

Victoria

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Victoria is one of the two largest, earliest developed and economically richest Australian states (generating a quarter of national gross domestic product (GDP)). With a population of 6.6 million people, heavily concentrated in the Melbourne conurbation, the state nonetheless has a land area exceeding 227,000 sq kms, much of it bush. Though its party system took longer to settle than other Australian jurisdictions, its political control has swung between the top two political parties, with Labor dominant in recent times and the state government taking a robust and distinctive line during the COVID-19 pandemic. With a bicameral parliament (comprising the Legislative Assembly (LA) and the Legislative Council (LC)) and a mature public service, the state has played an important role in shaping overall Australian political trends, partly because its Constitution is relatively easily amended by a simple majority vote in both houses.

What does a democratic state government require?

Key elements include:

- ✦ An effective state constitution that provides an anatomy of legitimate public power to: define the limits of state governmental powers; make government accountable to the people by providing for checks and balances; promote long-term structures. A constitution typically (i) lasts for an indefinite term; (ii) is difficult to change; and (iii) reflects a consensus among those who are subject to its limits and afforded its protections. It condenses the preferences, values and views of the state's people; provides legal authority for the exercise of governmental powers; specifies the civil and human rights of all citizens; and, creates (or clarifies) any (legal) duties/obligations that the government must observe or satisfy. The state's relationship with the Commonwealth government is governed by the federal constitution.
- ✦ Rights for Aboriginal and Torres Strait Islander Peoples should be fully recognised and implemented as for all citizens. The histories, languages, cultures, rights and needs of Aboriginal and Torres Strait Islander communities and peoples should be addressed, so as to remedy historical injustices and establish a meaningful degree of self-government.

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- ◆ Electoral systems for the state's LA and LC should accurately translate parties' votes into seats, in different ways that are recognised as legitimate by most citizens. Ideally the voting systems should foster the overall social representativeness of the two houses of the legislature. Elections and the regulation of political parties should be impartially conducted, with integrity.
- ◆ Political parties at state level should sustain vigorous and effective electoral competition and citizen participation. They should enable the recruitment, selection and development of political leaders for state government; formulate viable policy agendas and frame political choices for state functions; and form governments or, when not in power, hold governments accountable. Political parties should uphold the highest standards of conduct in public life.
- ◆ The core executive and government should operate fully within the law, and ministers should be effectively scrutinised by and politically accountable to Parliament. Ministers and departments/agencies must also be legally accountable to independent courts for their conduct and policy decisions. Responsive government should prioritise the public interest and reflect state public opinion. Its core executive (premier, cabinet, ministers and key central departments) should provide clear unification of public policies across government, so that the state operates as an effective whole. Both strategic decision-making within the core executive, and more routine policy-making, should foster careful deliberation to establish an inclusive view of the 'public interest'.
- ◆ The administration of public services should be subject to appropriate control by democratically elected officials as far as possible. Officials in state public services should act with integrity, impartiality, in accordance with well-enforced codes of conduct and within the rule of law. The rights of all citizens should be carefully protected in policy-making, and 'due process' rules followed, with fair and equal public consultation on public service changes. Public services, contracting, regulation and planning/zoning decisions should be completely free from corruption.

State governments have considerable (but not total) control over major services like education, healthcare, transport and emergency services that matter greatly to citizens, and they make regulations on key economic areas of great significance for enterprises and civil society. These roles were especially emphasised by developments in crisis management and issues relating to constitutional change. We begin with these recent events, before moving to a more systematic (SWOT) analysis of strengths and weaknesses of democratic control. The last part of the chapter looks at some key long-term issues in more detail.

Recent developments

The state governments bear the primary responsibility for responding to severe domestic crises, most commonly environmental developments like fires and flooding, which regularly threaten life and limb across Australia, but also encompassing public health emergencies. These roles were especially and almost continuously salient for the Victorian government from 2019 to early 2023, first with bushfires and later with the COVID-19 pandemic. We also briefly consider issues around constitutional changes.

The 2019 to 2020 bushfire emergency

Bushfires have been highly salient in Victorian politics, particularly since the catastrophe of ‘Black Saturday’ in February 2009, when 117 people died in more than 400 fires across the state within a couple of days, Australia’s highest-ever direct loss of life from bushfires (Ambrey, Fleming and Manning, 2017). Following a major Royal Commission many changes were implemented in state response systems (Victoria Bushfire Royal Commission, 2010). The improved systems generally worked well from November 2019 to February 2020, when fires in eastern Victoria as well as neighbouring New South Wales burnt over 1.5 million hectares. An estimated 60,000 people were evacuated from East Gippsland, an extensive diversity of wildlife perished, and the bushfires affected 1,000 registered Aboriginal heritage sites (Victoria Government, 2023a). This time only five people died directly in fire, but 300 homes were destroyed, insurance costs ran to A\$18.6 million, and another 120 people were estimated to have died later from conditions worsened by bushfire smoke effects (AIDR, 2023).

The response of the state premier, Labor’s Daniel Andrews, was deemed by some observers to be ‘professional, calm, empathetic and commanding’ and ‘competent’ (ABC, 2020a), based on a decade of preparations and institutional reforms in Victoria for large-scale fires (Towell, 2020). That said, the final report of an independent inquiry into the 2019–2020 bushfires, completed by the Inspector-General for Emergency Management in July 2021, indicated a need to strengthen resilience before, during and after emergencies (IGEM, 2021). The Victorian government accepted all 15 recommendations in the report and committed to a further reform program for the state’s emergency management sector.

The COVID-19 pandemic

While the bushfires were generally handled in a consensual manner, the COVID-19 pandemic generated much greater controversy around the core executive’s emergency response (Melbourne Law School, 2021). In mid-March 2020, ministers declared a ‘State of Emergency’ and imposed a succession of emergency measures, including mask and social distancing mandates, lockdowns and curfews (Big Australia, 2021). These measures were in place intermittently from March 2020 to late October 2021, restricting public gatherings and barring individuals from leaving their homes except under a strict set of limits. During this time, Melbourne endured ‘the world’s longest COVID-19 lockdown’, a total of 262 days or almost nine months (Reuters, 2021). Although not subjected to the same level of restrictions, regional Victoria was also subject to social distancing and mask mandates, and occasional lockdowns (ABC, 2021a).

