

PROOF

Hansard

LEGISLATIVE ASSEMBLY

60th Parliament

Wednesday 5 February 2025

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Proof

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The SPEAKER (Maree Edwards) took the chair at 9:32 am, read the prayer and made an acknowledgement of country.

*Announcements***Photography in chamber**

The SPEAKER (09:33): I advise the house that I have given approval for a photographer to take photographs from the public gallery and the advisers seats on each side of the chamber during question time today. Photographs will be used by the Parliament for community engagement purposes.

*Business of the house***Notices of motion and orders of the day**

The SPEAKER (09:33): General business, notice of motion 29 and orders of the day 5 to 6, will be removed from the notice paper unless members wishing their matter to remain advise the Clerk in writing before 2 pm today.

*Petitions***Hoffman Brickworks**

Tim READ (Brunswick) presented a petition bearing 285 signatures:

Issue:

This petition of residents in Victoria draws to the attention of the Legislative Assembly the 3 year delay in the rectification, protection and safety works required at the historic Chimney at the Hoffman Brickworks at Brickworks Drive, Brunswick. The works were ordered by Heritage Victoria over three years ago. Temporary scaffolding and fencing were erected around the historic chimney in 2022, but the rectification works have not occurred and the temporary scaffolding and fencing have remained in place ever since. The absence of progress and existence of temporary work site has a negative impact on local residents, the neighbourhood amenity and poses an ongoing safety risk with unauthorized visitors regularly scaling the scaffolding.

Action:

The petitioners therefore request that the Legislative Assembly the Government, Heritage Victoria, the local MP Tim Read and all stakeholders recognise that the 3 year delay is unacceptable and that all steps be taken to ensure that the works are undertaken and that the amenity of the neighbourhood is restored and the safety risk is removed as soon as possible. Public Information on the progress of the works and timeframe for completion be provided to the neighbourhood.

Ordered that petition be considered tomorrow.

Point Nepean Road, Tootgarook, pedestrian safety

Sam GROTH (Nepean) presented a petition bearing 542 signatures:

We the undersigned residents of Victoria draw to the attention of the House community support to install a vital pedestrian refuge on busy Point Nepean Road to access the beach near Keith and Kevin Streets in Tootgarook.

We, the undersigned residents of Victoria therefore request that the Legislative Assembly of Victoria call on the Victorian Government to urgently fund this Tootgarook pedestrian refuge as pedestrian crossing improvements are important to local residents who want their surrounding roads to be safe. Pedestrian crossings save lives.

Ordered that petition be considered tomorrow.

Shepparton electorate bus services

Kim O'KEEFFE (Shepparton) presented a petition bearing 53 signatures:

This petition of residents in Victoria draws to the attention of the Legislative Assembly the urgent need for an extensive bus service review for Shepparton. It has been 15 years since a review was last carried out and today it is well overdue. The current services do not meet the growth of the region and increased demand. Since the last review, the region has experienced significant growth, with increased population and housing estates including Kialla, Congupna and Shepparton East, yet they are not connected to bus routes.

Ordered that petition be considered tomorrow.

Shepparton electorate bus services

Kim O'KEEFFE (Shepparton) presented a petition bearing 250 signatures:

Issue:

This petition of residents in Victoria draws to the attention of the Legislative Assembly the urgent need for an extensive bus service review for Shepparton. It has been 15 years since a review was last carried out and today it is well overdue. The current services do not meet the growth of the region and increased demand. Since the last review, the region has experienced significant growth, with increased population and housing estates including Kialla, Congupna and Shepparton East, yet they are not connected to bus routes.

Action:

The petitioners therefore request that the Legislative Assembly calls on the Victorian Government to undertake an extensive bus service review for Shepparton and surrounds.

Ordered that petition be considered tomorrow.

*Documents***Documents**

Incorporated list as follows:

DOCUMENT TABLED UNDER ACTS OF PARLIAMENT – The Clerk tabled:

Auditor-General – Reporting on Local Government Performance: Follow-up – Ordered to be published.

*Bills***Education and Training Reform Amendment Bill 2024***Council's agreement*

The SPEAKER (09:36): I have received a message from the Legislative Council agreeing to the Education and Training Reform Amendment Bill 2024 without amendment.

*Motions***Motions by leave**

David SOUTHWICK (Caulfield) (09:36): I move, by leave:

That this house condemns Labor and the Greens for doing a dirty deal in preferencing a person that hates police and supports Hamas terrorists and calls on the Allan Labor government to show leadership and immediately withdraw their preferences to the Socialists in the Prahran and Werribee by-elections.

Leave refused.

Wayne FARNHAM (Narracan) (09:37): I move, by leave:

That this house condemns the member for Bass and the planning minister for removing town boundaries to the township of Cape Paterson, thereby blocking a 380-lot subdivision in the middle of a housing crisis.

Leave refused.

*Members statements***Bulleen park-and-ride**

Matthew GUY (Bulleen) (09:38): Very nearly was I late for work this morning, like many people in the City of Manningham, and I might add many residents of Eltham and Diamond Creek, who have all been encouraged to use the Bulleen park-and-ride. The \$69 million facility built by the Labor government has just 370 car spaces, which is fewer than seven full busloads, for a brand new park-and-ride, at \$186,000 per car space. At the same time as the Labor government is encouraging people to use this park-and-ride, they have shut the railway line from Eltham to Heidelberg and they have shut the Doncaster park-and-ride, which has 435 car spaces. Thomsons Road is a disaster, Manningham Road is a disaster and Bulleen and Templestowe roads are a disaster. No Labor MP gets the bus to work like I do, and the best the government can come up with is, 'Oh, we're doing what matters.' What you are doing is nothing, and you are a pack of fools.

The SPEAKER: Order! Through the Chair, member for Bulleen.

Matthew GUY: While we are talking about this matter –

The SPEAKER: Member for Bulleen, through the Chair.

Matthew GUY: Speaker, you are a very decent person, and I respectfully say to you: why did the government shut the path from Willow Bend to Estelle Street – 180 metres – to make school kids at Belle Vue Primary, in the member for Kew's seat, who live in my electorate walk 1.1 kilometres up the hill when they are not even doing anything with that part of the freeway? Again, they are out of touch – (*Time expired*)

Monash citizenship ceremony

Matt FREGON (Ashwood) (09:39): It has been an eventful last few weeks in my patch. While Parliament was away, there was certainly no slowing down in the district of Ashwood. It was my privilege and pleasure to join the deputy mayor of Monash Brian Little in welcoming our newest Australian citizens at the annual Australia Day citizenship ceremony, where each citizen is joining our country and making our multicultural state better.

Ashburton Bowls Club

Matt FREGON (Ashwood) (09:40): In Ashburton we opened the new shade structures at Ashburton Bowls Club. A big shout-out to club president Liz Kortum, Doug Mayson and all the club members for their hard work. This was a commitment we made in 2022, and with \$48,000 going to this, it was a great community event.

Lorraine Harvey

Matt FREGON (Ashwood) (09:40): I would also like to take a special moment to recognise a very special lady – and a milestone for her – Lorraine Harvey, who turned 106 if you do not mind. She is doing well, although she has had a fall. We wish her all the best and a very speedy recovery.

Lunar New Year

Matt FREGON (Ashwood) (09:40): Finally, last Saturday I had the privilege of joining Minister Stitt from the other place, the Prime Minister and many colleagues from across the south-east at Box Hill Lunar New Year. I will make an apology to the Mandarin language in advance, but zhu da jia, xīn nián kuài lè, gōng xǐ fā cái, da ji da li, shen ti jian kang, wan shi ru yi.

Environment policy

Tim BULL (Gippsland East) (09:41): Even the Minister for Environment would be aware of the problems caused by his free camping promotion. It was a complete disaster. What occurred as a result of this was camp parks that are usually completely full from Boxing Day through to the middle of

January were at best two-thirds full, meaning thousands less campers in East Gippsland alone. Cape Conran has 135 campsites; the most they had over the peak period was 100 filled.

It is not the fault of Parks Victoria staff. In fact they are sick of the abuse. They sent out reminders, but the bottom line is it was bad policy that was able to be abused. One Parks worker told me as recently as last week that one person booked out four campsites either side of their own under different family names so as not to have any neighbours. Other complainants told me of similar circumstances. At Corringale, 10 of 21 campsites were filled at peak time.

Minister, your own Parks staff were abused and have complained about what a disaster this is. There are many ways it can be remedied. We could make it half price in peak periods, so those booking have got some skin in the game; require a refundable deposit; or introduce a fine, as Queensland has done, for those who do not turn up but abuse the system, knowing that they are doing the wrong thing. Minister, whatever you choose, just have it fixed for Easter. Our economy cannot put up with our camp parks being not full at peak times.

Education

Kathleen MATTHEWS-WARD (Broadmeadows) (09:42): School is back, and I love seeing the preppies in their too-big uniforms with shiny new lunch boxes and excitement on their faces. Best of luck to all the kids for a good start to the year, especially those starting their VCE or VCAL journeys. Huge thanks to all the teachers and school staff for doing the most important job in the world. Enormous thanks also to the federal Labor government for their commitment to full funding of public schools – a very welcome announcement – and I thank the Premier, the Deputy Premier and local member Peter Khalil for their strong advocacy on this. Many parents have also passed on their thanks for this and our wonderful \$400 school saving bonus, which has helped so much with the cost of uniforms, books and activities.

Hilton Street, Glenroy, pedestrian crossing

Kathleen MATTHEWS-WARD (Broadmeadows) (09:43): Also, thanks to Merri-bek council for the installation of lights on Hilton Street in Glenroy just in time for the school start, a project I have been strongly advocating for which will benefit the students of St Thomas More and Belle Vue primary schools the most.

Broadmeadows schools values awards

Kathleen MATTHEWS-WARD (Broadmeadows) (09:43): Also, I want to thank the local schools who participated in my values awards at the end of last year. I loved being part of 27 end-of-year celebrations. I like to recognise values that the world needs more of so I sponsor seven awards at each school, including awards for courage, respect, perseverance and advocacy, as well as a big ideas award and a community award for those who make the world a better place through their everyday kindness or generosity. This year, given the challenges the world is facing, I have added an additional category, the peacemakers award, for those who promote peace, cohesion and understanding. Congratulations to all the award winners.

Graham Woolley

David HODGETT (Croydon) (09:44): It is with great sadness that I rise today to pay my respects to Graham Woolley, a wonderful member of my local community. Graham passed away on 25 December 2024, and I was privileged to attend his memorial on Friday 10 January 2025 at Club Kilsyth.

Graham was a valuable and loyal member of the Croydon Probus Club since January 2011. He held many positions over this time, including general committee member, audiovisual officer, club photographer and website creator and administrator. As audiovisual officer, Graham looked after the club's technology, which included applying for grant funding to purchase computers, speakers and screens. On the club's 35th birthday in 2019 Graham produced a DVD that recorded the history of the

club through photographs at various events. In 2018 Graham became the newsletter editor, a job that he undertook with the help of his wife Betty right up to his passing. Both Graham and Betty were determined that this January 2025 newsletter would show his lasting commitment to and achievement for the Croydon Probus Club.

Graham had a close relationship with my electorate office staff over many years, coming into my office to pick up his printed newsletters and have a chat with my staff. He regularly went out of his way to hand-deliver copies of the newsletter to members not connected to email. He always went above and beyond to help anyone who needed information, advice or help. My deepest condolences to his wife Betty, their two children and his three grandchildren. Graham made a positive impact in our community and will be sorely missed.

Lara electorate multicultural events

Ella GEORGE (Lara) (09:45): The Lara electorate is enriched by its vibrant multicultural community. At the end of last year I had the privilege of attending the Macedonian and emerging communities festival at the Macedonian Centre in Geelong. The event showcased Macedonian culture and featured performances from communities including Lithuanians in Geelong, Punjabi Swag Geelong and Karenni Geelong Youth.

Following this I enjoyed an early Christmas celebration with the Croatian Cultural Association Geelong filled with fun, festive cheer and a special cooking class. I also celebrated with the Greek Elderly Club of Geelong at their annual Christmas lunch. At the beginning of this year I attended the Karen New Year celebrations, which highlighted the beauty of Karen culture through music and dance. It was heartening to see so many Northern Bay College students and alumni volunteering at the event.

Looking ahead, the community will come together this month for mosque open day at the Geelong Mosque hosted by the Islamic Society of Geelong. This is a wonderful event to experience the warmth of our local Islamic community. Then in February the 43rd annual Pako Festa will take place, featuring a vibrant street parade, diverse food and cultural performances.

Events like these are essential for celebrating our rich cultures and fostering friendships across Geelong's diverse communities. I want to extend my gratitude to the dedicated volunteers who organise these important events throughout the year, fostering connection and cultural celebration, and I extend my gratitude to Geelong's many multicultural communities, who warmly share their culture with the entire community.

Daniel 'Chucky' Sanders

Cindy McLEISH (Eildon) (09:46): Taking out first place in the world's biggest and longest off-road event for motorbikes is a very big deal and not bad for a kid from Three Bridges in the Upper Yarra. Huge congratulations to Daniel 'Chucky' Sanders, who won the 2025 Dakar Rally, becoming the second Australian ever to do so. This is no easy race, and it is a massive effort, with competitors in the 16-day event covering 8000 kilometres and what can be described as rugged and brutal conditions and terrain. It is an amazing effort just to finish a race like this and much more so to take out the honours. The Upper Yarra locals are all tickled pink.

Annabel Sutherland

Cindy McLEISH (Eildon) (09:47): For years my family and I have had our eye on Annabel Sutherland, and for good reason. Her development and ability as an all-rounder in the Australian women's cricket team has been a delight to watch. Her use of the bat and the ball are equally impressive, and I was thrilled to see her hit a hundred runs in the test match against England at the MCG and then to be the first woman to have her name on the century board there. To top off a great year, Annabel took out the Belinda Clark medal on Monday night, noting Belinda herself was a great trailblazer for women's cricket.

Lois Peeler

Cindy McLEISH (Eildon) (09:48): Congratulations to Dr Lois Peeler AM, who was inducted into the change makers walk at Healesville's Worawa college in December last year. This is an important honour and recognition of Aunty Lois's dedication, contribution and commitment to supporting Aboriginal Australians as an educator, advocate and role model. As principal at Worawa and now an elder in residence, the impact Aunty Lois has had on the Aboriginal community cannot be overestimated.

Glen Waverley electorate schools

John MULLAHY (Glen Waverley) (09:48): I am delighted to begin my contribution by wishing the house a happy new year. A special shout-out to the students at Glendal Primary, Glen Waverley Primary, Mount View Primary and Glen Waverley Secondary College for raising awareness of food poverty and making significant donations to the food bank.

It was also pleasure to welcome Aadit Shah and Matilda Osborne from their leadership program to Parliament. I commend their inspiring work and thank them for their commitment to making a difference.

Glen Waverley electorate multicultural associations

John MULLAHY (Glen Waverley) (09:48): Congratulations to the Anhui Association of Australia, Melbourne, on their fantastic 20th anniversary celebrations. A special thankyou to president Liu Li, vice-president Lily, secretary David and the entire committee for organising such a wonderful event. I wish them a continued success in the future.

Late last year I joined the Australian Yunnan Society to celebrate the torch festival. The evening was a vibrant display of culture and tradition, bringing the community together to share in the celebration of this important festival. Thank you to president Li Ru Ge and honorary president Professor Charles Qin for their kind invite and warm hospitality.

The Chinese Seniors Education and Skill Development Association marked its 10th anniversary last November. I commend the group for a decade of upskilling seniors and fostering social connections in our local Glen Waverley community. A special thankyou to Xiao Yinqi, Ye Wei and Sue Shi for their unwavering commitment over the years.

The Hunan Association Victoria and the Hunan Business Association Australia marked their 2024 council inauguration last year, and what an impressive event it was. Congratulations to the president Sunny Yang, a Glen Waverley resident, for his outstanding leadership, and I wish the newly elected committee a successful term.

Ross Brown OAM

Tim McCURDY (Ovens Valley) (09:50): I would like to congratulate Ross Brown OAM of Brown Brothers winery in the beautiful King Valley for his acknowledgement during the Australia Day honours list. Ross was honoured for his services to the wine industry and tourism. I congratulated Ross personally at the opening of the HIVE, which is the latest addition to the bottling plant based in Milawa. I said to Ross that it is always nice when our quiet achievers are recognised on the national stage. Thank you, Ross, for all that you and your family do for the north-east.

Victorian patient transport assistance scheme

Tim McCURDY (Ovens Valley) (09:50): I have been approached by many constituents who use the VPTAS system. As many in this room know, VPTAS stands for Victorian patient transport assistance scheme, which assists Victorians who need to travel more than 100 kilometres to visit a specialist medical practitioner. Patients need to pay for their trip and get reimbursed through the VPTAS system. What used to be a one- to two-month timeframe to be reimbursed has blown out to four months. It is disgraceful that the Victorian government is now using seriously ill Victorians to

help prop up the state budget by slowing down the payment timeframe. Premier, the people who claim VPTAS are not being paid half a million dollars like you. They are on a modest income, and they rely on the rebate to pay their bills. I urge the Allan government to stop delaying these payments and show some respect to these Victorians.

Maternal and child health services

Tim McCURDY (Ovens Valley) (09:51): Bouquets to Northeast Health Wangaratta, whose staff do an amazing job in looking after our broader community and dealing with a wide range of trauma on a daily basis, but brickbats to the Victorian Minister for Health, who has tightened the budget of the health system so many new mums with newborn bubs are tossed out only 6 hours after giving birth. I urge the Victorian government to show some respect to our new mums and our newest Victorians.

Pascoe Vale Girls College

Anthony CIANFLONE (Pascoe Vale) (09:51): On 20 November I was delighted to officially open the game-changing new \$11.9 million arts and technology hub at Pascoe Vale Girls secondary college. Alongside the member for Broadmeadows, it was a pleasure to unveil the hub's new state-of-the-art library; university-style auditorium; seminar and presentation spaces; arts studios; creative and maker spaces; fashion, fabrics and textile facilities; new ceramics room; digital fabrication room; robotics lab; IT spaces; filming media and podcast rooms; and the new general learning spaces, theory rooms, staff offices and amenities. A big congratulations to the entire Pascoe Vale Girls community for helping bring this project together and the day's amazing celebrations; Joanne Roolker, the school council president; Kay Peddle, the principal; Shane Gemmola, the deputy principal; Danielle Bedohazy, the deputy principal; student leaders Charlotte, Alice and Aamna, who did an amazing job as the MCs of the event; all the architects, builders and tradespeople; and the entire school community's teachers, students and families for their advocacy on this. Particular commendations go to my predecessor Lizzie Blandthorn for her work in originally advocating for this funding. As set out in our new *Merri-bek North Education Plan*, we are working to enhance a partnership, pathways and access to modern learning facilities for all of our local high school students across Coburg High, John Fawkner College and Glenroy College and including these new resources at Pascoe Vale Girls College.

Education

Anthony CIANFLONE (Pascoe Vale) (09:52): On 12 December I was delighted to welcome the Deputy Premier and the Minister for Education, Minister Carroll, to Coburg High to congratulate the almost 62,000 students across the state who received their official VCE and vocational major results.

Polwarth electorate train services

Richard RIORDAN (Polwarth) (09:52): I rise this morning to raise again the issue around the Melbourne–Warrnambool train line. It is a very, very important public transport service that runs right through the heart of the Polwarth electorate. All my communities rely on this service. The great disappointment that my community has is that despite the hundreds of millions of dollars spent to upgrade the Warrnambool rail line, it has seen a massive reduction in service. It is almost impossible to believe you could spend so much money and get such a poor outcome. There are literally 5000 fewer seats each week enabling people from Polwarth to get through to Melbourne. That is not good enough. The meal and buffet service has now been stopped on the new VLocity services – simply not good enough. This is not a suburban train trip, this is a long-haul regional service that needs to be better looked after. More concerningly, I now have reports that V/Line staff are no longer able to protect booked seats. This is devastating for people in Colac, Camperdown, Winchelsea and Birregurra. Elderly people who are booking the train to get through to medical appointments and other things in Melbourne now find themselves with people sitting in their seats, and they are simply not able have

anyone move those people on. It is not tenable for elderly people to be forced to stand for hours on a long-haul regional trip. Something must be done to fix this service.

School saving bonus

Dylan WIGHT (Tarneit) (09:54): It is a pleasure to return to Parliament this week and kick off the year talking about the Allan Labor government's fantastic \$400 school saving bonus, helping Tarneit families with those tricky school costs. Of course we are also investing in brand new infrastructure, including the Barayip Primary School, which has opened up just this year in my electorate. I want to extend my best wishes to all the students enjoying their first weeks back at school and give a big shout-out to our exceptional teachers. These dedicated educators play a crucial role in ensuring our students receive the best start to their lives.

Werribee by-election

Dylan WIGHT (Tarneit) (09:55): I have had a fantastic opportunity to spend a whole bunch of time with another fantastic teacher out my way in the west, our candidate for the Werribee by-election John Lister. John is a local teacher out in Melbourne's west teaching year 10 students at Wyndham Central College. It is a cruel joke that those opposite want to now pretend that they care about the people of Werribee. Last time they had the chance to govern, do you know how much they invested into Werribee? Not one red cent – not one new school, not one school upgrade, not one upgraded road. In fact they care so much about Werribee that they have preselected a real estate agent from Essendon who lives closer to the Deputy Premier than he does to the people of Werribee. It is a cruel joke. This Saturday the people of Werribee have a choice between a real estate agent from Essendon and a local schoolteacher. I trust they will make the right one.

Rural and regional roads

Roma BRITNELL (South-West Coast) (09:56): We are only 36 days into 2025, and already five people have lost their lives on south-west Victorian roads. The tragic reality is you are more than three times likely to lose your life when driving on country roads compared to driving in Melbourne. These are our friends, family and loved ones. The Victorian Farmers Federation (VFF) said:

Victorians are paying for years of roads neglect with their lives as regional Victoria's road toll soars.

The Allan Labor government needs to stop ignoring how frightful the roads have become. Regional Victorians pay their taxes too, and regional Victorians matter. No-one denies that the road toll is exacerbated by speeding, fatigue, distraction and impairment. However, like the VFF said, it is difficult to ignore the terrible road conditions and the likelihood that they are a large contributing factor. I call upon the government to urgently address major funding shortfalls to rectify our country roads. Not doing so, the Labor government only condemns our roads to ruin. Sadly, that is now a reality. Currently drivers are playing a daily game of road roulette. If we accept this road toll as the price for getting from A to B in the regions, then another 2500 regional people will die in the next 10 years and 50,000 regional people will be hospitalised with serious and life-changing injuries. The price we pay for using regional roads should not be death or serious injury.

Tim Pallas

Nathan LAMBERT (Preston) (09:57): A lot has happened since we last met in November, and I would like to begin by acknowledging the retirement of Tim Pallas from this place after 18 years service and wish the best to him, Karen and his family.

Syria

Nathan LAMBERT (Preston) (09:57): We also saw very dramatic events take place in Syria, where the Assad regime fell to the rebel forces led by al-Jolani. I would like to acknowledge the work of Jim Nadda and the team at the Alawi Islamic Social Centre, who have been supporting members with loved ones in Syria during this very difficult time. There is sometimes a tendency to talk about

these conflicts in very black-and-white ways, but all Syrians of all backgrounds are just trying to get on with their lives, and we very much hope that the mass deaths and displacements of the past 15 years do not continue.

Reservoir Primary School

Nathan LAMBERT (Preston) (09:58): I would also like to recognise Reservoir Primary students Evelyn and Lotte, who organised a very good petition about safety on Cheddar Road and the Carrol Street crossing in particular. They actually presented this petition to me while we were at Reservoir Leisure Centre at swimming lessons in our bathers. They made a very articulate and compelling case, and we have passed on their concerns to Darebin council, who are responsible for the road, but also sought advice from the minister and the state government road safety teams.

Vivien Tang

Nathan LAMBERT (Preston) (09:58): Finally, I would just like to congratulate Vivien Tang on winning a whole swag of awards at the Reservoir High awards night and also putting on a great piano performance of the theme song from the film *Suzume*. Well done, Vivien.

Australia Day

Jess WILSON (Kew) (09:58): It was a privilege to join over 140 new citizens from 37 countries at the Boroondara citizenship ceremony on Australia Day. For all of us the day offered a chance to reflect on, respect and celebrate the idea of Australia – a land of opportunity, freedom and a fair go. Our country is built off the back of our ancient heritage, our rich Indigenous culture, our enterprising spirit and commitment to hard work, our vibrant multiculturalism, our sense of service and sacrifice, our appreciation of difference and, perhaps most uniquely, the idea of Aussie mateship. Together with our new citizens, we were proud to celebrate the greatest country on earth as we joined together to write the next chapter of the Australian story.

Huge congratulations to a number of Australia Day award recipients. Reverend Natalie Dixon-Monu from Boroondara Community Outreach was awarded Boroondara Citizen of the Year for her incredible work in supporting the most vulnerable in our community. Special commendations go to Jane Stewart from It's the Little Things Community and Nora Ley and Val Cunniffe from Canterbury Rotary's FORaMEAL emergency food relief program and to Rabbi Gabi Kaltmann from the ARK Centre for his contribution to the Jewish community.

Big congratulations to Australia Day honours and award recipients who reside in the electorate of Kew: Professor Richard Strugnell AO, Professor Alun Jackson AM, Mr Patrick Boland OAM, Mr Brian Johnstone OAM and of course Kew local Neale Daniher AO for his award of Australian of the Year for his incredible work in fighting MND.

Narre Warren North electorate student leaders

Belinda WILSON (Narre Warren North) (10:00): At the end of last year I attended 16 grade 6 graduations across 10 days to award one special grade 6 student from each school a respect and integrity award. This award acknowledges a year 6 student that has demonstrated outstanding responsibilities in their leadership and their behaviour and who was organised in all elements of their school life. This student has also displayed kindness, respect, courage and resilience in all challenging situations, something that costs absolutely nothing.

I want to congratulate the award recipients on receiving this award and wish them all luck at the beginning of their journey into high school, so congratulations to Dominique from Harkaway Hills College, Devyn from Lysterfield Lake College, Salma from Timbarra P-9, Bobby from Thomas Mitchell Primary, Aaron from St Paul Apostle North School, Adam from Southern Cross Primary, John from Hallam Primary, Rainy from Fleetwood Primary, Natalia from St Paul Apostle South Primary, Khalid from Oatlands Primary, Trent from Narre Warren North Primary School, Isaac from Chalcot Lodge Primary, Murtaza from Fountain Gate Primary, Naman from Mossgiel Park Primary,

Shyah from Maramba Primary and Yara from James Cook Primary. Congratulations on winning the award.

Hastings electorate schools

Paul MERCURIO (Hastings) (10:02): I am very excited to say that building of the basketball covers at Somers and Somerville primary schools commenced over the new year, and I know that the kids will be very excited when they are finished later this year.

Peninsula Aero Club

Paul MERCURIO (Hastings) (10:02): On another matter, I have always said that Tyabb Airport and the Peninsula Aero Club are a jewel in the crown of the Mornington Peninsula. On 18 January I attended the unveiling of a monument to the Angel of Mercy. The Angel of Mercy was the world's very first helicopter air ambulance. It started in 1971 at Tyabb Airport and was the brainchild of Dr Tom Ready and Bill Vowell, along with many other people that assisted in developing it. I am very proud that it came from Tyabb and it is now all over the world.

Women in Agriculture Day

Paul MERCURIO (Hastings) (10:02): On another matter, 2 February was Women in Agriculture Day, and I am very happy to say that I caught up with several women in my community that produce amazing foods that we get to eat and drink. They also employ a lot of people in our community. I am very proud of them and the hard work that they do.

Midsumma Festival

Paul MERCURIO (Hastings) (10:03): Lastly, on Sunday I attended the Pride March in St Kilda. I was very proud to march with our Premier, ministers and other members of the community to support the LGBTQIA+ and queer communities. Love and diversity are what make the world go round and what make the world a great place. We need more of that at the moment.

Toni Frankiewicz

Pauline RICHARDS (Cranbourne) (10:03): Just before Christmas we farewelled the brightest spark in our lives Toni Frankiewicz, lost after a fierce battle with ovarian cancer. Godmother to my daughter Ruby and adored by Erin and Sophie and their father David, Toni spoke at every milestone in our family's lives, including 18ths and 21sts. We always felt her love. Toni helped me and my family navigate every milestone with wisdom, common sense and an outrageous and infectious sense of love. You can take the girl out of Newcastle, but you cannot take Newcastle out of the girl.

My deepest condolences to the Frankiewicz and Robb clans north of the border. Thank you for sharing Toni with us. In particular I send my love to her adoring sisters Kim and Lee and her beloved Dom, Nick and Dakota. The McDonalds have lost a sister-in-law, but she was so much more than that. To Sophie and Matt Sullivan, Verity and Stuart, I know Toni was so much more than a sister-in-law, and to Ruby and Amelia, Kathleen and Will, I send my love. Sophie did an amazing job eulogising her beloved sister-in-law.

We lost our loyal friend, but Luke McDonald lost the love of his life. Married for three decades, they loved each other with a love bigger than Texas. Toni loved going to the races, so I also condole to her friends from race days, Jackie and her crew, her friends and colleagues from Melbourne Health. Ovarian cancer is an insidious disease. Toni lived her life to the full. In her younger days she loved to dance on tables and in her final years she travelled to Poland and Türkiye with her beloved Luke. They travelled the world together. They loved so much. Vale, Toni Frankiewicz.

Brooke Cross

Jackson TAYLOR (Bayswater) (10:05): I would just like to give a shout-out to the now former principal of Bayswater Primary School, Brooke Cross. Brooke has now moved on, and I want to say

a huge thankyou to her for all of her wonderful years of service at Bayswater Primary and for fantastic advocacy for securing funding for a new classroom building. I know the families, students and I and my entire team will miss Brooke, and I was really glad to see that we were able to secure funding to create the new outdoor learning space and the nice decking to connect to the new classrooms that were opened by former Premier Daniel Andrews. Good on you, Brooke, and I look forward to keeping in touch with you.

Rotary Club of Boronia

Jackson TAYLOR (Bayswater) (10:05): Of course I am really glad that the Allan Labor government have also provided a grant to the Boronia Rotary group, who every year do a fantastic Anzac service for hundreds and hundreds of grade 5 and 6 students right across the Knox area at the Tim Neville Arboretum. It is a wonderful and solemn occasion where young people get to learn about the sacrifices of the men and women in the armed services that have come before them, and I am very proud that our government has provided that grant to them to continue to support a fantastic local service, as I know the member for Monbulk is also very pleased and will be attending with me this year.

Bayswater South Primary School

Jackson TAYLOR (Bayswater) (10:06): I would also just like to give a quick shout-out to the wonderful work that will soon be starting at Bayswater South Primary School. I spoke to principal Bret Mottrom this morning. A builder has been appointed, APGC Group Pty Ltd, and work will be starting to upgrade and modernise, as the spreadsheet says, the new classrooms, which are going to make a huge difference.

Kororoit Christmas barbecue

Luba GRIGOROVITCH (Kororoit) (10:06): Before the Christmas break I had the absolute pleasure of hosting my annual Kororoit Christmas barbecue. This event provides a wonderful opportunity for the entire community to come together and share their thoughts. It is also an opportunity where I get to honour and recognise individuals who have gone above and beyond in our community, presenting them with the inaugural Kororoit Local Legends Award. This year there were 14 nominations for the local legends award. However, one story in particular really stood out, and that was of Marta Molina. Marta was the Kororoit local legend for 2024. This incredible woman has devoted over 30 years of her life to volunteering in our local community. Marta organises social activities and cultural events for the elderly, and this changes the lives of many residents every single day. Her dedication and service truly embody the spirit of a local legend, and it was a privilege to publicly recognise her in front of her family and friends. I would also like to extend my heartfelt thanks to the Aintree SES, who do an incredible job. They generously offered their venue, they opened it up to the community and they volunteered day in, day out. They also went above and beyond, cooking on the day, which was much appreciated. My special gratitude to both Micah and Selina and the whole Aintree SES team. On the day we also had a performance from a local band, Rose From The Ashes. These three young men – Zak, Isaac and Cooper – have a very bright future ahead of them, and I was so pleased that they were able to play at our annual community barbecue.

Hoffman Brickworks

Tim READ (Brunswick) (10:08): I urge the Minister for Planning to stay on the back of developer Ninety Four Feet and hurry up with removing the scaffolding from the Hoffman Brickworks. (*Time expired*)

*Statements on parliamentary committee reports***Economy and Infrastructure Committee***Inquiry into the Impact of Road Safety Behaviours on Vulnerable Road Users*

Jess WILSON (Kew) (10:08): Today I rise to speak on the Economy and Infrastructure Committee inquiry into the impact of road safety behaviours on vulnerable road users. This was an inquiry that I sat on in 2023 and looked at the impact of road safety, particularly post COVID, on vulnerable road users – so pedestrians, cyclists and all the users of roads who are not in motor vehicles – and it was very insightful to understand some of the impacts on those road users particularly when it came to pedestrians using our roads, how they felt safe and how those roads could be improved.

Can I turn to recommendation 27 of the report, which recommends that the government look at and review locations of pedestrian crossings to ensure links to public transport stops, activity centres and schools are safe for people to travel to and from those roads. We know over recent times we have had some shocking incidents when it comes to traffic incidents and we have seen very, very shocking loss of life in those circumstances, so it is always very important that we are constantly reviewing how we can improve our roads and particularly how we can make sure that pedestrian crossings are in areas where they are most needed.

If I turn to my own electorate and Barkers Road in Kew between Auburn Road and Glenferrie Road, there are a number of large schools, there are a number of childcare centres and there are number of cafes, and in that stretch of road – Deputy Speaker, you may know it – there is not one pedestrian crossing to allow those particularly school students to cross the road safely.

There have been a number of near misses. There have been a number of instances where cars have veered off the road and even one circumstance where a car veered off the road into where the cafe is located, where there was a young mother with her children in a pram, and it was a very, very near miss. I have been working with the local community, the school community and the small business owners there, Michael and Cynthia Pelosi, to make sure that we can put pressure on the Allan Labor government to put in place a pedestrian crossing on that stretch of road. We have over 1000 signatures on the petition, both one that is sitting in the local cafe and one online. It is so important that we see that pedestrian crossing put in place as soon as possible so the safety of those school students and locals is put first.

Another very important pedestrian crossing in the local area is the corner of Glenferrie and Cotham roads on the number 16 tram route. It is a busy T-intersection. There is a tram terminus there, and unfortunately the tram terminates just a little bit back from the corner of that intersection where the pedestrian crossing is currently located. This means we see every single day, every time there a tram stops and people are getting off or on the tram, people darting across that road. Often it is school students travelling to and from school that are crossing that road, and they are not crossing at the pedestrian crossing. There is a similar situation on Burke Road on the 72 tram, where there are two pedestrian crossings to make sure that the safety of road users is put first, and that is a model we should be looking at implementing on the corner of Glenferrie and Cotham roads as a priority to make sure that those school students in particular are not crossing a road where there is no pedestrian crossing and every single time when we have got cars doing a right turn into that road their lives are being put at risk. There is a petition that locals are circulating that has got hundreds of signatures, and I call on the Allan Labor government to really consider the implementation of that pedestrian crossing at that intersection.

There are two other important pedestrian crossings that really do fit under that recommendation of the report. Willsmere Road in Kew is a busy little shopping precinct. There is a very busy roundabout that sees a lot of flow traffic from the Eastern Freeway coming to and from. Unfortunately, there is no really safe way across that intersection and there is no real safe way to cross that roundabout, so there needs to be consideration for making sure a pedestrian crossing can be put there as well. Finally, on

Bulleen Road, I have been working with the local Bellevue Kindergarten. As we know, young children crossing the road outside kinders is a very risky business at the best of times, but this is a stretch of road where we see traffic flying down towards the Eastern Freeway, towards the large expansion of that freeway with the North East Link, where traffic volumes are only going to increase. There is no pedestrian crossing anywhere near the kindergarten or the park there, so consideration of installing a pedestrian crossing on Bulleen Road is very important, and I call on the Allan Labor government to consider this.

Just finally, looking at recommendation 23 of the report talking about the need to deliver accessible tram stops, along the 48 and 109 trams routes within the electorate of Kew there is not one accessible tram stop. I call on the government to actually invest in making sure people can get on public transport.

Environment and Planning Committee

Inquiry into Securing the Victorian Food Supply

Daniela DE MARTINO (Monbulk) (10:13): I am proud to rise to talk about the Environment and Planning Committee's report into securing the Victorian food supply. As the chair of the committee stated when she was speaking on this report towards the end of last year, food supply is an existential issue for our state now and into the future, and our committee undertook the important task of looking at what may threaten the surety of this supply, because short of access to water, there is no more critical issue than food security.

Our report contains 29 findings and 33 recommendations, all with a view to improving Victoria's food supply. It is a critical issue which I am very proud we took the better part of a year to study in-depth. I would like to thank the secretariat Igor Dosen, Samantha Leahy and Helen Ross-Soden for their tireless efforts with this report. Their hard work made it possible. I would also like to thank our committee members – our chair the member for Wendouree, the deputy chair the member for Morwell and the members for Bass, Croydon, Ripon and Warrandyte for their collegiate approach to this task. A curious mind is a wonderful thing, and it is fair to say we were all very open to learning about this issue.

It was a very productive committee in more ways than one. Three babies were born not long after the conclusion of this report, two to members and one to a member of the secretariat, and I hope that the fecundity of our committee bodes well for our future food supply.

The regional hearings we held and the site visits we embarked upon were eye-opening and thought-provoking, and it behoves me to thank everyone who gave evidence at all of our hearings or made themselves available for us to visit them at their farms. Farmers' time is precious, so those who gave up some of that time to write to us, to speak with us or to show us around their sites are truly deserving of our praise and thanks. We are grateful for their candour and their willingness to educate us on the issues before them. I was particularly pleased that several of my Monbulk constituents and those of neighbouring electorates came and gave evidence, and I managed to have the opportunity to go and visit one of my constituents at his nursery, Hamish Mitchell in Narre Warren East.

To say that our growers, the people who produce the food we eat, are facing tough challenges is an understatement. Victoria's food system is experiencing more frequent shocks and stressors and that impacts all aspects of food supply, from farm to fork. These include the changing climate – it is already here and it is going to continue changing, and that will affect all elements of our food system, including production, transportation and consumption.

The COVID-19 pandemic highlighted the vulnerability of long and complex just-in-time supply chains. That shook our major supermarkets. I owned a grocery store at the time. There was panic in people's faces because they were worried about whether or not they could get the food they needed. We enforced restrictions within the first day on how many items people could buy long before – I do not even know if the supermarkets actually did it because I did not go to any supermarkets during that time; I had my own on tap. But we ensured that there was no panic, shelves were full and we could

assure people that every time they entered our store they would be able to walk out with food. I cannot tell you the impact of that and how important it is psychologically to know that there is food available.

Geopolitical events like Russia's invasion of Ukraine caused spikes in fertiliser and wheat prices, and that also contributed to increasing the cost of food. I do not know if anyone in here remembers, but there was an AdBlue shortage, and that needs to go into several diesel trucks. There was a time when we were stockpiling three months worth of food because we were not sure if trucks were going to be able to get access to that product to transport food around the country. Environmental degradation, biodiversity loss and urban encroachment are also increasing pressure on our farms. Biosecurity events are causing temporary closure of farms – just look at the recent outbreak of avian influenza in Victoria, New South Wales and the ACT, leading to nationwide egg shortages.

It is upon us all to ameliorate and mitigate for the impacts of the shocks and stressors on our current and future food supply, and I am proud to say that this report here – it is very heavy, which is why I have not held it the whole time – makes for an excellent blueprint to do just that. As I mentioned before, 29 findings, 33 recommendations. I do not have time to address each and every one in this contribution, but rest assured, I will be speaking on this several times in the future because I am committed to the importance of us securing food supply for each and every Victorian not only today but long, long into the future. It is incumbent upon all of us here on all sides of the chamber to ensure that this occurs.

Public Accounts and Estimates Committee

Report on the 2021–22 and 2022–23 Financial and Performance Outcomes

Emma KEALY (Lowan) (10:18): I rise to speak on the Public Accounts and Estimates Committee (PAEC) 2021–22 and 2022–23 financial and performance outcomes report, which was tabled in March 2024. I would like to reflect upon some of the evidence that was provided and findings and recommendations in the report relating to Victoria's mental health system.

People within this chamber are well aware that the Royal Commission into Victoria's Mental Health System provided its interim report in October 2019 and its final report in March 2021. Yet in Victoria, as is evidenced in this report, we are still falling well short when it comes to the provision of mental health care and support in our communities. This is something that is important to me because I care and believe that we can do much better when it comes to supporting people's mental health in the community, when it comes to ensuring that people can better recognise when their mental health is failing and that as a community we can do more to support one another when we recognise in others that their mental health is a little off, but also we can ensure that there is a workforce available so that people can access mental health support when they need it and where they need it.

I think that is something that should not be an aspiration. It should not just be limited to a royal commission and the many, many, many books and pages – thousands of pages – that were dedicated to what we can do better. We need to make this a commitment as Victorians – not necessarily as parliamentarians, but certainly as Victorians, we must provide a better mental health support system for Victorians who are facing mental health challenges.

Within the PAEC report it does reflect upon the Department of Health's and Labor government's failings in delivering key supports for people with mental health needs. I specifically refer to a number of findings in relation to extensive wait times for people suffering mental ill health and mental illness who are languishing in emergency departments across the state because they have been unable to access mental health support in their community. This is reflected by the failure of the Labor government to implement key recommendations in the interim report, which was tabled over five years ago, in relation to workforce. In fact five of the nine recommendations outlined in the interim report were around building a workforce so that when the final report – which was provided 18 months later, in March 2021 – was made available we had the workforce there and ready to be able to implement those recommendations quickly.

That was not done. In fact Victoria's mental health and wellbeing workforce strategy, set down for 2021–24, has largely just sat collecting dust in the top drawer of the minister's desk. We do not have a current workforce strategy for the Victorian mental health workforce. That is unacceptable when this is the single-biggest challenge that we have in reforming Victoria's mental health system and delivering support to Victorians who need mental health support.

We look at other aspects of the recommendation of the royal commission, particularly those recommendations in relation to reducing the rate of seclusion and restraint. This was an aspiration and a recommendation of the final report – that seclusion and restraint be eliminated within 10 years. We are now four years into the 10-year period, and because the Labor government have not taken action to address workforce issues, many mental health workers are left with no choice, because they do not have sufficient resources to provide the time-intensive support that people require as an alternative to restraint or seclusion. It is government policy and lack of action to develop workforce that is resulting in increasing rates of seclusion and restraint, particularly in younger Victorians.

