020–21

Central Highlands Region Water Corporation—Report 2020–21

City West Water Corporation—Report 2020–21

*Climate Change Act 2017*—Victorian Greenhouse Gas Emissions Report 2019

Coliban Region Water Corporation—Report 2020–21

Commercial Passenger Vehicles Commission—Report 2020–21

Commission for Children and Young People—Report 2020–21—Ordered to be published

*Confiscation Act 1997*—Asset Confiscation Operations Report 2020–21

Consumer Affairs Victoria—Report 2020–21—Ordered to be published

Corangamite Catchment Management Authority—Report 2020–21

Coroners Court of Victoria—Report 2020–21

Coronial Council of Victoria—Report 2020–21

Dairy Food Safety Victoria—Report 2020–21

Dental Health Services Victoria—Report 2020–21

Development Victoria—Report 2020–21

Disability Services Commissioner—Report 2020–21

Docklands Studios Melbourne Pty Ltd—Report 2020–21

*Duties Act 2000*—Report 2020–21 of concessions and exemptions under s 250B

East Gippsland Catchment Management Authority—Report 2020–21

East Gippsland Region Water Corporation—Report 2020–21

Eastern Health—Report 2020–21

Echuca Regional Health—Report 2020–21

Edenhope and District Memorial Hospital—Report 2020–21

Education and Training, Department of—Report 2020–21

Electoral Boundaries Commission—Report on the 2020–21 Redivision of Electoral Boundaries

Emergency Services Superannuation Board—Report 2020–21

Emergency Services Telecommunications Authority (ESTA)—Report 2020–21

Energy Safe Victoria—Report 2020–21

Environment, Land, Water and Planning, Department of:  
Report 2020–21  
Report 2019–20 under s 30L of the *Surveillance Devices Act 1999*

Families, Fairness and Housing, Department of—Report 2020–21

Fed Square Pty Ltd—Report 2020–21

Film Victoria—Report 2020–21

*Financial Management Act 1994*:

Reports from the Minister for Agriculture that she had received the Reports 2020–21 of the:

Murray Valley Wine Grape Industry Development Committee

Phytogene Pty Ltd

Veterinary Practitioners Registration Board of Victoria

Victorian Strawberry Industry Development Committee

Report from the Assistant Treasurer that he had not received the Report 2020–21 of the Essential Services Commission, together with an explanation for the delay

Report from the Minister for Consumer Affairs, Gaming and Liquor Regulation that she had not received the Reports 2020–21 of the:

Victorian Commission for Gambling and Liquor Regulation

Victorian Responsible Gambling Foundation—together with an explanation for the delay

Report from the Minister for Energy, Environment and Climate Change that she had not received the Reports 2020–21 of the:

Alpine Resorts Coordinating Council

Barwon South West Waste and Resource Recovery Group

Caulfield Racecourse Reserve Trust

Commissioner for Environmental Sustainability

Dhelkunya Dja Land Management Board

Environment Protection Authority

Gippsland Waste and Resource Recovery Group

Goulburn Valley Waste and Resource Recovery Group

Grampians Central West Waste and Resource Recovery Group

Great Ocean Road Coast and Parks Authority

Gunaikurnai Traditional Owner Land Management Board

Loddon Mallee Waste and Resource Recovery Group

Metropolitan Waste and Resource Recovery Group

North East Waste and Resource Recovery Group

Royal Botanic Gardens Board

Sustainability Victoria

Trust for Nature

Yorta Yorta Traditional Owner Land Management Board—together with an explanation for the delay

Report from the Minister for Fishing and Boating that she had not received the Report 2020–21 of the Recreational Fishing Licence Trust Account, together with an explanation for the delay

Report from the Minister for Health that he had not received the Reports 2020–21 of the:

Albury Wodonga Health

Alexandra District Hospital

Alpine Health

Ballarat Health Services

Barwon Health

Bass Coast Health

Beechworth Health Service

Benalla Health  
Boort District Health  
Casterton Memorial Hospital  
Castlemaine Health  
Central Gippsland Health Service  
Central Highlands Rural Health  
Cohuna District Hospital  
Colac Area Health  
Corryong Health  
Djerriwarrh Health Services  
East Grampians Health Service  
East Wimmera Health Service  
Goulburn Valley Health  
Great Ocean Road Health  
Heathcote Health Service  
Hesse Rural Health Service  
Heywood Rural Health  
Inglewood and Districts Health Service  
Kerang District Health  
Kilmore District Health  
Kyabram and District Health Services  
Maldon Hospital  
Mansfield District Hospital  
Mildura Base Hospital  
Mildura Cemetery Trust  
Moyne Health Services  
NCN Health  
Northeast Health Wangaratta  
Omeo District Health  
Orbost Regional Health  
Peninsula Health  
Portland District Health  
Radiation Advisory Committee  
Rural Northwest Health  
Seymour Health  
South Gippsland Hospital  
South West Healthcare  
Stawell Regional Health  
Swan Hill District Health  
Tallangatta Health Service  
Terang and Mortlake Health Service  
Timboon and District Healthcare Service  
Tweddle Child and Family Health Service  
Victorian Assisted Reproductive Treatment Authority  
Victorian Pharmacy Authority

West Gippsland Healthcare Group

West Wimmera Health Service

Western District Health Service

Wimmera Health Care Group

Yarram and District Health Service

Yarrawonga Health

Yea and District Memorial Hospital—together with an explanation for the delay

Report from the Minister for Multicultural that she had not received the Report 2020–21 of the VITS Language Loop, together with an explanation for the delay

Report from the Minister for Planning that he had received the Report 2020–21 of the Architects Registration Board of Victoria

Report from the Minister for Planning that he had not received the Reports 2020–21 of the:

Cladding Safety Victoria

Heritage Council of Victoria

Surveyors Registration Board of Victoria

Victorian Building Authority

Victorian Planning Authority—together with an explanation for the delay

Report from the Treasurer that he had not received the Report 2020–21 of the Victorian Plantations Corporation, together with an explanation for the delay

Report from the Minister for Women that she had received the Report 2020–21 of the Queen Victoria Women's Centre Trust

First Peoples' Assembly of Victoria—Report 2020–21

Forensic Leave Panel—Report 2020

Game Management Authority:

Report 2020–21

Report 2020–21 under s 30L of the *Surveillance Devices Act 1999*

Geelong Cemeteries Trust—Report 2020–21

Geelong Performing Arts Centre Trust—Report 2020–21

Geoffrey Gardiner Dairy Foundation Ltd—Report 2020–21

Gippsland and Southern Rural Water Corporation—Report 2020–21

Gippsland Southern Health Service—Report 2020–21

Glenelg Hopkins Catchment Management Authority—Report 2020–21

Goulburn Broken Catchment Management Authority—Report 2020–21

Goulburn-Murray Rural Water Corporation—Report 2020–21

Goulburn Valley Region Water Corporation—Report 2020–21

Grampians Wimmera Mallee Water Corporation—Report 2020–21

Greater Western Water Corporation—Report 2020–21

Greater Metropolitan Cemeteries Trust—Report 2020–21

Greyhound Racing Victoria—Report 2020–21

Harness Racing Victoria—Report 2020–21

Health, Department of—Report 2020–21

Health Purchasing Victoria (HealthShare Victoria)—Report 2020–21

Independent Broad-based Anti-corruption Commission—Report 2020–21—Ordered to be published

Infrastructure Victoria—Report 2020–21

Jobs, Precincts and Regions, Department of—Report 2020–21

Justice and Community Safety, Department of—Report 2020–21

Kardinia Park Stadium Trust—Report 2020–21  
Kooweerup Regional Health Service—Report 2020–21  
Labour Hire Licencing Authority—Report 2020–21  
Latrobe Regional Hospital—Report 2020–21  
Legal Practitioners' Liability Committee—Report 2020–21  
Legal Services Council and Commissioner for Uniform Legal Services Regulation—Report 2020–21  
Library Board of Victoria—Report 2020–21  
Lower Murray Urban and Rural Water Corporation—Report 2020–21  
Mallee Catchment Management Authority—Report 2020–21  
Mallee Track Health and Community Service—Report 2020–21  
Maryborough District Health Service—Report 2020–21  
Melbourne Convention and Exhibition Trust—Report 2020–21  
Melbourne Health (Royal Melbourne Hospital)—Report 2020–21  
Melbourne Market Authority—Report 2020–21  
Melbourne Port Lessor Pty Ltd—Report 2020–21  
Melbourne Recital Centre—Report 2020–21  
Melbourne Water Corporation—Report 2020–21  
Mental Health Complaints Commissioner—Report 2020–21  
Mental Health Tribunal—Report 2020–21  
Mercy Hospitals Victoria Ltd—Report 2020–21  
Mine Land Rehabilitation Authority—Report 2020–21  
Monash Health—Report 2020–21  
Museums Board of Victoria—Report 2020–21  
National Gallery of Victoria (NGV)—Report 2020–21  
National Rail Safety Regulator, Office of the—Report 2020–21  
North Central Catchment Management Authority—Report 2020–21  
North East Catchment Management Authority—Report 2020–21  
North East Region Water Corporation—Report 2020–21  
Northern Health—Report 2020–21  
Ombudsman—Report 2020–21—Ordered to be published  
Parks Victoria—Report 2020–21  
*Parliamentary Committees Act 2003*—Government response to the Public Accounts and Estimates Committee's Report on the 2020–21 Budget Estimates  
Peter MacCallum Cancer Centre—Report 2020–21  
Phillip Island Nature Parks—Report 2020–21  
Police Registration and Services Board—Report 2020–21  
Port of Hastings Development Authority—Report 2020–21  
Port Phillip and Westernport Catchment Management Authority—Report 2020–21  
Portable Long Service Benefits Authority—Report 2020–21  
Post Sentence Authority—Report 2020–21  
Premier and Cabinet, Department of—Report 2020–21  
PrimeSafe—Report 2020–21  
Public Interest Monitor—Report 2020–21  
Public Prosecutions, Office of—Report 2020–21  
Queen Elizabeth Centre—Report 2020–21

Racing Integrity Commissioner—Report 2020–21

Regional Development Victoria—Report 2020–21

Remembrance Parks Central Victoria—Report 2020–21

*Renewable Energy (Jobs and Investment) Act 2017*—Victorian Renewable Energy Target 2020–21 Progress Report

Residential Tenancies Bond Authority—Report 2020–21

Respect Victoria—Report 2020–21

Robinvale District Health Services—Report 2020–21

Rochester and Elmore District Health Service—Report 2020–21

Rolling Stock Holdings (Victoria) Pty Ltd—Report 2020–21

Rolling Stock (Victoria-VL) Pty Ltd—Report 2020–21

Rolling Stock (VL-1) Pty Ltd—Report 2020–21

Rolling Stock (VL-2) Pty Ltd—Report 2020–21

Rolling Stock (VL-3) Pty Ltd—Report 2020–21

Royal Children's Hospital—Report 2020–21

Royal Victorian Eye and Ear Hospital—Report 2020–21

Royal Women's Hospital—Report 2020–21

Sentencing Advisory Council—Report 2020–21

Shrine of Remembrance Trustees—Report 2020–21

South East Water Corporation—Report 2020–21

South Gippsland Region Water Corporation—Report 2020–21

Southern Metropolitan Cemeteries Trust—Report 2020–21

St Vincent's Hospital (Melbourne) Ltd—Report 2020–21

State Electricity Commission of Victoria—Report 2020–21

State Sport Centres Trust—Report 2020–21

State Trustees Ltd—Report 2020–21

*Subordinate Legislation Act 1994*—Documents under s 15 in relation to Statutory Rule 133

Surveyor-General—Report 2020–21 on the administration of the *Survey Co-ordination Act 1958*

Transport Accident Commission (TAC)—Report 2020–21

Transport, Department of—Report 2020–21

Treasury and Finance, Department of—Report 2020–21

Treasury Corporation of Victoria—Report 2020–21

V/Line Corporation—Report 2020–21

Victims of Crime Assistance Tribunal—Report 2020–21

Victims of Crime Commissioner—Report 2020–21

Victoria Police:

    Report 2019–20 under s 30L of the *Surveillance Devices Act 1999*

    Report 2020–21

    Report 2020–21 under s 20R of the *Witness Protection Act 1991*

    Report 2020–21 under s 30L of the *Surveillance Devices Act 1999*

    Report 2020–21 under s 42BI(1) of the *Evidence (Miscellaneous Provisions) Act 1958*

    Report 2020–21 under s 133 of the *Criminal Organisations Control Act 2012*

Victoria Police, Chief Commissioner—Report 2019–20 under s 139A of the *Confiscation Act 1997*

Victorian Arts Centre Trust—Report 2020–21

Victorian Catchment Management Council—Report 2020–21

Victorian Curriculum and Assessment Authority—Report 2020–21  
Victorian Disability Worker Commission and Disability Worker Registration Board of Victoria—  
Report 20 August 2019 to 30 June 2021  
Victorian Electoral Commission—Report 2020–21  
Victorian Environmental Assessment Council—Report 2020–21  
Victorian Environmental Water Holder—Report 2020–2021  
Victorian Fisheries Authority—Report 2020–21  
Victorian Funds Management Corporation—Report 2020–21  
Victorian Health Promotion Foundation (VicHealth)—Report 2020–21  
Victorian Inspectorate—Report 2020–21  
Victorian Institute of Forensic Medicine—Report 2020–21  
Victorian Institute of Teaching—Report 2020–21  
Victorian Legal Services Board and the Victorian Legal Services Commissioner—Report 2020–21—  
Ordered to be published  
Victorian Local Government Grants Commission—Allocation Report 2021–22  
Victorian Managed Insurance Authority—Report 2020–21  
Victorian Marine and Coastal Council—Report 2020–21  
Victorian Ports Corporation (Melbourne)—Report 2020–21  
Victorian Public Sector Commission—Report 2020–21  
Victorian Rail Track (VicTrack)—Report 2020–21  
Victorian Regional Channels Authority—Report 2020–21  
Victorian Registration and Qualifications Authority—Report 2020–21  
Victorian Small Business Commission—Report 2020–21—Ordered to be published  
Victorian Veterans Council—Report 2020–21  
Victorian WorkCover Authority (WorkSafe Victoria)—Report 2020–21  
Wannon Region Water Corporation—Report 2020–21  
West Gippsland Catchment Management Authority—Report 2020–21  
Western Health—Report 2020–21  
Westernport Region Water Corporation—Report 2020–21  
Wimmera Catchment Management Authority—Report 2020–21  
Yarra Valley Water Corporation—Report 2020–21  
Youth Parole Board—Report 2020–21  
Zoological Parks and Gardens Board (Zoos Victoria)—Report 2020–21.

**Business of the house****ADJOURNMENT**

**Mr PAKULA** (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (09:37): I move:

That:

- (1) the house, at its rising, adjourns until Tuesday, 16 November 2021, or an earlier day and hour to be fixed by the Speaker;
- (2) if, in the opinion of the Speaker, the date of the next scheduled sitting or a rescheduled sitting should be changed on the basis of health advice, the Speaker will consult with the Leader of the House and the Manager of Opposition Business to set a new day and hour to meet;
- (3) the Speaker will notify members of any changes to the next sitting date.

**Motion agreed to.**



**Members statements****COVID-19**

**Ms STALEY** (Ripon) (09:38): Today I want to talk about one of my constituents. She wants to remain anonymous, but I can attest that she is a real person just trying to provide for herself and get by. I will call her Kate. Kate works as a barista in Daylesford and at a police facility in Melbourne. She is fully vaccinated. This is not a story about vaccination status. It is a story of bureaucratic overreach and nonsensical rules being made up as the government goes along. Supposedly for COVID response reasons all police staff were asked to provide details of any other work they do. Kate did this and was subsequently asked to provide the COVID-safe plan from her second job. Kate complied. No problem with the plan was raised. Kate was then required to front some sort of review board where she was told she either had to give up her work at the police facility or her other job. Remember, Kate is not a police officer or a PSO, she is a barista. Kate has ended her longstanding Daylesford job at a time when the regions are crying out for workers, so not only has Kate left a job she liked and reduced her income, a regional small business is now left searching for staff. On what grounds is this reasonable?

**MARK PENALUNA**

**Mr PALLAS** (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (09:39): I want to warmly acknowledge in this house the services of Mark Penaluna, CEO of the Werribee Football Club. Mark has recently been awarded a VFL life membership in recognition of his contributions as a football administrator for over 25 years. He was previously at the Western Region Football League before coming to the Werribee Football Club in 2003. Mark has embraced the Werribee community's connection to their local football club and formed an environment that provides a sense of wellbeing and inclusiveness for all. Mark's passion for supporting the local community and encouraging their participation in the club has been the driving force behind the redevelopment of Avalon Airport Oval at Chirnside Park in Werribee. I have enjoyed working with Mark to see this redevelopment achieved with support from all levels of government, the AFL, the VFL and the club itself. I also worked closely with Mark to see the introduction of the AFL development pathway program, helping VFL clubs like Werribee compete in the new tri-state league. Mark's passions follow in the footsteps of his father, who has been a volunteer and coach at the Port Melbourne Football Club for 60 years. I congratulate Mark and acknowledge this due recognition of his service as a testament to his character, his loyalty to the club and his persistence and commitment to achieving the best for the Werribee Football Club and the local community.

**REGIONAL RACING**

**Mr WALSH** (Murray Plains) (09:41): I raise the frustrations, the disappointment and in many cases the anger of many of my constituents who are racing enthusiasts. These people—owners, breeders, punters and many who just enjoy a fun day out at our excellent tracks in my seat—have realised that there are two states in Victoria: the city-state of Melbourne and the state of the rest of us. Next week there will be at least 10 000 people at the Melbourne Cup, on our way to this government's promised 80 000 people at the Boxing Day test. But at Echuca Racecourse on Melbourne Cup Day—the club's biggest money maker of the year and Echuca's social event of the season—there will not be a single person present except trainers, race day staff and the media. If 10 000-plus people and all the relevant extras are safe at Flemington, why isn't it safe for 2000 or 3000 people to attend the races at Echuca? There is no logic—not even the best medical advice—in this decision, just as there has not been in so many ways, and on so many decisions that this government has made. We have lost the Gunbower Cup. We have lost the Swan Hill June racing weekend twice now. There was a real opportunity for the government to show some leadership and allow patrons to come back to the races at Echuca on Melbourne Cup Day, but no, it is one rule for Melbourne and one rule for the country. Why can't these people actually come to the races and enjoy the day? I ask the Premier to personally explain that decision to my constituents.

**BLESSING OF THE FLEET**

**Ms D'AMBROSIO** (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (09:42): I rise to inform the house of the Blessing of the Fleet event I recently attended virtually in the City of Whittlesea, which is the host of this event. It was an honour to take part in this poignant service and, Speaker, if I may be allowed I acknowledge your own closeness to this event and your own participation over the years. This annual service, which is dedicated to the remarkable women and men of our emergency services, signals the preparation for the commencement of the fire season. In doing so, the multifaith congregation calls for the protection and safe passage of emergency service crews, volunteers, their vehicles and equipment.

Our emergency services personnel keep our community safe each fire season. These personnel come from Fire Services Victoria, Victoria Police, the Victoria State Emergency Service, the Country Fire Authority and Ambulance Victoria. I am also proud of the role my ministry plays in this vital work in the protection of the local community through the people at Forest Fire Management Victoria, including Parks Victoria. This event is an important tradition which has continued now for more than 20 years. It is an important event where our diverse community bands together in strong unison.

**WOLLERT PRIMARY SCHOOL**

**Ms D'AMBROSIO**: I am also proud to inform the house that the Andrews Labor government is delivering a brand new school in what may be my electorate very soon and that will open on day one of term 1, 2022. We promised to make Victoria the Education State, and we are investing almost \$8 billion to build an education system that produces excellence and reduces the impact of disadvantage. Wollert Primary School is yet another great example of how we are delivering on this promise. It is a supported inclusion school, which means that the school will offer additional measures including wider corridors so wheelchairs can pass— *(Time expired)*

**COVID-19**

**Mr HODGETT** (Croydon) (09:44): I rise to talk about the lack of a solution to the constant closure of schools and the yo-yoing of students in and out of remote learning due to the presence of a student who tests positive to COVID. Students who are close contacts are still required to isolate for seven days, or 14 days if they are in primary school. Planning to trial rapid antigen testing or implementing a trial are not solutions. Rapid antigen testing is not new news. Internationally RAT has been widely used to keep students who are close contacts of a positive case in school, and after 160 days of missed face-to-face learning what our kids need is a plan to keep them at school. They need a plan—and that is not a plan to trial or a trial.

We are a highly vaccinated state now at 91.07 per cent single dosed and 76.9 per cent double dosed. Restrictions will be dramatically eased this weekend, yet students are highly burdened and penalised. Currently our 12 to 15-year-old students are at 79.1 per cent single-dose vaccinated and our 16 to 19-year-olds are at 86.44 per cent, and this for a disease that is mild in children. Victoria has passed Denmark in the percentage of total population aged nought-plus to be vaccinated, at 77.19 per cent. In Denmark they allow close contacts of positive cases to remain at school with routine testing—no school closures and unnecessary deep cleans, just a positive case is excluded and close contacts at school are frequently tested. We do not need to reinvent the wheel. We just need to look at our outstanding vaccination rates and implement RAT to keep the bulk of our students at school for the remainder of 2021 and all year in 2022.

**YOO-RROOK JUSTICE COMMISSION**

**Ms HUTCHINS** (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (09:45): The establishment of the Yoo-rook Justice Commission is a historic opportunity for Aboriginal Victorians and non-Aboriginal Victorians to begin to listen and create a new historic record together—one that is based on respect, truth and justice.

To know what we must do next in treaty we must face where we have been. We need to confront the true history of our state to move forward, no matter how uncomfortable or challenging this may be.

In recent weeks the commission has released its strategic priorities to June 2022. Priority 4 is to promote and look at a holistic reform agenda in the space of justice. Given the historical and contemporary trauma experienced in state custodial facilities by Aboriginal and Torres Strait Islander people, this will be an urgent focus for the commission. Whilst the commission does its work, we will continue to do ours with the Aboriginal community, led by the Aboriginal Justice Caucus, to ensure we continue to reduce over-representation and build an Aboriginal-led system. I encourage the Aboriginal Justice Caucus and all community stakeholders to ensure their experiences and expertise with the commission are engaged within the processes that they have in place, including making a submission. It is really important your voices are heard, that they are written into the historical record and that you can contribute to the consideration of recommendations to the government of the Yoorrook Justice Commission.

#### **VICTORIA STATE EMERGENCY SERVICE SOUTH-WEST REGION UNITS**

**Ms BRITNELL** (South-West Coast) (09:47): Last week I met with the Victoria SES CEO Stephen Griffin and volunteers Stephen Bakker and Emily McCullagh for a briefing on the fantastic work that the SES does in the south-west region. In the period between 1 July 2019 and 30 June 2021 volunteers in the south-west region responded to 6033 call-outs—20 per cent more than the two previous years. The SES are the lead agency for many Victorian emergency situations, including road rescues, which the SES members have a high level of training and skill in, and many, many lives have been saved thanks to the quick and skilful work of the SES volunteers in extracting people from a vehicle. I was told that the SES volunteers are called the Swiss army knife of Victoria's emergency services because they have the tools and the skills to do anything and everything.

We have seen this in my electorate with the SES members from one of the four units in Warrnambool, Port Fairy, Portland and Heywood responding to everything from floods to damage caused by high winds through to road accidents in extraordinary conditions. Our communities would be lost without the SES volunteers. They are the ones who are out there in all kinds of weather keeping us safe and helping the community recover from all sorts of incidents. I again put on the record my 100 per cent support for our SES volunteers, and I will always do everything in my power to ensure they have everything they need when they need it.

#### **PETER BOL AND BEN FAWCETT**

**Mr CARROLL** (Niddrie—Minister for Public Transport, Minister for Roads and Road Safety) (09:48): Today I rise to acknowledge two superstars of my local community who made us proud at the 2020 Olympic and Paralympic games, which everyone knows were held this year due to the COVID-19 pandemic. At 10.30 pm on 4 August this year over 3 million people tuned in to watch the first Australian in 53 years running in the 800-metre final at the Olympics, making it one of the most viewed Olympic Games events of the Tokyo Olympics. Peter Bol was born in February 1994 in Sudan. By the age of 10 he and his family had moved to Toowoomba in Queensland. He then moved on to Perth before he touched down in Melbourne, and he now calls Niddrie home. He made us so proud. He is an Australian record holder. Everyone knows he came fourth by only a fraction, but to every Aussie I know, he might as well have won gold.

Ben Fawcett is an Australian Wheelchair Rugby League champion. He has won two medals so far—gold at Rio in 2016 and silver at the world championships. Everything I have read and learned about Ben tells me that he is a thrillseeker by heart—he became a quadriplegic after a snowboarding accident—and that saw him get through his recovery by turning his attention to wheelchair rugby. He is now regarded as one of the top rugby players in the world, and I know he is going to have more medals around his neck in many future events. Both Ben and Peter are well-known champions of our local community. They are ambassadors not only for Niddrie and Airport West but indeed Australia.

**COVID-19**

**Mr NEWBURY** (Brighton) (09:50): Victorians are speaking out strongly in opposition to the Premier's pandemic management. They know that Labor has mismanaged the state. They also know that the Premier's decisions have been punitive and his restrictions have hurt people. Labor cannot be trusted with increased power. Throughout the pandemic I have asked my community directly about their views on important issues, including state-of-emergency powers and lockdowns. This week I asked my community about pandemic management. Their response has been overwhelming, with thousands letting me know how desperately opposed they are to the government. Within hours, over 95 per cent of thousands of respondents from my constituency told me they oppose new powers, oppose laws being transferred from health professionals and oppose extending the length of a declaration. By the end of the first day it was not just my community who had responded so ferociously. Without an intention for the text message survey to leave my community, it had gone viral. In less than two days, over 130 000 people have accessed it, with many of the respondents living within the sand belt. The results have proven identical to the assessments of my community. Over 95 per cent are in opposition across St Kilda, Bentleigh, Mordialloc and suburbs right down the sand belt. I say directly to those who have responded: your Labor representatives are not listening to you, but the Liberal Party has heard you. We will be a strong voice on your behalf. Put Labor last when you vote at the next state election.

**RENNIS WITHAM**

**Ms HORNE** (Williamstown—Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Fishing and Boating) (09:51): Today I rise to commemorate the life of Rennis Witham, a proud local historian and Labor union activist in Williamstown whose legacy extends well beyond my patch in Williamstown. Rennis's passion for protecting Williamstown's maritime and industrial heritage was boundless. Through her work at the Seaworks Foundation and the Williamstown Maritime Association, Rennis helped establish the Maritime Museum at Seaworks and fought to stop the Melbourne Harbour Trust workshop site from being turned into a development. Her ongoing dedication to our local heritage was unmatched, and for decades Rennis advocated for Parks Victoria to restore the iconic Point Gellibrand seawall to its original glory. Earlier this month I incorporated a speech on the matter, thanking Rennis and another local, Geoff Dougall, for their tireless work in making this a reality. I am pleased that Rennis got to see her legacy on this issue fulfilled, with the government committing to rebuild and restore Point Gellibrand seawall for future generations.

Rennis was dedicated to safeguarding not only our local history in Williamstown but also the broader history of the labour movement. She was part of a small but dedicated team of people who sought to document the values and achievements of those who came before us in the movement. She was a life member of the ALP and a heritage officer at state office, whose most recent work was exploring the history of the first female organisers in our party. She will be sorely missed.

**COVID-19**

**Mr BLACKWOOD** (Naracan) (09:53): The distress, confusion and now absolute despair being felt across my community because of the way the Andrews government have chosen to handle the COVID response is gut-wrenching. My staff have been besieged with phone calls, text messages, emails and Facebook posts from members of our community crying out for help. They have done an amazing job to provide information, referrals and advocacy over the past almost two years, but the pressure they have been under recently could have been avoided if the Premier had insisted that the COVID directions were consistent, unambiguous and easy to understand. The enormous anger expressed by those who have chosen to exercise their right to choose not to get vaccinated could have been avoided if rapid testing had been deployed in our frontline health settings for our teachers and our year 12 students and in aged care. We would now not be facing a shortage of educators and nurses, paramedics and health support workers if they had been given an option and could have remained

employed. Our small businesses would not feel let down again and have to adjust to last-minute changes about vaccination requirements, some in hospitality choosing not to open because it is just too hard and they cannot get staff.

Despite imposing the toughest restrictions in the nation and Melbourne suffering the longest lockdown in the world, Victoria has recorded more COVID-19 cases, deaths, job losses, mental-health distress and school days missed than any other state. The Premier's COVID response has failed, and now he wants us to support his pandemic bill. Why would we hand more power to the man who got us here in the first place?

### JOHN HEYES

**Mr PEARSON** (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (09:54): I rise to honour the life of John Heyes, a very special person from my electorate who passed away recently. John was born in 1945, and he grew up in Williamstown, playing on the rifle range as a boy and quickly learning to duck whenever the red flag was raised. From the age of 17 John had a distinguished 35-year career in the titles office and was known for being meticulous and demonstrating the greatest of integrity. He was a proud union member for much of his life, valuing fair play, justice and people. John served in the Vietnam War, an experience which afterwards led him to gently remind many others of how fortunate we are here in Australia.

A gentle, funny and lovely soul, John fitted an enormous amount into his 76 years. He was a rower, coach and life member at the Essendon Rowing Club, a philatelist and stamp club enthusiast, a member of Aberfeldie men's shed, an Essendon garden club member and prize-winning rose grower, a Flemington Kensington Rotarian, a charity fundraiser and an op shop volunteer. John's family describe him as a man of calm strength, endless patience and enormous integrity, and they are proud that his legacy of kindness and love will live on through the many people whose lives he touched.

Upon John's passing the tributes were many—so many in fact that I am told John managed to miss his own cremation appointment because so many people were keen to share stories and memories. Such was the love and respect for John Heyes. John is very much missed by his wife, Anne; sons Matthew, Paul and David; daughters-in-law Lee and Bec; and grandsons Luke and Jake. Thank you, John, for the gift you gave of yourself to our community.

### COVID-19

**Mr NORTHE** (Morwell) (09:56): I want to refer to the absolute chaos and confusion that businesses in my community are experiencing at present. The vaccinated and unvaccinated classes of persons the government has created are once again being pushed onto the business sector to contend with. Businesses whose anxiety levels are already extraordinarily high are now tipping over as they try to understand and implement the government's rules, which seem to change every second day. The mixed messages and different advice being espoused by different ministers, different industry groups and different media outlets raise questions such as: 'What are the rules for our workers who are fully vaccinated, single-dose vaccinated or not vaccinated at all? And what does it mean if our customers are not vaccinated, partially vaccinated or fully vaccinated? Can I still operate under the old rules, or do I have to work under the new rules?'. These are legitimate, valid and simple questions, yet it seems the answers are far more complex and not readily available.

I apologise to Jackson Hitchcock in the Minister for Health's office, who has been incredibly helpful, but in my office I should not have to ask him a question every 5 minutes on behalf of businesses in my electorate. One major issue is the government seems unwilling or unable to update their websites until after the new rules are actually in effect, but this is of little help to those trying to understand what the rules mean for their employees and customers right now so they can at least plan for changes. Put simply, the relevant information should be publicly available before the rules come into effect. The

confusion is palpable, and I am sorry, but this is something the government needs to fix. This is taking an emotional and financial toll on businesses everywhere.

### COVID-19

**Mr HAMER** (Box Hill) (09:57): I rise to thank every single resident in the Box Hill electorate for their hard work and selfless sacrifice to protect our community and our healthcare system. Since our first COVID-19 case emerged in Victoria back in January 2020 we have all asked so much of our communities, and they have delivered every single time. Box Hill is no exception to that. It has been a deeply challenging 20 months—missed weddings and birthdays; missed time with loved ones young and old; no graduations; no catch-ups at local neighbourhood houses, sporting clubs or even local restaurants; and for many students limited onsite learning at school or university. There is so much that every Box Hill resident has sacrificed, and for that I say thank you. Your efforts, sacrifices and resilience have saved lives.

### COVID-19 VACCINATIONS

**Mr HAMER:** Getting vaccinated is our ticket out of the pandemic and into a post-pandemic world that feels more normal. There is no more compassionate act than to get vaccinated and protect not only yourself but those around you. Tens of thousands of Box Hill constituents have been vaccinated, with first-dose vaccination rates sitting at around 90 per cent of the population aged 16 and over. To everyone in the Box Hill electorate I say a sincere thankyou.

### KOONUNG COTTAGE COMMUNITY HOUSE

**Mr HAMER:** All of the neighbourhood houses in the Box Hill electorate have done an amazing job during the pandemic keeping our community connected and engaged with a range of novel online activities. I want to give a particular shout-out to manager Carolyn Shaw and programs assistant Patty Trajkovska at Koonung Cottage neighbourhood house. On Monday afternoons the house has hosted Cooking with Carolyn, with participants learning to cook a range of tasty snacks from the comfort of their own kitchens. This week it is my pleasure to be invited along as guest chef to cook my soon-to-be-famous beef dumplings.

### HIGHETT LEVEL CROSSING REMOVALS

**Mr ROWSWELL** (Sandringham) (09:59): There are three local issues which the Andrews Labor government have continually ignored, continued to dismiss, but issues that significantly impact the lives of residents in my community. The government has persistently refused to remove the dangerous level crossings on Highett Road and Wickham Road in my electorate. Why do Labor continue to forget—or worse, ignore—the great people of Highett? More than 500 locals have recently joined the community campaign and signed my petition to have these dangerous level crossings removed. It is now up to Labor to get on and do the right thing by the people of Highett.

### HAMPTON PIER

**Mr ROWSWELL:** For 16 months now I have been lobbying Labor to do the right thing by Hampton residents and immediately reopen the Hampton Pier. In May this year I warned that the government should indeed get ready for a whole new wave of ‘pier pressure’. Well, the next wave of pressure has arrived. An additional 138 locals have joined the community campaign and signed my petition in addition to those many thousands who have previously signed it. This 150-year-old historical and locally important symbol of Bayside must be restored and reopened immediately.

### CHILDERS STREET–WARRIGAL ROAD, MENTONE, PEDESTRIAN CROSSING

**Mr ROWSWELL:** The crossing at Warrigal Road and Childers Street in Mentone is dangerous for schoolkids, the elderly, cyclists and motorists alike. It must be fixed. In addition to the advocacy from all surrounding schools, kinders and childcare centres I have now received close to 100 additional

signatures on this petition, for every day that Labor ignores this matter of urgency is another day when a resident could be seriously injured or even killed at this intersection. Labor must act now.

### OHI DAY

**Ms THEOPHANOUS** (Northcote) (10:00): I rise to commemorate and celebrate the anniversary of 28 October, which to Greeks the world over is known as Ohi Day. 'Ohi' means 'no'. It was on this day in 1940 that the then president of Greece, Ioannis Metaxas, said 'Ohi' to an ultimatum made by Benito Mussolini for Greece to provide free passage for the Italian army through the Greek-Albanian border and allow occupation of specific strategic locations. In the days that followed, this ohi, this great refusal to accede to the ally of Hitler, was echoed resoundingly on the streets of every Greek city as its citizens marched in support. In refusing allegiance to the Axis powers Greece became Britain's only ally at the time. It also became a permanent reminder to the world of what it means for courage to triumph over fear.

This year in my electorate of Northcote our large Greek community, young and old, will attend church services both virtually and in person in place of the annual march at the Shrine of Remembrance. They will honour those who stood up and fought to defend the freedom and democracy that define them. They will also honour the Anzacs who fought at their side. To our pappoúdes and giagiádes, mere children 81 years ago as Mussolini's air raids launched overhead, I say σας ευχαριστούμε για την ελευθερία και για την δημοκρατία που προστατεύετε για μας.

### FATHER WALTER KELLY BLACK

**Ms BLANDTHORN** (Pascoe Vale) (10:02): Father Walter Kelly Black, ordained as a priest in 1959, was born into eternal life in August 2021. He influenced faith formation, development and renewal of clergy and religious and laypeople alike across Australia and the Pacific, in Rome and no doubt beyond, from local parishes to the Holy See. Father Walter was in Rome around the time of Vatican II, and on his eventual return to Australia he brought a unique understanding of its intention and a drive to influence its progression in Catholic social teaching and culture. From 1986 to 2003 Father Walter was director of LJ Goody Bioethics Centre in Perth and from 2004 he was their senior consultant, and the centre's library is named in his honour. I thought it was appropriate in this place to acknowledge that Father Walter's intelligence, spirituality and thinking have had a profound influence on many of our parliamentary colleagues on all sides of the aisle in every Australian parliament when it comes to the sanctity of human life as well as the inherent dignity of the person.

When I went to Rome, Walt suggested I visit the stunning 12th-century mosaic of the Tree of Life in the Basilica of Saint Clement. The mosaic depicts the cross as the tree, the roots in the earth reaching to heaven and the foliage embracing and sheltering people of all occupations, representing all walks of life, indeed all living things, and immortality is symbolised in this mosaic. Walt's admiration of this mosaic does not surprise anyone who knew his love of God and life but also his profound sense of equality and social justice.

Walt was the son of proud parents Bridget, nee Kelly, Black and William Black, brother to Marianne, Helen, Biddy, Gavan, Peter, Buster, Joe and my grandfather Adrian. He was my mum's uncle and my great uncle. We will all remember him fondly, continue to hold him in extremely high regard and remain inspired by his work.

### NICK TSILIGIRIS

**Ms HALL** (Footscray) (10:03): I rise to farewell a Footscray legend. Nick Tsiligiris passed away last week aged 86. Footscray residents and visitors might not recognise that name off the top of their heads, but if I say Olympic Nick or Olympic Doughnuts, they will. For nearly 40 years he was a fixture at Footscray train station serving up the best hot jam doughnuts in Victoria. I cannot say how iconically Footscray his caravan was. In my office hanging pride of place in the meeting room is a giant picture of his van, a gift to me from the member for Burwood. As Footscray changed around the van, his smile

was a constant as the train station was redeveloped. When I posted about his passing on Facebook a community member shared their story, which I think shows how much of an impact he had:

His jam donuts were my first western treats ever. I came from Vietnam in 1982. We settled in footscray, my mum and I would walk to footscray market every Saturday morning. I still remember the smell of the donuts everytime we walked past his caravan. We were poor and never had enough money for treats. But on one occasion my mother bought me a donut from Olympic donuts. It was my very first donut and from then on began my love of jam donuts.

Footscray has lost a very important and much-loved community member. Our thoughts go out to his family and loved ones. Thank you for sharing him with us.

### INTERNATIONAL STUDENT VISA HOLDERS

**Mr CHEESEMAN** (South Barwon) (10:05): My members statement is on behalf of several constituents of mine who have raised with me the pressing issue of the plight of 485 visa holders who are currently overseas and unable to enter Australia. The temporary graduate subclass 485 visa is designed to allow international students to live, study and work after they have finished their courses in Australia. The visa duration is typically from 18 months to four years and is critical for international students to gain valuable work experience and become a part of Australia's economy and society. The Andrews Labor government knows that education is one of Victoria's top exports and brings in billions of dollars each year, despite the damage that the coronavirus pandemic has caused. International students also contribute to our economy as workers and as consumers, with many industries now reporting labour shortages that were once filled by overseas students. The federal government has paused the time limits for many visa holders who are stuck overseas due to travel restrictions. The same courtesy should be applied to the current 485 visa holders who are overseas and are eager to return to Australia. I am calling on the federal government to hit the pause button to enable these people to return and to not lose any time on their 485 visa.

### OAKLEIGH ELECTORATE BUSINESSES

**Mr DIMOPOULOS** (Oakleigh) (10:06): I want to emphasise the power of supporting locally made and what it does for our economy but also for local jobs. There is a long history in Australia of building businesses up from scratch, employing local workers and making quality local products. I have had the opportunity to see so many businesses in this job, and today I want to highlight three I have visited in the last two years that are important to the Oakleigh electorate.

Assa Abloy in Oakleigh—perhaps the company is not a household name, but the products they manufacture certainly are; Lockwood is the most recognised lock brand in Australia, with the best quality locks, made in Oakleigh since 1943, employing locals.

Ktena Knitting Mills, again in Oakleigh, was established in the 1980s. Using Australian merino wool they produce quality thermal clothing, and they export their products worldwide—locally owned, employing locals, using local material.

And then Arthur G furniture—started in a garage in Mount Waverley by Arthur Georgopoulos in the 1970s as a hobby, it has grown to be one of Australia's most prestigious furniture makers, now manufactured in Huntingdale, again employing locals and family owned, and with stores in Melbourne, Sydney and Perth, all created through an idea, lots of hard work and passion for quality.

These are just a few of the success stories that are replicated all over Victoria, and behind every story are quality products, local employment and family ingenuity—exactly what we need and welcome in our recovery.

### OHI DAY

**Mr DIMOPOULOS:** In the last few seconds remaining I want to acknowledge Ohi Day today, a very important day for Greek-speaking people all over the world, including, as the member for Northcote said, Cypriots—a very proud day in Greek history.



**Bills****CIRCULAR ECONOMY (WASTE REDUCTION AND RECYCLING) BILL 2021***Statement of compatibility*

**Ms D'AMBROSIO** (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (10:09): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Circular Economy (Waste Reduction and Recycling) Bill 2021.

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 Circular Economy (Waste Reduction and Recycling) Bill 2021 (the **Bill**).

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

**Overview of the Bill**

The Bill provides for the introduction of a circular economy in Victoria that maximises the continued use of products and waste material over their life cycle and accounts for their environmental impacts. In pursuit of this objective the Bill imposes requirements on local government to provide waste and recycling services, sets out minimum service standards, provides for the establishment of a container deposit scheme, and provides for information collection and enforcement measures.

**Human rights issues**

The Bill will promote the right to life (in section 9 of the Charter) and the right to equality (section 8) by establishing a circular economy in Victoria to promote intergenerational equality. Other human rights protected by the Charter are that are relevant to the Bill and discussed below are: the right to privacy and reputation (section 13(a)); the right to property (section 20); the right to a fair hearing (section 24); and the right to the presumption of innocence (section 25(1)).

**Privacy**

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference with privacy will be lawful if it is permitted by a law which is precise and appropriately circumscribed and will not be arbitrary provided it is reasonable in the circumstances and just and appropriate to the end sought. Section 13(b) provides that a person has the right not to have his or her reputation unlawfully attacked.

*Head RV's powers to hold inquiries*

The Bill provides for there to be a Head of Recycling Victoria (Head RV), a new business unit within the Department of Environment, Land, Water and Planning, with functions including to administer the container deposit scheme and to provide overall leadership, stewardship and oversight of waste, recycling and resource recovery services and to support the development of the circular economy in Victoria (clauses 15 and 16). The Head RV has power to hold inquiries for determining any matter relevant to their functions, duties or powers, or the operation of the Bill (clause 16). The Head RV may hold a hearing or part of a hearing in public, or in private if the Head RV considers it in the public interest for the protection of confidential or commercially-sensitive information (clauses 30–32). The right to privacy is relevant, insofar as persons may be required to appear before or give information to public inquiries. However, the right will not be interfered with. The Head RV has discretion to hold inquiries in private to protect confidential information, which could include sensitive information about a person. Inquiries will be held for the important purpose of inquiring into matters relevant to the regulatory scheme the Bill introduces.

*Various data collection, sharing, reporting powers*

The Bill introduces a regulatory scheme that requires reporting, by 'regular' and 'occasional' reporting entities (Part 3) to the Head RV. The collection and retention of prescribed information is compulsory for such entities. Under the Bill, the Head RV also has a range of information collection, retention, sharing and disclosure powers (clauses 38–43, 50–55), to perform their powers and functions under the Bill. The Head RV may issue notices requiring a person providing a recycling and resource recovery service to provide certain information or documents, or class thereof (clauses 39–42). Relevantly, the Head RV may establish a centralised data repository and cause to publish information and reports relating to waste and resource recovery services (clauses 50–54).