Opponents of these measures quickly mounted intense criticisms of them, frequently focused personally on the state Premier Andrews. Critics developed a ‘Dictator Dan’ narrative in which he and the Labor government were portrayed as following an authoritarian agenda (Washington Post, 2020). More measured criticism focused on a number of policy failures, such as ineffective privatised hotel quarantine (Rundle, 2020), the premier’s personal dominance of the emergency response (Pesutto, 2020), and the disproportionate impact of an excessive focus on policing on First Nations and other minority communities during lockdowns (Liberty Victoria, 2021). An indication of the stringency of state actions was a rapid ‘hard lockdown’ imposed on 3,000 residents of public housing towers in Melbourne in July 2020 to suppress the spread of COVID-19. This last measure was deemed by the state ombudsman to be contrary to rights protected by Victoria’s Charter of Human Rights and Responsibilities (VEOHRC,

2023), such as the freedom of movement and right to liberty (Victoria Ombudsman, 2020). A December 2020 report concluded:

Despite the best efforts of those on the ground, the early days of the lockdown were chaotic: people found themselves without food, medication and other essential supports. Information was confused, incomprehensible, or simply lacking. On the ground few seemed to know who was in charge. No access to fresh air and outdoor exercise was provided for over a week. In a particularly unfortunate act, temporary fencing for an exercise area was erected one night, surrounded by police, and although quickly taken down, reinforced the residents' sense of being imprisoned. (Victoria Ombudsman, 2020)

Despite broad early acquiescence to the lockdowns (Guardian, 2020a), public protests grew from small gatherings in September 2020 (Guardian, 2020b) to thousands in October and November 2021 (ABC News, 2021b). Later protests were ostensibly objecting to vaccine mandates and proposed legislation to overhaul the framework for pandemic responses (the 'Pandemic Bill' (Victorian Legislation, 2021) discussed later in this chapter). However, they were also fuelled by a mixture of conspiracy theories and misinformation concerning lockdown, vaccines and the nature of the proposed laws (Thomas, 2021). Observers noted an intensifying rhetoric of retribution against the executive, with small groups of protesters displaying violent imagery and chanting death threats against the premier and government, and clashing with police, with little appeal to reason or meaningful alternative proposals (The Age 2021b).

However, Victoria's experience with COVID-19 rates was also seen as a strong policy success internationally, with only 143,000 cases occurring from March 2020 to December 2021, resulting in 1,443 lives lost (or 217 cases per million people). In the same period, nearly 129,000 people recovered. The state also administered 16.3 million COVID-19 tests. Polling evidence found that when samples of Victoria adults were asked 'How well is your state government responding to the pandemic?' in July 2020, 62 per cent said, 'very well' or 'fairly well'. This clear majority view nonetheless compared poorly to levels of 80–95 per cent in other Australian states.

The later vaccination push (which mandated vaccination for visitors to many health, social care and governmental office settings) was met with virulent opposition by the state's numerous but minority anti-vaccine campaigners. Yet the overwhelming majority of people agreed with the vaccination push and by November 2021 over 88 per cent of Victoria's adult population had received two vaccine doses, among the highest rates achieved either in Australia or internationally (Department of Health, 2021). Following the rollout of the vaccine, by November 2021 polling respondents rating the state government response as 'very' or 'fairly good' rose to 80 per cent (although this was still below rates of 88 per cent to 97 per cent in other states). The government was also viewed as having shown transparency in its pandemic response, including establishing an official inquiry into the hotel quarantine system, which reported in December 2020 (Quarantine Inquiry, 2020). Ministers also made amendments to legislation proposed in late 2021 in response to criticisms.

Victoria also kept in place many COVID-19 restrictions longer than other jurisdictions, easing most lockdown restrictions (for example, to allow recreational visits between families or neighbours) only in May 2022, and ending the declaration of a pandemic in September that year – while still requiring vaccination in state government settings. As in other places where severe restrictions were eased, 2022 saw a growth of infections (often among unvaccinated or only partly vaccinated people), eventually pushing Victoria's COVID-19 death toll above 6,600 people by January 2023 (Victoria Department of Health, 2024).

The Pandemic Bill

Although it was not itself a constitutional amendment, significant controversy surrounded the government proposal in late October 2021 of new legislation, the Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021 ('the Pandemic Bill'). It significantly changed the legal framework governing health emergencies and the powers of the executive. The power to declare a pandemic was transferred from the chief health officer to the premier; permitted the state's pandemic status to be declared for up to three months at a time with no outer limit; provided wide powers to a health minister to make public health orders; expanded detention powers; and created an independent Pandemic Management Advisory Committee, with members including public health, human rights and community representatives.

Non-partisan analysts and public law academics recognised the Victorian government's claims that the Pandemic Bill initially presented had significantly improved the current pandemic law by clarifying the legal authority for the exercise of governmental powers and safeguarding democracy and human rights, including greater considerations for transparency around key decision-making, personal information protection, better oversight and scrutiny processes, and a fairer approach to sanctions for health order breaches ([Melbourne Law School, 2021](#)). However, they also strongly urged further amendments, particularly more parliamentary oversight, strengthening protections for the right to protest, and appeal of detention orders.

In the conventional political arena, the Liberal-National opposition decried the Pandemic Bill as a 'draconian' measure ([The Age 2021a](#); [The Age, 2021b](#)). One MP, David Davis, even tabled a constitutional amendment Bill in the LA to require a 60 per cent special majority approval in both houses of parliament before a state of emergency (or a disaster) could be declared or renewed, which inevitably failed ([Australasian Lawyer, 2021](#)). However, in response to opposition, media and public criticisms, the government announced a range of proposed amendments in November 2021 ([HRLC, 2021](#)). These included a legal requirement that the premier must be satisfied on 'reasonable grounds' that a serious risk to public health exists before declaring any pandemic. There was also express recognition that the Charter of Human Rights and Responsibilities applies to pandemic restrictions.

We discuss in the section on elections (after the SWOT) how the trials and controversies over COVID-19 policies affected the Andrews government. Labor suffered a 6 per cent loss of primary AV votes support in the November 2022 state elections, chiefly to the Greens and the Liberal opposition. But at the second preferred vote stage, Labor managed to contain this loss with transferred votes from the Greens and others, so that it retained largest party status and hence ministerial office in the lower house of the state legislature.

Constitutional and legal changes

As in some other Australian states (like New South Wales) the COVID-19 pandemic raised issues about how the Constitution of Victoria can generally be amended by a simple majority passing a Bill in both houses of Parliament to change aspects of the *Constitution Act 1975*. There are some exceptions, including provisions requiring a more stringent procedure such as a public referendum (for example, for altering the number of MPs in the LA). A special majority of three-fifths of members in both houses is needed for the third reading of some specific bills (for example, amending provisions on eligibility to vote).