I also would like to point out recommendation 29, which is around the establishment of Our Agency, the new non-government agency led by people with lived experience. This should have been implemented a year ago. It still has not been funded in the budget. We have a budget coming up very, very soon. I urge the government to get the recommendation timeline back on track to ensure that we are building the workforce that Victorians need and that Victorians can access the mental health support they need – *(Time expired)*

Electoral Matters Committee

Inquiry into the Conduct of the 2022 Victorian State Election

Pauline RICHARDS (Cranbourne) (10:23): I am pleased to have the opportunity to rise and discuss the Electoral Matters Committee report on the conduct of the 2022 Victorian state election. I note the member for Monbulk said that the report that she was contributing on was heavy. Well, this one comes in two volumes. I am going to attempt to dive in in a couple of minutes to both volumes and highlight a couple of issues. The three particularly from volume 1 that I am wanting to bring to the attention of the house are the issues of equipping the Victorian Electoral Commission (VEC) with the staff it needs, managing poor behaviour by candidates and campaigners and the issue of whether the election is inclusive. I, like all of us, have a lot of views about the experience in Cranbourne. I just want to credential myself as having been helping out on polling booths since I was a child, back in the day, in Chisholm. I am able to reflect on the need, which I feel very strongly, to reduce the adversarial nature of voting for the constituents that I represent, and also I think importantly for the health of democracy.

First, to the issue with equipping the VEC with the staff it needs, some of my neighbours – the people who live in my street – have been working for the VEC, so I have particular affection and I think insight into how stressful that role can be, and I think that this report unpacks some really important elements of that. In fact those three particular elements that I am speaking to I believe will benefit the VEC and particularly the people who work there, partly because of the importance that they hold to democracy. The VEC need to be staffed properly, and knowing especially in the context of Victorian state elections when they will be held, they need to take the time to plan to make sure that there are enough staff there.

There was an issue in Cranbourne with the availability of ballot papers. That is outrageous. People were waiting in line, turning up, working long hours, as is common in the outer suburbs, waiting long times to vote, and to find out that there were not enough ballot papers was a real problem. That impacts on the staff inside, but particularly it impacts on the ability for people to have their democratic say.

Of course the poor behaviour by candidates and campaigners has been unpacked fully, and I would like to add my voice to that. Having said that, I have been doing help on elections for a long time and certainly going back into my childhood, and I would concur with the views of many in this chamber

that the behaviour at this last election was the poorest I have seen in my time. I am going to pay credit to those in the Liberal Party, because the conversations I had with them were probably the most productive, perhaps the conversations with the minor parties less so. The excitement sometimes in the minor parties at being involved in a democratic process led to behaviour that intimidated voters, and I think that that is outrageous. When people come in to vote, especially in the context of Cranbourne, voting sometimes for the first time with great excitement, they are so excited to be able to have an impact and to be able to vote. To have so many people come up to them in a way that they perceived as aggressive reduced the ability of people who are with goodwill handing out a how-to-vote card to articulate the need to vote in a way that has their vote counted.

This gives me the opportunity to speak to one of the most important elements, which is how elections can be inclusive for people with disabilities. I am conscious that our scout hall is a loved scout hall but did not have the disability access that was needed. People were unable to go to the toilet. People with disabilities were coming in and having trouble accessing the polling booth. Particularly for people who have never voted before, we have to really step out of their way to make sure that their vote can be counted, that the vote can be valid. Having somebody say with excitement that they voted for the first time and put a cross next to my name is heartbreaking for me as a candidate but actually heartbreaking for them. We need to do better for our people who are voting for the first time. I commend this report and the work that was done.

Environment and Planning Committee

Employers and Contractors Who Refuse to Pay Their Subcontractors for Completed Works

Wayne FARNHAM (Narracan) (10:28): I am pleased to rise today on the Legislative Assembly Environment and Planning Committee and their inquiry into employers and contractors who refuse to pay their subcontractors for completed works. I am really pleased that I have now actually joined this committee, and we will next be doing an inquiry into building in regional Victoria, which I look forward to having input on. But today I want to talk about this report that has been tabled.

The premise of the inquiry was to figure out why subcontractors do not get paid. It is quoted quite a few times within the report that in the construction sector there is very much a pyramid-type system and everything filters down from the top. So when we talk about employers and contractors who refuse to pay their subcontractors, we also need to probably look at one of the biggest builders in the state at the moment, and that is state government. I think if we are going to have inquiries like this, the state government needs to lead by example, and no more than that at the moment is the Victorian School Building Authority. The VSBA at the moment is not really playing fair with builders.

I have built many schools in my lifetime, and we had a claim process that used to work quite effectively, which was basically that I was a builder, the architect was there, I would do a claim. It would all be set out in different sections of the building and you would claim a percentage of that work was completed. The architect was the superintendent, and he would come onsite and would assess the claim. Yes, there was always a bit of argy-bargy and a bit of robust debate. He would say, 'Well, you've over-claimed here,' and I would say, 'But I've under-claimed over here,' and we generally came to an agreement. The architect would sign that off, it would go back to the department and I would get paid and my subcontractors would get paid.

What has come to my attention in recent months is that what is happening now is the architect is still in a sense the superintendent, but what happens is the VSBA will get in an independent quantity surveyor to look at the claim, and this is where things are going a little bit pear-shaped, because the quantity surveyors are coming in and knocking those claims down to 10 to 30 per cent. Now the builder has nowhere to go. When we are talking about the pyramid structure, government is at the top of the pyramid. If those claims are getting knocked back 10 to 30 per cent, you have also got to remember the builder has got a retention in there too of up to 5 per cent. So that gets passed down the line. The builder cannot wear the whole deduction of the claim, and that has to get passed down to the contractors.

We all know at the moment – and I do not think anyone in this chamber would deny it – that the construction industry as a whole is not in a very good place. It really is not. We need to look at this because in a 12-month period we have had over 700 builders go into liquidation and have lost over 21,000 tradies. That is a lot. There is on average about 300,000 tradies in Victoria, so that is about 8 per cent. That is a lot of trades leaving this state. If the government cannot get the payments right, how do they expect that people will want to work for the VSBA? I have had builders come up to me personally and say, ‘We’re done. We’re sick of working with this department. They’re cruel. They don’t listen. They knock down our claims.’

They are not over-claiming; they just want the original claim that is put in. What happens is that when you get to the end of the project, there are two forms of retention. You have a retention that gets paid back on practical completion of 2.5 per cent. There is also another retention of 2.5 per cent that is held for 12 months. So the builder cannot run away. He is stuck there, and most of those retentions are back guarantees offset against properties, so there is a fair bit of security there.

What needs to happen is the VSBA needs to be fair. If we are going to talk about subcontractors getting paid, then the government should really set the example through their departments. I know many in this chamber who have been subcontractors. I have. I think you have, Deputy Speaker. The member for Glen Waverley has. A lot of us have been in that situation where you have felt that pain of not getting paid the appropriate amount of money. So I think when we have these inquires we need to lead from the front. Let us have the VSBA set the standard.

Environment and Planning Committee

Employers and Contractors Who Refuse to Pay Their Subcontractors for Completed Works

Nina TAYLOR (Albert Park) (10:33): As it so happens, I am going to speak on the same report, *Employers and Contractors Who Refuse to Pay Their Subcontractors for Completed Works*. There we go, it is a slightly different angle, but nevertheless, the principle is there. First of all, I do want to thank the committee membership. We had the chair, the member for Wendouree; the deputy chair, the member for Morwell; the member for Bass; the member for Monbulk; the member for Nepean; the member for Ripon; the member for Croydon; and the member for Warrandyte.

It is no doubt a very important issue – it goes without saying – and I know of people myself who have been, for want of a better word, stiffed even after having submitted work, such as engineers. I mean, it is the whole chain that can be impacted. It is completely unfair. When they do the work in good faith and that hard work is not honoured, it is simply not acceptable.

I will note the government has responded to this report, but of course to give credence to the response we have to speak somewhat to what triggered the response to the report in the first place.

Setting some of the parameters, security of payment problems in the building and construction industry have been repeatedly acknowledged over the last hundred years. Since at least 1897 governments around Australia have implemented incremental reforms to address the problem of building contractors and subcontractors, workers, tradies and suppliers of related goods or services going unpaid or underpaid or being paid late for their work. Sadly, this is something that has happened continually, although there has been, and it is ongoing, a lot of work to correct, for want of a better word, the vulnerabilities within, can I say, the hierarchical nature of this system.

Speaking to that point, in recent decades government-initiated reviews have examined systemic poor payment and other contracting practices in the building industry, noting how significant it is and how far reaching and how important it is when we are looking at economic circumstances. Such practices take advantage of the highly fractured nature of the industry. We can see that inherently in the way the industry is formulated, for want of a better word, in Australia, where subcontractors complete over 80 per cent of construction work. I mean, my goodness, when we look at it that way, we can see how far-reaching the impacts can be, positive or negative. That is the highest proportion in the world of

passing financial risks down the construction contracting chain. We can see, unfortunately, as a result of that hierarchical structure that it seems to be, in many instances – based on information here and otherwise that was recorded through the committee report and I would say over decades – that this is something that ends up with the person most vulnerable in the chain being really impacted. This is all the more impetus when it comes to making sure that the system functions as efficiently as possible.

Difficult economic conditions are exacerbating payment issues and contributing to a high rate of insolvencies. It has already been mentioned about the issues with the war on Ukraine. I am not leaving it there because this is why legislative reform is so important. I should say that the government has carefully considered the report's nine factual findings and 28 recommendations for reform, and as discussed in the report, the government broadly supports all 28 of the committee's recommendations – I must pay respect to that hard work that is obviously being giving credence – with 16 recommendations supported in full and 12 recommendations supported in principle or in part. That is certainly hopeful.

I should say that the committee held two public hearings, and they received testimony from 10 witnesses, including the Department of Transport and Planning and the VBA. I note, and I just want to put in a qualification, that we are replacing the Victorian Building Authority with a new, more powerful watchdog, so reform is current and happening.

Bills

Regulatory Legislation Amendment (Reform) Bill 2025

Statement of compatibility

Danny PEARSON (Essendon – Minister for Economic Growth and Jobs, Minister for Finance) (10:39): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Regulatory Legislation Amendment (Reform) Bill 2025:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, I table a statement of compatibility for the Regulatory Legislation Amendment (Reform) Bill 2025.

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

Overview

The Bill amends laws across a range of ministerial portfolios to:

- support efficient and effective regulation
- promote consistency with other legislation and existing policies
- reduce the administrative burden of regulation, and
- address technical errors and make minor updates.

The proposals contained in the Bill are summarised below:

- 1 The Bill seeks to amend the following Acts to **support effective and efficient regulation**:
 - a. *Essential Services Commission Act 2001* to explicitly provide a limitation period of 6 years from the date on which a contravention occurred for the Essential Services Commission (ESC) to begin civil penalty proceedings.
 - b. *Domestic Animals Act 1994* to:
 - i. re-instate some penalty provisions to allow local council officers to issue fines (infringement notices) for offences relating to seized dogs or cats, and
 - ii. require owners of dangerous, menacing or restricted dog breeds to notify their local council if the dog has moved residence, or died.
 - c. *Children Youth and Families Act 2005* to allow for an authorisation to be made in relation to a class of non-Aboriginal children and to clarify that non-Aboriginal siblings may form part of the same class of children along with their Aboriginal siblings pursuant to an authorisation by the Secretary under section 18 of that Act thereby enabling the principal officer of an Aboriginal agency to exercise the authorised powers and functions of the Secretary

- d. *Mineral Resources (Sustainable Development) Act Amendment 1990* to ensure confidentiality of commercially sensitive information in work plans or work plan variations registered immediately before the commencement of the new duty based regime as introduced by that Amendment Act is maintained
 - e. *Adoption Act 1984* to allow the Secretary:
 - i. to refuse to disclose certain information, where they reasonably believe it may jeopardise someone's life, physical safety, or place them at risk of harm, and
 - ii. discretion not to notify or seek a person's agreement to disclosure of information, where the disclosure or notification may increase the risk of harm to a person.
 - f. *Environment Protection Act 2017* to:
 - i. require that notices that a registration for a certain prescribed authority has been revoked clearly provide the date from which the revocation takes effect
 - ii. allow the Environment Protection Authority (EPA) to charge a business/business owner, where a vehicle registered to that business has been used to illegally dump waste, and
 - iii. clarify that a notice or order applies to the officer of a body corporate at the time that it was issued, and not persons who became officers after the notice/order was issued.
2. The Bill seeks to amend the following Acts to **promote consistency with other legislation and existing policies**:
- a. *Service Victoria Act 2018* to allow Service Victoria to charge fees for its services
 - b. *Transfer of Land Act 1958* to:
 - i. remove an outdated reference to paper-based conveyancing transactions and other redundant provisions
 - ii. permit the collection of fees without being limited to cost recovery in line with Victoria's *Pricing for value* guidelines
 - iii. clarify that the forfeiture of fees applies in all cases when an instrument is subsequently withdrawn, refused or rejected after lodgement
 - iv. remove the ability to pay a half fee (or claim a refund on a full fee) for instruments that have been relodged following withdrawal, refusal or rejection
 - v. ensure that the list of matters on which the Registrar can determine requirements for conveyancing transactions is not limited and that regulations made under the *Transfer of Land Act 1958* may apply, adopt or incorporate third party documents, and
 - vi. clarify the application of provisions relating to assurance contributions.
 - c. *Subdivision Act 1988* permitting fees in line with *Pricing for Value* guidelines, consistent with changes proposed to the *Transfer of Land Act 1958*
 - d. *Adoption Act 1984* to:
 - i. enable the Secretary to comply with a court order to produce documents in litigation, or notice from a Royal Commission to produce documents
 - ii. enable the Secretary to access certain adoption-related records from Births, Deaths and Marriages (BDM), and
 - iii. allow natural relatives, such as siblings, to access identifying information about the adopted person to enable them to identify or connect with them.
 - e. *Mineral Resources (Sustainable Development) Amendment Act 2023* to include an additional ground for cancelling an extractive industry work authority (EIWA), consistent with grounds for cancelling a minerals licence, and
 - f. *Commissioner for Environmental Sustainability Act 2003* to allow the Commissioner for Environmental Sustainability to undertake paid duties outside their role as Commissioner, with the approval of the Minister.

3. The Bill will **streamline processes and reduce the administrative burden** for businesses, departments, agencies and regulators by amending the following Acts:
 - a. *Housing Act 1983* by removing the requirement for registered agencies to provide all bank account details to the Housing Registrar
 - b. *Electricity Industry Act 2000* by improving the timing of ESC feed-in tariff decisions and removing reporting requirements for licenced electricity sellers and the Minister
 - c. *Mineral Resources (Sustainable Development) Amendment Act 2023* to remove an unnecessary regulatory requirement for the Department Head to notify the Secretary of the Department of Energy, Environment and Climate Action of activity that is not a leviable event under the *Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020*
 - d. *Domestic Animals Act 1994* to:
 - i. allow for certain organisations to have their registrations and approval removed at their request, and
 - ii. to require declared bird organisations to apply for a renewal of application 60 days prior to the end date of any active approval to allow sufficient time for consideration of the renewal application before the active renewal lapses
 - e. *Environment Protection Act 2017* to:
 - i. simplify the process for the EPA to release a financial assurance (similar to a security deposit) to the duty holder, where the financial assurance will be returned in full, and
 - ii. simplify procedures of the EPA's board, and provide greater flexibility in appointments to the EPA's board.
 - f. *Water Act 1989* to:
 - i. allow the Minister to set a date by which the Victorian Environmental Water Holder must submit a Corporate Plan, providing necessary flexibility in reporting dates, and
 - ii. allow water corporations to serve notice of a board meeting by electronic means.
4. The Bill will correct **technical errors and make minor updates** to legislation, by amending the:
 - a. *Mineral Resources (Sustainable Development) Act 1990* ('the MRSDA') to:
 - i. remove references to repealed provisions
 - ii. remove references to the 'mining registrar' to clarify who is responsible for establishing and maintaining the mining register.
 - b. *Mineral Resources (Sustainable Development) Amendment Act 1990* ('the MRSDAA') to correct an error specifying when the new duty-based regime commences
 - c. *Domestic Animals Act 1994* to remove references to section 45A, which has been repealed
 - d. *Environment Protection Act 2017* to:
 - i. clarify that the EPA can consider both actual and potential costs of any remediation or clean-up when considering whether to release a financial assurance, and
 - ii. replace the current two term limit for EPA board members with a cumulative limit of ten years, and
 - e. *Circular Economy (Waste Reduction and Recycling) Act 2021* to update the list of provisions for which a civil penalty order can be made by the court, to reflect new provisions introduced by the *Environment Legislation Amendment (Circular Economy and Other Matters) Act 2022* which are already in force.

Human rights issues

Some of the proposed amendments will engage one or more of the following human rights under the Charter:

- recognition and equality before the law (section 8);
- right to life (section 9);
- freedom of movement (section 12);
- privacy and reputation (section 13);

- freedom of expression (section 15);
- taking part in public life (section 18);
- protection of families and children (section 17);
- right to liberty and security of person (section 21);
- fair hearing (section 24); and
- rights in criminal proceedings (section 25).

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

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. This right is engaged by the following proposed amendments.

Part 6 of the bill proposes the expansion of circumstances requiring council notification under the *Domestic Animals Act 1994* to include the death or change of address of a ‘dangerous dog’, ‘menacing dog’ or ‘restricted breed dog’. Currently, councils are not informed if a dog under one of these categories dies, and therefore are not aware of how many are living in a municipality at any one time. Furthermore, some owners of dangerous, menacing or restricted breed dogs are refusing to provide new addresses when they move, as they are only required to notify that they have moved, and councils are unable to ensure that appropriate keeping requirements are followed at the new address. While it is a rare occurrence, fatalities can result from dog attacks, and therefore the introduction of this amendment would promote the right to life as it supports local government’s ability to ensure appropriate precautions are taken for keeping dangerous, menacing or restricted breed dogs to minimise safety risks.

The other proposal which engages section 9 is the amendment to provide discretion for the Secretary under the *Adoptions Act 1984* to refuse disclosure where disclosure would, or would be reasonably likely to, endanger any person’s life and physical safety, or put them at risk of harm (including family violence). This amendment may promote the right to life, and to not be arbitrarily deprived of life, as it allows the Secretary to refuse to provide information when this may endanger a person’s life, for instance where there is a family history of abuse, and prevent potentially dangerous persons gaining access to an adopted individual.

Accordingly, this bill is consistent with the right to life.

Freedom of movement

Section 12 of the Charter provides that every person who is lawfully within Victoria has the right to move freely within Victoria and has the freedom to choose where to live. As an extension to this right, an individual should not be subject to restrictions or procedures when moving throughout Victoria.

The proposed amendment to require council notification of a new address following a move by the owners of a dog which is dangerous, menacing, or a restricted dog breed could be construed as restricting certain individuals’ right to freedom of movement. Part 6 of this bill would require owners of these dogs to notify the council of their new location, which engages section 12 of the Charter.

This limitation on the freedom of movement is reasonable and proportionate to the safety risks involved in keeping a dangerous, menacing or restricted dog breed. The proposed measure will enable local governments to ensure that appropriate keeping measures are taken by the owners of dangerous, menacing or restricted dogs to prevent such dogs from escaping and from harming persons in the surrounding areas. This protects the right to life and the right to security of person.

As such, the potential restrictions to freedom of movement are reasonable and proportionate.

Accordingly, the Bill is consistent with the right to freedom of movement.

Privacy and reputation

Section 13 of the Charter provides that a person has the right to not have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. This includes the collection of personal information by public authorities and applies to extended family and other family arrangements such as foster care or legal guardianships.

The Bill’s proposed measure in Part 6 to require council notification of a new address following a move by the owners of a dog which is dangerous, menacing, or a restricted dog breed may limit the right to privacy due to the collection of personal information, in this case the dog owner’s current address, by councils. However, it is necessary and justified to impose this minor limitation. Not doing so will impinge on the rights of others with regards to the safety of persons in the community, and this information is not proposed to be

made public. It is an appropriate measure as it serves the purpose of enabling local governments to ensure proper precautions have been taken by the owners of dangerous, menacing or restricted dogs, promoting the rights to life and security of persons in the community.

Part 2 of the Bill proposes to amend the *Adoption Act 1984* to give the Secretary access to certain adoption-related records held by Births, Deaths and Marriages (BDM) where access enables the Secretary to carry out their functions under the Act. The Secretary is responsible for providing access to information about past historical adoptions but the Act limits adoption information available to the Secretary unless the Secretary makes an application under Part VI of the Act. This is problematic for applications with incomplete or inaccurate information, as happens frequently in Stolen Generations adoptions. This requires two departments to email repeatedly to identify the correct entry in the Register of Adoptions. The proposal would enable the Registrar to share copies of the Register of Adoptions and related indexes prior to 2019, all Adoption Orders prior to 2019, and court records of adoption orders in the Registrar's possession. This amendment would potentially limit the right to privacy as it reduces barriers for Adoption Services Victoria to accessing adoption information.

This limitation is reasonable and justified in the circumstances. The proposed measure facilitates the information sharing that is already occurring between Victorian Government agencies, which is consistent with Information Privacy Principles – this will mean sharing between agencies is less cumbersome, not on a piecemeal basis and reduce delays for families waiting for information. This is important given the distress caused by Stolen Generations adoptions and is consistent with cultural rights by facilitating kinship connections.

Part 2 of the Bill would allow natural relatives (e.g. siblings, aunts, uncles, grandparents) to access identifying information under the *Adoption Act 1984* about the adopted person to enable them to identify or connect with the adopted person or family (adopted name, DOB, names of natural parents, and adoption date). This would pose a potential limitation on the right to privacy, as the government would be making certain personal information belonging to adopted persons available to others.

This restriction on the right to privacy is reasonable and proportionate as it promotes cultural rights in enabling individuals to enjoy their identity and community and maintain their kinship ties. This also relieves the current discretionary system of providing information, which is a considerable burden on the resources of the Department of Justice and Community Safety. Furthermore, Part 2 of this bill will ensure that the Secretary retains the discretion to refuse disclosure where there is reasonable likelihood that it would endanger a person's life, physical safety, or place them at risk of harm.

As such, the potential limitations are reasonable, necessary, justified and proportionate in the circumstances.

Accordingly, the Bill is consistent with the right to privacy and reputation.

Freedom of expression

Section 15(2) of the Charter provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information of all kinds. Therefore, this imposes a responsibility on the government to provide such information sought by a person unless there are reasonable grounds for limiting this right. The following parts of the Bill engage freedom of expression.

Part 12 of the Bill proposes to introduce power for Service Victoria to charge fees for its services under the *Service Victoria Act 2018*. As with existing fees, any new fees for specific services would be set in regulations which will be consulted on. Depending on the fees and charges that are prescribed, this has the potential to restrict persons' right to freedom of expression as it may stand as a barrier to seeking and receiving government services provided by Service Victoria, particularly in instances where a person is experiencing financial hardship. However, this limitation is a justified one. It would align the *Service Victoria Act 2018* with Victoria's *Pricing for value* guidelines, which are aimed at improving government efficiency, equity, and fiscal sustainability.

Furthermore, this proposed measure allows for flexibility to reduce or waive fees in specific circumstances such as financial hardship, and provide differential fees or charges based on concession entitlements. With these allowances, the use of fees is not intended to prevent individuals experiencing financial hardship from receiving information provided through Service Victoria's services.

Potential impacts of new fees on individuals will be considered in the development of future fee-setting regulations, which will be subject to consultation and a Regulatory Impact Statement process. This proposal will ensure the sustainability of Service Victoria's service offerings, and support equitable expanded services, which ultimately seek to improve citizen engagement with government, businesses and other entities.

Parts 13 and 14 of the Bill propose to amend section 120(2)(b) and (c) of the *Transfer of Land Act 1958* and section 43 of the *Subdivision Act 1998* to permit the collection of fees without being limited to cost recovery. This may pose a limitation to the right to freedom to seek and receive information, as it increases the cost

barrier to exchanging information critical to land transactions and development. This limitation is justifiable in aligning the Act with Victoria's *Pricing for value* guidelines, which are intended to improve equitable access, government efficiency, and sustainable funding.

The flexibility to charge fees enables fees to reflect the value to customers of the service provided (that is, the value of accessing Victoria's secure and reliable Torrens system of title by registration, which has undergone multiple enhancements in recent years to improve user experience and security). Victoria's *Pricing for value* guidelines recognise that fees may go beyond just cost recovery to allow government agencies to innovate and better serve the community – and from a human rights perspective, this can promote public trust and confidence in exchanging information using the Torrens system. These principles also support the charging of fees below cost recover if there are good policy reasons. The Registrar, in setting fees (and exemptions or reductions) as part of future fees regulations will be taking these considerations into account.

As such, the potential limitations are reasonable, necessary, justified and proportionate in the circumstances.

Accordingly, the Bill is consistent with the right to freedom of expression.

Protection of families and children

Section 17 of the Charter recognises the family unit as a fundamental part of our society. It also recognises that children may need particular protection, to ensure the way they are treated is in their best interests.

Part 3 of the Bill seeks to correct the drafting of section 18 of the *Children, Youth and Families Act 2005*, to allow principal officers of Aboriginal agencies to undertake various powers and functions for the Secretary as a protective intervener or in relation to a protection order or relevant order where required. This engages the right to protection of families and children and will promote this right as it enables care for Aboriginal children to remain with Aboriginal agencies. This is a consideration which promotes taking into account an individual child's best interests, particularly with regard to the importance of extended family and kinship ties.

For the reasons above, the Bill is consistent with the protection of families and children.

Taking part in public life

Section 18(2)(b) of the Charter provides that every person has the right, and is to have, without discrimination, the opportunity to access the public services provided by the Victorian government on general terms of equality. This right is engaged by the following proposals in the Bill.

Part 12 of the Bill proposes to introduce a power for Service Victoria to charge fees for its services under the *Service Victoria Act 2018*. As with existing fees, any new fees for specific services would be set in regulations. Depending on the fees and charges that are prescribed, this is a potential limitation on the right to taking part in public life, as the introduction of fees introduces a barrier which may discourage persons accessing services offered by Service Victoria. However, this limitation is a justified one. It would bring Service Victoria into alignment with Victoria's *Pricing for value* guidelines, and the benefit of government efficiency, equity, and fiscal sustainability.

Furthermore, this proposed measure would allow for flexibility to reduce or waive fees in specific circumstances such as financial hardship, and provide differential fees or charges based on concession entitlements. With these allowances, the introduction of fees is not an insurmountable barrier to individuals experiencing financial hardship accessing government services. The appropriate fees, concessions and exemptions will be consulted on as part of the development of future fee-setting regulations.

The Bill, in Parts 13 and 14, includes proposals to amend section 120(2)(b) and (c) of the *Transfer of Land Act 1958* and section 43 of the *Subdivision Act 1998* to permit the collection of fees without being limited to cost recovery. This has the potential to limit the right of persons to access public services provided by the government, as ability to increase fees beyond costs may present a barrier to individuals experiencing financial hardship. This potential limitation on the right to access is necessary to align with Victoria's *Pricing for value* guidelines, which promotes equitable access to services, efficiency and financial sustainability. The principles of this pricing guide also support the charging of fees below the amount for cost recovery if there are good policy reasons to do so, for instance to enhance access for low-income groups.

As such, the potential restrictions to the right to take part in public life and access public services are necessary, justifiable, reasonable and proportionate.

Accordingly, the Bill is consistent with the right to taking part in public life.

Cultural rights

Section 19 of the Charter provides for the protection of cultural rights, meaning that persons of a particular cultural, linguistic, religious or racial background must not be denied the right to practice their culture, religion and languages in community with others of the same background. Section 19(2) also recognises the distinct

cultural rights of Aboriginal persons, who must not be denied the ability to enjoy their identity and culture, maintain their languages and kinship ties, and maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs. This right is engaged by the following amendments.

Part 3 of the Bill proposes to correct the drafting of section 18 of the *Children, Youth and Families Act 2005*. This is intended to allow principal officers of Aboriginal agencies to undertake various powers and functions for the Secretary as a protective intervener and in relation to protection order or relevant order powers and functions where required by making it clear that these functions can be undertaken with respect to an entire sibling group where Aboriginal children are in a family with non-Aboriginal siblings. This amendment avoids delays to protective intervention that would result from separate authorisations, and promotes cultural rights by enabling Aboriginal children, where the government intervenes, to be in the care of First Nations agencies, maintaining the children's ties to their siblings, cultural heritage and communities.

The proposed measure in Part 2 of the Bill would give the Secretary access to certain adoption-related records held by Births, Deaths and Marriages (BDM) where access enables the Secretary to carry out their functions under the Act, particularly with regard to applications for information on historical adoptions where there is missing or incomplete information, which occurs frequently with the Stolen Generations adoptions. This proposal would promote cultural rights, particularly for Aboriginal persons, by enabling the process through which individuals may re-establish their cultural identity and kinship ties which they were denied as part of or descendants of the Stolen Generations.

Part 2 of the Bill would allow natural relatives (e.g. siblings, aunts, uncles, grandparents) to access identifying information under the *Adoption Act 1984* about the adopted person to enable them to identify or connect with the adopted person or family (adopted name, DOB, names of natural parents, and adoption date). This amendment has the potential to promote the cultural rights of adopted persons and their relatives, enabling their access to their cultural background, and in the case of Aboriginal persons, the ability to reassert kinship ties.

Accordingly, the Bill is consistent with the right to protection of cultural rights under section 19, and with the distinct cultural rights of Aboriginal persons under section 19(2).

Right to liberty and security of person

Section 21 of the Charter provides for the right to liberty and security of person, meaning the government must provide reasonable measures to protect a person's physical security. Certain parts of the Bill engage this right.

Part 6 of the Bill proposes an amendment requiring individuals to give councils notification of a new address following a move by the owners of a dog which is dangerous, menacing, or a restricted dog breed or the death of a dog which falls under one of these categories. This amendment would promote the right to security of person as it enables local government to ensure that the appropriate measures have been taken to minimise the safety risks to the security of individuals posed by an escaped dangerous, menacing or restricted breed dog.

The proposed measure in Part 2 of the Bill to provide discretion for the Secretary under the *Adoption Act 1984* to refuse disclosure where disclosure would, or would be reasonably likely to, endanger any person's life or physical safety. This has the potential to promote the right to security of person as it empowers the Secretary to take measures to prevent threats to the safety of individuals which might arise from disclosure of their information to others. Accordingly, the Bill is consistent with the right to liberty and security of person.

Right to a fair hearing and rights in criminal proceedings

Section 24 of the Charter provides that a defendant 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. Section 25 of the Charter provides for a variety of rights of persons in criminal proceedings ensuring minimum guarantees for matters of due process and treatment of individuals by the judicial system and government.

Part 9 of the Bill proposes amending the *Essential Services Commission Act 2001* (ESC Act) to explicitly provide a six-year period during which a civil proceeding in relation to the contravention of a civil penalty requirement may be commenced, regardless of whether the contravention occurred before or after the commencement of these amendments. This is to remove any doubt as to the application of the two-year time period provided for in section 5(5) of the *Limitation of Actions Act 1958* to the ESC Act.

This proposal to provide an explicit time frame is consistent with the time frame provided for in legislation administered by other regulators who enforce civil penalty regimes. The Essential Services Commission's timeframe may impact a person's implied right to a reasonably expeditious hearing, and therefore may impact their right to a fair trial. Although the effect of Part 9 places an additional burden on respondents in civil

proceedings by extending the time the Essential Services Commission may have to prepare its claim, I consider the limitation reasonable and justified as the extension is only for four years. While there is a transitional impact that may reduce certainty for regulated parties about the likely prospect of a legal proceeding against them for proceedings that occurred up to two years before commencement, the proposal does not change what behaviour is contrary to law, and is necessary to ensure that the Essential Services Commission can properly conclude investigations already underway.

Any impact on this right to a fair trial is balanced by the underlying intention of the amendment to ensure the Essential Services Commission has sufficient time to conduct investigations, or for possible contraventions to come to light, before commencing proceedings. A six-year limitation period would ensure the Essential Services Commission's investigations and civil proceedings are viable, which may lead to positive outcomes for regulated entities and consumers as the Essential Services Commission could effectively regulate certain markets and entities. A six-year time period is also appropriate and consistent with other regulators enforcing civil penalty provisions. Accordingly, the Bill is compatible with the right to a fair hearing under section 24 of the Charter.

Part 2 of the Bill proposes to amend the *Adoption Act 1984* to enable the Secretary to comply with a court order to produce documents in litigation or notice from a Royal Commission to produce documents – Part VI of the Adoption Act establishes a strict regime for access to adoption records which restricts the Secretary from disclosing adoption information even with a court order or subpoena. This proposed amendment would indirectly promote the right to a fair hearing as it removes a potential impediment to the administration of justice and allows a party to a proceeding to have relevant information be included in the considerations of a hearing.

Part 8 of the Bill is a proposal to amend the *Environment Protection Act 2017* to enable the EPA to utilise its discretion to charge a business and/or the business owner where the EPA believes that the business should be held responsible for larger scale deposit of waste, even where the driver is able to be charged. Currently, section 116(5) provides that a court must not find a registered owner or authorised user guilty of an offence for depositing waste from a vehicle unless it is not possible to charge the driver for the offence. The current provision is appropriate for small-scale littering from a vehicle but not larger-scale deposit of waste where the business and/or the business owner is typically the registered owner or authorised user of company vehicles.

It is not the policy intent that both the driver and the business owner be charged, and the requirement to not find multiple people guilty of an offence remains. To the extent that this proposal indirectly engages the right to a fair hearing or rights in criminal proceedings, it is consistent with the underlying intentions of these rights and the rule of law by ensuring that the business, rather than the individual (the driver), is pursued where that is more appropriate and where the offending conduct should be attributed to the business.

Part 8 of the Bill proposes a measure in the *Environment Protection Act 2017* regarding the assignment of obligations to officers of an entity which received an environmental action notice or site management order, so as to apply to officers at the time the notice/order was issued. This is to ensure that officers cannot avoid their obligations by winding up companies. To the extent that this proposal indirectly engages the right to a fair hearing or rights in criminal proceedings, it promotes these rights and is consistent with the underlying intention of these rights and the rule of law by ensuring that legal obligations are only imposed on the relevant party.

Accordingly, the Bill is consistent with the right to a fair hearing and with rights in criminal proceedings.

The Hon Danny Pearson
Minister for Finance

Second reading

Danny PEARSON (Essendon – Minister for Economic Growth and Jobs, Minister for Finance)
(10:40): 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 Regulatory Legislation Amendment (Reform) Bill 2025 (the Bill) before the House today demonstrates the Victorian Government's commitment to improving the lives of Victorians by undertaking the difficult, unglamorous, but ultimately vital work of ongoing regulatory reform. Regulatory reform contributes to increased economic productivity, makes it easier to do business in Victoria, and protects consumers, community health and safety and the environment.

Annual regulatory omnibus bills help ensure that Victoria has a modern, adaptive and fit-for-purpose regulatory system. This particular Bill, following on from the Regulatory Legislation Amendment (Reform) Act 2023 (and a similar 2022 Act), is an example of collaborative efforts across government to identify and make incremental improvements to the current Victorian regulatory system. This Bill includes almost forty proposals across 14 different Acts – and ten ministerial portfolios. The Bill has many more benefits which can be found across the four main objectives of the Bill.

Firstly, the Bill **will support effective and efficient regulation.**

Currently, under the *Essential Services Commission Act 2001* (the ESC Act) there is no explicit limitation period for commencing civil penalty proceedings. The Bill sets a six-year period for the Essential Services Commission (ESC) to commence civil penalty proceedings. This will ensure that the ESC can undertake investigations and commence civil proceedings that are necessary to promote the long-term interests of Victorian consumers and properly oversee regulated industries in Victoria. This is consistent with the legislative framework of other regulators who have an enforcement of commencing and conducting proceedings in relation to civil penalty provisions.

Local governments will be able to better manage the potential risks posed by dangerous, menacing and restricted breeds of dogs. Amendments to the *Domestic Animals Act 1994* requiring the owners to notify local governments if the dog dies or is relocated will ensure that local councils have accurate, current details to inform compliance and enforcement activities.

The Bill will clarify the ability of the Secretary of the Department of Families, Fairness and Housing to authorise a principal officer of an Aboriginal agency to exercise their various powers in relation to protective intervention and protection order or relevant orders, with respect to Aboriginal children as well as any of their non-Aboriginal siblings. This clarifies the intent of previous amendments made to the *Children, Youth and Families Act 2005*, which authorised an Aboriginal agency to exercise certain powers and functions with respect to Aboriginal children and their non-Aboriginal siblings by deeming them to be a ‘class of children’. These changes are necessary given the diversity of families, and avoids delays to child protection investigations that would result from individual authorisations.

The Bill will amend the *Mineral Resources (Sustainable Development) Amendment Act 2023* to allow the Minister to redact confidential or commercially sensitive information when responding to requests from anyone who has paid the prescribed fee for a copy of a work plan or work plan variation that was registered immediately before the commencement of the new duty-based regime as introduced by that Amendment Act. This ensures transparency and accountability, while also protecting legitimate commercial interests.

Public officials will be empowered to better protect members of the community, with amendments to the *Adoption Act 1984* allowing the Secretary of the Department of Justice and Community Safety to not disclose certain adoption information where they believe it may increase the risk of harm to another person, including family violence. Further amendments will allow the Secretary to not notify or seek consent from a party, thereby ‘alerting’ a person, in certain cases where a request for adoption information is received, and where the Secretary believes this action would increase a risk of harm.

The Environment Protection Authority (EPA) will be better able to target its regulatory and enforcement activities due to changes to the *Environment Protection Act 2017*. Firstly, amendments will allow the EPA to pursue a business or business owner, where a vehicle owned by that business has been used to illegally dump waste. Currently, the EPA can pursue the owner of a vehicle only when it is unable to identify the driver of a vehicle. This means the EPA is unable to pursue companies that are deliberately and systemically dumping waste as a business practice, often in large quantities. Secondly, amendments will mean that environmental action notices and site management orders will apply to officers of bodies corporate at the time the notice or order was issued, meaning that officers cannot avoid their obligations by winding up companies. Lastly, notices relating to the revocation or surrender of registrations will be required to contain the date from which the revocation takes effect.

The second objective of the Bill is to **promote consistency with other legislation and existing government policies.**

The Bill will amend the *Service Victoria Act 2018* to address a gap in legislative coverage in Service Victoria’s ability to charge fees for the services it provides. Service Victoria currently charges customer fees where required through existing legislation, such as applying for a working with children check, getting a recreational fishing licence, or paying car registration. The amendments will ensure Service Victoria has the flexibility to deliver new value-added services to customers under the Service Victoria Act, backed by appropriate charging in line with Victoria’s *Pricing for value* guidelines. The amendments will not affect fees for any existing customer services. Before any fee can be set, there will be mandatory public consultation as part of the regulation-making process. The amendments also allow scope for any concessional rates and exemptions to be determined with consultation.

Through amendments to the *Transfer of Land Act 1958* (the TLA), the Registrar of Titles will be able to collect fees on a value-for-money basis, in line with Victoria's *Pricing for value* guidelines and fees in other Australian states and territories, without being limited to cost recovery. This represents an important opportunity to enhance user experience of Victoria's accurate and secure Torrens system of title by registration, which Victorians count on every day to buy and sell real property and obtain and discharge mortgages. Amendments to the *Subdivision Act 1988* will ensure that changes made to the TLA with respect to fees and charges are reflected in this Act as well.

Other amendments to the TLA will remove the ability to pay a half fee, or seek a refund for a half fee, where instruments have been relogged. This reflects that the effort and cost of examining a relogged instrument is the same as that of the original instrument. It also reflects that most instruments today are lodged electronically by a financial institution or professionals (typically a conveyancer or lawyer who is paid for their professional advice), and the Registrar provides pre-lodgement validations for electronic instruments to improve the quality of instruments lodged. This amendment streamlines administrative processes and disincentivises professionals from lodging instruments that are not capable of registration or recording. Similarly, additional amendments will clarify that the forfeiture of fees applies in all cases where instruments are refused, rejected or withdrawn after lodgement.

Minor amendments to the TLA will also remove references to 'paper conveyancing transactions', when referring to requirements that may be determined by the Registrar for conveyancing transactions to ensure that the list of matters on which the Registrar can determine requirements is not limited. This reflects that the vast majority of instruments are now lodged electronically. A minor amendment will also be made to ensure that regulations made under the TLA may apply, adopt or incorporate third party documents, which is a standard provision across many Victorian Acts. Lastly, amendments to the TLA will clarify provisions relating to the Registrar's ability to seek assurance contributions, which are applied at the Registrar's discretion in the case of higher risk transactions. The amendments make it clear that this discretion applies to the recording or registering of any instrument, and the registration of a Crown grant. The amendments will also remove several provisions relating to assurance contributions that are no longer necessary, ensuring that the TLA remains up to date.

The Bill will amend the *Adoption Act 1984* in line with recommendations from various inquiries and reviews. Firstly, amendments will ensure that the Secretary of the Department of Justice and Community Safety is able to disclose adoption information in response to a court order, subpoena, or request from a Royal Commission. Furthermore, the Bill will give the Secretary access to adoption information held by Births, Deaths and Marriages implementing a number of recommendations from the 2021 Legislative Assembly Legal and Social Committee's Inquiry into responses to historical forced adoption in Victoria. The Secretary can already request access on a case-by-case basis but this creates unnecessary delays. Amendments will also allow natural relatives of adopted persons to access identifying information about the adopted person, allowing them to contact family from whom they have been separated by adoption. This is consistent with government policy to assist in reuniting families and address shame and stigma around the Stolen Generations and other forced adoptions.

Grounds for cancellation of an extractive work authority issued under the *Mineral Resources (Sustainable Development) Amendment Act 2023* will be brought into line with the grounds for the cancellation of a minerals licence. Under the amendments, the Department Head can cancel an authority where the holder has not substantially complied with the new duty to eliminate or minimise the risk of certain harms.

Government will be able to attract and retain quality candidates for the role of Commissioner for Environmental Sustainability under amendments to the *Commissioner for Environmental Sustainability Act 2003*. These allow the Commissioner to undertake other paid duties, subject to Ministerial approval, as is the case with many other government executive and board positions.

The third objective of the Bill is to **streamline processes and reduce administrative burdens for government, businesses and individuals** by making simple and uncontroversial changes to legislation.

The Bill will save registered housing agencies from needing to provide bank account details to the Housing Registrar for inclusion in the Register of Housing Agencies. These details are generally unnecessary and holding them poses unnecessary information security risks to both the Registrar and the registered agencies. Where the Housing Registrar does need access to these details, alternative means to request them already exist. These improvements will be made through amendments to the *Housing Act 1983*.

Through amendments to the *Electricity Industry Act 2000* (EI Act), the Bill will enable the ESC to make determinations later in the year, using more current data and so that determinations can be made closer to the start of the financial year to which it applies. Amendments to the EI Act, will also remove the requirement of licensees who are authorised to sell electricity to report on how many small renewable energy generation facilities sold electricity to them and how much electricity the licensee bought. This reduces unnecessary

administrative burden on businesses, noting that much of this data is publicly available through other sources. Amendments in the Bill will also remove the requirement for the Department of Energy, Environment and Climate Action to report on this annually.