These powers will predominantly concern the reporting of information by councils, alpine resort management boards and a range of service deliverers, for the purpose of administering the regulatory scheme introduced by the Bill and assessing compliance. It is my view that any application of these powers to compel the provision of personal information so as to engage the right to privacy is minimal, and would only concern persons who have sought to participate in this service provision and their business affairs. To the extent that any personal information is collection, provision is made for confidential information to be excluded from published reports, and unauthorised disclosure of confidential information obtained during exercise of powers under the Bill will be an offence (clause 55). I consider any interference with privacy as a result of data collection, sharing and reporting powers under the Bill to be proportionate to the regulatory aims of the overall scheme.

*'Fit and proper person' tests*

The Bill provides power to the Minister to invite persons to enter into Scheme Coordinator agreements, and to enter into such agreements with persons if the Minister relevant considers them to have appropriate expertise and to be a 'fit and proper' person (clause 80). These agreements will govern the supply, network and cost recovery arrangements of the container deposit scheme. This test also applies for persons who seek to enter into network operator agreements (clause 89) to administer the establishment and operation of collection points for the container deposit scheme. For the Minister to satisfy themselves that relevant persons are 'fit and proper', the Minister may require the provision of personal information by applicants who are natural persons, such as criminal history, financial records and probity checks. To the extent that this may interfere with the privacy rights of such applicants, I consider it to be not arbitrary, in that there is a legitimate and important purpose in ensuring that only fit and proper persons hold these positions. The effectiveness of the scheme will depend upon the proper performance of these roles, and there is a critical need to protect against the risk of any improper, negligent, or fraudulent conduct occurring.

*Requirement for identification to seek refund*

The Bill relevantly provides for a container deposit scheme, where persons can seek refunds for eligible containers from collection point operators. Collection point operators must not pay refunds for eligible containers unless persons provides prescribed information and proof of identification if they seek refunds for more than a prescribed number of containers (clause 108). This power to compel identification for persons to gain the benefit of the container deposit scheme may interfere with such person's right to privacy. However, the requirement is for the important purpose of regulating the stockpiling of eligible containers and mitigating against fraud in an industry where traceability is low. As such, the requirement is reasonable in the circumstances and not arbitrary.

*Adverse publicity orders*

If a court finds a person guilty of an offence under the Bill or regulations, the court may make orders requiring the person to either publicise the penalty imposed and any other related matter in the order, or notify a specified person of class of person of the penalty (Division 8 of Part 7). Such powers will engage the right to privacy, as it interferes with a person's reputation by making the commission of an offence known to a specific group of people or to the general public. It also engages the right to freedom of expression in section 15 of the Charter, in that it compels a person to impart information. However, the order only compels the disclosure or publication of information which would already be on the public record as a consequence of judicial proceedings held in open court. In these circumstances, the adverse publicity order does not disclose information that is private but instead requires information that is in the public domain to be communicated in a different form. Adverse publicity orders seek to promote accountability by preventing a person from concealing that they have been convicted of offences and required to pay penalties under the Bill, and ensuring that consumers and/or industry participants are aware of relevant matters when deciding whether to engage services from a particular service provider.

The offences targeted by these orders include offences involving dishonesty, disruption or risk to human health in the context of waste and recycling services. As these are vital and essential services, the proper and effective regulation can be considered a matter of public order (which in the context of the right to freedom of expression, is a permitted internal limitation). As adverse publicity orders seek to achieve the deterrent and denunciatory aims of sentencing, as well as furthering the protection of users of recycling and waste services by publicly naming those who contravene regulations and strengthening the integrity of the regulatory system, it can be concluded that these orders are not arbitrary and thus do not limit the right to privacy.

*Authorised officers' powers of entry, search and seizure*

The Bill gives power to authorised officers to enter a place or premises and inspect, take samples, carry out testing, document, bring equipment or material to the place or premises and to seize documents and things in certain circumstances (Division 12 of Part 7).

These powers may interfere with the right to privacy by permitting authorised officers to enter premises, except residential premises which requires consent or a warrant, and exercise a range of powers to gather and document information. However, the powers are subject to safeguards that limit the scope for their arbitrary exercise. Authorised officers may only exercise powers to enter premises and seize property for the purposes of performing a function or duty or exercising a power under the Bill. Authorised officers may only enter places or premises at reasonable times (unless in circumstances of certain immediate risks), take reasonable steps to announce or give notice of their entry, and must not remain on premises any longer than reasonably necessary.

The Bill also permits the search of premises if authorised by a search warrant (Division 13 of Part 7). Such provisions are considered compatible with privacy on the basis that such searches can only occur with prior authorisation in the form of a valid warrant issued by a judicial officer, and require the existence of reasonable grounds that an offence has been committed and that there is evidence to be found at the place of the search.

#### *Authorised officers' powers to compel information*

Upon entry to a place or premises, authorised officers have powers to compel persons to produce documents or require information or answers (Divisions 12 and 13 of Part 7). Non-compliance without reasonable excuse is an offence. Such powers engage the privacy right. However, any interference will be lawful and not arbitrary. Authorised officers must only request documents located at premises, and only for the purpose of performing a function or duty or exercising a power under the Bill. Officers may only require answers from a person the officer reasonably believes to have knowledge of a matter or thing relevant to another person's compliance with the Bill. Such information, by nature of the context of the entry to premises, will relate to waste and recycling services and unlikely to involve information relating to personal affairs. Further any information acquired by officers is subject to the confidentiality requirements which places limits on the use and disclosure of such information.

I therefore consider that if the powers authorise interference with the right to privacy, that interference will be lawful and not arbitrary. To the extent that it is relevant, I also consider that any limit on the right to privacy would be reasonable and justifiable in accordance with section 7(2) of the Charter, being necessary to monitor conduct concerning the provision of essential services, and undertake investigations to ensure non-compliance is detected and deterred.

#### **Property**

Section 20 provides that a person must not be deprived of their property other than in accordance with law. Any power which authorises the deprivation of property must be conferred by a law, confined and structured, formulated precisely, and accessible to the public to allow people to regulate their own conduct.

#### *Authorised officers' powers of entry, search and seizure*

As set out above, the Bill gives power to authorised officers to enter a place or premises and a range of powers upon entry (Divisions 12 and 13 of Part 7). Relevantly, authorised officers may carry out testing or examination of things that results in the destruction of the thing. Exercise of these powers may interfere with persons' enjoyment of premises or deprive them of property seized, engaging the right to property. However, any interference will be authorised by legislation and governed by a clear and accessible process. As above, residential premises can only be entered with consent or by a warrant. Authorised officers may only exercise powers to enter premises and seize property for the purposes of performing a function or duty or exercising a power under the Bill. Further to the reasons described above, authorised officers may only seize and remove a thing connected with a suspected contravention of the Bill or regulations. The Bill also provides for the return of seized things as soon as possible, unless certain circumstances exist (Division 14 of Part 7). As such, I consider that the right to property is not limited by these provisions.

#### **Fair hearing**

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

#### *Victorian Civil and Administrative Tribunal review*

The Bill provides for review of certain decisions set out in Part 8 of the Bill. While the provision set out the review rights to particular reviewable decisions set out in that Part, I consider that the right to a fair hearing will not be limited, as an eligible person may still have the decision reviewed by Victorian Civil and Administrative Tribunal (VCAT) on the grounds set out in Part 8 of the Bill, or may seek judicial review of the decision. Therefore these persons still has access to VCAT and the courts.

#### **Presumption of innocence (section 25(1))**

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. The right is relevant where a statutory provision

shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

*'Reasonable excuse' offence provisions*

The Bill introduces a number of new offence provisions that contain 'reverse onus' elements (for instance, clauses 28, 39, 41, 42, 49, 69, 71, 73, 86 (civil penalty only), 95 (civil penalty only), 100, 102, 105, 106, 114, 115, 116, 117, 126, 128, 153, 162, and 163). By creating 'reasonable excuse' exceptions, the offences in the Bill may be viewed as placing an evidential burden on the accused, in that it requires the accused to raise evidence as to a reasonable excuse. However, in doing so, this offence does not transfer the legal burden of proof. Once the accused has pointed to evidence of a reasonable excuse, which will ordinarily be peculiarly within their knowledge, the burden shifts back to the prosecution who must prove the essential elements of the offence. I do not consider that an evidential onus such as this limits the right to be presumed innocent, and courts in other jurisdictions have taken this approach.

*Accessory liability of officers of body corporate for offences*

The Bill also extends liability for certain offences committed by a body corporate or Council to the officers of that body corporate or Council, in certain circumstances. Including where the officer authorised or permitted the commission of the offence by the body corporate or Council, or was knowingly concerned in any way in the commission of the relevant offence (clause 177). This provision is relevant to the presumption of innocence as it may operate to deem as 'fact' that an individual has committed an offence based on the actions of another body, based on their association with that body. However, it is my view that the right is not limited in this context.

Clause 177 provides that the relevant person only deemed to commit the offence committed by the other body if the person authorised or permitted the commission of the offence or was knowingly concerned in any way (whether by act or omission) in the commission of the offence. In my view, these provisions do not limit the presumption of innocence as the prosecution is still required to prove the accessory 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.

In the event that this provision is considered a limit, I am of the view that any limitation is reasonably justified. As with any regulated industry concerning essential services to the public, there is a strong need to ensure adequate deterrence of regulatory offences that may cause harm to industry participants or the public at large. Courts in other jurisdictions have held that the presumption of innocence may be subject to reasonable limits in the context of regulatory compliance. These provisions only target persons who have elected to undertake a position as an officer of a body corporate or Council, which includes assuming the responsibilities and duties that apply to these roles, and who have the capacity to influence the conduct of the entity concerned.

The provisions ensure such persons are appropriately held responsible for all breaches that occur by or on behalf of the entity in which they have responsibility for, enabling offences to be successfully prosecuted and operate as an effective deterrent. Affected persons should be well aware of the regulatory requirements and, as such, should have the necessary processes and systems in place to effectively meet these requirements and not incur accessory liability. In my view, there is no less restrictive way of ensuring accountability of officers of bodies corporate or Councils for breaches of the Bill, and it follows that these provisions are compatible with the Charter.

**The Hon Lily D'Ambrosio MP**

**Minister for Energy, Environment and Climate Change**

*Second reading*

**Ms D'AMBROSIO** (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (10:10): I move:

That this bill be now read a second time.

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

**Incorporated speech as follows:**

The Circular Economy (Waste Reduction and Recycling) Bill is a central part of the Victorian Government's once-in-a-generation reform of Victoria's waste and recycling system, to make it more effective, accountable and consistent with community expectations. It lays the foundation for the state's transition to a circular economy; a transition which will support the creation of more than 3,900 jobs, deliver on our climate change targets and ensure Victorians have a recycling system they can rely on.

**Background to the Bill**

Victoria's waste and recycling services suffered severe disruptions in 2019 following the China Sword policy announcement and collapse of SKM Recycling. These events showed how exposed Victoria's recycling system was to changes in global recycling markets and the consequential impact on local recycling service delivery. The collapse of SKM Recycling left 33 councils without kerbside recycling services, with many having no choice but to send recyclable material to landfill. The Victorian Government worked in partnership with councils and the recycling industry to minimise disruption to households, providing a \$6.6 million relief package to affected councils to help reduce financial pressure on councils and impacts on households. These events made clear that there was a need to overhaul our waste and recycling system.

In February 2020, after extensive public consultation, the Victorian Government released *Recycling Victoria: A new economy*, the Victorian Government's policy and action plan to transition Victoria to a circular economy and reform our waste and recycling system over the next decade. This Bill gives effect to a key commitment of *Recycling Victoria: A new economy* to establish a legislative framework to:

- ensure waste and recycling services are reliable, consistent and meet community expectations by introducing an obligation on councils to provide waste and recycling services, and for councils and industry to comply with service standards
- introduce a container deposit scheme with the Head providing direction and oversight in the role of scheme regulator
- provide a range of support to councils in procurement and contracting of waste and recycling services
- require improved data collection from entities in the waste and recycling sector to provide transparency and accountability for what happens to our waste
- undertake inquiries into specific or general parts of the waste and recycling sector to better understand market issues and to recommend appropriate action
- encourage and enforce compliance with new requirements through graduated and proportionate enforcement powers.

To date, the take-make-use-dispose approach of a linear economy has not served us well. A circular economy aspires to eliminate waste and generate more value from our natural resources. It improves how we design, manage, reuse and recycle products and materials. In addition to economic benefits, a circular economy promotes positive social and environmental outcomes. It helps to support jobs across Victoria and delivers real action on climate change. An effective circular economy requires a world class recycling system. Victoria needs a reliable, transparent, consistent and accountable waste and recycling sector. This Bill will introduce the necessary oversight and obligations to make that happen.

**Overview of the Bill**

This Bill is part of a series of coordinated measures that will support Victoria's transition to a circular economy, provide stability and leadership to the waste and resource recovery sector, and meet community needs and expectations.

This Bill includes the creation of a regulator to oversee and provide strategic leadership for the waste and recycling sector; reforms to household waste and recycling; provision for service standards to ensure consistency and transparency in how waste and recycling are collected, managed and disposed of; the introduction of a container deposit scheme, establishment of a framework for data collection to identify risks and opportunities in the market and inform responses; and creation of offences and other mechanisms to enforce compliance by councils and waste and recycling sector entities with their legislative obligations.

The Victorian Government continues to develop additional reforms that may require further legislative change, including enhanced statewide infrastructure planning, and a cap on thermal waste to energy processing in Victoria.

As provided for in Part 1 of the Bill, the Bill will become fully operational by 1 December 2023. However, it is intended that the new regulator—Recycling Victoria—will be established by mid-2022 with supporting regulations and other subordinate instruments to follow after consultation with local government, industry and community.

**Head, Recycling Victoria**

Part 2 of the Bill establishes the position of the Head of Recycling Victoria and sets out their powers and functions. The Head's role will be to oversee the waste, recycling and resource recovery sector and to support the development of a circular economy. The Head will lead Recycling Victoria, which will be established as

a business unit within the Department of Environment, Land, Water and Planning. The Head and his or her staff will be employed under Part 3 of the *Public Administration Act 2004*.

The establishment of Recycling Victoria will clarify and streamline the role of state government agencies and improve system-wide leadership and oversight of the waste and recycling sector. This will address the findings of several reviews that have noted these weaknesses in the current Victorian system. Under the current arrangements, seven Waste and Resource Recovery Groups (WRRG) co-ordinate and facilitate the delivery of waste and recycling across their regions. Each WRRG has its own board, its own staff and its own approach to working with local councils and businesses in its region. Many waste and recycling businesses and local councils have struggled to understand the different roles and responsibilities of the WRRGs and other government agencies. In addition, the global and multi-faceted challenges facing the waste and recycling sector require a streamlined and integrated approach, with a strong focus on market stabilisation and state-wide policy goals. Accordingly, the WRRGs will be wound up through an amendment to the *Environment Protection Act 2017*.

In establishing Recycling Victoria and winding up the WRRGs, I want to stress that the Bill provides for the transfer of employment of all WRRG staff. This transfer means the new regulator will retain the regional presence, experience and expertise of those staff. The Head will be a statewide regulator with a regional focus and will work alongside local governments and within regional communities, and will be able to work within the existing regional offices of DELWP to ensure a continued regional presence.

### Functions and Powers

Part 2 of the Bill sets out the functions and powers of the Head which enable and empower the Head to oversee, and anticipate and mitigate risks to, the stability of local waste and recycling markets. These include to:

- provide leadership, stewardship and oversight of the new Container Deposit Scheme
- develop and implement strategies and plans to foster sustainable, resilient and effective markets within a circular economy.
- identify, monitor, manage and mitigate risks in the waste and recycling sector
- oversee and build capacity for municipal waste and recycling service delivery, through supporting local government in the development and management of their procurement, and facilitating strategic procurement for groups of councils
- enforce service standards for quality and performance of waste or recycling services
- collect, manage and publish information and data
- carry out inquiries on the Head's own initiative and as directed by the Minister, and
- monitor and enforce compliance with the requirements under this Bill.

These powers and functions are designed to ensure Recycling Victoria is empowered to carry out its regulatory oversight role while remaining flexible, adaptive and responsive to government priorities and emerging markets, innovations and risks.

### Mandatory Reporting Requirements

In 2019, the Victorian Auditor-General found that Victorian waste data is incomplete, inaccurate and unreliable. High-quality data is needed to understand the flow of materials through the system and identify market risks and opportunities. Better data would enable all levels of government and the industry to better predict, plan for and respond to many of the issues identified in the waste sector.

The current legislative framework does not provide the Victorian Government and the sector with the tools they need to successfully identify issues and intervene to address market failures in the waste and recycling system. In the absence of these tools, the Victorian Government has had to reactively step in to stabilise the market and provide support.

There is currently no requirement to track or monitor the flow of materials segregated for recycling after these are sent to recovery or reprocessing facilities. Councils and waste reprocessing operators provide data voluntarily, but it is incomplete, its reliability varies, and there is no process to ensure that data collection is standardised and verified.

This Bill establishes a data collection and reporting framework, which is set out in Part 3 of the Bill. The Head will be empowered to establish and manage a centralised data and information system. Regular, periodic mandatory data collection will be required from councils and other key industry participants in the sector such as waste storage facilities and material recovery facilities. The Head will also have the power to request information on an ad hoc basis from a broader group of entities where this is useful for the Head to gain a full picture of the state, stability and operation of the waste and recycling sector. This category of "occasional

reporting entities” will be prescribed by regulations and subject to consultation. It may, for example, include certain participants in the Container Deposit Scheme (CDS).

This proposed regime will enable the Head to gather and publish information from industry participants to improve oversight of the waste and recycling market and anticipate and responding to market issues. Better and more comprehensive data will also enhance community confidence in the sector in being able to report how much material is being recycled and where it ends up. Data collection and reporting will improve transparency and accountability of the market to lift performance. It will also inform government policy, programs and evaluation, including understanding what outcomes are being achieved for the Victorian community.

#### **Household Municipal Waste and Recycling Services and Mandatory Business Sorting**

The Bill will create a legislative obligation on councils and alpine resort management boards to provide households in their local area with municipal solid waste and recycling services. This obligation is contained in Part 5 of the Bill.

Consistent with the Victorian Government’s kerbside reforms in *Recycling Victoria*, services will be defined as, at a minimum, four waste streams—food and garden organics, glass, comingled recyclables and residual waste. This legislative clarity is an important prerequisite for establishing state-wide consistency and standards for these services. Exceptions and exemptions will provide flexibility for alternatives to kerbside collection (for example, neighborhood drop off points and home composting) where appropriate. The intent is to support equitable access to best practice recycling across a diversity of home dwellings in metropolitan, rural and regional Victoria. The obligation on councils will also provide for exemptions to support the existing context of service delivery across local government areas, such as where owners’ corporations provide services in some multi-unit developments.

These reforms will be implemented gradually, with the Victorian Government supporting the rollout of new services from 2021. It is expected that all Victorians will have a new glass service by the end of 2027 and food and garden organics service by the end of 2030.

These obligations will substantially improve the value of materials Victorians recycle, including paper and glass. It will divert a large amount of waste from landfill. Giving all Victorian households access to a combined food and garden waste services will divert up to 650,000 tonnes of organic waste from landfill each year and significantly reduce greenhouse gas emissions associated with disposing of organic waste in landfill. These measures deliver on the Victorian Government’s commitment in its waste sector pledge, issued under the *Climate Change Act 2017*, to improve ways households and communities recycle and manage their waste through the rollout of a four-bin kerbside waste system and by lifting the performance of our waste and recycling sector to support more effective sorting of recyclables.

Consistent with the Victorian Government’s reforms in *Recycling Victoria*, this Bill includes a head of power for new regulations to be developed requiring mandatory sorting by businesses by 2025, to separate recyclable and organic material from unrecoverable wastes. This will provide greater consistency in services for the public, increase the quality of material collected from businesses and divert waste from landfill. These requirements will be developed in consultation with businesses and the community.

#### **Service Standards for the Waste, Recycling and Resource Recovery Sector**

Part 5 of the Bill will empower the Minister to set standards that councils and industry participants must comply with. Standards will be a key regulatory lever to ensure that all Victorians receive consistent services that meet community expectations, to set performance requirements for councils and key industry players, and ensure optimum sorting across households and facilities, driving Victoria’s circular economy.

The Bill will enable standards to be set and enforced for all providers of waste, recycling or resource recovery services and for all waste streams (municipal solid waste, commercial and industrial waste and construction and demolition waste). Initial standards are expected to focus on how the four service streams are to be delivered by councils and alpine resort management boards and will be made through subordinate legislation following consultation with industry and councils. Further standards for other waste streams will be developed subsequently, in consultation with industry.

#### **Container Deposit Scheme**

Part 6 of the Bill establishes Victoria’s CDS. The scheme will prioritise community convenience to promote high consumer participation and container return rates. It will improve recycling, reduce Victoria’s litter by up to half and create a clean, valuable stream of materials for recycling and use in local manufacturing. Our scheme is a win for the environment and for all Victorians.

Analysis of other schemes across Australia and overseas shows that the cash incentive together with an easy, accessible, and convenient network of collection points are critical to success.

To deliver on these criteria and ensure accountability and transparency, the Bill introduces a split responsibilities governance model for Victoria's CDS. A single scheme coordinator will manage the administrative and financial elements of the scheme and will be incentivised to manage the scheme as efficiently as possible to keep costs down.

Network operators will manage the beverage container collection infrastructure. Network operators will be paid on a per-container-collected basis, creating a direct market incentive for network operators to collect as many containers as possible. This model promotes the establishment and maintenance of a convenient, accessible, and reliable network of collection points across Victoria.

Victoria's CDS will create a high-quality and high-value stream of material for reuse and remanufacturing. The materials that are collected from our scheme offer greater opportunities to turn empty containers into new products right here in Victoria.

Community groups, charities and sports groups will be able to benefit from Victoria's CDS. These groups can fundraise through the scheme by initiating collection drives or operating a container collection point as a commercial operation. Additionally, our scheme will make it easy for Victorians to donate their 10-cent refund to their preferred charity or community group, further supporting these important organisations.

The CDS will deliver shared benefits for the community, our environment and Victoria's economy, including economic development for regional Victoria and employment opportunities for disadvantaged groups.

While it may be tempting to focus only on the many benefits the container deposit scheme will bring for all Victorians, we must also acknowledge a related problem we are setting out to solve.

Litter and pollution harm our health, our wildlife, and our environment. In Victoria we know that beverage container litter makes up almost half of all litter. It is a significant problem that requires a considered and strategic solution. Victoria's CDS provides a financial incentive for Victorians to prevent litter and be rewarded for recycling. As more containers are returned, there will be less litter and waste in the environment and more money in the pockets of those who participate in the CDS.

In accordance with the principle of product stewardship, Victoria's CDS will be funded by the beverage industry. Beverage suppliers deemed to be 'first suppliers' in the Victorian market under Part 6 Division 6 of the Bill will be required to pay into the scheme via an in-areas payment model. During consultation the beverage industry indicated it strongly prefers this model over an in-advance payment model and it is an approach consistent with most Australian schemes. This payment model means the scheme coordinator needs a large 'float' to cover scheme costs for the first few months of operation, ensuring there is sufficient funding available for refunds in the early days of the scheme, until beverage supplier payments are flowing smoothly.

The Victorian Government will provide a loan to the scheme coordinator, as this will minimise financial pressure on industry and particularly on small beverage companies, many of which have been significantly impacted by the effects of the pandemic.

Other scheme design choices, such as refund amount and eligible containers, will align with other Australian schemes for harmonisation across the states, keeping things simple for consumers, as well as reducing compliance costs and regulatory burden for beverage suppliers operating across multiple jurisdictions.

### **Compliance and Enforcement**

Part 7 of the Bill gives the Head a range of powers and tools to adequately discharge his or her regulatory activities. These powers and tools are essential for Recycling Victoria to be a credible and effective regulator; drive industry accountability; deliver tailored and proportionate regulatory responses; and intervene to respond to risk and deliver government's objectives.

Recycling Victoria will coordinate and work with other government entities including the Environment Protection Authority (EPA), Sustainability Victoria and councils. These entities have differing, but complementary, roles to Recycling Victoria. It will oversee the performance of the waste and recycling sector, and have a transparency, market stability and longer-term circular economy focus, while the EPA will continue with its mandate to protect the environment and people by preventing and reducing harm from pollution and waste.

The Head's enforcement powers include an ability to carry out audits; issue improvement and prohibition notices; accept enforceable undertakings; prosecute and issue penalty notices for relevant offences; and publish outcomes of audits and compliance with standards.

### **Engagement with Local Government, Industry and Regional Communities**

This Bill is a significant reform that will affect every household in Victoria, as well as each council and alpine resort management board and the broader waste, recycling and resource recovery sector. The input and collaboration of these sectors is critical to the successful and smooth implementation of the Bill. Accordingly, the Bill includes a number of mechanisms to ensure effective engagement.



The Head will be required to prepare and publish a Charter of Engagement and a supporting and more detailed engagement strategy setting out how the Head intends to consult and engage with councils, industry, regional communities and traditional owners.

The Bill also provides for the Minister to establish advisory committees, including a minimum of one standing committee with members that have regional and local government experience. This will give a voice to a range of stakeholders across Victoria, including industry, community groups and traditional owners. This standing committee will consider and report on regional issues as a priority.

The ongoing advice of the standing committee will complement the role of Recycling Victoria, which will be closely engaged with regional industry and councils and will maintain a regional presence.

In addition, I intend to establish a local government advisory committee to advise the Head on the new functions, how these arrangements impact and can benefit councils, and how the set up of Recycling Victoria can ensure effective relationships with local governments across the State.

The Minister is also able to establish ad hoc committees to address specific issues or engage with particular sectors or communities on matters that affect them. In this way, the Minister and Head will be able to draw upon the expertise and experience of regional communities, councils and industry to inform the administration of the legislation.

### **Conclusion**

The Victorian Government has committed to pursuing an ambitious waste and recycling agenda. This is a major transformational reform, built on community and industry consultation over a number of years.

This Bill delivers a comprehensive, consistent and enforceable approach to oversee and support the delivery of waste, recycling and resource recovery services across Victoria. This will give confidence and clarity to householders that their efforts to sort and recycle will minimise waste and maximise resource recovery. This Bill lays the foundation for a stronger and more resilient recycling system and for Victoria to transition to a circular economy which will support thousands of Victorian jobs while protecting the environment.

I commend the Bill to the house.

**Mr ROWSWELL** (Sandringham) (10:10): I move:

That the debate now be adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned for two weeks. Debate adjourned until Thursday, 11 November.**

## **EQUAL OPPORTUNITY (RELIGIOUS EXCEPTIONS) AMENDMENT BILL 2021**

### *Statement of compatibility*

**Ms HUTCHINS** (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (10:11): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Equal Opportunity (Religious Exceptions) Amendment Bill 2021.

### **Opening paragraphs**

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter), I make this Statement of Compatibility with respect to the Equal Opportunity (Religious Exceptions) Amendment Bill 2021.

In my opinion, the Equal Opportunity (Religious Exceptions) Amendment Bill 2021, as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

### **Overview**

The *Equal Opportunity Act 2010* (EO Act) prohibits discrimination on the basis of specified personal attributes in certain areas of public life, such as employment, education and the provision of goods and services. The EO Act also sets out exceptions to discrimination protections, which recognise that discrimination may be justified in certain circumstances. These exceptions set out circumstance in which conduct that would otherwise fall within the definition of discrimination is lawful.

Sections 82(2), 83 and 84 of the EO Act currently provide for exceptions from anti-discrimination protections for the conduct of religious bodies, schools and individuals in all areas of public life covered by the act. These exceptions allow religious bodies, schools and individuals to discriminate on the basis of a person's religious belief or activity, sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity.

The Bill will:

- introduce a narrow 'inherent requirements' test into sections 82(2) and 83, to limit the ability of religious bodies and educational institutions to discriminate in the area of employment, and to allow reasonable and proportionate discrimination only on the basis of a person's religious belief or activity;
- narrow the religious exceptions for religious bodies that provide government funded goods and services (section 82) and religious educational institutions (section 83), to allow reasonable and proportionate discrimination based on a person's religious belief or activity; and
- remove section 84, which provides an exception from discrimination that religious individuals can rely on.

### **Human Rights Issues**

The Bill engages several rights under the Charter.

The Bill promotes the right to recognition and equality before the law (section 8); the right to life (section 9); the right to privacy (section 13); and the right of children to protection in their best interests (section 17).

The Bill limits the right to recognition and equality before the law (section 8); the right to privacy (section 13); the right to freedom of thought, conscience, religion and belief (section 14); the right of children to protection in their best interests (section 17) and cultural rights (section 19(1)).

Under the Charter, rights can be subject to limits that are reasonable and justifiable in a free and democratic society based on human dignity, equality and freedom. Rights may be limited in order to protect other rights. The Charter is a 'living instrument', and limitations that may once have been viewed as compatible with human rights may become incompatible over time as community attitudes and standards change.

The Bill involves a balancing of rights recognised by the Charter. By narrowing yet retaining key aspects of religious exceptions, the Bill strikes a fairer balance between rights protected by the Charter.

### **Right to recognition and equality before the law**

Section 8 of the Charter provides that every person has the right to enjoy their human rights without discrimination. It also provides that every person is equal before the law, is entitled to the equal protection of the law without discrimination, and has the right to equal and effective protection against discrimination.

Justice Bell, in *Lifestyle Communities Ltd (No 3) (Anti-Discrimination)* [2009] VCAT 1869 [277] noted the equality rights in section 8 are 'the keystone in the protective arch of the Charter', and the fundamental value underlying the right to equality is the 'equal dignity of every person'. To treat somebody differently because of a specified attribute can undermine personal autonomy and self-realisation.

The Bill promotes the right to equality by amending the religious exceptions in the EO Act to remove the ability for religious bodies and educational institutions to discriminate on the basis of a person's sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity in employment, education and the provision of goods and services.

This will mean that religious organisations and educational institutions will be unable to fire or refuse to hire LGBTIQ+ people, single parents or women based on these attributes. It will also mean that educational institutions will be unable to discriminate against LGBTIQ+ students (and other students with protected attributes), including in admission, expulsion and suspension. Religious organisations will not be able to discriminate on these attributes in the provision of government-funded goods and services. This will ensure that LGBTIQ+ people can access government funded goods and services, including essential services provided by faith-based charities, without discrimination, promoting and protecting the right to equality.

Finally, the Bill removes the ability for religious individuals to discriminate on the basis of religious belief or activity, sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity. This exception is rarely relied upon, but the potential breadth of the exception fails to adequately balance the right to equality with the right to freedom of religion. Removing this provision ensures that the law recognises the right to equality of LGBTIQ+ people and other individuals who currently face discrimination.

However, the Bill also limits the right to equality by allowing religious organisations and educational institutions to continue to discriminate against individuals on the basis of a religious belief or activity (a protected attribute under the EO Act) in employment, education and the provision of government-funded goods and services.

The purpose of this limitation is to protect the ability of religious organisations and educational institutions to demonstrate their religion or belief as part of a faith community, and exclude individuals who do not share their faith. The formation of religious schools and organisations is an important part of an individual's right to enjoy freedom of religion with other members of their community.

The Bill narrows the tests for discrimination on the basis of religious belief or activity, to ensure that this limitation does not extend further than is reasonably necessary to protect the right to freedom of religion.

In employment, the Bill provides that a religious organisation or educational institution can only lawfully discriminate on the basis of religious belief or activity if conformity with the doctrines, beliefs or principles of the religion is an inherent requirement of the particular position, the person cannot meet that inherent requirement because of their religious belief or activity, and the discriminatory action is reasonable and proportionate. This replaces the current blanket exception with an exception that is tailored to the specific position and restricts the discrimination to only those positions where it is necessary.

The requirement for the proposed discriminatory action to be reasonable and proportionate also means the test balances the rights and interests of the individual and the religious organisation or educational institution. This flexibility ensures the test is the least restrictive means to achieve the purpose of protecting the right to freedom of religion.

#### Right to life

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

In *PBU & NJE v Mental Health Tribunal* (2018) 56 VR 141, 169 Justice Bell noted that this right encompasses a positive obligation to protect individuals from arbitrary death. Under international law this includes taking adequate measures to prevent suicide, especially among individuals who are particularly vulnerable.

Young LGBTIQ+ people experience more bullying and have a much higher risk of mental illness and suicidal behaviours than their peers. Discrimination and prejudice are key factors in increasing the risk of mental illness and undermining well-being. The Bill promotes the right to life of LGBTIQ+ students by removing the ability for religious schools to discriminate on the basis of sexual orientation or gender identity.

#### Right to privacy

Section 13(a) of the Charter provides that every person has the right not to have their privacy unlawfully or arbitrarily interfered with. The right to privacy protects individuals from unjustified interferences with their private lives and social identity, including their sexual identity. The value of this right focuses on the protection of a person's private sphere from unjustified intrusion by public authorities.

In *ZZ v Secretary, Department of Justice* [2013] VSC 267 [87], Justice Bell noted that there is an 'intrinsic connection between employment, dignity and the private life of individuals'. Restrictions on employment could limit the right to privacy if they impact sufficiently on the personal relationships of an individual and their ability to experience a private life.

The Bill promotes the right to privacy by removing the ability of religious organisations and schools to discriminate on the basis of sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity in employment. Teachers and other employees at religious organisations and educational institutions should not need to hide their identity in order to avoid risking their livelihoods.

However, the Bill also limits the right to privacy by allowing religious organisations and educational institutions to continue to discriminate against individuals on the basis of a religious belief or activity (which could also form part of a person's private life) in employment.

The purpose of this limitation is to protect the ability of religious organisations and educational institutions to demonstrate a religion or belief as part of a faith community, and exclude individuals who do not share their faith. The formation of religious schools and organisations is an important part of an individual's right to enjoy freedom of religion with other members of their community.

The Bill narrows the test for discrimination on the basis of religious belief or activity, to ensure that this limitation does not extend further than is reasonably necessary to protect the right to freedom of religion. The test ensures that the interests of the individual and rights of the religious organisation or educational institution are both considered. This flexibility ensures that that test is the least restrictive means to achieve the purpose of protecting the right to privacy.

#### The right to freedom of thought, conscience, religion and belief

Section 14 of the Charter provides that every person has the right to freedom of thought, conscience, religion and belief. This includes the right to adopt a religion or belief and to demonstrate religious belief in worship, observance, practice and teaching, either individually or as part of a community, in public or in private. The

formation of religious schools and organisations is part of an individual's right to enjoy freedom of religion with other members of their community.

While the right to have or adopt a religion or belief is a matter of individual thought, and considered to be absolute, the right to demonstrate religion or belief impacts others and is therefore subject to reasonable limitations.

As the Victorian Court of Appeal noted, in *Christian Youth Camps Ltd v Cobaw Community Health Services Ltd* (2014) 50 VR 256, the structure of the EO Act reflects the fact that the right to demonstrate a religious belief may be limited where it is necessary to protect the rights of others. The balancing of these rights does not involve privileging one right over the other, but a recognition that rights coexist.

The religious exceptions in the EO Act are intended to limit the right to equality in circumstances that are justified and reasonable. The purpose of these religious exceptions is to protect the right to freedom of religion and belief, and, in particular, the freedom to demonstrate a religion or belief in practice and teaching, as part of a community. This protection is important in a pluralistic society that values freedom of religion.

However, the current breadth and scope of the religious exceptions go further than is reasonably necessary to protect the right to freedom of religion and belief.

The Bill addresses this by narrowing and removing exceptions for religious bodies and educational institutions, limiting their ability to discriminate when making employment decisions, providing government-funded goods and services and in relation to students.

This limits the right to freedom of religion—in particular, the freedom of individuals to demonstrate a religion or belief in practice and teaching, as part of a community, by restricting their ability to maintain a social setting based on their religious beliefs. However, as outlined below, these limitations are reasonable and justified, as they are necessary to protect the rights of others.

Importantly, the Bill does not affect section 82(1) EO Act, which provides an exception in relation to appointment to a religious order, training for that purpose, and the selection of people to perform/participate in religious functions. Section 82(1) offers considerable protection for freedom of religion.

#### *Narrowing religious exceptions in employment*

The Bill removes exceptions allowing religious organisations and educational institutions to discriminate in employment on the basis of sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity. This amendment is necessary to protect the rights to equality and privacy of staff and is consistent with contemporary community attitudes and standards, which support removal of discrimination against individuals on the basis of attributes such as sexual orientation and gender identity.

The Bill retains the ability for religious organisations and educational institutions to discriminate in employment on the basis of a person's religious belief or activity, where it is an inherent requirement of a particular position and the proposed discriminatory action is reasonable and proportionate in the circumstances. This allows religious organisations and educational institutions to select staff based on their religious beliefs, where the particular role requires this, preserving their right to freedom of religion.

The Bill's approach, which requires a religious organisation or educational institution to determine whether proposed discrimination is necessary to the particular role, reasonable and proportionate in each instance (as opposed to the current blanket exception), is a more appropriate balancing of competing rights. It places the focus of the test on the particular position and the need for the exception, rather than an application of a general policy which allows broad discrimination. It is the least restrictive means available which protects both the organisation's right to freedom of religion with the rights of individuals to non-discrimination.

In the area of employment, it is fair and reasonable to ask religious bodies and schools to demonstrate the necessary connection between their religious beliefs and the need to discriminate against a person based on their religious beliefs or activities. Restricting a person's ability to obtain or retain employment on the basis of personal attributes is a substantial limitation on that person's right to non-discrimination and privacy.

This Bill's test will require consideration of whether an employer's decision, for example, to terminate a person's employment is a reasonable and proportionate response, having regard to the particular facts and circumstances of the case, including the impact of the decision on the employee, the nature and extent of the person's non-conformity with the religious beliefs, doctrines or principles and whether there are alternative and more appropriate options available to the employer.

The inherent requirements test better balances the rights to equality and privacy with the right to religious freedom, so that all can be appropriately recognised and enjoyed. While continuing to recognise the important role played by religious bodies and educational institutions in Victoria, the inherent requirements test will ensure that the large number of people employed by, or seeking to be employed by, these organisations are better protected from discrimination.

*Narrowing the religious exception for government-funded goods and services*

The Bill also narrows the operation of the religious exception available for religious bodies in the provision of government-funded goods and services, so that discrimination is only allowed on the basis of a person's religious belief or activity (and not their sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity); and where it is reasonable and proportionate based on the circumstances of the case.

The exception is only proposed to be narrowed in relation to government funded goods and services, not services generally.

In *Christian Youth Camps Ltd v Cobaw Community Health Services Ltd* (2014) 50 VR 256, 365 the Victorian Court of Appeal noted that, under international law, restrictions on commercial activities, such as the provision of goods and services, are less likely to unjustifiably interfere with the right to demonstrate a religious belief than other activities which form part of the core element of the right, such as religious worship.

This amendment removes the ability of religious bodies to discriminate in the provision of government-funded goods and services on the basis of other attributes, including sexual orientation or gender identity. This will mean, for example, that a religious body that receives government funding to provide counselling services could not refuse to provide counselling services to people based on their sex, sexual orientation, and other protected attributes (only on the basis of the would-be recipient's religious belief or activity).

This amendment will ensure that Victorians can access government funded goods and services, including essential services provided by faith-based charities, without discrimination, promoting and protecting the right to equality. As the Victorian government cannot rely on any exceptions in its provision of goods and services it is reasonable that organisations that provide goods and services on the government's behalf be held to similar standards.

Religious organisations will continue to be able to discriminate in the provision of government-funded goods and services on the basis of belief, so the amendments will not require organisations to provide services to people of other religious if it conforms with the religious doctrines, beliefs or principles or is reasonable necessary to avoid injury to religious sensitivities and it is reasonable and proportionate in the circumstances.

The Bill's approach, which requires a religious organisation to determine whether the proposed discrimination is reasonable and proportionate in each instance, is a more appropriate balancing of the competing rights of members of the religious organisation to provide its services based on religious beliefs, and the right to individuals not to experience discrimination on the basis of their religious belief. It is the least restrictive means available which protects both the organisation's right to freedom of religion with the rights of individuals to non-discrimination.

*Narrowing the religious exception for educational institutions*

The Bill also narrows the operation of the religious exception available for religious educational institutions, so that discrimination is only allowed on the basis of a person's religious belief or activity (and not their sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity); and where it is reasonable and proportionate based on the circumstances of the case.

This removes the ability of religious schools to discriminate against LGBTIQ+ students in the administration of the school, including admission, suspension and expulsion of students. This promotes the rights of students to non-discrimination and protection in their best interests.

Importantly, the Bill will not prevent single sex religious schools from continuing to exclude students who are not of a particular sex, as the amendments do not affect the operation of section 39 of the EO Act. The Bill will also not prevent single sex religious schools from relying on section 26 of the EO Act, which allows employers to only employ people of one sex if it is a genuine occupational requirement.

Religious educational institutions will continue to be able to discriminate in the course of establishing, directing, controlling or administering the institution on the basis of religious belief, if it conforms with the religious doctrines, beliefs or principles or is reasonably necessary to avoid injury to religious sensitivities and it is reasonable and proportionate in the circumstances. This preserves the ability of religious educational institutions to select students on the basis of the school's religion, while also incorporating consideration of the impacts of a particular decision on the student involved. It is the least restrictive means available which protects both the organisation's right to freedom of religion with the rights of students to non-discrimination.

*Removal of the religious exception for individuals*

Finally, the Bill removes section 84, which allows individuals to discriminate against another person on the basis of that person's religious belief or activity, sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity, if the discrimination is reasonably necessary for the individual to comply with the doctrines, beliefs or principles of their religion.

The removal of this exception is justified in order to protect the right to equality. Victoria is the only state in Australia to have such a provision. This provision has limited practical effect due to the operation of section 109 of the EO Act, which allows for vicarious liability. Therefore, complaints are most likely to be brought against organisations (to which other exceptions are available) rather than individuals.

The removal of this exception may limit the rights of some individuals who provide goods or services outside of an organisation. For example, doctors may be prevented from relying on this exception to refuse to provide medical treatment on religious grounds based on a person's personal attributes. However, Australian law allows for conscientious objections through specific, legislated provisions in special circumstances, such as for medical professionals in relation to abortion and voluntary assisted dying, as well as laws relating to religious marriage celebrants who do not wish to perform same-sex marriages. These laws are carefully tailored to the specific circumstances and generally include protections for those impacted, such as requirements to refer a patient to another medical practitioner. It is more reasonable and proportionate to allow for particular religious exceptions for individuals in specific circumstances, rather than a broad exception such as section 84, which does not consider the rights of, or provide protections for, those subject to discrimination.

Section 84 is very rarely relied upon as most forms of discrimination occur in relation to people who work for religious bodies or schools, who will be able to continue relying on the amended sections 82 and 83. Nonetheless, it is important to remove this section, which provides a broad exception to discrimination on a number of attributes to ensure that the law is in line with community standards.

#### Protecting the best interests of children

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests.

This right recognises the special vulnerability of children and requires that the views of the child be taken into account when determining what is in their best interests.

Determining what is in the best interests of the child depends on the individual circumstances of the child and includes protection of their rights, including the rights of LGBTIQ+ children and girls to be protected from discrimination, and promotion of children's safety and wellbeing, including their mental health.

The current exceptions allow religious educational institutions, including schools, to discriminate against students who are LGBTIQ+, female, or unmarried parents. This overrides other protections in the EO Act preventing schools from discriminating in the admission of students, expulsion and other denial of benefits.

Young LGBTIQ+ people experience more bullying and have a greater risk of mental illness and suicide than their peers. Discrimination increases the risk of mental illness and undermines well-being. The Bill would remove the ability for religious schools to discriminate on the basis of sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity and would therefore promote the rights of students to protection in their best interests.

#### Cultural rights

Section 19(1) of the Charter provides that all persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with others of that background, to enjoy their culture and declare and practice their religion.