In fact the one amendment to the Constitution passed by parliament in 2021–2023 ([Victorian Legislation, 2023](#)) concerned a different issue, placing a permanent ban on unconventional gas extraction through hydraulic fracturing – ‘fracking’ – on grounds of environmental protection ([Premier, Victoria, 2021](#)). The ban met the Andrews Labor government’s 2018 election pledge to entrench a legislative ban on fracking in the state constitution. It followed a long-term campaign that included 26 local councils expressing concerns over fracking, and 75 regional communities declaring themselves gas field and coal free ([Melbourne FOE, 2021](#)). There was also a government ‘Inquiry into Unconventional Gas in Victoria’ in ([Parliament of Victoria, 2015](#)). The constitutional ban was condemned by the Institute of Public Affairs (IPA) think-tank as an unprecedented ‘autocratic, illiberal and undemocratic’ policy restriction on future governments’ freedom of manoeuvre ([IPA, 2021](#)). However, it was a manifesto pledge and enjoyed significant support among environmental campaigners, farmers, and the public ([ABC, 2017](#)).

Strengths, weaknesses, opportunities, and threats (SWOT) analysis

Current strengths	Current weaknesses
Elections in Victoria are free and fair, and their conduct has strong quality assurance underpinning its electoral process through an independent Electoral Commission.	Turnout among some groups, especially First Nations citizens and those from non-English-speaking backgrounds, is lower, even with compulsory voting. This feeds through into reduced participation by such groups in wider political life.
Party competition in Victoria is vigorous and transfers of government occur periodically between the top parties, Labor and the Liberal-National Coalition. The main parties are effective in recruiting people to run for political office and structuring elections so that voters have clear choices.	Issues such as ‘branch stacking’ within parties present a weakness in standards. Evidence suggests that they have the potential to seriously damage trust in parties, parliament and government (see below).
The AV system for Victoria’s lower house almost always awards most seats and majority control of government to the party winning most (TPP stage) votes, in line with majoritarian principles.	Under AV smaller parties find it hard to win lower house seats. The disproportionality of the voting system grows when they win more support.
The balance of press alignments at elections in Victoria are more even than elsewhere since <i>The Age</i> in Melbourne is Australia’s most important national paper taking an independent line.	Media partisanship at election time in Victoria is strong, with the Murdoch press and to a lesser degree Sky News, always strongly aligned behind the Liberal-National Coalition parties.

<p>The proportional representation, single transferable vote (PR–STV) system for upper house (LC) elections gives smaller parties a better chance of winning seats, and they quite often hold the balance of power.</p>	<p>LC elections tend to create ‘safe’ seats for major parties, limiting accountability. They also use the group voting ticket (GVT) system, abolished in much of Australia due to its vulnerability to ‘preference harvesting’, and subsequent election of members off minuscule primary votes (for example, the Democratic Labour Party in 2022).</p>
<p>The state parliament (and particularly the upper house) is broadly effective in holding the executive to account and has taken significant operational measures to continue functioning during crisis.</p>	<p>The pandemic demonstrated that to keep parliament fully running during emergencies it needed new solutions, including the use of hybrid models, mixing in-person and remote attendance.</p>
<p>The LA’s committee system has generally met its scrutiny objectives, for example, in conducting timely inquiries into the executive’s COVID-19 response.</p>	<p>Public participation in the state parliament’s deliberations remains under-developed.</p>
<p>The state government has shown an effective core executive under alternative parties and sets of ministers. The government showed creativity in adapting its operations to address crisis challenges in 2019–2022, including managing sometimes tense relations with federal government ministers.</p>	<p>Concerns were raised regarding the centralisation of executive power during the COVID-19 pandemic, including through proposed legislation to reform the legal framework for emergencies.</p>
<p>The state government has performed well on some measures, such as economic development (for example, youth unemployment), education (for example, Year 9 education outcomes), health (for example, mortality rates), and transparency and accountability.</p>	<p>Ministers and state agencies have performed less well or poorly on some issues, such as regional incomes, government funding to state schools and rental stress in housing.</p>
<p>The public service met crisis challenges successfully through embracing a flexible and data-driven approach, by adapting its structures and lines of accountability, and investing in digital transformation.</p>	<p>Ombudsman’s reports have suggested that public agencies still had much to do to understand the basic human rights guaranteed by the Victorian Charter of Rights and Responsibilities, especially in improving training. They have also criticised creeping politicisation of public sector appointments over recent years.</p>
<p>Concrete steps taken toward the negotiation of a treaty with the state’s First Nation peoples present a positive development.</p>	<p>Indigenous communities have suffered inequities in outcomes across a range of wellbeing indicators.</p>
<p>Local government benefited from new laws promoting public participation and gender equality.</p>	<p>City and local governments depend on the state for their powers and much of their finance, and their effectiveness varies a good deal from place to place.</p>

Future opportunities	Future threats
Resolution of a Treaty with First Nations peoples – which could include significant constitutional, institutional and electoral reforms – will be a major opportunity for enhancing the democratic credentials of the state.	Political extremism and violence are growing problems, evident during and after Victoria's COVID-19 lockdowns. Though small in scale, violent rhetoric and actual violence between protesters and police or counter-protesters has become an increasing issue. The threat has been acknowledged by law enforcement agencies as a serious one, and counter-extremist measures – including Victoria's distinctive ban on Nazi symbols – have become an area of legislative action.
Reform to the controversial GVT system for upper house elections should be a priority. Other jurisdictions around Australia have largely abolished GVT already and Victoria is overdue reform to this system.	The growing support for small and even fringe political parties – parties that often fail to get elected, or if they do, are often sidelined by major parties in the governing process – equates to an increasing share of the electorate functionally unrepresented and disenfranchised.

The remainder of the chapter focuses on three main areas – state politics and elections; the operations of parliament and diversity issues around state politics; and the role of the government and wider public services.

Elections and party politics

All the members of the state parliament's two houses are chosen at Victoria's four-yearly elections, using the combination of AV lower house and STV upper house elections found elsewhere in Australia (see [Figure 18.1](#)). At the LA level, the top two parties (the Liberal-National Coalition and Labor) dominated state politics from the 1950s until the late 1990s, when the Greens became established, consistently recording a vote share around 10–11 per cent since ([Figure 18.2](#)). Since 2000, the top parties have recorded somewhat smaller shares of the primary vote, but this has been masked by their continuing domination of the two-party-preferred vote. For example, in 2018, Labor won 62.5 per cent of the seats (55) on the basis of just under 43 per cent of the first-preference vote, due to receiving overall 57 per cent support at the 'two-party preferred vote' stage, boosted by Greens voters ([Figure 18.2](#)). Disproportionality at this stage was thus a modest 5 per cent. Most of the remaining seats (27, or 31 per cent) went to the Liberal-National Coalition, while the Greens (on 11 per cent) and independents (with 6 per cent support) each won 3 seats. (Twelve minor parties won nearly 5 per cent of votes between them but no seats.)