The Bill will remove unnecessary processes through amendments to *Mineral Resources (Sustainable Development) Amendment Act 2023*. At present, the Department Head is required to notify the Secretary to the Department of Energy, Environment and Climate Action within seven days of approving a variation of a rehabilitation plan involving extractive work carried out on land wholly or partly within the Melbourne Strategic Assessment levy area, despite a change in rehabilitation not being a leviable event. The Bill will remove this notification requirement.

Amendments to the *Domestic Animals Act 1994* will simplify processes for various individuals and organisations required to register with the Minister for Agriculture, such as bird clubs, commercial dog breeders and dog obedience training schools. Dog trainers, dog breeders and the like will be able to request that their registration be revoked (and thus no longer be required to pay an annual fee), addressing an oversight that means their registration can currently be revoked only in cases of non-compliance.

Other amendments to that Act will require declared bird organisations to submit their application at least 60 days before the expiration of their current declaration, to ensure that applications are processed before the end date. Otherwise, organisations may cease to be declared bird organisations until the declaration is remade, preventing organisations during that time from validly holding bird sales at locations other than a private residence or registered pet shop.

Amendments to the *Environment Protection Act 2017* will make it easier for businesses and individuals that have provided a financial assurance to the Environment Protection Authority (EPA) to reclaim their funds, in cases where there are no issues with their conduct and the EPA intends to refund the assurance in full. Currently, the depositor must submit additional information to the EPA in support of the release of the assurance, even when the EPA has already made a decision to release it in full, creating unnecessary work for both parties. Amendments to that Act will also provide for more flexible operations of the EPA's board, granting the Governor-in-Council more discretion around appointments and allowing board members to undertake acting roles in certain circumstances.

Through amendments to the *Water Act 1989*, the Victorian Environmental Water Holder (VEWH) will be able to submit its annual Corporate Plan by an alternative date specified by the Minister for Water, for example in circumstances where key information is not yet available. This will save the VEWH from having to seek a variation of its plan as new information becomes available. Further amendments to that Act will allow notices of special meetings for water corporation boards to be provided by electronic means, where currently they must be provided in hard copy and delivered in person or by post. This new process will be faster, cheaper and more streamlined.

Lastly, the Bill seeks to **make a number of minor updates and corrections to existing legislation.**

The Bill will remove several minor technical errors, and references to superseded terminology and provisions contained in the *Mineral Resources (Sustainable Development) Act 1990* and the *Mineral Resources (Sustainable Development) Amendment Act 2023*. Similarly, the *Domestic Animals Act 1994* will be amended, to remove references to a section that has already been revoked.

The Bill will update the *Environment Protection Act 2017*, to clarify that the Environment Protection Authority (EPA) considers both actual and potential costs of any remediation or clean-up required, before making a decision regarding the release of a financial assurance. Updates will also change the maximum period of service of EPA board members from the current limit of two terms (with the maximum duration of a term fixed at five years) to a total cumulative period of service of 10 years.

Finally, the Bill will update the *Circular Economy (Waste Reduction and Recycling) Act 2021* to update the list of provisions for which a civil penalty order can be made by the coassurt, to reflect new provisions introduced by the *Environment Legislation Amendment (Circular Economy and Other Matters) Act 2022* which are already in force.

As you can see, this Bill addresses a wide range of matters, ranging from the registration of community bird clubs to helping reunite families separated by forced adoptions. However, in all the initiatives I have described for you today, there is a single common thread, which is the commitment of this Government to bettering the lives of Victorians by making simple, straightforward improvements to legislation. The bill provides important benefits – such as clearer, fairer, more modern laws and regulations, and strengthened regulatory tools for agencies like the EPA and the ESC, which do such important work to protect our environment and community.

I commend the Bill to the House.

Cindy McLEISH (Eildon) (10:40): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday 19 February.

Energy and Land Legislation Amendment (Energy Safety) Bill 2025

Statement of compatibility

Lily D’AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (10:42): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Energy and Land Legislation Amendment (Energy Safety) Bill 2025:

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 Energy and Land Legislation Amendment (Energy Safety) Bill 2025 (the **Bill**).

In my opinion, the Bill, as introduced to the Legislative Assembly, is compatible with the human rights protected by the Charter. I have this opinion for the reasons outlined in this statement.

Overview of the Bill

This Bill amends the *Electricity Safety Act 1998*, the *Gas Safety Act 1997*, the *Pipelines Act 2005* and the *Energy Safe Victoria Act 2005* to continue to make the energy safety legislation framework in Victoria fit for purpose for the energy transition. It does this by expanding and strengthening the regulatory tools available to Energy Safe Victoria and the courts under the energy safety framework, aligning Energy Safe Victoria’s powers with those available to other, similar regulators and streamlining the approach to safety risks and regulatory responses where relevant across each Act.

The Bill also amends the *Land Act 1958* to provide increased certainty of tenure for proposed projects on unreserved Crown land that are also subject to the *Environment Effects Act 1978* regime. While a decision to grant a lease of Crown land may engage human rights, the amendment in the Bill is limited to dealing with the procedure for making such a decision rather than the substantive effects of such a decision and therefore does not engage relevant human rights.

The following amendments in the Bill may engage human rights contained in the *Charter of Human Rights Act 2006* by amending:

the *Electricity Safety Act 1998* to abolish the Electric Line Clearance Consultative Committee and the Victorian Electrolysis Committee; reform the process for making the regulations that prescribe the Code of Practice for Electric Line Clearance; expand Energy Safe Victoria’s existing power to issue an improvement notice and introduce a new power for Energy Safe Victoria to issue a prohibition notice;

the *Electricity Safety Act 1998*, *Gas Safety Act 1997* and *Pipelines Act 2005* to enable a court to issue an adverse publicity order power and a warrant to enter land or premises where necessary to mitigate safety risks;

the *Electricity Safety Act 1998* and *Gas Safety Act 1997* to provide Energy Safe Victoria and the court with a new injunction power to stop conduct that contravenes or threatens to contravene those Acts or regulations made under those Acts.

Human rights

This Statement of Compatibility commences with an outline of the rights generally engaged by the Bill and then discusses the compatibility of relevant Parts of the Bill with those rights.

The human rights protected by the Charter that are relevant to this Bill are as follows:

Right to freedom from forced work (section 11)

Section 11 of the Charter provides that a person must not be held in slavery or servitude, or made to perform forced or compulsory labour. ‘Forced or compulsory labour’ does not include court-ordered community work as a condition of release from detention, work or service required because of an emergency threatening the Victorian community or a part of that community, or work or service that forms part of normal civil obligations.

Right to privacy and reputation (section 13)

Section 13(a) of the Charter provides that a person has the right not to have that person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference will be therefore lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

The fundamental values which the right to privacy expresses are the physical and psychological integrity, the individual and social identity and the autonomy and inherent dignity of the person. The right to privacy may be engaged in circumstances where there is a sufficient impact upon a person's capacity to experience a private life, maintain social relations or pursue employment.

Section 13(b) of the Charter relevantly provides that a person has the right not to have their reputation unlawfully attacked. An 'attack' on reputation will be lawful if it is permitted by a precise and appropriately circumscribed law.

Right to freedom of expression (section 15(2))

Section 15(2) of the Charter provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds. However, section 15(3) provides that special duties and responsibilities attach to this right, which may be subject to lawful restrictions reasonably necessary to respect the rights and reputations of others, or for the protection of national security, public order, public health or public morality.

Right to take part in public life (section 18)

Section 18 of the Charter provides every person in Victoria has the right and is to have the opportunity to participate in the conduct of public affairs, directly or through freely chosen representatives.

While the scope of section 18 has not been thoroughly examined in Victorian Civil and Administrative Tribunal or Victorian courts, the International Covenant on Civil and Political

Rights indicates that public affairs is a broad concept which relates to the exercise of political power, in particular the exercise of legislative, executive and administrative power and the formulation and implication of policy at local levels.

Right to property (section 20)

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or the common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely. Deprivation of property will therefore not limit the right to property under section 20 where there is a law that authorises the deprivation and that law is adequately accessible, clear and certain, and sufficiently precise.

The Charter does not define the term "property" and very little Victorian jurisprudence exists with respect to the meaning of "property" under the Charter. The rights recognised as possessions under the European Convention on Human Rights may inform how a court will understand property under section 20. Patents and licenses have before been recognised as possessions.

Right to a fair hearing (section 24(1))

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. The concept of a 'civil proceeding' is not limited to judicial decision makers, but may encompass the decision-making procedures of many types of tribunals, boards and other administrative decision-makers with the power to determine private rights and interests. The right may be limited if a person faces a procedural barrier to bringing their case before a court, or where procedural fairness is not provided. However, the entire decision-making process, including reviews and appeals, must be examined in order to determine whether the right is limited.

Right not to be tried or punished more than once (section 26)

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence in respect of which he or she has already been finally convicted or acquitted in accordance with the law. The right is relevant where legislative provisions may impose trial and punishment more than once for the same offence. However, the right does not prevent other non-penal consequences from flowing from the same conduct that gave rise to a criminal conviction and punishment. The right must consider whether the provision is penal in nature rather than the type of proceeding involved.

Human rights issues***New injunction power: clauses 31 and 62 of the Bill***

Clauses 31 and 62 of the Bill insert new sections 141F into the *Electricity Safety Act 1998* and 109DA into the *Gas Safety Act 1997* to provide the court with a new power to issue injunctions if the court is satisfied that a person has engaged or is proposing to engage in

conduct that constitutes, would constitute, or may lead to a contravention of a provision of the *Electricity Safety Act 1998* or the *Gas Safety Act 1997* or regulations made under those Acts. The court can grant an injunction under these new sections whether or not the person has engaged in the conduct before, will engage in the conduct in future or there is an imminent danger of substantial damage to any other person. Energy Safe Victoria or a person prescribed in regulations can apply for an injunction and the application may be made ex parte. I note that the regulations would only prescribe a person other than Energy Safe Victoria for the purposes of exercising the power to apply for an injunction if it was deemed necessary to support Energy Safe Victoria's exercise of enforcement powers. The person would need to be suitable and possess the knowledge required to make such an application.

An injunction may require a person to do or not do various activities including requiring a person at their own cost to institute an employee training program, carry out or arrange for work to be carried out and arrange for testing of an electrical installation or equipment in accordance with the regulations. The Supreme Court can also grant an injunction restraining a person from carrying on a business that involves carrying out activities regulated by the *Electricity Safety Act 1997* or the *Gas Safety Act 1997*.

Energy Safe Victoria or a person prescribed in regulations can apply for an injunction and the application may be made ex parte.

Right to freedom from forced work (sections 11(2), 11(3)(c))

The right to freedom from forced work under section 11(2) of the Charter is engaged by the new injunction power, because an injunction may require a person to undertake work or testing to rectify or avoid a contravention of provision under the relevant Act or regulations made under that Act.

However, the right to freedom from forced work is likely not limited, as any forced labour required under an injunction would form part of normal civil obligations (section 11(3)(c)) and is therefore explicitly excluded from the scope of forced or compulsory labour under section 11(3)(c) of the Charter.

I am therefore satisfied that the right to freedom from forced work in section 11(2) of the Charter is not limited by clauses 31 and 62 of the Bill.

Right to privacy (section 13(a))

The right to privacy under section 13(a) of the Charter is engaged by the new injunction power, because the person subject to an injunction may be restrained from carrying on a business that involves regulated activities under the *Electricity Safety Act 1998* or the *Gas Safety Act 1997*.

The right to privacy may be engaged where the Supreme Court issues an injunction that has a sufficient impact upon a person's capacity to pursue employment.

However, any interference with the right will not be arbitrary because it will be done in accordance with the law as set out in new sections 141F(5) of the *Electricity Safety Act 1998* and new section 109DA(5) of the *Gas Safety Act 1997*.

I am therefore satisfied that the right to privacy under section 13(a) of the Charter is not limited by clauses 31 and 62 of the Bill.

Right to a fair hearing (section 24(1))

The right to a fair hearing under section 24(1) of the Charter is engaged and may be limited by the new injunction power, because the applicant for the injunction may make the application ex parte.

This may limit the right to a fair hearing, because the person subject to the injunction will not have an opportunity to respond to the application for the injunction.

I consider that any such limitation of the right to a fair hearing would be reasonable, justified and for a legitimate purpose, as an application for an injunction on an ex parte basis may be necessary to ensure Energy Safe Victoria can respond quickly to contraventions of the relevant legislation and that action is taken to prevent, minimise or remedy any safety risks that the contravention may cause.

I am also satisfied that appropriate safeguards are in place, including that a court will retain the discretion to refuse to hear the application ex parte, including when hearing the injunction ex parte would result in an unfair hearing.

Accordingly, to the extent that the Bill limits the right to a fair hearing under section 24(1) of the Charter, I am satisfied that any limitations are justified on the basis that they are reasonable and have a legitimate purpose. I am therefore satisfied that the right to a fair hearing is not limited by clauses 31 and 62 of the Bill.

Expansion of improvement notice power and introduction of new prohibition notice: clauses 33, 34 and 35 of the Bill

The Bill expands the existing improvement notice power and introduces a new prohibition notice power in the *Electricity Safety Act 1998*.

Clause 33 of the Bill expands the improvement notice power so that an improvement notice can be issued where a person is contravening the *Electricity Safety Act 1998* or regulations made under that Act or, if a person has already engaged in a contravention, it is likely that the contravention will be continued or repeated, instead of a contravention to Division 2 or 3 of Part 10 of the Act only. It also provides that the Chairperson of Energy Safe Victoria, in addition to an authorised officer, can issue an improvement notice. An improvement notice may require the person to remedy the contravention.

Clause 34 of the Bill introduces a new power for authorised officers and the Chairperson of Energy Safe Victoria to issue a prohibition notice under the *Electricity Safety Act 1998* to prohibit a person from carrying on an activity that involves or will involve immediate risk to the safe supply or use of electricity. Clause 35 of the Bill expands the existing power for authorised officers to include a direction to take measures to remedy a contravention of the Act in an improvement notice, so that the Chairperson of Energy Safe Victoria or an authorised officer can include a direction in a prohibition notice to take measures to remedy any contravention, risk, matter or activity to which the notice relates. It is already an offence to not comply with an improvement notice and the Bill will make it an offence to not comply with a prohibition notice.

Right to freedom from forced work (sections 11(2), 11(3)(c))

The right under section 11(2) is engaged by the expanded improvement notice power and the new prohibition notice power, because a person subject to one of these notices may be required to stop a certain activity or to take specific measures to remedy a contravention, a possible contravention of the *Electricity Safety Act 1998*, or a risk, matter or activity to which the notice relates. This could be viewed as requiring a person to perform forced or compulsory labour.

However, in my view the right to freedom from forced work is not limited, as any forced labour required under these provisions would form part of normal civil obligations and is therefore specifically excluded from the scope of section 11(2) by section 11(3)(c) of the Charter.

I am therefore satisfied that the right to freedom from forced work in section 11(2) of the Charter is not limited by clauses 33, 34 and 35 of the Bill.

Right to a fair hearing (section 24)

The right to a fair hearing under section 24(1) of the Charter may be engaged by the expanded improvement notice power and the new prohibition power, because a broad reading of the right may encompass the decision-making procedures of administrative decision-makers, such as Energy Safe Victoria.

The right to a fair hearing is concerned with the procedural fairness of a decision.

The power to issue an improvement notice under section 143 of the *Electricity Safety Act 1998*, which will be expanded by clause 33 of the Bill, and the new power to issue a prohibition notice inserted by clause 34 of the Bill both require Energy Safe Victoria to provide the affected person with the reason for the notice and in the case of an improvement notice, the date by which the affected person must remedy the contravention. Energy Safe Victoria may direct the affected person to take a specific action under an improvement and prohibition notice. I note that Energy Safe Victoria is not required to give the affected person prior notice that they will be subject to an improvement notice or a prohibition notice, nor does it provide an opportunity for a person to provide reasons to Energy Safe Victoria as to why the notice should not be issued. In my view, any limitation to procedural fairness and therefore the right to a fair hearing caused by the absence of prior notice or opportunity for the affected person to provide reasons is justified, as this will enable Energy Safe Victoria to act quickly and mitigate safety risks to the community.

Further, any limitation caused by the absence of an ability to provide reasons to Energy Safe Victoria as to why the notice should not be issued is reasonable, as a person can apply to the

Victorian Civil and Administrative Tribunal for review of the decision. The requirement to comply with an improvement notice or prohibition notice does not apply during any period that the operation of the relevant notice is stayed by the Tribunal.

Further, an improvement notice or prohibition notice does not in and of itself impose a penalty. While it is an offence under existing section 144 of the *Electricity Safety Act 1998* to not comply with an improvement notice, and an offence under new section 144B inserted by clause 34 of the Bill to not comply with a

prohibition notice, prosecution of these offences by Energy Safe Victoria must comply with all relevant court processes and rules, which provides the affected person with procedural fairness.

Therefore, if a broad reading is adopted and the right to a fair hearing is engaged, I am satisfied that the right to a fair hearing is not limited by clauses 33, 34 and 35 of the Bill.

New power for Energy Safe Victoria to immediately suspend a registration or licence: clauses 46, 47 and 48

Clauses 46 and 47 of the Bill provide new powers for Energy Safe Victoria to immediately suspend an electrical contractor's registration or an electrical worker's license in whole or in part, where Energy Safe Victoria considers it is in the interests of the public to do so. To exercise the power, Energy Safe Victoria must either intend to commence or have already commenced an inquiry to determine whether there is proper cause for taking formal disciplinary action against the contractor or licensee under sections 34 or 41 of the Electricity Safety Act. If the grounds for suspension cease to exist or Energy Safe Victoria decides not to commence an inquiry, Energy Safe Victoria must revoke the immediate suspension.

The suspension takes effect when the notice is given to the electrical contractor or worker. Energy Safe Victoria is not required to give the contractor or worker prior notice.

Clause 48 amends the *Electricity Safety Act 1998* to provide that the affected contractor or licensee can apply to the Victorian Civil and Administrative Tribunal for review of a decision to immediately suspend their registration or license.

The right to privacy and reputation (section 13)

The right to privacy may be engaged in circumstances where there is a sufficient impact upon a person's capacity to experience a private life, maintain social relations or pursue employment. The new power to immediately suspend a registration or licence may engage the right to privacy under section 13(a) of the Charter, because the person whose registration or license is suspended may be restrained from carrying on their business, or working as an electrical worker, which may impact their capacity to pursue employment.

However, in my view, any interference with the right will not be unlawful because it is authorised by an accessible and precise legislative framework, nor arbitrary, because it has a legitimate purpose of protecting community safety.

I am therefore satisfied that the right to privacy under section 13(a) of the Charter is not limited by clauses 46 and 47 of the Bill.

Right to property (section 20)

A licence or registration under the *Electricity Safety Act 1998* could be construed as a registered contractor or licensed electrical worker's property. The right to property under section 20 of the Charter may be engaged by the new immediate suspension power as it could be considered to facilitate a deprivation of a person's property. However, a person would only be deprived of their property in accordance with the legislative framework set out in clauses 46 and 47 respectively, which, in my view, provide an accessible, clear, certain and precise legislative framework that authorises immediate suspension of a registration or licence under the *Electricity Safety Act 1998*. Any immediate suspension undertaken in accordance with these provisions would be done in accordance with the law.

I am therefore satisfied that the right to property under section 20 of the Charter is not limited by clauses 46 and 47 of the Bill.

Right to a fair hearing (section 24)

The right to a fair hearing under section 24(1) of the Charter may be engaged by the new immediate suspension power, because a broad reading of the right may encompass the decision-making procedures of administrative decision-makers, such as Energy Safe Victoria.

While Energy Safe Victoria is not required to give the affected person notice of the immediate suspension prior to the suspension taking effect, clauses 46 and 47 set out a detailed process that requires Energy Safe Victoria to give written notice to the affected person setting out relevant details of the suspension and within five days, written reasons for the suspension. The suspension must also be revoked if the grounds for suspension no longer exist. Further, the affected person will have the right to apply to the Victorian Civil and Administrative Tribunal for review of a decision. This provides the holder of the license or registration with procedural fairness, including an avenue of review of the decision.

Therefore, if a broad reading is adopted and the right to a fair hearing is engaged, I am satisfied that the right to a fair hearing is not limited by clauses 46 and 47 of the Bill.

Right not to be tried or punished more than once (section 26)

The immediate suspension power may engage the right to not be tried or punished more than once under section 26 of the Charter, because Energy Safe Victoria may have regard to whether the contractor or licensee has been the subject of multiple other adverse disciplinary actions when deciding whether it is in the public interest to suspend the registration or licence. Disciplinary action may be taken in various circumstances, including if a person has been convicted of certain offences punishable by imprisonment for 6 months or more.

However, even if a person's license or registration is suspended due to multiple adverse disciplinary actions which include action taken due to being convicted of one of the specified offences, in my view, the right is not limited as the immediate suspension is imposed on public interest grounds, to protect the community, and not as punishment.

I am satisfied that the right to not be tried or punished more than once is not limited by clauses 46 and 47 of the Bill.

New power to allow a court to make an adverse publicity order, clauses 51, 80 and 91

Clauses 51, 80 and 91 insert new provisions into the *Electricity Safety Act 1998*, *Gas Safety Act 1997* and *Pipelines Act 2005* to provide the court with a new power to make an adverse publicity order.

If the court convicts a person, or finds a person guilty of an offence against the relevant Act or regulations made under that Act, the court may make an order requiring the person to undertake either or both of the following actions: publicise the offence, its consequences and any other related matter or notify a specified person of the offence, its consequences and any other related matter. If the person does not undertake these actions in a satisfactory way, Energy Safe Victoria may apply to the court for an order authorising Energy Safe to take the actions on the person's behalf.

An adverse publicity order serves the important purpose of seeking to promote accountability by preventing a person from concealing that they have been convicted of an offence and have been subject to a penalty. This helps to create better outcomes for consumers, who will be made aware of the previous conduct of service providers they may be considering engaging related to the provision of essential services in their homes or businesses. The risk of an adverse publicity order and the resulting damage to a person's reputation may create a greater deterrence than a monetary penalty, which will in turn encourage greater compliance with the relevant Act by industry.

Right to privacy (section 13)

This new power engages the right to not have a person's privacy unlawfully or arbitrarily interfered with under section 13(a) of the Charter and the right to not have a person's reputation unlawfully attacked under section 13(b) of the Charter, by mandating that a

person must make the commission of an offence known to the public or to a specific person, or both.

I consider it likely that the information that a person will be required to publish under an adverse publicity order will already be in the public domain as a consequence of judicial proceedings held in open court.

In my view, the not to have a person's privacy unlawfully or arbitrarily interfered with under section 13(a) and the right to not have one's reputation unlawfully attacked under section 13(b) of the Charter will not be limited, because any interference with a person's privacy or damage to the person's reputation will not be unlawful as it will be in accordance with an accessible and precise legislative framework. Further, any interference with a person's privacy will not be arbitrary as the required disclosure of information serves the legitimate purpose of promoting public and consumer safety.

I am satisfied that the right to privacy and reputation under section 13 of the Charter is not limited by the new adverse publicity order powers in clauses 51, 80 and 91 of the Bill.

Right to freedom of expression (section 15)

The new power engages and may limit the right to freedom of expression, because it compels a person to publish certain information. To the extent that the right to freedom of expression may be limited, I am satisfied that any such limitation is justified, given the important consumer safety and deterrent purposes that adverse publicity orders serve, as described above.

New power for Energy Safe Victoria to enter residences to investigate safety or compliance issues with a warrant: clauses 25, 57 and 84

Clauses 25, 57 and 84 of the Bill amend the *Electricity Safety Act 1998*, *Gas Safety Act 1997* and the *Pipelines Act 2005* to introduce a new power for authorised officers to apply for a warrant to enter land or premises (including residential premises) where there is a safety risk or risk of significant damage to property, or where non-compliance with a direction issued under those Acts may cause the same risks. The warrant may authorise

the authorised officer to exercise search, inspection, record-making, seizure and examination powers upon entering the premises.

Right to privacy (section 13)

As a warrant for entrance to residential premises may be issued under the new powers, the right to not have a person's home unlawfully or arbitrarily interfered with under section 13(a) of the Charter is engaged but is not limited.

Depending on the occupants of the residential premises, the right to not have a person's family unlawfully or arbitrarily interfered with under the same section may also be engaged, to the extent that entrance and exercise of powers upon entry may disturb the occupants of the household.

In my view, any interference with the right to privacy under the new power is not arbitrary, as the Magistrates' Court will need to be satisfied that there are reasonable grounds to suspect that the risks described above exist and that entrance is warranted in all the circumstances before issuing the warrant authorising entry, nor will it be unlawful, because it will be a process carried by a court that is reasonable, rational and logical in accordance with the criteria in the legislative framework

I am therefore satisfied that the right to privacy under section 13(a) of the Charter is not arbitrary and therefore not limited by the new entry power inserted into the *Electricity Safety Act 1998*, *Gas Safety Act 1997* and *Pipelines Act 2005*.

Right to property (section 20)

Clauses 25, 57 and 84 arguably engage the right to property in section 20 of the Charter, which provides that a person must not be deprived of their property other than in

accordance with the law. For an unlawful deprivation of property to occur, the interest affected, or interfered with, must be 'property', which is likely to include all real and personal property interests recognised under general law.

The process and parameters for entry onto land or premises, and the powers that may be exercised with respect to property at that land or premises, including powers to inspect and make records and examine, test and seize items, are set out under the relevant provisions of the Acts. In my view, these existing provisions provide an accessible, clear, certain and precise legal framework that authorises the exercise of these powers.

Therefore, to the extent that these provisions may engage the right to property, any deprivation of property will be in accordance with the law and therefore I am satisfied that the right to property is not limited.

New powers for authorised officers to request assistance of any person for exercising powers under the Electricity Safety Act and the Gas Safety Act, clauses 29 and 61

Clauses 29 and 61 introduce a new power for authorised officers to request the assistance of a person for entry to land or premises, which includes residential premises, to exercise enforcement powers under the Electricity Safety Act and Gas Safety Act, and creates new offences for refusing entry or obstructing a person assisting an authorised officer. The purpose of these new provisions is to ensure authorised officers can get assistance to exercise their powers when required and without interference, for example, if they require an electrician to assist with disconnecting or removing unsafe electrical equipment, from the land or premises.

The right to privacy and reputation (section 13)

Clauses 29 and 61 engage the right to privacy in section 13, as they will require a person to allow a person assisting an authorised officer to enter the land or premises that they are occupying and to assist in the exercise of powers including inspecting and making records and examining, testing and seizing items, and this may occur at a person's home. As above, a person has the right not to have that person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

While clauses 29 and 61 engage the right to privacy, I do not consider this right is limited. The entry onto a land or premises by the person assisting an authorised officer is set out within the relevant provisions, and only occurs where the authorised officer is exercising enforcement powers set out in the relevant legislative framework. Further, the requirement to allow a person assisting an enforcement officer entry and not to obstruct or hinder the person, is proportionate to the legitimate aim of ensuring that authorised officers can safely and effectively exercise their enforcement powers. Therefore, any limit on the right to privacy will not be unlawful or arbitrary.

The right to property (section 20)

Clauses 29 and 61 arguably engage the right to property in section 20 of the Charter, which provides that a person must not be deprived of their property other than in accordance with the law. For an unlawful deprivation of property to occur, the interest affected, or interfere with, must be 'property', which is likely to include all real and personal property interests recognised under general law.

The process and parameters for entry onto land or premises, and the powers that may be exercised with respect to property at that land or premises, including powers to inspect and make records and examine, test and seize items, are set out under the relevant provisions of the Acts. In my view, these existing provisions provide an accessible, clear, certain and precise framework that authorises the exercise of these powers.

Therefore, to the extent that these provisions may engage the right to property, any deprivation of property will be in accordance with the law and therefore I am satisfied that the right is not limited.

Reforms to abolish the Electric Line Clearance Consultative Committee and the Victorian Electrolysis Committee, clauses 16, 17 and 18

Clauses 16 and 18 of the Bill abolish the Electric Line Clearance Consultative Committee and the Victorian Electrolysis Committee which are required to provide advice on specific matters to Energy Safe Victoria or the Minister, to provide greater flexibility for Energy Safe Victoria to establish advisory committees under existing powers under the *Energy Safe Victoria Act 2005* as need arises. Clause 17 of the Bill repeals section 89(1)(a) of the *Electricity Safety Act 1998*, which provides that Energy Safe Victoria must refer all matters with respect to the contents of the regulations that prescribe the Code of Practice for Electric Line Clearance, before the Governor in Council makes the regulations.

Right to freedom of expression (section 15(2)) and right to take part in public life (section 18(1))

The abolition of these committees and the repeal of section 89(1)(a) may engage section 15(2) of the Charter because it will remove the ability of committee members to impart information and ideas when providing advice in accordance with the functions of those committees. The abolition of these committees may also engage section 18(1) of the Charter, as membership of these committees could be construed as a form of participation in the conduct of public affairs.

However, in my view, the rights are not limited because the members of the committees will not be prevented from expressing their views on the matters that the committees could previously advise on. For example, former members could still provide their views on the making of regulations via the Regulatory Impact Statements consultation processes required under the *Subordinate Legislation Act 1994*, and are not prevented from using other forums to provide their views to Energy Safe Victoria or the Minister. The Bill just removes the ability to provide formal views via the committees.

I am therefore satisfied that the rights to freedom of expression in section 15(2) and to take part in public life in section 18(1) of the Charter are not limited by clauses 16, 17 and 18 of the Bill.

Reforms to amend requirements for the Code of Practice for Electric Line Clearance, clause 49

Clause 49 of the Bill amends the process for prescribing the Code of Practice for Electric Line Clearance, including to remove the requirement to make the draft regulations prescribing the Code available for public comment for 90 days and to consider any comments made during that period. Following the amendments, the process for making these regulations will be governed by the requirements of the *Subordinate Legislation Act 1994*.

Right to freedom of expression (section 15(2)) and right to take part in public life (section 18(1))

Removing the requirement to make the draft regulations available for public comment for 90 days may engage section 15(2) and 18(1) of the Charter as the consultation process provides an opportunity for members of the public to express their views on the draft regulations, and participate in the conduct of public affairs.

However, in my view the rights are not limited because when making the regulations prescribing the Code of Practice for Electric Line Clearance, the Government will have to comply with the requirements of the *Subordinate Legislation Act 1994*, including the public consultation requirements in relation to Regulatory Impact Statements prepared for regulations.

I am therefore satisfied that the rights to freedom of expression in section 15(2) and to take part in public life in section 18(1) of the Charter are not limited by clause 49 of the Bill.

Conclusion

I am therefore of the view that the Bill is compatible with the Charter.

The Hon. Lily D'Ambrosio MP
Minister for Energy and Resources

Second reading

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (10:42): 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:

Safety must be a priority in the delivery of essential services like energy. Most importantly, energy safety brings invaluable benefits by protecting life and property. But it is also a crucial part of building the community acceptance and trust we need during the energy transition. That is why this Bill is so important – the reforms it introduces will have long term benefits to the safety of Victorians, and ensure consumer protection and confidence in our energy safety regulator, Energy Safe Victoria (Energy Safe).

The Bill will amend the *Electricity Safety Act 1998*, *Gas Safety Act 1997*, *Pipelines Act 2005* and Energy Safe Victoria Act 2005 to strengthen Victoria's energy safety framework.

The Bill will also amend the *Land Act 1958* to provide improved certainty to invest in complex projects on unreserved Crown land in Victoria.

A new energy safety regulatory environment

Victoria's energy sector is undergoing rapid transformation, driven by the growth of both utility-scale and residential generation and storage. The shift from a few large-scale facilities to smaller, widely distributed energy resources has occurred alongside other changes like the rising number and variety of electrical appliances (such as electric space and water heating and induction cooktops, along with rooftop solar, household batteries and electric scooters and other vehicles) in the community.

Victoria's energy safety framework was designed for a centralised, fossil-fuel based network, and has not kept pace with these evolving technologies, creating regulatory gaps. Legislative reform is required to respond to contemporary energy safety risks.

A suite of reforms to strengthen Energy Safe's regulatory framework for safety and flexibility

This Bill will make amendments to the Electricity Safety Act, Gas Safety Act and Pipelines Act to strengthen Energy Safe's ability to mitigate safety issues early, monitor compliance with directions, and take enforcement actions. It introduces a new entry power with a warrant, where there is a risk to the health and safety of a person or of significant damage to property that does not amount to an emergency. These reforms will add to Energy Safe's suite of regulatory tools and reflect similar powers available to the new Building and Plumbing Commission, which will replace the Victorian Building Authority.

The Bill removes the need for Energy Safe authorised officers to obtain written consent before exercising certain powers, and allows officers to request assistance from any person for the purpose of entry in exercising their powers under the relevant Act. This will enable authorised officers to act swiftly to resolve safety risks involving new technologies requiring specialist knowledge. Authorised officers will need to report their use of entry powers to Energy Safe, and Energy Safe will continue to maintain a register of the entry power usage.

The Bill enables additional offences against the Electricity Safety Act and the Gas Safety Act to be enforced via infringement notices, providing additional flexibility. These reforms will mean that Energy Safe is able to issue on the spot infringements for a wider range of relatively minor offences, allowing for a more efficient and appropriate response.

The Bill will introduce new powers for the courts to issue injunctions and adverse publicity notices. This will enable the Courts to require an entity to comply with requirements under the relevant act, and strengthen the deterrent effect of penalties by introducing reputational risks for non-compliance, and improve public awareness about energy safety issues.

The Bill will provide Energy Safe with new powers to suspend electrical contractor registrations, or electrical worker licenses, where it is in the public interest to do so, and to issue prohibition notices to prevent certain activities and address immediate risks to the safe supply or use of electricity. The Bill also expands Energy Safe's powers to issue improvement notices to enable Energy Safe to take a proactive approach compelling compliance with the Electricity Safety Act and regulations, and to address risks before they arise.

A wide range of penalties under the Electricity Safety Act and Gas Safety Act will be increased to act as a strong deterrent, recognising the potentially dangerous or damaging consequences of non-compliance. These increased penalties will better reflect the seriousness of the offences, and bring the penalties into line with similar offences in similar legislative frameworks. The primary goal of increasing these penalties is to protect consumer safety, especially building occupants at risk from unsafe electrical and gasfitting work, which could lead to serious injury, illness, or death.

Bushfire mitigation plans for specified operators will now be required every five years instead of annually, bringing them into line with the equivalent plans required for major electricity companies. Energy Safe will maintain strong oversight of all Bushfire Mitigation Plans and will have the power to require a plan to be

revised in certain circumstances, for example, if there are changes in an operator's risk profile or government policies.

In addition, the Electric Line Clearance Consultative Committee and the Victorian Electrolysis Committee will no longer be required by legislation to enable Energy Safe to undertake more flexible technical engagement with industry and community. The consultative role can be performed, informally or formally, by other persons or committees on an ad hoc or ongoing basis.

The Bill makes other minor and technical amendments to improve Energy Safe's operational efficiency and effectiveness such as changing terminology, aligning regulation making processes with Subordinate Legislation Act requirements and removing a duplicated duty.

The Bill will amend the Energy Safe Victoria Act to require that Energy Safe submit a corporate plan every three years, rather than every year, with annual updates in the intervening years to the Minister and Treasurer. This will enable Energy Safe to develop a more forward looking, strategic plan with multi-year actions.

The Bill will provide the Minister for Environment with the power to enter into an agreement to lease under section 134 of the Land Act for projects on unreserved Crown land that are subject to the *Environment Effects Act 1978*. These types of projects are proposed only once or twice a year but may have strategic importance to Victoria.

Increasing certainty about future land tenure for proponents of complex projects seeks to support further investment in EES processes and future project needs. The reforms in the Bill seek to provide that certainty by removing any doubt that the Minister for Environment can enter into Agreements to Lease in these specific, limited circumstances where a project is proposed on unreserved Crown land that is also subject to the robust Environmental Effects Act regime.

Community safety is the highest priority of this Government, and I will continue to focus my efforts, and those of my department on addressing community concerns. The introduction of this Bill shows that we are unwavering in our commitment to the safety of Victorians.

These reforms are a key component of enacting the Government's election commitment to ensure regulatory settings are keeping pace with emerging technologies to protect worker and community safety, by strengthening Energy Safe's suite of regulatory and enforcement tools.

I commend the Bill to the house.

Cindy McLEISH (Eildon) (10:42): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday 19 February.

Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024

Second reading

Debate resumed on motion of Anthony Carbines:

That this bill be now read a second time.

Michael O'BRIEN (Malvern) (10:42): This is an important bill, the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. It is an important bill because it deals with a topic that sadly is very much at the forefront of Victorian civic life. We are seeing, to an extent I do not believe I have seen in my lifetime, incidents of prejudice-fuelled hatred, prejudice-fuelled violence and assaults taking place on our streets, and it is absolutely shameful that we are seeing this horrific behaviour taking place. It is shameful that Victorians of particular religious faiths feel that they cannot even come into their own central business district on a Sunday for fear of being targeted by protesters. It is shameful that people cannot attend a place of worship in Victoria without the fear that they may be attacked or that their place of worship may be attacked. We have seen recently a firebombing of a Jewish synagogue in Ripponlea. So this bill is an important bill.

In terms of the concept of strengthening anti-vilification laws and the concept of trying to support social cohesion in Victoria, it is a concept that I would hope every member of this house could

comfortably support. But we are not voting on concepts, we are voting on legislation, we are voting on specific laws, and this bill has got flaws in it which actually mean it will contribute to diminishing social cohesion.

This bill will make things worse, not better, and it is for that reason that the Liberals and Nationals are unable to support this bill as it stands.

There are some aspects of the bill that I find laudable and that we do support, and I want to be very clear about that. We support the ability of Victoria Police to bring charges in relation to prejudice-motivated crimes without having to go through the Director of Public Prosecutions. One of the issues we have is that the Racial and Religious Tolerance Act, which has been in place since 2001, does provide criminal charges, but they have been used very sparingly. I think there have only been four convictions under those provisions since 2001, and, sadly, we do know that in this state we have seen prejudice-fuelled crime a lot more than four times. I thank the Attorney-General's office, both the former Attorney-General and the current Attorney-General and their staff, for their assistance with the bill briefing and for answering questions that arose at the bill briefing that they took on notice. They confirmed that in fact Victoria Police have sought to bring charges under the Racial and Religious Tolerance Act but the DPP has rejected them. I think that it is better for the DPP not to have to act as a gatekeeper in relation to these matters, except when it comes to under 18s – we do think that is an appropriate safeguard. So that is an aspect of the bill that we support.

The bill also – and this is an important part of the bill – increases the list of protected attributes. At the moment there are only two protected attributes: race and religious belief or activity. This bill would seek to expand the list of attributes which are protected from vilification to include disability, gender identity, sex, sex characteristics, sexual orientation and personal association whether as a relative or otherwise with a person who is identified by reference to any of these attributes. Let me be very clear: the Liberals and Nationals support the expansion of protected attributes. Some of these people are very vulnerable, and sadly they are very vulnerable to prejudicial conduct, to hateful conduct, and they deserve the protection of the law. The Liberals and Nationals support that. But there are aspects of the bill that we do not and cannot support, because as I said, they will make social cohesion worse, not better. We will see more vilifying and hateful conduct because of this bill rather than it reducing that in our community.

Turning now to the criminal provisions of the bill, there would be two separate criminal offences created by this bill. The current serious vilification offence under the Racial and Religious Tolerance Act requires proof that a person has incited hatred and threatened physical harm or property damage on the grounds of a person's race or religious belief or activity. The government is amending those criminal provisions to effectively split them, so rather than having to prove there has been both incitement and threat, there will in fact be two separate offences, one limited to incitement and one limited to threat. The government notes that no private prosecutions may be brought for these criminal offences, and I do think that is absolutely appropriate, because there is a risk that some of the changes the government seeks to bring about through this bill will be weaponised by activists who, instead of promoting social cohesion, are more interested in using what is known as lawfare to try and prosecute political arguments against political opponents and other opponents as well, so I do think the government has got that right in terms of not allowing private prosecutions to be brought for these criminal offences under the bill. I do note that both offences are indictable offences – that is, they do carry serious potential jail terms of three years and five years respectively for incitement and threat – but they may be tried summarily, so in the Magistrates' Court.

In terms of the incitement offence, the bill creates an offence of incitement on the grounds of protected attribute, and it does so in the Crimes Act 1958. This bill seeks to repeal the Racial and Religious Tolerance Act 2001 and to insert the criminal provisions into the Crimes Act. Again, I do not have a problem with that. I do think it seems a bit odd to have criminal provisions siloed in a separate act. I think consolidating them in the Crimes Act is a sensible move, and that is not an issue which meets with any objection from me.

What are the elements of the incitement offence:

A person commits an offence if –

- (a) the person engages in conduct that is likely to incite hatred against, serious contempt for, revulsion towards or severe ridicule of, another person or a group of persons; and
- (b) the person engages in the conduct on the ground of a protected attribute of the other person or the group; and
- (c) the person either –
 - (i) intends that conduct to incite hatred against, serious contempt for, revulsion towards or severe ridicule of, the other person or the group; or
 - (ii) believes that conduct will probably incite hatred against, serious contempt for, revulsion towards or severe ridicule of, the other person or the group.

This is a lower threshold than currently operates. Whether conduct is likely to incite hatred et cetera is to be determined objectively. It is a lower threshold than the current serious vilification offences, which require proof that the accused knew their conduct was likely to incite hatred and threaten physical harm et cetera.

The government says:

The offence is not intended to “capture mere contempt, distaste and ridicule”, or “seriously unkind” conduct or “bad thoughts” ...

So the government is saying that this has a high threshold, and given we are talking about potentially somebody going to jail for three years, it absolutely needs to have an appropriately high threshold. How a court might interpret these words is of course something that is not within the control of the government, let alone this legislature. So there is a lower threshold than previously applied. It is enough that the accused intended that their conduct would have the stated effect or was reckless as to whether the conduct would have that effect. This offence applies to both public and private conduct, so it is no defence to say, ‘Well, I just said that in my own home.’ This applies to conduct anywhere and everywhere. As I said, there is a significant increase in maximum penalty. It is currently six months imprisonment; this would provide for a three-year maximum term.

We can argue the toss over whether the lowering of the thresholds is appropriate. There are many in this community, and many vulnerable groups in this community, who believe that not enough has been done to use the existing laws and that they have not been used as they might have been and that too much bad conduct has been, if not ignored, not sufficiently prosecuted under existing provisions. So we can certainly have a debate about whether lowering the thresholds in the way in which this bill proposes is appropriate.

But here is where we think the government has got this badly, badly wrong. The bill also provides for a defence to a charge of this crime:

... if the accused engaged in the conduct for a genuine political purpose.