While this is an individual right, it recognises the importance of individuals being able to enjoy their culture and religion in community with others who share their cultural background. This right protects and promotes Victoria's cultural, religious, racial and linguistic diversity, which enriches the fabric of society as a whole.

There is significant overlap between this right and the right to freedom of religion. Like the right to freedom of religion, it is unlikely that limitations on the right to *declare* a religion would be permitted, however, the right to *practice* a religion impacts others and is therefore subject to reasonable limitations.

The Bill limits cultural rights by limiting the way in which people with a particular cultural, religious, racial or linguistic background can practice their religion as a community through maintaining social settings based on their religious beliefs. These limitations will affect cultural and religious groups that wish to run religious organisations or educational institutions in line with their religious beliefs. The Bill limits the rights of religious bodies to discriminate in employment, the management of religious educational institutions and the provision of government-funded goods and services. In particular, the Bill amends the EO Act to only allow discrimination in these areas on the basis of a person's religious belief or activity (and not their sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity).

As there is significant overlap between cultural rights and the right to freedom of religion, the limitations discussed in relation to the right to freedom of religion right also apply to this right. The limitations on cultural rights are reasonable and justified, as they are necessary for the important purpose of protecting the rights of

individuals who may be subject to discrimination, including their rights to equality and non-discrimination, life, privacy, and the right of children to protection in their best interests.

Religious bodies and educational institutions will continue to be able to discriminate on the basis of religious belief or activity where it is an inherent requirement of a role (for employment matters), and where it is reasonable and proportionate in the circumstances. These exceptions continue alongside other exceptions and exemptions in the EO Act that may apply. For example, single sex religious schools can continue to exclude students who are not of a particular sex under section 39 of the EO Act, employers can continue to only offer employment to people of one sex if it is a genuine occupational requirement under section 26 of the EO Act and organisations can apply to the Victorian Civil and Administrative Tribunal for an exemption under section 89 of the EO Act.

These exceptions ensure that individuals can continue to practice their religion in community with other members of their cultural or religious groups and exclude individuals who do not share their faith. The limitations placed on cultural rights by this Bill therefore do not extend further than is reasonably necessary to protect the rights of others.

As discussed in this Statement of Compatibility, all of the limitations in the Bill are reasonable and justified.

**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) (10:12): 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:**

I am proud to introduce the Equal Opportunity (Religious Exceptions) **Amendment Bill 2021**, which delivers on the Government's election commitment to limit religious exceptions under the **Equal Opportunity Act 2010** and better protect Victorians from discrimination.

The Andrews Labor Government is committed to equality for all Victorians. This Bill will better protect LGBTIQ+ and other Victorians against discrimination, particularly in schools and in the workplace. It makes clear that discrimination against LGBTIQ+ Victorians based on who they are, or who they love, is not acceptable.

Currently, our equal opportunity laws give religious organisations broad scope to discriminate when hiring and firing, and when deciding who they will provide services to. It is clear that these exceptions for religious organisations are far too broad and fail to prevent inappropriate discrimination on the basis of a person's sexuality, gender identity or many other protected characteristics.

The changes that this Bill makes around employment in schools will not only protect staff, but also send a strong message to students and the broader school community that everyone deserves to be treated equally. It's important for students, including students who may be struggling with their identity, to see that their teachers—all of them—are treated with dignity and respect.

I want to be clear that the Andrews Labor government is committed to preserving the fundamental rights of religious bodies and schools to practice and teach their faith, and to shape their religious ethos. Importantly, these reforms recognise the needs of religious schools to teach the tenets of their religion, set the religious ethos of their school, and support students in their faith. The Bill will limit the ability of a religious school or body to discriminate on the basis of certain protected attributes, when employing staff, running schools and providing services. The Bill will require that decisions made on the basis of a religious belief, and which may amount to discrimination, be justified, reasonable and proportionate.

This legislation follows legislation that we introduced in 2016, to reinstate protections for LGBTIQ+ Victorians that were removed by the former Coalition government. We re-iterated our commitment to remove this discriminatory barrier for LGBTIQ+ Victorians as part of the 2018 election. This Bill delivers on that pledge, and I'm glad to say that this Bill will set a new standard for anti-discrimination protections in Australia.

The Government has consulted with faith groups, LGBTIQ+ groups, education peak bodies and other members of our community on this Bill. It is not surprising that we heard a range of views on how our anti-discrimination laws should apply to religious organisations. Many felt the reforms in this Bill do not go far enough. Some faith groups said that forms of discrimination which are permissible under current exceptions are contrary to their religious teachings and principles. For these faith leaders, as with many ordinary people of faith, the law should not give credence to any suggestion that their religion endorses discrimination. For them, religious bodies should operate by the same rules as everyone else. However, I recognise that faith communities have different views on what is required by religious principles. This Bill will give religious bodies the ability to operate in accordance with their interpretation of their religion, yet within limits that are reasonable and proportionate.

I will turn now to the specific reforms in the Bill.

#### *Discrimination in employment by religious bodies and schools*

The Bill will remove the ability for religious bodies and schools to discriminate against an employee, or potential employee, because of their sex, sexual orientation, lawful sexual activity, marital status, parental status, or gender identity. The ability to discriminate on these grounds has left teachers and other employees at religious schools in fear of being “outed” to their employers, putting at risk their livelihoods and careers. No one who is diligently performing their job should face the stress and anxiety of being discriminated against for reasons that have nothing to do with their work duties.

Religious bodies and schools that wish to discriminate in employment will still be able to do so in appropriate circumstances based on a person’s religious beliefs or activities. The Bill creates a new test for employment by religious bodies and schools, which only allows discrimination if the following three elements are all satisfied:

1. Conformity with the doctrines, beliefs or principles of the religion is an inherent requirement of the job;
2. A person cannot meet that inherent requirement because of their religious belief or activity; and
3. The discriminatory action proposed to be taken against the person is reasonable and proportionate based on the circumstances of the case.

I will discuss each of these three elements separately.

#### Inherent requirements

The first element requires that conformity with the doctrines, beliefs or principles of the religion be an inherent requirement of the job. The inherent requirement test (sometimes called the “genuine occupational requirement” test) is a well-understood concept used in almost all discrimination legislation across Australia, as well as internationally. All employers in Victoria, including religious bodies and schools, already need to apply an inherent requirements test for employment in relation to disability discrimination.

The inherent requirements test provides a flexible approach for religious bodies and schools, recognising the diversity among these organisations in Victoria. Whether conformity with the doctrines of a particular religion is an inherent requirement of a role will depend on the context of the school, how it practices its religion and the nature of the specific role.

In most religious schools it would be an inherent requirement of a religious education position that employees must closely conform to the doctrines, beliefs or principles of the school’s religion. On the other hand, a support position, such as a gardener or maintenance worker, is unlikely to have religious conformity as an inherent requirement of their role.

Religious schools may set the inherent requirements of various roles in accordance with their ethos and approach. For instance, some schools may require a wide range of teaching staff to have religious pastoral roles, in which strict doctrinal conformity is required. Others may designate specific positions as largely responsible for conveying religious beliefs, such as chaplains. Many will require executive staff to conform to the religion more closely than other staff. Religious bodies and schools can meet the inherent requirements test by considering the importance and extent of religious conformity required by each role in the context of their overall operations.

The inherent requirements test must be assessed based on the role in practice, rather than how it is described on paper. For example, a religious school may state in a job description that conformity with certain religious doctrines is an inherent requirement of a role, for teachers who lead religious devotions. However, if a teacher is never required to lead devotions, it is unlikely that the religious beliefs could be shown to be a genuine inherent requirement of their role. This highlights that inherent requirements must be assessed based on how the job is actually performed, rather than requirements which are simply asserted to be necessary.

Another important factor in determining whether conformity with religion is an inherent requirement of a role is to consider how the requirement is applied to other employees with similar roles at the religious body or



school. For example, a religious school may state that it is an inherent requirement of all teaching positions that conformity with the religion of the school is required because all teachers carry pastoral care duties. However, it may be that for various reasons, the school hires several teachers who are unable to meet this inherent requirement. This would suggest that religious conformity may not be an actual inherent requirement of the teaching roles. While the school may prefer that its teachers conform with the religion, the test is not about preference, but a genuine inherent requirement in practice.

#### Religious belief is inconsistent with the role

The second element of the test requires that a person cannot meet the inherent requirement because of their religious belief or activity. This is only relevant where it has first been established that conformity with religion is a genuine inherent requirement of a role.

There is a difference between a person possessing a protected attribute, as distinct from a person holding a religious belief about a protected attribute. It is useful to provide several examples of what does not constitute a religious belief under the **Equal Opportunity Act 2010**. A person being gay is not a religious belief. A person becoming pregnant is not a religious belief. A person getting divorced is not a religious belief. A person being transgender is not a religious belief. Under the Bill, a religious body or school would not be able to discriminate against an employee only on the basis that a person's sexual orientation or other protected attribute is inconsistent with the doctrines of the religion of the religious body.

Many religions have specific beliefs about aspects of sex, sexuality, and gender. For example, some religions believe marriage should only be between people of the opposite sex. If a particular religious belief about a protected attribute is an inherent requirement of the role, and a person has an inconsistent religious belief, it may be lawful for the religious organisation to discriminate against that person. However, in order to be lawful any discrimination would need to be applied in a consistent manner across all employees.

#### Reasonable and proportionate

The final element of the test requires that the discriminatory action proposed to be taken is reasonable and proportionate based on the circumstances of the case. This element is designed to provide stronger protection against discrimination on the basis of a person's religious belief than an inherent requirements test alone. A religious body or school must consider whether the proposed discriminatory action—such as refusal to hire, denying access to development opportunities or promotions, or dismissal—is reasonable and proportionate given what is needed in the specific role. In making this assessment, religious bodies or schools will need to think about, among other things, the nature of the role, the nature and extent of the inconsistency of the employee's belief, the consequences for both the employee and the employer should the discriminatory action happen or not happen, and whether there are any other responses available to the employer. Importantly, this aspect of the test requires employers to consider whether dismissal, for example, is a reasonable and proportionate course of action to uphold a religious ethos.

For example, conformity with religion could be an inherent requirement in a school teaching role where teachers generally lead students in prayer. A teacher may change their religious beliefs so it is no longer appropriate for them to lead prayers. In determining whether dismissal is a reasonable and proportionate action, the school could consider, as part of their assessment, whether another teacher could take on this aspect of the role.

Similarly, there may be a situation where conformity with religion is an inherent requirement in a teaching role at a religious school. The school's religion holds that marriage is solely between a man and a woman. During employment at the school, a teacher changes their religious beliefs and becomes accepting of marriage equality. They now hold an inconsistent religious belief. The teacher continues to promote the religious views of the school on marriage to students but also tells students that there are those in the broader community that hold different views. Depending on the circumstances, it may not be reasonable and proportionate to dismiss a teacher who is willing to convey the religious views of the school, even if they differ from their own.

#### *Discrimination in running religious schools*

This Bill will also prevent religious schools from discriminating in establishing, directing, controlling, or administering their institution on the basis of sex, sexual orientation, lawful sexual activity, marital status, parental status, or gender identity. They will be able to discriminate on the basis of a person's religious belief or activities, where it is reasonable and proportionate to do so in all the circumstances.

This important change will protect students from discrimination that has the potential to do great harm to them—by devaluing their identity, undermining their sense of self-worth and potentially, contributing to mental health issues. This is consistent with the general legal duty of care to students, which requires schools to take reasonable steps to minimise the risk of reasonably foreseeable harm, including preventing psychological harm such as injuries from bullying by other students.

These changes will mean, for example, that a religious school that holds specific beliefs about sex before marriage cannot expel a student who becomes pregnant only on the basis that the student is pregnant. Similarly, a religious school that holds specific beliefs about gender identity could not refuse to allow a transgender student to be on the student council only on the basis that student is transgender. The school could only discriminate against these students if they held religious beliefs inconsistent with those of the school—and only take such discriminatory action as was reasonable and proportionate in all the circumstances. The school would need to consider the student's vulnerability as a child and the impact of the decision to discriminate on the student to determine what was reasonable and proportionate. And again, the school would need to ensure that the same action was taken against all students holding inconsistent religious beliefs, not only a student who is pregnant or transgender.

These changes will not affect a parent's ability to send their child to a school of their religion, or for single-sex schools to exclude people of the opposite sex. Section 39 of the **Equal Opportunity Act 2010** will still allow schools which are wholly or mainly for students of a particular sex, race, religious belief, age or disability to exclude students who are not of that particular group.

*Codes of conduct for staff in religious bodies and schools*

The proposed amendments will not affect the ability of religious schools to set conduct policies requiring teachers to uphold the religious ethos of the school—and not undermine the school's religious teachings—provided the policies are not applied in way that amounts to unlawful discrimination. This issue was discussed at length during the consultation process and it is confirmed that religious bodies and schools are able to set staff conduct policies which align with their religious beliefs as part of the general employment relationship.

However, such policies must continue to comply with all existing legislation, such as workplace safety, industrial relations and anti-discrimination. The proposed legislation will change the scope of anti-discrimination law in Victoria, which each employer will need to take into account alongside their other legal obligations when setting staff conduct policies.

*Discrimination in providing government funded goods and services*

The Bill will narrow the religious exceptions available to religious bodies who provide government funded goods and services. A religious body will only be able to discriminate in the provision of government funded goods and services on the basis of a person's religious belief or activity, where it is reasonable and proportionate to discriminate in all the circumstances.

If the Victorian government were to provide the good or service directly, rather than through a religious body, the government would not be able to discriminate on any basis. The same limitations should apply where a religious body is providing the good or service on behalf of the government. For example, if a transgender teenager contacted a religious youth organisation that receives government funding to provide support to kids dealing with bullying, the organisation could not refuse to help the teenager just because they are transgender.

The government acknowledges that it is not aware of discrimination by religious providers in the provision of government funded goods and services. And, religious service providers generally do not discriminate in how they provide privately funded secular services, such as welfare and housing services. As such, the changes are not expected to have significant impacts for religious service providers. However, the changes have great symbolic importance and ensure government funding cannot be used in a discriminatory manner in the future.

*Discrimination by individuals on the basis of religion*

Finally, the Bill will also remove a general exception contained in section 84 available to individuals (rather than religious bodies or schools) to discriminate on the basis of religion. This provision is not found in anti-discrimination legislation in other Australian jurisdictions. In most cases, the areas of public life regulated by the **Equal Opportunity Act 2010** are participated in by organisations, rather than individuals. Australian law allows for conscientious objections through specific, legislated provisions in special circumstances, for example, allowing conscientious objections by medical practitioners in relation to abortion and voluntary assisted dying, or by religious marriage celebrants in relation to same-sex marriages. The removal of this general exception is important to ensure that actions justified on the grounds of religious belief do not undermine equality before the law generally, and equality for the LGBTIQ+ community in particular.

***General exemptions for religious bodies are not amended by the Bill***

This Bill does not change the general exemptions that exist for religious bodies in relation to the ordination or appointment of priests, ministers, rabbis, imams or other members of a religious order, the training or education of people seeking to be ordained to those positions, or selection, or appointment of individuals to participate in religious practice or observance in s 82(1) of the **Equal Opportunity Act 2010**.

However, the intention of the amendments is that the employment of a person by religious schools or organisations will be governed by the employment provisions being introduced by this Bill. While employees may be engaged in some aspects of religious observance or practice as part of their employment, any discrimination in relation to that person's employment will only be permitted on the basis of religious belief or activity, in accordance with the new test.

The bill also does not change the general exception in section 26 of the **Equal Opportunity Act 2010**, which allows employers to limit employment to people of a particular sex where this is a genuine occupational requirement. This provision would allow single-sex religious schools to continue selecting teachers of the same sex as the students if that practice accords with the school's religious doctrines, beliefs and principles.

#### *Commencement*

The Bill has two separate commencement dates:

1. For all aspects other than government funded goods and services the bill will commence six months after Royal Assent.
2. For the amendments relating to government funded goods and services, the bill will commence one year after royal assent, unless proclaimed earlier.

The commencement for the aspects other than government funded goods and services is set at six months as the potential for the proposed changes have been publicly known since the government made its commitments in 2014 and again in 2018. Also, consultations with religious schools did not indicate any significant implementation issues, with many suggesting their employment practices already align with the proposed amendments.

The government funded goods and services reforms will commence one year after Royal Assent.

Equality is not negotiable in Victoria—no matter your religion, sexual orientation, marital status, gender identity or for any other attribute. This Bill does not privilege the right to equality over the right to freedom of religion. Instead, it balances the rights more fairly, so that both can be appropriately recognised and enjoyed.

I commend the Bill to the house.

**Mr ROWSWELL** (Sandringham) (10:12): I move:

That the debate now be adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned for two weeks. Debate adjourned until Thursday, 11 November.**

### **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.

**Ms GREEN** (Yan Yean) (10:13): I take great pleasure, as you did yesterday, Acting Speaker Carbines, in speaking on—resuming my contribution on—the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021. As I was closing yesterday I was making a comment about some of the more hysterical commentary that has been around this bill before the house, but I wanted to refer to a more measured contribution that occurred, and I am pleased to see the Leader of the Opposition is in the house. I quote from the *Age* of 9 October:

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.”

I would hope that the opposition leader would stay true to his remarks of 9 October. I was disturbed by the shrill histrionics from the member for Ripon and Shadow Treasurer yesterday in relation to particular categories of people that could be declared under this legislation and her feeling that it is in breach of the Equal Opportunity Act 2010.

For example—and I think the member for Ripon is old enough to remember too—I remember girls a few years ahead of me at school who had polio. Polio has almost been eradicated in the world, but it is still around in places like Pakistan, where we have got the Taliban anti-vaxxers; it is still endemic there. Is the member for Ripon seriously trying to say that we would not empower our legislators and the executive to declare a pandemic to protect our children? Also, what this means is we are able to declare particular classes of workforce—aged-care workers, the medical workforce, the teaching service. Of course, given that it has only just been agreed and ticked off in the US that the vaccine is safe for under-12s, whether it is this pandemic, a future pandemic or a variation of the current pandemic, it is just completely sensible to be able to declare a class like the teaching service and say that they ought be vaccinated in order to protect our children and to protect the families and others of the teaching service. So the histrionics are really uncalled for.

I note that the lead speaker on this, the member for Kew, in his plodding, slow contribution went for only half of his allotted 30 minutes. He had been, on the previous day in an interview with Virginia Trioli, saying that we ought to go with the New South Wales model. Well, I can say to him that this bill before the house offers more transparency and has a greater range of transparency and accountability measures than any other jurisdiction in Australia, including New South Wales. The range of transparency and accountability measures will act as 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—something that the opposition has called for. It will be part of these measures. A new independent advisory committee will review the public health orders and report to Parliament. The Scrutiny of Acts and Regulations Committee of the Parliament has the ability to review public health orders. The minister will be required to publish an explanation of any charter rights that are or may be limited by a pandemic order. I reiterate that 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 the state-of-emergency powers must be renewed every four weeks up to a maximum of only six to nine months.

We indicated that we would do this back in March. There has been consultation, and it has been informed by the Burnet Institute, which we have trusted all the way through—their modelling. I am really disappointed in the opposition's histrionics around this. Neither of the opposition leaders has sought briefings around these matters. The chief health officer last briefed non-government MPs on the state-of-emergency declaration and report on 21 July. Despite an interest that they should have, neither the Shadow Minister for Health nor the Leader of the Opposition have ever requested a briefing on state-of-emergency or public health orders. They have requested briefings on outbreaks and the vaccination program, and these have always been provided. I did note from interjections from the member for South-West Coast yesterday that she had requested briefings, and I commend her. I would say to the Leader of the Opposition that he ought to give the member for South-West Coast a better go on his frontbench, because when she was the health spokesperson in the chamber in the absence of the member for Lowan, they actually made a better fist of it, and she actually does understand the health system. They probably should take better advice and give the member for South-West Coast a better go.

But I see that the Leader of the Opposition is in the house. I would encourage him to stick with his comments from the *Age* of early October.

*Members interjecting.*

**Ms GREEN:** This should be a measured debate. The fact that the bullyboys in this house are trying to speak over me, the histrionics and the aggressive language that has occurred from the member for

Kew and those opposite just show that they are still not fit to govern. They will do anything to politicise this pandemic rather than support the community. I commend the bill to the house.

**Mr GUY** (Bulleen—Leader of the Opposition) (10:20): I rise to speak on the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021. I rise with some concern and trepidation for all Victorians at the extent of the legislation that the government is proposing to this Parliament, to all of us, and the gravity of this legislation and what it will empower the government alone to be able to do. In short, this bill enables an Australian government in a state, one of our six states, to rule by decree with no oversight. Except one or two individuals appointed by themselves, it allows them to rule by decree. It would not be, I think, something that any Australian 50 years ago would ever have imagined—that an elected government in this country would propose to a legislature somewhere around our nation the extent of the powers which this government is seeking to obtain from this bill.

Do not ever look at what this government says, look at what they do—seven-day lockdowns become 80-day lockdowns, lies about hotel quarantine, constant deception in this chamber about health advice being issued. Never look at this government's words, look at their actions. Their words, as we see from the cheat sheets of all Labor MPs, are the words of sheep. They are the words of people who have been given a cheat sheet and told to come into this Parliament and repeat it, and out of fear they all repeat it—fear of and intimidation by their boss. They come in here and repeat it. You will never find any Labor MP repeating the words of the president of the Victorian Bar Council—not a politician but the president of the Victorian Bar Council:

This is a bill that fundamentally interferes with the rights of citizens in some very basic ways. It abrogates the privilege against self-incrimination and you've got detention at the whim of the minister. It's just appalling stuff.

We have Labor members who scuttle into this chamber and say, 'You're speaking hysteria'. They say, 'Oh, you're speaking hysteria'. Is the president of the Bar Council speaking hysteria? What about the president of Liberty Victoria? Is she speaking hysteria?

... we are concerned about the intro'n of an aggravated offence with imprisonment as a penalty. The focus of responding to public health risks should always be health not police-based.

Is the head of Liberty Victoria hysterical?

... the bill rejects a ... parliamentary safeguard that is used in NSW and NZ—

says William Partlett, an associate professor at Melbourne Law School. Another lie from the state government: 'Oh, this is the same as New Zealand'. 'It is the same as New South Wales', they say. It is fundamentally different, and fundamentally different in the worst and most stringent way—oversight. What is astounding is that the cretins opposite somehow swallow their own lines as reasoned fact. How could they have, in their own bill, which I guarantee most of them have not read because they cannot count past 20 without taking their shoes off, provision:

to detain a person in a pandemic management area in accordance with a pandemic order ...

dependent only on the minister to approve. That is in new section 165B(1)(b). That is what it says in their bill. This is indefinite detention on the basis of a pandemic management plan, not by the police, not by a court, not by any part of our legal system, but by a minister. What the hell? My family left the Soviet Union, right? Many people in Eastern Europe look at this kind of stuff and say, 'That can't be right. That is over the top', and sure enough, here it is in print. Not a legal body but a minister having this kind of power. Fair's fair. If the government want to streamline our pandemic response, go and do it. If you want to go and streamline pandemic response—

**Mr Pakula** interjected.

**Mr GUY**: The minister interjects and says he has got it now. Minister, not with an appeals officer as the—

*Members interjecting.*

**The ACTING SPEAKER (Mr Carbines):** Order! I am happy to take points of order from members, but members need to wait until they are called. At the moment there does not seem to be a point of order, and the Leader of the Opposition will continue his contribution.

**Mr GUY:** Thank you, Acting Speaker. What a shame for the state that a reasonable minister like the Minister for Tourism, Sport and Major Events only finds his voice when it is to criticise the opposition and not against his Premier. What a shame that he does not have the same strength of presence to take on his out-of-control Premier and that he has to come in here and make political points. Here it is in law. I am not making it up, I am not inventing it; I am reading his own bill that he is sitting in this chamber to represent. It is not a court of law that is the appeal body against this over-the-top rubbish but an appeals officer from a department—an appeals officer from a department. That is what the Labor government has said it is going to be. Again it is in their bill, and do not take my word for it, take the head of the bar council, who pointed it out.

**A member:** A bureaucrat.

**Mr GUY:** A bureaucrat is going to be responsible for oversight of someone being in prison, not an appeal through a court. Where the hell have we got to in Victoria when this presents itself as a health response? This is not a health response, this is giving the government a licence to run the state for three-month blocks at a time on their own whim. It is ridiculous. It is cracking a nut with not just a sledgehammer but with a huge digger, to crush it six times and then run over the remains. We are talking about the rights and liberties of 6.5 million Victorians. This is not some joke, this is not some passing bill, this is not some political debate; this is going to be law if it passes the Parliament. To give any government this kind of power—not this one, not the next one or the one after, it is this government into the future.

Here she comes in here. She has managed to count past 20, the Leader of the House. She can take her shoes off to do so—to come in here and lecture us all again. Well, let me say: it is a shame again I say that the Labor Party, our opponents, actually come in here and never find their voice against their Premier. They only find it against Victorians, like the head of the bar council, like the head of Liberty Victoria, like Melbourne Uni law associate professors. They never find it against their Premier, who comes in here to pass the most draconian laws. I say to every Victorian who will see this: never listen to what the government says, look at their actions. Look at what they do, not what they say. Do not listen to their assurances on this bill, because there are none. There can be no assurances for the complete denial of someone's liberty, their rights and their freedom at the whim of one minister. Forget it if it was a court or a judicial body of some description. This is a minister who is going to have these powers.

**Mr Pakula:** It's what you called for.

**Mr GUY:** This is completely and totally unprecedented. The Minister for Tourism, Sport and Major Events says we called for this. No, we did not. Let me say with as much strength as I can muster: to say that the Liberal and Nationals parties called for the law of a minister to imprison people on their whim is a lie. It is a complete and total lie to say that we ever called for the power of a minister to be allowed to imprison anyone. It is a lie of the first order, and that is why I say: do not ever listen to this government. You have to watch what they do, and what they do is extort Victorians' goodwill, is treat Victorians as mugs.

But what I will say in conclusion is that I give an absolute guarantee: when we come back to government in this state, we will repeal this law because it is fundamentally right to do so. This is a democracy. People fought and died for this democracy. The separation of the judiciary and this Parliament is so important. This bill transcends all of those and trashes all those provisions that we fought for in this country. We fought and died, people in this country, not to have it trashed by the megalomaniacs who sit opposite, by the people opposite who treat all our Parliament—our institutions, the separation between the judiciary and the state—as something to be played with because the bloke in charge thinks he is above it all. He is not above it all, he is not above the law and we are going to repeal it.

**The ACTING SPEAKER (Mr Carbines):** The Minister for Racing.

**Mr PAKULA** (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (10:30): That is probably not the most appropriate of my titles for this purpose, but thank you, Acting Speaker.

**A member** interjected.

**Mr PAKULA:** I know. If those opposite do not want to be accused of histrionics and hysteria, do not demonstrate it. What we saw then from the Leader of the Opposition—by the way, I do not know what happened to the positivity and the quietness—was a bunch of rhetoric with almost no substance behind it. It is laugh inducing to hear those opposite all of a sudden quoting the president of the Victorian Bar Council as if the president of the bar council is infallible when they have spent the last four years in opposition trashing the legal community, describing them as men and women in ivory towers, as they went on their rampage about law and order and African gangs and bail laws, and all of a sudden now we are told, ‘Oh well, a QC said it. It must be right’. It seems to me—

**Mr Walsh:** Are you saying he’s wrong?

**Mr PAKULA:** I say his criticism of the bill is absolutely wrong. Absolutely I am saying that. It seems to me that the opposition’s view of the world on this is the same as on everything else—that is, whatever position the government adopts, the opposition must do the opposite, even if that contradicts the opposition’s owned previously stated position on whatever the subject matter is.

We saw it as recently as this morning on the issue of vaccine mandates for international arrivals. Two days ago the Leader of the Opposition, talking about international tennis players, said, ‘No double standards, no double standards for international tennis players. They must be treated the same as everybody else’. Then the Prime Minister came out and said, ‘Oh, but we need a bit of flexibility. You know, if we want to have major events, we need a bit of flexibility. We should give exemptions’. Then the Premier stated the position which was, as far as I could tell, almost identical to that of the Leader of the Opposition, which is no exemptions. We are going to treat everyone the same. And then the Deputy Leader of the Opposition comes out and says, ‘Well, in that case our position is now different because we think there should be a national approach and some flexibility, and we agree with the Prime Minister’.

**Mr Walsh:** I didn’t say that.

**Mr PAKULA:** No, the Deputy Leader of the Liberal Party.

**Mr Walsh:** You said ‘opposition’.

**Mr PAKULA:** I apologise. I apologise to the Leader of The Nationals for usurping him with the member for Caulfield. But the Deputy Leader of the Liberal Party came out and said, ‘Well, we should actually follow the PM’s position’.

The same goes for this bill. I know that the Leader of the Opposition just stood up here and said, ‘It’s a lie to say that we supported this position’, but he was very clear a couple of weeks ago. He was very clear about the fact that he thought it should be politicians, elected officials—ministers and the Premier—who should be ticking off public health orders. That is not something he can wriggle out from under; it is something that he said very clearly on the record. He said:

... a minister or a politician, we are responsible ... we are accountable to the people ...

and that it ought to be ministers and politicians, not public servants, who are signing off on public health orders. And all of the rhetoric that we are hearing from the opposition really all goes back to that fundamental point, because the powers themselves that are in this bill are not substantially different to the powers that exist right now. The change is that they are being signed off by the Premier and the minister rather than a public servant. All of this hyperbole, all of this hysteria, is not because

the powers themselves are so fundamentally different; it is because the people signing off on those powers are the very people that the Leader of the Opposition said ought to be the people signing off on those powers and on those directions.

I ask the Leader of The Nationals, who is in this chamber: if this bill came to this Parliament and had those same powers being signed off by the chief health officer, what would they be saying then? I will give you a tip. What they would be saying is, 'How can these powers reside in an unelected bureaucrat? How can these powers reside in someone who is not responsible to the people?'. We all know that is what they would be saying, and do you know how we know? Because it is what they were saying before this legislation was introduced. They were coming in here and saying, 'We should be more like New South Wales. We should be more like a jurisdiction where those powers reside with a minister, because if they resided with a minister, you'd be more able as a cabinet to weigh up the public health advice against other considerations and make a decision'.

**Mr Walsh:** You forgot one little thing. You forgot the Parliament in there.

**Mr PAKULA:** I will take up the interjection from the Leader of The Nationals. The Leader of The Nationals said, 'You forgot the Parliament', but what the Leader of the Opposition said was these powers should reside with the Premier and the minister. Is the Leader of The Nationals actually suggesting that every time a public health order is required—if there is an outbreak in his electorate, and all of a sudden it is running rampant, and you need to put some public health orders in place—you should convene the Parliament every single time? Is that what the Leader of The Nationals is suggesting? So let us just go to the actual—

**Mr Walsh:** You need to go back to the Parliament.

**Mr PAKULA:** I do think you're speaking next, Pete. I think you'll have a go. So let us go to these actual powers and interrogate for a moment whether the Leader of The Nationals, the Leader of the Opposition or those opposite genuinely believe that these things should not exist in this legislation. Do they, for instance, seriously suggest that you should not have an ability in a pandemic to have public health directions which limit movement? Do they seriously suggest that we should not be able to ensure that for people who are COVID positive or positive with any other pandemic illness that might occur in the future we have an ability to have an order that says that they need to stay home? Because that is one of the things that apparently is now being described as draconian, undemocratic, Russian. I mean, as I said, if you do not want to be accused of hysteria, stop demonstrating it.

Do they seriously suggest that you should not have, as we have in this bill, the opportunity to impose serious penalties for people who deliberately, intentionally and recklessly breach a pandemic order or direction? If someone is COVID positive and they are ordered to remain at home, for example, for 14 days and they recklessly and deliberately go into a crowded nightclub or recklessly and deliberately travel across borders or recklessly and deliberately go to any number of locations where they might infect other people, is the Leader of The Nationals or the Leader of the Opposition seriously suggesting that those sorts of powers should not be contained in the bill? Because I can tell you that the things that they are carrying on about—these so-called draconian, Stasi-like provisions—are designed to deal with those circumstances, exactly as they are now.

The difference is that those orders would be signed off by elected representatives, the people responsible to this Parliament and the people who have to face elections—the minister and the Premier—rather than a public servant. Now, that is not in any way to denigrate the role and the actions of the chief health officer or any other public health bureaucrat, but I say, and I would have thought those opposite would say as well, that it is entirely appropriate that ultimately when these decisions need to be made, provided they are on the advice of the public health experts, provided there is appropriate oversight and scrutiny—and there is more of that in this bill than exists now, and there is more of that in this bill than exists in other state and territories—and provided that oversight and that advice is part of the process for putting these orders in place, then it is entirely appropriate that it be



the minister that signs that. It is entirely appropriate—in fact I would have thought inarguable—that the person with the ultimate responsibility for declaring that we are in a pandemic and the person with the ultimate responsibility for triggering these provisions ought not be a public servant and ought not be an unelected person. It ought to be the most senior politician in the state, the person most responsible and the person most answerable for that decision, and that is the Premier of this state, whoever that might be from time to time. But it does not suit the opposition's rhetoric, which wants to portray the Premier in the way it wants to portray him. It is entirely appropriate that those powers, the power to make that declaration, rest with the Premier of the day.

**Mr WALSH** (Murray Plains) (10:40): Victorians should be afraid. They should be very, very afraid.

*Members interjecting.*

**Mr WALSH:** I get the scoffs from the other side of the table, but Victorians should be afraid. They should be very, very afraid about what this legislation does, how this legislation puts in place the ability of the Premier and the Minister for Health to do all the things that we have seen over the last 18 months—to lock people down, to stop them seeing their families, to stop them going to funerals and to have weddings cancelled. That is why they should be so very, very afraid about what this legislation does, because what the minister at the table, the Minister for Industry Support and Recovery, misses in his contribution is the word 'Parliament'. They talk about the minister, they talk about the Premier, but they do not actually talk about the Parliament. The executive government has to be responsible to the Parliament of Victoria. That is the system of democracy that we live under. That is the thing that the Labor Party has lost sight of. They have been in government so long that they believe it is their personal toy to play with and that Parliament has no right to actually hold the executive government accountable.

This legislation puts no safeguards in there for the Parliament. What the opposition has very, very clearly said—for the benefit of the minister at the table—is yes, there do need to be powers in a pandemic and a health emergency, but after a period of time they should come back to the Parliament. They should actually explain to the Parliament why those powers may need to continue in the future. Yes, there are emergencies that need to be responded to, but come back to the Parliament after a number of days. Thirty days would be the absolute maximum, in our view. I personally believe two weeks—14 days—is more than enough for the Parliament to be reconvened if there is a need to extend draconian powers that have such an impact on people's lives here in Victoria.

Everyone is traumatised by the last 18 months, because they just feel helpless. They feel there is nothing they can do about it because the Parliament is being usurped by the current government. They treat the Parliament as a nuisance. They change the sitting hours. They change the sitting weeks. They change the rules of how it operates because they actually do not want Parliament to function as it has been designed to do over hundreds of years of history—something that we should be very proud of, something that our forefathers and foremothers fought for and died for so that we actually have a democracy here in Victoria.

*Members interjecting.*

**Mr WALSH:** And I get the scoffs from the other side of the table again. That was so important to our forebears that they went to war to make sure we have the freedoms we enjoy in this country. As the Leader of the Opposition said, some of his family came from the former Soviet Union. They came here for a better life, and you talk to families of immigrants now. I have got Italian communities in my electorate, very proud Italian communities, who say their parents left Italy to get away from fascism and they have now got it here in Victoria. They came here to have a better life, and we find the Premier and the government ramming through legislation that is enforcing or putting in place legislative powers that those families left countries over to come to a better place here in Victoria.

We have seen through this whole pandemic the government hiding behind the term ‘health advice’. No-one has ever actually seen that written health advice. We have had battle after battle in the upper house to get that advice actually released. It is all very well for a Premier to do a press conference for an hour and a half every day, berate people, blame people, tell them it is their fault that something has happened rather than actually getting up and saying, ‘This is the advice we have actually received. This is why we are going to do it. This is why you cannot go to your loved one’s funeral. This is why your wedding has been cancelled’. But no, the health advice is all-powerful. There is nothing in this legislation that actually gives anyone any comfort that we will actually have any more information come out than we have had over the last 18 months.

As someone who represents a cross-border community, no-one ever thought that the Murray River was anything other than something you drove across, and we had differently coloured numberplates. We reverted to pre-1901 through this pandemic. I am surprised Victoria did not raise an army again because of the threat of invasion from New South Wales. It is absolutely crazy what happened to our cross-border communities through this particular time. And might I say, most of those communities basically had no COVID through the whole pandemic, but they were segregated. They could not send their kids to school, they could not cross the border to go to work, they could not play sport—all the things that people—

**Mr Pakula** interjected.

**Mr WALSH:** You’ve already had your go, mate. You didn’t do a very good job of it, either, at that time because you do not believe that Parliament is important to the democratic process here in Victoria. I think the minister at the table, the Minister for Industry Support and Recovery, needs a lesson in the separation of powers in Victoria—that ultimately executive government should be responsible to the Parliament. It is not a plaything of the Premier and his ministers to run this state by decree, which is what this legislation does.

For those people that may be watching this, this gives the Premier and the Minister for Health the power, in three-month blocks, to do what they have done for the last 18 months on steroids. It is on steroids. If you look at the penalties that are built into it, why should someone go to jail for not wearing a mask? It is absolutely absurd that that could happen. The penalties that are in this legislation, with no right of appeal, no proper legal process and the authorised officers that will be going around enforcing this—and I know the minister at the table is very scathing about the bar council president, but the bar council president, Christopher Blanden, said of the powers in this legislation that the Stasi police of East Germany would actually have been proud to have them. That is a statement that I think has to be taken into account by anyone—that the bar council would start citing the Stasi police of East Germany. He said:

Stasi police would have been more than happy with the range of powers if they were given it ...

I urge people to go and look up what the Stasi was and what the Stasi did. Their tactics included questioning, repeated stop and searches, strange noises on telephone lines and conspicuous visits to workplaces so that bosses and colleagues were aware of police interest. That is what is happening at the moment with the powers around double vaccination. Business owners are frightened that they will be somehow fined \$10 000 or \$100 000, depending on their legal status, if they employ someone who does not have the right vaccination status. They are worried about the patrons that come into their business as to what fines they may get. This legislation enshrines that and, as I said, actually puts it on steroids.

For the benefit of the minister of the table, who seems to have a range of views on what the opposition says, let me be very, very clear: there do need to be powers. They need to be limited, they need to be accountable and most importantly they need, in a very short period of time, to come back to the Parliament to get the endorsement if they need to be extended in the future. Then the Parliament will actually have the powers to demand the health advice—to withhold the powers for that extension unless there is health advice put forward that everyone can see—so that all Victorians can understand the logic. Victorians are intelligent. They are interested in their lives. They deserve to be taken into the

confidence of the government about why something needs to be extended, rather than the government just standing up and saying, 'It is the health advice', as to what we are doing it on.

I would urge government members on the other side to actually stand up to their Premier, show some backbone and vote against this legislation unless those safeguards are inserted into it. Let us make sure that it is not a simple majority in Parliament that can make sure these powers are extended. Let us make it three-fifths of the Parliament so it actually has to have support across the chamber, so you can get real democracy back into this state rather than an Andrews dictatorship.

**Ms KILKENNY** (Carrum) (10:50): Thank you for the opportunity to contribute to this really important debate on the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021. I will pick up a comment that the member opposite just made, and that is that Victorians are intelligent. Yes, they are intelligent, and they deserve the truth through this debate. What they do not deserve are comments that are so offensive that they offend those people who may have endured or who are indeed enduring still life under dictatorships or totalitarian regimes. To bring into this place comments like those and the ridiculous comments of the president of the Victorian Bar Council, comparing this piece of legislation to Stasi legislation, is quite extraordinary. It is inflammatory, it is mischievous and it is dangerous to this debate on a very, very serious and important issue, and that is Victoria's public health.

If we look at what this bill is, it is a bill to establish a contemporary fit-for-purpose regulatory framework to enable the effective management of pandemics, including the current COVID-19 pandemic. That is what this bill is about. We are bringing in this bill because we promised we would bring in this bill. We know that our current arrangements for managing the COVID-19 pandemic have been based on the current Public Health and Wellbeing Act 2008. They have been based on a declaration of a state of emergency, which the Minister for Health makes, and they are then based on the orders and directions that are issued by Victoria's chief health officer pursuant to that act. We have seen them work, but we also know, and the Leader of the Opposition has highlighted this and has agreed as well, that those orders and directions are not made by an elected official in this state; they are made by the chief health officer. The chief health officer is not answerable to the people of Victoria, so this bill changes that, and it is a good change.

Whilst Victoria and Victorians have responded with such compassion and care and selflessness, we know that the current framework was not designed to address and manage the type of pandemic that we have experienced over the last two years. I think no-one would have envisaged the COVID-19 pandemic or the havoc that it has wreaked upon Victoria and across the world. The current framework, as we know, allows for a short-term response to emergencies. COVID-19 is pretty different to that. We have seen millions die across the world. We have seen even more become infected, and we still do not know yet what the long-term impacts of long COVID might be on people in Victoria and of course nationally. We know also that new and emerging strains are now appearing, and these are posing significant risks for countries across the world.

Of course, we are so fortunate here in Victoria that our vaccination rates are so high. In fact, we are going to be one of the most vaccinated places in the world, and this is a credit to the care and compassion of every Victorian who has come forward to get vaccinated in record numbers and in record time. And despite the lockdowns and the restrictions Victorians continue to comply with those rules, and we are doing it still to keep each other safe. Under Australia's national plan—something Victoria actually drove and something Victoria is completely committed to—once we reach our 80 per cent fully vaccinated threshold, or phase D under the plan, there will be minimum restrictions going forward. If any lockdowns are ever required again, these will be highly targeted and very localised, and that is because every single Victorian has done what has been asked of them. They have come forward and they have got vaccinated.

This bill will not change that. We are opening up on Friday. This bill will not introduce lockdowns. We are not going into lockdown following the passage of this bill. But what we will do is rely on the

learnings of the last two years. We will put in place a better and fairer, more fit-for-purpose framework to help us navigate any future outbreaks or any future pandemics. We know that emergency powers are necessary in pandemics, particularly crises that deal with public health, because time is critical; every minute can make a difference. There is no place for politics or ideology. Safeguarding our public health has to be the number one priority. We need to trust our public health experts, and we need the best people advising us.

We know also that COVID-19 has had impacts on democracies all over the world. It has had impacts on fundamental freedoms; there have been restrictions on movement, restrictions on the freedom of expression and obviously the right to health. Obviously this provides challenges to democracies, including ours here in Victoria. There is always that question of how you best balance mitigating the outbreak with respecting democratic principles such as accountability and transparency and respect for civil and political rights. These are really important considerations, and this is another reason why this bill before us today is so important—that what it does is pick up on that. It identifies the need to embed in this legislation, this pandemic-specific legislation, better accountability and heightened transparency. It does this in the ways that the Minister for Industry Support and Recovery mentioned earlier. It makes the Premier the person who makes the decision about whether to make a declaration.

This is important. It is a trigger event. Unlike New South Wales, which does not have any trigger event at all—the Minister for Health up there simply relies on standing public health orders or public health legislation—this is a trigger event, and it must be based on advice from the Minister for Health and the chief health officer. The next step is that the Minister for Health then makes the orders and the directions, again based on the health advice of the chief health officer. Again, though, what is important here is that those are two elected officials—the Premier, being the most senior elected official in Victoria, and the Minister for Health—both answerable to Victorians and both answerable to the Parliament. That is the change in this bill.