In 2022, the turmoil in Victorian politics surrounding COVID-19 produced a strong uptick in votes for smaller parties in the LA elections, with Labor losing some support and a record 28 per cent of votes going to third, fourth and small parties combined. However, Labor managed to retain 55 per cent of the two-party preferred vote (and 56 out of 88 seats), despite falling to 37 per cent in its primary vote share, again due to Green voters' support.

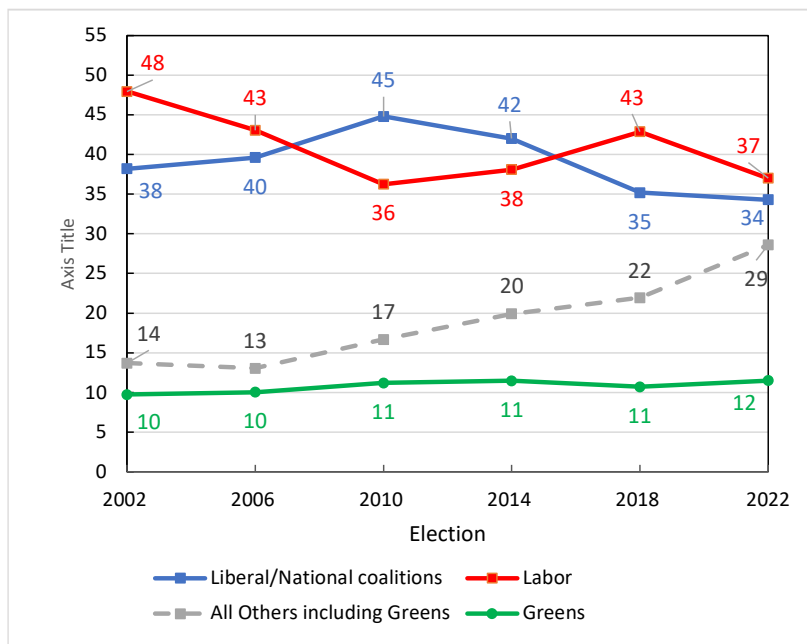
Figure 18.1: The basic set up for Victoria’s state elections

	Legislative Assembly (LA) (lower house)	Legislative Council (LC) (upper house)
Voting system	Alternative Vote (AV)	PR–STV (Single Transferable Vote)
Main outcome sought	Majoritarian – the largest party forms a government	Parties’ seats share is proportional to their votes share
Districts used	88	40
Seats per district	One	Eight regions, each with five seats and around 0.5 million voters
Preferences expressed by	Numbering local candidate in order. Victoria’s voters need to mark all candidates standing in a complete preference order	Option A: choosing a party’s GVT which allocates preferences to all candidates on the ballot Or Option B: numbering a minimum of five candidates in order
Choice of candidates within each party	None – each party nominates one candidate per seat	Voters taking Option B on the ballot paper must choose at least five people to support, either within each party’s list of candidates, or picked across parties, or a mix of both.
Limits on proportionality	A district magnitude of one seat means that only a party that can come first in primary and secondary AV votes can win	With 5 seats per region, to win a seat a candidate must normally get a ‘quota’ approximating 17 per cent of all votes. (However, candidates with far fewer votes may occasionally be elected, depending on competition circumstances in each region.)

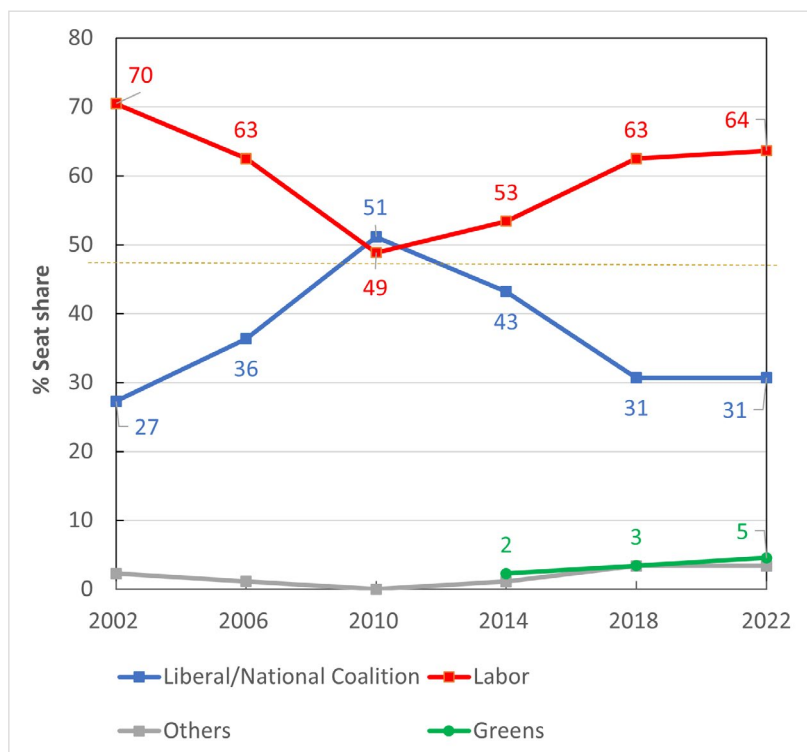
Source: Designed for this Audit.

In terms of seats, [Figure 18.3](#) shows that, due to AV, the top two parties have continuously dominated the lower house, often with exaggerated or ‘reinforced’ majorities won by the largest party, interspersed with an occasional near-balance in party representation. The historic pattern has been for single-party (Labor or Liberal-National Coalition) government and the recent LA elections suggest no change in this is likely.