A genuine political purpose – new section 195N(4): this is a new defence, and when I say ‘new’ I do not mean just novel in law; I mean it is new in that this was never, ever part of the parliamentary committee’s recommendations which were supposed to be the genesis of this bill. The Parliament’s Legal and Social Issues Committee was charged with investigating Victoria’s anti-vilification and discrimination laws in 2019. In 2021 the committee reported and made a number of recommendations, some of which have already been implemented – for example, in relation to the prohibition on flying the Nazi swastika. That is something that has received bipartisan support, and we are pleased to see that that offence has been prosecuted. Some of the other recommendations of the committee are incorporated into this bill.

But I will tell you what the committee never recommended – the committee never recommended a defence of genuine political purpose be inserted. This was never part of the initial discussion papers and never part of the initial consultation papers. In fact the first this was seen was when the government

issued a further consultation paper pretty late last year and for the very first time this concept of a defence of genuine political purpose suddenly appeared. Nobody knows where it came from, nobody knows who asked for it, and this defence is what will make this bill worse in terms of antisemitic and antisocial conduct in this state.

The government needs to explain where this came from. I have my suspicions. I am not a suspicious man by nature but I have my suspicions. I do see the fingerprints of Trades Hall Council over this. I think Trades Hall quite like the idea of being able to vilify people and engage in conduct which is hateful and seriously contemptuous and vilifying, and they like the idea of being able to get away with it by simply saying, ‘Oh, we had a genuine political purpose in doing that,’ and that is not good enough.

It is quite ironic that with all the tensions we have seen on the streets of Melbourne and across Victoria, particularly since 7 October 2023, and the outrageous terrorist attacks by Hamas in Israel, we have seen tensions amongst various faith communities in our state. But here is one thing that this government has bizarrely and unintentionally managed to do, because opposition to this defence has united our Jewish and Muslim brothers and sisters. Muslim and Jewish community groups have said they do not support this new defence and that it is going to undermine the entire purpose of this bill. The Islamic Council of Victoria warned:

Misuse of this defence has the potential to allow individuals openly preaching or inciting hate to evade responsibility by hiding behind a claimed political purpose.

That is the Islamic Council of Victoria. Here is what the Jewish Community Council of Victoria said. They wrote of their concern:

... this defence does not become a catch-all measure that renders these new laws unworkable.

And it was reported earlier this week that a number of prominent Jewish community groups and leaders have written to the government, pleading for them to remove this defence. You can understand why any person of goodwill who is concerned about increasing vilification and hatred on our streets – why would you give a green light to anybody to engage in hateful, vilifying behaviour and hide behind, ‘Oh, we’ve got a genuine political purpose in doing it’? It makes no sense at all – no sense at all. As I said, it is quite ironic that this bill has united Jewish and Muslim Victorians in their opposition to this aspect of the bill.

We know that the use of the terms ‘Zionism’ and ‘Zionist’ are often used as code words by people who simply do not like Jewish people and want to attack them grievously. I would like to put this quote onto the record:

The label Zionist is used, not in any way, accurately. When critics use that word, they actually mean Jew. They’re not really saying Zionist, they’re saying Jew because they know that they cannot say Jew, so they say Zionist or words [such as] Zeo or Zio.

That quote is from the federal Attorney-General, the Honourable Mark Dreyfus, a Jewish man himself and somebody who I have a great respect for. We have our political differences, but I have great respect for Mark Dreyfus as a person. He has made very clear: ‘Zionism’ or ‘Zionist’ is simply used as a code word for people who want to attack Jews. What this bill will do is give a green light to those people. It is actually going to give them more protection than they have ever had in the past.

You can attack Jews as much as you like. You can say hateful, vile, contemptuous, vilifying things about them and as long as you call them Zionists, that is okay. You possibly do not even have to call them Zionists. You could just attack Israel or Israelis on the basis of saying, ‘Well, that is a country. It is a political issue.’ No. Why would a bill that is designed to try and turn down the temperature in our streets give a green light to appalling, abhorrent behaviour? Why would it give a leave pass to hateful, bigoted people by saying, ‘As long as you call it a political reason, you can do what you like’? It is wrong. As I said, this never came out in the parliamentary committee. It never came out in the early consultations. This was dropped in at the very last minute. I detect the heavy hand of Trades Hall

Council in this, and we will not stand for it because this will make Victoria a less cohesive place. This will make things worse, not better, and we will not vote for a bill that makes things worse, not better.

It is not just Muslim groups and Jewish groups that have raised concerns about this; many other groups have as well. I refer to Mr Menachem Vorchheimer, who was the subject of a horrendous antisemitic attack. I will find the date, but he wrote in the *Herald Sun*:

It will serve to empower members of the socialist left and other fringe groups opposed to mainstream societal values to continue to target events held dear by so many, such as the Myer Christmas windows and Carols by Candlelight.

They will also be empowered to continue to label members of Melbourne's Jewish community terrorists and continue to call for the destruction of the state of Israel, under the guise of "political purpose".

The proposed changes will not protect those worthy of protection, but protect those politically aligned to the Labor government and the socialist left ideology.

They are the words of Menachem Vorchheimer, and I believe the government should pay heed to them. The Catholic Archbishop of Melbourne Peter Comensoli has urged the government to clarify this bill on the basis that it is highly subjective and ambiguous.

That is the grave concern we have about this defence to the new incitement provision. The bill also includes a new offence of threatening physical harm or property damage on the grounds of a protected attribute. It covers both intentional conduct, where the accused intends for the person being threatened to believe the threat will be carried out, as well as reckless conduct, where the accused believes the person will probably believe the threat will be carried out. Ironically, it does not need the person to actually have believed that. The government has provided for a five-year penalty in relation to the offence that involves property damage or physical harm, and that is appropriate. It is appropriate that property damage or physical harm should carry a greater penalty than incitement.

Turning now to the civil provisions in the bill, the government refers to public conduct. That is where these civil provisions come into play. It includes any form of communication to the public, including social media. We all know what a cesspit social media can be, so I do not object to that aspect at all. It includes 'actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia observable by the public', as well as the distribution of any matter to the public. Conduct may be public conduct even if it occurs on private property or land or at a place not open to the general public; for example, at a school or a workplace. At the moment there is an incitement-based protection for religious and racial reasons. It provides protection where public conduct incites another person or group with a protected attribute to hatred, serious contempt, revulsion or severe ridicule.

In terms of the civil protections, this again lowers the threshold. It goes from the legal test being public conduct 'that incites' to public conduct 'that is likely to incite'. That is a lowering of the threshold.

Tim Bull interjected.

Michael O'BRIEN: There is a very big difference, member for Gippsland East. We are concerned that that lowering of the threshold in relation to the civil matter is again simply going to encourage lawfare and activist groups to try and seek out and prosecute their matters through tribunals and through the Victorian Equal Opportunity and Human Rights Commission, and we are concerned that this could lead to a clogging of cases that are really not about resolving issues; they are about trying to police speech of others. It will not be necessary to prove the conduct actually incited hatred, for example – simply that it is likely to. That is the incitement-based protection.

Let me turn now to the new harm-based protection, as the government describes it. The bill proposes a new harm-based civil protection that would restrict people from saying or doing things in public that harm others. The provision is:

A person must not engage in public conduct –

- (a) that is engaged in because of a protected attribute of another person or a group of persons; and

- (b) that would, in all the circumstances, be reasonably likely to be considered by a reasonable person with the protected attribute to be hateful or seriously contemptuous of, or reviling or severely ridiculing, the other person or group of persons.

The conduct may be on a single occasion or on a number of occasions over a period of time. It may occur inside or outside of Victoria. This is very novel in legal terms because in Victoria – indeed across Australia generally – legal tests are applied on an objective basis, the legal concept of the reasonable person. But the government moves away from the reasonable person in this new harm-based civil protection, and now it is the reasonable person with the protected attribute. For people who have a protected attribute, for example religious belief, the law will now have to consider: how would somebody from this group perceive this? How would somebody from this group feel about this?

It is not just broadbrush attributes. I did ask the question in the bill briefing, ‘Are we talking about, for example, Christians and Muslims or people of the Jewish faith?’ The answer was, ‘No, no, no; it can go down into particular branches of those faiths’ – so the reasonable Anglican, the reasonable Catholic, the reasonable Presbyterian, the reasonable evangelical Christian, the reasonable Sunni Muslim, the reasonable Shia Muslim, the reasonable orthodox Jew, the reasonable liberal Jew. How on earth are Victorians supposed to know what the reasonable view of a person with a particular protected attribute would be, given that it is going to take the wisdom of Solomon to try and determine what a particular person of a particular branch of a particular faith might think at a particular point in time? When the law is uncertain, when the law is unclear, then the law is unfair, and that is what this law is. It is unclear and it is uncertain, and therefore it is unfair. Moving away from the reasonable person concept and delving down into, effectively, identity politics to the nth degree – not even protecting people on the basis of a broad protected attribute but having the law changed depending on that particular person’s subset of subset of subset of a protected attribute – gives no clarity, no certainty and therefore no fairness.

There have been some concerns raised about other aspects of this bill. In the Racial and Religious Tolerance Act it provides that a religious purpose includes but is not limited to conveying, teaching a religion or proselytising. I note that the government has left out the word ‘proselytising’ from the definition of ‘religious purpose’ in this bill. That has caused a great deal of concern amongst a number of faith communities.

I acknowledge the government referred to proselytising in the second-reading speech, but the fact that it has come out of the bill is something which is causing great concern amongst a lot of faith communities who do believe that proselytising should be absolutely a religious purpose.

Because this government has got it wrong, because the government has taken a concept that we could all agree with and turned it into a bill which will actually make things worse, I move:

That all the words after ‘That’ be omitted and replaced with the words ‘this house refuses to read this bill a second time until the Allan Labor government:

- (a) urgently considers additional options, including those available to Victoria Police, as a practical means of tackling antisocial and vilifying behaviours; and
- (b) consults further with Victoria’s faith groups, including the Jewish and Islamic communities, who have warned the government that the proposed ‘genuine political purpose’ defence to incitement will damage social cohesion in this state.’

If the government was serious about helping turn down the temperature on our streets today, it could reintroduce move-on laws today. It could do it today and give the police the opportunity and the power to remove people from situations who are engaging in vilification and who are causing harm and distress and fear to other people. The government removed those move-on powers when they were first elected. The government has rejected every opportunity provided by us to reinstate them. But if the government are serious about protecting vulnerable people in our community, they need to look past their Trades Hall political masters and give police the power they need to turn down the temperature on our streets, and that is move-on powers.

This government should also listen to what Victoria's faith groups are saying. Listen to the Jewish community. Listen to the Islamic community. They say the government has got it wrong with this 'genuine political purpose' defence. It will make things worse not better. To give a green light to somebody to say hateful, vilifying, contemptuous, reviling things and to say, 'That's okay, because as long as you say you've got a genuine political purpose you can do what you like, you can incite whatever you like and you get a leave pass from us' is no way to improve social cohesion in this state.

I am very disappointed that the government has gone down this path. The government had an opportunity to unite the Parliament and to help to unite Victorians. Instead the government has chosen not to. To give a green light to racists under the guise of a general political purpose is wrong. To change the law so that it is unclear, uncertain and unfair is wrong, and for those reasons the Liberals and Nationals will be opposing this bill.

Sonya KILKENNY (Carrum – Attorney-General, Minister for Planning) (11:13): Can I start by saying from the outset how honoured and privileged I am to be here in this place and to have the opportunity to speak in absolute full support of the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. This bill is actually the culmination of work over many years – four years worth of hard work, deep policy development and engagement. Can I first of all acknowledge the former Attorney-General and now Treasurer Jaclyn Symes in the other place for all of her hard work in getting the bill before us in the house today.

My heartfelt gratitude as well goes to every community organisation, every faith-based group and every Victorian who shared their lived experience in their contributions on and in the development of this bill. It is their stories, their experiences, that are real, and each of them – all of us – have the right to live free from hate, from discrimination, from intimidation and from harm.

I have listened closely to the member for Malvern. To say that I am disappointed that they are not going to support this bill is an understatement. If we step back for a moment and consider what we are seeking to do here – that is, protecting Victorians from harm, from hate and from the consequences of that hate speech and what we are seeing play out overseas with psychological impact, with people being silenced without being able to participate fully in public life – it is reprehensible that we could consider sitting back and opposing what Victorians have been asking and have been pleading with us to do. That is: please, as legislators, do something to show that Victorians will not stand for this kind of conduct that delivers so much harm and hate in our communities and that is a blight on everything that we stand for and hold so dear and precious to us as Victorians.

It is not just a matter of offensive words. It causes harm – real, lasting harm – for individuals, for communities and for societies. It undermines our social cohesion. It undermines our trust. It creates a fear of insecurity and instability. History has shown us the devastating impacts and effects. Left unchecked, it escalates into real-world violence. We have seen that playing out across the world. We have seen it playing out right here at home in Victoria. Fundamentally what we have seen is that it not only radicalises individuals but it starts to normalise that behaviour. It is that creep, and that is extremely concerning. When I speak to communities that is something they raise with me all the time.

They do not raise with me a defence of political communication. I am ashamed that the member for Malvern has used this as his platform to oppose this fundamental bill that seeks to bring into place in Victoria reforms to protect all Victorians from the harm that we are seeing – the harm that undermines our democracy, our way of life and everything that we stand for in this place. This is not a society we should accept. Those opposite need to stand up. Those opposite need to rise up above whatever infighting is happening within their party. Those opposite need to stop siding with those on the far right of our society and move away from that. Those opposite need to show some leadership on this issue. If not now, when? This is not a question of whether we should be introducing these laws. We must introduce these laws. On this side of the house we stand united with Victorians and with communities. We stand absolutely united with them to condemn hate speech and to condemn hate

conduct. The bill before us does just that. We are saying no to hatred in Victoria, to the hatred the causes serious harm.

I say to those opposite: please do not turn your backs on Victorians, not now. Do not pass up this opportunity to put in place laws to deliver a framework for the benefit of all Victorians and to protect all Victorians. Do not ignore them. They are asking for our help. They are asking for our support. This is our opportunity to come together and to show that as a Parliament we are united in seeking to stamp out the kind of hatred that we are seeing and the harm that it is causing. I say to those opposite: rise above your internal party politics. Stop with the mischief, stop concocting these reasons to oppose this bill, and look within yourselves. Sometimes it is hard. Many of those in this place might be in a position of privilege, but recognise that these reforms are for the protection of all Victorians.

And of course recognise that these reforms have not been manufactured in a vacuum. As I said, this has been a long and painstakingly detailed process to get the bill to the house today. We have undergone significant consultation – perhaps the most consultation I have seen in my time as minister. I have met with community groups. I have met with constituents. I understand that there is fear, that people are living in fear in our communities, and that these reforms are fundamentally crucial to send that very strong message to all of our communities – that we stand with them, we listen to them and we are going to introduce reforms to better protect every Victorian.

Let us step back for a moment to 2021 when there was a parliamentary inquiry into anti-vilification protections. That report was a bipartisan report. It is really difficult reading, and member for Malvern, I strongly encourage you and others opposite to read that report, perhaps for the first time, for some of those opposite. It is a sound base for understanding why these reforms are so very necessary. What it found was that the current protections are inadequate. Our current protections are no longer fit for purpose. They are not working, and we see this playing out to the detriment of all Victorians.

Michael O'Brien interjected.

Sonya KILKENNY: The member opposite was formerly a barrister. I would have thought, as a minimum, the member would understand the need to protect and preserve the implied right of political communication that has been recognised by the High Court. That is what the political defence is. That is exactly what the political defence is.

Those opposite are trapped by infighting within their own political party. They are going pass up this opportunity as legislators in this place, as leaders within our community, to step up. There is an obligation for each and every one of us in this place – a duty – to protect Victorians. Victorians are asking for that protection. This bill will be that protection. Victorians deserve absolutely nothing less. The time to talk is over. I commend this bill to the house.

Kim O'KEEFFE (Shepparton) (11:23): I rise to stand and make a contribution to the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, and I thank the leading speaker, the member for Malvern, for his contribution and for the efforts that he has put in in really working on this bill and bringing some serious concerns to this chamber.

The term 'vilification' is more commonly known as hate speech or conduct but includes a broader range of behaviours that incite hurt and harm. At present there are only two attributes protected from vilification by the Racial and Religious Tolerance Act 2001, which are race and religious belief or activity. The bill seeks to expand the list of attributes which are protected from vilification to include race, religious belief or activity, disability, gender identity, sex, sex characteristic, sexual orientation and personal association with a relative or otherwise with a person who identifies by reference to any of the above attributes. There is no doubt that we need to address the increasing vilification and hate that is sweeping our nation and in fact internationally. There are many people in our communities and more broadly that are being subjected to the most extreme impacts of vilification and hatred, causing pain and fear – from many different walks of life. I was hoping like many others that this bill would make the changes that are needed, but as the leading speaker and member for Malvern pointed out,

this bill is flawed in many cases and will be making things worse, not better. That is why this side of the house opposes this bill.

I have been contacted, like many others in this chamber, by many members of the community, those that are directly impacted by vilification and hatred and that also oppose this bill.

That should send a resounding message to the government that it has got many things in this bill wrong. This bill has been highly criticised by many groups in the community, including the Jewish Community Council of Victoria. This is in direct relation to the defence – voices that we have listened to. Contrary to the former speaker, we are absolutely listening to those that are directly impacted – and many of them – every single day. This bill notes that it is a defence to a charge against this offence if the accused engaged in the conduct for a genuine political purpose. This is a new defence. This has been highly criticised. As I said, the Jewish Community Council of Victoria has raised its concern that this defence not become a catch-measure. It renders that these new laws will be unworkable. The Islamic Council of Victoria has warned that misuse of this defence has the potential to allow individuals openly preaching or inciting hate to evade responsibility by hiding behind a claimed political purpose. Labor's bill has united Jewish and Muslim Victorians, with them expressing serious concern about political defence.

The bill creates an offence of incitement on grounds of protected attributes in the Crimes Act 1958. Whether the conduct is likely to incite hatred is to be determined objectively. This is a lower threshold than the current serious vilification offences, which require proof that the accused knew their conduct was likely to incite hatred and threaten physical harm. Another significant change will be amending the legal test from 'public conduct that incites' to 'public conduct that is likely to incite', so it will not be necessary to prove that the conduct actually incited hatred but that it was likely to incite such conduct. This is a lowering of the test.

A number of faith groups have expressed concern that the deletion of 'proselytising' from the non-exclusive definition of religious practice in the bill may lead to that activity not being protected. Currently the criminal offence has an obligation to prove that a person's action has both incited hatred and threatened physical harm or property damage on the grounds of a protected attribute. It is a concern that there is no obligation to demonstrate that impugned conduct actually incited hatred or that the impugned conduct actually led to someone feeling threatened for their person or property. This is a lowering of the legal threshold. It may make it easier to secure convictions. However, it could mean that people are convicted for intentional or reckless behaviour that falls short of the previous standards.

For the first time legislation will create a green light for people to engage in conduct that incites hatred against or serious contempt for or serves to ridicule a person or group on the basis of a protected attribute with no criminal consequence. Such a defence was not a recommendation of the parliamentary inquiry. It appears to have been adopted by the government very late in the process of the development of this bill.

What is a general political purpose will have to be determined by the courts. However, given Zionism is regarded as a political movement rather than a race or religion, any incitement against Jewish people that uses the term 'Zionist' rather than 'Jew' will likely be protected under this defence. This bill will act as a green light to the incitement of hatred against Jewish people by utilising this new 'genuine political purpose' defence.

Recently there has been an alarming increase in reports of hate speech and conduct. The 2024 report *Understanding Reporting Barriers and Support Needs for Those Experiencing Racism in Victoria* reported that 76 per cent of people surveyed stated that they or someone in their care had experienced racism in Australia. Many of us experience displays of racism and hatred every day. Often you will hear stories of terrible incidents where people have felt that they have been discriminated against or they have had to experience circumstances of hate speech. Many of us in the community must stand up for other people's rights.

The LGBTIQ+ community experiences high rates of poor mental health and suicide. Goulburn Valley Pride are a local organisation in my electorate who are doing great work in my community. It is so important that we all work harder so that people in our communities feel safe and respected and do not live in fear of vilification or hatred just because of who they are. Regardless of their culture, faith, sexuality, religion or circumstances, people need to live in a society where they feel safe, understood and respected.

I recall an incident at a supermarket very recently. As you know, I live in a very multicultural community. I was at the check-out where a Muslim girl was subjected to a disgusting display of racism. She had to get a price-check for the customer that she was serving. She was told to hurry up. The man was aggressive and pushing groceries at her. I was behind him, and I told him to stop.

He paid, snatched his bag, turned to her and said she did not belong here and to go back where she came from. These types of behaviours and discrimination continue and will escalate if we do not call them out.

The *2023 Victorian Antisemitism Report* recorded that there has been a 220 per cent increase in antisemitic incidents. We are seeing an alarming display of antisemitism, hatred, targeting of people's properties and acts and threats of terrorism. Community members do not feel safe in their homes, their workplaces, as I have pointed out, their schools, their places of worship and on the streets. In 2019 the eSafety Commissioner reported that around 14 per cent of Australian adults were estimated to have been the target of online hate speech in the previous year, with LGBTIQ+ communities and First Nations people experiencing online hate speech at more than double the national average. In 2021 the Victorian parliamentary inquiry into anti-vilification protections examined the operation and effectiveness of the Racial and Religious Tolerance Act. The inquiry heard that vilification is commonly faced by many Victorians, including First Nations people, Muslims and Jewish people, women, LGBTIQ+ communities and people with disabilities – many vulnerable people in our community who are facing fear, threats and hatred. It is devastating to see the level of hatred and acts of vilification that are happening in our nation, and we have to do better. It is disappointing that this bill is letting the communities down that need it most. Acts of hatred and the targeting of specific communities are distressful, and they should never be tolerated. If they continue to escalate, they will set a precedent, and the acts of hatred and vilification will continue. We have to get this right, and we have to put in place the right legislation that will protect people.

As I said, I live in a very multicultural community, one of the most multicultural communities in this country. In fact we have over 58 languages spoken daily. I will always stand up against discrimination and hate. There is work to be done, and communities have a role to play. But we have a role to play, and we must have the legislation in place to make the difference that we are all referring to today. Coming together united, standing shoulder to shoulder and striving to live in peace and harmony should be a given, not living in a world of hate and injustice. It is actually astounding to think that we have to stand in this chamber and make these changes and that this is actually happening in Australia, in a country that is supposed to be a country of freedom of speech, the Lucky Country and a place for all. For those that do choose hate, they need to be held accountable. From some of my closest friends from diverse and different backgrounds, cultures, faiths and beliefs, I have seen firsthand the impact of discrimination and hate and the pain that it causes. Often the hurt is hidden by the impact and is deep. I do support the reasoned amendments, and I hope that we can work together on this and that we deeply make the changes that need to happen.

Vicki WARD (Eltham – Minister for Emergency Services, Minister for Natural Disaster Recovery, Minister for Equality) (11:33): On this side of the chamber we know, we feel and we believe that hate speech and vilification of LGBTIQ+, multicultural and multifaith communities, of people living with a disability, and words of hate, words of violence, absolutely cause real harm. They have no place in Victoria, and it is our role as legislators, as representatives in this place, to do all we can to stop this behaviour and find those who engage in this behaviour accountable, because it needs to stop. People

cannot live like this, with the fear that goes all around them when they see, hear and feel this vilification.

It was great to see that there were a handful of those members opposite at the wonderful, vibrant, fun, amazing Pride March, the 30th Pride March, on Sunday, and it is immensely disappointing to see that they do not want to support this legislation. Every Victorian has got the right to feel safe, and that includes our vulnerable Victorians – the Victorians that we really need to stand up for. We really need to show that we are there for them, that we will support them however we can and that we will protect them from hate, from harm and from hurt.

Following the Victorian parliamentary committee's inquiry into anti-vilification protections in 2021, the government supported or supported in principle 34 out of the 36 recommendations. It outlined that a person's race, religious belief and activity would continue to be protected and that laws would be extended to also protect the attributes of disability, gender identity, sex, sex characteristics, sexual orientation or personal association with a person with a protected attribute.

There was also a religious exemption to the civil protections ensuring that they would be retained.

These reforms follow the government's ban on the display of the Hakenkreuz and the performance of any symbol or gesture used by the Nazi Party in 2022 and 2023. That meant that we acquitted and implemented inquiry recommendation 24. We know, as the Attorney-General has just said, that there has been extensive consultation with multifaith, multicultural, LGBTIQ+ communities across Victoria.

The 2023 neo-Nazi-led anti-trans protests and targeting of our rainbow community inclusive events, hate speech and ongoing vilification of our diverse communities are not welcome in Victoria. This behaviour is not welcome in Victoria. These people are not welcome in Victoria. I stand with those people, these vulnerable Victorians, who need us to stand up for them. I absolutely stand with them, and I will every single day, as will everybody on this side of the chamber. We want to do all we can to help Victorians feel safe, and in the context of the alarming increase in hateful attacks on members of our Jewish and Islamic communities, we need these protections that we are debating today more than ever.

In its submission to the government's final consultation the Catholic Archdiocese of Melbourne stated:

At our core, we believe in the dignity of every human person – created in the image and likeness of God – and deserving of utmost respect.

...

Every attempt to incite violence or hatred against any member of the community must be rejected. Protections from vilification should include, but not be limited to, those with a religious belief.

Of course many of the vulnerable Victorians of which I speak have faith. They do have beliefs. They are a part of the religious community too.

Victoria's commissioner for LGBTIQ+ communities Joe Ball has said to me:

When neo-Nazis occupied the steps of Parliament to join anti trans protesters, with a banner reading 'Destroy pedo freaks,' it made headlines around the world. That day, the Victoria I love – a place known for its diverse multicultural, multifaith, and LGBTIQ+ communities – was cast into the shadow of hatred. I know we are at our best when we celebrate our difference, and I as a LGBTIQ+ Victorian know that the overwhelming majority of Victorians already embrace this diversity. But for the few wreckers in our community, who want to terrorise people through deeply hateful words and actions, we need legislation that protects us all from vilification.

I am good friends with an Eltham mum. She has a beautiful young trans son. I love this kid, and I have been witness to his journey to realising the entirety of who he is, of him living his truth. He has the

right to live his truth in safety, without horrendous, hateful, violent words and actions around him. She said to me:

... I have deep fear that our society is going to make backward steps towards trans people. I fear for his physical and mental safety. I fear he'll face violence and rejection purely for being himself. My wish for him is to be able to feel safe and loved and free.

This is what we all want for our kids, and trans kids are no different. Trans young people are no different. We have an obligation in this place to do all we can to make sure that they do have those rights and that they are not vilified. I would not be alone in this. But when I see things, for example, in my letterbox, which we often see during election times, from campaigners who want to harm trans people, we are all on the phone to her. We are messaging her, saying, 'Check your letterbox before your son gets home,' because we do not want them to see this harm – this terrible, terrible language of harm and hatred and intolerance.

No Victorian should be subjected to this. I am so glad to have this young trans man in my life and in the life of my family. He is one of my daughter's closest friends and has been since year 8. Just as my daughter should not be vilified for being a young woman, he should not be vilified for being a young trans man. This legislation is about adding further protection for people in our community.

After the wonderful, beautiful, joyful Pride March on Sunday, I bumped into a friend of mine who is Jewish. She has said:

I am a 33 year old Jewish woman who has lived in Melbourne my entire life. I feel connected to my community, a part of its ebbs and flows and that as the granddaughter of refugees from the holocaust, I can mostly be safe in this community, in this city, and in this country.

For the last 16 months, the sense of safety and comfort I have held so close has been shaken to its core. Since the December firebombing of Adass synagogue, its been shattered. The promise of Victoria – its safety, its kindness, its fairness – seems distant. A terrorist attack – an arson firebombing in the middle of the streets that I grew up in, that my family shops in, that we walk the family dog in, across the street from where we get the train to go to the footy – it still doesn't make sense to me.

I hope people look at this incident and realise how desperately we need to insert more reason and calmness into the discussion we are having about the middle east. There should be no war overseas that impacts other countries like this – especially a country that has so prided itself on its multiculturalism, and for good reason. This country should be a shining example of how living together in harmony can work, not how communities can be destroyed through anger and hate. There are many examples of violence and destruction tearing apart societies around the world. Australia should not be another one.

She is absolutely right, and this is why we are putting forward this legislation. The Jewish Community Council of Victoria has stated publicly that they welcome the proposed vilification reforms in this bill.

Margaret Chambers from the Institute of Public Affairs has made the outrageous claim that this legislation will 'make Victoria the censorship capital of Australia'. No. We want Victoria to be the safest place in Australia. We want Victorians to be free from harm in Victoria – free from hate, free from vilification, free from prejudice, free from feeling fearful when they walk about because they may be attacked because of who they are. We know that the IPA sends many of its alumni to sit on the opposition benches. We can see from this that for the Liberals and their fellow travellers the right to say harmful things is more important than the right to be protected from deliberate harm. Vulnerable Victorians – all Victorians – deserve better. They need and deserve this legislation. We are seeing the growth of Nazism and fascism around the world. We are seeing Nazis being more vocal in our country, and we want it to stop.

David SOUTHWICK (Caulfield) (11:43): Since I was elected to this Parliament one of the things that I have always been very, very focused on is ensuring that we call out hate speech, that we call out anybody that targets any individual, no matter who they are and no matter where they come from. I think probably a big part of that is because of my background. I am a proud Jew, and we know – I am not just talking about what has happened in more recent times but over centuries – that it has been the Jewish community that have been through their fair share of being targeted by hate. I think just about

every Jew that I have ever met is the first when it comes to standing up for those that have been targeted, from other and different backgrounds, because we know what it is like. We will always stand alongside them. Whether they are being targeted for race, religion, gender, sex or whatever those people are being targeted for, our community has already been at the forefront.

That is why I asked to be part of the initial inquiry into this bill, and it really does sadden me the fact that we have got to where we have after years of work. This started back in 2019 with the initial terms of reference. We had the recommendations and the report finish up, and then for years it has really just sat on the shelf.

A lot of the issues that we were dealing with back then are different now, such as some of the issues, particularly as the new Attorney-General is referring to, in terms of extremism from the right. Nazis with swastikas were certainly very prevalent. To an extent they are now, but that was the biggest game in town. We have seen extremism now also on the left. I call it the horseshoe of hate because what we have seen is the far left and the far right come together to target people of different backgrounds – ‘If you’re not like me, we’re going to target you.’

Unfortunately since the events of 7 October we have seen the Jewish community come under the worst possible attack that I have ever seen. Already we have heard members of this house refer to that. It culminated in December with the firebombing of the Adass synagogue, the most visible synagogue that we have in my community. If you wanted to target anybody and make the biggest example of somebody, that would be where you would hit. Visibly Jewish individuals going about their lives in the heart of Ripponlea are being firebombed while individuals were in there setting up the service for morning prayers.

That is what it has come to, and we are sitting here today after years and years of work with a political defence that makes it okay to target a community that has been through hell since 7 October. How is it possible for a government to say they are going to stamp this stuff out yet green-light those that want to hate on Jews even further? How is that possible? How can the government get this wrong? It is not like this has happened overnight; this is years of work. We have had 7 October and 15 or 16 months later, with all the hate that goes with it, we have now got a political defence in this bill that says, ‘You know what? Take out the word Jew, insert the word Zionist, and we can say all Zionists are terrorists, all Jews are terrorists.’ ‘Bash the Zionists’ – they are the T-shirts that are being sold at the moment. What does that mean? ‘Well, that’s okay because Zionists don’t live here. We’re talking about those people in Israel.’ Are we? Because I can tell you most of the Jews I know call themselves Zionists, because they are proud Jews that believe in the State of Israel’s right to exist. That is what a Zionist is. We believe that the Jewish community and Israel have a right to exist, and that is Zionism. But according to the government it is a political movement that should have an exemption. Maybe Israel should have an exemption as well. If you call Israelites ‘evil Israelites’, does that mean Jews? How far does this go and how have we got to this in the first place? It seems odd.

I cannot remember when we have had a situation when we have rushed a bill in because it is so important but we are not voting on it this week. We are not voting on it, because the government stuffed it up. That is why we are not voting on it – because they have turned their backs on the Jewish community. They have green-lit antisemitism and hate. That is what they have done. I have asked during the briefings and I have asked on several occasions what happens if people down the street start referring to Zionists as terrorists. The word was, ‘It depends where they say it.’ That was the initial explanation that I got until two weeks ago, when all of a sudden magically we have got a political defence, which means they can say it anywhere because Zionism is a political movement. So we went from ‘it depends where’, which means maybe if they say it in the city it is okay but if they do it in the Jewish community or outside a synagogue maybe it is not okay, to now where is a political defence to say, ‘Knock yourself out. Jews are all fair ago. Zionists are all fair go.’ Well, that is hateful and hurtful, and it should not be in here in the first place.

Our Shadow Attorney-General made the comment: why? I know the Attorney gets up and says it is about rights.

What about the Trades Hall movement? Where are they on this? Why have they got so much power in the government to force them to have a political defence mechanism that green-lights antisemitism? That is the question I have got: why? Why are we here? Why do we have it? There are a number of great things in this bill. Expanding the attributes, as I started with, is so important for everybody. Not just Jews, not just race, not just religion, not just gender, not just disability – everybody, no matter who you are, no matter where you come from, should be protected. Great. That was part of what the committee looked at, and it was a recommendation, as it should be. The committee did great work. The banning of the Nazi swastika came from the committee. And the swastika was not just for the Jews. It was not just for that. The Asian community and the LGBTI community were also targets of the Nazi swastika, and it is great that it is gone, because now we see those from the extreme right not using that but using other things which are less visible and less offensive. They can knock themselves out. They will come undone in other ways.

But this is not good enough. There are things like police having to refer a vilification case to the Director of Public Prosecutions, as the Shadow Attorney-General has said, and that can take three months. This bill overrides that so police can actually charge people for vilification actions, which is good. We want police to have the powers so if somebody vilifies somebody else the police can act straightaway. We need that. Right now Victoria Police do not bother with vilification laws, because it is going to take them three months to hear back from the DPP, and in most cases the DPP says, 'Don't worry about it.' That is why the police are using other mechanisms. That is why there have only been four cases since 2001 of successful vilification charges in this state – because it is too hard. We need it fixed. We need a number of things fixed. This is not the solution.

The government has failed. The Shadow Attorney-General has recommended a number of very important changes here. I hope the government will listen, and not just listen to the Shadow Attorney-General but listen to the community, listen to the Islamic Council of Victoria and listen to the Jewish Community Council of Victoria and others. Listen to Menachem Vorchheimer, who has been a victim of antisemitism attacks, saying that we should be using the police powers, we should be strengthening those and we should be enforcing those, and the government should be acting on a whole range of things to ensure all people are safe. It is not good enough to have somebody in Mill Park have stars of David scrawled on their fence and packs of bacon thrown at individuals only a week ago. It is not good enough to see synagogues burnt down. It is not good enough for anybody of any religion, background or sex, no matter who you are, to be targeted. We need everybody to feel safe in Victoria, but the government has failed in this bill.

Paul HAMER (Box Hill) (11:53): I also rise to speak on the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. This bill has been brought in at a really crucial time in our society. As members have said previously, when the Legal and Social Issues Committee initially looked at the Racial and Religious Tolerance Act 2001 it was in a very different context, but one of the themes was that the Racial and Religious Tolerance Act was not fit for purpose. It was not seeing acts of vilification and acts of hate being prosecuted in the way that you would have thought they would be or making it easy for people who had been vilified to either bring civil claims or criminal claims or for the police to investigate criminal cases. The genesis of this bill was getting stronger powers for the police to investigate hate crimes, making it easier to bring criminal convictions, also broadening the protected attributes to capture more people under this legislation and allow more people to be protected by this legislation. Those are really important things.

I want to start by just having a look at particularly the civil protections. There are two changes to the legislation, one being the inclusion of anti-vilification protections into the Crimes Act 1958 and making it a criminal offence, and also the civil offences.

There is a statement at the beginning of part 6A that will be inserted into the Equal Opportunity Act 2010, which reads:

The Parliament recognises the right of all Victorians to be free from vilification and to participate equally in a democratic society.

I think that really is a tenet that should be front and centre, not only when we are debating this bill but also in terms of how the legislation applies and how we should be approaching our society. It should not really even need to be stated that everyone in this society should be free to live without vilification. Upholding basic values should not be about tearing other communities down, and it should be possible to condemn all forms of extremism in Australia, wherever they are coming from. If you are targeting, if you are vilifying, if you are abusing another group, then that is vilification, and it should not be acceptable in any form in our modern society.

Sadly, since the Legal and Social Issues Committee was originally established, and even since the inquiry was released, a lot has happened in our society. Particularly since the events of 7 October 2023 we have seen a massive dislocation of social issues in the world and in Australia, including in Melbourne. Nowhere has this been more present than in the Jewish community. The relentless level of antisemitism that has occurred over the last 15, 16 months has been something that I never thought that I would experience or witness in a country such as Australia.

I talked at length in my inaugural speech about my family's journey to Australia, particularly my father's experience during the Holocaust, and my strong – I will not say desire – calling to try and call out and fight racism and vilification wherever it presents itself. Little did I know at the time the hate and vilification that we would be seeing directed to the Jewish community over the last 15 months. It is not just the firebombing of the synagogue that occurred in December; that was merely the culmination of months of vitriol and hatred that has been directed to Jews. Even this week we have seen an incident at someone's home, targeting them again with antisemitic graffiti. We have been seeing it throughout the summer in Sydney, in Melbourne and in Perth, and there is just no place for any of this hatred and this animosity to continue to occur.

Regardless of what your views may be on a conflict that is occurring on the other side of the world, a Jewish person who runs a business in Melbourne, a Jewish person who works for a business that might be owned by an Israeli company or even a Jewish person who is just going about their day to attend synagogue services – none of these people deserve to be victims of vilification, of hatred or of animosity, and anything that we can do as a Parliament to stamp this out will be a step in the right direction. We know that the current laws as they present themselves are not protecting the community. We have seen this in the inability of the police to, I suppose, effectively prosecute these cases and arrest people on these vilification matters. Changing the legislation and enabling the legislation to make this happen is going to be a critical step in the right direction.

I also want to try to briefly identify the scale and the frequency of the problem that is occurring in the Jewish community. There have been a number of reports prepared by both the Jewish Community Council of Victoria and also the Executive Council of Australian Jewry. The most recent report I have come from the Executive Council of Australian Jewry and was published in December 2024. It records that in the year ending 30 September 2024 the number of anti-Jewish incidents in Australia was more than 2000. This was five times higher than what had occurred in 2023, which had been the highest to date for many, many years. This spike shows how much of an issue this is in the Jewish community and how much fear the Jewish community now feel. Many people cannot bring themselves to identify publicly as a Jew in Melbourne, and that is a shocking, horrible situation that should not be allowed amongst any community. We pride ourselves on being a free and multicultural society, and it should be a free and multicultural society for all communities. If you are not able to walk down your street and freely practise your religion and freely identify yourself as a Jew, what society are we living in?

Cindy McLEISH (Eildon) (12:03): I rise to speak on the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. This bill is before us today because we have a problem.

We have a big problem in Victoria that has been left to grow and has been unaddressed for too long. There has been a rise in hate speech. There has been a rise in Victoria and Melbourne in hate crime, and safety on the streets, in Melbourne more specifically, is a big concern. We have too many people living in fear. Too many people are scared to go out – scared to even go to the city on public transport, scared to go to their places of worship. And for some they have reason to be, because of the rise in hate crime that we have seen. One of the most appalling incidents, as we saw recently, was the bombing of a synagogue in Ripponlea, and the Jewish community certainly have been subject to many relentless attacks recently.

But this is Australia; this is a country where we boast about our freedoms. At citizenship ceremonies we tell people how good it is to be in Australia and how great our local communities are because we have freedoms. More and more these freedoms are being compromised, so we do need to do something; we do need to protect people. For those that have been vilified recently and parts of communities that have been vilified, I feel very much for them. That should not be the case.

I think everybody in this chamber will agree that it is a problem and the current laws are inadequate. We know since 2001 there have only been four convictions, yet the incidents which shock us are increasing. Whether that is an incident against particular faith-based organisations, members of the rainbow communities or those with disabilities, we see these continued issues and this vilification, and something needs to be done. The laws around violence and hate must be strengthened. I think we are all agreed on that, and what the government has done here is wasted an opportunity and mucked it up. What they have done here is united the Jewish and the Islamic communities, because both of these groups have issues with the bill. Both of these communities have been subject to terrible vilification and hate speech, so we do need to do something.

There are three components to the bill before us. The first is about the expansion of the protected attributes beyond race and religion. There is a criminal component which is due to be in place on 20 September 2025. Interestingly, though, the civil component will be on 18 September 2027, well after the election, because I think the government have realised here that they have done some sort of stuff-up.

It has taken the government ages, and while it has taken so long from when this was first flagged through the Legal and Social Issues Committee, whose inquiry began in 2019 – yes, we are six years down the track – things have got worse. We can all tell you things have got worse. The Legal and Social Issues Committee in their report said the laws were ineffective and inaccessible. The government did an Engage Victoria stint, and of course it showed up what we know: people want this to change. We all want it to change. But perhaps that was not broad enough, because I do not think that they have listened to two of the major groups – as I have said, the Islamic and the Jewish communities.

I take exception to comments that the Attorney-General made earlier in relation to our position on this. Yes, of course we need to be united on this; yes, we do need to change. We know that the laws are no longer fit for purpose or effective. Yes, we need to be helping communities, and yes, we need to support communities. But the current form that the bill is drafted we cannot support, because they have not got it right. There needs to be a good balance, and it is not right. The Attorney-General accused us of concocting things. I suggest that she goes to speak to the federal Attorney-General Mark Dreyfus, because he has issues with some of the terms that are being used and will continue to be used if this bill goes ahead.

With the protected attributes, rather than just race and religious belief or activity, which has been the case through the Racial and Religious Tolerance Act 2001, we now extend that to include disability, gender identity, sex, sex characteristics, sexual orientation and personal association, whether a relative or otherwise, with a person who is identified by any of the above attributes. As I said, race and religious belief are front and centre, but those with disability and gender identity issues need to be protected. The trans community and the LGBTI+ community also need to have the protections in place. That is

something that we do not have an issue with. Those attributes are in line with the Equal Opportunity Act 2010. We are happy for the police to be able to charge without the role of the DPP. The DPP is going to be maintained for those under 18, but for over 18s they do not need to be the gatekeeper, particularly when the experiences are that it adds three months to the process of whether or not a charge will be put into place. Acts of vilification and hate crime need to be dealt with immediately. Yes, we agree with increased fines and penalties.

There are a couple of areas that are of great concern. Firstly, political defence was not included by the Legal and Social Issues Committee. I do not think that it was even by the Engage Victoria committee. Having a political defence makes it okay to target a particular community. This is contradictory to the intent of wiping it out. It gives the freedom to use other terms that may not ordinarily be used. It lowers the test to make it easier to establish a case, but it runs the risk of less serious cases or more speculative cases being run due to the lower threshold.