The other thing to mention too, of course, is that we have seen how this pandemic has revealed really persistent and deep inequalities in our society. It has opened up cracks. We have seen that in regard to vulnerable populations, CALD communities, Aboriginal Victorians, refugees and asylum seekers and aged-care residents. We have seen impacts for people in casual and insecure work. We have seen how COVID-19 has impacted women in employment, in undertaking further home duties and caring roles, for which they are not paid, and of course in the increased numbers of domestic and family violence as well. It is crucial therefore that in our future response to pandemics we are able to take into account these differing impacts and vulnerabilities. The bill before us does that as well. It equips us to do that. So we are putting in place the right tools and responses, the right protections and the right accountability and transparency to enable Victoria to respond specifically to pandemics in the future.

As I said, the framework embeds transparency and accountability. The minister will be required to publish a statement of reasons for making any orders and health directions, and importantly the Scrutiny of Acts and Regulations Committee, a committee I was a member of for six years, will be able to review the minister's orders and report back to Parliament on orders it considers are lacking in legal authority or are otherwise incompatible with human rights under Victoria's Charter of Human Rights and Responsibilities. And the bill establishes an Independent Pandemic Management Advisory Committee. This is not happening anywhere else in Australia. This committee will be made up of experts, will be able to undertake its own investigations and, for transparency, will table in Parliament any findings and recommendations.

This is a really robust framework. It gives the minister the power also to take into account other factors in making orders, such as the social and mental health and wellbeing of Victorians and the economic impact as well. I want to thank everyone who has contributed to this bill, a bill designed to specifically deal with pandemics in the future. I commend the bill as a good one for all Victorians into the future.

**Mr SOUTHWICK** (Caulfield) (11:00): Well, Victoria has just gone through the longest lockdown in the world and the toughest laws in the world, and just when you think we can come up for air and

get a bit of hope, the Premier introduces this legislation before the Parliament. I cannot believe this. The Premier on one hand says we are going to open up and things are going to be great again, yet we have got legislation that gives the Premier more powers than we have had before, more powers than those that locked more people down than we have seen anywhere else in the world, that gave us curfews, that gave us restrictions that include captain's calls on locking down playgrounds, locking down businesses, locking down schools, determining when you could go out to shop and who could go out to shop, locking down the ability to actually have a funeral, locking down the ability to have a wedding and locking us down full stop.

This Premier has absolutely failed in the last 18 months. We saw the housing commission estates that were given literally minutes' notice, where those vulnerable people were locked in the housing commission flats only to find out on the news that they could not come out to actually get their essentials. This Premier has made some of the worst decisions that we have seen in the history of this state. The biggest failure we have seen is hotel quarantine—800 lives lost with hotel quarantine. And we had the former Minister for the Coordination of Jobs, Precincts and Regions: COVID-19 get up here and say how wonderful things are. The minister for jobs did a promotional video to say how good hotel quarantine was—the hotel quarantine that killed people. That is what he did. He should be absolutely disgraced; it is shameful that the minister should stand up here and say how wonderfully this government has done. What a disgrace, when people die and the minister comes up and says 'We're great'.

The events industry that the minister talks about—two grand finals were cancelled, over to WA and Brisbane. I mean seriously, we were the most livable state; we have now become the most locked down and leavable state. And this Premier wants to give himself more powers, which allow people to be fined \$90 000 for not wearing a mask and not only to be locked down but to be locked up for up to two years with no discretion. You break the rules and, according to the Premier, you do not go and see the judge and jury. The Premier is the judge and jury; in you go for two years. Seriously? Is this what our great state of Victoria has come to?

I cannot believe that this Premier would resort to the level of low that he has by trying to rush through 112 pages of legislative change that we have never seen in this Parliament before, introduced yesterday, and trying to ram it through, to censor debate today, to not even allow elected representatives in this chamber to speak on behalf of their constituents—who have had enough, who want the government out of their lives once and for all. We do not want the Premier to act like a dictator as he has been doing not only in the last 18 months—but on steroids.

This Premier could not lie straight in bed. He tells us we are going to open up, and then what happens now? He gives us powers to lock us down. What is it? If we were going to go on with things, then why do we have these laws only a few days before the next lot of restrictions are meant to be eased? Make no mistake, this Premier has an agenda to control, to have fear and to not allow Victorians to finally get some freedoms back and get on with their lives.

Do not trust the opposition, what we have got to say with this. I say to all of those out in voter land, listen to what the experts have to say—the Victorian Bar, Christopher Blanden, QC:

Stasi police would have been more than happy with the range of powers if they were given it. It's extraordinary.

He then went on to say:

This is a bill that fundamentally interferes with the rights of citizens in some very basic ways. It abrogates the privilege against self-incrimination and you've got detention at the whim of a minister. It's just appalling stuff.

A QC and head of the Victorian Bar—not the opposition, but a QC. We then see William Partlett, associate professor at Melbourne Law School, saying:

... the bill rejects a key parliamentary safeguard that is used in NSW and NZ.

The use of an appointed committee to oversee these powers is a problematic departure from the usual role of parliamentary committees in the scrutiny of executive governance.

We on this side believe that there should be appropriate powers in place. Nobody is saying that we do not have any safeguards. There will be more disasters. There will be more pandemics. There will be more need to actually have some powers in place, but that is what the Parliament is set up for—to scrutinise, not to give one person complete command and control.

Again, what we are suggesting is that the Parliament comes back every 30 days to evaluate that to ensure we do not have the same situation that we have had for the last 18 months. I absolutely say and I implore everybody: talk to your local member of Parliament, whether it is Labor, whether it is an Independent. Get out there, public. Get out there, Victorians. Do not allow the Premier to ride roughshod over you again. Contact your local member of Parliament. I know there are some members of the Labor Party that are very, very, very concerned with this, firstly, and they should be, for the overextension of powers, but secondly for their future being in this chamber in terms of their re-election come next year. The best way to ensure we do not get this kind of overexertion of powers is to tell your Labor-elected MPs in those seats that you have had enough and that they should vote this down. For the next few weeks, make no mistake: we will not lie idle. We will be out there in Labor seats—in your seats, in your seats and in your seats—and we will ensure that your constituents know that what the government is planning are laws we have never, ever seen in this state before.

One of my constituents—I have had several, coming from a community that has a large Jewish community; one of the largest in Australia—is Stephen Tusak. He said:

I am horrified at the proposed draconian legislation being asked for by Daniel Andrews and his cohorts.

My parents lived through Nazi Germany 1938 to 1945, it started the same way.

...

My parents came to freedom in Australia in 1948 specifically to escape this vile arrogance which led to the genocide we all know of.

I have got to raise this because in this bill it talks about characteristics and attributes. It specifically talks about race, religion, sexual preference and political views. It specifically singles people out. Now, we cannot go down this path. We should never go down this path. We should never let history repeat itself, and for the government to turn around and say, 'No, that's not what we're planning to do'—well, I ask you, I beg you, to remove it. Be explicit about what you are saying. Even if the Premier does not plan to use them, do not leave those powers in place for a future government to effectively lock somebody down because they have a particular religious view, they come from a particular ethnic background or they just disagree with the government. Do not allow that. We cannot stoop this low. This is really dangerous. We cannot allow history to repeat itself, and I am sure and I hope there are many people on that side that do not believe that this is what it is intended for. You have got a chance, government, to fix this. You have got a chance to amend this and be explicit about what you intend, because these powers should never be used in these ways. This is a horrible bill. This is a bill that we should all be concerned about, Victorians. We have had enough. We have had enough of government interfering with our lives.

It is time for the government to listen to Victorians, do the right thing, ensure there is parliamentary oversight in everything that it does, retain democracy, retain freedoms and retain people's ability to get on with their lives. Yes, we need to be safe through a pandemic, but we also need to be safe from a government that is power hungry, and that is the problem with this legislation. That is why I will be voting it down, I will be seeking to repeal it, and we will repeal it if we are elected to government next year. I ask each and every one of you to vote against this horrible bill.

**Mr EDBROOKE** (Frankston) (11:10): What an entertaining soliloquy from the Deputy Leader of the Liberal Party. I think the only thing I can agree on there is, and I quote from the member for Caulfield: 'Do not trust the opposition'. That has been the running theme coming through my office when we have received emails from constituents who are really concerned about issues they have

heard about, usually on social media and spread by far-right organisations. It is fair to say there are some coalition members who have connections with those organisations and indeed go to protests and engage in social media banter with these people. We spend a lot of our time ensuring that our constituents in Frankston—I am sure everyone on this side of the house would agree—know what exactly this bill is.

I mean, we have heard just a bunch of babble from the opposition this morning talking about characteristics, talking about what this bill delivers. This is from the people, might I remind the house, that backed a leader who said, ‘We might have to live with COVID-19’. That is not working out very well for a lot of states around the globe at the moment. We are talking about a bunch of people speaking in this house that were worried about the fact that we might have to get rid of the bats in Kew because they might spread this disease. None of this is based on science.

The Shadow Attorney-General was on Virginia Trioli’s ABC segment the other day. I have never heard someone schooled so appropriately and so hard by someone on radio. This member actually said we need the New South Wales model. I will not quote him, but that is essentially what the member said. Well, here it is; this is essentially the New South Wales model. We have looked at New Zealand and other best practice models. The model in this bill has more accountability and more transparency than that model, but members opposite apparently need to politicise this now.

The Leader of the Opposition was heard to say that government, not public servants, should take responsibility for managing the pandemic. Well, here it is. I quote:

‘Those who make these decisions—politicians—should be ultimately accountable for them ...

That is what this bill delivers. I quote:

‘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.’

**Mr J Bull:** Who said that?

**Mr EDBROOKE:** I am pretty sure that was the Leader of the Opposition, word for word—the Leader of the Opposition who stood here in the house not so long ago and sought to politicise this. And where the Deputy Leader of the Opposition goes horribly wrong is in purporting to threaten the seats of those on this side of the house. There is not one person on this side of the house that is more concerned about being elected than about their community and getting through COVID at this stage. And if there are people on that side of the chamber who are thinking more about their election and their job than the jobs of the people in their communities, they should be ashamed of themselves. That is a disgusting threat, but it shows where some of those on the opposition side of politics are coming from.

We have even heard the language. I was disgusted to hear the member for Forest Hill—a privileged white middle-aged man in Parliament—talking about apartheid the other day. I had a friend who grew up in South Africa ring me and say, ‘Who’s this twit? Seriously, is he South African? Did he grow up where I grew up? This is amazing. Do these people really think this resembles apartheid? I want to keep my family safe. I’ve come from South Africa. I moved to Australia to escape that’. We have got privileged people who have no idea using language like that, and that is how we have come to this debate today, where the opposition are seeking to radicalise parts of this bill. That is why the first question I ask anyone who asks me about this bill and who seeks to purport that they know something about it or that they are concerned about the powers is, ‘Do you know the name of the bill?’. Ninety-nine per cent of the time the answer is no. Have you read the bill? ‘No’. Where have you heard about the bill? ‘On social media’.

Well, I do not know about you, Acting Speaker, but from what I have read, and going through opposition Facebook pages, the majority of the mistruths and alternative facts coming out about bills like this are coming from the opposition. The opposition need to, I guess, respect other people in this

house and know that the words that they put out in social media actually cause people to hurt, people to be confused and people to do really, really strange and odd things. I cite a member of the public in Mount Eliza, not far from where I live, that was so strung out about these mistruths that he caused \$1 million worth of damage, creating a fire in a Telstra exchange, and also dug a hole in his backyard ready to have a member of Parliament in there to re-educate essentially. The police investigated this, and what came out of it was essentially that this person unfortunately believed a lot of what they read. Members of the opposition—and I would not say all members of the opposition but members of the opposition especially in the upper house—have got to take some responsibility and decide what side of history they want to be on.

Reasonable people who have read this bill or had it explained to them—because this bill is written by lawyers; it is of course something that needs to be sometimes explained and the language and the context explained—who understand this and have had it explained to them, 99 per cent of those people I speak to say, ‘Oh, well, that’s pretty much what we’ve got, isn’t it?’. Yes, it is. It is. There is transparency, there is accountability. In fact in addition to the range of transparency and accountability measures being introduced, there will be strong checks and balances from the government on our use of pandemic powers. Public health orders will be made by the Minister for Health, who is accountable to Parliament, but a pandemic can be outlined by the Premier. The public health advice on the pandemic orders will be tabled in Parliament. A new independent advisory committee that will review public health orders and report to Parliament is to be established. The Scrutiny of Acts and Regulations Committee will have the ability to review the public health orders, which is really important, and the minister will be required to publish any explanation of any charter right that may be limited by a pandemic order. That is really important. But I will just say again that under the new framework the health minister can issue pandemic orders after the Premier declares a pandemic and after seeking advice from the chief health officer. So saying straightaway that this hands the keys of the state to the Premier, which is what someone might read from opposition social media, is just plain wrong, and there must be some responsibility taken for that by the opposition when people think they are taking appropriate actions that might hurt others. This bill actually does cater for that as well.

Again, I would say to those opposite that maybe one or two of them might have read this bill. Maybe you are believing other things that are being put out—other alternative facts that are being put out—by your friends and your colleagues. But this is a fit-for-purpose regulatory scheme. It has been through consultation. The right to life of course is the most fundamental of the rights protected by the Victorian Charter of Human Rights and Responsibilities, and we have had some of the most trusted leaders in public health administrative law, human rights and policymaking involved in the creation of this bill. Of course, does that mean that everyone will understand it? No. Does that mean that people are ripe to be led down a path of misunderstanding about this bill and politicisation? Yes, it does, absolutely. As I have said, 99 per cent of the people that I explain this to when I have the bill in front of me or, regardless, on a Zoom or Teams meeting say, ‘This is actually not that different to what we’ve got, and I want to be able to protect my family’.

I guess, to sum up, the real issue I have here is the amount of toxic behaviour that has been sometimes passionately encouraged by the opposition with this. I have heard the opposition speakers on this bill, and I question whether they have actually read it, I question their logic and I question where they stand on this pandemic, because it is not over. We have still got milestones we need to meet, and we still need to keep our community safe. Human life, the primacy of human life, is a government’s ultimate responsibility, and that is why we have bills like this. To politicise this instead of seeing this as a health measure is disgusting, and the way some of the opposition have been speaking about this bill and the mistruths that have come out are also disgusting. I commend the bill to the house.

**Ms SHEED** (Shepparton) (11:20): This is a very important piece of legislation. Let me show it to you. This is the principal act, the Public Health and Wellbeing Act 2008. It is about 285 pages. These are the amendments. This is the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021. It is about 110 pages. Let me tell you the chronology of this. On Monday night I was



telephoned to say that this bill was going to be introduced into Parliament this week and that I could have a briefing that night, together with the other Independents. I was told that the bill would be introduced the following morning and first read, and what we have seen happen is that. Then it was second read on Wednesday morning, and here we are on Thursday morning debating very important legislation. It is important because we are still in a pandemic. It is important because Victorians throughout the last 20 months have obeyed the rules and they have gone and gotten vaccinated. They understand a lot about what is happening. More than anything else they want to be safe, and they want their families to be safe. But they also trust in us to do the work that we need to do. When I consider that chronology of providing this legislation to the Parliament and bringing it on in this way, it really concerns me.

The work we do in this place is really important work. The work we produce here in this house should be the result of very careful and thoughtful consideration. It should be followed by intelligent debate. Everything we do in this chamber is premised on the notion that we know what we are doing. When we come to vote on this bill, we should ask ourselves: do we know what we are voting on? I do not understand this bill. I have not had time to come to understand or to know this bill. I have just outlined the chronology of access I have had to this bill. I doubt anyone in this house has had the time to read this bill, given that it only became publicly available yesterday. Everyone in this house needs the opportunity to have time to come to understand such an important piece of legislation as this, and we have not. There may be those who have been involved in consultations and discussions while this bill has been drafted. We know that this has been a process going on since March this year.

When I stood in this place—the only person on this side of the house—and supported this government's COVID legislation, I supported it because we needed it, because there was not a vaccine being rolled out in great quantities then. We were in a very fearful state about our futures, so we needed legislation. We all know we need a framework to deal with a pandemic such as this—something that has not happened in our country for over 100 years. So if I do not understand this legislation, I dare say very few other members in this place do.

I reflect back on the Voluntary Assisted Dying Bill 2017 in the previous Parliament, where that legislation was released early to the public. It was released to all of us. We all had the opportunity to consider it in great detail, and we spent day and night without a break in this place debating an important piece of legislation, which really went very much to the importance of life-and-death issues, not for a huge number of people but for quite a number of people—hundreds of people every year for whom that legislation now enables some relief. Here we have a piece of legislation that also affects people's health. It can be a matter of life and death. It is for that reason important that we know and understand what is going on.

I would have liked the opportunity to take this back to my electorate, as I am sure many other members would. The proper operation of this Parliament is important. Every Tuesday morning when this house is sitting I stand up and I read out a motion seeking to bring back to this house a non-government business program to give members on this side of the house the opportunity to raise matters of importance to their electorates, to bring on a private members bill, to maybe look at the regulations and disallow some or at least debate these things. We do not have that opportunity in this house—the only legislative assembly in Australia that does not provide members on this side of the house the opportunity to do those things.

In a pandemic I think it goes without saying that the government must rely on the trust of the people in the government, and if you do not have that, you develop a highly charged and dangerous situation. Consultation is so important. It has been said here that there has been wide consultation. I am not satisfied that that has happened. People who allegedly were consulted are now saying that they were not sufficiently consulted. We need more time to consider this legislation. There are oversight provisions in this legislation, and it quite significantly changes the method of dealing with a pandemic that is contained in the existing legislation. These things are really important. What will the Parliament be able to call for? What will it be able to examine? What will it be able to look at? I have not had time

to find all that out yet, but I am very interested. I am very interested in knowing how this bill will impact on Parliament's ability to scrutinise legislation, and I am not yet satisfied that it does that.

What I am saying is not written in the standing orders or in the constitution, because it is so obvious that it ought to go unsaid, and yet here we are having this debate. I call on the government to adjourn this debate for two weeks, to consult much more broadly, to brief the people who should be briefed and to let us help our communities understand what this is about. They will not be reading the legislation, but they rely on me to represent them and to at least make an informed decision.

**Ms D'AMBROSIO** (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (11:28): I am really pleased to rise to contribute to what has been a much-anticipated debate on this bill. It does represent some very significant steps for Victorians. What I want to say is that the pandemic that confronted the world and Victoria exercised a lot of emotion, exercised a lot of very confronting realities that we all had to deal with, and as we have worked our way through that, having understood the existing legislative frameworks that have governed many emergency types of situations, it was the case that we needed to understand and meet a new reality that needed to be reflected in modern legislation.

We have all had experiences beyond what we would previously have considered normal, and Victorians have sacrificed a hell of a lot—and that is always going to be an understatement, because I do not think you can ever properly and adequately describe what the globe is going through and of course in particular we here in Victoria. We know Victorians have done this out of selflessness in terms of the way that they have responded in order to keep not just themselves and their loved ones safe but all of us safe. It is about protecting lives, and we should never, never politicise an argument or a set of responses or actions that go to that very point—the preservation of life. Victorians understand that we are living in unprecedented times and that unprecedented measures have needed to be taken.

Of course we have heard a lot from those opposite. Their views have changed and flip-flopped, because they are forever in search of something to be outraged about. They are the perpetual outrage machine in this state, and not only do they do themselves a disservice, but they do the public discourse a disservice and they do every Victorian a disservice when what we should be doing is being on a unity ticket to work our way through what has been an unprecedented burden on the lives of many, many Victorians—in fact all Victorians. Those sacrifices have been made to protect human lives, and they have had to do so bravely, they have had to stand proudly beside other healthcare workers and frontline workers—all of those people who have done a wonderful job and continue to this day—while those who want to be outraged present their views and forget about not just the value of human life that actions of governments are guided by but also those who serve selflessly, putting their own lives at risk and their own families.

After 21 months of giving so much in order to protect each other, in order to protect our communities and our state, we are now very much on the home stretch. That is not to say it is over—absolutely it is not over—but thanks to the decisions made by this government based on public health orders we are now on the home stretch. Well over 90 per cent of eligible Victorians have now received their first dose of the vaccine, and in just a few days we will have reached 80 per cent double dose for those 16 years and over. And we are already starting to have those really critical conversations about booster vaccinations and what happens for those Victorians who are under the age of 12 in terms of availability of safe vaccinations, ones that have received appropriate approvals, because this is not over. While we are on the home stretch, this is not over.

These outstanding vaccination rates have been achieved through strong, decisive pandemic leadership, they have been achieved through Victorians rallying together and stepping up to get the jab and they have been achieved in spite of a lack of leadership from the commonwealth government. History will show in stark reality the failure of the commonwealth government to lead the national response to the pandemic that has confronted Australia. But now, thanks to the pandemic leadership that we have

shown here in Victoria, based on public health orders our state is now starting to reopen. Over the past weekend many people were able to visit their friends and family members' homes for the first time in months, and I was absolutely blessed to have received my kids, our kids, with open arms when they came through the door. It was like we had not seen each other in years; it could have been that we were living on the other side of the world. The relief that was felt by my family and I am sure replicated manyfold across the whole state probably would have surprised most of us, because I thought that I would be relieved, but the extent of that was actually quite moving for me personally.

In the coming weekend many more will be out at their local shops supporting small businesses or heading to the cinema. Our goal now is about getting jabs in arms and limiting the spread of that virus. But as we start to reopen and meet our road map targets, allowing us to deliver the national plan, it is important that we do so safely, recognising all those critical workers who are still on the front lines of this pandemic. It is important that we recognise that this pandemic, as I said, is not over. In order to allow us to safely reopen we require ongoing pandemic management, and we require ongoing powers to deliver that management. Through this pandemic the state-of-emergency powers have been essential to keeping Victorians safe, and let us not ever forget this is about emergencies. These powers have allowed us to lead a world-class response to the pandemic through vaccine requirements, testing and isolation requirements and quarantine requirements, and we extended the state of emergency through this Parliament back in March of this year. We committed to reviewing our state-of-emergency powers to see how best we could support an ongoing long-term management response to COVID-19 and other pandemics, and we committed to bringing in new legislation. That is exactly what this bill does—no more, no less.

One thing about this virus of course is that it does not discriminate on the basis of where you live. It is a global pandemic. We have seen actions taken by many governments across the world. We have had the opportunity to learn from other governments around Australia and the world about best practice pandemic management. We have looked to our neighbours in New Zealand. We have led a very successful ongoing response to COVID and considered what lessons we could learn from their arrangements when it comes to long-term management. Our response has been based on public health advice, and this will continue. The public health advice will always be central to the government's pandemic orders. But—news flash—governments are there and elected to make decisions. They make decisions, and this legislation squarely fits in with that democratic Westminster principle of accountability of those who are elected by people—by the people of Victoria. There is nothing here that ought to be met with the faux outrage and disrespect that have been exercised in volumes by those sitting opposite, who as I said earlier are always in search of the next outrage, the next issue to be outraged about. Well, we have got the angry man back today. We saw him in full flight today. He is back. It did not take long, did it? He is absolutely back—because he cannot help himself—with the faux outrage, the faux sense of moral indignity. And we know what he is capable of. We know he is capable of going down a bridge too far, and he is doing it again here.

In this legislation we are introducing a number of transparency and accountability measures to act as a strong check and balance on government's use of powers. Any public health order will be made by the Minister for Health, who is accountable to Parliament and who stands up in question time every sitting day to answer questions about how the public health orders are made based on health advice and in the best interests of Victorians. The Leader of the Opposition himself has stated that as a general principle he thinks public health orders—I quote—'should be ticked off by a minister or the Premier'. Well, again—what a surprise—faux outrage when we are absolutely delivering on what the Leader of the Opposition demanded we should do. So again, they are always looking for the next fabrication of issues to be outraged and angry about.

Under this new legislation the Minister for Health will also be required to publish an explanation of any charter rights that are or may be limited by a pandemic order. The public health advice and pandemic orders will also be tabled in Parliament, and a new independent advisory committee will be established to review the public health orders and report to Parliament. The committee will be made

up of experts and community representatives to advise on the government's pandemic response and management powers.

Our government is very, very proud to introduce this legislation, which includes this level of transparency and accountability, noting that no other Australian state or jurisdiction has equivalent legislation that includes such rigorous provisions—including, we would note to those opposite, the New South Wales legislation. So pardon me when the faux outrage by the Leader of the Opposition and those opposite is met by me with incredulity and really a sense of déjà vu—that they have learnt nothing. Faux outrage will not get you very far. This bill I commend to the house.

**Ms RYAN** (Euroa) (11:38): I feel sick that we are having this debate. I do not think there has ever been a piece of legislation come before this chamber that I have been more vehemently opposed to. I feel sick that Labor MPs are not brave enough to stand up and speak the truth about this legislation. I do not care if you think that the Premier's handling of this pandemic has been infallible. I do not care if you stand with Dan. I do not care if you think he is the greatest thing since sliced bread. The truth is that this legislation is about handing the Premier and the Minister for Health the ability to rule by decree. Is that power that you want to hand to every future Premier and health minister? It does not matter what you think about the Premier. This is not even about the current government. This is about the management of pandemics but also the ability to trigger these powers forever into the future. It is about the regime that it has the potential to set up here in this state. That is what is at stake here. Is that what we want as Victorians?

This bill allows the government to declare a pandemic in Victoria and make orders that lock down the state even when there is no presence of disease here. Yes, the chief health officer needs to publish his or her advice within 14 days of those orders being made, but that advice, even if it contradicts the order made by the Premier or the health minister, does not invalidate those orders if it does not support them.

The bill gives the government the right to make orders on the ability of attributes—things like race, gender, sexuality. How on earth can people support that? How on earth can members opposite support that? It is extraordinary. It offers no rights of appeal to courts for people who are incarcerated. It sets up a penalty regime of fines that would see an individual face more than \$90 000. That would send most ordinary Victorians to jail. Who can afford a \$90 000 fine? The government says, 'Don't worry. That's just about the worst breaches'. Well, that is not what the legislation says. It is extraordinary. I cannot believe that those opposite are not brave enough to stand up and speak out about it. I imagine that the member for Altona is going to speak on this legislation. She has been the Attorney-General; she has been a lawyer. She cannot possibly agree with this; she cannot. Where are your values?

There is no parliamentary oversight of these powers. The bill sets up a consultative committee of people appointed by the Premier and the health minister, and they do not even need to take the advice of that—it is just a consultative committee. Central to a liberal democracy is a belief in shared power, and central to a liberal democracy is a suspicion of concentrated power. Central to a liberal democracy is the accountability of the executive to the Parliament. Central to a liberal democracy is the preservation of the following rights: freedom to criticise the government, freedom from arbitrary arrest, freedom of worship, the right to a fair trial, the right of assembly, freedom of movement. This bill hands the government the power to throw out every one of those rights by decree, and there is no oversight of these powers. We are supposed to think critically in this place. We are supposed to come here, representing our constituents, thinking critically. That is why people elected us. Stop being sheep.

I find it inconceivable that a future Premier, for example, might determine that people with red hair cannot hold a job. I find that completely out of the realm of possibility. But do you know what? Two years ago I never contemplated that we would live in a world where someone who is not vaccinated cannot hold a job, cannot go into a shop, cannot go to an event. I never believed that we would come to a place as a state where we would see that—but here we are. These things do not happen overnight; they happen by degrees. Do I trust the Andrews government and all future governments to exercise these powers responsibly? No, I do not, and I think anyone who does is an absolute fool.

Labor MPs protest that this is what we asked for, that we called for elected politicians to be accountable for these decisions. What we called for was proper parliamentary oversight, and that is why we have proposed that the power to make orders should require the approval of a constitutional majority of both houses of the Parliament. When the president of the Victorian Bar Council comes out and says that the Stasi would be happy with the powers that this bill confers, people need to sit up and take note. This is how he summarised it yesterday:

The Bill confers on the health minister in a practical sense an effectively unlimited power to rule the state by decree, for effectively an indefinite period, and without ... judicial or parliamentary oversight ...

That doesn't add up to good democracy ...

People might argue that ultimate accountability sits with the people at an election. If you do not like what a Premier has done, well, vote them out. But yesterday when we had the bill briefing, the department could not say whether this bill gives the power to the Premier to suspend elections. They did not know the answer to that, and they said they would have to come back and give us advice, which we still have not received. That remains unanswered. The department does not know whether the Premier could use this bill to suspend an election. Do you realise how extraordinary that is?

The Irish philosopher Edmund Burke said, 'The people never give up their liberties but under some delusion'. Those opposite tell us that unprecedented powers are required for unprecedented times. Governments always present compelling reasons to concentrate power. My grandmother came to this country fleeing Mussolini, and I am glad that she is not alive today to see what is happening. I genuinely am. I think she would be absolutely horrified. I honestly never believed that the people elected to this chamber would think that it is appropriate to hand the Premier and the health minister the kind of power to lock people up, to lock people down and to cancel protests without the checks and balances of Parliament—to strip people of their most basic rights without the oversight and the checks and balances of Parliament. The erosion of people's liberties does not happen overnight; it happens by degrees. Streamline pandemic laws, by all means. We do not argue with that. We know that the government needs a certain degree of flexibility to control dangerous outbreaks of disease. We are not arguing about that. We are arguing for proper accountability and oversight. This bill does not deliver those measures.

Let me conclude with the proverb that we all know because it is inscribed into the foyer of this building:

Where no Counsel is the People Fall; but in the Multitude of Counsellors there is Safety.

That is the principle of this Parliament, and it is the principle that I urge members of the Labor Party to adhere to. Do not give this unchecked power to not just this government but future governments. It is wrong.

**Ms HENNESSY** (Altona) (11:47): I am grateful for the opportunity to get up and to make a contribution on this bill. And boy, we have heard some florid speeches in the chamber today. I would ordinarily enjoy such generosity, in some cases verbosity, if any of it was correct, if any of it had any factual basis in what the bill actually says and what the bill actually does. Fundamentally what this bill does is it takes an imperfect public health model and it improves the accountability and the transparency. Despite all of the very florid speeches that we have heard from the other side—and boy, it is a little bit of a shock to hear the Liberal Party refinding their liberal roots in many of those contributions, a welcome change, I would say—none of those criticisms are actually factually based in what the bill actually does.

Yes, I heard the Leader of the Opposition come in and try and micromove his way out of accountability for the fact that he did call for the changes that are in this bill. Now that that has become politically inconvenient, he has had to crab-walk away from that. In fact many of the calls that the opposition and many others have made in the course of this pandemic have been advanced through this bill, but what they have done is they have said that the political opportunity to try and make sure that they go and

confuse people about what is in this bill is a far more attractive proposition to them than actually factually reflecting on this bill and arguing if they have a different point of view. But many of the contributions have been factually incorrect, many of them have been wrong and many of them have been based on them putting the primacy on political convenience and short-shrift political opportunity over genuine policy debate.

That I think is a reflection upon the opposition when there are incredibly important issues. And there are. I make no quibble with the fact that many of these issues might and should be the subjects of debate, that people might have a different point of view as to what the appropriate tools are to get to the outcome of protecting communities during a pandemic or other public health outbreaks. I do not have a problem with that. But let it be based on fact, and that is not a feature of what we have seen in the contest and the debate thus far.

Let me put a couple of home truths back on the table about what this bill does. But in order to do that I need to factually reflect what the current regulatory regime is when it comes to public health orders. The current regulatory regime of course is not fit for purpose to deal with what we have all learned have been some of the needs and the requirements of dealing with a global pandemic, one that no-one could have estimated the length, the duration or the ferocity of, and, as the member for Mill Park rightfully made the point, one that is not over yet. But those tools were developed with a certain public health emergency in mind, and there were extraordinary powers.

Extraordinary powers were given to the chief health officer under the existing regime for a number of reasons. Because it is about an emergency. It is about urgency. You need to have a breadth in some of those powers because you do not know what you can contemplate. The fact that we are here having to reimagine what those tools might be and how we can improve their accountability and transparency just proves the fact that in pandemics the use and the need for emergency powers requires proper parliamentary oversight and proper judicial oversight. I argue that that is what this bill does. That is the fact of the matter: the bill does do that. That is in fact an advancement of the current system, which we know has had significant shortcomings.

Let us not have a beat-up and the use of unnecessarily inflammatory language. Let us not have a disproportionate description of what those powers might be. Let us not have the powers in this bill abstracted and then used to reflect and doff the hat to certain horrific historical incidents and argue that that is what this bill will cause, because of course these powers are established in a framework. They are established in a framework where there is parliamentary oversight. That parliamentary oversight includes the fact that the executive government is in fact accountable to the Parliament. We see that in question time, we see that through the scrutiny of various parliamentary committees, and we see that through the fact that if people do not like what a government has done, they can democratically throw us out every four years if that is what they choose to do.

To argue that there is no oversight by the Parliament is factually wrong. You might want to quibble about what the quality is of that oversight, and I could make a whole range of cheap shots about the shortcomings of the opposition when it comes to parliamentary oversight, but we are debating structure, and what this bill does is it enhances that very structure. It puts in place powers and roles and responsibilities that are given to an independent assessment committee that has some expert advice. It puts in place and empowers the Scrutiny of Acts and Regulations Committee in order to be able to provide commentary and advice to the Parliament should there be any rights that have been the subject of an unnecessary incursion.

What it does not do is take away any rights of judicial review, and we have heard a lot of misconceived descriptions of what the separation of powers looks like. This bill in fact reminds us that we do have in the state of Victoria a charter of human rights that all forms of executive government action are subject to, and indeed actions have been the subject of appeals to the courts in the current pandemic. That right remains. In fact any derogation or any deviation from any human right (a) is required to be the subject of advice and transparency from the requisite minister, (b) can be the subject of advice and response

from the Scrutiny of Acts and Regulations Committee, and (c) a person can scrutinise and challenge the actions of government by taking action with the independence of the courts, who can review and in fact strike down the use of any such power. It has been a little galling to hear the wheels of the human rights bandwagon creaking and screeching as so many newly found friends jump on board.

I feel very strongly about the preservation and enhancement of human rights in this country. I have deep respect for the many stories that people have shared—even people I have disagreed with—about their families and their communities, but what I will not countenance is the misuse and the transformation of those stories of pain and historical egregious acts of abuse towards certain communities. I will not have them used as factually inaccurate swords in the course of this debate without challenge. That is the low road that is being taken. Come in here and debate that you think that there is a better tool, that your concept of scrutiny is a more superior one than in this, but do not come in here and start to question the commitment and the legitimacy of the contribution of people on this side of the house, who also come from families that have been subjected to those sorts of issues. It is offensive and insulting, and it shows that you have taken the low road.

Another example of something that was factually incorrect: we have just seen a member from the other side stand up here and try and say that the bill potentially gives the right to the Premier to suspend elections. It does not. It does not, and that advice has been provided. So yet again, every opportunity has been sought and taken by those opposite to try and go the politics rather than the policy on these issues. A lot has also been made of the comments of various representative groups and sectors. Now, that is always the case. I know of many bills, particularly when those from the other side were in government, where it might have been the Victorian Bar Council or it might have been the Law Institute of Victoria who were very critical of their bills. In fact many of the sentencing regimes, for example, were I would argue an incursion on the separation of powers, taking away judicial discretion and judicial oversight. Many of those changes to things like the Equal Opportunity Act 2010, all of those things I disagreed with, but I did not come into this Parliament and start accusing people of trying to reflect some of the worst of humanity that we have seen in our history and the history of those that came before us. So let us have a debate, but let us make it factual and let us make it one that is imbued with decency and not historical inaccuracy.

**Mr HODGETT** (Croydon) (11:57): I rise to make a contribution on the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021. We are legislators. We are representatives in this place for the Parliament of Victoria. It is a role that I take very seriously, and I respect the powers and processes of the Parliament. And the way this bill has been brought in is nothing short of a disgrace. I will confine my comments to the process of the way this bill was introduced and is being debated, because that is where I am aggrieved. There have been many contributions from both sides of the house on the contents of the bill, but because I am aggrieved with the process of this and because of my respect for the processes and procedures of Parliament, I want to confine my comments to that.

This bill is about trust and confidence, and I think the government has lost the trust and confidence of Victorians. Brené Brown said trust is not built in big, sweeping moments, it is built in tiny moments every day. Now, how can people trust the government here? The way that this bill has been introduced raises enormous concerns. It is suspicious, it is sneaky, it is sly, it is underhanded and it is wrong. We have heard from Labor MPs in the contributions to the debate on this bill that they first discussed this back in March of this year. So you have got to ask: why was this bill introduced on Tuesday? Why was it just second read on Wednesday and then hours later debate commenced on it—and I might add it was only for an hour. It was brought on at 6.00 pm last night, only allowing debate for 1 hour, and it is only being debated today for—who knows?—a couple of hours. The government at any point in time can come and adjourn this debate and stifle debate on it from members of this place. They can cut it off at any time.

Now, I notice on our speaking list alone we have got over 22 speakers wanting to speak and make a contribution on this bill. That is nearly 4 hours of debate from our side alone, let alone it being matched person-for-person by the government and indeed some of the Independent MPs. We will be lucky to

get through half of that or a quarter of that in time, so there will be a lot of people that will not even be able to make a contribution to the debate on this bill, and it is a very important piece of legislation that people want to talk about. You have got to ask why. Is it the incompetence of the government? If they were talking and thinking about this and discussing this back in March, why do we now have to introduce this bill on the Tuesday, second read it on the Wednesday, then go straight into debate and try and ram it through the house this week without proper scrutiny and debate?

I should add that the normal process for the introduction of a bill, by way of comparison, is it would be introduced to the house normally on a Tuesday, then it would be second read on a Wednesday and then we would be given two weeks before that bill would be brought back in for debate in this house. That two weeks provides time for us to go and engage with stakeholders, seek their views and concerns, discuss the bill and have a bill briefing. It is a process that we really value, having that interaction with the community and back in our electorate with our constituents. It is often quite a challenging process because a bill is introduced and you have got to move very quickly to go out and seek the views of others, form a view on it and then come back and debate it. That is a process that builds trust and confidence—it is a tight process and a challenging process, but we value that process—versus this one, as I continue to say, where the bill just comes in, it is second read, debate is brought on and it will be rammed through this house. You have to ask why that is the case. When I look at a number of people, it is not just Liberal, Labor or Independent MPs discussing this. You can look at what was said yesterday by Liberty Victoria. Liberty Victoria yesterday said, and I quote:

There should be sufficient opportunity to consider the Bill carefully, & therefore we do not support it being rushed through Parliament.

This bill, if passed, will deliver extraordinary powers to the Premier and the government—unprecedented powers—so it needs scrutiny, it needs consultation, it needs consideration and it needs discussion and debate. I listened very carefully to the Independent member for Shepparton. Her contribution made some very good points in these areas.

All of us in this place have had hundreds and hundreds of emails sent to us about this bill, the majority just expressing concerns. If we had time, we could discuss the bill with these people—constituents and concerned Victorians—go through it with them and try to address their concerns. Surely, you ask. You have to ask. This is important. It needs time. The government should be building trust and confidence by bringing Victorians along on the journey here, not just putting the legislation into the house and ramming it through.

How can people trust the government when we have seen some of the things that have gone on with their management of this pandemic? Credit where credit is due, the government has done a number of things to try and manage this pandemic, but I do not agree with all of their decisions. People lose trust and confidence when playgrounds are closed when there are a handful of cases and then opened up when there are hundreds of cases. Our borders were closed, with people being locked out of their own homes. I thought that was the worst policy decision by this government, to lock out its own citizens when the borders were closed. There were ways to bring those people back and let them home quarantine. There are numerous examples here. Even my friend the Deputy Premier made the comment last week that there would be no more lockdowns and ‘They’re gone’, and then we have this legislation coming in this week which gives these powers. The Premier keeps moving the finish line, and that continues to frustrate the hell out of people.

We have learned today with this legislation that a person can be detained indefinitely without charge and without right of appeal to a court. Can you not see that that scares the heck out of people, when someone can be detained indefinitely without charge and without right of appeal to a court? That is why we have the president of the Victorian Bar Council saying that:

This is a bill that fundamentally interferes with the rights of citizens in some very basic ways. It abrogates the privilege against self-incrimination and you’ve got detention at the whim of the minister. It’s just appalling ...



The president of the Victorian Bar went on to say yesterday:

The bill confers powers that can be appropriately described as draconian in authorising virtually unlimited interference with the liberties of Victorian citizens ...

Then I hear what an associate professor at the Melbourne Law School said yesterday. William Partlett said:

... the bill rejects a key parliamentary safeguard that is used in NSW and NZ.

The use of an appointed committee to oversee these powers is a problematic departure from the usual role of parliamentary committees in the scrutiny of executive governance.

The associate professor at the Melbourne Law School went on to say:

... there appears to be little justification. The bill should therefore be amended to include cross-parliamentary oversight alongside independent oversight.

It is the process that I am aggrieved about. The bill, as we have heard people say, is 113 pages long. It is important legislation, but it is a disgrace that it is being rammed through this Parliament with little scrutiny, little debate, little consideration and absolutely no time to go and engage with our constituents or important stakeholder groups. We value their opinion and want them to have a say on this bill. The issues here are very important, but I believe the government has lost the trust and confidence of the Victorian people, and that is why I am opposing this bill.

I will leave it to others to make contributions on the content of the bill, but the way that this has been introduced—with little scrutiny and little time for anything else—is an absolute disgrace. The government should be ashamed of it. It is such an important piece of legislation that we all should have time to consider, discuss and debate properly. To just drop this bill in on a Tuesday, to second read it on a Wednesday and to then be debating it hours later and with only limited time today to debate and discuss this bill is a disgrace. That is why I oppose this bill.

**Ms RICHARDS** (Cranbourne) (12:07): I am very pleased and honoured to have the opportunity to contribute to the debate on the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021. Like most of us here, I would never have expected that there would be legislation of this type. A couple of years ago, not long after I was elected, this was never something that was considered as part of the government's agenda. Like all of us here, I remember that sense of perhaps disbelief and not really understanding what was going on as word of a global pandemic started to spread and as we started to understand that in a global context we have never been more connected.

This bill is something that we would not have anticipated, nor would anyone have anticipated, being needed, but it is a bill that is the bill for our time. It is a very important piece of legislation, and I am very pleased to have the opportunity to talk about what I think are those really extraordinary characteristics of this state, of Victoria—how the state of Victoria is different and how this bill is a representation of the best of us and what makes us different to so many other places around the world and indeed so many other parts of this country. Victoria is in and of itself a state that I am incredibly proud of, a state that is full of altruism, cohesion and optimism but also a state that puts first the decency and human dignity of life and the importance of people being able to be safe, regardless of their health status and regardless of whether they are strong and fit or they are people who have all of the attributes that make them able to have a life that is easier. It does not matter whether people are experiencing more difficult and complex lives. We put the health of our state first, and that is what I see in this incredibly important piece of legislation.

Now, I was pleased to follow on from the member for Altona and of course the Minister for Energy, Environment and Climate Change and their representations of the Leader of the Opposition. One metaphor might have been a crab walk back from his earlier position. I think the Minister for Energy, Environment and Climate Change spoke about it as a flip-flop; I was thinking of the flip-flopping of a circus performer. But when I captured what the Leader of the Opposition said earlier this month, I thought of it as a sort of road to Damascus conversion. The member for Bulleen said that:

... government—not public servants—should take responsibility for managing the pandemic.

And he said, as others have quoted before me:

Those who make these decisions—politicians—should be ultimately accountable for them ...

As a general principle ... [public ... orders] should be ticked off by a minister or the Premier.

So in that road to Damascus conversion, suddenly that position does not suit anymore and that is no longer the position that is palatable to his colleagues, so he has had to find another way of dividing.

I will put on the record that maybe another difference is our appreciation for the extraordinary public servants, the people in service to the public—and I note the member for Bayswater here: the police officers in service to the public; the nurses; the paramedics, including in my family; the educators; and the scientists, the pride of our state. How hard they have worked during this pandemic to keep our state safe. There have been a few jokes from Sammy J about the wearing of berets, the use of hook turns and maybe the creative arts scene and the coffee snobbery, but there are some elements of this state that are different. Some might be too young to remember when some people tried to import shock jocks from New South Wales into Victoria and it did not work. We are different to other states. We look after each other. We use that cohesive multicultural history of ours to bring out the best in this state. I did note the contribution of the Leader of the National Party, in which he said he was no longer proud to be Victorian. Well, I can say that after the 20 months that we have had I have never been prouder of this state. I have never been prouder of the way that people respond to the trauma of a global pandemic because we have seen the best.