Turning to the upper house, the LC is elected in eight large five-seat constituencies using the proportional STV system. In the past, voting was effectively dominated by the top two parties until the end of the 1990s, and a majority party sometimes controlled the upper house for long periods. However, since 2002 the Greens became established with over a tenth of votes, and support for other small parties (and independents) has grown fast, so that the governing party must negotiate its legislation more with other parties ([Figure 18.4](#)). In the 2018 Legislative Council elections, Labor won 39 per cent of the vote, gaining 18 seats overall, two in every region, and three seats in three areas – sufficient to maintain effective control of the Legislative Council with three other Council members’ votes. With 29 per cent support the

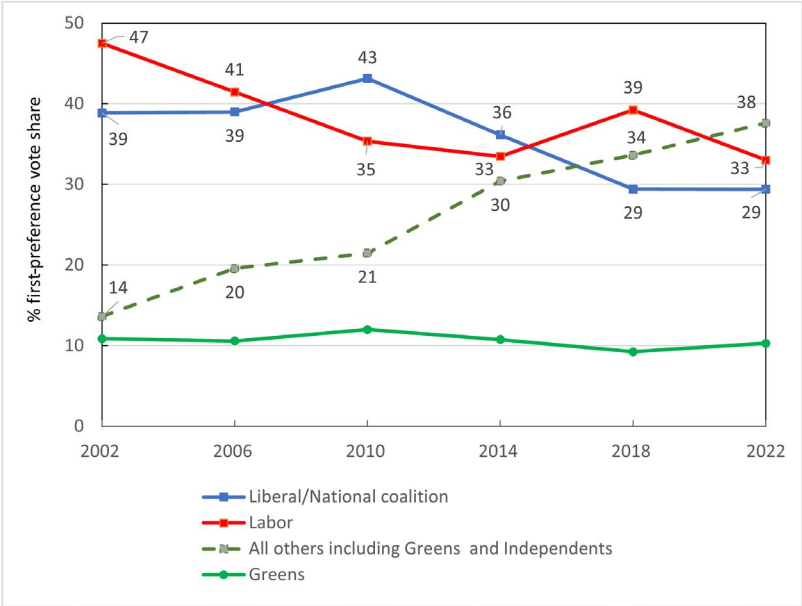
Figure 18.2: Victoria Legislative Assembly, first-preference vote shares, 2002–2022

Source: Compiled from data in [Victorian Electoral Commission, 2023a](#).

Figure 18.3: Victorian Legislative Assembly, percentage of seats, 2002–2022

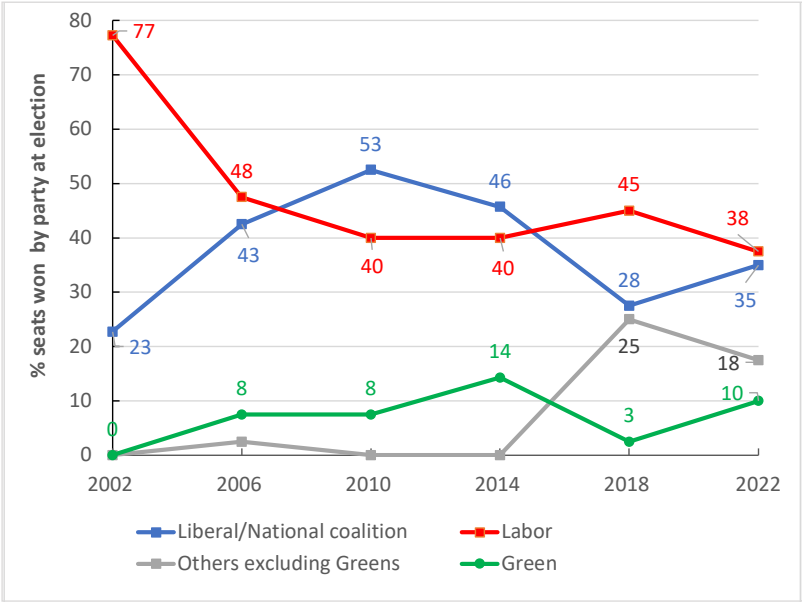
Source: Compiled from data in [Victorian Electoral Commission, 2023a](#).

Figure 18.4: Victoria Legislative Council (upper house) elections, first-preference vote shares, 2002–2022



Source: Compiled from data in [Victorian Electoral Commission, 2023a](#).

Figure 18.5: The percentage of seats won in the Victoria Legislative Council (upper house) elections, 2002–2022



Source: Compiled from data in [Victorian Electoral Commission, 2023a](#).

Liberal-National Coalition lost five seats that they had previously held and fell back to 11 seats, one in each of six regions, and two in the remainder. Five smaller parties also won seats, with three for the Justice Party and two for the Liberal Democrats. The Greens won only a single seat at this stage.

Post-COVID-19, the 2022 Legislative Council elections saw support for all other parties combined at just under 38 per cent of votes beating vote shares for both Labor (33 per cent) and Liberal-National Coalition (29.4 per cent). Labor support fell to a third of first votes, losing three seats. The Greens picked up four seats with later Labor votes transfers to them, and the opposition made no progress. Other parties won seven of the 40 Legislative Council seats (Figure 18.5). The Legislative Council thus remained ‘hung’, as it has been since 2006, but in practice controlled by a ‘progressive’ bloc of Labor, Greens, Legalise Cannabis and Animal Justice.

Only half the Legislative Council seats were elected at a time until 2002 and Figure 18.5 shows that this often resulted in sharply varying seats outcomes at these elections. Since 2006 all Legislative Council seats are elected at the same time, which has made the system more proportional and resulted in less variations in the proportion of seats won by the top two parties. The smaller parties did not benefit much at first, but since 2014 their seats have increased, and they have held the balance of power in the house.

The integrity of elections in the state has been high, owing in large part to the work of the Victorian Electoral Commission (2023b), an independent and impartial agency established in 2002. Its responsibilities have spanned conducting, regulating and reporting to parliament on State and local council elections, as well as certain statutory elections and polls. It also maintains the electoral roll, promoting public understanding and awareness of electoral issues; and supports the work of the Electoral Boundaries Commission. In 2018 legislative changes strengthened the funding and political donation disclosure regime in Victoria, and the Victorian Electoral Commission maintains a register of political donations and electoral expenditure disclosures (Victorian Electoral Commission, 2023c).

Parliament, parties and reconciliation

The State Parliament of Victoria was challenged by the COVID-19 crisis. Measures, such as adjournment, social distancing mandates and limits on the number of members allowed at sittings, resulted in fewer sittings (Centre for Public Integrity, 2020). For instance, in 2020 the LA sat for 38 days, compared to 44 days in 2019, and the LC sat for 42 days, compared to 51 in 2019. From April to August 2020, Parliament sat for just seven days, including a long period of lockdown during which a raft of executive measures was taken, with significant impacts on individuals’ lives across Victoria. The Parliament’s failure to take fuller adaptation measures to ensure that it could continue to carry out its functions was criticised – for instance, because other parliaments in the UK and Canada amended standing orders and parliamentary regulations to permit ‘hybrid’ sittings with members attending in person and remotely. A policy brief by the Centre for Public Integrity (2020) argued that:

- ✦ the Victorian Constitution appeared not to pose an obstacle to parliament functioning remotely and the parliament’s standing orders could be amended as required to facilitate remote sitting and voting

- ✦ the introduction of hybrid and virtual sittings as adopted by the UK should be considered in Victoria, and, if these formats were determined to be appropriate, they should be made available for implementation on an as-needs basis
- ✦ should the switch to online proceedings need to be staggered, priority should be given to Question Time to enable the parliament to resume its scrutiny function as soon as possible.