One of these words is 'Zionism'. It is an easy example to use, and that perhaps is a code word for Jew. It is a more polite term. It would be okay to say all Zionists are terrorists, and that is just not right. That is what is being said. I want to read out a quote from federal Attorney-General Mark Dreyfus:

The label Zionist is used, not in any way, accurately. When critics use that word, they actually mean Jew. They're not really saying Zionist, they're saying Jew because they know that they cannot say Jew, so they say Zionist or words [such as] Zeo or Zio –

to get around it, because that will be okay. Now, this has got to be tested in court rather than sorted out first. I am not convinced that that is the right path to go down. I think that we should be sorting these sorts of things out now, and these are the sorts of things that the communities have issues with.

I want to also talk about the protected attributes and the reasonable person test, because we have a reasonable person test that is used in court cases ordinarily and puts us all fairly well equal. But now we have got the new prescribed attributes we need to determine what a reasonable person with that protected attribute would consider to be hateful. This can become really, really murky, and I want to draw an example of how far down you drill for something like this.

We know within the Islamic faith that they have the Sunni and the Shia sects and that they might view things quite differently to each other, so that protected attribute has to go down not just to the fact that it may be within the Islamic faith but be protected for somebody of those views, which may be quite different from the other ones. This becomes very complicated and very murky. The reason that we have put forward a reasoned amendment is that we know this has to be fixed. The government have not quite got it right. They need to do a little bit more work. They need to consult further with the faith groups, including the Jewish and Islamic communities, who have warned the government that there are issues with the proposed 'genuine political purpose' defence, because they think that is going to incite more damage rather than create greater social cohesion.

We have such problems at the moment. Too many people are fearful for their lives on the street. That is just not good enough. The government has to get this right. They cannot wait for years and years for this to continue to fester or for courts to come down with some sort of decision so they have to go back and re-examine what words they have put forward in the legislation. They need to consider additional options, including those available to Victoria Police.

Natalie SULEYMAN (St Albans – Minister for Veterans, Minister for Small Business and Employment, Minister for Youth) (12:13): I rise today to make a contribution on the very important bill that is before this house. In 2021, as the chair of the Legal and Social Issues Committee, I had the great honour to table a historical report into protecting Victorians. To take a step back, I think we need to have some context.

The committee was charged with the responsibility of this inquiry into anti-vilification protections, and this really was after the tragic terrorist attack in New Zealand against the Muslim community at a local mosque and we saw a rise of hate incidents in our communities. The report did take some time

to actually conduct, and of course during this period we had COVID. It was really important to note that we had so many submissions, so many courageous stories being presented to the committee. We also had the support of religious and community organisations, including our Jewish and Muslim communities. This report recommended numerous prevention initiatives – changes in legislation; importantly, school-based education; making sure there is responsible media reporting; and public awareness campaigns, just to mention a few.

This government, the Allan Labor government, is the one that banned the evil display of Nazi symbolism across our state, taking decisive action by banning Nazi salutes and symbols – those symbols of hate, fear, division and violence. We all know that we have seen a rise in global hate, and that has been portrayed on our streets and in our communities. We know that hate damages our vulnerable communities. These actions undermine our state, they undermine our democracy, and it needs to stop.

As parliamentarians we set a standard, and we must lead by example. This is an opportunity, again, for both sides of the house to unite and protect our vulnerable communities – those that have been attacked, those that need us to protect them in their day-to-day lives, in their businesses and in their local communities. We need to take strong action. Those on this side of the house, as I said, have started this process. We put a ban on the Nazi salute and the absolutely evil display of Nazi symbolism across our state, and the reforms before the house today show that we always stand up and protect our communities. Regardless of your race, regardless of your religion, regardless of who you are, your sex or your gender, you have a place in our state, and you are protected. We must have a society where your religion, your faith or the way that you look is not a reason for people to have a go at you or, even worse, to make dangerous attacks on our communities. For example, this bill seeks to protect a young woman who is of diverse multicultural background and who may be going through the same experiences. I know that many in this place would have seen or heard or have firsthand knowledge of family and friends that have been vilified for the way that they look, because of their religion, because they are practising their faith in our communities.

These are protections today that will protect our community members. In particular I thought that the other side of the house, on seeing the rise of right-wing terrorism in our community and in our country, would know that it must be stopped, that it must be called out. We can argue about the detail of the bill, but at the end of the day everyone in this house must do the right thing and support the absolute intent of this bill. Fundamentally what this bill does is protect Victorians from vilification and hate. I say to our Victorian community, whether you were born here or overseas, whether you are Jewish, whether you are Muslim, whether you are Hindu or Buddhist – it does not matter what religion or non-religion, what faith or colour or where you belong – we are all Victorians, and you have an absolute role in our community.

This is a real, historic moment when we can make a difference as members of Parliament and come together, like we did with the Legal and Social Issues Committee a number of years ago. That was a bipartisan report tabled in this house. We were able to work together and work with our community organisations and religious institutions and many other stakeholders to put forward protections and to make sure that those protections were in place. I know that there is the far right and there is this absolute conflict of debate in our communities and we are seeing so much hate and division, but as I said at the beginning, this is an opportunity for Parliament to take a stand and really support the intent of this bill before this house.

This is a bill that protects our most vulnerable. In particular, as many have said today, we are talking about the rise of hate speech and the rise of attacks, and this bill is about protecting and making sure that we can take action and that there is confidence in our community that they will not be attacked because of their faith, religion or gender. From my own personal experiences as someone of Muslim faith, I know how difficult it is when you are vilified for your faith or the way you may look, and it is extremely challenging. These communities rely on us all in this chamber to put forward protections, to put forward measurements and to have reasonable debates so that we can actually put forward

actions that are able to protect them so that, most importantly, all Victorians can be successful and prosper in our communities, and it is so important that we do that.

Again I say this to the other side: this is an opportunity for you to show your support and fundamentally support and protect Victorians from vilification and hate. The details can be, as always, argued, but the intent of the bill deserves our support. Our vulnerable multicultural and multifaith communities deserve for this bill actually to be supported unanimously by parliamentarians in this house to show that we support our most vulnerable in our community and will protect them from vilification and hate crimes in our community.

Again I thank members for the contributions from this side of the house, and I do again say that this is a bill that will provide the safeguards and protections to our most vulnerable, our multifaith and multicultural communities, regardless of their gender and regardless of who they are. We are proud Victorians, and we deserve to be able to go about our lives in a safe and prosperous way in our state and to continue to practise our religion. It does not matter who you are, you have a place in Victoria. I say to the other side: you must support this bill and show that we can unite and send a strong message to those who want to bring fear into our communities. Today we support these legislative changes so that there are consequences for vilification on this side.

James NEWBURY (Brighton) (12:23): I rise to speak on the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. This bill is one that, for context, will not be considered at the end of the week by this government for being passed by this house. The government have announced in an unprecedented way, in a way that I have not seen before, that they do not intend for this bill to be considered in the final vote this week. I have never seen that before. What that tells us in this chamber is the government has already acknowledged that it will have to substantially change the bill. So when speakers from the government side stand up and talk about the need for this bill to be passed, the government has said it will not pass this week. They have determined it will not pass. The government made that choice. They have not announced yet that it is because there will be substantive changes, but there will be. There will have to be, because what this bill is about is trying to do something to address the breaking social cohesion in this state.

Unfortunately the way the government is trying to fix that breakdown through this bill has been shown to be wrong, to not work, to not be appropriate, to not be the way to fix the underlying breakdown of social cohesion. What I am sure about, so terribly sadly, is that not only in this state but in this country more broadly antisemitism is deeply embedded in a proportion of the community – deeply, deeply embedded. After the Middle East war started following the terrorist attack in 2023 there was a lot of talk from community leaders from the left about the need to not specifically call out antisemitism – not just call out antisemitism – but more broadly talk about antisemitism and Islamophobia. Of course any form of discrimination is wrong, but what we have seen, without any doubt, is a breakout of the most vile forms of antisemitism on a daily basis. We are seeing firebombings of kindergartens – firebombings of kindergartens – and of a synagogue. By the way, in New South Wales we have seen multiple arrests for those crimes. In Victoria for many of these heinous crimes there have been no arrests. This bill provides an excuse for ongoing antisemitism, and that is why the Jewish community has stood up bravely and said: ‘This bill is wrong.’

I know personally the people who have stood up. They did not do it with an easy decision. It was a very, very difficult decision for the community to stand up and say no. It was a very, very difficult decision. What they said was that this bill embeds a political exemption in behaviour, so now you will not hear the most vile people in our community calling out hateful attacks on Jews; you will hear them calling out vile, hateful attacks on Zionists – and that will be their political exemption. It is wrong. This bill does not fix the problem. There are things in this bill which we wholeheartedly support, and we have said that. We have said so strongly that we support it, including expanding the protected attributes. So strongly do we support it – but we do not support an excuse for ongoing antisemitism. The Jewish community has called out – and not just the Jewish community, by the way – this issue embedded in the bill. We cannot provide an excuse to allow behaviour of this nature.

Only in the last 24 hours a constituent of mine contacted me about having gone into a hotel, and when he arrived, the person behind the desk was frustrated as they were checking him in, walked around the front of the desk, slapped him in the face and called him an ‘effing Jew’, which of course has been referred to police. This is what people are dealing with every single day of the week. Now with this bill, how would that case have been dealt with if she had called him a Zionist? How would that have been dealt with?

Members interjecting.

James NEWBURY: This is not funny, government members. This is not funny. We can hear them laughing. For the record, they are laughing.

The ACTING SPEAKER (Iwan Walters): Order! This has been an important and wideranging debate. The member for Brighton should direct his comments through the Chair.

James NEWBURY: I was. Thank you, Acting Speaker. I am making very, very reasonable points, and there have been other points raised by this side of the house, including on some of the legality issues with the bill – for example, the reasonable person test, the very longstanding legal test whereby the independent reasonable person’s view is assessed in relation to an issue.

Under this bill there will no longer be a reasonable person test, there will be a test by a person affected in that community. No matter how you see any issue, clearly it changes the longstanding concept of what is a reasonable person. I note that because it is something that has been raised by more than just our side of the place.

As I said, the issue with this bill is that it does not fix the problem that exists. What we have seen, what we are seeing and what we can be certain of is there is a breakdown of social cohesion. That is not unique to Victoria. We are seeing it around Australia, and we are seeing a lack of action from the federal Labor government on fixing it at a broader level. There is no doubt that the community can see that. I know that when a number of years ago the Parliament, through a committee that I was on, considered some of these issues, one of the issues that we talked about for a really long time was how you can put in place tests and frameworks that can ensure that people are protected. At no time during those discussions was there any thought that anybody could claim a political defence and somehow be exempt from antisemitism. At no time was that discussed, and neither should it be. We need a bill that addresses the problem, and that is what we have said as a coalition. We want a bill that addresses the problem.

May I say, because of the work of the member for Caulfield and me on the committee, in publicly calling on the committee to recommend banning the Nazi symbol – publicly, it was not privately, it was publicly, it was through published media at the time; you can you google it and look at up – the government was pushed into including it in its final report, and that is factual. The government did act, and so they should have, and we supported them. But we say to them now: there is a bill before the Parliament that the most affected parts of the community right now are saying they are deeply worried about. That is why, we know, the government is not proceeding with this bill. For the record, the government has chosen to park this bill. The debate is occurring now, but they are going to park this bill because there will need to be major amendments. Those major amendments should be transparently worked through with the community to make sure this bill is up to the standard that the Victorian community deserves. That is what the issue is. This bill needs to be of the standard that the community deserves to fix the broken social cohesion in this state.

Nina TAYLOR (Albert Park) (12:33): I probably will commence by looking to the purpose that underpins this legislative reform, and that is to better protect all Victorians from the serious harms of vilification and hate conduct. I think it goes without saying that both of those elements can be terribly – and have been proven to be terribly – damaging and certainly lower the tenor, and that is probably an understatement, of the community in which we live and love. I should also note that these reforms include implementing 15 of the legislative recommendations of the 2021 Victorian parliamentary

inquiry into anti-vilification protections. I think it goes without saying that the imperative for these reforms is absolutely paramount, and many in the chamber have reflected on very, very serious incidents that have occurred in many respects.

I will probably commence by just saying when we are looking at how these reforms are seeking to operate, I attended the Pride March at the weekend with many colleagues and I did so with pride as an ally of the LGBTQI+ community. Then we put together a reel and put it online to further share that sense of backing in the LGBTQI+ community and making sure that it is well known that we hear them, we see them and we are there for them at all times and in all ways.

I do not get a lot of time to confer with my social media, but I did take a little peek at some of the commentary coming through, because that particular post went far and wide, and I was nauseated at a section of the commentary. Most of the responses were positive, I have to say, which I am very buoyant about. I think that means that we are sharing something in a way that is, can I say, lifting the tenor and the respect within the community. However, there was some commentary on there – and I dare say it was not necessarily local – that was absolutely nauseating. It just gave to me a little fractional flavour, other than what has been reflected directly to me personally, of what members of the LGBTQI+ community suffer every day, day in, day out, and all the more reason why, now in its 30th year, we continue with such activities as the Pride March.

Further, I will say there is another aspect in which this bill is seeking to help lift, improve and ameliorate behaviour and conduct, and that is by condemning and, let us hope, seeing an end to hateful conduct, first and foremost. Certainly there was antisemitic conduct over the weekend in my electorate, and there has obviously been reflection in the chamber about the bombing of the synagogue in a neighbouring electorate. But whether it is in my electorate or a neighbouring electorate, any part of Victoria, none of it is acceptable, whether it is antisemitism or whether it is Islamophobia. I have also had some locals from the Indian community reach out with concerns about increasing vilification. The imperative is paramount, just to reinforce that point.

One thing I do want to pick up from the chamber is that, when I was Parliamentary Secretary for Justice, I did have, I will say, the honour of being able to participate in some of the consultation. I must say it was genuinely engaging in terms of being absolutely multicultural and multifaith, and there was no stone unturned in that regard. I think there were some comments made that were suggesting in some way that that was not the case. That is not true. Very deep and profound consultation is underpinning this really important work in terms of improving the way that people treat each other, and fundamentally it is about respect at the end of the day in our community.

I must say, another thing that I want to reflect on and that I hope will be one of the beneficial outcomes of this legislation – certainly it is the purpose for which it is intended – is that it will help provide peace for persons who are currently really suffering. I am just going to zone in on the antisemitism, but that is not to only focus on that particular aspect when we are looking at protections for our community. I have some friends in the Orthodox community, and I know one in particular who is a lovely man who contacts me many times a day with different articles. I just feel for him, because he is the son of Holocaust victims. I think he lost most of his family, so he is deeply concerned at seeing what seems like, for want of a better word, a reignition of the deep hatred that stems back, honestly, for centuries but particularly to when Nazism really took hold – all the more reason for us to be collective in terms of driving out hate, hateful conduct and vilification from our community. It is extremely important for the benefit of all people now and into the future as well.

I want to point out an important caveat in the bill, and that is to do with one of a number of safeguards, because safeguards are always important, not least in something as sensitive and as nuanced as it should be when we are talking about the way we treat each other, particularly with such things as attributes and the like.

The bill provides that only Victoria Police and the Director of Public Prosecutions will be able to commence prosecutions, to ensure a level of experienced prosecutorial oversight and avoid the risks of vexatious private prosecutions. The bill also requires the DPP's consent to charge an accused who is under 18 years of age, recognising the unique vulnerabilities of under-18s. Certainly when we are looking at the purpose and intent of the legislative reform, we want to make sure that it is appropriately targeted to mitigate the risk of vexatious actions, which could have been the case were it not for such important safeguards being included in the bill.

The bill also makes a minor technical amendment to the Bail Act 1977 so that bail decision makers can, if appropriate, remand a person who is charged with intentionally performing a Nazi gesture, as is already the case for the offence of publicly displaying the Nazi symbol – just to pick up on that nuance, because nuance is certainly critical in this discussion. I do not think I have to explain why, because fundamentally we are dealing with very delicate but nevertheless very important subject matter in terms of elevating the standards that we expect of a decent, kind, caring and compassionate community. I am going to exclude those who seek to provide and have exhibited the most hateful and horrendous conduct in community, but collectively I would like to think that the majority of Victorians do want to see a kinder, more compassionate, caring and considerate way and manner of treating each other. We all have gifts and jewels to offer each other and so much to learn from each other each and every day.

The protections being brought about here are seeking to honour what is the best of us as opposed to that which lowers everyone, because when you hurt one, you hurt all. I do not mean to be trite in that comment. It is absolutely the truth. I know whenever I see or hear or witness – I should say it is more so hear – despicable behaviour, it affects all of us. I do not want to see others treated inappropriately, because that does not make me happy. That does not elevate my life experience, and neither does it elevate the life experience of anyone else. On that note, I think we can all do this together to make Victoria even better.

Martin CAMERON (Morwell) (12:43): I rise also today to talk about the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. Listening to others in the chamber that have got up and spoken today, as you said before, it has been quite wideranging what people have been talking about. What we are trying to do is protect people in our community. Most people are law abiding and want to do the right thing, and we are trying to protect those people from people that are not law abiding and want to go out and vilify people and use hate speech and standover tactics to make their life a misery. That is not right here in Australia, and it is definitely not right here in Victoria.

We have got legislation, and we are trying to change things here today to make sure that we do stamp that out, because that is what our role is here in this chamber – it is to get new laws and new legislation that protect the people of Victoria. I have been listening, as I said. This started back in 2019 after there were obviously ongoing issues, and in March 2021 the Legal and Social Issues Committee of the Legislative Assembly tabled a report from that inquiry into anti-vilification protections following those terms of reference that were provided in 2019.

We see it on the television and listen to it on the radio, and we see on our social media feeds all the protests and the disharmony that these protests create as we work through. For people that are outside of the metropolitan CBD, where we actually see the front steps of this place used nearly every single weekend closing the city down, we also have these same protests that happen in our local communities, whether it be in the main street or whether it be out the front of post offices on a Saturday or a Sunday. We see these people turning up to protest.

I listened to the member for Caulfield and I listened to the member for Box Hill, and they have got to walk this tightrope every single day because they are representing their communities and living in fear with those people about how the hell – I withdraw that – have we got to this particular point in time where it is okay to vilify particular groups of people, particular persons? How have we got to this point? We need to make sure that the legislation that we are bringing in stamps that out, and as the

Shadow Attorney-General pointed out today, a lot of the stuff that is in this bill is great and is going to improve our laws for police to be able to police and make a difference not in a couple of weeks time but actually straightaway.

But there are issues with this particular legislation amendment, and it is for us to bring up and highlight to the government that there is one clause in here that has been changed only recently that allows people – and we are not talking about good people, we are talking about people that want to take advantage of anything that they can – to negotiate their way around what we are trying to bring in so they can continue on their path of hatred and destruction of people with different religious views or people of different backgrounds. It just makes no sense at all that we are standing in the chamber today when the issue has been highlighted. I am sure there are people on the other side that are toeing the line but would love to be able to stand up with the freedom that I have here to point out there is an issue and we need to fix that issue so there is no grey area. And it is not even a grey area; it has been highlighted that this is what is going to happen. It is a fault in the actual amendment itself, and if we do not pick it up in here, the people that want to continue on have an out where they can still speak hatred. They can still make life uncomfortable for people that we are trying to protect.

It is just not good enough that we come here today and we are talking on a bill that we are not actually going to be voting on this week. We have got time to get it right. We have got a Premier that stood up on Monday, when we talk about legislation and amendments that we need to make, talking about bail and stuff that we did last year to make those bail laws better. We actually raised that there were issues with those bail laws at the time. We are going to be coming back to strengthen those bail laws because they are not making a difference. Well, we think we should learn from those mistakes and be able to work together. Here is an issue that we have picked up in this justice legislation amendment that is not going to work.

It is not going to make a difference, and we need to be able to highlight that. I know we are going to get howled down probably by the end of the day by people saying that we are opposing this amendment and that we are not going to be protecting the people that it sets out to. Well, that could not be further from the truth. We are pointing this out to the government. Get it right, because otherwise we are going to be back here in three months time or in six months time having to change it because it is not right and it is not just for the people that we are trying to protect. Do it once; do it right.

Look, mistakes are made and there are loopholes. We have picked it up. We are giving it to the government, saying go and change this particular loophole where we can use particular words and get away with it. It is not right for us to be here standing up in the chamber talking about it, putting legislation amendments forward for the good of the people of Victoria and it fails them. Let us not do the same here. Let us not do the same as what we have done with our bail laws and missed the mark – not by a little bit, by a lot. Let us make sure that we get it right.

The Attorney-General stood in the chamber earlier today and said that we need to stand united, we need to stand and stop hate speech and we need to protect our communities. She said we have a duty to protect the people. Well, as far as I can see we are getting it mostly right with this amendment that we are trying to do but we are missing the mark on one particular piece that needs to be changed, and because we are not voting on this we obviously have time to change that loophole. It is going to be like a green light for people that do not think like you and me in this chamber. We want to do the right thing and want to protect our Victorian people – mums and dads and children – as they go about their daily life whether they are walking down the street to the shopping centre or whether they are walking their kids to school or going to a place of worship. This is what this is about. This is to stamp hate speech out. As I said, we are missing the mark in doing that.

We do have time. I hope that the government does not ‘take up the challenge’ but just sees this loophole is going to cause grief. We are going to be back here again later in the year changing it because the people that are going to use the loophole do not think like us in here. They are looking for any way

they can to continue their hate speech. That is why we are opposing it. That is why we have a reasoned amendment.

Michaela SETTLE (Eureka) (12:53): I am delighted to rise to speak on the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. This is a bill that is particularly close to my heart. I had the honour of serving on the committee that looked into this legislation. I want to begin my contribution by thanking two people particularly for their contributions. Our Minister for Veterans affairs was the chair of the committee and worked very hard and in a considered fashion to make sure that that committee reported and could offer to government good ways forward. I would also like to acknowledge the member for Box Hill for his contribution, which was heartfelt and reflects many in his community.

This is such an important bill. We heard during our consultations from so many people about the desperate need for this bill, and I can only stand today and say that it is an absolute tragedy that the opposition are refusing to support this incredibly important bill. There has been lots of talk today about social cohesion, and I have to wonder about the social cohesion of the Liberal party room. On the one hand we are hearing from people –

James Newbury: On a point of order, Acting Speaker, on relevance, the party room of any party is not in any way relevant to the bill and frankly it is just cheap.

Michaela SETTLE: On the point of order, Acting Speaker, on relevance, if he would allow me to finish, it is about the contributions from his party room and their variance.

The ACTING SPEAKER (Iwan Walters): I will rule on the point of order. Speakers have enabled members to compare and contrast different administrations, but I request that the member continue her speech.

Michaela SETTLE: I am talking about cohesion of opinion from those on the other side. We sat through the member for Eildon telling us that this has taken too long – that we had this long and considered inquiry and it has all taken way too long – and yet the Shadow Attorney-General put out a piece in October calling for longer consultation on this. I am trying to understand where the cohesion of these opinions is in that some want us to act quickly and some want us to take longer. There seems to be no cohesion there.

Even more terrifying for me in terms of a lack of cohesion from the other side is the fact that in listening to the Shadow Attorney-General's contribution he talked about their bipartisan support for the expansion of protected attributes, and yet we have had to listen in this place to contributions from both the member for Warrandyte and the member for Mornington calling into question that expansion of protected attributes. I just wonder whether when they stand and say there is bipartisan support they can really guarantee that, because of course we have heard the objections of the member for Warrandyte and the member for Mornington.

James Newbury: On a point of order, Acting Speaker, the member is reflecting on other members in this place, which is a clear breach of the standing orders.

The ACTING SPEAKER (Iwan Walters): I am ready to rule on the point of order. I have been listening carefully to the debate. I do not believe there has been any imputation on members directly yet.

James Newbury interjected.

The ACTING SPEAKER (Iwan Walters): I am ruling on the point of order. Member for Brighton, let me conclude. In saying that, member for Eureka, I would urge you to ensure that your comments are confined to the bill rather than making imputations on members.

James Newbury: On a different point of order, Acting Speaker, the member has specifically referred to members in this place. I am not sure how much more –

The ACTING SPEAKER (Iwan Walters): It was the same point of order. Please do not use this time as an opportunity to make vexatious points of order. The member referred to other members, but there was no imputation that I heard.

James Newbury: This is a protection racket.

The ACTING SPEAKER (Iwan Walters): Is that a reflection on the Chair, member for Brighton?

James Newbury: What are you asking?

The ACTING SPEAKER (Iwan Walters): Member for Brighton, your comment was that this is a protection racket. Was your comment a reflection on the Chair?

James Newbury: I was speaking to the speaker who was on her feet.

The ACTING SPEAKER (Iwan Walters): Member for Brighton, I ask you to withdraw.

James Newbury: What am I withdrawing for?

The ACTING SPEAKER (Iwan Walters): Member for Brighton, comments are directed through the Chair, as you well know.

James Newbury: I withdraw.

Michaela SETTLE: I was referring to information that is in *Hansard*. They were speeches made in this place. But more importantly, I want to get on to the member for Brighton's speech. In an alarmist fashion he told us a story about a friend who had been slapped and called a Jew and that under this legislation that would no longer happen if they chose to say the word 'Zionist'. Can I just point out that being slapped, for starters, is assault, and they would still be protected. Furthermore, this legislation makes it very clear that there can be no ulterior motive, and I suggest that someone at a reception desk slapping someone and calling them either a Jew or a Zionist would fall within this legislation. The hysteria from the other side is about protecting themselves from the very fact that they are opposing this incredibly important bill. We worked so hard on the committee to form this legislation. I would suggest that the members on the other side are turning their backs on the 62 submissions that we heard. They are turning their backs on the people that came to us in a committee to tell us about their experiences.

Sitting suspended 1:00 pm until 2:02 pm.

Business interrupted under sessional orders.

Members

Minister for Environment

Absence

Jacinta ALLAN (Bendigo East – Premier) (14:02): I wish to advise the house that for the purposes of question time today and tomorrow the Minister for Agriculture will answer questions for the portfolios of environment, outdoor recreation, and tourism, sport and major events.

Questions without notice and ministers statements

Bail laws

Brad BATTIN (Berwick – Leader of the Opposition) (14:02): My question is to the Premier. I refer to the Premier's public commitment yesterday that the government had commenced a review into bail laws led by the Attorney-General and the Minister for Police. This morning the Minister for Police contradicted the Premier by confirming there is no formal review. Who is telling the truth, the Premier or the Minister for Police?

Jacinta ALLAN (Bendigo East – Premier) (14:03): As I said yesterday, as someone who listens to the community and then understands the need to act in response to the concerns of the community, particularly when it is working people – working people that we on this side of the house stand for and support, and women and children that we on this side of the house stand for and support – I know there is more to do. With the changes we made last year, the strengthening of the youth justice framework in this state that those opposite opposed, we are already making a difference. It is already making a difference.

Bridget Vallence: On a point of order, Speaker, the Premier is debating the question. I ask you to bring her back to the very narrow question.

Mary-Anne Thomas: Speaker, the Manager of Opposition Business is simply wrong. There is no point of order. The Premier was being directly relevant in her response to the question that was asked, and she is not debating the question. She was answering the question for the less than 40 seconds that she had been on her feet.

The SPEAKER: The Premier will come back to the question.

Jacinta ALLAN: As I was saying, we know there is more work to do. It is our responsibility as leaders in this community to listen to what the community are saying and take action. We did it last year and we are doing it again. That is why, as I said yesterday, I have asked the Attorney-General and I have asked the police minister to review our current settings, including bail. Let me make this very clear –

Members interjecting.

The SPEAKER: Order! I ask members at the table to cease interjecting across the table.

Bridget Vallence: On a point of order, Speaker, the Premier is misleading the house, clearly. She is required to be factual under sessional order 11.

The SPEAKER: That is not a point of order.

Jacinta ALLAN: Let me be very clear about what the terms of reference for this review work are. They are crystal clear. They are keeping Victorians safe. It is keeping Victorians safe. Everything is on the table as we look at doing what more we need to do to keep Victorians safe.

Brad BATTIN (Berwick – Leader of the Opposition) (14:05): Yesterday the Premier was unable to answer basic questions about her so-called review, including what will be reviewed and when it will be finalised. Isn't it a fact that the Premier is unable to answer these basic questions because there is no review?

Jacinta ALLAN (Bendigo East – Premier) (14:06): I will repeat this again for the benefit of the Leader of the Liberal Party, who opposed the stronger settings we introduced into the Parliament last year. I have asked the Minister for Police and the Attorney-General to review our current settings, including bail. The terms of reference for this work are crystal clear.

Members interjecting.

The SPEAKER: Order! Premier, I am on my feet. It is not acceptable. Member for Brighton, when I am on my feet, you will resume your seat.

James Newbury: On a point of order, Speaker, on relevance, the Premier has twice been asked about the fact that the Minister for Police has exposed her fake review, and the Premier has yet to answer the question about her fake review.

The SPEAKER: There is no point of order.

Jacinta ALLAN: As I was saying before I was interrupted by the alternative Manager of Opposition Business, let me be very clear what the terms of reference are. They are crystal clear. They are keeping Victorians safe. Everything is on the table, and we will make further announcements on this important work in the next three months.

Ministers statements: fuel prices

Jacinta ALLAN (Bendigo East – Premier) (14:08): Victorian motorists know that right now fuel companies are able to change their prices as rapidly as those opposite change leaders of the opposition. Every single day hardworking Victorians, tradies and working families are being forced to roll the dice on what they will pay at the local servo. Household budgets are beholden to the fluctuation of multinational corporations, and it is busy families, including some of those apprentices who get free car rego thanks to our government, who are paying the price. It is why our fair fuel plan will give Victorians certainty over how much they will pay. It will mean prices are locked in for a 24-hour period and families will be able to check the price, before they leave home, on the Service Victoria app. We know this can save families up to hundreds of dollars a year and give them more choice over how much they pay. Even David Koch – even Kochie – agrees and thinks this is a great idea.

Saving money for Victorian families is a good thing. I would have thought that is something that everyone in this place could have agreed on. Everyone could have agreed, but not so, not everyone. Some have chosen multinational corporations over ordinary Victorians. Some have chosen multinational corporations. Some might want to think about changing their licence plate from ‘Vote BB’ to ‘Vote BP’.

Members interjecting.

The SPEAKER: Order! Member for Bulleen, clapping is not allowed in the chamber. Members will come to order.

Jacinta ALLAN: While those opposite are focused on backing multinational corporations and vanity tickets on their numberplates, we are focused on working Victorians, who need their government fighting for them and looking at ways to save them hundreds of dollars a year.

Crime

Brad BATTIN (Berwick – Leader of the Opposition) (14:10): My question is to the Premier. Locals in Prahran have witnessed shops and venues being burnt down, people being gunned down and a stabbing at Revolver nightclub. Recently Magda was simply walking down Chapel Street when someone punched her in the face. This morning a man was stabbed on the same street. Who in this government will take responsibility and be held accountable for the increasing violent crime?

Jacinta ALLAN (Bendigo East – Premier) (14:10): In acknowledging the Leader of the Opposition’s question can I also acknowledge those that he referred to as the victims of crime. They are always in our thoughts, which is why we are undertaking the necessary work that needs to be done to continue to look at all options available to strengthen community safety in this state. It is so important that we undertake this work, and it is so important that those opposite reflect on why they opposed strengthened community safety measures that were introduced into this place last year.

Bridget Vallence: On a point of order, Speaker, the Premier needs to be factual. We actually opposed because we wanted to strengthen the bail laws, not weaken them, as this government did. I would ask that you ask the Premier to come back to answering the question factually.

The SPEAKER: I ask the Manager of Opposition Business to state her point of order from the outset. As the Manager of Opposition Business knows, I cannot determine facts of an answer. The Premier was being relevant to the question that was asked.

Jacinta ALLAN: I referred earlier in the house today to the work that we are looking at at how we need to go further, but it also needs to be seen in the context of the strong work Victoria Police are

undertaking. There are more police on the streets of Victoria than in any other state in the nation, and we are backing them with the additional tools, powers and resources that they need. Those opposite did not fund a single police officer when they were given the chance – not one.

Bridget Vallence: On a point of order, Speaker, the Premier is debating the question. It was a very narrow question: who in the government will take responsibility? I ask you to ask the Premier to come back to this question.

Mary-Anne Thomas: Speaker, there is no point of order. The Premier was both being relevant to the question that was asked of her and seeking to answer the question directly, succinctly and factually. I ask that you rule the point of order out of order and let the Premier get on with answering the question.

The SPEAKER: The Premier will come back to the question.

Jacinta ALLAN: We acknowledge there is more to do, and that is exactly why we are doing the work right now, to focus on what more needs to be done to keep our community safe.

Brad BATTIN (Berwick – Leader of the Opposition) (14:13): Despite crime in Prahran increasing to record levels, real police funding per capita in Victoria has fallen by 4 per cent. Why is the Premier cutting real police funding per capita at a time that violent crime is out of control?

Members interjecting.

Brad BATTIN: That is right, in the ROGS.

Jacinta ALLAN (Bendigo East – Premier) (14:14): I am pleased the Leader of the Opposition has referred to the ROGS documentation, because that will tell the Leader of the Opposition what it shows for all Victorians: that there are more police on the Victorian streets than in any other state in the nation. Do you know what that same document would have said between 2010 and 2014? No funded police during that period of time. Our government supports Victoria Police, supports the Victorian community and will continue to do the work that needs to be done to keep our community safe.

Members interjecting.

The SPEAKER: Leader of the Opposition, I ask you to cease interjecting across the table.

Ministers statements: energy

Lily D’AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (14:15): I am pleased to advise that in 2024 Victorian wholesale power prices were again the lowest in the country, as reported by the Australian Energy Regulator. Our government’s fair price, the Victorian default offer, is now \$311 lower than the average in other states, showing yet again how our policies are helping every Victorian with cost-of-living pressures. This is happening because we have a clear plan to get more renewables into our system. Since 2014, 59 large projects have been built, providing Victorians with cheaper energy. This will only grow as the SEC charges ahead with its two nation-leading projects in Melton and Horsham.

Also in 2024 our Solar Homes program had its biggest year yet. Around 80,000 Victorian households installed solar PV batteries or hot water, and for hot-water systems more than 31,000 households installed an electric hot-water system, which is a more than 150 per cent increase on the previous best year. A hot-water rebate will save Victorians \$1000 up-front, with continued savings of \$250 on average every year on their bills.

Melbourne’s western suburbs have overwhelmingly embraced the sun’s power, with 44 per cent of homes in Tarneit, Truganina, Werribee and Hoppers Crossing now having solar PV. In regional Victoria Mildura and Shepparton have the highest solar uptake, closely followed by Wodonga, Wangaratta and Wallan. These initiatives deliver real, ongoing cost-of-living relief to Victorian families. The alternative is that these will be cut, leaving Victorians to fend for themselves when it

comes to cost-of-living pressure relief. Only the Allan Labor government will continue to work hard every day for Victorians, finding new ways to save on their energy bills.

Crime

Brad BATTIN (Berwick – Leader of the Opposition) (14:17): My question is to the Premier. Two years ago Atem was killed in front of his home in Wyndham Vale in an unprovoked shooting at just 29. Cruelly, only weeks ago his brother Lino was stabbed to death at a local park. He was only 24. Can the Premier tell the father of Lino and Atem just who in her government is responsible for failing to stop the growth in violent crime after the death of his first son and now the murder of his second?

Jacinta ALLAN (Bendigo East – Premier) (14:17): In acknowledging the Leader of the Opposition’s question, certainly our hearts do go out to Atem and Lino’s father and his broader family. It is absolutely heartbreaking to lose a child, but it must be absolutely devastating to know that they have been lost as a result of a crime – absolutely, absolutely devastating. And that is why the additional police resources we have put into the Wyndham Vale community, the additional investments in crime prevention and community safety and the additional investments that have been made in schools and mental health services in and around the Wyndham Vale and the Werribee communities are just so important.

Brad Battin: On a point of order, Speaker, this is a question. We are looking for the facts on this. When you talk about extra police resources in the area, Wyndham Vale station is closed and there are less police available. Explain that to the family of these loved ones.

The SPEAKER: Leader of the Opposition, there is no point of order.

Jacinta ALLAN: There are more than 100 additional police in the Wyndham Vale community today, and if the Leader of the Opposition wants to make this about politics, his government, when they had the chance, not one police officer was funded in this state.

Members interjecting.

The SPEAKER: Order! Points of order will be heard in silence. I remind members that points of order are not an opportunity to make a statement to the house.

Members interjecting.

The SPEAKER: Leader of the House, you are warned.

Bridget Vallence: On a point of order, Speaker, the Premier is debating the question. We are after who is responsible. It is a very narrow question.

The SPEAKER: The Premier will come back to the question. I ask the Premier to be mindful of being relevant.

Jacinta ALLAN: When you talk about taking on responsibility, as Premier I and all of us as members of government take very seriously the responsibility that we have as members of government, as members of Parliament, to lead our communities and take action to support our communities. That is why investment in schools, investment in mental health services, investment in community safety measures, investment in building more police stations, investment in staffing those police stations –

Bridget Vallence: On a point of order, Speaker, two boys have been murdered. The Premier is defying your ruling. She was debating the question.

The SPEAKER: The Premier was being relevant to the question.

Jacinta ALLAN: Out of respect to Atem and Lino’s family let us reflect on what we have to do in this place. Keeping community safe requires investment in police. It requires investment too in those things that prevent crime before it starts, and that is exactly what we are doing with the additional

education resources, the TAFE resources, the investments in mental health. We take our responsibility very, very seriously to make these critical investments that are about supporting families like Atem and Lino's, because I want no father or mother to go through that grief, and that is why we are going to look at what more can and must be done.

Brad BATTIN (Berwick – Leader of the Opposition) (14:21): Lino and Atem's father Deng recently stated:

I never got justice for two years for Atem, and [for it] to happen to Lino now ... I want to know ...

...

I want justice.

Premier, why is it in Victoria that criminals are repeatedly bailed after their crimes and so are your ministers for failing to take responsibility?

Jacinta ALLAN (Bendigo East – Premier) (14:22): All of us who are parents – all of us; we are all members of a family – absolutely understand that heartfelt plea for justice when you lose a loved one in these tragic and devastating circumstances. This is a matter that goes through the court processes, and I am not going to cut across those court processes, but we will continue to invest in Victoria Police, we will continue to invest in our schools and mental health services and we will continue to look at what more needs to be done to change the laws to strengthen community safety in this state.

Ministers statements: women's health

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Ambulance Services) (14:22): I rise today to update the house on the Allan Labor government's work to make women's health care more affordable and more accessible right across the state of Victoria. On this side of the house we are absolutely committed to transforming the way in which health care is delivered to women across our state. We know that for many women and girls cost can be a barrier to accessing the treatment and support and services that they need. That is why, as part of our \$153 million commitment to transforming women's health care in this state, I was delighted today to join with the Parliamentary Secretary for Women's Health, the member for Northcote, to announce Victoria's first ever virtual women's health clinic. This new service will expand access to treatment and care for women who for reasons of cost, time, age, mobility or family circumstance are unable to attend a clinic in person.

Members interjecting.

The SPEAKER: Order! Member for Cranbourne! Member for Point Cook, you can leave the chamber for half an hour.

Member for Point Cook withdrew from chamber.

Mary-Anne THOMAS: As an out-of-towner –

Members interjecting.

Mary-Anne THOMAS: All make way, here he comes, just as I am talking about health equity for women. We know that our new virtual health clinic will complement our 20 women's health clinics, our 20 sexual and reproductive health services, and of course the mobile clinic is already on the road. It has been to Mount Beauty. It is currently in Edenhope. I know the member for Lowan, another out-of-towner, will be really pleased that our government is actually delivering services to people in rural and regional Victoria. This includes of course access to services like abortion care. The women and girls of Victoria know that the only government that will continue to deliver the health care that they need is an Allan Labor government.

Waste and recycling management

Tim READ (Brunswick) (14:25): My question is for the Minister for Climate Action. Burning rubbish for energy produces toxic ash and smoke and undermines Victoria’s recycling efforts, but in December the government doubled the waste-to-energy cap to 2 million tonnes a year, which would give us between 1 and 3 tonnes of additional greenhouse gas emissions every year. We do not need yet another fire or flood to tell us that this is precisely not the kind of climate action we need. Why is the government doubling the planned emissions of its proposed waste-to-energy incinerators when what Victoria really needs is for emissions to go down?

Lily D’AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (14:25): I thank the member for Brunswick for his question. The fact is this: you argue that somehow emissions are going up; they are not. The emissions in fact in Victoria are going down, and our emissions are reducing at amongst the fastest rates in the country because of the actions that we have taken to reduce our emissions profile right across our economy. When it comes to waste and landfill and technologies that can assist with resource recovery and recycling, certainly my very good friend the Minister for Environment is doing a sterling job in the recycling system that Victoria has, which we are very, very proud of – the best in the country.

Can I say that I absolutely dispute the assertion that the member for Brunswick makes that the policy changes that were made towards the end of last year will result in increased emissions. They will not. I think they need to have a look at the facts, because the facts sometimes are inconvenient to those opposite, the Greens. The facts are these: we have ambitious emissions reduction targets in our state. Every target that we have set we have met, and we will continue to do the hard work, the diligent work, based on evidence and facts, to continue to reduce our emissions while growing our economy. When we grow our economy and when we reduce our emissions we are actually providing greater job opportunities for every Victorian across the state. We are doing this in a way also that is reducing people’s costs, their energy bills, and we are doing it in a way that is enduring.

Others can make commentary, others can have their wish lists, but when it comes to the facts and the evidence, the work that we have got underway in this state is the envy of the rest of the country, and we will continue to demonstrate our effort by continuing the work that we have done and growing the activities that will lead to us achieving our emissions reduction targets.

Tim READ (Brunswick) (14:28): The minister appears to be confusing the decline in the state’s emissions with the emissions from these projects, most of which have not started. They are not producing emissions, because they have not started. The minister I understand has signed a petition opposing at least one of these projects. Unless I have misheard, the minister may have even said that they will not produce emissions at all. But it is impossible to burn 2 million tonnes of rubbish without producing over a million tonnes of emissions. So my question for the minister is: what is the government doing to reduce or eliminate emissions from this project?

Lily D’AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (14:29): I think the member for Brunswick would do well to explain which emissions he is talking about, because the question to the Minister for Climate Action I take it is about carbon emissions, and I have been very clear that handling the waste system in a way that recycles and reuses all of the materials you can, short of sending them to landfill –

Ellen Sandell: On a point of order, Speaker, on relevance, it is very clear that this question is about the carbon emissions from a specific project, and I assume that that is something that is of interest to the climate action minister, who is responsible for carbon emissions.

The SPEAKER: The minister was being relevant to the question.