I do want to record some facts about this legislation, because I think that there has been perhaps on the other side a decision to disregard facts. The Premier is responsible for making a pandemic declaration and, as I said earlier, that is something that the Leader of the Opposition just days ago also thought was a good idea but no longer does. The Minister for Health may make pandemic orders setting out public health measures and restrictions to protect public health. I know in social media we have heard people compare this to seatbelts, and that is a relevant and worthy comparison. But I also think of perhaps smoking in outdoor dining—these sorts of restrictions that maybe 20, 30 years ago we would have thought were completely unpalatable. The idea that we would ban smoking in outdoor dining is now so much a part of our culture in Victoria that nobody talks about it, because it is just something that is accepted. So this idea that the minister would not make public health measures is anathema to this state.

Another important piece of this legislation of course is the transparency, because this bill does require the minister to publish a statement of reasons for making these orders. Now, I do want to also perhaps respond to the member for Euroa, who talked about there being attributes—I think that the example the member for Euroa used was people with red hair—that would be targeted. I am aware that some of these attributes we are talking about are broadly accepted. That people who work in aged care have a flu vaccination—that type of requirement is something that is absolutely accepted.

Again, it is this idea that we want to incite people. I do want to acknowledge that slightly Trumpian echo that I heard when we talked about people fighting and dying for this, and we all saw what happened when the protesters went to the war memorial here in Victoria and the genuine hurt that that created as those types of inciting phrases were used, and when Mr O'Donohue in the other place compared Kabul to Victoria, the genuine hurt that that caused to our Afghan-Australian community.

I would now like to move to recognising in my own community and Victorian community what the real response is and what does make us different. It is an opportunity for me to recognise some extraordinary people: the Afghan community, the Hazara Shamama Association, Gulghotai Bezhan—somebody known very well to the member for Narre Warren North—the United Cultural Support Inc. group, and people like Rabia Safa. These people are the best of our state, and they are what makes us different. I have a group of women who have made over a thousand calls in the last two weeks to make sure that people were okay, welfare calls. I would like to acknowledge Margaret Glasson; I would like

to thank Liz Barton and Hannah Spanswick, both retired nurses; Sandra Roach, Anne Thompson, Felicity James and Helen Joliffe. I would like to say that that is what makes our state great: women who take the time to make sure that everyone has what they need and that they know where to get vaccinated.

I would like to thank the Pharmacy Guild of Australia, Victoria; and Anthony Tassone, a local pharmacist in my area, who has spoken so eloquently and so clearly about the importance of being vaccinated. I would like to thank our South Sudanese-Australian Academic Society, Reverend Tut from the All Nations Church, Kenyatta Dei Wal, and of course Nyadol Nyuon and Dr Bol Juolthor, because these are the people who took food, who supported people through vaccination, who made sure that people had what they needed; they looked after each other. I think that the best of Victoria is on display. It is in the hardest times that we see the best of people. I commend this bill to the house.

**Mr M O'BRIEN** (Malvern) (12:17): As somebody who spent many years in the practice of law before being elected to Parliament, for me the test of a bill and the powers it contains is whether it has the potential to be abused and whether there are sufficient checks and balances to prevent that abuse from happening. Because this is the point: sometimes bad people get elected to parliaments. Sometimes weak people get elected to parliaments. Sometimes circumstances turn people with power who are otherwise good—good people with power—into people who make bad and wrong decisions. And whether you think that the current Andrews Labor government is made up of good people or bad people or strong people or weak people, the point of this bill is that the extraordinary powers it gives will be available to every future government.

Now, why is this bill being rushed through? It was introduced on Tuesday; we did not see it. It was second read on Wednesday; we saw it for the first time. And now the government is going to guillotine it through, ram it through the Legislative Assembly on Thursday. These are some of the most far-reaching powers that any Premier and Minister for Health will have had in this state's history, and yet the government is doing everything it can to avoid proper scrutiny.

We saw the head of Liberty Victoria calling this out. The Liberty Victoria president, Julia Kretzenbacher, said she did not support the bill being rushed through Parliament and insisted that the new laws must be carefully scrutinised by MPs and the public. When you lose Liberty Victoria—when a Labor government loses Liberty Victoria—you are losing the room.

So this government is rushing this through. No doubt there will be a closure motion put at some stage, and the many Liberal and Nationals MPs and other MPs who want to speak on this will not be given the chance. What has the government got to hide? If you think this bill stacks up, if you think this bill is right, if you think the balance is there, why aren't you going to allow it to be properly debated? Normally a bill of this magnitude would be given at least two weeks of discussion and debate in the community before we debate it in this place. The government has refused to do this. Now, it is not as though you did not know this bill was coming. The current state of emergency was extended about eight months ago. You always knew it was going to end on 15 December. So why wasn't this bill out there for weeks for discussion and debate? Now, we know that the government has not consulted properly, because the government admitted it itself. When the Minister for Health's leaked bill summary came out on Monday night it said:

... consultation has not been as extensive as it normally would be.

So the government admits it has not consulted extensively on this far-reaching and extraordinary bill. Why is that? We know who has not been consulted: the opposition were not consulted. The crossbench in the other place were not consulted—with the exception of the three reliable pro-Labor votes, who were the only ones allowed inside the tent: the Greens party, the Reason Party and the Animal Justice Party. Everyone else has been kept in the dark and treated like mushrooms—oppositions, Independents and Victorians, more importantly.

The government claimed it had consulted with the Victorian Bar Council. Did it really? Here is what Victorian Bar president Christopher Blanden, QC, said: it is a ‘gross misrepresentation’. He said:

We’ve never seen a bill, we’ve never been asked to comment or anything.

This is consultation? Now, why this matters is that this is a bill that contains massive power with little to no oversight and little to no checks or balances. Powers to detain you—that is usually what courts do. Courts usually sentence people to detention. Now public servants can do it under this bill. And if you are detained and you want to appeal that, do you get to go to court? No, you do not. Section 165BI provides that you get to make an application to the secretary of the department for a review by a detention review officer. That is a very Orwellian term, isn’t it—a ‘detention review officer’. It is something you would find in *Nineteen Eighty-Four*. It should not be in the legislation statute book of a state like Victoria. The ancient legal principle of habeas corpus seems to have been axed as well. Why are people not being brought before courts to have their detention reviewed instead of by more bureaucrats, more public servants? The privilege against self-incrimination, an ancient privilege, has been removed by this bill.

We know there are massive powers—massive powers to detain you, to stop you from opening your business, to stop you from leaving your home, to stop you from going to your church or your mosque or your synagogue or your temple. Where is the accountability? Where are the checks and balances on this massive power? Well, section 165CE provides for the establishment of an Independent Pandemic Management Advisory Committee. Well, the first clue to it being a toothless tiger is in the name. It is an advisory committee—advisory. If you had any further doubt, look at section 165CF. It makes clear the functions of the committee include:

to prepare and provide reports to the Minister including, but not limited to, reports that make non-binding recommendations.

We are supposed to believe that our liberties, our rights, will be safeguarded by a committee appointed by the government that can only make non-binding recommendations. I tell you what, a non-binding recommendation and 4 bucks—that will buy you a coffee, and that is about all a non-binding recommendation is good for. Of course you could look at the Scrutiny of Acts and Regulations Committee. The government says, ‘Oh, we’ve given provision to SARC to be able to look at these pandemic management orders and see if they’re appropriate or not’. I will tell you what this government thinks of SARC: this bill before us today did not even go through SARC. It was bypassed entirely. That is how powerful SARC is. That is how much respect this Labor government has for the Scrutiny of Acts and Regulations Committee. It was inconvenient to put this bill before SARC, so it just ignored it—absolutely ignored it. And we are supposed to have faith and confidence that our rights and liberties will be safeguarded through this process.

It has not just been the usual suspects that have expressed real concerns about this bill. Associate Professor William Partlett from Melbourne Law School pointed out some of the flaws in this bill, and I will quote him. He said:

In one critical way, however, the bill rejects a key parliamentary safeguard that is used in NSW and NZ. Instead of creating a dedicated cross-party parliamentary committee to oversee the exercise of these broad public health powers, it creates an executive-appointed oversight committee for this purpose.

The use of an appointed committee to oversee these powers is a problematic departure from the usual role of parliamentary committees in the scrutiny of executive governance. To ensure a fuller set of safeguards, dedicated parliamentary oversight should be created alongside that of an appointed committee.

That is the legal academic view of things. You could go to the less legal academic view of things and go to the president of the Victorian Bar Council, who is quoted in the *Age* saying:

“Stasi police would have been more than happy with the range of powers if they were given it,” Mr Blanden told *The Age*. “It’s extraordinary.”

When you see that the government has the power to make laws depending on people’s attributes, you have to go back to the Equal Opportunity Act 2010 to see what those attributes are. They can include

things like marital status, lawful sexual activity, sexual orientation, industrial activity. If the government does not intend to use those attributes as a means of discriminating against people, why have it in the bill? It would have been the simplest thing to say, 'These are the only attributes we want to be able to discriminate against'—maybe your vaccination status, for example. But the government has not done that. It has given itself the power to discriminate against people for effectively any reason it feels like it, and it is not good enough.

At the end of the day, it comes down to trust. This government is asking the people of Victoria to trust them with the most extraordinary set of powers and next to no oversight and no accountability for using them. Trust. 'Trust' from a Premier who could not recall 23 times on one day before the Coate inquiry; 'trust' from a government that caused the second wave, the 801 deaths that eventuated, through its own mismanagement of hotel quarantine; 'trust' from a government that has not been straight with Victorians for this entire pandemic. The trust credit is gone. Victorians do not trust the government. We should not be passing legislation which gives an untrustworthy government even more power, and I oppose this bill.

**Ms WARD** (Eltham) (12:27): It is interesting that the previous speaker addressed the comments made by the president of the Victorian Bar Council, because on 774 this morning in an interview with Virginia Trioli he admitted that in the language he had used he had resorted to hyperbole in saying that the Stasi would have been happy with this legislation. He admitted the use of hyperbole. I think that is a really good description of those opposite and how they have managed their response to and their engagement with this pandemic over the last 21 months. It has been absolutely full of hyperbole because those opposite do not actually want to engage with the facts, they do not want to engage with what is necessary, what is good law. They want to engage with the politics at every opportunity. And a pandemic requires more than political posturing; it actually requires good policy. It needs leadership and it needs people to be able to work together, because when you work together in the middle of a crisis, that is where you get the strongest response possible. Instead what we have seen is an opposition that has been unable to resist their desire to undermine the public health messaging and advice at every opportunity over the last 21 months. That is what they have done, and this is again what they are doing now. They cannot help themselves. They will look everywhere for a political advantage when they need to be looking for the health advantage: how can we keep Victorians as healthy as possible? How can we keep Victorians safe?

Instead what we see is that relentless tactic that they cannot break away from. It is like an addiction. They are addicted to fear and they are addicted to fearmongering, and they will grasp every opportunity to squeeze elements of fear out of almost everything. The other thing that they are addicted to is division. They want to divide communities at every opportunity. They do not want to build communities, they do not want to unite communities. They want to divide them because that is where they see their electoral advantage is. That is really sad—it is really, really sad. It is a terrible way to try and show that you are ready to govern, that you are an alternative government, that you can step up and show that leadership, because that is not what we are seeing. We did not see it with the previous speaker and we are not seeing the current Leader of the Opposition, who three weeks ago was calling for legislation just like this, who three weeks ago wanted to see greater transparency in our Parliament on public health advice during a pandemic, who wanted to see more information, who wanted more accountability in this place.

And then when the legislation is presented that has a shopping list of accountability in it, he then goes for fear, he then goes for anger and he then goes for aggression. And we have seen this today, where the Leader of the Opposition 2.0, who has tried to give this image of being calm and considered with his very low voice, went back to type, went back to form and screamed the house down.

**Mr Fregon** interjected.

**Ms WARD:** Correct, member for Mount Waverley—the shouty man. What they have also done, though, in undermining the government and in undermining the health advice, is show so much

disrespect for our first responders and our health workers. I thank these people so much for what they have done and what they will continue to do, because we know this pandemic is not over. It is still going. This virus is still circulating and we still need to respond to it. We still need to work, and I thank these people for everything that they have done—all of the work that they have done.

We have looked to New Zealand and we have looked to New South Wales. We have looked at multiple jurisdictions as to how we can in future work with pandemics better, how in future we can put more things in place and how we can have more discussion within this place around the response and the public health advice.

Those opposite have said, 'There's no transparency; it's terrible'. I agree absolutely with the member for Altona—who spoke so well on this bill—who spoke about the absolute shame of those who want to compare this legislation to terrible things that have happened in the history of the world and the terrible things that people have done. The fact that we are debating this legislation here now shows that there is transparency, for one thing. It shows that those terrible historical incidents in the past are not being seen here, and again it goes back to that use of hyperbole by those opposite to try and create fear and division. This legislation means that public health orders will be made by the Minister for Health, who remains accountable to the Parliament. Question time does not end. Debate in this place does not end. Coverage of what is discussed in this place does not end. The public health advice and the pandemic orders will be tabled in Parliament. Everyone can read them. They are easily accessible. That does not end. The new independent advisory committee will review the public health orders and report to Parliament—yet more oversight in this place.

Now, the member for Malvern might want to denigrate the idea of an advisory committee. They report back to this place. What they report back will be debated and will be discussed in this place. It does not end. Advice is important, and I think it quite disrespectful for the member for Malvern to undermine that sense of an advisory committee and to mock that term. Scrutiny at SARC continues, and it is also disappointing that he mocks the strength of SARC—of the Scrutiny of Acts and Regulations Committee—that he thinks that it is nothing, there is no purpose to that committee. Again, hyperbole.

The minister will be required to publish an explanation of any charter right that may be limited by the pandemic order—more scrutiny, more discussion, more debate and more viewing. The member for Altona was spot on when she said executive government remains under scrutiny through the parliamentary process. We also still have elections. We are still accountable. There is oversight by the Parliament. Roles and responsibilities are defined. There is independent oversight. Under this framework elected officials will be the accountable decision-makers, but the chief health officer remains central to all key decisions with their independent and impartial advice as a chief health officer. I doff my hat to our chief health officer, Brett Sutton, who has been phenomenal; how this person can keep standing and talking and working 21 months into a pandemic is nothing short of astounding. The energy reserves of this man are phenomenal, and I am very grateful to him for the advice he has given our state and continues to give our state.

What we are doing will help our state further understand the process and further understand what is needed in the response to a pandemic. Our charter of human rights remains in place. That also does not go away. Our statements of compatibility continue—and there is a statement of compatibility for this bill. It is still there. That oversight is still there. What is also important in this bill, though, is that while we are opening up even more transparency in this place we are ensuring that people's privacy is protected—that when they are using QR codes, when they are going through contact tracing, for non-public health purposes those protections go further than any other Australian jurisdiction. Victorians are protected. Their individual privacy will be protected.

I absolutely agreed with the member for Altona as well when she was talking about all of the mistruths that have been generated throughout the course of this debate, and I have my own commentary around the mistruths that have been generated by those opposite in the last 21 months and how distressing that is. There is no delaying of elections with this legislation. This is crazy talk. But this is what we have

seen from those opposite. They want to fire people up. They want to upset people. They want to hurt people, because they think it gives them political advantage—and it does not. It does not. It just seeds division. Just do not do it. Talk about the merits of the bill; do not polarise it with your ridiculous posturing.

**Dr READ** (Brunswick) (12:37): There has been a lot of misinformation about this Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021. So what does it really do? It gives the government similar powers as the currently operating state of emergency powers but without requiring monthly parliamentary approval. This will allow things like quarantine to continue next year, and the legislation could also be activated in the future for some other pandemic threat. The powers come with added oversight: an independent expert committee will publicly criticise unnecessary or excessive health orders. There is more transparency: the chief health officer's advice will now also be public, and this makes it harder for any government to be heavy-handed or to depart from expert health advice without a compelling reason. There are protections for disadvantaged groups: there are lower fines for people on income support or with healthcare cards, and as far as I know this is the first time Victoria has acknowledged that rich and poor should not have to pay the same-sized fine. There are stronger protections not just for the QR code data but for contact-tracing interview data: neither of these can be used by police for a prosecution, and they are only available if someone's life or safety is at imminent risk.

The bill is not perfect. It does have flaws, and we Greens have concerns about how the government may use these powers. But the bill is better than the current state of emergency laws, and with 750 COVID patients in our hospitals right now and 25 deaths overnight we still need a strong public health response to this pandemic. It has got more robust checks and balances than any other state's public health legislation, and that is why we support this legislation.

I will now go into some context and detail. The state-of-emergency powers in the Public Health and Wellbeing Act 2008 have proven to be something of a blunt instrument. There have been episodes of heavy-handed enforcement—particularly experienced by Sudanese and Aboriginal communities. We witnessed in particular the public housing tower lockdown last year, and we have noticed that fines have been levied a lot more heavily in certain postcodes. These fines are very high, and currently the fines are the same no matter how much you earn. Most of these fines—I believe around 30 000—remain unpaid, and for someone on Newstart, for example, to be hit with a fine of \$1600 or more for failure to comply with a health order, it may as well be \$16 000. They are very unlikely to be able to pay a fine like that, which is why the measures in the new legislation are appropriate.

We also feel that some of the border closures have been excessively prolonged. In particular the closure of the New South Wales-Victoria border this winter could have been shortened by probably a couple of months by bringing vaccinated people back across the border with a negative test. There has also been a lack of clarity about who has been really making decisions about lockdowns and other public health decisions. We know that the chief health officer and the Minister for Health and the Premier are in the front seat driving the car, but it is hard to see exactly whose hands are on the wheel at any given time.

Following all of this we have seen the rise of misinformation attacking various aspects of the state of emergency, in particular the public health orders. Some of this misinformation has been literally incredible. For example, there has been a lot of doubt cast on the veracity of polymerase chain reaction—PCR—testing, which is the mainstay of modern microbiology. We are all familiar with the anti-vaccine rhetoric. There have been lots of attacks on sensible, albeit difficult, measures to prevent the mixing and movement of people, particularly in the early stages of the pandemic; attacks on wearing masks; and promotion of ridiculously inappropriate anti-parasitic drugs like hydroxychloroquine and ivermectin. A lot of this has been funded by the billionaire Clive Palmer and taken up by various groups like Reignite Democracy Australia and so on, some of which are associated with the anti-vaccine members of the upper house. It has been alarming to see all of this evolve and to see social media funnel people into this misinformation. Speaking to people who have been so

misinformed, it is as if they have swallowed some kind of draught that makes them unable to comprehend logic.

In the wake of all of this, when the state-of-emergency legislation needed to be renewed in September last year many of the upper house crossbenchers went to water. They abandoned scientific evidence and they demonstrated no ability whatsoever to balance human rights appropriately with the need for strong disease control measures in a public health emergency. This would have left us defenceless against the current delta wave of the virus. Back in September last year Dr Ratnam had to come in from maternity leave to vote to get the legislation through, and the process was repeated again in March this year. In each case had the legislation not been extended there would have been no power to introduce public health interventions to protect us from escalating cases and consequent hospitalisations, so it is critical that we have these sorts of powers available for the current pandemic and for future pandemics if we want to keep the number of hospitalisations below 1000.

In the wake of all of that new legislation was planned, and that is what we are debating now. As someone who has participated in those negotiations discussing the content of the legislation, I am pleased that we have been able to achieve some improvements. We have not achieved everything that we wanted to get in the legislation, but that is to be expected when you are in a multiparty negotiation. Nevertheless we have had quite a lot of success with achieving stronger measures to protect data that has been uncovered as a result of contact-tracing interviews and QR code check-in data, which are now not available to be used in prosecutions except for breaches of the act and can only be made available to police if there is an imminent threat to someone's life or safety. We have pushed for other protections against heavy-handed policing, but we were unsuccessful in achieving an expanded role for IBAC, for example, in investigating complaints against police or in gaining measures to prevent racial profiling. We have pushed for these things before the pandemic, and we will continue to push for them afterwards.

We are also very pleased to see the protections for vulnerable people who are fined, with provisions for people on income support and with healthcare cards to pay a lower rate of fines. The precise amount is still to be set in regulations, but I understand it will be well below half. We think that this should be extended beyond this legislation, but this is a great example to see legislated, as far as I know for the first time in Victoria. It does not make sense that Clive Palmer pays the same fine as someone on Newstart for failing to wear a mask, for example. The difference between, say, a prison sentence and a fine is that we all spend the same number of weeks in prison, but our ability to pay a fine is vastly different and the pain inflicted by a fine is vastly different. I would like to see this legislation become a template for the way we treat penalty fines in the future.

I note, by the way, that it is 100 years this year since Finland introduced what they call 'day fines', where you pay a certain number of days pay for certain offences. I forget the exact amount, but it is something like four days pay for speeding and six days pay for using your mobile phone while driving and so on. Apparently it is an administrative nightmare, but the principle is very important.

I want to talk now about some of the other protections in the bill, particularly around accountability. Having the pandemic orders, which are essentially the same as the current health orders, issued by the health minister rather than the chief health officer means that these orders are issued by an elected person—rather than an appointed person—who is acting on the advice of the chief health officer. The chief health officer's advice is tabled in Parliament. This means that we have someone who we can express our approval or disapproval of at the ballot box making these far-reaching and very, very powerful decisions. Someone has described this as draconian, and quite reasonably. These powers are extraordinary. They are the only powers, though, that are capable of getting populations to stop moving outside Melbourne, if we were to think about the ring of steel, for example. These sorts of powers are essential to stop viruses from being transmitted. People come and go. We have had a change of health ministers already in this Parliament, and we have had several chief health officers over the years. In fact a health minister fired a chief health officer about 15 years ago; I think Dr Robert Hall was



dismissed by health minister Bronwyn Pike. So it is important that the person issuing these orders is someone who can be hired or fired by the people.

This legislation also improves transparency inasmuch as I have already mentioned the chief health officer's advice is to be tabled in Parliament. Now we can see whose hands are on the steering wheel. The health minister issues the orders, and we can see the advice given by the chief health officer. But not only that, the expert advisory committee, the Independent Pandemic Management Advisory Committee, will publish their reports. This committee is really important, and I wanted this committee in the legislation because I wanted independent public health and human rights advice giving public commentary. Their advice is tabled in Parliament. So you will have the committee's advice in Parliament, you will have the chief health officer's advice in Parliament, and it will be very difficult for a government to depart from that advice for any length of time without a very persuasive reason. These measures therefore improve both accountability and transparency, and we have the additional oversight of an expert committee which is able to balance human rights and public health demands in a way that Victoria's upper house has repeatedly failed to achieve, it saddens me to say.

We have also got the Scrutiny of Acts and Regulations Committee reporting on the pandemic orders. The pandemic orders, I remind you, replace the public health directions. SARC can recommend disallowance by Parliament. In fact the Centre for Public Integrity has referred to this as a significant improvement. It also suggests, however, that SARC should be able to choose exactly what it reports on rather than just being restricted to the pandemic orders. The Centre for Public Integrity comments also that SARC's powers should not have to rely on the government complying with certain procedures. These are two improvements suggested to the bill by the Centre for Public Integrity. I do recommend that everybody looks at their briefing paper on their website, and I commend their suggestions to the government. There has unfortunately been some lack of consultation with legal and human rights groups. The legislation is being rushed through. I observe we do have a two-week break before the legislation gets to the upper house, but I completely sympathise and agree with the member for Shepparton's comments that that does not help her. It would have been better if the legislation had been out for a week before we were debating it today.

However, many of the arguments raised against the bill verge on the theoretical or indeed extremely hypothetical, so it is important to look at more realistic scenarios, such as the language around choosing an attribute or class of person. It is possible that a particular group of people may need to be mandated to have vaccinations next year, such as aged-care staff—they may well be required to have booster vaccinations—or healthcare workers. That is a realistic suggestion as to how some of these powers may be used. Given that we are rapidly approaching 90 per cent of adults vaccinated, it is extremely unlikely that we will be facing a lockdown for the delta variant, but it is possible that there is some other vaccine-evading variant that could well get off an aeroplane in the not-too-distant future. So we need to I think ground our hypotheses in something that is biologically plausible rather than invent things. Staying true to that, I think that the idea that we might need vaccine passports for the rest of next year deserves scrutiny.

These powers are a little bit like giving the government a car, but we cannot tell the government exactly how it is going to drive it. I am concerned, for example, that the Premier has weaponised vaccine mandates a little bit by saying that they are going to be required until 2023. We need to think about the proportionality of vaccine mandates. Vaccine mandates should be a last resort. I have supported the vaccine mandates thus far, including in this Parliament; however, you should try everything possible to achieve high levels of vaccination before issuing a vaccine mandate, and the vaccine mandate should only last for the shortest time necessary, it should only last for the duration of the emergency. If we get to 90 or 95 per cent coverage, there is no need to continue a mandate beyond that time. So I feel that we need to leave the question of vaccine mandates very much in the hands of the chief health officer, and frankly I think this legislation cannot pass soon enough, and then we can see what the chief health officer and the Independent Pandemic Management Advisory Committee

have to say about things like vaccine mandates or other restrictions or quarantine or the other things that we think this legislation may well be used for.

I note also comments from the member for Malvern that this government over this legislation has lost the support of Liberty Victoria. However, I feel that Liberty Victoria may have been somewhat misrepresented there, because I then went on their Twitter feed, and I quote Liberty Victoria announcing that they:

... are pleased that there will be protection of people's personal and private data collected for public health reasons.

They went on to say:

It is good to see ... additional scrutiny of Govt decisions by an ... Advisory Committee & the Scrutiny of Acts and Regulations Committee ...

They said that:

Giving decision-making powers to the Premier and Health Minister will increase accountability, because ultimately Victorians will be able to express their approval or disapproval of those decisions at the ballot box.

And they support measures to alleviate the burden of fines on vulnerable people. But they are concerned about the creation of an aggravated offence. Rather than being tendentious by going through just the bits of Liberty Victoria that I agree with, I have just quoted as much as I can of their Twitter feed. It seems to me on balance that Liberty Victoria feels that this legislation is an improvement on existing legislation. That actually is a comment made also by the Human Rights Law Centre, which says that this legislation shows more transparency and better parliamentary scrutiny. It applauds the expert advisory committee to review and report on health orders and the privacy safeguards for QR code information. In another tweet the HRLC comments:

There's also a framework for ensuring fine amounts are more appropriate for people on low incomes, something which should be adopted across the board.

I could not agree more. They are, again—me not wanting to be tendentious here—concerned about the lack of an outer limit on pandemic declarations, but overall they say that:

This bill is a significant improvement on the current laws in many ways.

So there is a lot that could be improved in this legislation, but compared to renewing the state of emergency every month or two or compared to having no public health powers at all, it is significantly better. We will have more to say on this when the bill reaches the upper house in two or three weeks. In the meantime I look forward to working with legal bodies, particularly the Victorian Aboriginal Legal Service, to address any excesses in the bill because any excesses or overreach in the bill will be felt particularly by Aboriginal Victorians. They will be felt by vulnerable people rather than people like us who have jobs and are well off. The Greens also look forward to working with interested MPs and with the government to ensure that regulations and guidelines are developed that minimise any heavy-handed enforcement and ensure that Victorians' lives are disrupted as little as possible by necessary public health interventions. The Greens want laws that strike the right balance between protecting human rights and our health and our health system. This bill is not perfect, but it is a lot closer than any alternatives.

**Mr KENNEDY** (Hawthorn) (12:57): I am delighted to be speaking on this bill but exhausted from some of the hysteria and the hyperbole that we have been treated to today—

**Ms McLeish** interjected.

**Mr KENNEDY**: Come in, spinner. Perhaps I will give you some examples:

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.

That is the sort of handiwork. From the person leading the debate, the Shadow Attorney-General, ‘with a heavy heart’—in fact there have been so many heavy hearts I think we should get a coronary unit into Parliament to look after the incredible amount of heavy hearts and the overuse of words like ‘draconian’ and what have you. I am looking forward, if it is allowed, after lunch to going through some of the data, some of the detail. That is the most important thing.

It is good to see that the president of the Victorian Bar Council is a favourite, but I would like to talk about Tania Wolff, who is the Law Institute of Victoria president. The *Age* reported that she:

... said the bill was a major improvement on the existing framework.

“The good thing is we have moved away from all the power being vested in an unelected individual to a minister who is ultimately answerable in the electorate and has accountability to the Parliament—that’s the good fundamental improvement,” Ms Wolff said.

“The independent committee in itself is good as it has experts on it, and there are measures in the bill which creates greater transparency of compatibility with the human rights charter.”

There you have it: a legal opinion weighed up with another legal opinion. The good Blanden—yes, he is in Hawthorn; he is a Hawthorn constituent—I have had lots of involvement with him, mainly on heritage listing as a matter of fact. You can see then that we can just bring out anybody that we want to speak on something like this, but I am looking forward to some hard facts—things that escaped the other side—hopefully after lunch.

**Sitting suspended 1.00 pm until 2.01 pm.**

**Business interrupted under resolution of house of 26 October.**

### Questions without notice and ministers statements

#### AMBULANCE RESPONSE TIMES

**Mr GUY** (Bulleen—Leader of the Opposition) (14:01): My question is to the Minister for Ambulance Services. Ambulance Victoria has again failed to meet its response time targets, with code 1 responses falling below the 85 per cent, 15-minute target down to 77 per cent. I ask the minister: why are so many Victorians not getting the ambulance they need in the time that they need it?

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:02): I thank the Leader of the Opposition for his question. It does give me the opportunity to just acknowledge the extraordinary efforts that our Ambulance Victoria paramedics and other staff associated with Ambulance Victoria have been undertaking every day, but particularly over the course of this global pandemic. We have seen those employees put in extraordinary efforts over the last 21 months under the most difficult of circumstances. Those difficult circumstances have required them to deal with an increasing number of COVID cases and increasingly, for their own protection and for the protection of the wider Victorian community, to deal with cases that they suspect to be COVID. That means full-level PPE. That means challenging circumstances when such suspected or actual cases of COVID are brought to emergency departments or other locations.

It has also seen Ambulance Victoria take on the whole process of the greater coordination and streaming of COVID patients and suspected COVID patients across our public health and primary health care systems, all of which, together with further changes that have been required to keep our emergency departments and our frontline healthcare workers at hospitals safe, has unfortunately, as it has across the country, seen delays and extra time taken in both the transferring and the treatment of such COVID or suspected COVID cases.

Added to that, over the course of 2021, as a basis of deferred care right across the country we have seen increased, if you like, normal demand for deferred care in a whole range of other areas absolutely skyrocket. As a result of that in Victoria, New South Wales and right across the commonwealth we have seen ambulance response times and the interface between our Ambulance Victoria services and our public health emergency departments and wider services decline in performance. That is why all

states and territories joined together very recently to raise with the commonwealth that now is the opportunity for a genuine partnership to reimagine how our public health services, including ambulances, are dealt with in a genuine national partnership to address precisely the very issue the honourable issue the Leader of the Opposition addressed.

**Mr GUY** (Bulleen—Leader of the Opposition) (14:04): I do thank the minister for his answer, and I ask, for the safety of all Victorians' health: when will the minister ensure that Ambulance Victoria finally meet those performance targets?

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:05): As a result of some extraordinary contributions and partnerships between this government and the predecessor ministers of health that the Andrews Labor government has had over the course of its term of office, those benchmarks were met as a result of billions of dollars of investment in our ambulance service and in our now wider emergency health services. That meant more paramedics, it meant more ambulances, it meant more ambulance stations and indeed in recent budgets, particularly the last two, it has seen hundreds of millions of dollars in further investment from my good friend the Treasurer into those very services. So I look forward—when this global pandemic is out of the way, when Victorians through their extraordinary contributions, through vaccination, have got us through to the other side—to getting again into that space of partnering with Ambulance Victoria, with our paramedics, to get us back to that world-class standard.

#### MINISTERS STATEMENTS: NORTH EAST LINK

**Ms ALLAN** (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (14:06): Fifty years ago Victorians first saw a dotted line on a *Melway* map marking the future road connection from Melbourne's east to north. Well, today that dotted line is a reality, and I was so pleased to announce with the Premier the \$11.1 billion tunnelling contract for the North East Link Project. This is a project that has been talked about for decades, and it is becoming a reality because it is only the Andrews Labor government that delivers on its commitments—each and every one of its commitments—to build better transport connections for Victorians.

Now, consider—and I know you consider this a lot and you are aware of some of these details, Speaker—the North East Link Project will take 15 000 trucks off local roads, giving those local roads back to those local communities, slash 35 minutes of travel time between the north and the west of the city, create 34 kilometres of walking and cycling connections, build Melbourne's first dedicated busway, supporting a bus every minute in the peak period, add six lanes to the Eastern Freeway, upgrade the M80 ring-road, support 50 MCGs worth of new and revitalised open space in a part of Melbourne that certainly loves its environment and its open space and, most critically, support 10 000 jobs—8000 in the package that we announced today—for both the construction industry and small business.

As I said, only the Andrews Labor government delivers these sorts of projects that will mean, for example, a tradie will be able to get more easily from Bundoora to Doncaster for work and a young student from Glen Waverley will more easily be able to access opportunities at La Trobe University. Of course it is not just a road project; the North East Link is the biggest ever investment in the northern and eastern suburbs of Melbourne by any Victorian government. On this project, it is a road project but it is a community investment that will take trucks off local roads, support better transport connections and support thousands of construction jobs along the way.

#### ELECTIVE SURGERY WAITING LISTS

**Ms KEALY** (Lowan) (14:08): My question is to the Minister for Health. Jane of western Victoria was born blind. She has a degenerative muscle-destroying disease that causes immense pain. She was placed on a category 3 surgery waiting list in late 2019 at the Eye and Ear Hospital and throughout COVID has had her surgery delayed numerous times. Last week she was told it was cancelled. Why has the minister not intervened to get more elective surgery underway and help thousands of Victorians currently suffering on long elective surgery waiting lists?

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:09): Can I thank the member for Lowan for her question. I would of course not refer to any specific case—it would not be appropriate to do so—but if the honourable member chooses to forward me particular details based on clinical advice and based on all the normal processes, I would undertake for my department to have a look at that matter.

But on the broader issue that the member raises, what we have around Australia at the moment, indeed around the globe, is a global pandemic. As a result of the global pandemic, we are seeing extraordinary demands across all of our public health services right across the country, even, I have to point out, in Western Australia, where with zero cases elective surgery has been postponed in that particular state—because all of our services are under extraordinary pressure.

Here in Victoria, where we have several hundred cases of a highly infectious, deadly virus in our health system; we are having to put in place extraordinary measures to deal with that. One of those extraordinary measures, dating from March 2020, is the national partnership with the private hospital system as to how to manage demand that was expected and has, sadly, come to pass across several states and territories—how to manage precisely those extra demands in a safe way. One of those arrangements, as envisaged in that partnership, goes to how we partner with the private sector to manage the delivery of both public and private sector non-urgent surgery. There is no such thing, really, as non-urgent surgery, as the honourable member suggested in her question. If you are waiting, you are waiting for urgent attention. What the arrangements that we have in place are always based on is clinical advice that those people most at risk of needing the most urgent treatment the fastest get the treatment that they deserve. In that regard, that has sadly meant that there has been—as it was in New South Wales, as it was in the ACT and as it is in Victoria—a reframing of—

**Mr Andrews** interjected.

**Mr FOLEY**: indeed in other jurisdictions around the world—how clinical advice says, treat those most in need of urgent care first. As a result of that, what has happened is some elective surgeries, sadly an increasing amount, have had to be rescheduled to meet precisely those criteria. I look forward to the day when, based on I hope an emerging trend of the last three days of a declining overall infection rate and a declining number of people in hospital, the very issues the honourable talked about—*(Time expired)*

**Ms KEALY** (Lowan) (14:12): Yesterday the minister boasted that elective surgery had continued throughout COVID in large numbers. Despite the minister's assurances, Victoria has had a more than 50 per cent reduction in elective surgery. When will Victoria return to full elective surgery capacity?

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:12): Can I thank the honourable member for her supplementary question. In regard to the question at the end, the very last phrases that I uttered in my substantive answer went precisely to that. To refresh the honourable member's attention, that said: when the clinical advice says it is safe to do so based on all the material that is before us indeed dealing with getting through this global pandemic, that is when we will do so. This government will do so because it invests in public health. This government will do so because it invests in our public health system to address precisely these issues. This is a government that pre COVID took down those waiting lists to record low levels, having inherited record high levels. This government, dealing with a one-in-100-year global pandemic, dealing with these issues, is the government the Victorian community can trust to know that it will see this issue through and address those matters. *(Time expired)*

#### MINISTERS STATEMENTS: ECONOMY

**Mr PALLAS** (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (14:13): It gives me great pleasure to update the house on the growing improvement in consumer and business confidence right across the state of Victoria. And can I say that this is a direct result of the efforts of Victorians, who have turned up in droves to get vaccinated. The latest figures

that were released by Westpac actually show that the Victorian consumer sentiment index rose by 1.2 per cent, the equal highest of all the states. Westpac attributed this to increased vaccine coverage reaching globally competitive rates, leading to an optimistic outlook about the state's future. Recent data released by Seek showed that Victorian businesses are hiring, and they are hiring in droves and in volume. In the past month in Melbourne hospitality job ads have gone up by 204 per cent, retail job ads have gone up by 48 per cent and manufacturing job ads are up 33 per cent. Deloitte Access Economics has forecast that next year Victoria's gross state product will grow by 7 per cent, the best in the nation, which Deloitte described as a function of vaccinations.

Victorians have done the hard yards to slow the spread of the virus and get vaccinated. They have done their bit, and we are seeing that businesses, who have done it particularly tough over recent times, too are now doing their bit. As we head into the recovery, Victorians can have the confidence that this government's record on job creation is second to none. Since coming to government we have created almost 530 000 jobs. Since September 2020 we have created 165 000 jobs, the best in the nation, and while those opposite managed to create—get this—only 39 000 full-time jobs in their entire time, we created 85 000 jobs in regional Victoria alone.

### COVID-19

**Mr T SMITH** (Kew) (14:16): My question is to the Minister for Health. When will fully vaccinated primary close contacts not have to isolate?

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:16): So if I understood the honourable member's question correctly: when will fully vaccinated primary close contacts—presumably there are several levels of those. There are, for example, household primary close contacts. That is someone who is sharing a premises with someone in Victoria at the moment who is going to have, if they have got COVID, the delta variant, which has a strike rate of close to 100 per cent in domestic settings, regardless of all sorts of other factors—the vaccinated or unvaccinated status they may have. Or it could be primary close contacts in a workplace setting, and there are several of those. It could be, for instance, in areas of high-risk workplaces such as health care, which has one set of furlough arrangements, or it could be in private aged care, which has another related set of arrangements. It could be in high-risk settings such as cold storage or abattoirs, or it could be in distribution centres. Or it could be covered by the national freight industry arrangements, which also have furloughing arrangements, or it could be in any number of other settings which have nuanced arrangements worked out between those sectors and the public health sectors to take account of things like the particular circumstances of their industry, their household, the particular circumstances of PPE, infection prevention and control, ventilation measures and a whole range of other things.

Some people might like to think there are simple solutions to complex problems. Some people might like to think that they can make stuff up and send virtue signals to anti-vaxxers. That is not the position of this government. This government works on evidence, science and the best advice from leading clinicians, practitioners and public health officials. That is why there is no simple answer to the honourable member's question, because each set of circumstances has to be dealt with uniquely to the set of arrangements that apply.

Having said all of that, the truth is that as more and more Victorians get vaccinated we are seeing changes in how those furloughing arrangements apply that open us up safely and progressively to make sure that the hard work that millions of Victorians have done is rewarded, and I look forward to the continuation of that fantastic effort. I thank on behalf of not just, I am sure, all honourable members but particularly our front-line healthcare workers and others, that outstanding contribution that those Victorians have done to come forward in record numbers. So the short answer, member for Kew, is there is no simple answer to complex problems, despite what those opposite might wish to pretend.

**Mr T SMITH** (Kew) (14:19): Dear oh dear, oh, deary me. I mean really—that is confidence for you. Given the national plan at phase D talks about managing COVID like other infectious diseases,

is it the government's intention that workplaces like offices will continue to be closed down if they are visited by a COVID-positive individual?

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:20): I thank the honourable member for his question and his reference to the national plan, which this government is on the verge, tomorrow, of delivering in full. Again, thank you to the great efforts of millions of Victorians.

In regard to the specific issue that the honourable member raises, again, as I have pointed out, given the array of different circumstances, given the array of different sectors, given the differences of risk potential, given the differences of infection prevention and control measures—PPE, ventilation—and different risk strategies in place that have been worked through over the course of the past 20 months with so many sectors, there is an answer for each of those sectors based on how the virus might play out in those particular communities and those particular industries, based on an array of complex matters that those opposite seek to deny in their simplistic calls for changes that are unwarranted.

### MINISTERS STATEMENTS: MAJOR EVENTS

**Mr PAKULA** (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (14:21): I wish to update the house on the restart of the events calendar this weekend. It starts with the Melbourne Cup Carnival—35 500 racing fans at Flemington across the four days of the carnival, starting with Derby Day on Saturday. That carnival of course is absolutely critical to the state. The last carnival with crowds, in 2019, provided more than \$430 million in economic benefits to the state. The Victoria Racing Club will undoubtedly put on four spectacular days of racing, iconic Victorian events that will be broadcast around the world that will remind everyone of our reputation as the events capital of Australia, and the images being broadcast out of Flemington will undoubtedly be superb. Racing fans will be out in force across the state. There are more than 2000 patrons anticipated at the Peninsula Cup this coming Sunday at Mornington, and crowds will be returning to our picnic meetings as soon as Saturday week at Balnarring.

And that is just the beginning. Live theatre will be back very soon with the long-awaited launch of *Moulin Rouge!* at the Regent on 12 November, *Frozen* on the same night at Her Majesty's Theatre and *Harry Potter and the Cursed Child* from 18 November doing huge things for our CBD.

Heading into the summer, tens of thousands of cricket fans will be back at the MCG for the Boxing Day test to witness the battle for the Ashes. January will see the return of the Australian Open with a fully vaccinated crowd and fully vaccinated participants, despite the fears of the member for Caulfield, who thinks otherwise.

In March we will have *Elvis: Direct from Graceland* at the Bendigo Art Gallery. We are looking forward to welcoming Daniel Ricciardo home in April with the Formula One Grand Prix in Albert Park—and there will be much, much, much more, just you wait. Events large and small across the state will start returning with the easing of restrictions from tomorrow. So sing, eat, drink, cheer and most importantly get out there and enjoy everything Victoria has to offer.

### DEPARTMENT OF EDUCATION AND TRAINING

**Mr HODGETT** (Croydon) (14:23): My question is to the Minister for Education. What is the cumulative value of contracts in excess of \$100 000 that have been awarded without a public tender process by the department of education since the state of emergency was declared in March 2020?

**Mr MERLINO** (Monbulk—Minister for Education, Minister for Mental Health, Minister for Disability, Ageing and Carers) (14:23): I thank the honourable member for Croydon for his question. I will endeavour to respond in detail to that detailed question in terms of the support that we provided Victorian schools through the course of the pandemic. We needed to move—as honourable members would know, we needed to move fast and quickly to support schools, to support students and to support

the profession during this pandemic, and that is exactly what we have done. Now that we are in a period with high vaccination rates, getting to 80 per cent and then to 90 per cent, and having an environment where we can have schools closed for a minimal period of time, with investment in things such as air purifiers—the only jurisdiction in the country that is rolling out this important investment—we have had to make decisions quickly, but to the detail of the honourable member’s question, I will be happy to come back to him with a more detailed answer.