That said, parliamentary committees continued to meet and conduct business, converting committee rooms to permit video conferencing, and more broadly accelerating rollout of new technologies, enabling members and parliamentary staff to make a rapid transition to work-from-home arrangements ([Victoria Parliament, 2021a](#)).

The Parliament of Victoria was recognised as having among the more sophisticated committee systems for rights scrutiny in Australia ([Moulds, 2020](#)). In the COVID-19 period, scrutiny achievements included the February 2021 Inquiry into the Victorian government's response to the COVID-19 pandemic conducted by the joint Public Accounts and Estimates Committee ([Victoria Public Accounts and Estimates Committee \(2021\)](#)), charged with reviewing the measures taken by the Victorian government to manage the pandemic (including as part of the intergovernmental National Cabinet), and any other matter related to the pandemic. The committee made a range of recommendations, including greater transparency on the roles and responsibilities of officials during any future state of emergency or state of disaster, and reviewing the effectiveness of the state Department of Health's pandemic communications to multicultural communities.

Other influential scrutiny of executive action since 2019 also included independent inquiries into the state's bushfire response and the hotel quarantine system, as well as Ombudsman investigations into the government's handling of the rapid 'hard lockdown' of public housing towers in July 2020. These all demonstrated a diverse ecosystem of oversight bodies capable of assessing government action, identifying problems and proposing solutions. Some analysts have suggested that greater attention should be paid to maintaining a higher level of functioning in future crises.

Political parties

Research suggests that political parties perform three sets of overlapping and reinforcing functions in a democratic system: *governance* (especially fostering government leadership and acting as a vehicle for rational policy formulation); *community linkage* (fostering local leaders, as well as reflecting the policy preferences and priorities of citizens and helping to inform citizens about political issues); and *integrity* (upholding standards of conduct in public life and the political arena). As regards the first two dimensions, in Victoria an enduring weak link is the under-representation of women, young people, minorities and Indigenous communities in political parties, and by extension, political institutions. [Figure 18.6](#) shows the numbers of women representatives in the state parliament. In terms of ethnicity, approximately 10 per cent of Victorian MPs have non-European (and non-Indigenous) ancestry ([Guardian, 2021](#)), which may be as little as half of the percentage in the total state population ([Victoria Government, 2016](#)). Civil society initiatives have sought to address this gap: for example, the Pathways to Politics Program for Women, based in Melbourne and in operation since 2016, seeks to increase diverse female participation in politics by providing women with the knowledge and skills to run for political office ([Melbourne University, 2023](#)). Similarly, the organisation Not Too Young To Run ([2024](#)) has been established to encourage young people to campaign for political

Figure 18.6: Women members in the 2018–2022 Parliament of Victoria

Legislative Council (LC)	Legislative Assembly (LA)
18 out of 40 members	34 out of 88 Members
10 Australian Labor Party	25 Australian Labor Party
3 Liberal Party	4 Liberal Party
1 Derryn Hinch's Justice Party	2 Nationals
1 Fiona Patten's Reason Party	2 Independent
1 Nationals	1 Victorian Greens
1 Victorian Greens	
1 Independent	

Source: Compiled from information in [Parliament of Victoria, 2024](#).

Note: To find exactly the data used here, go to the linked page, specify year as 2022 in left hand margin search box, and search separately for LA and LC members. The page is continuously updated, so to find current information, specify the most recent year.

office in all levels of Australian politics, noting statistics such as the majority of councillors in Victorian local councils are still men aged over 46, an increase in councillors aged over 76, and a decrease in those aged under 25 ([3AW, 2021](#)).

At local government level, the *Local Government Act 2020* was described as ‘the most ambitious reform to the local government sector in over 30 years’ ([Arndt, 2020](#)). It included mandatory training for electoral candidates and requirements to involve the public in decision-making, and it has prompted a proliferation of citizen engagement initiatives, such as consultative citizens’ panels and specific guidance on citizen engagement in rural and regional areas ([Victoria Government, 2023b](#)). In addition, the *Gender Equality Act 2020* required all councils across Victoria’s 79 local government areas (as well as other public sector agencies such as universities) to assess, report on and formulate plans to progress gender equality in their organisations. Voter turnout at local council elections in October 2020 reached a record high point of over 81 per cent ([ALGA, 2020](#)), and resulted in Victoria’s local government achieving the closest to gender parity of local governments nationwide, with 44 per cent of councillors being women, and an express aim of achieving 50 per cent by 2025 ([ABC News, 2020b](#)). This compares to 40 per cent of female MPs in Victoria’s parliament, and 38 per cent in the federal parliament.

As regards standards of integrity in the party-political system, deficiencies in Victoria have included allegations of ‘branch stacking’ within both the Labor Party and Liberal Party ([ABC News, 2021c](#)). An investigation by the Independent Broad-based Anti-corruption Commission into ‘branch stacking’ in Labor’s Heidelberg branch focused on allegations that the membership fees of hundreds of disinterested people were covered by specific individuals in order to artificially enhance their influence within the party by directing the new members on how to vote ([IBAC, 2022](#)). The issue led to the resignation of four state government ministers and also revealed breaches of the *Members of Parliament (Standards) Act 1978*, such as employing staff for party-political purposes using public funds.

Reconciliation with Aboriginal and Torres Strait Islander Peoples

Two significant developments concerning the state's recognition of, and relations with, its nearly 58,000 Traditional Owners and First Peoples ([ABS, 2023](#)) got under way from 2017 onwards, not via a constitutional amendment but using a separate, long-run, consensus-building exercise. First, following similar processes in the Australian Capital Territory, Queensland and Western Australia, the state government commenced a process to negotiate a treaty with Victoria's First Nations peoples ([Victoria Government, 2023c](#)). Phase 1 began with two new bodies established in 2017: a representative Aboriginal Community Assembly (since renamed the First Peoples' Assembly of Victoria (FPAV)) comprising 32 representatives; and an independent body, the Victorian Treaty Advancement Commission. Phase 1 ended in December 2019 when the State Minister for Aboriginal Affairs made a step required by the 2018 law and declared the FPAV to be the Aboriginal Representative Body for the purposes of treaty negotiations (after the outcome of Aboriginal community elections and on the recommendation of the of the Victorian Treaty Advancement Commissioner). Phase 2, extending into 2022, involved the establishment of an independent Treaty Authority, setting rules to govern the process, creating a self-determination fund to support the equal standing of Aboriginal representatives, and devising a dispute-resolution mechanism ([O'Sullivan, 2021](#)). Phase 3 (expected to happen in 2022–2024) will centre on the treaty negotiations: there is no fixed deadline for concluding the treaty process. The loss of the federal referendum on the Voice to Parliament (see [Chapter 4](#)) included a majority of Victoria's voters supporting 'No', and its implications remain to unfold, but the treaty negotiation process was ongoing, at time of writing.