Lily D’AMBROSIO: We are talking about a system-wide approach to emissions reduction. If you want to pick on one item, go ahead obviously if you get your jollies on that. But what I get my jollies

off on, Speaker, every single day is working hard to have the actions in place so that when you look at a systems-wide approach – once you have reused and reduced your waste, kept it out of landfill through an industrial process – and when you consider the whole of the emissions profile of that, you will see a reduction in carbon emissions, not an increase. Cherry-picking your data does not work.

Ministers statements: community food relief

Ros SPENCE (Kalkallo – Minister for Agriculture, Minister for Community Sport, Minister for Carers and Volunteers) (14:30): I am very pleased to update the house on the Allan Labor government’s commitment to supporting community food relief right across Victoria. We know that cost-of-living pressures continue to have a really significant impact across the state and that many families are really doing it tough, and that is why we invested an additional \$6 million into providing food relief through the 2024–25 state budget, building on our investment of more than \$56 million since 2020.

In December I was pleased to announce the recipients of more than 110 grants for community organisations and neighbourhood houses, which provide much-needed food relief across the state, like South East Community Links, who provide terrific services across the south-east, including in Dandenong, Clarinda and Mulgrave, and who are expanding their food voucher and culturally appropriate food relief capabilities, and Banksia Gardens community centre, well known to the member for Broadmeadows, who are purchasing more food to distribute and increasing their food storage facilities.

We are providing additional food relief support to people and families across regional Victoria. We have invested \$1 million to support statewide food relief providers, including the terrific Geelong Food Relief Centre, as the members for Lara, Geelong and Bellarine well know, and we have invested an additional \$1.5 million in the state’s six regional food relief hubs in Bendigo, Shepparton, Geelong, Albury–Wodonga, Mildura and Warrnambool so that they can keep doing their really essential work of helping regional Victorians when and where they need it most.

This government supports our community food relief sector and the thousands of outstanding volunteers who work in these organisations, and I thank each and every one of those volunteers for the incredibly important work that they do every day.

Members interjecting.

The SPEAKER: Order! Leader of the House, this is not acceptable. As I reminded members at the table yesterday, you are not immune from being ejected from the chamber.

Grampians Health Dimboola campus

Emma KEALY (Lowan) (14:33): My question is to the Minister for Health. Minister, the Little Desert bushfire burnt to within 350 metres of the Grampians Health Dimboola campus. Why weren’t all the patients, aged care residents and staff of the Dimboola campus evacuated when the emergency evacuation order was issued for Dimboola?

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Ambulance Services) (14:33): I am very happy to answer the question from the member for Lowan. Before I start can I take this opportunity once again to thank all of those – our first responders, our firefighters and our volunteers – who are on the ground right now continuing to fight active fires in the Grampians region. Members of the health department are active members of incident management teams right across the state and work very, very closely with our health services to ensure at all times that decisions are made in the best interests of the health and wellbeing of people that may be patients at any given time in our health system. The health services work with EMV to make sure that patients and workers are safe. That is their number one responsibility. The decision about whether to evacuate a hospital or a public sector aged care facility is a complex one, and it is made by experts. It is not made based on ill-informed information from a politician; it is made based on expert advice.

Emma Kealy: On a point of order, Speaker, the minister's response must be factual. Emergency evacuation orders are issued by the government based on expert advice, and therefore I ask for the minister to be factual in her response.

The SPEAKER: I cannot determine the facts of an answer. The minister was being relevant to the question.

Mary-Anne THOMAS: I think it is really important to be very clear –

Members interjecting.

Mary-Anne THOMAS: You asked a question; listen to the answer.

The SPEAKER: Member for Lowan! Leader of the House! Member for Lowan, you have asked your question, and I know that you have a supplementary. I am sure you do not want to leave the chamber and you would like to ask your supplementary. I ask you to be respectful to the member on their feet. Minister for Health, address your answer through the Chair.

Mary-Anne THOMAS: I feel very strongly about this because I want to be very clear to everyone in this house that emergency management decisions are made by experts on the ground, they are not made by politicians in government. I know it has been a long time since they were in government – and indeed the member for Lowan has never been in government – but politicians do not make these operational decisions.

Emma Kealy: On a point of order, Speaker, you reprimanded me for making comments over the table. I ask you to ask the Premier to oblige with the same respect. It works both ways.

The SPEAKER: That is not a point of order. I invite all members, including members at the table and the Premier, to cease interjecting while the minister is on her feet.

Emma Kealy: On a different point of order, Speaker, responding to questions is not a time to attack the opposition. Locals are very keen to get an answer about why the hospital was not evacuated during an evacuation order.

The SPEAKER: I ask members to be succinct in their points of order. I ask the minister not to attack the opposition and to come back to the answer, please.

Mary-Anne THOMAS: Let me reiterate that a decision to evacuate the site or not is based on the best information that is available at the time from EMV and agencies including the CFA. There are established emergency management processes in place, and the decision-makers are officials who are on the ground making those decisions. That is the way it is and that is the way it should be. These decisions are based on the best outcomes for patients and workers. Their safety is always the number one priority.

Emma Kealy: On a point of order, Speaker, the question was why the patients and residents and staff were not evacuated – why – not who made the decisions. Why weren't they evacuated?

The SPEAKER: Member for Lowan, I ask you to make your points of order succinctly. The minister was being relevant to the question. The minister has concluded her answer.

Emma KEALY (Lowan) (14:38): When the 'Watch and act' alert was issued for Dimboola earlier that day, Grampians Health management in Ballarat did not make any plans to evacuate Dimboola hospital. Family members –

A member: How do you know that?

Emma KEALY: Because they were not evacuated.

Members interjecting.

The SPEAKER: The Minister for Climate Action will leave the chamber for half an hour. The member for Sunbury can leave the chamber for half an hour. The member for Laverton can leave the chamber for half an hour.

Minister for Climate Action and members for Sunbury and Laverton withdrew from chamber.

The SPEAKER: The member for Lowan has asked a supplementary question, and I ask the minister to allow her to complete her supplementary question in silence, and allow the minister to answer in silence.

Emma KEALY: When the ‘Watch and act’ alert was issued for Dimboola earlier that day, Grampians Health management in Ballarat did not make any plans to evacuate Dimboola hospital. Family members and courageous staff that stayed to care for residents and patients say that the lives of residents, patients and staff were put at unnecessary and unacceptable risk. Who in the Allan Labor government will be held responsible for this gross negligence of care which put so many lives at risk?

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Ambulance Services) (14:40): The supplementary question asked by the member for Lowan is based on a lot of hearsay and supposition and not on actual fact. Let me be very clear: the decision to evacuate a health facility is a very, very serious one where the actual health needs and the conditions, the frailty and the risks associated with evacuation are all considered. I can tell you that on the day there were many active conversations being had by the people that are best placed to make those decisions, including Grampians Health. So I reject the member’s supplementary question. We proudly stand here in support of our emergency management commissioner, Emergency Management Victoria and all of our first responders who are fighting right now, on the ground, these terrible bushfires.

Ministers statements: education funding

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (14:41): I spoke yesterday about our work over summer to secure the biggest investment from the federal government in public education: \$2.5 billion. We spent our summer counting numbers and dollars for children and their parents. We know others – and here he is – were counting numbers for themselves, don’t we? Come in, spinner. I think you call that ‘at fault’.

Members interjecting.

The SPEAKER: Order! Member for Brighton, this is your last warning.

Bridget Vallence: On a point of order, Speaker, former Speaker Brooks ruled that ministers, during ministers statements, should countenance policy decisions and not attack the opposition.

Mary-Anne Thomas: On the point of order, Speaker, there is no point of order. The Deputy Premier was being entirely factual in comparing and contrasting the way in which the Allan Labor government ministers focused their attention over summer with what those on the other side were doing.

The SPEAKER: I ask the Deputy Premier to be mindful of not attacking the opposition and to come back to his ministers statement.

Ben CARROLL: Over summer we also reached \$100 million back in the pockets of hardworking families through the Allan Labor government’s school saving bonus. \$30 million has been claimed for textbooks. \$28 million has been claimed for camps, schools and excursions. \$45 million has been claimed for school uniforms. In the member for Berwick’s electorate, more than \$2.2 million has been claimed. In the member for Kew’s electorate, \$1.5 million, and in the hardworking seat of Werribee, \$2.3 million has been claimed.

But, Speaker, as you said yesterday, it is important to compare and contrast. Who could forget what happened on 17 January? The *Herald Sun*, ‘Liberal MP tips cuts to services’, and I quote –

Bridget Vallence: On a different point of order, Speaker, a member is not allowed to make an imputation by referring to a document containing that imputation – Speaker Coghill in *Rulings from the Chair*.

Members interjecting.

The SPEAKER: Order! The member for Tarneit can leave the chamber for half an hour. You are going to keep that record.

Member for Tarneit withdrew from chamber.

Mary-Anne Thomas: Speaker, it is clearly not a point of order here. It is not an imputation to report what indeed a member has said themselves, which is exactly what the Deputy Premier was doing in order to contrast, once again, the focus of those on the other side with that of the Allan Labor government, which is meeting the needs of all Victorians no matter where they live.

The SPEAKER: I ask you to please be succinct in your points of order, Leader of the House. I remind the Deputy Premier that it is not appropriate to attack the opposition and ask that he come back to his ministers statement.

Ben CARROLL: I will not attack the opposition; I will only quote them. In a wideranging interview on a libertarian podcast Mr Joe McCracken discussed the inner workings of the Liberal Party coup, and he also said they are likely to include cuts to services. I will quote Mr McCracken word for word:

... how much do you cut, what do you cut, what services can you live without ...

That is the difference. On our side – we in the Labor Party – it is what we do. What the Liberal Party do is undo what the Labor government does. We are always on the side of working people; they are always on the side of themselves. They proved it over summer. The three blokes are here. All they are for is themselves. They will not even give up a seat –

Bridget Vallence: On a point of order, Speaker – I think the minister is a little disappointed that he did not have any points of order referred to him yesterday – personal reflections are disorderly.

The SPEAKER: I uphold the point of order, and I ask the Deputy Premier not to reflect on members in the chamber.

Ben CARROLL: I will just leave it to Mr McCracken: ‘How much do you cut?’

Members interjecting.

The SPEAKER: The member for Brighton can leave the chamber for half an hour.

Member for Brighton withdrew from chamber.

Constituency questions

Croydon electorate

David HODGETT (Croydon) (14:48): (960) My question is for the Minister for Public and Active Transport. Minister, when will the bus shelter which used to be at the bus stop located outside 429 Maroondah Highway, Croydon North, be replaced? This bus stop is located at a very busy spot outside the Blackburn English Language School, as well as strip shops. However, the shelter was obliterated in July 2023 by an out-of-control car which hit the shelter and burst into flames. It is now over 18 months, and our community is still waiting on a replacement bus stop, leaving commuters waiting in the scorching heat or inclement weather for their bus.

Bellarine electorate

Alison MARCHANT (Bellarine) (14:49): (961) My question is for the Minister for Health. Minister, how will the recent announcement of the general practitioners grant program benefit my electorate of Bellarine? I have had discussions with constituents about the limited availability of GPs on the Bellarine and in surrounding areas. While the government has stepped in to ensure there are options to get the care they need, whether that be the urgent care clinics, the Victorian Virtual Emergency Department, Nurse-on-Call or our community pharmacist statewide pilot, I am very pleased to see a second round of this grant program has opened up to encourage more medical graduates to take up a career in general practice. I look forward to hearing an update from the minister to share with my electorate.

Shepparton electorate

Kim O'KEEFFE (Shepparton) (14:49): (962) My question is to the Minister for Public and Active Transport. Minister, when will nine return weekly train services be delivered on the Shepparton line as promised? In August 2021 the then Minister for Transport and Infrastructure, now the Premier, stated that stage 3 of the Shepparton line upgrade would be completed in 2023. We are more than a year past that date and this critical infrastructure project is yet to be completed. The current limited services have led to significant overcrowding on the Shepparton line, which is having a serious impact on people's safety and wellbeing, with many travellers not being able to get seats. I was recently contacted by an 86-year-old woman who had her finger crushed in the door while she was trying to get out of the toilet with her mobility aid. She said people were squashed right up to the toilet door. She had to go straight to hospital for surgery on her finger. Unsafe overcrowding will continue until we see the promised extra services.

Wendouree electorate

Juliana ADDISON (Wendouree) (14:50): (963) My question is for the Minister for Health Infrastructure and is regarding the Allan Labor government's \$655 million investment to expand and redevelop the Ballarat Base Hospital. It is the biggest investment in Ballarat's history, and I am so proud that it is for our public hospital. It is fantastic to see construction works occurring at the Ballarat Base Hospital, knowing that once completed it will include a new emergency department with an integrated mental health, alcohol and other drugs hub; a new helipad; an expanded intensive care unit; endoscopy unit suites and consulting rooms; a new women's and children's hub; and an extra 100 inpatient and short-stay beds. Minister, what are the upcoming construction milestones on the Ballarat Base Hospital redevelopment? Our redeveloped hospital will have the capacity to treat more than 18,000 more emergency patients, deliver an extra 14,500 inpatient services and an additional 4000 surgeries per year. I look forward to the minister's response.

Benambra electorate

Bill TILLEY (Benambra) (14:51): (964) My constituency question is for the Minister for Education. The information I seek is why the Department of Education considers the relocation of the Bandiana Primary School to be a merger. The school council was told that is why the principal was forced to apply for her own job. That process was abandoned before Christmas because it broke department policy, but they are expected to advertise again in the near future. The Australian Defence Force land at Bandiana lease ends on 31 December this year. They have to move, and no other school is involved. It is not a merger but it is a massive change for students, their families and staff. They need the assurance that can be provided by a nationally recognised principal who has led the school to the best NAPLAN results for state schools in my area and being oversubscribed because of its reputation.

Bass electorate

Jordan CRUGNALE (Bass) (14:52): (965) My question is to the Minister for Environment and is regarding the erosion at Inverloch and Silverleaves in my electorate of Bass. What measures is the

Allan Labor government undertaking to protect our coastline? With the approaching Easter king tides and potential storm surges, my community is concerned about further scouring and erosion. We need to plan and carry out interim nourishment activities in the very immediate term to further protect coastal assets in Inverloch and homes in Silverleaves. In Inverloch we are well advanced on the large-scale dune reconstruction project as part of the cape-to-cape resilience plan, and this is scheduled to start this spring. In Silverleaves we have worked with the community, undertaken a coastal adaptation study and developed designs and costings for a preferred short-to-medium term solution that can be modified, relocated or removed in future to align with final adaptation options. I was pleased also to facilitate a meeting with the minister and Bass Coast council just last week to discuss this important issue.

Richmond electorate

Gabrielle DE VIETRI (Richmond) (14:53): (966) My question is for the Minister for Emergency Services. The Grampians are on fire. 2024 was the hottest year on record, with climate collapse unfolding before our eyes. There will be more out-of-control fires. At a time when communities are relying on firefighters and equipment the most, Victorian fires have had to take 30 trucks off the road because they are too unreliable. At Richmond fire station all appliances are over the maximum age. Fire Rescue Victoria and fires in my electorate have been asking for years for new fire trucks so they can do their jobs and protect their communities, but this government has ignored their requests. Now in the middle of the fire season firefighters and fire-prone communities are at risk. Minister, why are you forcing fires to put themselves at risk just to keep our communities safe?

Broadmeadows electorate

Kathleen MATTHEWS-WARD (Broadmeadows) (14:54): (967) My constituency question is for the Minister for Transport Infrastructure and Minister for Public and Active Transport, and I ask: what opportunities exist to improve accessibility at Glenroy station? Some of my constituents have told me that they have trouble accessing disability parking at the station and would like the department to consider putting in additional disabled parking bays. Constituents have also asked for consideration of the installation of an additional taxi rank on the eastern side of the station to assist residents who live east of the train line. I thank Erin O'Brien for raising this issue, and I also thank Kate and Dean Fox for requesting an extension of the shelter on the platform for improved coverage of the waiting area. The Glenroy level crossing and new station are my pride and joy, the jewel in the crown of Glenroy and something I have worked towards all of my political life. I am very proud of Labor's commitment to the removal of level crossings, which has made such a huge difference to our community. I thank the minister for her strong advocacy on public and active transport and congratulate her on the new portfolio of transport infrastructure.

Gippsland East electorate

Tim BULL (Gippsland East) (14:55): (968) My question is to the Minister for Health. Gippsland patients are experiencing delays with medical imaging, which I raised some time ago. But nothing has improved, so the information my constituency seeks is what is being done in relation to this issue. The Gippsland Primary Health Network's health needs report says Gippslanders face a higher prevalence of avoidable deaths specific to cancer diagnosis, lung disease and heart disease – higher than any other region in Victoria. This is in part due to unacceptable delays in medical imaging. One constituent waited 85 days after the local doctor ordered a scan to actually get the appointment. My constituents want information outlining what the minister has done since I first raised this some time ago.

Box Hill electorate

Paul HAMER (Box Hill) (14:56): (969) My question is to the Minister for Community Sport, and I ask: what is the status of the Mirrabooka Reserve pavilion redevelopment in Blackburn South? As the minister is aware, the pavilion is set to undergo a major facelift, thanks in large part to a \$3 million commitment made by the Allan Labor government at the last election. I have gone down to the grounds

in recent times and I have seen the concept plans that have been released, and they do look fantastic. It is going to be a great addition to the community facilities down there, particularly for the two major tenants, being the Blackburn NewHope Football Club and the Blackburn South Cricket Club. At the moment there is only a single change room for all players, male or female, and the new pavilion will provide much-improved facilities. I look forward to the minister's response.

Rulings from the Chair

Constituency questions

The SPEAKER (14:57): I have reviewed yesterday's constituency questions. Guidelines for questions on page 144 of the current *Rulings from the Chair* state that questions should not seek opinion, particularly a legal opinion. The member for Nepean asked whether the Premier will admit she was wrong, which is seeking an opinion, and so I rule the question out of order.

Bills

Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024

Second reading

Debate resumed.

Michaela SETTLE (Eureka) (14:58): I am delighted to return to what is an incredibly important bill really to clarify some of the things that were brought up during my previous contribution. The member for Brighton raised an objection that in some way I was impugning members from the other side, and I just want to be really clear here that in fact what I was talking about was directly from *Hansard*, that these were things that they said. The member for Warrandyte in talking about the need for these new laws was talking about 'immutable attributes' and also discussed matters of conscience. I just want to make it really clear that those of us on this side of the house understand that 'immutable' refers to something fixed or unable to be changed. For those on this side of the house that includes race but also sexual orientation, disability and all of those people that need protecting and are protected under this bill.

I also made reference to the member for Mornington, and again this was taken from *Hansard* and a contribution that he was making. In that contribution he made wild claims about journalists, writers, comedians, academics, artists, entertainers – they could all be caught by the reforms. But what he did not really look at was understanding the bill and that in fact all of those cohorts do have exemptions to them.

Again I would like to remind the member for Brighton, who in his what can only be described as hysterical contribution suggesting that these laws would allow a person in a hotel to slap someone and call them a Zionist, that slapping is an assault and that furthermore there are protections in this legislation which say that there can be no other ulterior motive, so the said person doing the slapping would have to prove that there was no other motive for his actions.

Perhaps, rather than bringing this hysteria, those on the other side could support this bill.

When we did the original committee meeting a Melbourne Law School professor Beth Gaze, who is an expert in equality and discrimination law, said that the proposed legislation would bring Victoria in line with the other states. But she also said that vilification law is controversial and is often used as a political football. I can only say that those on the other side have done exactly that by opposing this bill and coming up with spurious reasons why this bill should not go forward. They are turning their backs on the most vulnerable in our community – all of the people that came and presented to us at that committee. I want to thank all those people for their courageous effort in coming forward. Stop turning your backs on them.

Jess WILSON (Kew) (15:01): I too rise to speak on the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. From the outset can I thank the member for Malvern, the

Shadow Attorney-General, for the power of work he has done on this piece of legislation behalf of the opposition, making sure that we have a very well informed position and are well briefed on the risks this piece of legislation poses to the wider community.

Can I begin by talking about the need for reform. It is the case that the need for reform in this area of law is clear, and we accept that the current set of anti-vilification laws need to be reformed to provide greater protections against incitement and hate in this state and to enhance social cohesion in Victoria. My colleague the member for Malvern has already pointed out that we have only had four convictions under the current system, and we know that, sadly, there have been numerous serious incidents in this state that would fall under this area of law. It has been particularly concerning to see the appalling rise of that ancient, persistent hatred of the Jewish people. The spike in antisemitic sentiment across this state and across this nation is of deep concern to the coalition.

I note the work of the Legal and Social Issues Committee, who provided a road map for reform in this space, but unfortunately the bill before us does deviate significantly from the recommendations of that committee, which I will return to shortly.

I want to start by outlining the parts of the bill that we do support, because as I said earlier, the coalition absolutely accepts the need for reform in this area to strengthen protections and improve social cohesion. We acknowledge the need to modernise this area of law to better protect those in our society who are subject to unacceptable, hateful and prejudicial behaviour. That is why we support the measures in this bill that expand the protected attributes under the act.

Unfortunately, there have been a number of vulnerable people who, because of a particular attribute or belief, can be and have been subjected to hatred and incitement on the basis of that attribute or belief. Currently only the attributes of race and religion are protected. The coalition supports the measures contained in this bill to expand that list of attributes to include disability, gender identity, sex, sexual characteristics and sexual orientation. I note that these attributes and characteristics are protected under the Equal Opportunity Act 2010, so aligning the anti-vilification law with these definitions is sensible reform.

Again I want to say very clearly that the coalition supports these measures to protect potentially vulnerable members of the community and to improve social cohesion in Victoria by expanding the list of protected attributes. However, we do have genuine concerns about areas of this piece of legislation, and they relate to the ‘political purpose’ defence. Unfortunately, despite our unambiguous support for the expansion of protected attributes in this bill, there are some measures contained in it that the coalition cannot support.

The creation of a ‘genuine political purpose’ defence to the criminal charge of incitement is, in the words of my colleague the member for Malvern, a green light to incitement and a step in the wrong direction. I note that the Legal and Social Issues Committee did not make any recommendation to suggest that a ‘political purpose’ defence was necessary.

I also note the opposition to this measure by several faith groups, including the Jewish Community Council of Victoria and the Islamic Council of Victoria. Indeed let me put on the record some of the concerns of the Jewish and Islamic communities. The Jewish community are concerned that simply substituting the term ‘Israel’ or ‘Zionist’ for ‘Jew’ will avail antisemitic protesters of the ‘political purpose’ defence on the basis that attacking Israel or Zionism is a political activity. The Jewish Community Council of Victoria wrote of this concern that this defence would become:

... a catch-all measure that renders these new laws unworkable.

As Mark Dreyfus, the federal Attorney-General, has said:

The label Zionist is used, not in any way, accurately. When critics use that word, they actually mean Jew. They’re not really saying Zionist, they’re saying Jew because they know that they cannot say Jew, so they say Zionist or words [such as] Zeo or Zio.

Similarly, the Islamic Council of Victoria has warned that the misuse of this defence has the potential to allow individuals openly preaching or inciting hate to evade responsibility by hiding behind a claimed political purpose. This new defence will provide legal protection for all manner of hate speech, creating a loophole that completely undermines the other worthy measures that are contained in this bill.

Mike Burgess, the director-general of ASIO, in his annual threat assessment last year highlighted the concerning rise in politically motivated violence in this country. He said that more Australians are embracing a more diverse range of extreme ideologies and that politically motivated violence is now one of Australia's principal security concerns. Given we know political motivations are driving much of the extremist sentiment in this country, it is inconceivable that the Labor government would seek to provide a political defence to incitement in this bill.

According to the Executive Council of Australian Jewry, in the two months following the devastating attack of 7 October by terrorist organisation Hamas we saw a 738 per cent rise in antisemitic incidents compared to the same period last year. Unfortunately, this steep and ugly rise in antisemitism has been particularly apparent here in Victoria, where we have seen protests and violence conducted in Jewish neighbourhoods, outside synagogues, designed to intimidate the Jewish community here in Victoria and target them for their faith. We are now seeing this antisemitism spilling over into some of the most atrocious acts of violence and hatred, such as the firebombing of a synagogue right here in Melbourne. We have heard antisemitic chants in this place, not to mention the intimidatory acts we have witnessed targeting Jewish schools here in Victoria, here in Melbourne, like Mount Scopus, where there is now a fear among students, parents and staff at those schools. For that reason, we simply cannot support any bill, no matter how well intentioned, that effectively creates a legal cover to allow hate speech to exist and potentially even grow because of this 'political purpose' defence.

Another area of concern that I will touch on briefly relates to the civil anti-vilification provisions contained in this bill. In particular the harm-based civil protection measures in this bill introduce a highly subjective element of the law. Rather than the test being what a reasonable person would find to be hateful, the test under this bill will be whether a reasonable person with the protected attribute would be reasonably likely to find it hateful. What this means in practice is that different groups of people with different protected attributes will now have different protections under the law. The introduction of a subjective element to vilification laws means courts must assess the perspective of a person with the attribute instead of the perspective of a reasonable person. I give the example of the Christian faith: that will come down to whether someone is a Catholic member of the faith, Church of England, Baptist or Presbyterian, and you can drill down even further into those faiths. Concerningly, the courts will also need to assess how sensitive groups and subgroups are in order to assess whether particular conduct is illegal. This is an affront to the foundational principle that all Victorians are treated equally under the law in this state. It is erosion of the fundamental principles that underpin our legal framework, and the coalition opposes this attempt to unpick the fabric of that foundation.

The member for Malvern, the Shadow Attorney-General, has moved a reasoned amendment pointing to the fact that we should focus on how to improve social cohesion here and now, and that is in relation to move-on laws. This is a missed opportunity to strengthen protections for vulnerable Victorians, to build social cohesion and ensure that lines in the sand can be effectively drawn against some of the more horrid incidents we have witnessed in this state in recent times. It is a missed opportunity to look at ways we can strengthen existing laws to better tackle antisocial and vilifying behaviours. This includes the move-on laws, which must be on the table for any discussion when it comes to improving social cohesion in this state.

The coalition stands ready to work with the government. We have introduced a private members bill to put those laws back in place so police have the power to stop the weekly disruptions when it comes to protestors making it hard for families to come into the CBD, putting at risk last year the Myer Christmas windows and Australia Day here in the CBD. Unfortunately the government has completely

missed the mark with this bill. We cannot support laws which will only protect hateful speech and encourage more of it.

Paul EDBROOKE (Frankston) (15:11): I am very, very happy to stand up and speak on this bill this afternoon. It is something to stand here and reflect upon the contributions of some of those opposite that I think at times do not show an understanding of the bill or of community expectations. We have seen quite a number of issues in Australia over the last couple of months. We have seen that as a reflection of what is happening overseas. I will not go into some of those conflicts and wars. We have all got our opinions on them, whether we support people politically, but I think we can stand here today and say we all support humanity. This bill supports humanity and it supports people's safety. It supports people who are the most vulnerable in our community, some of the minorities, and that is why I stand here today knowing that this bill will deliver a tranche of reforms to expand and strengthen Victoria's anti-vilification laws to better protect all Victorians.

Sitting here today and listening very, very intently to this debate, it appears to me that we are looking for excuses not to do what we are here to do. I say to some of those people opposite – there are only two people opposite at the moment – that if you are not here to make positive change for your community, get another job. If you are here to sit on your butt and enjoy the status quo and the car, get another job. You need to be brave. Your community expects you to lead. You are in a leadership position. While I admit that the position of an MP is a leadership position, we do not all fill that spot as leaders. We need to grow into that, and I ask those opposite to grow into their positions as leaders. Show some leadership. It will not come overnight, but this is a good place to start. This is a good place to exercise that muscle.

We have heard from those opposite that this bill will expand anti-vilification protections from race and religion to also include the attributes of disability, gender identity, sex, sex characteristics, sexual orientation and personal association with a person who has a protected attribute. It will repeal the Racial and Religious Tolerance Act 2001 and move criminal vilification offences to the Crimes Act 1958 and civil anti-vilification protections to the Equal Opportunity Act 2010. It will improve how serious vilification offences operate, including by introducing new serious vilification offences, and it will improve how civil protections operate, including by modifying the civil incitement-based protection, introducing a new harm-based protection and retaining the civil exceptions with minor amendment. It will retain the key features of the RRTA, including protections from racial and religious vilification, and it will make a technical amendment to the Bail Act 1977 to ensure that bail decision makers can remand a person who is charged with intentionally performing a Nazi gesture.

Just on that, I am absolutely shocked that people in the media – and Sam Newman would be one of them – would come out today and say, 'These people who I let on my show and gave a platform to are ugly, terrible people.' Well, why did you give them a platform on your show? Why did you show people that this is acceptable behaviour?

The other issue that I take umbrage with is people saying, 'It's not a Nazi salute, it's a Roman salute.' Those who know their history – the member for Essendon is not here at the moment, but he is a bit of a history buff; he has been quoting the Greeks and Romans for many years in this chamber – would know that saying that this is a Roman salute is not a great thing, because the Romans did some pretty terrible things. I would like to see us agree that whatever the case, whatever this salute represents, it is not good, and we should come together and agree that it should be banned and that there should be consequences for those who use it.

The Liberal Party have come out and they have told us their position on this bill. Again, sitting here today, I am not quite clear what that position is. I know that they are not going to support the bill, but I am not quite sure why.

Mathew Hilakari interjected.

Paul EDBROOKE: Absolutely, member for Point Cook. We have heard the bill being politicised. We have heard from various members about slaps and about things that are offences under the Crimes Act and that are totally separate from this. I know the member who was speaking about that has a degree in law and knows better than that, so I cannot help but think this is some obfuscation to make it so this bill is used as a political tool and weaponised, rather than putting the safety of our community first, which is why we are here.

It is very disappointing to hear a shotgun approach of opinions about why this bill should not have bipartisan support in this house. For goodness sake, isn't that why we are all here? This is one of those bills, and we have had a few of them before, where I stand up in this house – and I am really proud to be in this house. I am really proud to know people on this side of the house but also people that I work with in a bipartisan nature on committees – people that I respect and people that I even to some extent trust. I can see the looks on some of those people's faces on the opposite benches. They are being told one thing, and they are not quite understanding why they are expected to stand up and not support a bill that protects people in their community.

This bill of course gives effect to 15 recommendations of the 2021 Victorian parliamentary inquiry into anti-vilification protections. We just had a shadow minister stand up and say that it does not take those recommendations in totality and it does not represent them in totality. I think again that is one of those grey areas where they are saying, 'Here's a reason not to support the bill.' I would like those opposite to tell us some of the reasons that they would support the bill. I think if they did go out and they did consultation with their community, they would not find many people who would not support this bill. Of course there are some people giving misinformation to members of the community out there. We have all had emails, and there are some genuine emails from people with real concerns. There are some genuine emails from people with real concerns about issues that actually are not issues – issues that are very hypothetical and issues that may never, ever be tested in a legal court.

This bill I think shows the best of us, and we here today, much like with a few other bills we have passed in this place, should be showing our community that we are the best leaders we can be. We need to expand protections. Over the last couple of months we have seen a changing environment. Much like in the IT environment at the moment with AI, we have to take leadership and expand and change to cope with that. We have seen a renewed threat, we have seen a different threat and we have seen this threat on various platforms, whether it be social media or whether it be these army GI Joe wannabes going to country towns and marching.

We do not have laws that protect our community enough against these kinds of idiots. When I say 'idiots', it is probably wrong thing to say, because a lot of these people know what they are doing. They have terrible beliefs. They sit there and they know the history, but it is all about division, it is all about stoking hate. I would hate to think that there are people on the other side of the chamber that have anything to do with these people, but I know that is not true. I am not going to make any allegations here today, but I would like to know that everyone in this chamber would stand in unity and solidarity and say, 'We need this bill to protect the people of Victoria.' Because at the moment these new threats that are developing are scary, and they are scaring our community. We have seen so much hatred against migrants. We have seen so much racism. And we are seeing what is going on in the United States where people's passports are being taken off them over gender issues and they cannot travel. We cannot go down that path. We need to make sure that this bill passes.

For those on the opposite side of the chamber: please take the time to read the notes. Please take the time to question what people tell you. I think you will find that it makes sense. I think you will find you would vote for this. I commend the bill to the house.

Gabrielle DE VIETRI (Richmond) (15:21): For a long time the Greens have called on the government to expand Victoria's anti-vilification laws to protect LGBTIQ+ people and disabled people from hate speech, because at the moment a person is only protected from vilification – hate speech – on the basis of their race and religion.

In March 2023 we saw neo-Nazis standing on the steps of Parliament with a horrific sign, a call to violence and a clear vilification of a vulnerable and marginalised cohort. In response we accelerated our work to protect the community. We introduced our own anti-vilification bill to push the government to expand the list of attributes that are protected under our law. Now, after years of advocacy from the Greens and the community, the government has finally produced a bill.

There are really important things contained in this bill. It expands the list of attributes that are protected from just race and religion to cover gender identity, sex, sex characteristics, sexual orientation, disability and personal association. We call on the government to listen to calls from across the community to also include additional attributes – gender expression, HIV and hepatitis status, homelessness, immigration status and lawful sexual activity – as part of the protected attributes.

These laws also lower the threshold for civil vilification, making it easier for someone to seek a remedy through the courts when they have been vilified – compensation for damages, an apology, an injunction. We are in favour of that, because up until now only a handful of civil vilification cases have been successful because the bar is too high. This bill changes the operation and the scope of the civil protections to change that, and that is something we support.

There are also other barriers, though, to accessing civil protections. To have your case heard – to access the protections afforded by civil anti-vilification law in the first place – a person needs to be empowered, supported and financed to start proceedings against someone who has vilified them. Those who are most marginalised, most vilified and most vulnerable are the least likely to have the means to take someone to court, and vice versa. That is why we urge the government to also strengthen the Victorian Equal Opportunity and Human Rights Commission's powers to investigate systemic vilification and compel information from online platforms so that the system is less reliant on people who have suffered from harm prosecuting cases to bring about change, and to institute a positive duty for organisations, including in particular the police, to actively prevent vilification, not just punish it. We call on the government to increase funding for the critical work that our community legal centres do to support marginalised communities and ensure equitable access to legal protections.

This bill also seeks to make changes to the criminal provisions. Most notably it significantly lowers the threshold and increases the penalties and expands police powers in relation to criminal vilification. That is the kind of serious vilification that is an indictable crime punishable by imprisonment. There are a number of things that are proposed. The maximum penalty that can be imposed has been increased from six months currently to a proposed three to five years imprisonment.

At the same time as increasing the penalty, this bill also lowers the threshold in a number of ways. Currently to prove criminal vilification you would have to prove that somebody intentionally incited hatred, contempt, revulsion or severe ridicule and threatened to do physical harm and property damage to meet that definition of criminal vilification. Under the proposed changes you only have to prove one or the other – incitement or threat. Also a recklessness fault element has been introduced, so a person does not have to actually intend for what they do to have the consequence; they will just have to know or believe that their conduct will probably have that effect. The explanatory memorandum says that the lower thresholds are intended to be able to capture a broad range of conduct both overt and subtle.

The bill also removes the requirement for the police to obtain consent from the Director of Public Prosecutions to proceed to prosecution. Removing this guardrail gives the police the power to arrest, charge and prosecute without third-party oversight from the DPP. In theory, lowering the threshold should make it more likely that the laws will actually have an impact on people's conduct, and hopefully for the better. We know that one in two trans people experience anti-trans hate. The far right have shut down family friendly library events for queer families and converged on the steps of Parliament to rally against trans people's very existence. There is a rise in far-right extremism, a rise in racism and a rise in Islamophobia and antisemitism. LGBTIQ+ people, disabled people and

people from diverse backgrounds and faiths have had to put up with daily targeting and abuse because of who they are or who they love. This is unacceptable.

Something needs to change, and protecting people in law is one important way to send a clear message that this kind of hate speech will not be tolerated. But without proper safeguards, education, political leadership and checks and balances on power, human rights, legal and community stakeholders have warned us that the criminal provisions could in fact be weaponised against the very people that they are meant to protect – people from marginalised and overpoliced communities, including First Nations people. Many stakeholders have expressed support for the expansion of attributes and the strengthening of the civil provisions but also expressed significant concerns around the increased criminalisation and the risk of unintended consequences.

The Victorian Council of Social Service urges caution in regard to strengthening criminal offences. They say it is important that the proposed reforms mitigate any risk of increasing criminalisation of the cohorts of Victorians that the reforms are designed to protect. The Federation of Community Legal Centres and the Victorian Aboriginal Legal Service said community legal centres have expressed concern over anti-vilification laws being inadvertently used to silence legitimate public protests in breach of the rights to peaceful assembly and freedom of expression. The Victorian Aboriginal Legal Service and the Federation of Community Legal Centres are concerned about risks that new provisions may be weaponised against overpoliced and minority groups experiencing systemic injustice, especially Aboriginal people, who the anti-vilification bill is designed to protect, without amendments. The Jewish Council of Australia urges against criminalisation as an approach to combating racism and other forms of bigotry. Liberty Victoria support civil vilification changes and expansion of attributes but oppose the bill's expansion of criminal offences to address vilification. In their response to the inquiry in 2019, Thorne Harbour Health and the Victorian Gay and Lesbian Rights Lobby questioned the introduction of criminal penalties.

When it comes to marginalised communities, we can see signs of how police might apply these laws in ways that they are not intended, with their lowered threshold, to silence or punish political expression or to criminalise those that they should protect. The Police Accountability Project has ample evidence of systemic racism, violence and overpolicing of marginalised groups in Victoria, and divisive political rhetoric, like we have seen emerge from both the government and the opposition, plays a part in polarising communities into those who ought to be protected and those who ought to be policed. Too often we have seen the police get it wrong and target those who are vulnerable.

Community legal centres have been expressing concern that anti-vilification protections may inadvertently be used to silence legitimate public protests in breach of rights to peaceful assembly and freedom of expression following recent examples of the way that police have used their powers at protests. They specifically name the serious concerns around Victoria Police's recent response to the anti-war demonstrations outside the Land Forces weapons expo, including the use of force, the indiscriminate use of chemical weapons and the unjustified exercise of police powers under anti-terror laws. At the anti-trans rally on the steps of Parliament in 2023, where neo-Nazis held up that violent and vilifying anti-trans sign – one that under our current laws is actually already a crime – we saw police not arresting or even questioning those holding it up. No-one has been charged for the violent threat that it contained. No, police instead were seen shaking hands with those neo-Nazis while pushing and pepper-spraying the trans people who turned up to assert their right to exist.

The framing and the context in which this bill has been introduced is important, and we are really concerned about some of the ways that the Premier has spoken about this bill, because it is instructive about how the Premier and this government would like to see these laws applied. For months the Premier has suggested that it is her intention to use this bill to silence protests and to silence the pro-Palestinian movement. Whether it eventually stands up in court or not, the Premier is giving a strong signal to the police about how she would like this bill to be applied: against rights – the right to political speech and the right to public assembly, rights protected internationally and in Victoria and Australia. Without the proper safeguards in place, the potential weaponisation of these laws could have dire and

unjust consequences. That is why human rights, legal and community organisations have expressed those serious concerns about the government’s move to significantly increase the criminalisation of public and private conduct, increase the penalties and remove guardrails around police accountability, because without the consideration of the political and social and historical context, without consideration of power dynamics when policing and protecting our communities, these laws could be misused, misapplied and weaponised.

That is why we are grateful, in consultation with these stakeholders, we are in conversation with the government about some potential amendments that will ensure that we get the balance right, because we absolutely must do more to protect LGBTIQ+ people and disabled people and to protect people from being vilified on the basis of race and religion. This bill is about human rights, and we must get it right. If it puts the very communities that this bill is supposed to protect at risk of discriminatory policing and arbitrary criminalisation, then I would argue that this bill has not yet struck that balance.

The amendments that stakeholders from legal, community and human rights groups have proposed broadly address three main issues: the omission of some attributes from protection and increasing the access to protections, safeguarding against misapplication and the unintended consequences of criminal provisions. We are grateful for the time that the AG’s office has given us so far to discuss these amendments. We do want to work with the government to ensure that these important reforms that have been fought for for so long by the LGBTIQ+ and disabled communities are successful and ensure that this bill is not delayed or made worse by the Liberals, so that we can work together and get a bill that does what is supposed to do and ensures that our communities can thrive and that our right to be who we are without vilification is protected, as is the right to political communication and public assembly.

Sarah CONNOLLY (Laverton) (15:35): I should know that the member for Richmond never fills out her speaking time. If this was something that the Greens party felt so passionately about, they could spend 20 minutes talking about it.

I want to get back to talking about the bill at hand. I have to say that I am not very happy to rise and speak on the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. This is something that we should not be having to do in this place, because we should not be having the kinds of commentary and the behaviour here in this state or indeed across the country or the world that appear to be going on at the moment. This is not something that can, should or will be tolerated, not just here in Victoria but here in Australia.

In thinking about making a contribution to this bill, a bit of an incident happened over Australia Day, and I am going to read out some of the commentary that was made in relation to a post that I put up of me congratulating an awesome new Australian – he was so excited; we had a thumbs up – and another one where I welcomed a group of school students at Garrang Wilam Primary School, a wonderful local primary school that Labor went ahead and funded and built and I opened a couple of years ago, a great local school. I had a photo with grade 6 students, who were very happy to talk to me about what is and what makes a really great leader. These comments are disturbing, but I am going to read them out because this is what this is about, and this needs to stop. These types of comments escalate, if left unchecked, into some of the most abhorrent behaviour that we are seeing not just in Victoria but across the country. They say:

Spot the Aussie

Which country is this please !!

Nice multiculturalism. I only see one culture there, and it isn’t Whites.

Had to check this was in Australia.

... it’s so sad. 4 Aussie kids in the midst of multicultural madness.

Trying breed out white Australia that for sure, reverse racism

A grim portent for “our” future.

Where is this school? Hardly a white child in sight? Who exactly are you supporting????

Is this the new children's prison? –

that was in relation to a photo of children in grade 6 –

Is that school in pakistan ...

These are some of the comments – just a few. Some of the others I will not read here in this chamber; it is entirely inappropriate. This is why we need to get behind and pass this bill. The bill delivers on our government's commitment to delivering much-needed reforms to our anti-vilification protections and it strengthens our ability to tackle hate speech and keep Victorians safe.

It saddens me to say that we have seen such a disturbing increase in the frequency of hateful and divisive rhetoric over the past couple of years. It has not happened overnight; it has been creeping in. We have seen this manifest – I mean, there is no other word for it – dangerously overseas. Just a few weeks ago, as the member for Frankston pointed out, one of the richest men in the world, and a close confidant to the new President of the United States, stood on the steps of the US Capitol and performed a Nazi salute. He tried to say it was something else; we know what it was. He did not do it once, he did it twice. This same person then spoke at a rally for the far-right Alternative für Deutschland in Germany, encouraging Germans to get over their Nazi history. This same person owns one of the largest social media platforms, which I do not use anymore because it has all become such a cesspit of cruel and nasty hate. It is easy to bring out your worst, darkest impulses when you can hide behind a social media profile.