**Mr HODGETT** (Croydon) (14:24): Given that a number of contracts in the education department have been awarded—without a public tender process—that have exceeded \$1 million in value, how many of these contracts have been authorised by the minister?

**Mr MERLINO** (Monbulk—Minister for Education, Minister for Mental Health, Minister for Disability, Ageing and Carers) (14:25): I thank the honourable member for his supplementary question. What I can advise is that departments, including my Department of Education and Training, activated their critical incident procurement policies, as you would expect in a one-in-100-year pandemic. There is no doubt that the pandemic was and continues to be a critical incident. So you need to make time-critical decisions to support schools and to support communities, and we did so in an appropriate way. All departments, including mine, will continue to deliver good value and outcomes for the community, and I make no apologies for that. I make no apologies for making decisions—time-critical, emergency decisions—to support students, to protect students—

**Mr Hodgett**: On a point of order, Speaker, whilst I appreciate the minister’s answer, he is not being relevant to the question, which asked how many of these contracts were authorised by the minister that exceeded \$1 million in value.

**The SPEAKER**: Order! The minister is being relevant to the question that has been asked.

**Mr MERLINO**: Thanks, Speaker. As I was saying, the department and I as Minister for Education will continue to make decisions in the best interests and safety of students, something the member is not responsible for. *(Time expired)*

#### MINISTERS STATEMENTS: RURAL AND REGIONAL EMPLOYMENT

**Ms THOMAS** (Macedon—Minister for Agriculture, Minister for Regional Development) (14:26): The Andrews Labor government put jobs at the centre of everything we do. Since our election we have remained focused on creating jobs and opportunities for Victorians wherever they live. I wish to inform the house of some recent visits that I have made.

As Minister for Regional Development I am very proud to be doing all that I can to continue to meet and beat our target of 400 000 new jobs by 2025. On Tuesday last week I was in Ballarat, where the unemployment rate is more than 4 percentage points lower than it was when those opposite were in power. With my colleague the member for Wendouree I announced five new tenants at the Ballarat West employment zone, delivering 150 new jobs. With the support of our government and the City of Ballarat, BWEZ is home to a range of businesses, from manufacturing to civil infrastructure and agricultural machinery.

In Geelong I am proud to say that unemployment is more than 5 percentage points lower than it was when those opposite were last in office. It was great to join the member for Lara to announce our government support for local manufacturer Care Essentials. This family-owned and operated business produces medical equipment and products and exports to more than 60 countries. Recently recognised at Victoria’s national export awards, Care Essentials is the only Australian manufacturer of specialised warming blankets that are used during surgery. With our government support Care Essentials will expand their manufacturing capability, creating 100 new full-time jobs.

These new initiatives illustrate that regional Victoria is truly the best place to live, work and invest. While those opposite are flip-flopping, fighting and calling each other fools, our government is getting



on with delivering more jobs for the people of rural and regional Victoria and indeed right across our great state.

### COVID-19

**Mr SOUTHWICK** (Caulfield) (14:28): My question is to the Minister for Industry Support and Recovery. The chief health officer directives require that a business must collect, record and hold vaccination information. Additionally, training is required for businesses to employ COVID check-in marshals. Minister, what is the government's advice as to the additional cost to small businesses to maintain and abide by the CHO directives?

**Mr PAKULA** (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (14:29): I thank the member for Caulfield for his question and the fact that he seems to completely fail to appreciate that all of those things which he refers to—the check-in requirements, the ability to maintain that information, to ensure that customers are vaccinated—are in fact in the interests of keeping business open. They are all the reasons why from 6.00 pm tomorrow we are able to move to phase C, where not density quotient 4 with a maximum of 150 but DQ4 with no cap is what is applicable inside hospitality and many other venues. It is why from on or about 24 November we are able to remove all restrictions other than masks in certain circumstances and those very vaccination requirements that the member for Caulfield seems to have such a problem with.

**Mr Southwick**: On a point of order, Speaker, if I could ask you to bring the minister back to answering the question. The question was specifically about what additional costs will small businesses have to wear for all of these additional things that they have to do. Could you bring the minister to answering the question, please?

**The SPEAKER**: Order! The question was 'What is the government's advice as to the additional costs?', and I think the minister is being responsive to that broad question.

**Mr PAKULA**: Thank you, Speaker. I point out to the member for Caulfield that over the course of this pandemic not only have we provided some \$11 billion worth of business support and not only have I, the Treasurer and the Minister for Small Business consulted with and negotiated with the business community—whether it is small business, whether it is the manufacturing sector, whether it is the events sector or the tourism sector or others—consistently to find out what their needs are, we have provided all manner of support to the business community. What we know from the discussions we have had with the business community, including the small business sector, is that they are most interested in one thing: getting open and being able to trade at the highest level they possibly can. They know that ensuring that the community is vaccinated, ensuring that their customers are vaccinated and ensuring that their staff are vaccinated is the best and shortest way to achieve that objective. In those circumstances the business community does not view those requirements as a burden that in any way outweighs the benefits to them of being open and operating at full tote odds.

**Mr SOUTHWICK** (Caulfield) (14:32): Minister, with such excessive penalties for non-compliance, is the government reviewing the harsh requirements and penalties that will be applied, for example, on a small business for failing to have COVID check-in marshals in place at all times?

**Mr PAKULA** (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (14:32): Again, like in numerous, countless pieces of legislation, there are of course maximum penalties that are in place in legislation, and those maximum penalties apply to the most egregious, the most deliberate types of breaches, as the member for Caulfield, who is a former Shadow Minister for Police, well understands. Those maximum penalties need to be weighed up against what is actually happening in reality, what is actually happening on the ground. I think the member for Caulfield understands that what is happening on the ground is that in the vast majority of circumstances warnings are issued. Businesses are given the opportunity to rectify their behaviour. Whether it is Victoria Police or whether

it is authorised officers, a commonsense approach is taken and large fines are only applied in the most blatant, the most egregious circumstances. I am sure the member for Caulfield knows that.

### MINISTERS STATEMENTS: COVID-19 VACCINATIONS

**Mr ANDREWS** (Mulgrave—Premier) (14:33): I am delighted to rise to talk to all honourable members and all Victorians about the fantastic thing that will occur tomorrow at 6.00 pm. We will be able to move to the settings associated with 80 per cent double dosed because over the course of this coming long weekend we will reach 80 per cent double dosed. Indeed there is every chance that prior to 6.00 pm tomorrow we will reach that 80 per cent double-dose target and exceed 92 per cent single dose. There are more than 5 million Victorians who have gone and got at least one dose. Those numbers grow every single day in state-run hubs, which by the way have done just a lazy twice what the commonwealth government wanted us to do—you know, it is only twice. That is what our nurses, that is what our public servants and that is what our people in the state hubs have done, and I thank each and every one of them. And of course GPs have done a great job and community pharmacies have done a great job. But to get to 80 per cent double dosed tomorrow, to be able to make those big and profound changes and take those big steps towards opening up—further to the issues that so many of my colleagues have talked about today: investment, jobs, people out and about spending, having fun, seeing family and being able to have all those experiences that they have longed for and missed for such a long period of time—is a testament to the Victorian community. I am proud of them. They should be in no doubt that every member of the government is grateful to them as well.

But as important as 80 per cent double dose tomorrow at 6.00 pm will be, there have been a few other double doses this week—double doses of the low-road rank hypocrisy, low-road politics from those who trade in their own facts and more than a little bit of fiction. This government makes no apology for making tough decisions to keep our community safe. If we had not had mandates, we are not at 80 per cent and we are not open. If we had have opened up when some wanted us to open up, well, who knows where we would be. Victoria has done a great job because Victorians have done a great job. If you are not, please get vaccinated.

### Constituency questions

#### RIPON ELECTORATE

**Ms STALEY** (Ripon) (14:36): (6106) My constituency question is to the Minister for Roads and Road Safety, and I ask: when will the speed restrictions on the Western Highway between Buangor and Ararat be removed? This has been a longstanding project that has been stalled for a long time, and recently it was recognised that construction will not take place on the project until a new cultural heritage management plan has been prepared and approved and current legal restraints are resolved. That was a Victorian government spokesman on 20 October this year. So clearly they are not going to build it in this road season and they will not be building it in the next one either, so it is about time that the 80-kilometre speed limits for construction work that is not happening are removed and we get back to 100 kilometres an hour given that they have admitted that there will not be construction work on that road.

#### SUNBURY ELECTORATE

**Mr J BULL** (Sunbury) (14:37): (6107) I am delighted to have the opportunity to ask my question to the Minister for Health. Minister, what is the latest information on design and construction time lines for the Sunbury Community Hospital? As the minister would be aware, this is a terrific local project, one that will certainly bring extra services to my local community and one that is going to be incredibly popular with my local community, transforming the Sunbury Day Hospital into the Sunbury Community Hospital. Again, I ask the minister for an update on design and construction time lines for this terrific local project.

### BENAMBRA ELECTORATE

**Mr TILLEY** (Benambra) (14:37): (6108) My constituency question is to the Minister for Fishing and Boating, and the action I seek is a time line for the opening of a recreational fishery for trout cod in Victoria. Through partnerships and the hard work of volunteer groups trout cod have gone from endangered to expanding, self-sustaining populations in several inland waterways, including the Ovens River. In addition, New South Wales and Victorian fisheries have shown they can breed significant fingerlings to stock and further expand trout cod numbers. We have had a trout cod fishery in Lake Sambell and Lake Kerferd at Beechworth, but that no longer exists. There were many promises made by the government agencies over the years that a limited fishery for trout cod was to be developed, but to date nothing has been delivered. Minister, when will you deliver for recreational anglers on this magnificent and no longer endangered fighting native fish?

### NORTHCOTE ELECTORATE

**Ms THEOPHANOUS** (Northcote) (14:38): (6109) My question is to the Minister for Creative Industries, and I ask: what steps are being taken to support our events and live music industries to recover from the pandemic? Northcote is deeply proud of its local live music scene, events and creative industries. They are a big part of our social and economic fabric, creating jobs and social connection. From the Northcote Social Club to Swamplands Bar, the Merri Creek Tavern, the Peacock, Croxton Bandroom, the Wesley Anne, Open Studio and the Thornbury Theatre, just to name a few, we are home to some of the state's most amazing live music spots. But nothing can truly replace being open for business. We are now rapidly speeding towards reopening, but there are still going to be challenges, like density limits and patron hesitancy. We must make sure these industries are supported to grow and thrive. I would be very grateful for an update on this work.

### OVENS VALLEY ELECTORATE

**Mr McCURDY** (Ovens Valley) (14:39): (6110) My question as to the Minister for Health on behalf of Keith Brandt of Cobram. Keith asks: will the minister update the Cobram community on the likelihood of dialysis chairs in NCN Health at Cobram? The closest dialysis chairs to Cobram are in Yarrowonga, and they are regularly booked out. Shepparton have the next closest dialysis chairs, which is a 2-hour turnaround for most families. Cobram has a growing need for dialysis, and a short-term fix would be providing regular transport for individuals, which would allow husbands, wives, partners et cetera to not spend their entire week as a taxidriver. Support is needed in the short term, and in the medium term actual dialysis chairs in Cobram are the answer, and we seek his support.

### TARNEIT ELECTORATE

**Ms CONNOLLY** (Tarneit) (14:40): (6111) My question is for the Deputy Premier in his capacity as Minister for Education. The announcement that our government will be funding \$230.4 million to extend and expand the tutor program across Victorian schools is something that I know so many parents right across the Tarneit electorate will greatly welcome. This is the single biggest investment into individual learning support in Victorian history, and it means that the program that has supported students throughout 2021 can continue into future years. Over the past few months I have spoken with so many parents in my electorate who have been worried about their children's education. There is no doubt that it has been a tough time to be a student, and for kids remote learning does not do it for all of them. I know that our government is determined not to leave these kids behind, which is why we have this program to help those kids get that bit of extra help they need. My question for the Deputy Premier is this: how is this program benefiting students in Tarneit, and what will this additional funding mean for those students who are already currently benefiting from the program?

### SHEPPARTON ELECTORATE

**Ms SHEED** (Shepparton) (14:41): (6112) My constituency question is for the Minister for Health. In May 2011 the Victorian government released the *Victorian Health Priorities Framework 2012–2022*, which outlines the planning and development priorities for the Victorian healthcare system for

the coming decade. The framework provides greater certainty to rural and regional Victorians about what they can expect from their local health services. In the short- to medium-term goals outlined in the plan the Victorian government plans to distribute the health workforce to match the needs of rural and regional communities. Shepparton district GPs are reporting high workforce turnover and low retention capacity. This is leading to a lack of healthcare accessibility for patients. What steps has the Victorian government taken to make sure regional areas such as the Shepparton district receive their fair share of health staff?

#### BASS ELECTORATE

**Ms CRUGNALE** (Bass) (14:42): (6113) My question is for the Minister for Mental Health. Can the minister please provide any information on state government mental health support for my electorate of Bass, covering Casey, Cardinia and the Bass Coast shire, during the pandemic and beyond? Every age group across every setting and every sector as well—our business community, creatives, schools, kinders, health and so forth—has been challenged with this pandemic: remote learning, community sport stopping and starting, school camps cancelled, festivals postponed, milestones we celebrate each year put to the side and our daily social interaction significantly reduced. There have also been stresses on people's financial situations and their personal and work lives. The restrictions have been necessary to reduce movement, slow the spread of the virus and save lives. Opening up also brings its own challenges as people readjust their lives once more. Any further information on previous and upcoming mental health support as we come out of lockdown is appreciated so I can relay this to my community. Thank you, Minister.

#### SANDRINGHAM ELECTORATE

**Mr ROWSWELL** (Sandringham) (14:43): (6114) My constituency question is to the Minister for Health. Will the minister publicly release the health advice on which the Andrews government is basing its decision to exclude the unvaccinated from our community after 80 per cent of all Victorians have received their second vaccine dose? The Premier has shamelessly and heartlessly threatened that unvaccinated Victorians will continue to be locked out of public settings until 2023. The Premier's assertion is not consistent with the national plan. Why is the Victorian Labor government not following the national plan as New South Wales is? Victoria's vaccination rate is one of the highest in the world. Today over 91 per cent of Victorians have received their first dose and 77 per cent have received their second, so why does the Victorian Labor government insist on dividing our community? The Premier needs to explain to the Victorian people why we are the only state to enforce this segregation when our vaccine rate is so high. At this point in our history we do not need further division. We need hope, we need prosperity and we need unity.

#### CARRUM ELECTORATE

**Ms KILKENNY** (Carrum) (14:44): (6115) My question is for the Minister for Roads and Road Safety. As part of the level crossing removal project at Carrum a new signalised intersection was constructed that directly links McLeod Road with the Nepean Highway. No more do motorists have to navigate the dreaded dogleg—a right turn into Station Street, along Station Street, wait at the level crossing and then a right turn onto the Nepean Highway. Since we opened the new intersection in 2020 I have received and really appreciated community feedback on ways to continually improve safety for drivers and pedestrians. This week overhead signage is going up on the rail bridge to advise motorists which lanes they should be in. Prior to that flashing signs were added and street signage was moved. Can the minister please say what works have taken place to improve safety at this intersection and what further works are planned?

## Bills

**PUBLIC HEALTH AND WELLBEING AMENDMENT (PANDEMIC MANAGEMENT)  
BILL 2021***Second reading***Debate resumed.**

**Mr NORTHE** (Morwell) (14:45): I rise to speak on the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021. First, can I commend every single Victorian who has been working on the response to the pandemic—your ongoing work and efforts are valued and respected, and we say thank you.

Prior to providing my own comments on the bill itself, I want to briefly give an overview of what the bill intends to do. The bill seeks to replace the need for regular extensions to the state of emergency under the Public Health and Wellbeing Act 2008. According to the government, it is seeking to introduce these measures to provide for a fit-for-purpose pandemic management framework comprising powers appropriate to ensure Victoria is equipped for the ongoing COVID-19 response as well as future pandemics. However, there are many who disagree with this assertion, including me. As has been previously debated in this chamber, the current state of emergency was extended until 15 December 2021. As such, it will have been in place for approximately 21 months, with the act being amended for periods of time along the way to allow for extensions to the state of emergency.

Supposedly the bill establishes mechanisms to improve the transparency of pandemic decision-making and the accountability of decision-makers to Parliament and the community, but again this is questionable, as articulated by a myriad of persons, including legal experts. For the purposes of persons reading my speech, the government states that the bill provides for the use of the same powers currently available under the state of emergency through chief health officer orders. However, this specific bill provides the Minister for Health with broad powers to make pandemic orders where reasonable and necessary to protect public health on the advice of the CHO.

I want to also highlight my disappointment with the actual passage of this legislation. As a matter of course legislation is introduced in this chamber one day, second read the next day and then members of Parliament, industry groups, businesses and Victorian citizens are given a minimum of two weeks to digest the legislation, consult with the community, consider the legislation and receive a briefing before coming back to Parliament to debate and vote upon said legislation. Even for the most mundane and unimportant legislation this two-week window is afforded to members of Parliament and the community, which is vitally important for the above-mentioned reasons. Yet here we are, arguably with the most important legislation this Parliament has had to consider, certainly in this term of Parliament, effectively only having one day to read hundreds of pages of information and then somehow consider all the same information, consult with our communities and come back today to debate and vote upon a bill—a bill that affords extraordinary, almost open-ended powers to the Premier, the health minister and health officials in Victoria, who can in turn impose restrictions and orders upon Victorian citizens that significantly affect their employment, their health, their emotional and mental health, their social networks and their liberties and freedoms. On this basis alone I will oppose the bill.

Generally we are informed on the Thursday prior to a Parliament sitting what bills will be debated in this place, and this was again the case last Thursday. However, the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021 was conspicuous by its absence, because the said bill had not even been introduced into the Parliament. Now, I had expected the government would introduce a bill this week to extend its state-of-emergency powers beyond 15 December, but to introduce, second read, debate and vote on the bill in three consecutive days is simply unacceptable and undemocratic. To say I was surprised, shocked and stunned late on Monday when the process for

this week was laid out for such important legislation is an understatement, and many people have sent via emails and messages their same opinion.

As Independent members of Parliament—as the member for Shepparton noted in her contribution—we have not had the time to read and consider the full legislation, and we simply do not have the people and the resources to do that. This really is unsatisfactory and undemocratic. As a basic principle I am not opposed to the fact that governments should have the powers to deal with emergency events. Within reason of course they should have the ability to apply restriction of movement where it is absolutely necessary. In the case of the pandemic, Victorians have endured 21 months of heartache with some of the toughest lockdowns the world has seen, so you can understand the intention to minimise virus outbreaks across Victorian communities, but at the same time no-one can argue that those restrictions have not impacted people financially, emotionally, mentally and socially.

Whilst I appreciate decisions in response to a pandemic are tough ones for governments to make, I have always believed that you also need to understand the perverse or unintended consequences of such decisions. Many a medical expert has flagged to the government that the impacts of the restrictions are causing harm to children, adults and seniors in various ways. Children, for example, missing out on school, social activities and sport, must be considered in the decision-making process, as must the welfare or employment of adults, who are now caught up in the vaccinated versus unvaccinated classes of people that have been created. In my members statements this morning I mentioned about business owners' employees having to grapple with the inconsistency and illogical aspects of the rules that are now in place—whether one is vaccinated, unvaccinated or single-dose vaccinated. The anxiety of business owners is palpable as they deal with confusion and mixed messages. Our seniors who are in aged-care settings or at homes are missing out on those social interactions with loved ones. So there are impacts right across the board. But my point has always been that if the government imposes restrictions on its citizens, it has to also consider the outcomes of those same restrictions and the effect they will have on people financially, emotionally and socially, and unfortunately I believe that has been forgotten in many respects.

I have always opposed the state-of-emergency powers not on the basis of the rules and restrictions not being warranted but for the fact they give government and health officials unfettered powers for extended periods of time and without proper oversight and scrutiny, including by the Parliament itself. This bill does nothing to allay my fears. I do hear the call that the Parliament will receive various reports from independent committees about decisions made, but again, the point is that Parliament itself has no influence over major decisions that affect Victorian citizens.

Two points of concerns are that it enables the Premier to declare a pandemic where the Premier is satisfied there is a serious risk to public health arising from a pandemic or disease of pandemic potential and to provide declarations to be renewed for up to three months at a time with no outer limit on the total duration of a declaration. Those two provisions alone should cause alarm to Victorian citizens. It seems that the government is seeking even further powers, almost open ended, without having to come back to the Parliament for consideration of serious restrictions and directions imposed upon Victorian people. And whilst I do not profess to be a medical expert, the facts are the federal government say that vaccinations are voluntary, yet the state government through its state-of-emergency powers has mandated that the majority of Victorians must be vaccinated, and without having to come back to the Parliament for debate, consideration and voting upon. Something as serious as mandating vaccination for Victorian citizens not coming back to the Parliament for debate and voting I find troubling.

Others have had a lot to say about this bill, including the Victorian Bar president, Christopher Blanden, QC, who said the following, and I quote:

The Bill confers on the health minister in a practical sense an effectively unlimited power to rule the state by decree, for effectively an indefinite period, and without effective judicial or parliamentary oversight ...

Does that sound familiar? Yes, because this is exactly what I have been saying throughout the whole state-of-emergency debate. Mr Blanden also went on to say:

That doesn't add up to good democracy in my book. It's a disgrace. What's the urgency?

When you have the Victorian Bar expressing such significant concerns about a bill that affords the government such powers, then in my view all Victorians should be concerned. As Mr Blanden noted, and also the member for Shepparton, what is the rush? The government does have the time to allow members of Parliament, legal experts and Victorian citizens to further consider and consult about the merits or not of this bill. Because this is not happening, one can only be cynical of the government's motives and intentions.

In conclusion, in my opinion this bill should not be debated and voted upon today and it should not be supported, for the reasons that I have consistently conveyed, and they are: it continues to give the Premier, the health minister and health officials unfettered powers without proper legal and parliamentary oversight for an unlimited time and whilst not understanding the real harm caused to Victorian citizens financially, emotionally and socially.

**Ms McLEISH** (Eildon) (14:55): I rise to join the chorus of opposition to what we call the pandemic legislation, as it is commonly known. That opposition, I must say, is not just from the Liberals and from The Nationals; that opposition seems to be very widespread. I note and I want to draw attention to the Greens' contribution, where they actually noted many, many flaws and the fact that this is not a perfect bill. They even commended suggestions to the government and acknowledged that it was rushed through. They cautioned and in fact stated that the government had probably weaponised people with mandatory vaccination and the possible ongoing mandatory requirements for all of next year, even when we are at 90 per cent vaccinations. They pointed out so many flaws with the legislation, they pointed out also the lack of time that we have had to consider this bill; however, it is very disappointing that despite all of that they have gone on to actually trust the government on this and support it.

This is a government that tells us constantly that we should trust it. Now, it is very difficult to actually trust them when they have had spectacular failure after failure with the management of the COVID virus. We have had the most deaths. We have had the most lockdowns, both in the number of times and the number of days. I am quite disturbed when government members, who I am sure have really not got their heads around the bill either and have just been told what to say, say that we are whipping up hysteria. Well, I have got to say that a lot of this hysteria is coming from people who are quite notable, who have been able to look at this quite closely with an analytical and a legal mind. I have had a lot of people talk to me, and I have comments that I want to read out. Suzie said, 'This has complete disregard for democracy'. Liz: 'This could be the beginning of the end of democracy'. Annette: 'Horrendous attack on our democratic principles'. Such is the concern with this bill out there.

I want to talk about the timeliness and the time lines associated here and the lack of time that we have had to look at the bill and understand it. I went to the bill briefing—half an hour, so not enough for when we have quite a substantial bill, quite a hefty bill, and in fact the longest second-reading speech I have seen. We were given half an hour. A few concerns were noted in that, not by us but by the people giving the briefing, acknowledging that this was quickly developed, really rapid work, once they realised there could no longer be an extension to the state of emergency. So if this was put together hastily, too rapidly, the likelihood that there are inconsistencies and flaws is quite high, and you would think that not just the opposition would need time to scrutinise it but so would external parties who are concerned about human rights. They should have an equal amount of time to examine this.

I first got the bill 2 hours before the briefing—2 hours before that half-hour briefing. Apparently there was that leaked summary, that leaked bill that got out to the newspapers. We asked at the bill briefing, 'Well, okay, if that was a leaked one'—and they could not attest to that being the final version—'what were the changes?', and they could not tell us that. I find it very difficult to understand how somebody in the department who has pushed the wrong button then cannot tell us what version they released and

what the changes were. Were there 42 changes, 242 changes or one change? You would think that they would be able to tell us that, but they just could not.

Despite this bill being rushed through and quickly developed, we know the government began consultation on it with a select group of crossbenchers in March. That is eight months ago. Members of the government said that we had not requested a briefing at the very time when it came to our attention that they were offering a bill briefing to discuss it with this select group of crossbenchers. We said, 'We'd like that as well', and they said, 'Sorry, this is not for you'. I have heard consistently from members opposite that we did not ask for this. Well, we did ask for this, and they are absolute untruths that are being spouted continually over the other side in the belief that if you say it enough, it will sometimes turn into being a truth. Well, it will not.

You have got to like what has been said through Christopher Blanden, QC, who is president of the Victorian Bar. He said, and I quote, that:

... the government "grossly misrepresented" its consultation with the barristers' peak body.

Grossly misrepresented—so here is the government saying that they have done all this consultation. In the bill briefing we asked them to provide a list of who they have consulted with and give us that understanding. Well, as of an hour ago we did not have that list, and it certainly has not been passed to me if we have it. The government constantly says there should be a bipartisan approach to this pandemic. Whilst that would be ideal, that requires the government on their part to speak to us, to bring us on and let us know what is in this bill. They are saying this is everything that we are calling for. Well, that is wrong. I think it is totally unfair for us not to have had more than half an hour of a bill briefing and then with, as I have said, this fat bill—the longest second-reading speech ever—to be expected to debate it and to pick up every flaw and scrutinise it to the degree that it should be. That is really quite extraordinary.

There are a number of issues that I just want to quickly raise. Under this bill we can have a pandemic declared, and it does not even need to be in Australia. The Premier makes a declaration—well, that is fine, but this needs parliamentary scrutiny. It does not need one person to have powers vested in them that allow them to do everything. Non-binding recommendations from a committee—what is the point of the committee if these are not binding? And with these recommendations that are made, I do note that these review committees are all appointed by the government, so the lack of independence there is of some concern. There is no limit on the number of times that this three-month period can be extended. The regular checks and balances that should be put in place are not, and the oversight mechanism needs to have true independence, but it does not.

I am going to quote again the president of the Victorian Bar, Christopher Blanden, and he has had a lot to say about this. He has had a lot to say in an article in the *Age* and on 3AW this morning. He questioned the urgency. Why are we having to push this through so quickly? I know if the government had their way, they would have this through the upper house this week as well. Well, hopefully that will not happen and we will have a little bit more time, but he questioned the urgency. Unless the government has plans to continue state-of-emergency powers well into next year, there should not be this amount of urgency. He questioned the powers—the significant powers impacting the rights of citizens should have greater checks and balances—the fact that the minister can do anything, and the fact that there is the power for citizens to be detained without a charge indefinitely. I am fairly sure I saw a report this morning that the Minister for Health was unaware of this. Well, if the Minister for Health is unaware of this, then there are serious flaws—if external people are picking up some of the things that the Minister for Health has not, and I think I am correct in saying that. He went on:

This is a bill that fundamentally interferes with the rights of citizens in some very basic ways. It abrogates the privilege against self-incrimination and you've got detention at the whim of the minister. It's just appalling stuff.

For the president of the Victorian Bar to be saying such things, this government needs to take note. They know that it is being rushed through. They know that there has not been the time for the department to really make sure they have crossed the t's and dotted the i's. They know they are rushing



this. A professor at Melbourne Law School and the president of Liberty Victoria have concerns that there should be sufficient opportunity to consider the bill carefully. Well, the government is doing everything to make sure that it is not being considered carefully, and this is an appalling way to govern. They have never had any intent of bringing the opposition along with them. They have kept us in the dark the whole time, they have rushed this through and this is a very poor piece of legislation.

**Ms WILLIAMS** (Dandenong—Minister for Prevention of Family Violence, Minister for Women, Minister for Aboriginal Affairs) (15:05): I move:

That the debate be now adjourned.

**Ms KEALY** (Lowan) (15:05): I rise to vehemently oppose this bill being adjourned at the moment. We have still got 15 speakers waiting to speak on this very important legislation, which needs to be debated. We need to make sure there is appropriate scrutiny put in place, like every single member of this Parliament.

**The ACTING SPEAKER (Ms Richards)**: Sorry, member for Lowan, are you speaking on the motion?

**Ms KEALY**: I have said that I am speaking on the motion, and I vehemently oppose the motion that has been put forward. This is important legislation, not just for Parliament today but for every single future Parliament, because within it the bill ensures that the government has almost unfettered power. In fact it means that an individual minister has unfettered power over the rules of what they can put in place in Victoria, without the scrutiny which is required under a democratic process and the traditions that we hold so close in Victoria, which are the foundations that democracy is built upon. And to stymie debate when we only received this enormous tome of a bill yesterday, the first time we saw it—we still have a number of questions outstanding that we asked during the bill briefing that have not yet been responded to. We have not even got a Scrutiny of Acts and Regulations Committee report available for this. And yet it is a bill which outlines so many potential restrictions that could be used in terrible ways in the future.

It is not just members of Parliament who are very concerned about it. I have received, as I am sure every member of this place has received, copious amounts of correspondence from constituents, from Victorians, who are deeply opposed to this legislation. They see that it will cause irreparable harm, and in the wrong hands it will cause enormous harm to the state of Victoria going forward. While we hear from the Labor MPs, ‘No, no, no, we have no intention to do that’, it is not about what you intend to do or what we intend to do, it is about future generations and who will be elected to this place in the future. Now, we know that power corrupts and absolute power corrupts absolutely. This bill hands enormous power to a single individual, without any scrutiny through the parliamentary process.

There should be and we should always have had throughout the COVID restrictions—where there was a shutdown even of Parliament—regular information and an allowance for scrutiny to be provided through this chamber, because that is democracy. We take the views of Victorians to this place and allow that secondary sight over rules that are being put in place. And these are rules that are making a significant difference to people’s lives. You are keeping kids out of education, family violence rates are going through the roof, mental ill health and illness is through the roof and people cannot get the help that they need. Even today we look at businesses that do not know if they can open at 6.00 pm tomorrow or not if their staff are not fully vaccinated. These are all issues that need to be debated.

Every single member—15 members that I am aware of—who has not had the opportunity to speak on the bill should be given that right. There is no reason for this bill to be rushed through, except if you have got something to hide. And that is what our concern is: you are now truncating debate. You have truncated the ability for us to consult with the community, for everyday Victorians to look over this bill and see how it will impact on their rights. And you have cut all of that short.

Now, this is not by any means at all saying we do not want to debate the Windfall Gains Tax and State Taxation and Other Acts Further Amendment Bill 2021, because we have deep concerns about that that we want to put on the record too. But we do want to make sure that we have every single right and opportunity to provide feedback on and apply scrutiny to the pandemic laws, because we do not want ‘classes of person’ to be used inappropriately. We do not want people to ever—ever!—be discriminated against because of the colour of their skin or their gender or their religion or their political views. We got feedback very, very late—in fact I have only just received it in the past hour—that the Premier would not be able to defer an election. However, within this bill the Premier would be able to lock down the state and not allow certain classes of persons to leave their home and therefore they could not attend a polling booth and cast their vote. That is within the allowances of this bill.

And it is not just us saying that. We have had so many people, as we have heard in many contributions today, who have referred to the president of the Victorian Bar, who has raised deep concerns about this bill. We need to make sure this bill is appropriately scrutinised and that we have proper debate around it not just so we can have our voices heard as members of Parliament but so everyday Victorians can have their voices heard.

**Mr EDBROOKE** (Frankston) (15:10): I do wonder today if the president of the Victorian Bar is ruining the time that he spoke up about this bill, only to be misrepresented by these people in the opposition. Now, this is a very important bill; that is true. But it is the facts of the bill that are important. Those opposite came into this place and told us previously that the Premier could actually ensure that we did not have an election, and now we are hearing that that was confusion and he cannot.

We do have other important bills that we need to get to. The Windfall Gains Tax and State Taxation and Other Acts Further Amendment Bill 2021 is an amazing bill that we all wish to support and speak on today. The issue we have here is there is no issue with the parliamentary process, and there certainly has not been. We continue to hear the babbling from those opposite wasting their time, but they cannot waste the Parliament’s time. We need to be able to debate other issues as well, and I am standing here in disbelief at some of the things I have heard this afternoon. Surely it is reasonable to suggest that people on this side of the house and members on the other side of the house have the opportunity to speak on other bills today as well without this grandstanding from a useless mob across the aisle.

**Mr BATTIN** (Gembrook) (15:12): If you want to hear anything about why Labor are who they are—they want to stop a debate that is about defending democracy in Victoria to introduce a new tax because they want to make sure that they can get the money that they have already spent and wasted. Now, the one thing that I wanted to speak on this bill for is there are 15 people on this side who have not had the opportunity. That is 15 local communities that have been cut out of this debate.

The one thing that continuously gets raised in this debate by those on the other side, who have got their speaking notes directly from the Premier, specifically says they have got oversight. The oversight put in place is a committee appointed by the Premier. It can be dismissed by the Premier at a decision by the Premier, and he does not have to take the advice of that committee, the Premier.

Let us put into perspective how well that has gone in history. Some of you may know Jane Garrett. I am sure some of you on that side know the member of the upper house who went and spoke to the Premier and said, ‘I don’t support legislation for the CFA’—gone, sacked, out, no longer in cabinet. Some of you may remember Jenny Mikakos. She spoke up against the Premier—gone, sacked, no longer allowed to speak up. Some of you may remember Lucinda Nolan, a former CEO of the CFA. She spoke up against some of the issues that the Premier wanted to bring in—gone, sacked, gotten rid of by the Premier. You may even remember Joe Buffone. Joe Buffone was an amazing person in our community for emergency services in Victoria. He spoke up against the government—gone, sacked, gotten rid of. You may remember the entire CFA board, who spoke up and said they did not want anything in relation to what was happening in the CFA at the time—gone, sacked, dismissed, disrespected—absolutely and utterly disrespected on the way out. The then Minister for Emergency

Services, the member for Monbulk, came out when some of these people spoke up and all he did was try to tear apart their character. That is how Labor operates. That is what we are trying to stop.

Why don't we want this legislation? It is directly because of the evidence and the actions of the Victorian Labor Party, who have continued to prove time and time again that every time someone speaks up against the government or against the Premier—sacked, gone, dismissed. That is a major and massive concern for people in the community. Here is the example today. Now 15 people—who represent 15 communities, which represent nearly a million people in our community—do not have a voice. They have been silenced. Every person in my electorate has been silenced by the Labor Party in Victoria.

This is the biggest bill to come through this house in my 11 years, and I heard the member for Warrandyte say that about his 15 years. I will assume there are people on the other side who have been here since the 1990s, and it is the biggest bill in the time they have been here as well, because every person on that side knows the power of this bill—every person. And if you do not know the power of the bill, you only need to refer to the Victorian Bar, which has written a letter on this:

Over the past 24 hours, the Victorian Bar has become aware of a bill to amend the *Public Health and Wellbeing Act 2020* ... in respect of, amongst other things, pandemic management.

...

The Minister for Health's Bill Summary claims the Department and an "Expert Reference Group" ... undertook targeted consultation ...

Another lie by Labor—a 45-minute Teams meeting with a promise to catch up to discuss it again, and at that meeting there was nothing around the pandemic legislation that is before the house today.

Acting Speaker Richards, I know you represent the area where I live, in Casey and Cardinia. I know the member for Narre Warren South was very vocal a second ago in talking about the communities of Casey and Cardinia. Let me assure you that if residents of Casey—

**Mr T Smith** interjected.

**Mr BATTIN:** No, he does not live out near Casey. He lives in St Kilda. Let me assure you, if you wanted to come for a drive through those areas during the pandemic, you would have seen businesses closed, the schools closed, the kids struggling with mental health and all of the issues that are happening down in that area—the businesses that are slowly sliding away because they cannot get support from anyone. They do not want legislation that is going to allow lockdowns for 2022. When the Premier has come out and specifically said that the new thing is going to be a third dose, there is nothing surer than this legislation is his plan to lock down Victoria until he gets his way with a third dose in 2022, and we cannot accept that in Victoria.

**Mr MAAS** (Narre Warren South) (15:17): It gives me great pleasure to rise to support the motion of the Minister for Women. The Shadow Attorney-General over there still does not have his law degree incidentally.

*Members interjecting.*

**Mr MAAS:** No, no, he wants to be the AG. He wants to be the AG. He cannot go and do the study—

*Members interjecting.*

**Mr R Smith:** On a point of order, Acting Speaker Richards, already we are seeing from the member that they love attacking characteristics. They are dying to use this legislation to attack attributes. Of course people who are uneducated are going to be locked down. You are going to use this legislation to lock down all sorts of people, aren't you?

**The ACTING SPEAKER (Ms Richards):** Member for Warrandyte! What is the point of order?

**Mr R Smith:** That is what you are going to do, and that is why we are so opposed to it.

**The ACTING SPEAKER (Ms Richards):** Order! What is the point of order? There is no point of order.

**Ms Williams:** On a separate point of order, Acting Speaker—

*Members interjecting.*

**Ms Williams:** If we could have a little bit of quiet, thank you. I am quite concerned by the conduct and the violence that we just witnessed from the member for Warrandyte. I would seek some guidance from the clerks or indeed the Speaker about that conduct and the status of that conduct in this environment. I think it is worth review at some point. And just to put it on record, the member for Warrandyte stood up, shouted at the Acting Speaker and then proceeded to thump his fist on the perspex repeatedly. I think given the work that this Parliament—more so this government—has done particularly on the issue of violence against women, that kind of behaviour in this setting is just utterly unacceptable. I would ask if at some point the Speaker could review the footage of that and work out an appropriate sanction.

**Mr Battin:** On the point of order, Acting Speaker, in relation to the accusations that have been cast from the other side, there was nothing along those lines. The member for Warrandyte was trying to get the attention of the Acting Speaker, who failed considerably to stop and get the point of order. I note the member for Dandenong, the Minister for Women, who has all of a sudden decided to find her voice, was very silent when we had threats against Jane Garrett of axes in the head, and no-one on that side of Parliament decided to stand up once. It is about time you have some consistency in there and start defending all of that. We actually had simply a member standing up and trying to get the Acting Speaker's attention, and she failed in the role. If you do not want to be in that position, as I have said to other Acting Speakers, then do not go into that chair if you are not going to take consideration of both sides of the chamber.

**The ACTING SPEAKER (Ms Richards):** If there are no more speakers on the point of order, I will refer the matter to the Speaker for his review.

**Mr MAAS:** Look, if the opposition were absolutely genuine in wanting to have further speakers on the subject bill, if they were absolutely genuine, then they would be appearing in this house every other time that bills are spoken to in this house. How many times have we come to this place to debate bills and there has been no show from the other side? That is right—get up, leave the house, because that is the behaviour that has been going on in this place.

We set out the government business program true to the forms and the procedures in this house, and that was done at the beginning of the sitting week, as it always is. The truth of the matter is that, through negotiations with this side the house, time has already been extended for you to be able to have speakers turn up and speak to the bill. That has already happened, and it is an opportunity that has been afforded to you. To come here now and to use these technicalities and to use these technical procedures in the house to your own benefit, to quote the Minister for Racing, so that you can play footsies with the anti-vaxxers—that is right—so you can do other stuff like—

*Members interjecting.*

**Mr MAAS:** No, that is not what we do. Anyway, I support the motion that the Minister for Women has put forward.

**Ms VALLENCE (Evelyn) (15:22):** The debate should not be adjourned on Labor's draconian pandemic laws because otherwise the government will be stifling the voice of nearly three-quarters of a million Victorians—hundreds of thousands of people in my electorate and in the electorates of my colleagues, gagged from contributing to this debate, the tens of thousands of people who have contacted me and other MPs, fearful of the power that the Premier is trying to give himself with this bill. Labor should not be gagging debate on the fact that the Premier wants a new law to transfer all power to him and the Minister for Health to impose lockdowns even if there is no virus and apply

restrictions based on race, religion, sex, age, pregnancy, marital status or any other characteristic—and that is precisely what is written in this bill, and that is a risk. If it is not accurate that the government is going to use it in that way and the Premier will not abuse this ability to discriminate, then why is it in the bill?

This bill is the modern-day equivalent of erecting a Berlin Wall between all Victorians. The Berlin Wall was a symbol of communism, as we know, trying to destroy freedom—but freedom prevailed. Why is Labor so desperate to gag the debate on Labor's draconian pandemic law? I think it is because Labor is worried. They are worried that Victorians will wake up. They are worried that Victorians will wake up and see the extraordinary overreach in this pandemic law, presenting a clear and present danger to freedom in this state. I say, 'Tear down this bill'.

The debate should not be adjourned because there has been inadequate activity for scrutiny of this bill on this issue. Over the course of the last 19 months of the COVID-19 pandemic in our country, where is a single—other than this one—other state or territory government saying that there would have been fewer infections or fewer outbreaks, that infections would have been less severe or that there would have been fewer deaths if only the government had more power to restrict the liberties of their citizens? Nowhere. Victorians know only too well, sadly, that this Andrews Labor government exploited it at every possible avenue—every possible avenue available to it over the past 19 months—to go harder, faster and longer in their lockdowns. For example, seven days of lockdown turns very quickly into 77 days of lockdown—and for what? The worst outcomes—the absolute worst outcomes in our nation—and the most deaths from COVID in our nation.

Further debate should not be adjourned, because of the fundamental failure of the Minister for Health's department to even have any idea what is in their 120-page bill. When they were asked whether the Premier would be able to use the rolling three-day lockdown provision in the bill to stop and stifle elections, the minister's department did not know. In the briefing yesterday they could not answer that very basic question. Potentially there could be a curtailing of a democratic election because of the attributes and characteristics that are described and provided for within this bill. That would be astronomically bad.

Debate should not be adjourned because gagging MPs on this side only stifles the voices of Victorians who want further debate on the Premier giving himself the ability to detain Victorians without reason, without explanation and without the ability to appeal to the courts. If by chance the detention is found to have been unreasonable or unnecessary by one of the Premier's own appointed bureaucrats, it will not be found unlawful, and that is wrong. Adjourning this debate removes the ability for Parliament to debate granting this government powers to interfere with citizens liberties. Such powers should not be granted unless absolutely necessary, and when granted the limits of powers should be strictly defined. This is a very, very long bill, but those powers are not strictly defined. There is no expiry.

The duration for their exercise should be limited. That is not in this bill. Public scrutiny should be close and immediate, and parliamentary control should be absolute. The proposed legislation fails every one of those tests. I will oppose this bill, the Liberal-Nationals will oppose it and we will repeal it if elected in 2022.