Second, the Victorian government provided funding to establish the Yoorrook Justice Commission in May 2021 whose work continued ([Yoorrook Justice Commission, 2023](#)). It has drawn inspiration from truth-telling processes in South Africa and Canada to shine a light on past and ongoing injustices experienced by Traditional Owners and First Peoples since colonisation ([Walsh, 2021](#)). It will establish an official record and shared understanding of its impact, and the resilience and diversity of First Peoples' cultures, as well as making recommendations for healing, systemic reform, and legal, policy and educational change. The Commission is scheduled to provide its final report in June 2025. These processes are viewed by many as just one step in a broader long-term process aimed at enhancing cross-community understanding and centralising the experiences of First Peoples in Victoria's democratic society:

As [leading scholar] Marcia Langton puts it, the Yoorrook commission will be 'a significant step forward in educating the wider community about Indigenous history.' One hopes [it will mean] getting Victorian non-Indigenous communities to listen closely in the spirit of dadirri, advocated by Senior Australian of the Year Miriam-Rose Ungunmerr, which will be a demanding task in its own right, time-consuming, even inter-generational. ([Walsh, 2021](#))

The state's core executive and wider public services

Historically Victoria's core executive has seen some extended periods with the same premier in office, notably Liberal leaders such as Henry Bolte (premier 1955–1972) and Rupert Hamer (1972–1981). More recently, Labor Premier Daniel Andrews – premier for nearly nine years, was considered a dominant figure on the state's political landscape (Figure 18.7). Victorian ministers have been drawn from only the party of government and the tradition has been for tight control by premiers, governments and parties over their legislators.

Critics have long expressed concerns about over-centralisation of power in the office of the Victorian premier, but such concerns were heightened during the leadership of Daniel Andrews, and particularly during the pandemic. During that crisis, the Victorian Government established a Crisis Council of Cabinet (Victoria Public Accounts and Estimates Committee, 2021). The Crisis Council of Cabinet operated until November 2020 as the core decision-making body for all matters related to the pandemic, including responsibility 'for implementing the decisions of the National Cabinet'. It temporarily replaced the functions of existing cabinet committees, with ministers assigned portfolios dedicated to the COVID-19 response. Mirroring the restructuring of cabinet, senior tiers of the Victoria public service were restructured into a number of 'missions' to support the Crisis Council of Cabinet and COVID-19 response activities (Victoria Public Accounts and Estimates Committee, 2021). These included managing the public health emergency, delivering essential services and managing the economic emergency. Departmental secretaries acted as mission-leads, reporting not to their portfolio ministers but directly to the premier on the delivery of their missions (Quarantine Inquiry, 2020). This innovation raised concerns regarding excessive centralisation of the public service's work and practical concerns about lines of accountability.

As the COVID-19 emergency waned, previous patterns of government organisation and accountability have been largely restored, but Andrews remained an interventionist premier through to his retirement in September 2023.

Figure 18.7: Premiers of Victoria by party, since the 1970s

	Year 0	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9
2020s	Andrews									
2010s	Baillieu		Napthine		Andrews (2014 to present (2024))					
2000s							Brumby (2007–2010)			
1990s	Kirner	Kennett (1992–1999)								Bracks
1980s	Thompson	Cain Jr (1982–1990)								Kirner
1970s	Bolte	Hammer (1972–1981)								

Source: Parliament of Victoria (2024).

Note: Labor premiers are shown in two shades of pink, and Liberal-National premiers in two shades of blue to help show boundaries where the same party retained the premiership. Start and end dates are in brackets for long-stay premiers (including part years).

An over-centralised premiership notwithstanding, observers have concluded that the Victorian executive is generally responsive and effective. The Grattan Institute's *State Orange Book 2018* provided a comparative assessment of the policy performance of all Australia's states and territories (Grattan, 2018). The Victorian government performed well on measures, such as economic development (for example, youth unemployment), education (for example, Year 9 education outcomes), health (for example, mortality rates), and transparency and accountability. However, it was seen as performing poorly on issues such as regional incomes, government funding to state schools and rental stress.

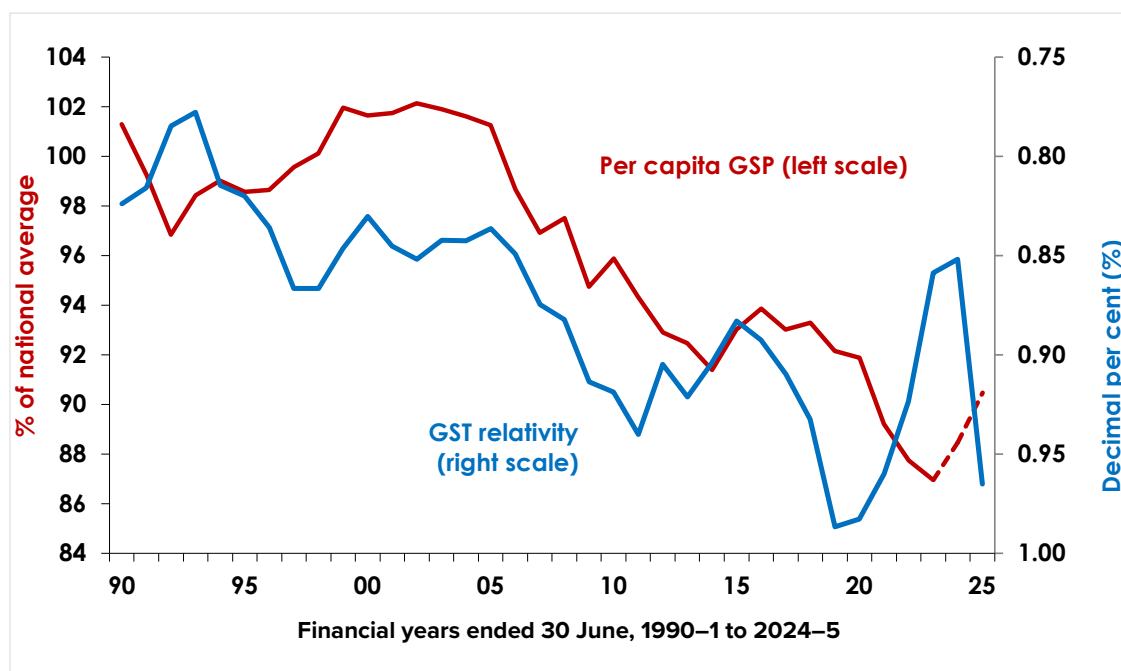
Transparency has been a more mixed area. Transparency about policy-making in the Victorian government has included a reasonably detailed articulation of top governing priorities, such as that set out in successive state budgets (Victoria Government, 2024). They focused on state-specific issues, such as improving mental health care, improving job creation, investing in education, transport infrastructure and gender equality. The Victorian Aboriginal Affairs Framework 2018–2023 set out a framework and policy direction for government planning and action to address inequities and improve outcomes for Aboriginal Victorians (Victoria Government, 2023d). The executive also produced a Climate Change Strategy, which set out a roadmap to net-zero emissions by 2050 and interim targets of reducing the state's greenhouse gas emissions by 28 to 33 per cent by 2025 and 45 to 50 per cent by 2030, compared to their 2005 levels (Victoria Government, 2022). The state targets were both more ambitious and more detailed than the targets in the federal net-zero plan under the Morrison government (Department of Climate Change etc, 2021). In broader terms of open government, however, the Andrews government, and several state governments before it, have been lambasted by journalists and civil society groups for their culture of secrecy, particularly in regard to Freedom of Information (FOI) requests. Citizens and journalists seeking information about policy decision-making processes have been routinely frustrated by prohibitive fees, massive delays, and restrictive censoring.