Those Australia Day posts and the last one of the children that I posted were met with a swarm of trolls and haters. I would like to say that these folks had faceless fake profiles; I do not think they live in the western suburbs. Conveniently for them, the accounts are locked.

I spoke earlier this week in my members statement about the Australia Day dramas. I was doing what any MP would normally do on Australia Day: attending a citizenship ceremony in my local community. It is a day of pride, whether you call it national pride or in being an Australian, and joy for so many of our newest Australians. They were overwhelmed. People had tears in their eyes, and I am not exaggerating. It is a big deal because we are not just welcoming new citizens, we are celebrating what makes Australia a great country, and that is that we tolerate and we celebrate diversity and who we are and we accept people from all different walks of life. We embrace them.

The commentary that I received ended up being a toxic debate on immigration. I had never seen anything like it. It was so disappointing. The biggest gripe that people had was that they could not see an Australian flag in the background of a photo of me with a guy I had just welcomed as an Australian citizen. Imagine that: a full-blown social media tantrum over whether or not a politician was waving a flag. What is worse is that we have seen this same old and tired culture war each and every single year, and it is certainly something that has been endorsed and has been emboldened and rolled out by the federal Liberal Party and Peter Dutton, who each year has had major tantrums over Australia Day. Last year there was the Woolworths boycott over Australia Day merchandise, of all things; the year before that I think it was about forcing councils to hold citizenship ceremonies on Australia Day; and just a few weeks ago he made some bizarre announcement on not including the Indigenous flags at national press conferences.

At a time when people are worried about the cost of living and when they are worried about housing affordability, interest rates and climate change, the right wing in this country want to have a debate about flags. All this might seem trivial – banal even. I am an MP; I can expect a few nasty comments on my Facebook feeds and even racist comments, which we try to hide. But the real sadness here is that these people then spread their hate and their vitriol onto other posts that families are watching because their children are there with the local MP celebrating a wonderful conversation about what it is to be a leader in this country and how they can improve at school. That then spreads over onto those pages, and their parents read those comments.

In the past I have had to go back to school posts – innocent posts – of children at our very multiculturally diverse schools in Wyndham. They are Australian kids; they were born here. They are as Aussie as it gets. They are ruined by racists jumping into the comments. Like I said, I do not think the majority live in our community. It is not who we are in the western suburbs.

Reading these comments out today was to highlight that these kinds of people who say these sorts of things are looking for a platform, and they have been emboldened, whether it is by the election of a new president over in the US, whether it is by someone doing a Nazi salute twice and then pretending it was something else, or whether it is by the dog whistling of a federal opposition leader talking about Australia Day and what it is to be an Australian. As soon as these leaders are making these statements and engaging in this kind of behaviour, it brings people out of the woodwork, and it certainly has here in Victoria.

This bill is all about repealing the Racial and Religious Tolerance Act 2001. It establishes two new serious vilification offences that will instead sit in the Crimes Act 1958. There has been a lot of conversation about that and the changes in the bill and why we are doing it, but I do hope me reading out those comments makes people reflect about the disgusting language, disgusting racism and hate speech that is happening at the moment. It does need to stop. It is why bills like this before the house are so important.

I would urge those opposite to support this bill. Let us stamp out antisemitism, let us stamp out Islamophobia, let us stamp out vilification of our LGBTIQ community. This is a good bill, and I commend it to the house.

Brad ROWSWELL (Sandringham) (15:45): I also rise to address the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. I think most in this place will agree that Victoria is arguably the most successful multicultural state in the most successful multicultural country in the world. Our character is defined by those who have made the choice, often – some have not made the choice, but most have made the choice – to come to our shores and to be part of us. I think one of the great things about our state and one of the great things about our nation is that our character is defined by those people who have made that choice. They come here with their customs and they come here with their culture. They come here with their traditions, and they make our nation a much, much better place, and we who are born here are the beneficiaries of that. But we also know that in more recent times there have been great threats to our social cohesion, and I understand that it is for that reason that the government has brought this bill forward to the Parliament for consideration today. We have seen over the last little while extreme views on the left and the right disturbing the rules-based order and the general social cohesion that for many, many decades we have enjoyed in this state and in this country, and it is for that reason that I believe the government has brought forward this bill.

This bill, according to the government, intends to expand the grounds of attributes protected under anti-vilification law and intends to lower the civil and criminal legal thresholds for vilification cases and it also introduces a new political defence to the incitement offence. As my colleague the Shadow Attorney-General and member for Malvern has so eloquently put, in large part the opposition agrees with what the government is proposing, but we do have some concerns. In our judgement, and on the recommendation of the Shadow Attorney-General, we will not be supporting this bill, because we believe that some of the concerns which we have expressed in our contributions today outweigh any potential benefit of this bill. There are a couple of concerns, and I will go into some depth on just two of those.

The first is the introduction of a new ‘genuine political purpose’ defence, a defence for hate crime which the opposition finds highly problematic. The new defence will enable people to circumvent Victoria’s anti-vilification laws, claiming their views are expressing a genuine political opinion – effectively green-lighting more hate speech in this state. We believe that this particular part of the bill

will make things worse and not better. It is a defence to a charge of the offence if the accused engaged in the conduct for a genuine political purpose.

Both the Jewish community and the Islamic community have also expressed concerns about this new defence. The Jewish Community Council of Victoria wrote of its concern that:

... this defence does not become a catch-all measure that renders these new laws unworkable.

Similarly, the Islamic Council of Victoria has warned that:

Misuse of this defence has the potential to allow individuals openly preaching or inciting hate to evade responsibility by hiding behind a claimed political purpose.

It is for these reasons that we do not agree with this bill. I will go into an example within the Jewish community. I have deep respect, actually, for the federal Attorney-General Mr Dreyfus, the member for Isaacs, a neighbouring federal electorate to mine, who is quoted as saying:

The label Zionist is used, not in any way, accurately. When critics use that word, they actually mean Jew. They're not really saying Zionist, they're saying Jew because they know that they cannot say Jew, so they say Zionist or words [such as] Zeo or Zio.

So we have a deep concern, and we believe a legitimate deep concern, that antisemitic behaviour will be allowed to continue in this state by simply interchanging the words – removing 'Jew' and saying 'Zionist' instead. But we know the purpose of the interchanging of those words. Given the current circumstance and after the terrible, terrible events of 7 October we know that that is not the best thing for social cohesion in our state. We know that, and we implore the government to do better when it comes to this quite obvious error in their proposed law.

Just further on that point, I was reading in the *Herald Sun* on 26 November last year an opinion piece by Menachem Vorchheimer, who is a Melbourne human rights advocate, who wrote:

But the Allan Government's proposed laws want to change that by introducing a "political purpose" defence to a charge of incitement. It is a dangerous proposal because it risks empowering people hostile to our society's values, including the Judaeo-Christian values upon which our legal system is founded.

It will serve to empower members of the socialist left and other fringe groups opposed to mainstream societal values to continue to target events held dear by so many, such as the Myer Christmas windows and Carols by Candlelight.

They will also be empowered to continue to label members of Melbourne's Jewish Community terrorists and continue to call for the destruction of the State of Israel, under the guise of "political purpose".

This is deeply concerning. We can do better than this and we must do better than this, and I encourage the government to consider doing better than is currently the case.

The second concern that I would like to express in this contribution this afternoon is in relation to the government's deletion or omission of the term 'proselytising' from the non-exclusive definition. The bill provides a number of exemptions to new sections 102D and 102E. The person must have acted reasonably and in good faith. Part (b) of that clause reads:

in the course of any statement, publication, discussion or debate made or held, or any other conduct engaged in, for any genuine academic ... religious or scientific purpose ...

That differs, however, from the definition in the Racial and Religious Tolerance Act 2001, which provides that:

... a religious purpose includes, but is not limited to, conveying or teaching a religion or proselytising.

I know that there have been groups in the community, including the Australian Christian Lobby and other Christian groups, that have expressed concern that this change will lead to religious sermons or proselytising not being protected. The legitimate question to ask is: is this government by not including the exemption of proselytising in this law before the chamber today in fact telling faith communities that they can only practise their faith quietly at home? Just think about the practical implications of this. If I go to my local, for argument's sake, Catholic Church and the priest is preaching a sermon

which is entirely in line with the teaching of the Catholic Church but which may be offensive to someone who is sitting in the pews, does that mean that this matter that they are offended by could be taken down a legal track to the point where the person giving the sermon is potentially under legal attack at a later stage for simply stating the views and the teachings of their religion? I think this is a legitimate question. I think legitimate questions have been asked about this, and to this point I think it is unclear what the government's response is to that. So those legitimate concerns continue, and I would encourage the government to also take a look at that.

For these reasons I am entirely supportive of the member for Malvern's reasoned amendment that the bill be refused to be read until the government does a couple of things, including urgently considering additional options, including those available to Victoria Police as a practical means of tackling antisocial and vilifying behaviours, and consults further with Victoria's faith groups, including the Jewish and Islamic communities who have warned the government that the proposed 'genuine political purpose' defence to incitement will damage social cohesion in this state. If we are going to do this, we have got to do it once and we have got to do it well for the betterment of every Victorian.

Dylan WIGHT (Tarneit) (15:55): It is a pleasure to rise this afternoon to contribute to the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. I would like to begin my contribution by thanking all the previous speakers for sharing their firsthand experiences, and the strong emotions that come with that lived experience are really important in this debate. Those personal stories remind us of why this legislation matters not just in principle but in real, tangible ways for the people in our communities and indeed for those in my community of Tarneit. It takes courage to speak out against vilification, and I deeply appreciate the insights and lived experiences that have been shared in this debate so far.

The reforms in this bill have been developed to carefully balance the rights under the Charter of Human Rights and Responsibilities Act 2006, including the right to freedom of expression, equality and freedom of religion and belief. The freedom to engage in robust discussion reasonably and in good faith is an important pillar of an open liberal democracy and democratic society, and these laws are indeed not intended to prohibit that.

In recent times we have seen a troubling rise in vilification and hate speech, and it is our responsibility in this chamber to do everything we can to protect the safety of all Victorians while encouraging respectful debate regardless of race, religion or disability status. What today is about is protecting the freedom for all Victorians to participate in public life, the freedom for all Victorians to be seen, the freedom for all Victorians to be heard, the freedom for all Victorians to be equal.

Any discussion of a legislative response to vilification in Australia requires us to take into account the unique features of our legal framework. To illustrate this, I will take a look at two areas where the charter provides for rights for all Victorians. Section 18(2)(a) of the charter – the right to vote and be elected – is not just about my right to vote but the right of all Victorians to vote and have their voices heard. It is every person's right to elect a member of their choosing and to be respected and equal no matter where they cast their votes. If someone were to try and take my right to vote away, I would fight for my rights to be protected. Equally the charter protects the rights of my political opponents. Victorians may hold views that I find completely offensive and entirely objectionable, but they have the right to vote and be respected just the same as I, so I stand here today and say that I want the right to vote and the right to be free and equal for me and for every Victorian.

Section 24 of the charter – if I am charged with a criminal offence, I am entitled to a fair hearing and a public hearing by a competent court. All Victorians have the same right regardless of how heinous the crime may be. I would fight for the right of all Victorians to a fair trial, so I stand here today and I say that I want the right to a fair trial for me and for every Victorian.

But who will stand here today and say that they would like the right to vilify someone? Who among you will stand and say that you want to direct hate speech against a group because they are First

Nations people, because of their religion, because they are LGBTIQ+ communities or indeed because they are disabled? I would trust that no-one in this place would say that, but if they did, how would they reconcile that desire to vilify with the charter protection at section 18 to take part in public life? The rights I talked about earlier – the right to vote, the right to a free and fair trial – are rights we all hold equally. They are fundamentally human rights. The exercise of the right –

The SPEAKER: Order! The time has come for me to interrupt business for the grievance debate. The member will have the call when the matter is next before the Chair.

Business interrupted under sessional orders.

Grievance debate

The SPEAKER: The question is:

That grievances be noted.

Crime

Brad BATTIN (Berwick – Leader of the Opposition) (16:01): I rise today to grieve for all Victorians, and we know more than ever right now Victoria is facing unprecedented challenges it has not seen at any time in our history. While the government have their hands in their pockets and are doing nothing and lecturing Victorians about being patient, we know that families are facing the brutal reality. Energy bills are increasing at a rate that is breaking the bank; housing costs are forcing families to make impossible choices between putting food on the table, paying the rent or paying the mortgage; and our roads resemble an obstacle course, not roads that should be driven on here safely in this state. But of greater concern to Victorians at this crossroad right now is our state is facing a crime crisis that has never happened anywhere in this country at this level. We read about it in the news each and every day. We see it on our streets. We see it in the fear and hear it in the voices of those that have been let down by our broken justice system. We read about it every single day. It is a betrayal of the victims here in our state, a betrayal of the communities that rely on government to keep them safe and a betrayal of the fundamental duty of government to ensure it protects its people.

Those crime statistics cannot be denied by anyone opposite. A car is stolen every 20 minutes here in Victoria. There has been a 15 per cent increase in crime across the state. There are 19 residential aggravated burglaries each and every day here in Victoria. Every day 19 families know that someone is coming into their home with a machete, a knife or a gun whilst they sleep to steal their cars.

Youth crime is out of control. For people aged between 10 and 17 years old the crime rate has risen between 2009 and now, and we are now seeing 23,810 incidents each and every year, a 16.9 per cent increase year on year. Youth offenders aged 14 to 17 are the most responsible for this increase, with 20,753 incidents last year, a 20.7 per cent increase.

And what happens when these criminals are caught? They are bailed. The police work super hard to catch them again and again. They bring them before the courts and they are bailed, and it is vital we stop this catch-and-release system here in this state to ensure people are held accountable.

We have heard the stories. A 15-year-old teen and central Victorian who was the fourth most prolific alleged car thief in our state was recently bailed for the 55th time – it is the 55th time he has been bailed here in Victoria. It gets worse and starts to become tragic: Steven Kinna was the latest bail controversy involved in a horror crash that claimed the life of a 67-year-old Taylors Hill man in January 2025. The accused killer, Steven Wilson, 40, was on six counts of bail when he ploughed into Mr Kinna's vehicle. That is another victim here in our state because of the failure of the Allan Labor government.

The Labor government has stripped Victoria Police of the essential move-on powers that they require. They have failed to tackle family violence effectively and we are seeing increases, with more than 100,000 family violence victims here in this state. They have allowed youth crime to spiral to such a

level that you can only describe it as totally out of control. And the justice system is failing to hold our repeat offenders to account because Labor weakened the bail laws and refuses to fix them.

This morning we heard of a shocking knife attack on Chapel Street. Two weeks ago we stood on that very corner with our candidate Rachel Westaway and heard directly from concerned locals who were worried about the crime and safety in that area. They have raised this issue. The government is aware. If you walk down Chapel Street, all we are seeing is issues with crime, and it is being raised with our candidates and with our members each and every day. On this side of the house we believe that personal responsibility is fundamental to ensuring we have a law and order state to ensure people who break the law face the consequences of that law and their actions.

The government have not just lost control of the economy, they have lost control of the streets. What was once a distant problem has now become a reality. And every day in our lives Victorians are scared. They are worried in their own homes. They no longer feel the sanctity of safety while they are sitting in their own home watching TV or laying in their bed. It is not just the number of crimes that are committed that is alarming, it is the nature of these crimes. I have spoken about the violent assaults. We have spoken about the robberies and the serious youth crime. I have spoken in the past about when you used to call Victoria Police when someone had come in and stolen your TV. Now they come in, without any fear that you are going to be home, at any time of day or night in gangs and groups to steal your cars. And what do they do with those cars? They take them for joy rides down the street, putting more people in the community at risk. We cannot continue to have that happening.

I spent time in Werribee recently with our candidate Steve Murphy, and we spoke to mothers who are afraid to let their children walk home from school. They are afraid that they cannot be safe when they walk around the streets – just walking to and from school – and they are now going and picking them up. We spoke to business owners who have been robbed multiple times in Werribee and Wyndham Vale. At a time when this government says it is putting more resources into Wyndham and Werribee, we know they have got 40 vacancies on the roster – 40 vacancies on the roster. They have trouble getting a van on the road to do a reactive patrol to protect the community.

Danny O'Brien interjected.

Brad BATTIN: The Premier never mentioned anything about that – or Wyndham Vale, where the police station's hours have been reduced so much that effectively it is very difficult to go and get the support you need when you need it from Victoria Police. Victoria Police want to do the work. They have got over 1000 vacancies. If you think it is bad now, let me assure you this government is about to see more resignations from Victoria Police than we have ever seen at any time in history because of the disrespect it has shown them for such a long period of time.

We have all heard about Ash Gordon. We all know the story, and he should be alive today. Instead his family is grieving and Victoria is questioning why someone on bail was given the opportunity to go and take Ash's life. His family has spoken out about demanding action in the justice system.

Natalie Gordon, the sister of Dr Gordon, said the legal system was a joke.

[QUOTE AWAITING VERIFICATION]

'It's just the same thing time and time again,' she said.

On *A Current Affair* seven months ago she also said:

"Unfortunately they are reoffending more times than not, so why do we keep letting them back out into society?" ...

...

... the government should change laws to make it "harder to grant bail and easier to keep them in".

"I truly believe we need to bring in harsher penalties for lesser crimes so we're stopping them from getting to this point in their lives," Ms Gordon said.

Speaker, we know on this side of the house. We tried to introduce tougher bail laws. We wanted to revert to them because people like Ash Gordon should be still with their family. People like Natalie Gordon should not have to be fighting against a government just to get justice. Now she is trying to make sure that the next generation do not go through the same thing and see people getting on bail and more people dying on our streets.

So the questions we must ask on behalf of Natalie and her family and friends are: why didn't Premier Allan act when Ash was killed? How many people need to die at the hands of a violent offender before we see tougher bail laws to protect all Victorians? Why did the Premier only announce a review by those who supported the weakened bail laws rather than just fix the problem? And did the Premier only react to recent polls that put her job at risk, highlighting the character of the Premier and showing that she has more interest in her job than in delivering safer communities?

The issue here in Victoria is that crime is impacting so many in so many different ways. A 14-year-old was charged with 380 charges here in this state and released on bail. We have seen the images on TV of a mother of a child who has had bail over 50 times saying, 'Please lock him up.' She knows he is dangerous. She knows he needs help, yet the justice system continues to release him.

Benjamin Phikhoopoom was the victim of an alleged robbery and abduction. He was dragged down a street at 70 kilometres an hour. He was abducted, robbed and then dragged by a car over 150 metres and has lifelong injuries, including brain injuries. He is the victim of a government that does not take law and order seriously. He is the victim of people who are on bail and continuously get the opportunity to commit these crimes here in Victoria.

Davide Pollina died after being hit by a stolen BMW when he was on his motorbike in the early hours of 11 August. When he was killed one of his former colleagues, Tama Curtis, had to hold back tears whilst being interviewed and speaking of the tragic events. If this does not make you want to change the bail laws here in our state, this comment alone might:

We're still devastated for his family. He was only 19. No-one should bury their son.

It is bad enough when someone has to bury their child due to illness or natural disasters, but when it is at the hands of someone that the government could have maintained and kept off the streets, it is 10 times worse. It must be horrific for these families to have to live that each and every day.

Sixteen-year-old Rhyian Singh was surrounded by eight thugs with machetes during a basketball game. All they wanted was his phone and his shoes. How dare they steal the liberty of Mr Singh, who can now no longer feel safe going out in the street after being stabbed by these thugs.

But we do have a solution. We know on this side of the house that, as we have said, personal responsibility is everything. We need to make sure that people who commit these crimes are held accountable. We have already tried in this Parliament, and the government have refused. We need to prohibit the machete; making it a controlled weapon is simply not good enough. There is no place in this state for any person to be carrying a machete on the streets, in your home or to rob your house. There is no place, so we need to prohibit it.

We need to toughen our bail laws. We have tried in this place before, and our Shadow Attorney-General the member for Malvern continues to highlight the failures of this government on the changes they made in March 2023. If the new Attorney-General would like a briefing from the Shadow Attorney-General, he will explain to them exactly what has happened, how it is impacting and why people continuously get bail and are going back on the streets and causing these crimes. We will reinstate a crime prevention minister and the crime prevention department. Why? Because we want to ensure these young people are not committing crimes in the first place. This government cut \$11 million from prevention programs to stop young people committing crimes. We want to make sure that we are intervening early and these young offenders do not get the opportunity to become lifetime criminals. We want to intervene with high-risk kids to keep them off the streets long term and

give them the chances and the tools to become entrepreneurs and workers in our community and be the best they can. That is what we will do from this side of government.

We will ban bikies from government projects, because it is a bad policy to allow bikies to run trades and major government projects.

That highlights the fact that crime pays in Victoria. At the moment, under this government, crime does pay.

We are at that crossroads. We know we have got a lot of work to do. We are hoping that in 665 days we will get that opportunity. That opportunity will be to ensure that in government this side delivers on our policies and our processes and keeps Victorians safe. We will make sure that if we are elected to government we deliver on everything we have said. As a priority, in the first sitting of Parliament we will sit here for as long as it takes. If it takes a week, two weeks or three weeks, we will sit for that many weeks in a row to get the bail laws back to what they were, because that is the biggest contributing factor to what is happening in our state. We will fix the bail laws to ensure that we stop young offenders who commit dangerous and violent crimes – young offenders who at the moment in videos are sticking their fingers up at the Premier and saying, ‘You simply can’t keep me under control. I’ll be back on the streets in an hour and a half.’ Under a government that I lead and work with, we will deliver to make sure that we keep the community safe by reversing those bail law changes and ensuring that we do not have the catch and release program in place under the Labor government.

Education funding

Nina TAYLOR (Albert Park) (16:16): They say that past behaviour is the best predictor of future behaviour, and this is why I lament. My grievance pertains to Liberal cuts in education, because that is simply what they do. The Napthine–Baillieu governments scrapped support for disadvantaged students, failing to help lift the students who needed it most. What about school capital? They scrapped the Victorian schools plan and failed to plan for the future of Victoria’s education system. School infrastructure funding was cut to a mere \$200 million a year, with not one new school opening in 2016 following their failure to invest. They went into the 2018 election with a commitment to build only four new schools. Liberal–Nationals governments let schools crumble and decay while slashing \$1 billion from the education budget. Jeff Kennett and the Liberals and Nationals closed 350 schools, including many in regional Victoria.

What about students with disabilities? Only 14 special schools were upgraded under the former government. They cut the student support officers budget from \$33 million to \$4 million over four years, cutting access to speech pathologists and psychologists. You get the picture. What about student health and wellbeing? While we have been investing in services to provide every student across this state with support, those opposite slashed mental health supports for young people. In their last year of government they cut 29 community-based organisations that delivered mental health services across Victoria. If they return to government, we know what services will be slashed first. It will be critical services like mental health funds for schools. They spent years demonising schools for supporting gender-diverse students, such as through the Safe Schools program. We know their form. Past behaviour predicts future behaviour. Because they have done it already, that is what they would do again.

What about disadvantaged students? We are talking about the cost of living, and that is really what I am getting to when we are talking about education in particular in this discussion. They scrapped Free Fruit Friday – fancy that. They cut \$182 million from the School Start bonus, which provided a \$300 one-off payment for families with a child moving into prep or year 7 to help cover the costs of starting school. They cut the education maintenance allowance for disadvantaged students. Previously the parents of a disadvantage primary school student would receive a direct payment of \$117.50 a year and those of a secondary school student \$235 a year. That does not paint a very good picture, and I am grieving deeply for what that would mean for this state.

But fortunately we have a very different approach. We get the cost-of-living challenges of families. We absolutely do, and to prove it you only have to look at our form. For instance, we know that Victorian families have now saved more than \$100 million on back-to-school costs. Thanks to the school saving bonus, families have saved \$45 million on school uniforms, \$30 million on textbooks and \$20 million on school activities. That is \$100 million back in the pockets of Victorian families.

For my electorate of Albert Park, I am very pleased to say the amount that has been saved across the schools in my electorate – that is, St Kilda Park Primary School, Middle Park Primary School, Port Melbourne Primary School, Port Phillip Specialist School, South Melbourne Primary School, South Melbourne Park Primary School, Victorian College of the Arts, Port Melbourne Secondary, Mac.Robertson Girls' High and Albert Park College – is \$1,165,993. That is money back in the pockets of families in my electorate, and that gives me a lot of comfort. You can see real dollars and cents – that is real savings – for families in my electorate, making it just that bit easier when they are having to manage the cost-of-living pressures of the times that we live in.

There was an also another really positive announcement this week from our Victorian government. The Premier and the Deputy Premier and also Minister for Education Ben Carroll kicked off the next round of the Camps, Sports and Excursions Fund. More than 200,000 students across the state will be able to access this support, and also it is a real equaliser. It is all about fairness. It means that no school student is missing out on those really important experiences. I know myself when I went to school camps it was a real way of bonding, but it was also a way of pushing you out of your comfort zone. It was often the first time being away from the family and learning to cope in a really supportive and caring environment. You got to try new things. I remember doing horseriding and other really fun stuff. We want to make sure all kids get that opportunity, and that is exactly what we are doing. We are backing them in and making sure that parents do not have to make that awful choice. We are helping them out.

This fund comes on top of the \$400 school saving bonus for around 700,000 students statewide, which can also go towards school activities such as camps or excursions, plus school uniforms and textbooks, which I have already affirmed in the chamber because it is so important. We know what an exceptional and important priority education is per se. It is probably the most important thing getting you ahead in life. It is probably the number one equaliser. That is why we are backing it in.

Victorian families have now saved – and I just want to reiterate this point – over \$100 million on back-to-school costs thanks to the school saving bonus. Let me unpack that a little bit further. I have already mentioned to the chamber camps, trips, excursions and incursions, swimming and sporting programs – and we know important it is to learn to swim in our wonderful beaches et cetera because it is an important survival skill, but it is also lots of fun for the summer – and outdoor education programs and graduations. Particularly for people who live in inner areas – not to exclude others, but just to say that for a lot of people living in apartments – these sorts of outdoor programs are really, really important. They mean that kids get to have the experiences that perhaps people in regional areas might have a little bit more access to – a little bit more space. Not necessarily – it depends on their circumstances. But that is the whole point – it is making sure that there is that choice available and that it is fair. There are graduations as well – oh my goodness – school uniforms and textbooks, which we know are really, really, vital.

Looking at the bigger, broader picture for the longer term, we know that there has been a really important announcement recently. It is a real game changer, and I feel it is really important to speak to that as well. The Albanese Labor government and Allan Labor government came to an historic agreement that will put all public schools in Victoria on the path to full and fair funding. Really, this is what it is about – it is about fairness. As part of the agreement the Commonwealth will provide an additional 5 per cent of the schooling resource standard to Victorian public schools. This is absolutely massive, and I was so excited to see this outcome. It was fought for really hard. It was not easy to achieve, but it is really, really important for our state. This will lift the Commonwealth's contribution from 20 per cent to 25 per cent of the SRS by 2034. This will see around an estimated \$2.5 billion in

additional Commonwealth funding to Victorian public schools over the next 10 years. This represents the biggest new investment in Victorian public schools by the Australian government ever, and this includes more individualised support for students. I will just unpack what this actually means for Victorian students when we are talking about equity and about delivering for them and backing in their families as well, because we know how keen parents are to see their children do well and get all the support they can in school to get the best possible start in life.

This includes more individualised support for students, mandating evidence-based teaching practices and more mental health support in schools. Victoria will remove the provision put in by the former Liberal government allowing the state to claim 4 per cent of public school funding for indirect school costs such as capital depreciation and replace it with 4 per cent of recurrent funding on eligible expenses while also maintaining a share of the 75 per cent of the SRS for public schools.

But this is not a blank cheque. When we are talking about this huge investment in our state we should qualify that it also needs to be very specifically articulated so that it actually is meaningful for students in our state. The agreement signed will be followed by a Victorian bilateral agreement which will tie funding to reforms already being delivered in Victorian schools that will help students catch up, keep up and finish school. What does that mean? A year 1 phonics check will commence this year and there will be an early years numeracy check to identify students in the early years of school who need additional help, and we know how important the phonics reform is. This is a real game changer, and I am not just saying this. This is really helping to offset particularly those students who are perhaps most disadvantaged, most at risk in our school system, really helping to make sure that they are able to drive best outcomes when we are talking about literacy, which is a fundamental when you are looking at your long-term prospects of being fully functional and getting the most out of life and your vocational experiences.

It continues the nation-leading investment initiatives that support wellbeing for learning, including access to mental health professionals in schools. I think it goes without saying that making sure that students get the support they need when they need it is vital because it is part of that holistic approach to making sure that we help to support well-rounded individuals in our state who are able to cope with the challenges of life. Access to high-quality and evidence-based professional learning – I emphasise ‘evidence-based’ because obviously you have to validate expenditure and investment, but it is investment that is well worth the effort. Initiatives that improve the attraction and retention of teachers – again it goes without saying how important that is. They are absolutely fundamental in every single school of our state; they will not function without them. We know that having well-supported, well-trained teachers who are getting the professional development that they need and deserve is an absolute priority.

In addition, the following national targets will be included: increasing the proportion of students leaving school with a year 12 certificate by 7.5 percentage points nationally by 2030, reducing the proportion of students at a NAPLAN ‘needs additional support’ proficiency level for reading and numeracy nationally by 10 per cent, increasing the proportion of students in the ‘strong and exceeding’ proficiency levels for reading and numeracy by 10 per cent by 2030 and trending upwards for priority equity cohorts in the ‘strong and exceeding’ proficiency levels nationally. Nobody is underestimating or being shy in the face of these challenging targets.

I am a former teacher, albeit for a smaller proportion of my life; I do not wish to claim the credit for those teachers who have had whole careers improving the outcomes of Victorian students. But it certainly buoys my spirit to know that there is this kind of serious investment and ambitious targets to make sure that we really are driving the best outcomes for our state. I am not talking about a statistical reference, because every student matters. It is really about them reaching their individual full potential – that is what it is all about – whatever that may be. I do not wish to be overly definitive in determining what that may be, whether they go on to TAFE, whether they go on to university or whether they go straight out to the workforce when they complete school. It is about having that choice, having that support and also being seen equally irrespective of the pathway that they choose to take.

Increasing the student attendance rate nationally to 91.4 per cent, so referencing the 2019 level, by 2030 – obviously it is critical for students to be in school to get the best out of school. I think it goes without saying that increasing the engagement rate, completed or still enrolled, of initial teacher education students by 10 percentage points to 69.7 per cent by 2035 means more help for students and more help for teachers as well. We know that being a teacher is a huge responsibility, but it is certainly a rewarding one and one that we value. It is an incredibly high priority, and we have absolutely fantastic teachers in this state, I must say. We cannot talk about education without talking up in the best sense and for the right reasons the wonderful teaching professionals that we have, who take the very best care. As part of my job, it is an honour to visit the schools in my electorate and other electorates as well and see the magnificent work that they do and how much care they take for their students day in, day out. We are extraordinarily grateful for that.

I should say that the states and territories that have signed the Better and Fairer Schools Agreement 2025–2034 – Western Australia, Tasmania, Northern Territory and Australian Capital Territory – will also be offered additional funding from the Commonwealth. But that is an aside. I am focusing here on Victoria because as a state MP that is the priority, looking after this great state of Victoria and ensuring that we are driving the best possible outcomes for Victorian students, teachers and families alike.

Bushfires

Emma KEALY (Lowan) (16:31): Today I grieve for Victorians impacted by the Victorian bushfires, which have severely impacted my part of the state. My electorate of Lowan is about 20 per cent of the state of Victoria, and over this fire season we have lost almost 250,000 hectares of mostly national parks and state parks and also extensive amounts of private land. We had a number of communities that were under threat over the fire season. It is not only about dealing with the trauma of bushfire, it is not just about the flames licking your house or the smoke coming into your home and it is not just about the actual fire. It is also about the businesses that rely on people to come to our region and spend their money to support local people and support local jobs. It is also about supporting the mental health of the CFA volunteers who were on those trucks and away from their businesses, away from their farms, away from their families, over not just Christmas, not just Boxing Day, not just New Year's Day but also Australia Day and every single day in between.

But mostly I grieve for everybody impacted by these fires, because the Allan Labor government has been absolutely neglectful in their support during this disaster. I think it says it all for our local people that when the Premier and the Prime Minister came to visit the fireground on 29 December they landed in Horsham, which was nowhere near the bushfires; they made an announcement around personal hardship support, which very few people are actually eligible for; and they excluded Horsham Rural City Council as an eligible LGA in that personal hardship announcement, even though that was the council area they thought was best to make that announcement, which was nowhere near the fireground. However, there were businesses in the Horsham region that could not trade because the roads were closed into the national park. They are still not eligible for a cent from this government.

We had in that package an announcement whereby CFA volunteers who were sleeping on the floors of CFA stations during the bushfire to protect their communities did not evacuate, and therefore they are not eligible for personal hardship payments. Volunteers who were fighting fires are not eligible because they did not leave, they stayed and bravely fought those fires. That is what the Labor government thinks about CFA volunteers. That is the biggest kick in the face and kick in the teeth for people who have lost their homes in the past. They are living with the trauma of bushfire; they are still courageous enough to turn out to the CFA and turn out to help their neighbours and friends in their time of need. Where is the Allan Labor government in their time of need? The heartless Allan Labor government is absent.

They were on holidays. It was the story of the entire summer. Everyone was on holidays apart from the people who were paid to be at the fires, our CFA volunteers and our community members, who turned up in droves to support our communities.

I think the biggest snub for the CFA, though, was when I got a text message the evening of 29 December about the visit by the Premier and the Prime Minister, because, you see, it had been organised beforehand by the Premier's office that they would go and have a meet and greet. They would go and meet CFA volunteers, and they would meet people who had been impacted by the fires and businesses who had been impacted by the fires in the Grampians region. They were snubbed. The Prime Minister and the Premier did not bother to visit them. They instead got in a plane from Horsham, flew over the top of the firegrounds, went back to Horsham and then went back home. You talk about 'not holding a hose'; they would not even set foot anywhere near a burnt ember. They would not look those CFA volunteers in the eye who were ineligible for personal hardship payments and explain why. They would not hear from local businesses what the impact had been on them when they had gone through a bushfire not eight months earlier that year. It was an absolute disgrace, and the fact is that the Premier has not been back since and that the Prime Minister has not been back since and that we still have a situation whereby the state government has not even applied for category C and category D support, which would enable businesses to be able to get financial support to keep them running, to keep employing people in our local area at a time when they have lost their complete tourism season.

There is nobody there. There is nobody in that region. Our locals are going, but there are only so many ice creams you can buy in Halls Gap. There are only so many times you can go out to a lovely winery like Pomonal Estate and have lunch and enjoy their fabulous produce. There are only so many T-shirts you can buy from Absolute Outdoors. There are only so many things that the locals can do, but there has been no return of the tourism trade and there is no interest from the government in advertising the region. Our region needs to be promoted. It is the hard work of people in the incident control centre, the CFA volunteers, Forest Fire Management Victoria and the Department of Energy, Environment and Climate Action – everybody has worked so hard to protect our tourism assets. You can still go up the Pinnacle. You can still go to Boroka Lookout. You can still enjoy MacKenzie Falls. All of those iconic walks and viewing areas in the Grampians National Park are able to be enjoyed. And it is not just the northern end of the Grampians. Down in the southern end of the Grampians, down around Mount Sturgeon, it is still intact. We have lost a lot of the Grampians, but the best bits, the tourist attractions, are still there. Come and visit. Come and support our businesses, because the Allan Labor government and the Albanese Labor government are not providing support. I ask all Victorians to come and support our region, because it is beautiful, our people are wonderful and our businesses are great.

This did not have to happen. In fact on 17 December I had a pre-planned meeting with some wonderful people from the Howitt Society, with Peter Flinn, Simon Armytage, Bill Crawford and Rex Beveridge. Some people will know those names; they have probably met with them before. They have been able to meet with many ministers for emergency services in the past. Not for the last couple – they have not been able to get through the door. Their biggest advocacy is that we need to do more fuel reduction in order to reduce the chance of large-scale blazes in the national parks and on our farmland. On the morning of 17 December I was meeting with them, and they were telling me they desperately needed to do more planned burns or there was going to be a massive fire in the Grampians. Rex Beveridge showed me a photo of a tree that had been lit by lightning on his property, and the branches had just dropped. That was the start of the Grampians bushfires. That is something I will never forget, because in the royal commission into the Black Saturday bushfires it was recommended that 390,000 hectares were to be burnt every year through a cool burn. In the report that I read last week actually, in the last financial year the government only achieved one-third of that.

Our national parks are a tinderbox. They are full of fuel, and when you do not reduce the fuel, you have intensely hot fires that destroy our old-growth trees and destroy the seed stock in the soil. They do not regrow; they need to be reseeded. It breaks the environment. I hate to think about the number

of animals and birds and reptiles that have been destroyed in this fire. It is not environmentally friendly to not do cool burns. It is not environmentally friendly to stop reducing fuel reduction. It is a disgrace that we are putting CFA volunteers into these incredibly dangerous fires because the government will not increase fuel reduction burns in line with the 2009 Victorian Bushfires Royal Commission's recommendations. If there is one thing that this fire should show everybody in this place, it is that we need to increase our fuel reduction right across the state, because we are the example of what happens when you do not reduce fuels in a controlled way, and we do not want to be that example for no reason. We want others to learn.

As I said, the personal hardship funds that have been announced so far simply do not hit the mark. It is not just CFA volunteers who did not evacuate because they were fighting the fires who are not eligible; most of the businesses in the Grampians are not eligible for these payments because they are not employees – they do not pay themselves a wage – and they are not sole traders because they have employees. They live through their business. They are not eligible. They have been going now for 50 days with no income and no support from the Allan Labor government. The Allan Labor government have turned their backs on these businesses in their time of need. It is disgraceful, and it is not something that has happened with other emergencies and other disasters we have seen in the past. We did not see it in the Gippsland fires. We did not see it through the North Central floods. We have not seen this. It is because this government have absolutely lost their focus on what it means to Victorians to be there when people need them at a disaster. They were absent. They were heartless. They were not present, and they are still not present.

We have had ministers come through, no doubt. But they have not brought anything but empty pockets, empty promises, a few nods and thoughts and prayers. It does not cut it. You have got to stand up in a disaster, and the Allan Labor government has not.

Going forward, we need those payments to come through. We need to support businesses. We need agricultural support so that we can make sure we can actually provide a fuel subsidy so when people donate feed to support our stock, they can get it there with some sort of support from the government. Why should that impose a cost? People are being generous and kind and trying to help, and the government slugs them with a fuel tax on the way through. It is not fair. We need to make sure we have an air fleet that meets Victorians' fire needs. We cannot continue to wait for the American air fleet to be available before we have got those large-scale capacity aircraft, because they are not able to be here in time. There were not here. They just were not here. With the air fleet we do have, while we have similar numbers to what we have had in the past, they have a smaller capacity, and so we do not have the capacity to put out fires as we have had in the past.

I have heard that some of the aircraft were not allowed to put in a special product that stops the water from splashing, a fire suppressant in the water, because it would be bad for the environment. Well, how has that worked out for us? It just does not make sense for my people, it does not make sense for people in the Liberals and Nationals. It should be something the government listens to. If they do not listen and look at this and learn something, I do not think Labor will ever learn anything.

We need to make sure that we have tankers that are not 30 years old and breaking down on the way to a fire. We cannot have CFA volunteers sitting in the back of a truck for hundreds of kilometres to help on a strike team in a fire. We cannot have incident control centres where people are bringing in their own laptops – at Stawell – because there is nothing provided for them to be able to do something. We cannot have situations where we have an incident control centre, as set up in Stawell, and there are not enough rooms to house everybody. They need a new station. They need a spare tanker so that when they call for three strike teams out of Stawell, they can deliver three strike teams because they have got the tankers to be able to do it and provide backfill for other tankers around the state.

We need more of the ultralights. We need to get them out there, particularly for Lake Bolac and Yalla-Y-Poora. They have been crying out for that equipment for such a long time. It is something that the Leader of the Liberal Party noted and heard when we were at Willaura with the Westmere group. They

have done an incredible job. The Dundas group are incredible. Aaron Croft and the Grampians group have done an amazing job. These strike teams – and that is not all of them; there are many, many more other groups that have done so much work – have turned up day after day after day after day. They are tired. They deserve support.

I urge the Allan Labor government to listen to this advice. I have been on the fireground every single day. I have met with volunteers. I was standing with them during the fires on Boxing Day; I was in the incident control centre. I have heard them. I am passing this on not as politics but as something that needs to change. When our communities are hit by fire they need to understand and to trust that the government will be there to back them up, but the Allan Labor government has been nowhere to be seen. We need more than thoughts and prayers. We need government support and we need action, and we need them right now.

Liberal Party performance

Michaela SETTLE (Eureka) (16:46): I rise to grieve. I am grieving for regional Victorians who would do it tough should the Liberals ever return to government. From the very moment that Jeff Kennett uttered those words ‘The regions are the toenails of Victoria’, people in the regions have known what contempt you hold them in.

Members interjecting.

The SPEAKER: Order! The member for Lowan was given the courtesy of giving her contribution without interjections, and I think all members should be given the same courtesy, member for Ovens Valley.

Bridget Vallence: On a point of order, Speaker, Speaker Maddigan ruled that it is disorderly to attack the opposition during the grievance debate.

The SPEAKER: It is okay for members to compare and contrast different administrations, but I remind members not to attack the current opposition.

Michaela SETTLE: I am delighted to know that Jeff Kennett is still part of your opposition. No doubt he is leading you all by the nose.

The SPEAKER: Through the Chair, member for Eureka.

Michaela SETTLE: Nothing has changed since those vile days when he described regional Victoria as the ‘toenails’. Just last year the member for Brighton suggested that the Premier was somehow unable to lead Victoria because she lives in regional Victoria, saying, ‘A Premier that lives 150 k’s away can’t make decisions for the city.’ He backed in his disdain for regional Victoria when in December he criticised the appointment of our new Treasurer by making a bizarre series of social media posts claiming that the Premier and the Treasurer are unqualified to be leaders in this state because they are from the country. He said Victoria was being run by ‘out-of-towners’. I am a proud out-of-towner, and I am here to represent the people in my towns. They want voices in Parliament. They want regional representation, and they do not that get from the other side. It is pretty obvious, but perhaps the member for Brighton needs to be reminded, that regional Victorians are Victorians as well.

I am saddened to see so many people leaving the chamber now. It shows further contempt for the regions that they would stand up and walk away when I am talking about the importance of regional Victoria to this state.

Like so many people across Australia and across the world, people in regional Victoria are doing it tough. They are hurting from inflation and high interest rates. I listened to the grievance from the Leader of the Opposition, and he said the number one issue, the one thing everybody cares about, is crime. The man is a one-trick pony. All he can talk about is crime. Let me tell you, from the polls I

have read and the people I have spoken to on doorsteps and at the Werribee by-election, all they are talking about is the cost of living. Those on the other side –

Matthew Guy interjected.