#### **House divided on motion:**

*Ayes, 16*

Blandthorn, Ms  
Bull, Mr J  
Carbines, Mr  
Cheeseman, Mr  
Edbrooke, Mr  
Fowles, Mr

Fregon, Mr  
Green, Ms  
Hall, Ms  
Maas, Mr  
Richards, Ms

Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Theophanous, Ms  
Williams, Ms

*Noes, 11*

Battin, Mr  
Britnell, Ms  
Cupper, Ms  
Kealy, Ms

O'Brien, Mr D  
Riordan, Mr  
Rowswell, Mr  
Sheed, Ms

Smith, Mr T  
Staley, Ms  
Vallence, Ms

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned until later this day.**

**Register of opinion on motion**

*Ayes*

Ms Addison, Ms Allan, Mr Brayne, Mr Carroll, Ms Connolly, Ms Couzens, Ms Crugnale, Ms D'Ambrosio, Mr Dimopoulos, Mr Donnellan, Ms Edwards, Mr Eren, Mr Foley, Ms Halfpenny, Mr Halse, Mr Hamer, Ms Hennessy, Ms Horne, Ms Hutchins, Mr Kennedy, Ms Kilkenny, Mr McGhie, Mr McGuire, Mr Merlino, Ms Neville, Mr Pakula, Mr Pallas, Mr Pearson, Mr Richardson, Mr Scott, Ms Settle, Mr Tak, Mr Taylor, Ms Thomas, Ms Ward, Mr Wynne

*Noes*

Mr Blackwood, Ms Britnell, Mr T Bull, Mr Hodgett, Ms McLeish, Mr Morris, Mr Newbury, Mr Northe, Mr M O'Brien, Ms Ryan, Mr Wells

# **WINDFALL GAINS TAX AND STATE TAXATION AND OTHER ACTS FURTHER AMENDMENT BILL 2021**

*Second reading*

**Debate resumed on motion of Mr PALLAS:**

That this bill be now read a second time.

**Mr T SMITH** (Kew) (15:33): Given the somewhat chaotic scenes that we have just witnessed, I might, with the house's indulgence, just take a brief moment to get my notes in order. But I advise the house that the opposition will be—

*Members interjecting.*

**The SPEAKER:** Order! I might just ask the member for Kew to pause for a moment. If I could ask members who are engaging in conversation to maybe leave the chamber. The member for Kew has the call on the Windfall Gains Tax and State Taxation and Other Acts Further Amendment Bill 2021.

**Mr T SMITH:** Thank you, Speaker, and thank you for giving me those brief moments to get myself organised. The Liberal-Nationals opposition will be opposing the Windfall Gains Tax and State Taxation and Other Acts Further Amendment Bill 2021. I also advise the house that I move:

That all the words after 'That' be omitted and replaced with the words 'this bill be withdrawn and redrafted to:

- (1) take into account further and proper consultation with the property and development sector and young Victorian families about the windfall gains tax in relation to the potential for higher housing costs; and
- (2) retain the remaining provisions of the bill'.

This is the wrong tax at the wrong time. I refer to a letter I have received from the Property Council of Australia, the Urban Development Institute of Australia (UDIA), the Housing Industry Association (HIA) and the Master Builders Association of Victoria, and I quote:

Since the WGT announcement on 15 May, Victoria has endured two snap lockdowns and is now in an extended lockdown due to the impact of the Delta variant of COVID-19 in the community.

This letter is dated 18 October.

This has placed further pressures on all parts of the economy, even with the combined efforts of governments to provide financial assistance during this period.

We wrote in May that the WGT, along with the stamp duty and land tax increases, were taxes on Victoria's economic recovery after the most significant economic and social crisis of our generation.

I repeat: the most significant economic and social crisis of our generation.

This crisis has only deepened in the last four months and requires a concerted and coordinated recovery effort, co-led by government and industry, to ensure we emerge on the other side.

Now, more than ever, is not the time—

I repeat: is not the time—

to introduce an unprecedented new tax that delivers so much uncertainty and is set to increase costs for everyday Victorians.

We look forward to meeting ... to discuss these important issues further.

Now, Labor's record in government in increasing or introducing new taxes is profoundly awful, to say the least. The Property Council of Australia engaged Pitcher Partners, and Pitcher Partners has provided advice to the property council that:

Since coming to government in 2014 the Andrews Labor government has introduced 24 adverse changes to property taxes. These include eight new property taxes outright, seven increases in the rate of existing and new property taxes, four removals of exemption categories for property taxes without a replacement, exemption or concession, and two significant changes that expanded the scope of the land tax regime. In addition, in the 2020–21 state budget the Victorian government raised the rate of land tax, introduced a new premium rate of stamp duty and is now proposing to introduce this windfall gains tax.

This all has a profound impact on our economy. Modelling by Urbis for the property council highlights that the three largest projects that are currently underway in Victoria are set to be impacted by the windfall gains tax, that there will be a significant impact on Victoria in terms of delayed economic activity. It said:

If the proposed development proceed without the application of the WGT they will have significant positive impacts on both the employment and value-added to the Victorian economy. If they are subject to the WGT in all three cases development becomes unviable and is unlikely to proceed. With a total combined construction cost of \$6.2 billion it is estimated that the construction of the three projects would generate more than 3200 full-time equivalent jobs, direct and indirect jobs, on average during the construction period. These job estimates are equivalent to approximately \$800 million in gross value-added to the state economy per year over the construction time frame.

This is significant. This is hugely significant to our economy, this tax. It will have a hugely detrimental impact on our economy, as we are trying to all rebuild from 18 months of trials and torment through the world's longest lockdown.

I return to my original document, which is a joint letter from those who understand the property industry and what it does for our state in terms of economic development, jobs and obviously providing a roof over each and every family's head—and that is, it is the wrong tax at exactly the wrong time. As I said earlier, Labor's record in government of new and expanded taxes is horrendous.

For the record, I am going to read them into *Hansard*: a new stamp duty on property transfers between spouses; an increased stamp duty on new cars; a new stamp duty on off-the-plan purchases; a new so-called 'vacant' home tax; a widening of vacant residential land tax to uninhabitable properties; a retrospective increased insurance duty for overseas-based insurers; a new annual property valuation to increase land tax; a cladding rectification tax; an environment mitigation levy; an increased luxury car tax; an increased land tax for homes with blocks on a separate title; an increased fire services property levy, twice; a new point-of-consumption gambling tax; a tripling of brown coal royalties; goldmining royalties; a new tax on Uber and taxi fares; a new corporate restructure duty; an increased foreign stamp duty, twice; an increased foreign stamp duty again; an increased overseas landowners surcharge, three times; a new city access tax for the West Gate Tunnel; a new on-dock rail charge on imported shipping containers; increases to the municipal and industrial landfill levy—a bin tax; a road

occupation charge on construction companies; a numberplate tax; an electric vehicle tax; a new affordable housing tax; an increased land tax on taxable landholdings above \$1.8 million; an increased stamp duty on property transactions; an expanded point-of-consumption gambling tax to keno; a 10 per cent increase to the Victorian government penalty units; an expanded land tax on clubs—and I would like to declare an interest, I am a member of one of those clubs that this proposed new tax would apply to; a mental health payroll tax surcharge; an increased wagering and betting tax; and an increased fire services levy in 2021 and 2022.

Now, that took quite some time, and it took quite some time because there are 39 of them—39 new and expanded taxes under the Andrews Labor government, past or proposed, through this Parliament. This is, again, not the time to be foisting a new tax on what is a crucial part of Victoria's economy, and that is the property sector.

Now, the Housing Industry Association have some very important questions that they have not had answered by this government:

What is Government's justification for introducing this tax now when the Victorian land supply market faces uncertainty from COVID-19 economic impacts, negative population growth and loss of immigration?

I would have thought that was a very important question. The sensible economic rationalists, if any are left in the Labor right, have lost their voice, to be usurped by this harsh, left-wing Labor government that has caused such a loss of our freedoms and indeed our democracy and is now trying to tax us into prosperity. You cannot tax a state into prosperity. The second point that the HIA raised is this:

What mechanisms exist to ensure the tax will be allocated to infrastructure in the Council, region or growth area from which the tax is generated?

What benefit does the Council administering the planning scheme amendment gain from the tax?

As the tax seems to disproportionately impact regional developments will the government ensure that revenue gained from the tax will be spent in regional Victoria and not Melbourne?

Now, I note my friend the member for Ripon has entered the chamber, and I have no doubt that she will be making quite significant commentary about these matters later on in this debate. The third point that the HIA raised is an important one:

What is the justification for using the 'capital improved' values over 'site' values?

How does Government justify taxing independent increases in property value from capital improvements as part of a rezoning tax model?

A very important question—I suspect the government has absolutely no idea what the answer is. The fourth point that the HIA raised is on the mechanics of the tax:

What guarantee does Government give that financial institutions will lend money to developers for a project to develop land that will have up to a 30-year tax liability?

See, this is what Labor do not understand. This is above all else a tax on certainty and a tax on confidence. We have to give this sector certainty and confidence to be able to develop and to grow, and quite frankly these sorts of taxes, like the 38 other taxes that have been introduced or increased during the period of this government, simply add to the obvious fact that if you have capital at the moment and you have got six Australian jurisdictions to choose from, why would you invest here with these people running it? Why would you? All they will do is lock you up, lock you down or tax you into oblivion.

This is the sort of sovereign risk that capital is concerned about in Victoria. That is why we are seeing population flight from Victoria, and I suspect you will also see capital flight from Victoria. This is pretty simple. We are dealing with a once-in-100-year event, which is being locked down for 263 days; 200 000 jobs lost; a mental health crisis; 1065 people losing their lives from COVID-19, the highest in the nation; 85 000 cases of COVID-19, the highest in the nation; but with the greatest restrictions and the harshest restrictions of anywhere in the nation. If you start whacking new taxes—a great big



new tax on virtually every big development—well, what do you think that is going to do to economic confidence, confidence from capital to invest and for the population who are interested in investing in these matters to remain here? We need this investment. We need this confidence. We also need the population to stay here, and with the way this government is going, with 43 000 people having just left the state, it does not bode well for confidence.

The charge imposed by clause 42 of the bill will give the government collection of WGT priority over other encumbrances over affected land. Has the government considered the impact of this charge over land on financiers' willingness to finance land development? Despite repeated requests, the government has not released the forecast revenue modelling for this tax. It has not released it. Industry believes the forecast is substantially lower than what this tax would yield. What is government's reason for not releasing the revenue modelling?

Now, this sounds familiar. This government is being secretive again. Who would have thought it? Who would have thought that this government is not being entirely honest with the people of Victoria? There were examples of that some time ago. I asked a very simple question in question time in regard to how primary close contacts of those infected with COVID-19 will be treated when we move to the 80 per cent and then phase D mark of the national plan. All we got from the Minister for Health during question time was obfuscation and misleading statements that it was all far too complicated for him to answer the question. Well, business needs certainty. That is the whole point. Business must have certainty to be able to grow, for people to be able to invest, and taxes like this and non-answers like we got from the health minister constantly add to the uncertainty that business and our economy face here in Victoria. It is not the way to inspire confidence so that we can rebuild ourselves next year.

The government has been progressing the introduction of the regional infrastructure contribution plan. What is the government's tax agenda for regional Victorian rezoning amendments where that land will be developed? I think these are very reasonable questions from a very, very well respected industry body, and quite frankly the fact that they have written to us asking us to put these questions to the government because they have not had an answer shows you the sort of haphazard governing that is going on in this state and shows you that the government has not been fair dinkum with industry and has not been fair dinkum with those who are creating jobs and who are our way back from what has gone on in this state, which has been horrendous for both businesses and families.

How does the government justify taxing uplift values of 50 per cent for amendments where administrative, remediation, development et cetera costs are entirely borne by a proponent? This is really serious. This is really serious for confidence and it is really serious for the way these businesses operate, and this government treats them with contempt, does not listen to them and does not answer their very legitimate concerns.

Now, this government has never seen a tax it does not like. It has never seen a freedom it does not want to erode.

*Members interjecting.*

**Mr T SMITH:** I hear the muttering and the grumbling. Well, stop taking our freedoms. Stop trying to lock us up. You have locked us up for 263 days. 263 days you have locked us up for, and it is all fine now—until you slip your pandemic legislation in and lock us up again.

**Mr Battin** interjected.

**Mr T SMITH:** And they will tax you. There will be a lockdown tax next, each and every day.

The UDIA equally has some significant concerns about this great big new tax on every new development. The UDIA modelling shows that on the basis of just seven case studies each project will be rendered unviable and will not proceed. This will reduce housing supply by 6696 dwellings, including over 300 affordable, social or disabled-access dwellings; cost over 20 000 direct jobs and nearly 100 000 indirect jobs; and reduce Victoria's economic output by nearly \$7.5 billion.

Importantly, we estimate that this will cost the state's budget \$170 million in forgone stamp duty receipts, with a total economic loss to the state of \$7.7 billion.

So whilst they are sticking further legislation into the Parliament that gives people genuine concern about the way we will live our lives in 2022, they are taxing one of the most important parts of our economy. This is nonsensical. This is reckless. It is wrong. It is opposed by the Liberal and National parties. It will do untold harm to house prices—untold harm. By restricting the supply of housing, as it is predicted to do, this tax will do untold harm to the housing market and indeed housing prices, which we all want to see as low as possible, particularly for young families.

I ask the government to reconsider this plan, this ill-conceived and poorly thought through great big new tax. I ask them to reconsider because, as I stated at the outset, it is the wrong tax at the wrong time. We oppose this. We oppose it because we are the Liberal and National parties—we do not like new taxes. In fact we want to reduce tax. There has never been a greater divergence between the two major parties in this place. One party wants to lock people up and give enormous powers to the state and enormous powers to the Premier to declare a pandemic and the health minister to impart orders on people that would see them incarcerated without trial for months on end. They also want to tax some of the most important aspects of our economy. We do not support that. We want to see a smaller state, lower taxes and greater freedom, because—guess what?—the Liberal and National parties are the only parties here that actually care about an individual, their rights and their freedoms and indeed about lowering their tax burden to the state government and keeping their home as well valued as possible but more importantly their potential new home as cheap as possible.

These are very important matters, but all we get from Labor members is mumbling derision. There has never been a new tax they have not liked, and there has never been a freedom they have not wanted to erode. On that note, I thank the house, and I shall take my leave.

**Mr STAIKOS** (Bentleigh) (15:53): I rise to contribute to the debate on the Windfall Gains Tax and State Taxation and Other Acts Further Amendment Bill 2021. I am very, very disappointed, at the outset, to hear that the opposition will not be supporting this bill, but nonetheless we will struggle on.

This bill does a number of things, but principally it establishes the windfall gains tax, and I will focus my remarks mainly on the WGT. It was announced as part of the 2021–22 budget. Its purpose is to share the windfalls from rezonings with the Victorian community but also to support the integrity of our planning system. It will be a tax on rezoning decisions that create a land value uplift of more than \$100 000. For a rezoning with a value uplift of between \$100 000 and \$500 000, the tax will apply at a marginal rate of 62.5 per cent on the uplift above \$100 000. For those rezonings with an uplift of above \$500 000 the tax rate will be 50 per cent of the total uplift.

Following this announcement the Treasurer asked me to consult with a number of key stakeholders. The member for Kew has moved a reasoned amendment to defer this bill until there is proper consultation. There was proper consultation. We met with a number of key stakeholders from the industry. We met with the Victorian Farmers Federation (VFF), who had some very specific concerns, and I think we have addressed many of them. We met with the property council, we met with the Urban Development Institute of Australia and we met with the Housing Industry Association, Master Builders Victoria and Urbis. We also heard some strong feedback from the Grattan Institute and Prosper Australia, and I also had a number of meetings with the university sector, who have some very specific concerns about rezonings because rezonings have become a common practice when developing and redeveloping campus sites, and perhaps I will come to that in a moment.

But firstly I thank each and every one of the people from the industry and other stakeholders with whom I met for their feedback, for sharing their concerns but also their suggestions on a good way to move forward. While it is the case for all of the industry stakeholders I met with that they opposed this tax, we certainly made sure to take into consideration a number of their concerns, and we came up with a number of changes as we went through developing the broad policy parameters of the WGT. Firstly,

we kept hearing that if this tax were to go ahead, the sector needed more time, so to give the sector more time, and recognising current economic conditions, we determined that the commencement date of this new tax would be pushed back to 1 July 2023; it was to come in on 1 July 2022.

Similarly, we have put in place transitional arrangements to exempt certain land associated with proponent-led rezonings which were sufficiently in train at the date that the policy was announced. More specifically this includes land with a planning scheme amendment that had obtained a tracking number in the amendment tracking system administered by the Department of Environment, Land, Water and Planning by 15 May 2021, which was the date that the policy was announced. Again more specifically I am referring to, as we colloquially know in local government planning circles, the C number. So those rezonings that by 15 May 2021 had a C number will be out of this.

In addition we have ensured that the family home as well as holiday homes and residential investment properties will not be impacted by this tax by putting in place an exemption for residential land which includes a dwelling fit for occupancy at the time of rezoning, with the exemption applying for up to 2 hectares of residential landholdings and regardless of whether the dwelling is the landowner's principal place of residence. This was a change that I was very, very keen to see included in this bill, because nobody wanted a situation where this covered people's homes. That is not the intent of the windfall gains tax. This is about those significant rezonings where there is a lot of money to be made by the developers, by the landowners, but there is also a lot of infrastructure to be built, and that needs to be shared with the community.

In addition and through regulations we will also be providing an exception for land that is rezoned to any rural zone other than the rural living zone, which is aimed at exempting farmers that want to continue to farm their land when it is rezoned from one rural zone to another; that is something that the VFF requested. Charities will also be eligible for an exemption. They will not pay any windfall tax liability on their landholdings so long as the land continues to be used for charitable purposes for a 15-year period after the rezoning event, recognising the important work that charities do across Victoria. Of course our universities are themselves charities, and they will be covered by that specific provision of the bill. In addition to that exemption applying to universities, we are continuing to engage with the university sector about options to provide tax exemptions or other support to projects that do not qualify for the legislated exemption but nonetheless demonstrate benefits to the community. That is ongoing, and we hope to have more to say about that soon.

To ensure that the windfall gains tax liabilities align with cash flow we have made provisions so that the payment of tax can be deferred until the next dutiable transaction or until 30 years elapses, whichever occurs first. Interest will apply to any deferred liability at the 10-year Treasury Corporation of Victoria bond rate, which is at 31 August 2021, 1.52 per cent. That is really just to cover the government's costs of deferring the liability. To ensure that the tax is applied fairly we have also changed how the uplift is measured at the point of the rezoning event. It will now be measured on the uplift in the capital improved value rather than the site value.

The final point I wish to raise specifically on the WGT is the matter around deductions, because this is something that came up time and time again at these meetings. This legislation gives the Treasurer the power to enact regulations to allow certain deductions, and a decision on whether and how this power will be used will be determined based on further analysis and consultation with industry. A final decision will be made prior to the commencement of the WGT on 1 July 2023.

I had a lot of meetings about this new tax, and it is fair to say that I heard a lot of catastrophising, and that really is because nobody wants to pay more tax. But I think there are a couple of things that we need to remember throughout this debate, and one of those things is that these projects accumulate a lot of their value in the years leading up to a rezoning. It takes years and years and years to rezone land, and that land over those years is flagged for a potential use. It will not apply to that land value increase. It will only apply to that one event in time, the gazettal of that rezoning. It will apply by deducting the value 1 from value 2. That is how it will apply. It will just be that rezoning event.

The other thing I wanted to highlight today in the short time I have got remaining to me is that rezonings of land—and we must always remember this—are ultimately decisions of government. You cannot as of right sit on vast industrial or greenfield land with the expectation that it will definitely be rezoned one day and that will enhance your profits. That would be somewhat presumptuous. These are decisions taken by local and state governments, taking into consideration the greater good of the community, not the profits of a developer or the profits of a landowner. Therefore it is reasonable that any windfall gains from a government decision to rezone land are shared with the broader community.

I think there have been certain instances throughout our history where those profits have not been shared, and the most egregious example of that is Fishermans Bend—and we all know what the Leader of the Opposition was up to back then. The community did not get anything out of that; only some very wealthy people got wealthier. That will never happen under this government. I certainly support this bill wholeheartedly. I support the other measures in the bill that I have not had time to talk about, and I wish it a speedy passage.

**Ms STALEY (Ripon) (16:03):** I rise to speak on the Windfall Gains Tax and State Taxation and Other Acts Further Amendment Bill 2021. As the member for Kew as the lead speaker for the Liberal-Nationals said, we do not support this tax and therefore we do not support this bill. This is, I believe, the 40th new or expanded tax that this government has brought in, and that is despite, of course, the Premier, then the Leader of the Opposition, promising that there would be no new taxes, and then further the Treasurer prior to the last election saying that, again, that were no new taxes and it was all there in black and white. Well, apparently, their words are worthless, because they have in fact introduced 40 new or expanded taxes, this being the latest.

Now, I particularly speak on this tax because the major impact of this tax will be on regional areas. The government appears to not understand how rezoning in cities like Ballarat occurs. What happens is that the city sets out a plan of where it wants its urban growth to happen—people know where that is—and then as the need for new housing lots to be opened up occurs, they rezone the land. They do not rezone it earlier, because that would mean that the people sitting on the land could be sitting for a decade or more, paying very high rates on land that is zoned residential even though there is no developer there to redevelop it—they are not up to where that one is going to be developed. What the cities do is they do the rezoning on a rolling basis.

Now, there are many people around Ballarat who are sitting on land, and have sat there for decades, for whom it is the family home, on land maybe. I have got an example I will provide in a minute. These are people who have farmed or been on large lifestyle blocks, and this has been their life, and then they have thought about—in the back—this being their superannuation. And now they are being confronted with the fact that this government wants to tax them at a very high rate—I mean, we are talking about for the lower gains, those under \$500 000, a 62.5 per cent tax rate. That is an extraordinary rate to apply and bizarrely makes the 50 per cent take for profits over \$500 000 look reasonable by comparison, but of course it is not reasonable.

We do have a huge problem here. What this tax is doing is discouraging, really fundamentally discouraging, people from having their land rezoned for housing and selling it to developers. There will be shortages of land around Ballarat, Bendigo and Geelong within five years. We are finally at a point where, particularly in the case, could I say, of Ballarat—the one that is closest to my heart and takes in part of my seat—we have really substantial growth in the west of Ballarat and in the north, and this zoning is remaking Ballarat as a new city, with all of these new households. It is great news. But what we have found is that we are going to run out of land, and that will mean that we are likely to see—in fact many have gone and calculated this—that this tax will add up to \$25 000 per housing lot in the regions. Far from being any sort of Robin Hood tax that is taking from the rich and giving to the poor, the people who are actually going to pay this tax are going to be the families, the first home buyers, on the outskirts of Ballarat, whether they are in Miners Rest, Lucas, Cardigan or any of the other suburbs that are growing around Ballarat. Now, that is an outrageous thing to do to people trying to get into the first home buyer market.

It is not just one group that does not like this. I know the previous government speaker said that he had done all this consultation. Well, they must have been a great set of meetings is all I can say, because many of the people he mentioned have recently reiterated their opposition to this tax due to it being the wrong tax at the wrong time. The Property Council of Australia, the Real Estate Institute of Victoria, the Housing Industry Association, the Urban Development Institute of Australia—they all warn that this is not the right tax ever and certainly not now when we are coming out of a pandemic.

I want to mention a family I met with in Miners Rest last week. They own 22.5 acres on the edge of Miners Rest. They have lived there for decades, and their plan has been for a long time—they have seen Miners Rest growing towards them—that they would sell, eventually, to a developer and that would fund their retirement. Now, 22.5 acres is quite a lot of houses, but it is not the huge millions of dollars that people are talking about. This is quite modest in the scheme of things. And for these people, this tax takes away their retirement. On the one hand we have got a tax that harms home ownership in the regions, but it is also harming the retirement incomes of some relatively modest landholders.

This is the final point I would make on this tax that makes it so wrong. In Melbourne the growth areas have what is known as the GAIC, the growth areas infrastructure contribution, which is much lower than this is proposed to be, and it funds infrastructure in those growing areas. Well, this tax, which is largely going to be raised on country Victorians and regional city Victorians, goes into consolidated revenue. The people of Ballarat do not get to see the benefit of this tax. It is all going into Melbourne's coffers to prop up the huge cost overruns on the giant projects. I mean, we had another one today with another cost overrun with the North East Link. I think it is another \$2 billion added to the price. Country Victorians lose three ways: their landholders lose, their first home buyers lose and their amenity is lost because the money goes into the centre. This is a bad tax, and it must be opposed.

I will finish my remarks with some brief remarks on another aspect of this bill. Now, this bill, apart from the windfall gains tax, makes a number of other taxation amendments. One of the things that it does is it amends the land tax to remove the land tax exemption for private gender-exclusive and gender-restrictive clubs. Now, I declare an interest here. I am a member of a gender-exclusive club, the Lyceum Club. Now, I understand that the government thinks that by doing this it is getting at all the rich old white dudes that are in the Melbourne Club, the Australian Club and the Athenaeum Club. Well, the point is they are rich. When you look at the clubs that are actually going to be hurt by this, it is largely the Lyceum Club and the Alexandra Club, the women's clubs, which have lower asset bases and lower capacity to pay land tax, because—surprise, surprise—women in this society earn less than men and they do not have the same asset base behind them. So whoever cooked up this idea that it was going to be so great to have a great whack against the patriarchy, particularly the patriarchy in those clubs, got it entirely wrong. The group that is actually going to be harmed the most by this is the women's clubs.

Now, I will note on this that freedom of association is a fundamental principle. People should be able to choose who they associate with. I choose to be in a female-only club. That is the club I want to be in. I could join one that is mixed sex, but I choose not to. I should have that right to freely associate with other women because I want to—for no other reason than that. But again, this government with its flawed ideas around social engineering has not thought about who will actually be harmed by this change to the taxation laws. It will not be the men in the Melbourne Club or the men in the Australian Club. They are some of the richest men in Australia. No, it will be the women in the Lyceum Club and in the Alexandra Club. Once again their blind ideology has backfired, and again that should be opposed.

**Ms BLANDTHORN** (Pascoe Vale) (16:13): I appreciate the opportunity to rise and speak on the Windfall Gains Tax and State Taxation and Other Acts Further Amendment Bill 2021. This is a bill which will play an important part in ensuring that our taxation system is fair, that it is competitive and that it delivers for the needs of our state and our state's future. Our taxation system must deliver for all Victorians. It must be modern and it must be responsive to change. The bill takes action in relation to the windfall gains of high-end property developers, legislating to ensure their windfalls are shared with local communities.

As we announced as part of our 2021–22 budget, we are introducing a windfall gains tax (WGT) on rezoning decisions that create an uplift in land value of more than \$100 000. Our last two budgets have been delivered in some of the toughest times that Victoria, and indeed the whole of Australia and the world, may have ever faced. Our budgets have played and continue to play an important role in supporting our community through this one-in-100-year pandemic that has impacted on every single Victorian and imposed significant uncertainty and challenges on the livelihoods of so many people.

Our work to ensure the health and safety of our state alongside the continued challenges from the incursion of the coronavirus, particularly the delta variant, has been unwavering. We have had to respond to this crisis at the time, while making sure our economy can bounce back in our vaccinated society. We have done so while continuing to introduce a range of reforms and investments which will bolster our commitment to the health and wellbeing of all Victorians as we progress with rebuilding our economy and with rebuilding our future. The budget revenue initiatives and tax relief measures included in this bill are a testament to this, along with the amendments made to the taxation and other acts.

The arrival of safe, effective vaccines onto our shores has completely changed the way we manage this global pandemic, paving the way for the significant rebuilding and reinvigorating of our economy and industry into the near and also the distant future. Establishing fair and equitable streams of revenue is an important part of continuing to deliver our commitments for all Victorians, and this bill will play an important part in ensuring Victoria's taxation system is progressive and that it sets a framework in which everyone makes their fair contribution to support our economic recovery and in which everyone makes their fair contribution to support our stability.

The bill is a complex one and it is a detailed one that addresses a number of areas, as those who have already spoken before me have mentioned. I will endeavour to talk through a few of those, but I really want to, in the time I have available, come to why this bill is so important.

Firstly, in relation to the windfall gains tax element of this bill we are responding to the reality that land rezoning decisions which expand permitted uses and economic potential can mean immediate land value increases that can be very significant for landowners, accruing solely to them in addition to the regular income or profit that is earned from such land. Through this bill we implement a new principal act to introduce a windfall gains tax on the uplift in land value resulting from an amendment to a planning scheme that changes the zoning of land, and this will apply from 1 July 2023.

The commissioner of state revenue will administer the tax under taxation law and under the Taxation Administration Act 1997. This act will, through enabling this tax on windfall gains, allow for a share of these private economic benefits that result from rezoning to be captured as a stream of revenue, efficiently and equitably, for the benefit of the whole community. And this revenue can positively impact on the delivery of investment in government services and infrastructure. Indeed it can help us put Victorians first.

The tax will be paid by landowners and will be applicable to most rezonings across the state that have a value uplift in excess of \$100 000. In terms of the calculation this will be on the taxable value uplift in land from rezoning: the difference in the capital improved value of the land before and after the rezoning takes effect. And in determining pre- and post-rezoning values, the value pre rezoning will be drawn from the most recent valuation in force for the land under the Valuation of Land Act 1960. The post-rezoning value will be determined through a supplementary valuation that is certified by the valuer-general of Victoria.

In situations where the taxable value uplift is more than \$100 000 but less than \$500 000, the payable tax will be at 62.5 per cent of the uplift in excess of the \$100 000. In situations where the uplift is \$500 000 or more the payable amount is a flat rate of 50 per cent of the taxable value uplift. There will also be grouping and aggregation provisions that will apply, and this will mean that properties that are owned by the same owner or group of owners and rezoned under the same planning scheme amendment will effectively receive the benefit of one threshold. Furthermore, these provisions will

operate for related corporations and related trusts on similar terms to the grouping for land tax purposes. Owners will be able to object to the valuations that are used to calculate the tax, and these objections will be determined by the valuer-general on the State Revenue Office's referral.

There will be exclusions to the tax, and this will include rezoning to and/or from the urban growth zone, which relates to the growth areas infrastructure contribution, the GAIC. The GAIC assists with the provision of infrastructure to suburbs in Melbourne's fringe suburbs, serving a one-off contribution in instances such as subdividing and applying for a building permit on large blocks of lands, thus serving a purpose similar to the windfall gains tax. The exclusion will also apply to rezonings from a public land zone in addition to movements between schedules in the same zone.

Furthermore, through this bill the Treasurer will have the power to declare by notice published in the *Government Gazette* that certain rezonings to specific zones will be included in the excluded rezoning, and there will be exclusions and waivers that apply for some land types. This is relevant for the residential land, which some have referred to earlier, with a residential dwelling and including primary production land, that will receive a WGT exemption for up to 2 hectares of residential landholdings that are rezoned by the same planning scheme amendment. In circumstances where such residential landholdings are greater than 2 hectares, the value uplift will be proportionately reduced. Important also is that charitable institutions will be eligible for a waiver in the circumstance where the relevant land remains owned and occupied by a charity exclusively for charitable purposes for 15 years after the rezoning.

Exemption to the windfall gains tax will also apply in relation to rezonings to correct obvious or technical errors in the Victorian planning provisions or planning scheme, and here there is provision for deferred or previously paid tax to be reassessed or refunded as appropriate. This bill also allows time to adjust for landowners and for purchasers, and this will be facilitated by certain circumstances not being subject to the windfall gains tax. This applies to rezonings that occur on land subject to a contract for consideration or option arrangement entered into by 15 May 2021 where the contract or arrangement has not yet settled at the time of rezoning, excluding development arrangements.

Proponent-led rezonings that are well progressed and that have incurred significant costs prior to the announcement of the WGT on 15 May 2021 will not be subject to the tax. Moreover, in recognition of the reality that some owners may not have the capacity to pay the entirety of the tax assessment at rezoning, all owners will have the ability to defer the payment with interest for up to 30 years or until the sale or transfer of the property, whichever it is that might occur first. In these instances the interest rate applicable will be the 10-year Victorian government bond.

This bill makes important amendments that will make a positive impact on the broader delivery of our Big Housing Build package with respect to build-to-rent developments. This is a particularly important aspect of this bill to incentivise build-to-rent developments. In our 2021 Victorian budget we announced that there would be a 50 per cent land tax discount from 1 January for eligible investments, working to encourage more investment in what is an expanding sector. This means that eligible build-to-rent developments that are completed and operational between 1 January 2021 and 31 December 2031 will receive both a 50 per cent land tax discount and the full exemption from the absentee owner surcharge. To enable this the Land Tax Act 2005 will be amended to expand this initiative, enabling the land tax concessions and AOS concession to be provided for these settings. In addition, following consultation with industry and relevant stakeholders, we are providing greater certainty for eligible developments that are due to be completed before the 1 January 2022 commencement date, and this will mean that shovel-ready projects can confidently begin as soon as possible.

In the short time that I have remaining I just want to draw to the attention of the house the importance of this bill in relation to our overall agenda. The Andrews Labor government has demonstrated over nearly two terms in government now an agenda of strong financial management pre and during this pandemic, ensuring support is there for Victorians who need it most and making sure a fair contribution is made along the way.

The measures that are featured within this important bill—and there are many, as many before me have already drawn to the attention of the house—come before us on the back of this record of real action and providing real relief for Victorians. This commitment to fairness and support has been evidenced by our tax cuts in our first term for almost 40 000 businesses, increasing the payroll tax-free threshold from \$550 000 to \$650 000. This commitment was further brought forward by 12 months in our May budget, increasing the payroll tax threshold to \$700 000. We also cut payroll tax for regional Victoria and have now cut regional payroll tax to just 25 per cent of the metropolitan rate, and this has occurred a year earlier than what was planned. I commend the bill to the house.

**Mr R SMITH** (Warrandyte) (16:23): I rise to speak on the Windfall Gains Tax and State Taxation and Other Acts Further Amendment Bill 2021. In starting off I just want to reiterate some of the proceedings of this house over the course of the day and in particular echo the words of the member for Gembrook, who said this is Labor in a typical display to curtail debate on a bill that takes away Victoria's democratic rights in order to start a debate that introduces a new tax, because that is what this is—this is a new tax. In addition to that, it also highlights comments that have been made during the course of this week with regard to the pandemic legislation about the government's honesty, because in the lead-up to the 2014 election the Premier stood up on national television and said to all Victorians that there would be no new taxes under his government. Between then and now there have been 39 new or expanded taxes—39, and this is the big 4-0. Forty new taxes since this government came to office, and of course we could never accuse the government of not going back to the well many, many times, because once again it has decided to go to an industry that contributes nearly 60 per cent of the total tax revenue raised by this government. For the housing and development sector, this will be the 19th new tax imposed on this industry alone, which at this time, as has been said before, is the wrong tax at the wrong time and will be a handbrake on the Victorian recovery.

It is not up to industry to bail the government out every time they lose control of the books. It is not up to them; it is up to the government to manage their books well. You would think that when a government has borrowed \$155 billion and introduced 39 new and expanded taxes they would have enough money. You may think that instead of taxing an industry that they have already taxed 19 times they might start to think that they could manage their major projects a little bit better, maybe without the overruns that we have seen, which the Auditor-General has put on display for us. Again this is not the opposition saying this, the Auditor-General has said those major projects are in excess of \$23 billion over budget. You would think that they would look at the way they were managing the books themselves, but I suppose that it is just much easier to tax an industry and go back to that well again and again and again.

I want to just raise some of the issues that appeared in a *Herald Sun* opinion piece the Treasurer of Victoria wrote. In his piece I thought his insinuating that Victorians have no say in government rezoning of land and they are just ruthless money grabbers was wrong. It was just wrong. Government rezoning does not happen overnight. It takes a long time, as the member for Bentleigh pointed out in pretty well direct opposition to what the Treasurer was saying in his piece. The thought that Victorians are actively scheming over the benefits of rezoning is ridiculous and largely wrong. It is also wrong for the government to say that rezoning creates value—it actually releases the value. It is what the government should be doing. And, as the member for Ripon pointed out, it is particularly an issue in those regional areas. The government is not gifting anything to anyone by rezoning land, it is releasing land for people to live on and making sure that we can have industry in those areas as well. It is just a nonsense for the Treasurer to make the inference that the industry is greedy and sitting there waiting for people to profit unfairly. I also want to point out that the Treasurer said in his opinion piece that this tax is, and I quote:

... about creating incentives for the long-term planning and investments in our state.

My goodness. Who would think that you would incentivise an industry by taxing them? That is just bizarre; it is just a bizarre thought. I cannot imagine what mind thought that you would promote an industry, incentivise an industry, by taxing them.



Let me tell you a little something about what it means for the long-term planning and investment of the state. Already we find that just after this tax was announced in South Australia the Treasurer there, Rob Lucas, was so excited—I have met him, and he is not usually an excitable fellow, but he was very excited—he said in the paper:

The decision the Victorian government has taken is music to our ears ...

Just in the last few days I have had telephone calls and discussions with business interest developers and investors from Victoria who are now seriously looking at future industrial and commercial property investments in South Australia.

You may say that that is just the government out there speaking loudly about this stuff, trying to take advantage of the opportunity, but the reality is that the Urban Development Institute of Australia's South Australian chief executive labelled Victoria's changes as ludicrous. This is the South Australian chief of the UDIA. He said:

The Victorian proposal to tax land based on its increased value from rezoning fails to recognise the time, risk and a plethora of other complexities that are involved in development, particularly infill sites ...

He went on to say:

It's a real opportunity for us to claim this as a competitive advantage for SA.

The South Australian Property Council of Australia boss, Daniel Gannon:

... agreed the state had a "great opportunity—

the state being South Australia—

to harness new investment", as modelling showed investors would pay a whopping 308 per cent more tax on Victorian commercial properties ... when compared with SA.

I go on.

High-profile SA property investor Steve Maras said his company ... had been "actively looking" to invest in Victoria for the last three years.

Well, that is a good thing. Would you agree that is a good thing, particularly in these times? He said:

We bought a couple of properties (in Victoria), but there is now no incentive for us to continue looking to do things over there ...

We can say goodbye to his investment too.

The various property groups here in Victoria—the Property Council of Australia, the UDIA, the Housing Industry Association and Master Builders Association of Victoria, who I, as an aside, would like to thank for their very informative and detailed and considered briefings—have done independent modelling. The modelling has shown that about 20 000 direct jobs will be lost and about 7000 new homes will not be built, including 300 affordable, social or disabled-access dwellings. We already have a social housing crisis in this state; this is just going to exacerbate it. Those groups went on to say that the lack of forethought regarding the consequences of the tax are exemplified by the way it will hurt regional Victoria, and the member for Ripon very eloquently pointed those issues out.

The message we are getting from these property groups is basically that this tax will hurt the industry significantly, it will hurt job creation, it will hurt the ability for the state to establish the homes that it needs going forward and it is just, in short, a very, very bad tax. As the member for Ripon said, the money will bleed from the regions. It will go into consolidated revenue and will not go back to those regions, so those regions miss out time and time again.

The modelling that these industry groups have put forward the government is at odds with. The government, however, is saying that this detailed modelling, done independently by four industry groups who would know their industry back to front in detail—and if members of the house had met the heads of all four of these groups, they would know that they are very intelligent people who represent their industry groups very well and with great staff have put out some great modelling—is

wrong, but the government cannot produce any modelling to prove that, and the government cannot actually say how much revenue this particular tax will bring in.

We have got a common thread here of the government just refusing to release modelling, refusing to show how they make their decisions and what the outcome of these particular decisions will be. And that is very concerning because we are not in a position to lose any more jobs. We are not in a position to lose any investment. We actually want to encourage investment. Too many people have lost their jobs. Too many people are in such a dire situation, having spent the last two years under lockdown under this government's draconian restrictions. We need to encourage investment, and taxing an industry—for the 19th time, may I add—is just the wrong thing to do at the wrong time.

I just want to raise, finally, a question about the ability of this government to actually implement this tax because this tax is plainly income tax, a capital gains tax. State government has no constitutional right to impose income tax, and there are already challenges in preparation to show this government that in fact it does not have a constitutional right to implement these taxes. So I am interested to see how that will end up—I am interested to see where those particular legal challenges will go—but it seems pretty clear to me that the government does not have the constitutional right to implement this tax in the way it is put together right now.

In short, this is the wrong tax at the wrong time. The government needs to find other ways of balancing its books—maybe just managing them competently would be a start. This tax will cost jobs. It will clearly force investment away from our borders, as the representatives in South Australia have clearly shown. It is a damaging bill, it is a short-sighted bill, and as a member of the Liberal Party I am proud to oppose this tax.

**Ms THEOPHANOUS** (Northcote) (16:33): I rise to speak in support of the Windfall Gains Tax and State Taxation and Other Acts Further Amendment Bill 2021, and it is disappointing to see that those opposite are not supporting this sensible bill. As our state continues its journey towards social and economic recovery from the pandemic, we have a unique opportunity and a responsibility to build a fairer, more prosperous and just society. All aspects of government policy have a role to play in delivering better outcomes for Victorians, including our tax system. Our tax system should work for the good of all of us, creating revenue streams that ensure we can continue to deliver the services and infrastructure our communities need in a way that aligns with people's ability to pay as well as the values and priorities of Victorians.

This bill reflects the government's commitment to ensuring our tax system remains fair and supports our strong financial management. In addition to implementing budget revenue and tax relief measures from the last two Victorian budgets in a fair and efficient way, many of the amendments in this bill serve an additional purpose. Whether it be improving the integrity of our planning system or supporting the delivery of more safe and affordable homes, this government is about improving outcomes for Victorians.

One of the principal measures contained in this bill is the introduction of a windfall gains tax where rezoning decisions deliver a land value uplift of over \$100 000. We know that when land is rezoned to expand the ways in which it can be used, landholders can often see an immediate and substantial increase in the value of that land. So, for example, industrially zoned land can be rezoned residential and immediately be worth more. The windfalls derived from these planning scheme amendments currently go solely to the lucky landowner. With this bill we are making sure that high-end property developers pay their fair share, and that will be up to 50 per cent of the value uplift. This is both fair and efficient. What it means is that multimillion-dollar profits can go back to the community through government investment in services and infrastructure. Brendan Coates, the director of economic policy at the Grattan Institute, has said of this measure:

As a tax, collecting unearned windfall gains is extraordinarily efficient, so efficient it shouldn't even be called a tax but a charge for a change in allowable land use, which is what it is.

As someone who has grown up in and represents an inner urban area, I am acutely aware of the impact development can have on our communities. Our population is growing rapidly in the inner north and this has meant some pretty dramatic development, particularly at the site of the former Alphington paper mill where over 16 hectares is being redeveloped into multilevel residential homes. Planning for that kind of growth means carefully balancing the need for more homes with the impact on our environment, open space and neighbourhoods. But it also means planning for more services and infrastructure—services like health and education, infrastructure like roads and cycling connections and more opportunities to create local jobs. Those things require funding. The introduction of the windfall gains tax will help support the delivery of these critical things by creating a new revenue stream.

Critically, it will also improve the integrity of our planning system by reducing incentives for corruption when planning applications are decided. Too many times we have seen some pretty dubious dealings when it comes to developers buying up land and then reaping massive profits when the land is rezoned. Then the government is left to pick up the tab for public infrastructure on land with newly inflated land prices. All this does is lead to poor outcomes for our community. It exacerbates wealth inequality and it is not fair.

Now, I want to address a couple of the natural anxieties that might arise from a new measure like this. The changes will only apply to windfalls over \$100 000, and a series of exemptions will mean the measures do not impact the family home, holiday home or residential investment properties. This is meant for higher end development projects, not your mum-and-dad investors. We are also continuing to support the important work of our charities by providing an exemption when the rezoned land continues to be used for charitable purposes for 15 years. Farmers will also be excluded from windfall gains tax when land is rezoned to any other rural zone, excluding a rural living zone, allowing them to continue farming unimpacted.

Finally, I want to address the spurious argument that windfall gains tax will scare off developers and substantially impact housing affordability. It is just naive to assume that rezoning windfalls have resulted in cheaper housing. Do you really think that landowners pass on these windfall gains when they get them? Developers do not pass on their windfalls to home owners. They continue to charge the maximum the market will bear because they operate in a competitive market.

**Ms HUTCHINS** (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (16:39): I move:

That the debate be now adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned until later this day.**

## **TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2021**

### *Council's amendments*

**The DEPUTY SPEAKER** (16:39): I have received a message from the Legislative Council agreeing to the Terrorism (Community Protection) Amendment Bill 2021 with amendments.