Like other states across Australia, a significant challenge for Victoria is its weak revenue-raising power, and the vertical fiscal imbalance with the Commonwealth (see Chapter 16). Victoria's per capita gross state product has trended downwards in recent years and its revenue-raising capacity for goods and services tax (GST) (which are returned to states by the Commonwealth) has decreased over time, to a level now almost 10 per cent lower than the national average in the period 2019–20, as Figure 18.8 demonstrates. Its dependence on Commonwealth grants to finance services has thus increased. Although it is not possible to convey the complexity of this challenge here, the existing structural arrangements are viewed as having a significant impact on the state's ability to invest in vital services for their citizens now, such as education, health and mental health, as well as planning for the future.

Restructuring, digital transformation and rights in the public service

From 2019 onwards, the Victorian public service faced demanding challenges, especially due to the COVID-19 crisis, including: rapid policy change and redeployment of resources; enhancing mobility between departments; and accelerating expansion of digital public services provision. To progress the digital transformation of the public service's work the government committed almost A\$196 million to establish Digital Victoria in 2020, with the aim of simplifying and centralising IT services across the state (Victoria Government, 2023d). In

Figure 18.8: Victoria's per capita gross state product (GSP) relative to the national average, and its goods and services tax (GST) relativity



Source: **Eslake (2021)**, *Victoria's share of revenue from the GST*, Submission to the Victorian Legislative Assembly Economy and Infrastructure Committee's Inquiry into Commonwealth support for Victoria, Chart 4.

Note: The zero is suppressed here. Per capita GSP (= 'gross state product') means the percentage share of the national average per capita GSP level in the state of Victoria; GST relativity shows how the rate of 'goods and services' tax in Victoria as a decimal percentage compared to the national average rate.

July 2021 the government announced investment of A\$35.2 million in digital twin technology, which presents vast sets of data on a single platform to create a digital simulation of the real world, with the aim of helping to inform policy formulation and implementation (**Victoria Government, 2021**).

Concerns were also raised about gaps in the protection of human rights across the Victorian public service. In August 2021, the Victorian Ombudsman announced that her office had received over 3,000 complaints in the previous 12 months, indicating that a range of public agencies had taken actions demonstrating a failure to understand, and protect, fundamental human rights guaranteed by the Victorian Charter of Rights and Responsibilities (**Victorian Ombudsman, 2021**). While the Ombudsman's response prompted reversal of many decisions, improved policies, and other actions by agencies to better respect individuals' rights, these failures suggest that both fuller training and transformation of organisational culture may be needed to ensure that individuals' basic rights are protected in the delivery of public services.

Conclusion – rebuilding public life and public trust

Liberal democracy in Victoria is broadly well-functioning. Democratic institutions met the challenges posed by the bushfire and COVID-19 emergencies in an effective and adaptive manner. The regulation of voting and party competition supports the conduct of free and fair elections, notwithstanding problems with GVTs and internal party governance. Levels of competition in state elections are strong. In both national and international terms, the executive can be characterised as accountable, responsive and effective. The Victorian parliament plays an enduringly significant role in holding the executive to account. The state court system, and integrity and oversight agencies have discharged their duties effectively. The public service has carried out its governance role with professionalism and adaptability, even if creeping politicisation raises doubts about how long that will last. Advances in gender equality and representation, and steps toward treaty negotiation processes with Victoria's First Nation peoples, have also indicated trends toward a more inclusive political system.

However, key deficiencies in Victoria's democratic system include the tendency toward excessive centralisation of power in the executive; a certain executive disregard for parliament as demonstrated during the pandemic; under-representation of many demographics in parliament; and a lack of rights consciousness in the public service. The state, and particularly the capital Melbourne, faced significant challenges in rebuilding after pandemic lockdowns, including not only economic recovery, but reanimating public spaces and public life, and addressing the breakdowns in public trust that sparked growing anti-lockdown and later anti-vaccination protests against the government. Some of these challenges, such as the impact of some bizarre misinformation on public discourse, cannot be fully addressed at the state or even national level. However, others, such as integrity issues, are entirely within state institutions' power to address robustly.

Despite the many challenges faced since 2019, and enduring political controversy surrounding the government's response to these challenges, democracy in Victoria appears resilient. Public compliance with emergency measures and the success of the vaccination drive reflected a strong sense of solidarity across Victorian society, which is at the core of any democratic system. That solidarity is based, at least partly, on trust in representative government and state institutions. The challenge for the future is for state leaders and institutions to act in a way that preserves, and even enhances, that trust.

Note

This chapter was written by Tom Daly and James Murphy, who also interpreted all the data. It also draws, in a number of places, on unpublished research compiled by Paul Scarmozzino at the Melbourne School of Government.

- 1 See Centre for Public Integrity (2020); HRLC (Human Rights Law Centre) (2021); the Law Institute of Victoria (2020); and Liberty Victoria (2021).

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