**Ordered that amendments be taken into consideration immediately.**

**Message from Council relating to following amendments considered:**

1. Clause 1, page 2, after line 17 insert—

“(ba) to amend the **Juries Act 2000** to provide for the Juries Commissioner to exempt a person or a class of persons from selection to be summoned for jury service based on health, safety or welfare concerns; and”.
2. Clause 2, line 22, after “Part 4,” insert “Part 4A”.

3. Page 146, after line 9 insert the following new Part heading—

**“Part 4A—Amendment of the Juries Act 2000”.**

NEW CLAUSES

4. Insert the following New Clauses to follow clause 30 and the Part heading proposed by amendment 3—

**30A Questionnaire**

In section 20(1) of the **Juries Act 2000**, after “period” insert “or whether the person may be exempted under section 27(4) from being summoned for jury service”.

**30B Summons**

- (1) After section 27(3) of the **Juries Act 2000** insert—

“(4) The Juries Commissioner, in the Commissioner’s discretion, may exempt a person or class of persons from being summoned if, in the Commissioner’s opinion, there is good cause to do so based on health, safety or welfare concerns relating to the person, that class of persons or the community.

- (5) In deciding whether there is good cause to make an exemption under subsection (4), the Juries Commissioner—

- (a) may consult with the Chief Health Officer within the meaning of section 3(1) of the **Public Health and Wellbeing Act 2008**; and
- (b) may make any enquiries and request any documents or other information the Commissioner considers necessary to determine whether a person or class of persons should be exempt from being summoned for good cause based on health, safety or welfare concerns relating to the person, that class of persons or the community.

- (6) If the Juries Commissioner exempts a person or a class of persons under subsection (4), the Commissioner must notify the person or any person who belongs to that class of persons about the exemption.

- (7) The Juries Commissioner—

- (a) is not required to issue a summons to a person or class of persons exempted under subsection (4); and
- (b) may recall and cancel any summons issued to a person who is exempted under subsection (4) after the issue of a summons to that person, whether the summons was issued before, on or after the commencement of this subsection and regardless of when the decision to exempt is made.

- (8) An exemption under subsection (4) may be made at any time before a person becomes a member of a panel.

- (9) For the avoidance of doubt, a person cannot waive an exemption made under subsection (4).”.

**30C Obligation to answer questions or produce document**

In section 68(2) of the **Juries Act 2000**, after “jury service” insert “, whether the person may be exempted under section 27(4) from being summoned for jury service or whether a summons should be recalled or cancelled under section 27(7)(b)”.

**30D New section 101 inserted**

After section 100 of the **Juries Act 2000** insert—

**“101 Repeal of powers to exempt from being summoned**

- (1) On 26 October 2022—

- (a) in section 20(1), omit “or whether the person may be exempted under section 27(4) from being summoned for jury service”;
- (b) in section 27, subsections (4) to (9) are **repealed**;
- (c) in section 68(2), omit “, whether the person may be exempted under section 27(4) from being summoned for jury service or whether a summons should be recalled or cancelled under section 27(7)(b)”.

- (2) This section is **repealed** on 27 October 2022.”.

## AMENDMENT OF LONG TITLE

5. Long Title, after “other Acts” insert “, to amend the **Juries Act 2000** to provide for the Juries Commissioner to exempt persons or classes of person from being summoned for jury service”.

**Ms HUTCHINS** (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (16:40): I move:

That the amendments be agreed to.

**Mr T SMITH** (Kew) (16:40): I rise to support the amendments made by the Legislative Council but wish to move an amendment to the Council amendments. I request that my amendment be circulated. I move:

Amendment No 4:

In proposed New Clause 30D after “27 October 2022.” insert—

**“101A Review by Scrutiny of Acts and Regulations Committee**

The Scrutiny of Acts and Regulations Committee must report to both Houses of Parliament on the operation of the amendments to the **Juries Act 2000** made by the **Terrorism (Community Protection) Amendment Act 2021** by 16 November 2021.”

In so doing can I please very briefly take this opportunity to put on record the Liberals’ and Nationals’ absolute disgust that an amendment to the Juries Act 2000 was dropped on the Parliament literally this afternoon, that there has been no reference to the Scrutiny of Acts and Regulations Committee (SARC) and that this has essentially been rammed through—yet again, like the pandemic legislation. This is not the way to treat the Parliament, it is not the way to treat crossbenchers, it is not the way to treat Independents and it is not the way to treat the opposition. Stop treating the Parliament with contempt. This is a very important amendment to the Juries Act that would lock out unvaccinated jurors until 26 October next year.

**A member:** What?

**Mr T SMITH:** Yes, 26 October next year, and they have rammed it through in an afternoon. We attempted to amend this in the other place by at the very least requiring unvaccinated jurors not to attend jury trials until 28 February, but this is an extraordinary overreach. I condemn it, and I believe that SARC must be given an opportunity to review this and report back to the Parliament in the next sitting week. I will sit down because I know the National Party has not had an opportunity to speak on the Windfall Gains Tax and State Taxation and Other Acts Further Amendment Bill 2021, but I put on record my absolute disgust and contempt at the way Labor Party has treated the Parliament this week.

**House divided on amendment:**

*Ayes, 10*

Battin, Mr  
Britnell, Ms  
O’Brien, Mr D  
Riordan, Mr

Rowswell, Mr  
Ryan, Ms  
Sheed, Ms

Smith, Mr R  
Smith, Mr T  
Staley, Ms

*Noes, 17*

Blandthorn, Ms  
Bull, Mr J  
Carbines, Mr  
Cheeseman, Mr  
Cupper, Ms  
Fowles, Mr

Hamer, Mr  
Hennessy, Ms  
Hutchins, Ms  
Kennedy, Mr  
Richards, Ms  
Richardson, Mr

Spence, Ms  
Suleyman, Ms  
Theophanous, Ms  
Thomas, Ms  
Williams, Ms

**Amendment defeated.**

**The SPEAKER:** A message will now be sent to the Legislative Council informing them of the house’s decision.

**Register of opinion on amendment***Ayes*

Mr Blackwood, Ms Britnell, Mr Hodgett, Ms McLeish, Mr Northe

*Noes*

Mr Andrews, Mr Brayne, Mr Carroll, Ms Crugnale, Ms D'Ambrosio, Ms Edwards, Mr Eren, Mr Foley, Mr Fregon, Mr Halse, Ms Kilkenny, Mr McGhie, Mr McGuire, Ms Neville, Mr Pearson, Mr Scott, Mr Staikos, Mr Taylor, Ms Ward

**WINDFALL GAINS TAX AND STATE TAXATION AND OTHER ACTS FURTHER  
AMENDMENT BILL 2021***Second reading***Debate resumed on motion of Mr PALLAS:**

That this bill be now read a second time.

**and Mr T SMITH's amendment:**

That all the words after 'That' be omitted and replaced with the words 'this bill be withdrawn and redrafted to:

- (1) take into account further and proper consultation with the property and development sector and young Victorian families about the windfall gains tax in relation to the potential for higher housing costs; and
- (2) retain the remaining provisions of the bill'.

**Ms RYAN** (Euroa) (16:48): I welcome the opportunity to make a contribution today, particularly on behalf of The Nationals, on the Windfall Gains Tax and State Taxation and Other Acts Further Amendment Bill 2021 and also to speak in support of the reasoned amendment that has been moved by the member for Kew.

I have to say I am not surprised that this bill has arrived in the house late on a Thursday afternoon, on a day that could only be described as a carrying-out-the-trash day. We have had, as the member for Kew just spoke in the chamber to, amendments that will see unvaccinated jurors banned from serving until November next year. The amendments were just dumped on this house at very short notice. We have had more than 200 annual reports dumped today. We have had the government's highly controversial pandemic legislation, and we are now debating an amendment bill that in any other context would be highly controversial and highly scrutinised because it levies an enormous tax on property and is going to drastically push up the cost of housing, particularly in rural and regional Victoria, which I know the member for Ripon has a deep interest in.

This bill will affect the supply of housing at a time when we, particularly in rural and regional communities, face a very real shortage of housing. As I said, it is going to drive up the price of housing, and it is going to lock people out, particularly first home buyers, of the housing market. It is a blatant grab for money, and the reality of why we are here, why this bill has arrived before the house, is that Labor has so catastrophically mismanaged many major projects on its watch. We have had huge cost overruns with project budgets—projects like the West Gate Tunnel, Melbourne Metro, level crossings, the Suburban Rail Loop, which has not even started but has already escalated beyond anyone's wildest imagination, and the list goes on and on and on. We know that prior to the pandemic even starting in this state the government was desperately looking for savings because it knew that it dramatically had to rein in the state's finances. So what we have before us now is a tax on housing affordability.

This windfall gains tax will apply to any uplift in value that exceeds \$100 000 due to the rezoning of land. Landholders who receive any uplift for an increase in value between \$100 000 and \$500 000 are going to be hit with a bill of 62.5 per cent of that value. Uplifts in value of more than \$500 000 are going to be taxed at 50 per cent. There are a number of exclusions to this—I will not go through all of

them, in the interests of time—but landowners will become liable for this windfall gains tax when the land is rezoned, and they will be issued a notice of assessment by the commissioner of state revenue. The owner can choose to defer that payment for up to 30 years, but if they do, the deferred liability of course will accrue a significant amount of interest at the 10-year bond rate.

This bill has been publicly opposed by the Property Council of Australia, the Housing Industry Association, the Urban Development Institute of Australia (UDIA) and the Master Builders Association. But I think when my community really understands the impact of it they are really going to oppose it as well, because as I said, it is a tax on housing affordability. Now, the growth areas infrastructure charge (GAIC) actually has a cap—

**Ms Staley:** And hypothecation.

**Ms RYAN:** And hypothecation—and there is no cap on this tax and there is no hypothecation of it. On a per hectare basis the UDIA estimates that the windfall gains tax will be double the GAIC. I have been speaking to planners and people in the housing market around Shepparton in particular. They have a really desperate situation there. There has not been enough land there rezoned over the last 10 years, and today you cannot actually buy a parcel of land to build on next year in Shepparton. It is the same situation in Bendigo and Echuca. It takes so long to get the precinct structure planning process through that all available land has been chewed up. Many councils of course are also facing significant resource challenges, and it takes an eternity to get through those processes and through government agencies. Tatura is also facing similar problems. They have not had land supply now for a couple of years and they are not likely to have any more for three or four years.

The uncertainty around this tax means that it is going to be much harder to bring land to market in regional communities, and the truth is that existing landowners are going to want more to compensate for the huge price tag the government is extracting from them. That is either going to stall deals or it is going to make land more expensive. The end result of that is that the home owner is going to pay more. If the price of land goes up, someone has to pay for that, and it will be the home owner.

The impact of this is huge in regional Victoria, and it is coming at the worst possible time. The *Herald Sun* on 15 October published a table of the increases in house prices. Anecdotally across my region I have known that in the last couple of years house prices in many of my communities have doubled. But if you have a look at their table, which is just the increase in house prices in the past year, across the Shire of Mitchell house prices in the past year have increased by 10 per cent, but it has been 25.7 per cent in Seymour. Benalla has increased by about 14 per cent, Strathbogie prices—across all of Strathbogie—have increased by about 30 per cent, 45 per cent in Euroa and 30 per cent in Nagambie. If you are a young homebuyer or you are trying to get into the housing market at the moment as a young person, it is almost impossible, even in my community. But we have got this shortage now being exacerbated because so many people have finally realised how great it is in regional Victoria. They are seeking to flee the city thanks to ongoing lockdowns, and many people are looking for country properties. Now, on the one hand I welcome that—I welcome an influx of people to our communities—but it is actually really exacerbating a shortage of housing across our area, and this tax is going to make that so much worse.

The thing that I do not get about this is that the government are always talking about how wonderful they are in terms of social housing—and I must tell you that the public housing waiting lists across my area are huge and getting longer—but this is only going to force more people into vulnerability and into needing more public housing. It is going to make housing more difficult for people to come by. Some of the statistics across my area for social housing: in Seymour 472 people are on the waiting list; in Shepparton there are almost 1500 people on the waiting list; and in the Ovens-Murray region, which includes Benalla and Wangaratta, there are 792. That was in March this year. In June those figures were about the same; they had grown substantially in Shepparton and also in Benalla and Wangaratta. People are waiting for years to access public housing, and this bill is going to exacerbate that and make it so much worse.

At our state conference this year we really recognised the difficulty of land availability in regional Victoria. We actually made this a central topic of conversation at our state conference, and our leader, the member for Murray Plains, announced that if we are elected next year we will actually bring 50 000 lots to market across rural and regional Victoria, excluding the City of Geelong, because we recognise that land availability is a major barrier to growth in regional Victoria right now. This bill does nothing to assist us on that journey. It is going to make life much harder, particularly for young people looking to get a foot in the housing market. It makes it more difficult for people who are looking to relocate from Melbourne, for people who might be seeking a new life.

I think the circumstances that bring us here—the fact that the government has failed monumentally to control its waste, and its mismanagement of major projects, which mean its only solution is to go and lob a giant new tax on regional land to patch up the gaping holes in its budget—are pretty shameful. And I think it is shameful that this bill was not put on the agenda in time to be properly and thoroughly debated. We had a long list of people who wanted to speak on this bill today, but because of the way the government has managed the house, most of those people get no opportunity to do so. I do not think the government is very proud of this legislation. The fact that they have timed it late on a Thursday afternoon with very limited time to debate it says all you need to know about what they actually think about this legislation and the impact that it is going to have, particularly on regional communities.

**Ms SHEED** (Shepparton) (16:58): I know there are only a few minutes left, but I am pleased to rise and speak on the Windfall Gains Tax and State Taxation and Other Acts Further Amendment Bill 2021. I would like to start by seeking to amend the member for Kew's reasoned amendment. Accordingly, I move the following amendment to the member for Kew's reasoned amendment:

That after 'consultation' the following words be inserted 'with regional Victorians on whether they should be included with metropolitan Melbourne in the application of the windfall gains tax, and'.

The reason I do this is that regional Victoria is in a particular situation. In fact the member for Euroa has outlined in considerable detail the housing stress that exists in regional areas. I can say that there are high levels of disadvantage in regional Victoria. They are not only exhibited in relation to housing stress, they exhibit themselves in so many ways: people in regional areas earn lower incomes; people have poorer outcomes in relation to health; and they have lower standards of education. There are many areas of opportunity denied to them. It is so important that in the recovery phase regional Victoria has the opportunity to thrive, and this tax will prevent that.

**The DEPUTY SPEAKER:** Order! The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business. The minister has moved that the bill be now read a second time. The member for Kew has moved a reasoned amendment to this motion. The member for Shepparton has moved an amendment to the reasoned amendment moved by the member for Kew.

#### House divided on Ms Sheed's amendment:

##### *Ayes, 26*

Battin, Mr  
Blackwood, Mr  
Britnell, Ms  
Bull, Mr T  
Cupper, Ms  
Guy, Mr  
Hodgett, Mr  
McCurdy, Mr  
McLeish, Ms

Morris, Mr  
Newbury, Mr  
O'Brien, Mr D  
O'Brien, Mr M  
Riordan, Mr  
Rowswell, Mr  
Ryan, Ms  
Sheed, Ms  
Smith, Mr R

Smith, Mr T  
Southwick, Mr  
Staley, Ms  
Tilley, Mr  
Vallence, Ms  
Wakeling, Mr  
Walsh, Mr  
Wells, Mr

##### *Noes, 51*

Addison, Ms  
Allan, Ms  
Blandthorn, Ms

Fregon, Mr  
Green, Ms  
Halfpenny, Ms

Pearson, Mr  
Read, Dr  
Richards, Ms



Brayne, Mr  
Bull, Mr J  
Carbines, Mr  
Cheeseman, Mr  
Connolly, Ms  
Couzens, Ms  
Crugnale, Ms  
D'Ambrosio, Ms  
Dimopoulos, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms  
Foley, Mr  
Fowles, Mr

Hall, Ms  
Halse, Mr  
Hamer, Mr  
Hennessy, Ms  
Horne, Ms  
Hutchins, Ms  
Kennedy, Mr  
Kilkenny, Ms  
Maas, Mr  
McGhie, Mr  
McGuire, Mr  
Merlino, Mr  
Pakula, Mr  
Pallas, Mr

Richardson, Mr  
Sandell, Ms  
Scott, Mr  
Settle, Ms  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Tak, Mr  
Taylor, Mr  
Theophanous, Ms  
Thomas, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

### Amendment defeated.

### Register of opinion on amendment

#### *Ayes*

Ms Kealy, Mr Northe

#### *Noes*

Mr Andrews, Mr Carroll, Mr Eren, Ms Neville

**The SPEAKER:** The question now is:

That the words proposed to be omitted stand part of the motion.

Those supporting the reasoned amendment by the member for Kew should vote no.

### House divided on question:

#### *Ayes, 52*

Addison, Ms  
Allan, Ms  
Blandthorn, Ms  
Brayne, Mr  
Bull, Mr J  
Carbines, Mr  
Cheeseman, Mr  
Connolly, Ms  
Couzens, Ms  
Crugnale, Ms  
Cupper, Ms  
D'Ambrosio, Ms  
Dimopoulos, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms  
Foley, Mr  
Fowles, Mr

Fregon, Mr  
Green, Ms  
Halfpenny, Ms  
Hall, Ms  
Halse, Mr  
Hamer, Mr  
Hennessy, Ms  
Horne, Ms  
Hutchins, Ms  
Kennedy, Mr  
Kilkenny, Ms  
Maas, Mr  
McGhie, Mr  
McGuire, Mr  
Merlino, Mr  
Pakula, Mr  
Pallas, Mr

Pearson, Mr  
Read, Dr  
Richards, Ms  
Richardson, Mr  
Sandell, Ms  
Scott, Mr  
Settle, Ms  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Tak, Mr  
Taylor, Mr  
Theophanous, Ms  
Thomas, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

#### *Noes, 25*

Battin, Mr  
Blackwood, Mr  
Britnell, Ms  
Bull, Mr T  
Guy, Mr  
Hodgett, Mr  
McCurdy, Mr  
McLeish, Ms

Newbury, Mr  
O'Brien, Mr D  
O'Brien, Mr M  
Riordan, Mr  
Rowswell, Mr  
Ryan, Ms  
Sheed, Ms  
Smith, Mr R

Smith, Mr T  
Southwick, Mr  
Staley, Ms  
Tilley, Mr  
Vallence, Ms  
Wakeling, Mr  
Walsh, Mr  
Wells, Mr

Morris, Mr

**Question agreed to.**

**Register of opinion on question**

*Ayes*

Mr Andrews, Mr Carroll, Mr Eren, Ms Neville

*Noes*

Ms Kealy, Mr Northe

**The SPEAKER:** The question is:

That this bill be now read a second time.

**House divided on question:**

*Ayes, 52*

Addison, Ms  
Allan, Ms  
Blandthorn, Ms  
Brayne, Mr  
Bull, Mr J  
Carbines, Mr  
Cheeseman, Mr  
Connolly, Ms  
Couzens, Ms  
Crugnale, Ms  
Cupper, Ms  
D'Ambrosio, Ms  
Dimopoulos, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms  
Foley, Mr  
Fowles, Mr

Fregon, Mr  
Green, Ms  
Halfpenny, Ms  
Hall, Ms  
Halse, Mr  
Hamer, Mr  
Hennessy, Ms  
Horne, Ms  
Hutchins, Ms  
Kennedy, Mr  
Kilkenny, Ms  
Maas, Mr  
McGhie, Mr  
McGuire, Mr  
Merlino, Mr  
Pakula, Mr  
Pallas, Mr

Pearson, Mr  
Read, Dr  
Richards, Ms  
Richardson, Mr  
Sandell, Ms  
Scott, Mr  
Settle, Ms  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Tak, Mr  
Taylor, Mr  
Theophanous, Ms  
Thomas, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

*Noes, 25*

Battin, Mr  
Blackwood, Mr  
Britnell, Ms  
Bull, Mr T  
Guy, Mr  
Hodgett, Mr  
McCurdy, Mr  
McLeish, Ms  
Morris, Mr

Newbury, Mr  
O'Brien, Mr D  
O'Brien, Mr M  
Riordan, Mr  
Rowswell, Mr  
Ryan, Ms  
Sheed, Ms  
Smith, Mr R

Smith, Mr T  
Southwick, Mr  
Staley, Ms  
Tilley, Mr  
Vallence, Ms  
Wakeling, Mr  
Walsh, Mr  
Wells, Mr

**Question agreed to.**

**Read second time.**

**Register of opinion on question**

*Ayes*

Mr Andrews, Mr Carroll, Mr Eren, Mr Hibbins, Ms Neville

*Noes*

Ms Kealy, Mr Northe

*Third reading*

**The SPEAKER:** As the required statement of intention had been made under section 85(5)(c) of the Constitution Act 1975, the third reading of the bill must be passed by an absolute majority. The question is:

That this bill be now read a third time.

**House divided on motion:***Ayes, 52*

Addison, Ms  
Allan, Ms  
Blandthorn, Ms  
Brayne, Mr  
Bull, Mr J  
Carbines, Mr  
Cheeseman, Mr  
Connolly, Ms  
Couzens, Ms  
Crugnale, Ms  
Cupper, Ms  
D'Ambrosio, Ms  
Dimopoulos, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms  
Foley, Mr  
Fowles, Mr

Fregon, Mr  
Green, Ms  
Halfpenny, Ms  
Hall, Ms  
Halse, Mr  
Hamer, Mr  
Hennessy, Ms  
Horne, Ms  
Hutchins, Ms  
Kennedy, Mr  
Kilkenny, Ms  
Maas, Mr  
McGhie, Mr  
McGuire, Mr  
Merlino, Mr  
Pakula, Mr  
Pallas, Mr

Pearson, Mr  
Read, Dr  
Richards, Ms  
Richardson, Mr  
Sandell, Ms  
Scott, Mr  
Settle, Ms  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Tak, Mr  
Taylor, Mr  
Theophanous, Ms  
Thomas, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

*Noes, 25*

Battin, Mr  
Blackwood, Mr  
Britnell, Ms  
Bull, Mr T  
Guy, Mr  
Hodgett, Mr  
McCurdy, Mr  
McLeish, Ms  
Morris, Mr

Newbury, Mr  
O'Brien, Mr D  
O'Brien, Mr M  
Riordan, Mr  
Rowswell, Mr  
Ryan, Ms  
Sheed, Ms  
Smith, Mr R

Smith, Mr T  
Southwick, Mr  
Staley, Ms  
Tilley, Mr  
Vallence, Ms  
Wakeling, Mr  
Walsh, Mr  
Wells, Mr

**Motion agreed to by absolute majority.****Read third time.****Register of opinion on motion***Ayes*

Mr Andrews, Mr Carroll, Mr Eren, Mr Hibbins, Ms Neville

*Noes*

Ms Kealy, Mr Northe

**The SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

**SEX WORK DECRIMINALISATION BILL 2021***Second reading***Debate resumed on motion of Ms HORNE:**

That this bill be now read a second time.

**and Ms BRITNELL's amendment:**

That all the words after 'That' be omitted and replaced with the words 'this house refuses to read this bill a second time until:

- (1) 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'.

**The SPEAKER (17:39):** The minister has moved that this bill be now read a second time. The member for South-West Coast has moved a reasoned amendment to this motion. She has proposed to omit all the words after 'That' and replace them with the words which appear on the notice paper. The question is:

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

Therefore those supporting the reasoned amendment by the member for South-West Coast should vote no.

**House divided on question:**

*Ayes, 53*

Addison, Ms  
Allan, Ms  
Blandthorn, Ms  
Brayne, Mr  
Bull, Mr J  
Carbines, Mr  
Cheeseman, Mr  
Connolly, Ms  
Couzens, Ms  
Crugnale, Ms  
Cupper, Ms  
D'Ambrosio, Ms  
Dimopoulos, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms  
Foley, Mr  
Fowles, Mr

Fregon, Mr  
Green, Ms  
Halfpenny, Ms  
Hall, Ms  
Halse, Mr  
Hamer, Mr  
Hennessy, Ms  
Horne, Ms  
Hutchins, Ms  
Kennedy, Mr  
Kilkenny, Ms  
Maas, Mr  
McGhie, Mr  
McGuire, Mr  
Merlino, Mr  
Pakula, Mr  
Pallas, Mr  
Pearson, Mr

Read, Dr  
Richards, Ms  
Richardson, Mr  
Sandell, Ms  
Scott, Mr  
Settle, Ms  
Sheed, Ms  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Tak, Mr  
Taylor, Mr  
Theophanous, Ms  
Thomas, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

*Noes, 24*

Battin, Mr  
Blackwood, Mr  
Britnell, Ms  
Bull, Mr T  
Guy, Mr

Morris, Mr  
Newbury, Mr  
O'Brien, Mr D  
O'Brien, Mr M  
Riordan, Mr

Smith, Mr T  
Southwick, Mr  
Staley, Ms  
Tilley, Mr  
Vallence, Ms

Hodgett, Mr  
McCurdy, Mr  
McLeish, Ms

Rowswell, Mr  
Ryan, Ms  
Smith, Mr R

Wakeling, Mr  
Walsh, Mr  
Wells, Mr

### Question agreed to.

### Register of opinion on question

#### *Ayes*

Mr Andrews, Mr Carroll, Mr Eren, Mr Hibbins, Ms Neville

#### *Noes*

Ms Kealy, Mr Northe

**The SPEAKER:** The question now is:

That the bill be now read a second time and a third time.

### House divided on question:

#### *Ayes, 53*

Addison, Ms  
Allan, Ms  
Blandthorn, Ms  
Brayne, Mr  
Bull, Mr J  
Carbines, Mr  
Cheeseman, Mr  
Connolly, Ms  
Couzens, Ms  
Crugnale, Ms  
Cupper, Ms  
D'Ambrosio, Ms  
Dimopoulos, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms  
Foley, Mr  
Fowles, Mr

Fregon, Mr  
Green, Ms  
Halfpenny, Ms  
Hall, Ms  
Halse, Mr  
Hamer, Mr  
Hennessy, Ms  
Horne, Ms  
Hutchins, Ms  
Kennedy, Mr  
Kilkenny, Ms  
Maas, Mr  
McGhie, Mr  
McGuire, Mr  
Merlino, Mr  
Pakula, Mr  
Pallas, Mr  
Pearson, Mr

Read, Dr  
Richards, Ms  
Richardson, Mr  
Sandell, Ms  
Scott, Mr  
Settle, Ms  
Sheed, Ms  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Tak, Mr  
Taylor, Mr  
Theophanous, Ms  
Thomas, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

#### *Noes, 24*

Battin, Mr  
Blackwood, Mr  
Britnell, Ms  
Bull, Mr T  
Guy, Mr  
Hodgett, Mr  
McCurdy, Mr  
McLeish, Ms

Morris, Mr  
Newbury, Mr  
O'Brien, Mr D  
O'Brien, Mr M  
Riordan, Mr  
Rowswell, Mr  
Ryan, Ms  
Smith, Mr R

Smith, Mr T  
Southwick, Mr  
Staley, Ms  
Tilley, Mr  
Vallence, Ms  
Wakeling, Mr  
Walsh, Mr  
Wells, Mr

### Question agreed to.

### Read second time.

### Register of opinion on question

#### *Ayes*

Mr Andrews, Mr Carroll, Mr Eren, Mr Hibbins, Ms Neville

#### *Noes*

Ms Kealy, Mr Northe

*Third reading*

**Motion agreed to.**

**Read third time.**

**The SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

**VICTORIAN COLLABORATIVE CENTRE FOR MENTAL HEALTH AND  
WELLBEING BILL 2021**

*Second reading*

**Debate resumed on motion of Mr MERLINO:**

That this bill be now read a second time.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**The SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

**SPECIAL INVESTIGATOR BILL 2021**

*Second reading*

**Debate resumed on motion of Ms HUTCHINS:**

That this bill be now read a second time.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**The SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

**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.

**The SPEAKER:** The question is:

That this bill be now read a second time and a third time.

**House divided on question:**

*Ayes, 51*

Addison, Ms  
Allan, Ms  
Blandthorn, Ms

Fregon, Mr  
Green, Ms  
Halfpenny, Ms

Pearson, Mr  
Read, Dr  
Richards, Ms

## ADJOURNMENT

Thursday, 28 October 2021

Legislative Assembly

4453

Brayne, Mr  
Bull, Mr J  
Carbines, Mr  
Cheeseman, Mr  
Connolly, Ms  
Couzens, Ms  
Crugnale, Ms  
D'Ambrosio, Ms  
Dimopoulos, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms  
Foley, Mr  
Fowles, Mr

Hall, Ms  
Halse, Mr  
Hamer, Mr  
Hennessy, Ms  
Horne, Ms  
Hutchins, Ms  
Kennedy, Mr  
Kilkenny, Ms  
Maas, Mr  
McGhie, Mr  
McGuire, Mr  
Merlino, Mr  
Pakula, Mr  
Pallas, Mr

Richardson, Mr  
Sandell, Ms  
Scott, Mr  
Settle, Ms  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Tak, Mr  
Taylor, Mr  
Theophanous, Ms  
Thomas, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

*Noes, 26*

Battin, Mr  
Blackwood, Mr  
Britnell, Ms  
Bull, Mr T  
Cupper, Ms  
Guy, Mr  
Hodgett, Mr  
McCurdy, Mr  
McLeish, Ms

Morris, Mr  
Newbury, Mr  
O'Brien, Mr D  
O'Brien, Mr M  
Riordan, Mr  
Rowswell, Mr  
Ryan, Ms  
Sheed, Ms  
Smith, Mr R

Smith, Mr T  
Southwick, Mr  
Staley, Ms  
Tilley, Mr  
Vallence, Ms  
Wakeling, Mr  
Walsh, Mr  
Wells, Mr

**Question agreed to.**

**Read second time.**

**Register of opinion on question**

*Ayes*

Mr Andrews, Mr Carroll, Mr Eren, Mr Hibbins, Ms Neville

*Noes*

Ms Kealy, Mr Northe

*Third reading*

**Motion agreed to.**

**Read third time.**

**The SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

**Business interrupted under sessional orders.**

## Adjournment

**The SPEAKER:** The question is:

That the house now adjourns.

## UPPER BEACONSFIELD BUS SERVICES

**Mr BATTIN** (Gembrook) (18:05): (6116) My adjournment tonight is to the Minister for Public Transport, and I raise an issue in Upper Beaconsfield that I have been raising for a while in relation to the Myki system and a bus system and the paying of cash for tickets by students on the bus to Berwick Secondary College. It is something we have been asking the minister for for a long time. What we are going to do now is ask, as the action, if the minister would like to come out and ride on the bus with the students and see what they are having to do every day so far as what is happening, because the Myki system they have continuously been promised has not eventuated and it is costing families in

my electorate money. It is very important that the minister comes out, has a discussion with those parents, gets on board with what we need to do, makes sure that our students are not using cash during this time of the COVID crisis and gets them onto the cheapest and best system that they can use for their public transport to and from school.

### WHITTLESEA COMMUNITY HEALTH

**Ms GREEN** (Yan Yean) (18:06): (6117) My adjournment matter tonight is for the attention of the Minister for Health, and the action I seek is that he asks his department to work closely with DPV Health to develop a new community health building for the Whittlesea township. My community is looking forward to the opening of a new community hospital based close to Mernda station. However, as the minister knows full well, the community health sector is pivotal to both growing and established communities. I was delighted to see in the recently announced Metropolitan Health Infrastructure Fund that DPV Health had received funding for multisite master planning and that this includes plans for a new purpose-built building for the Whittlesea township.

Community health has a proud history and has been an integral part of the health offer in the township. Indeed the Whittlesea community health service was funded and established during the Cain government and operated from a historic building in Walnut Street. The then CEO was Ivan Peterson, who has been an integral part of the planning committee for the community hospital. That service was then absorbed into Plenty Valley Community Health and more recently into DPV Health. The building is long past its use-by date and is not fit for purpose. The Andrews Labor government's health agenda is a significant one. Add to that the recommendations of the Royal Commission into Victoria's Mental Health System, which identify Whittlesea as an area of need for both acute beds and community mental health. Consequently, a new building is required to deliver the expanding suite of services in that community.

### FIRE SERVICES CONTRACTS

**Mr WALSH** (Murray Plains) (18:08): (6118) I raise an issue for the Minister for Emergency Services tonight, and I do so on behalf of the drycleaners in Swan Hill who have lost the contract to provide services to the CFA in the town. This is an issue around the centralisation of government policy for procurement, and the action I seek from the minister is for her to review that policy with the intent of reversing it so that the business is kept local. We see too often services being stripped out of regional Victoria by the Andrews government, and this is just another example of the centralisation of buying power that is actually disadvantaging regional communities.

The CFA has retained a regional office in Swan Hill. Their uniforms have been going to the dry-cleaning service there now for literally years and years and years. Why is a decision now being made to have that centralised and those uniforms potentially being dry-cleaned in Melbourne? It makes no sense. As it has been explained to me, the CFA staff will need additional uniforms to allow for the turnaround time of their uniforms being sent away somewhere out of town and having them returned, whereas before they could just take them down the street to the local drycleaners. On behalf of the local drycleaners in Swan Hill and others—as I understand it, a similar situation has been raised by a member for Eastern Victoria Region, Melina Bath, in the other place around the drycleaners in the Latrobe Valley—please, Minister for Emergency Services, re-examine that policy about centralising the dry-cleaning and laundry services for the CFA so that those jobs and that business can be retained in regional Victoria.

### MORNINGTON PENINSULA TOURISM

**Mr BRAYNE** (Nepean) (18:10): (6119) The action I seek is for the Minister for Tourism, Sport and Major Events to provide my community with an update on how the government will be supporting the tourism sector on the Mornington Peninsula this summer. The pandemic has obviously had a significant impact on the tourism sector on the peninsula. There are many small and medium-sized businesses in my electorate relying on tourism to turn a profit. As the member representing one of



Victoria's most visited localities, I welcome the huge amount of funding for the sector that the government announced in this year's budget. With restrictions easing and summer approaching I am looking forward to updating my constituents on how the government will be helping Nepean and indeed the entirety of the Mornington Peninsula to once again welcome tourists to our beautiful part of the world.

### EVELYN ELECTORATE ROADS

**Ms VALLENCE** (Evelyn) (18:10): (6120) The matter I raise for the adjournment tonight is for the Minister for Roads and Road Safety, and the action I seek is for the minister to provide a time and a date by which the Coldstream community can have confidence that the Killara Road and Maroondah Highway intersection will be fixed. This is a fully funded project from the federal government. It will not cost the state coffers a cent, and my community wants to know when this road will be done. It has been sitting there as a project. The Andrews Labor government has shelved it as a project and, quite frankly, the Coldstream community have been ignored by this Labor government and just want a date when this will be done, so the action I seek is for the minister to provide that date. There is \$20 million committed to this project, and so far the Andrews Labor government has been dragging its heels and has been silent on the project. It is simply not good enough. The last thing that the Coldstream community needs is another accident at that intersection. If there is a fatality, that will be on the shoulders of this Andrews Labor government. The road infrastructure has been significantly poor in my community. Also, part of the action I seek is for a time line on fixing the Warburton Highway in Seville East.

These are two road infrastructure projects that I have asked the minister about in the past and, sadly, there has been an inadequate answer for the residents in my community around fixing dangerous local roads. Residents in my community deserve to be safe when they get out on the road and, quite frankly, the minister needs to provide answers to my community as to when these roads will be fixed. What are the dates? The Warburton Highway in Seville has had many accidents and continuously has accidents. In fact the Seville CFA do a fantastic job in my community, but probably what keeps them the busiest, apart from in the height of the bushfire season, is going and fixing road trauma incidents on the Warburton Highway at Seville. In terms of the roads and the fixing of the roads and taking seriously road safety in my community, so far the Andrews Labor government has not, and so the action I seek is that the minister provides dates on when Labor will pull their finger out, effectively, and give dates for those road projects in my community.

### KERRIMUIR PRIMARY SCHOOL

**Mr HAMER** (Box Hill) (18:13): (6121) My adjournment matter is for the Minister for Education. The action that I seek is for the minister to provide an update on the \$6.61 million Kerrimuir Primary School upgrade to deliver a brand new competition-grade school gymnasium for students and the broader community to enjoy. Despite increasing enrolments, the school does not have an indoor facility to hold physical education classes or even a school assembly. This facility is going to make a huge difference to the entire education experience for the Kerrimuir school community. Being a gym and multipurpose facility it has a broader range of benefits, and a lot of community groups and community clubs will be able to benefit thanks to the investment from the Andrews Labor government.

Staff, students and parents were all thrilled to hear this exciting announcement when I visited the school in May, and I would particularly like to thank school principal Michael McLean, school council president Craig Fegan and former school council president Kate Stevens for their vision to deliver this project and for their ongoing advocacy over a number of years to make this project a reality. I know the entire school community at Kerrimuir is eager to find out more about this project and when it will be completed.

**CREATIVE INDUSTRIES SECTOR**

**Ms SANDELL** (Melbourne) (18:14): (6122) My adjournment is to the Minister for Creative Industries. We are now finally reaching the light at the end of the long lockdown tunnel, thank goodness, and I am sure all Melburnians are incredibly pleased with our vaccination rates and that this means we are now able to get back to a more normal life. But there is a particular group of people and industries that have suffered immensely during lockdown and that will take a little longer to recover, and that is our arts, events and live entertainment sector. So today I am asking the Minister for Creative Industries to commit to fund a substantial new arts program in Melbourne's CBD and surrounds.

The arts provide fuel for our soul. They also provide jobs for countless Victorians. Melbourne is, after all, supposed to be the creative capital of our nation, yet for too long the arts has not received the support that it needs to thrive. It is often overlooked, while things like racing, football, the grand prix or other events are often well looked after. It has been said many times now, but event and creative workers have had an incredibly rough time during the pandemic. They were the first sector to have to close and will be the last to fully reopen due to often needing large crowds to be viable. It is also a sector that has been less able to jump into the brief windows between lockdowns, because events take months to organise.

The sector is very grateful that last Sunday they finally received some certainty as to when density limits will be relaxed so that theatres, cinemas, live music and events will be able to get started properly again, and that is wonderful. But they have lost a lot over the last two years, which is why I am suggesting that now is the time for the government to fund a large new program of festivals, events and arts for Melbourne's CBD. It will not only help our arts and creative workers but also bring people back to the CBD for unique experiences they cannot get anywhere else. I suggest this should not just be a one-off event, festival or grant program but should be a program that funds festivals, events and arts organisations with certainty for at least the next three years so they do not need to worry about surviving off year-to-year funding as so many of them do. And I suggest we need a step change in how and how much we fund the arts.

We know that our creative sector is resilient. They will be back. They cannot wait to be back in fact; our artists will never stop creating. But governments should not take this for granted. I acknowledge that this Victorian government is already taking some excellent steps to support arts and entertainment, and I am very well aware that the federal Liberal government is missing in action, like they are on many issues. But there is room for Victoria to do more.

Last week a lot of the creative sector was dismayed by the comedy of errors that left entertainment venues confused about the opening road map. Initially information from the Premier said they could open for 20 people indoors, but then it was clarified that this excluded entertainment venues like theatres. For Comedy Republic in the city this meant eight shows had to be cancelled. As Kyran Wheatley from Comedy Republic put it, he is worried that it shows the amount of respect that governments have for live performance. I understand the government has a lot to think about and navigate during this next period, but I really hope to see that serious thought and attention is given to the soul of our city, the arts, as we open back up.

**EARLY CHILDHOOD FUNDING**

**Mr MAAS** (Narre Warren South) (18:17): (6123) The adjournment matter I wish to raise is for the attention of the Minister for Early Childhood and concerns school readiness funding. The action I seek is that the minister provide any information on how school readiness funding will help early childhood education in my electorate of Narre Warren South. Studies show that one in five Victorian kids starts their education developmentally vulnerable, which can compound learning difficulties if not addressed early. This could leave some children behind before they even really start.

So many of our children have individual needs that require extra assistance in areas such as speech, language, literacy, wellbeing and cultural diversity. The school readiness package is an Australian-

first initiative which also aims to improve in-school support for emotional and social wellbeing, and I am very proud to be a part of a government which looks after the needs of all. This initiative demonstrates that our government is committed to early childhood education along with investing almost \$5 billion this decade to support three-year-old children to access 15 hours of fully funded kindergarten programs.

I would appreciate any further information that the minister could provide on how school readiness funding will benefit students and families in my electorate, and as always I look forward to sharing the minister's response with my community.

### **KUNYUNG ROAD, MOUNT ELIZA, LAND REZONING**

**Mr MORRIS** (Mornington) (18:19): (6124) I raise a matter this evening for the Minister for Planning. It relates to a property at 60–70 Kunyung Road, Mount Eliza, and the action I am seeking from the minister is that he immediately agree to the exhibition of amendment C270 to the Mornington Peninsula planning scheme. Speaker, you may be aware, and certainly I am sure many others are, that this is not the first time I have raised this issue in the house. I think the first time I raised the specific matter of amendment C270 was in fact in February 2020, so it is a while back. There have been a number of other contributions and amendment requests related to this property over the journey, and most recently I raised the issue by way of adjournment in August of this year.

The issue with this particular site is it is a large piece of land outside the urban growth boundary but it is not protected by the green wedge provisions that protect 99 per cent or more of the Mornington Peninsula that is outside the urban growth boundary. It is a historical anomaly. It goes back to the days when the site was occupied by the Melbourne Business School, so it is a special-use zone. The shire quite rightly saw that there was a difficulty not only with this site but with a number of other sites which amendment C270 also covers, and in February last year it resolved to request the minister to agree to the amendment and put it in.

At the time the minister responded and said, 'I'll look out for that amendment', and I am sure he did. He is certainly aware of it. In fact I should say that when I raised the issue again in August of this year the minister was of great assistance and immediately, because he was in the chamber, offered a briefing. That briefing was conducted within a matter of days—very, very quickly—and I certainly appreciated the speed at which the minister moved and the information that was provided to me. I do not intend to go into the details of that—that shall remain confidential—but I did appreciate the information that was provided.

We are now another couple of months down the track. We are still waiting for something to happen. The question is whether this government is actually going to back up its rhetoric of protecting green wedges, and particularly protecting the green wedges on the Mornington Peninsula, or whether it is not. The council support this amendment. I certainly support this amendment. My colleague in the other place Edward O'Donohue strongly supports the amendment. It is time this happened. The minister has an opportunity to back up his rhetoric with action, and that is what I am seeking from him today.

### **COVID-19 VACCINATIONS**

**Ms HALFPENNY** (Thomastown) (18:22): (6125) I would like to raise a matter with the Minister for Health, and the action I seek is that the minister visit the community health centre in the Thomastown electorate, DPV Health, to acknowledge the hard work and the commitment and dedication of the staff and contractors that have been at the centre of the state government rollout of the COVID vaccine in the area.

We started off very poorly, with something like 15 to 20 per cent of eligible people vaccinated probably only a month ago. One of the main reasons was because the Prime Minister refused to authorise doctors in our area to administer the COVID vaccine, instead sending all the precious vaccine across to the other side of town. However, since the supply has increased DPV Health and the

staff there have done a fantastic job in making sure that people have proper access to vaccination. Sometimes people may say the low rates of vaccination were due to people not wanting it or being hesitant, but I think the work that they have done—something like 80 per cent of people have now had a first dose of the vaccine—shows that it was not about hesitancy, it was in fact about a lack of access.

We have been able to, through the state government coordination with DPV Health and also Northern Health, make sure that people are able to get vaccinations very close by. Most people have been walking in because they have had difficulties with booking online, but it is great to see the community effort in making sure that people all have equal access. They can get it where they live, where they can get to. It would be great to see the minister down at DPV Health to celebrate and thank the staff for their achievements.

### RESPONSES

**Ms ALLAN** (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (18:24): Ten members raised matters for various ministers, and they will be referred to those ministers for their action and response—unless, Speaker, you would like me to go one by one through—

**The SPEAKER:** I appreciate the minister's brief response. The house is now adjourned.

**House adjourned 6.24 pm until Tuesday, 16 November.**