The SPEAKER: I have to remind the member for Bulleen that he is not in his place.

Michaela SETTLE: Not for a second of their grievances have they talked about cost of living. They do not care about how Victorians are doing. This government is on Victorians' side. We are on their side with the biggest issue they are facing, which is cost of living, and the one-trick pony that is Bobby Battin can talk all he likes about crime, but people need support. They need support on cost of living.

As we all know, they have already started to talk in the media about the cuts they are going to make. They have made public statements pondering what service they are going to cut first. What are they going to take away from Victorian people? When they talk about cuts, what they are really talking about are cuts to hardworking families, cuts to apprentices, cuts to students and cuts to young people, and regional Victoria will pay for their cuts.

The last time they got in, in 2010 for four brief years, the Baillieu government oversaw enormous loss of jobs across regional Victoria. In 2012 the ABS revealed that in two years of them at the helm 14,700 jobs were lost across regional Victoria, with the regional unemployment rate increasing to 6.6 per cent. So when you are thinking about their cuts, think about what those cuts mean. They will mean cuts to regional jobs. By comparison, this Labor government has cut the regional unemployment rate nearly 3 per cent since 2014. It is over 2.5 per cent less than when they left government. In fact even during the pandemic we did not see unemployment figures like those on the other side produced in their brief term. This dramatic improvement in the regional jobs market came about through good policy, regional payroll tax reduction and investment in our regions.

Of course on this side we are thinking about fairness. We are thinking about equality at all times, and for me that is fighting for regional equality. One of the announcements that has made such a difference to the back pockets of regional Victorians was the regional rail cap. It has changed the way we live, and it has changed the way we work. Whole families now can go and enjoy the big events that this city, Melbourne, does so well, like Grand Final Friday, but it also means that people can come from Melbourne to enjoy the regions. We have got three hatted restaurants in Ballarat. Get on that train. It only costs \$10. Come up, have dinner and go home. That is about providing regional Victorians with a fair deal. We get the same lifestyle as the people in the city.

Of course at the last election, what did the Liberals offer? They offered a \$2 fare cap for city people. At the time Professor Jago Dodson, director of urban research at RMIT, said that free public transport was an economically regressive policy that would certainly benefit the wealthier people most. Then, after the outcry from the regions, a few days later they decided they had better announce something for the regions. They remembered we existed, and they offered us half regional fares. City people got more than a 75 per cent discount. What were they offering us in the regions? Fifty per cent. At the moment, if I want to go to Melbourne, it costs me \$10, the same as any person in Melbourne. Under them it would have cost me \$22. Think about it, people. The impact in regional Victoria if they ever get in would be horrifying.

On Monday I had an absolutely gorgeous start to the week, handing out prep bags to the sweetest bunch of preppies at Darley Primary School. Those bags are a great way to get those little minds going, with five fabulous books to take home and share with the family. When I was talking to those little kids and looking at their beaming faces, it reminded me of the many things that this government has done to support families and their kids during this difficult time. Breakfast club is one that is particularly close to my heart, but of course it has been rolled out across all schools. In my electorate in Ballarat there are 29 participating schools, in Golden Plains shire there are 11 and in Moorabool shire there are 12. They are the schools that are participating, but let us just think about how many

brekkies. In Ballarat over 1.5 million brekkies have been served; in Golden Plains shire, 270,000; in Moorabool shire, 287,000.

It is such a great program. Of course Labor is full of great programs, but what happens? Those on the other side get in and cut them.

Way back in 2007 – Free Fruit Friday. What a great introduction that was. We were providing fresh fruit to kids. People loved it. But you guessed it – they cancelled it. As soon as they got in, they cancelled Free Fruit Friday.

We have got the school saving bonus, which has just been extraordinary. In my electorate over a million dollars has been accessed to help people with their uniforms and their textbooks. This is great stuff to really help families while they are doing it tough. We are not focused like they are on just trying to get the front cover on the *Herald Sun*. We are standing by Victorians and trying to help them during this cost-of-living crisis.

Free kinder has been amazing. It saves families \$2500, on average, a year. Of course, we are even building kinders, so I am really excited. Next week I am off to Ballan to see the new kinder at the primary school there in Ballan, which is opening this year.

But I want to remind you that when we were putting through the legislation so that we could put kinders in schools, those on the other side objected to it. They opposed the bill that would enable us to put kinders in schools. The member for Kew put in a reasoned amendment to stop the bill going through and seeking to understand what the operating costs would be. The Liberals do not care about hardworking families' lives. They only care about making their books look good. But you know what that means? Their books look good, and hardworking families' books look a whole lot worse. In four years when they were last in government, they spent a paltry \$380 million on early childcare education. Compare that with this government – we have put in \$8 billion. We spend more in a year than they did in their entire time in government. Remember, they are keen to cut, and their opposition to these kinders in schools just says to me that that is where they would start cutting. We know that you want to cut. We know you oppose kinders in schools. Is that first on your list?

Matthew Guy interjected.

The SPEAKER: Member for Bulleen will come to order.

Michaela SETTLE: Let us look at TAFE. Look, we all love TAFE, but in the regions, TAFE really, really matters. We have a higher attendance at TAFE. It matters a lot to us. Under this government, TAFEs are delivering more than 60 per cent of government-funded training in regional Victoria. The reason they are getting so loud on the other side is they do not like talking about TAFE, because they know that the last time they were in government they gutted TAFE. They absolutely destroyed it. They cut a billion dollars from TAFE. That is a cut – a billion dollars out of TAFE. They robbed regional Victorians of access to their training through their botched implementation –

Matthew Guy interjected.

The SPEAKER: Member for Bulleen, I would ask you to show some respect to the member on her feet.

Michaela SETTLE: They robbed regional Victorians of access to VET training through their botched implementation of our market-driven model. Regional student commencements fell 25 per cent while they were in office. They closed 15 regional TAFE campuses. They sacked 2000 regional TAFE teachers. I want you to remember that. When they talk about cuts, they are talking about cuts to the services that this government provides to support hardworking families, apprentices and students through what is a difficult time across the world. Let us remember what their cuts will mean to you. They will cut free car rego for apprentice tradies – 865 bucks a year. This is important in the regions. We need our cars.

The fuel app – what a game changer. In the regions we do more miles. My electorate is 4000 square kilometres. I have done 20,000 k's in the last six months.

We need the sort of support that the fuel app gives us, but instead those on the other side are more interested in looking for a free tax benefits lunch with their mates in the oil industry than in caring about regional Victorians.

When you hear them talking about balancing their budget or being better economic managers, remember that this means cutting supports for hardworking families, apprentices, students and young people. We have worked so hard on this side of government to stand by the people of Victoria. On that side they want to scare you. They want to scare the pants off you about crime. We know that crime needs to be addressed. Our Premier has made it clear that she is going to take on that battle. But let us be frank: what is affecting people in Victoria right now, first and foremost, without question is cost of living, and only this government will stand with Victorians during a cost-of-living crisis. This government will look for every measure to support families, students, apprentices and workers. Those on the other side are already sharpening their knives, looking for those cuts – 'What can we cut?' If they can cut Fresh Fruit Friday, God knows what they are going to cut, and regional Victoria would pay.

Political protests

Gabrielle DE VIETRI (Richmond) (17:01): I rise to speak on the threat to the right to protest here in Victoria and the rise of the far right. Protest is a public expression of where people are at and how they feel about a certain issue. It brings people together when they are feeling frustrated, unrepresented and marginalised. It is an opportunity to participate in democracy besides casting a vote every three or four years. Protest is an indicator of where a government is letting people down. Protest challenges governments to do better. It pushes the government and public sentiment to change. And protest is a cornerstone of democracy. It is through protest that we have the right to vote and that we have marriage equality. It is even the reason that people like me, many of the members opposite and even the Premier herself can sit in the Parliament and represent our constituents.

That is why the right to protest is protected. It is protected internationally by article 20 of the Universal Declaration of Human Rights and here in Victoria by the charter of human rights. Public assemblies are protected by the implied freedom of political communication under the Australian constitution because they are an essential form of political communication, so when we see a government trying to stifle protest, turning on the communities who express dissent and criticise their actions, we pay attention. The South African apartheid regime restricted protest when people stood up against racial segregation. The fascist Mussolini government banned political gatherings that were not approved by the state. Sound familiar? Restricting protest is a red flag. It is a sign that the government do not want to listen to the people, that they are turning their backs on the people and that there may be worse to come.

Here in Naarm we know our values and we are proud to stand by them, whether it is First Nations justice, climate action or refugee rights, and for over a year the people of Melbourne have shown one of the biggest, most consistent displays of solidarity and protest. They are protesting Israel's genocide in Palestine of Palestinian people and our government's complicity in that genocide. Week after week people from all backgrounds and faiths have turned up in our thousands to come together to share stories, to grieve and to organise. Peacefully we march the streets, calling on our government to change course and to cut its ties with the Israeli military apartheid regime and with weapons companies that profit from causing so much harm. But instead of listening to the community and encouraging that conversation to take place, the government has seen the criticism and the inconvenience of the protests and is trying to stamp them out. They have announced that they will ban face coverings at public gatherings, they will ban people from carrying locks, chains, ropes and glue at protests, they will ban protests outside places of worship and they will force multicultural organisations to sign a social cohesion pledge just to apply for funding from the government.

It seems they expect protests to be polite, orderly and convenient and for organisations to fall into line with government policy and turn a blind eye to injustice.

I will tell you what is convenient – a letter is convenient, a petition is polite, a meeting request at your convenience is convenient. But guess what? All of those have been ignored, dismissed and refused, so when it gets to that point it is no wonder that protest becomes one of the only ways that communities can have their voice heard: peaceful disruption, civil disobedience, or as some for decades in the religious justice movements have called it ‘divine obedience’ – answering a call to be moral and just, one that has seen nuns from the ploughshare movement destroy nuclear warheads at military bases. It has seen Martin Luther King arrested for asserting his right and the right of black people to occupy public spaces. Dissent has never been neat and pleasant, and when a government is called up for failing your community in so many ways, you bet you can expect to be inconvenienced. But the government is proposing instead to criminalise and restrict behaviours that are not criminal – it is not criminal to carry glue – but in fact are a part of a healthy democracy. A recent report from independent legal observers –

Members interjecting.

The DEPUTY SPEAKER: Order!

Gabrielle DE VIETRI: Thank you, Deputy Speaker. A recent report from independent legal observers at Melbourne Activist Legal Support demonstrates how Victoria Police showcased an alarming escalation in the use of force on anti-war protesters outside the largest weapons expo in the Southern Hemisphere. They reported on how police used chemical weapons, explosives and projectiles, whips and batons indiscriminately against peaceful protesters, legal observers, journalists and bystanders, some of whom sustained serious injuries. Police sprayed OC foam – chemical weapons – directly into the faces of protesters posing no threat. Projectile rounds were issued against people with their hands in the air. Police used dangerous riot control tactics, driving horses into trapped crowds, causing chaotic situations, which only escalated tensions and created unsafe conditions for both protesters and animals alike, including people with disabilities and limited mobility who were injured due to these unsafe practices. The MALS report clearly shows that the heavy police presence escalated the violence that we saw at Land Forces weapons expo, a police presence that was called in by the Premier.

So instead of listening to the people and what they are protesting, the Premier has declared that she is ‘sick of this stuff’ and retaliated to announce this series of anti-protest laws, laws that are designed to intimidate protesters by criminalising some of the basic nonviolent direct action tactics, such as carrying glue and lock-on devices, that have been used by movements to change laws decade after decade. Professor Luke McNamara, an Australian Human Rights Institute associate, explains:

The right to protest means very little if it doesn’t include the right to disrupt. Interruption has long been at the heart of effective protest strategies. Some of the most successful and celebrated non-violent protests in history have focused on economic disruption – from lunch counter sit-ins in the USA during the 1960s civil rights movement, to economic sanctions imposed on South Africa during the 1980s in the struggle to end apartheid.

Juliana Addison interjected.

Gabrielle DE VIETRI: Member for Wendouree, we must not forget Muriel Matters, who in 1908 was the very first Australian woman to speak in Parliament. She had to chain herself to the public gallery so that she could finish her speech before being carried away. We owe our presence here to women like Muriel Matters, who protested, who disrupted and who resisted the unjust laws of the government at their time to give us the rights that we have today.

But this announcement is a signal from the government that they want protesters to just shut their mouths and go away. While the Premier obsesses over a movement of peaceful protesters, there is a concerning rise of far-right neo-Nazis right here in Victoria. Increases in public neo-Nazi gatherings demonstrate the emboldened nature of far-right extremists in recent years. Last December we had neo-

Nazis with antisemitic signs on the steps of Parliament. We had Nazis crashing a peaceful rally for asylum seekers in November and Nazis holding up a vile sign that threatened violence against the trans community in 2023. These groups openly and shamelessly spread racist, anti-immigrant rhetoric.

After having seen these far-right groups gathering in 2018 in the Grampians to organise, it was the Greens who called for a parliamentary inquiry into the rise of the far right, with much resistance from the Liberal Party. Evidence from that inquiry revealed the growing confidence of these groups and their reliance on fearmongering to expand their influence. Far-right extremists exploit societal crises to recruit members. They radicalise people by preying on their fears, their anxieties and their feelings of marginalisation. They deliberately target vulnerable individuals, particularly young people, via online platforms, capitalising on resentment and social disconnection. Far-right movements are steeped in misogyny, racism and a backlash against progress in social justice. Public displays of racism, violence and intimidation are designed to suppress dissent and maintain oppressive power structures. Mocking woke values is a deliberate strategy to undermine progress and sustain inequality.

But this is not just some marginal growth in Victoria. Globally, just a few weeks ago at Trump's inauguration we saw the normalisation of the far right when Elon Musk performed a Nazi salute on the world stage. This is not just a political movement; it is a crisis of humanity and of democracy, with major consequences for people and the planet. We are warned of how far-right populism normalises the erosion of hard-fought rights, including gender equality, LGBTIQ+ rights and the welcoming of migrants. Let me take this opportunity to say now loud and clear to our trans community here in Victoria that we will stand by you. No matter what challenges lie ahead, we will do everything in our power to make sure that your rights are protected and that you have the autonomy and the safety to be exactly who you are.

The widespread toxic enmeshment of conservative political forces and corporate elites has created a dangerous confluence of wealth, power and authoritarianism. Far-right populists blame marginalised groups, immigrants, women, First Nations people and progressives for societal woes that distract from the true drivers of inequality: corporate greed and oligarchic power. Democratic institutions are being hollowed out, freedoms eroded and decisions about our future made by people no longer in the interests of the many but for the profits of the few. Across this country and the globe we see leaders making profit off genocide, leaders who embrace fossil fuel corporations while the planet burns, leaders who protect the powerful and protect the institutions while communities cry out for justice and leaders who deny basic human rights in pursuit of their twisted, profit-driven ideology.

Maintaining the status quo is not the answer. The answer lies in solidarity, courage and relentless organising. We need grassroots movements that disrupt the system of exploitation and oppression – movements that call upon those in power to act and act themselves. The rise of far-right extremists and the far-right oligarchy is not a hypothetical danger or something overseas that we are disconnected from. Right here in Victoria we see the seeds of this trend: corporate lobbying shaping policy, the militarisation of public spaces and the demonisation of those who dare to resist.

We must stand together to reject far-right extremism and push for systemic change that addresses inequality at its roots. Grassroots activism and mass mobilisation are essential to counter the rise of far-right extremism and extend a vision of a fair, inclusive and sustainable future for everybody. We need bold action, and we need it now. We need people who are unafraid to call out the truth and who will not be silenced by intimidation or wealth. We need mass mobilisation that unites workers, First Nations communities, young people, renters, activists, artists and everyone who believes in a future free from oppression. I am inspired every day by the people who refuse to give in – those who chain themselves to coal trains, who march in the street despite police intimidation, who defend public housing from privatisation, who build mutual aid networks in their communities and who peacefully protest to block the flow of weapons. These people are the backbone of change, not the executives sitting in corporate boardrooms or the career politicians too afraid to upset them. Democracy cannot survive in a society where power is concentrated in the hands of a wealthy few, and humanity cannot survive in a system that prioritises profit over life itself.

State Electricity Commission

Daniela DE MARTINO (Monbulk) (17:16): Batten down the hatches, because we are in for a storm of proposed cuts from the new Leader of the Opposition. Straight off the bat, the opposition leader used his first policy announcement to proclaim that the SEC is gone if they win, somehow letting the fact that it is enshrined in the constitution just slip past him. But are we surprised? I am certainly not. This is the Liberals privatisation ideology writ large and in its purest form on display for all to see. It was a terrible decision 31 years ago when Kennett sold off the SEC – all of it – and it would be another terrible decision if the current opposition leader has his way. It actually begs the question: why? Why does the Liberal Party detest public assets so much? What is it about something belonging to the people which offends them so deeply? They were even floating the idea – actually, that is probably not the best expression in this context. They brought a policy to the last election to privatise our poo. Where will they stop?

I grieve today for our state of Victoria because should those opposite come to power the bulldozers will roll on in and tear down everything that our government has built. The Liberal wrecking ball will be taken to the SEC just as it is gathering its strength and becoming a force for renewable energy investment in our state. When they privatised the SEC 1994 the Liberals gifted \$23 billion worth of profit to offshore companies. That was at the expense of every hardworking Victorian, who saw their power bills increase 170 per cent from 1995 to 2012. That money should have stayed here in Victoria. It should have never gone to overseas companies. And do you know what else happened when they privatised the SEC? More than 7000 jobs were lost in the Latrobe Valley alone, as well as the jobs of the linesmen who built and maintained the network across the entire state. Do you know what else happened? A record number of vulnerable people had their power disconnected. They were left in the cold and the dark. Merciless for-profit companies did not care and were not required to. Thank heavens we changed that.

There are so many benefits of the SEC, and it is already chalking up runs on the board. Construction is underway on the first two projects, and I have had the pleasure of visiting one of those projects out in Plumpton, the Melbourne renewable energy hub. I visited this late last year with the Minister for Energy and Resources and two fabulous colleagues, the member for Sunbury and Ms Sheena Watt from the other place. Construction on that first investment – it is a 600-megawatt Melbourne renewable energy hub – is now at the halfway point. 650 people are employed there and they are delivering this critical project, and it is on track to be connected to the grid this year.

It is storing enough electricity to power up to 200,000 homes during peak periods. That is not to be sniffed at. That is significant. And the second undertaking is the SEC renewable energy park, also under construction. In November last year they secured the second project, with a \$370 million investment to build this energy park, a massive solar farm and battery in Horsham. I have not made it there yet, but it is on my list. It is capable of generating enough renewable energy to power 51,000 homes and create 246 jobs.

The SEC is going to build 4.5 gigawatts of new renewable energy and storage projects, which is enough to power more than 1.5 million homes. And what is the plan for the Leader of the Opposition? Sell it off. Get rid of it. He would love to if he could. Thank heavens we enshrined it in the constitution. We had the foresight to know that the best predictor of future behaviour is past behaviour.

The SEC will accelerate the energy transition. It is already doing it. We have put in \$1 billion of initial funds towards delivering that 4.5 gigawatts of power, and from 1 July this year, did you know that the SEC will actually power the Victorian government operations? That is hospitals, schools, metro trains, trams – the list goes on. Victorian government operations will be powered by the SEC, because the SEC will be a retailer from 1 July using renewable energy only generated by solar and wind farms. That is cause to celebrate. Why on earth do those opposite want to get rid of it and do it once again and repeat the mistakes of the past?

The SEC is actually getting on and delivering value for us Victorians. They have engaged with thousands of consumers in the past year, because they have given education showing Victorians how they can switch to electricity and slash thousands off their bills. They are a trusted source of information. The SEC is not a company out there trying to fleece anyone or trying to sell anyone something that they do not need. They are trusted because they are publicly owned.

Over 10,000 Victorians have used the SEC electric home planner pilot to see how upgrading their electrical appliances can help them save money. We heard before about cost of living; the member for Eureka was talking about that. This is another way that we are helping. There is so much to be proud of already with the SEC and much, much more to come.

So once again it begs the question: why do the Liberals want to see it gone? As you would know by now, I am an old history teacher, so I do like to look back in history and I do like to try and understand not just the what and the where but the why. It is interesting, because when I was reading up on this I came across a paper by Professor Sharon Beder and Associate Professor Damien Cahill. This paper looked at the decision-making behind the Liberals' decision many years ago in the early 1990s. It was spurred on by a report called *Project Victoria*, which was created by the Institute of Public Affairs, the Tasman Institute and 13 employer groups. This *Project Victoria* recommended privatising our SEC. It makes for not only eye-opening but terrifying reading, because a 1994 Electricity Supply Association of Australia study of 1000 utilities around the world found that SEC Victoria was in the top 10 for efficiency of resource use and that it was also highly efficient in terms of technical efficiency of distribution. A study by London Economics in 1994 found SEC Victoria's resource efficiency compared favourably with best practice utilities worldwide.

Was the SEC on its knees at the time? Is that why they sold it off? This is where it gets really interesting, because it was not on its knees. The SEC was profitable, healthily so, and it delivered affordable electricity to consumers. In the year before it was broken up – here is a figure for the member for Polwarth to listen keenly to – it paid \$995 million in interest and a \$191 million dividend to the state government of Victoria, with a profit of \$207 million.

An independent inquiry into the privatisation of Victoria's electricity industry found that in the year prior to its restructuring, its debt–equity ratio was 342 per cent compared with an average of 382 per cent for the top 20 Australian companies on the Australian Stock Exchange.

A 1994 Bureau of Industry Economics study found that Victoria's electricity prices to industry were the eighth cheapest out of 40 OECD countries. That the Liberals then decided to privatise, deregulate and corporatise Victoria's electricity demonstrates that it is ideological. It is purely ideological, and we should all be very, very concerned because it seems that nothing has changed. They have managed to find an old copy of *Project Victoria* sitting on some forlorn shelf, dusted off the jacket and decided that they are going to use this as their blueprint for the future. We know how that worked out for Victoria. We are still working here on this side of the chamber, as the government, to undo the harm of that era of government across this state.

So I do grieve – I deeply, deeply grieve – for every person in this state because the opposition, under the tutelage of their new leader, is hell-bent on destroying everything that we have spent years trying to repair, after their wanton destruction during the Kennett years and their policy to destroy the SEC.

Richard Riordan interjected.

The DEPUTY SPEAKER: Member for Polwarth! Unnecessary. Without assistance.

Daniela DE MARTINO: This is our one great shot again at putting power and profits back into the hands of every Victorian where they rightfully belong. This is but one glaring example of what is old is new again for the Liberals.

James Newbury interjected.

The DEPUTY SPEAKER: The member for Brighton is not helping.

Daniela DE MARTINO: They do say the best predictor of future behaviour is past behaviour, and that is never more apparent than it is right now. We are seeing the rollout of policies of cuts, sell-offs and closures. This is where we are headed. And now I will tell you something: these are the good news stories, because I had to go into the dark, murky past there and uncover some very, very sad facts about what the Liberals did back in that era. It was distressing, I have got to say.

Now I get to finish things off on a brighter note, because I am talking about the things that we did.

Members interjecting.

The DEPUTY SPEAKER: The member for Polwarth is warned! It is incessant.

Daniela DE MARTINO: Due to our record investments in cheaper renewable energy – and this may be another fact which shocks those opposite; they cannot listen to it though, it offends them sometimes I think to hear the facts – Victoria has consistently had the lowest wholesale power prices in the country. In 2024 our wholesale prices here in Victoria were again the lowest in the national electricity market – they were 27 per cent lower than in Queensland and 49 per cent lower than in New South Wales. Future prices show Victorian prices will remain lower than all other states. Lower wholesale prices mean lower retail bills for households and businesses. It does translate through.

Members interjecting.

Luba Grigorovitch: On a point of order, Deputy Speaker, there seems to be a lot of heckling from the opposition. However, they are not in their seats.

The DEPUTY SPEAKER: There is no point of order, I believe, although I will need to check if things have changed. You are not in your seat, but he is.

Luba Grigorovitch interjected.

The DEPUTY SPEAKER: Thank you, member for Kororoit, I am quite capable of taking it from here. The members are in appropriate seating, so there is no point of order. However, I will take this opportunity very quickly: without assistance.

A member: Take your time.

The DEPUTY SPEAKER: I can always send you out for a while.

Daniela DE MARTINO: It clearly is difficult for some of those opposite. Their ears are probably bleeding, because when they hear the facts of the good that we have done compared to the harm that was caused by decisions made by their predecessors –

Richard Riordan interjected.

The DEPUTY SPEAKER: The member for Polwarth can leave for 15 minutes.

Member for Polwarth withdrew from chamber.

Daniela DE MARTINO: it is very, very concerning. Lower wholesale prices mean lower retail bills for Victorian households and businesses. The 2024–25 Victorian default offer for households decreased by an average of \$100, or around 6 per cent, compared to the previous year. The average Victorian default offer this year is \$311, or 16.2 per cent, less than the average default market offer in other states – once again, inconvenient truths for those opposite.

Those opposite will shut down renewable energy and send Victorians' power bills skyrocketing. There is absolutely a reason why we enshrined the SEC into the constitution. As I said before, it is a good thing we did, because we knew that at the first opportunity they would cut it where and when they could.

And it turns out that the first policy from the new Leader of the Opposition, straight off the bat, was: ‘We’re going to get rid of the SEC’ – ‘Get rid of the SEC’ he said.

We over here are going to fight to keep publicly owned energy in the hands of Victorians, where they deserve it. It will keep prices down, because the more renewable energy we build, the more we help Victorians as their bills go south.

Tim McCurdy: When’s that going to happen?

Daniela DE MARTINO: It has already happened.

Members interjecting.

The DEPUTY SPEAKER: Through the Chair. Order on my left!

Daniela DE MARTINO: Unfortunately for those who have just entered the chamber, they have actually missed all the facts. They can read in *Hansard* the statistics for how Victoria has consistently lower default prices than the rest of the nation, particularly New South Wales and Queensland. But that is okay. With those opposite sometimes there is a bit of a dearth of information and facts; there is just a lot of ideology – which brings me back to my original point. We should be very, very concerned about where they want to take this state, because we have seen the blueprint and how it has rolled out, and it looks like what was old is new again. It is very concerning. It has already begun, and I grieve for Victoria. I sincerely hope that Victorians out there understand that all we will see are cuts.

Youth crime

Michael O’BRIEN (Malvern) (17:31): I rise to grieve for the people of Victoria who are subject to some of the weakest bail laws in the country and are less safe as a result. Not all members on the other side recognise this. Some of them live in a land of denial. Here, until recently, was the Attorney-General of Victoria:

‘I do not want a discussion about a youth crime crisis that doesn’t exist’ ...

Really? Maybe the chauffeur-driven limo gets a bit fogged up through the windows and you cannot look out to see the people running around Chapel Street with machetes when you are a minister of the Crown in this Labor government, because we absolutely have a youth crime crisis in this state.

I will just give some facts and figures on this. For the year ending to 30 September 2024 youth crime had risen to the highest level since 2009 with 23,810 incidents – up a staggering 16.9 per cent, year on year. Those aged 14 to 17 were responsible for most child crime, with 20,753 incidents – a 20.7 per cent increase, year on year. Last year Victorian youths breached bail 2770 times – the equivalent of once every 3 hours. You can literally set your watch to how often young people breach bail laws in this state under this Labor government.

So what is Labor’s excuse, what is Labor’s answer to young people breaching their conditions of bail? ‘Oh, let’s just make it not an offence anymore.’ That is one way to drive down the crime rate. Just make everything legal. Make breaching your bail conditions legal, that is fine. It is not a problem at all.

The quote I gave the house was about former Attorney-General Symes, and isn’t it interesting that the person who weakened bail laws in this state is now in charge of trying to strengthen our finances?

James Newbury: Don’t use any economic terms.

Michael O’BRIEN: I will not use any economic terms, member for Brighton. No, I will not do that. What a task she has.

In the article in the *Herald Sun*, which is by Andrew Rule and Mark Buttler, very experienced crime writers:

Police are still cagey about commenting in such a politically-charged debate, wary of criticism by crime deniers such as the state's attorney-general Jaclyn Symes, who last year scuppered controversial changes to youth bail reforms and was openly dismissive when asked about it.

It then goes on, and to repeat that quote:

'I do not want a discussion about a youth crime crisis that doesn't exist,' Symes said.

With political masters like that, it's no wonder police are careful what they say.

Police might have to be careful what they say, but we do not because we can call it as it is and as we see it – and we do have a youth crime crisis in Victoria. Bail is out of control; bail breaches are out of control; youth crime is out of control – and this government's answer is to make it not an offence to breach your bail and then raise the age of criminal responsibility.

None of that actually reduces the amount of crime – none of it at all. It is interesting: we get the crime doves, if you like, in the government, like the former Attorney-General, and then we have what might pass for a hawk amongst the Labor government. This is a quote from my own press release from 4 July last year, a very reputable source if I say so myself. I am quoting the Minister for Police Mr Carbines. He said:

It is incumbent on the courts to ensure that repeat serious offenders who are on bail have that bail revoked; that is the expectation of the Government, the Parliament and the people of Victoria.

So all of a sudden it is the courts' fault that they are not revoking bail. But it is a bit hard for the courts to revoke bail when this government has weakened the bail laws to ensure that those people can stay out on bail. Remember, bail should be a privilege; it is not a right. It is a lease given to you to stay out in the community until your matter is heard, but it is not without condition. What we have seen is that this government changed the law. It used to be that if you were on bail and then you committed a serious offence while you were on bail (1) that was an offence in itself but (2) you automatically faced a higher test, a tougher test, to get bail again. That is pretty commonsense. If you get given a privilege and you abuse that privilege by committing another crime, you should face a higher bar to have that privilege again. That is what the Liberals and Nationals believe. That is what Victorians out there believe. But no, the Labor Party are more worried about bleeding hearts than the bleeding heads of people hit over the heads with machetes. That is what we get. They changed the law and said, 'No, no, you can go and commit indictable offences while you're on bail and that's not really a problem; you can keep having the same weak test again and again.' That is why we get catch and release. There is more catch and release than a Rex Hunt fishing show. People are arrested, they are jailed, they are bailed and they are out on the streets to do the same thing the very next day. And this does not just happen once or twice. As the Leader of the Opposition mentioned in his contribution during the grievance debate, we have had one young person on bail 50 times. Did he raise his bat to the pavilion when he got his 50? It would be funny if it was not so serious, because these are serious, serious offences that are being committed against Victorians and this government does not have an answer.

The government has denied the problem exists in the first place. The former Attorney-General said we do not have a youth crime crisis. This government then deliberately weakened the bail laws to make it easy for repeat serious offenders to keep getting bail. And then they looked all surprised when that is exactly what happened. They looked all surprised and pretended to be shocked when all of a sudden crime got a lot worse and repeat serious offenders kept committing more crimes because there were no consequences. Then in a panic they got up and said, 'Maybe we'd better do something about it.' The government's answer last year was (1) to bring in a bill to raise the age of criminal responsibility, which did not actually make anybody safer, and (2) to deliver a budget that cut crime prevention. When you actually want to divert young people out of a life of crime and get them back on the right track, this government cuts the funding to do it because apparently it is more important to

spend money on a Suburban Rail Loop than actually get people on the right path and out of a life of crime.

They do that and then they say, ‘Okay, well, maybe if you commit certain serious offences while you’re on bail, you may face a tougher test. You know what? It’s okay if you commit burglary. You won’t face a tougher test then – only if it’s aggravated burglary.’ Gee, these are really tough people, aren’t they? I wonder what they are like as parents. ‘Look, don’t punch your sister too much. Don’t punch your brother too much.’ Seriously, actions have to have consequences. That is what most people think. It is our lived experience. It is what we know works. This government is in a la-la land where they think actions should not have consequences, society is to blame and there is no individual responsibility. As the Leader of the Opposition said, we are parties on this side of the house who do believe that people should be held accountable for their actions, good or bad.

The government introduced weak changes, which because they were actually weakening further already weak bail laws we voted against, and then the Premier jumped up in question time this week and said, ‘You people voted against these changes.’ Too right we did, because they were hopeless changes from a hopeless government that has done nothing but weaken bail laws and make Victoria less safe.

We have tried. We have gone out of our way to be constructive and try to bring private members bills into this place and into the other place, and what happens every single time is this government knocks them back, because the government is not interested in actually fixing the problem; it just wants the problem to go away. What is it that could shake the government out of this torpor, this vision that everything is okay? A by-election. It is amazing how a by-election concentrates the mind. All of a sudden, in the shadows of the Werribee by-election coming up this Saturday – and I wish good luck to Steve Murphy; I think he is a fantastic candidate and will be a fantastic member for Werribee if things fall right for him – the government says, ‘You know what, we’re going to have a review of bail.’ After a year of pretending there was no problem, a year of pretending that it was all confected, that apparently we were making things up, the media was making things up and Victorians were making things up, that there is no youth crime crisis, to quote the former Attorney-General, after a year of being told by that black is white by the Premier and by this government, all of a sudden there is a problem so we are going to have a review of bail laws. What sort of review?

James Newbury interjected.

Michael O’BRIEN: I have been here long enough, member for Brighton, to remember when a former Minister for Planning Mr Madden – great Carlton player, not so great planning minister – decided to have a review into some planning decisions around the Windsor Hotel. It turned out that it was not a real review; it was a sham review. The Labor Party in government has got form. They love nothing better than a sham review, and I think that is exactly what we are going to get with the sham review into bail laws. Talk about not being able to hold a position from one day to the next. All of a sudden we get the Minister for Police coming out today – this is from the *Herald Sun*, ‘Victorian police minister Anthony Carbines downplays extent of Jacinta Allan bail law review’:

Victoria’s police minister has downplayed the extent of a review into the state’s bail laws – seemingly putting him at odds with Premier Jacinta Allan – saying there was no major “piece of work” in the pipeline.

In back-to-back press conferences outside parliament on Wednesday, Ms Allan doubled down on the importance of reassessing the state’s bail legislation just minutes after Police Minister Anthony Carbines said he already knew what needed to be done.

The DEPUTY SPEAKER: Correct titles, member for Malvern.

Michael O’BRIEN: The only thing missing was the *Curb Your Enthusiasm* theme music. What a bunch of clowns, what a bunch of muppets they are. Goodness me. We now have a review which is not a review. It is a Clayton’s review. It is a sham review. The police minister believes he knows what is wrong anyway and it is not really a review. He has got things in his bottom drawer. Where has the police minister been for the last 12 months? If the minister has got all these brilliant solutions, he could

have brought them forward. We now have a new Attorney-General, a part-time Attorney-General because she is more interested in putting up big towers in my backyard and your backyard and your backyard than she is in being the first law officer of the state. Apparently these two people who voted for weakened bail laws time and time and time again and voted against stronger bail laws time and time and time again are the people who are going to be responsible for reviewing Victoria's bail laws. The concept of Dracula and the blood bank does come to mind.

What are we actually going to get out of this review? Nothing that is going to be useful. This is purely a distraction. It is just a smokescreen, a desperate sham trying to get them through Saturday, trying to get the Premier and this Labor government through Saturday's by-election, desperately trying to pretend that they will do something about an issue the community is deeply concerned about. But the trouble is this: Victorians are sick of being gaslit by this Labor government. They are sick of being told that their concerns do not matter, their concerns are not real – 'We don't have a youth crime crisis. There's no problem with our bail laws. We've got all the police we need.' We have had 43 police stations across Victoria close down or reduce their hours, including in my electorate. We do not have enough police. We have got weak bail laws, weak sentencing laws and courts that are overworked with huge backlogs, and this government's priority is the Suburban Rail Loop. Really?

Well, the people of Werribee do not care about the Suburban Rail Loop. They care about the fact that the total amount of theft charges in the last year went up by 20.8 per cent. They care that burglary and break-and-enters went up by 41.4 per cent over the last year. The people of Prahran care that robbery charges went up 48.6 per cent over the last year, and the people of Prahran care that burglary and break-and-enter charges went up 32.4 per cent over the last year.

The people of Werribee also care that the Labor Party is preferencing a socialist who believes that our police are worth nothing. I remember when the Labor deputy premier of the day stood up and referred to protective services officers, who keep us safe, as 'plastic police', a term of utter, utter disrespect. And now we see the Labor Party has not changed at all, because they are preferencing their votes to somebody who believes our police are worth zero.

Respect is not what you say; it is what you do. This government has not delivered for the people of Werribee, they have not delivered for the people of Prahran and they have not delivered for the people of Victoria. Not enough police, weak bail laws, weak sentencing laws and a government that is obsessed by themselves – too much spin, not enough substance –

Michaela Settle interjected.

The DEPUTY SPEAKER: The member for Eureka is warned.

Michael O'BRIEN: too much clowning around, not enough legislating, too many weak bail laws and not enough caring about Victorians. That is why I grieve for Victoria. But I am very confident that on this Saturday and in the months ahead Victorians will send Labor the message they need to hear.

Housing

Katie HALL (Footscray) (17:46): Yes – all of the men of the opposition can depart.

Members interjecting.

The DEPUTY SPEAKER: The member for Eureka can leave the chamber for 15 minutes.

Member for Eureka withdrew from chamber.

Katie HALL: All of the dudes on the dance floor over there can head off now that they have had their moment for video.

Look, I am shocked, actually, that the member for Malvern provided me with such a good segue for my grievance debate contribution, because it is about housing. In 2024 the member for Malvern tried to block 60 new apartments in Glen Iris, including 10 per cent affordable housing, close to a school, a

medical centre, shops and local parks, built alongside a new supermarket within 500 metres of a tram stop, because heaven forbid anyone else should aspire to live in his electorate.

I also grieve that the Liberal Party and their friends in the Greens should ever have any more control over housing approvals in this state because the Greens – and in particular the member for Richmond, who was elected on Liberal Party preferences, has done a great deal in her power as mayor of the City of Yarra to block public housing development and social and affordable housing developments. All too often, bizarrely, the Liberal Party and the Greens are on this unity ticket to block, block, block when it comes to social and affordable housing.

Obviously the hour is a bit late, so I thought we could have a bit of a guessing game around who made this quote in this place:

There is no point putting a very low income, probably welfare-dependent family in the best street in Brighton where the children cannot mix with others or go to the school with other children or where they do not have the same ability to have the latest in sneakers and iPhones et cetera.

We have got to make sure that people can actually fit into a neighbourhood ...

That was the former housing minister Ms Lovell in the other place, and she made those comments in 2022. I think that speaks to how sometimes members of the Liberal Party say accidentally what they actually mean, which is that they do not want people living in affluent communities of Melbourne who might have a lower income. They do not want social or affordable housing in their communities because fundamentally they do not believe in it. They have never funded it. The Greens have never funded it – they have never built anything. But I am very proud to be part of a government where 10,000 new homes are already underway or complete as part of this government's Big Housing Build.

There is nothing more important than the dignity of a warm and safe place to call home, and we are on track to deliver more than 13,300 new homes right now across Victoria through the Big Housing Build and the Regional Housing Fund.

On this side of the house we believe in building, not blocking. We are building homes that people want to live in in places that they want to live in, and we are getting on with the job of delivering more homes for more Victorians right across Victoria despite the relentless opposition from the coalition and their friends in the Greens. They block, we build. The former Leader of the Opposition, who is in the chamber, has even stood on a ute in front of a housing site on Bills Street in Hawthorn campaigning against new homes for vulnerable Victorians, and hundreds of families have moved in, or are getting ready to move in, to Markham Avenue in Ashburton – I believe, Deputy Speaker, you would be very familiar with this fantastic development, delivering more social and affordable homes for people in your community – or to Dunlop Avenue in Ascot Vale or Tarakan Street in Heidelberg West. These developments provide a further 304 new social homes and 204 affordable homes.

The Allan Labor government is a government for all Victorians, which is why we are delivering 1300 new homes across regional Victoria. These new homes will include a mix of social and affordable housing, and this is on top of the \$1.25 billion we are already investing in our regions through the Big Housing Build, taking the total investment into regional housing by this government to \$2.25 billion, because building is what we do best.

I am very proud to be a part of the Elgin Street consultative committee for the public housing redevelopment, the largest urban renewal project in the nation's history, redeveloping the out-of-date towers that many people call home – many of our most vulnerable Victorians. The Greens seek to represent them but instead run around the towers scaring people, telling mistruths like that they will be evicted, which is incorrect. If only they listened to the people at the Elgin Street consultative committee, because these are people who are helping to shape the new homes that they are going to live in directly with the department that is designing them, and already their feedback has had an impact. A lot of the feedback related to needing some larger apartments for multigenerational families to live in, and the department has been able to come back to them and say, 'Yes, we can incorporate

this into the design.’ That is actually listening to people who are living in public housing, unlike the abhorrent behaviour of the Greens political party, who are scaremongering in the public housing estates, and then of course the coalition, who have never supported public housing. But we are getting on and delivering more homes through the renewal of 44 ageing high-rise towers and delivering thousands more modern, secure and accessible social homes.

The existing towers are reaching the end of their useful lives, and we know that they no longer meet the modern standards that the tenants should expect, particularly for families with kids or Victorians living with a disability. We know that it would cost \$2.3 billion over 20 years to reform the towers into a habitable condition, and that does not include improving building compliance with the modern standards that people should expect.

So I am very proud to be working on the public housing renewal project, and I am concerned about and I grieve for the fact that we know what those opposite have said. In fact the member for Malvern just 10 minutes ago opposed more housing in his electorate. It is unbelievable to me –

Richard Riordan interjected.

Katie HALL: having the interjections of, again, the member for Polwarth constantly bellowing across the chamber at people. It is like that episode of *The Simpsons* with the old man shouting at a cloud.

The DEPUTY SPEAKER: Order! The member will resume her seat.

Bridget Vallence: On a point of order, Deputy Speaker, I think for the benefit of the house it would be good to be factual. It was actually this Labor government –

The DEPUTY SPEAKER: The point of order is?

Bridget Vallence: that extended the economic life –

The DEPUTY SPEAKER: Succinctly, please.

Bridget Vallence: of the public housing towers, which is precisely why we have the problem today, under Labor.

The DEPUTY SPEAKER: That is not a point of order, Manager of Opposition Business. I would encourage the member to debate through the chair without assistance.

Katie HALL: Look, I am also excited that we have announced our reforms – something I know that those opposite will also block – which is the 50 activity centres that are well served by public transport, to get more homes built in places where Victorians want to live. Those opposite cannot quite comprehend that more people, perhaps the children or grandchildren of their constituents, may want to live close to the place where they grew up. That is why the activity centre program and indeed the Suburban Rail Loop are really important as a housing project, because for too long unprecedented growth has gone on in places like my electorate of Footscray, where the former planning minister, Matthew Guy –

The DEPUTY SPEAKER: Correct titles.

Katie HALL: demonstrated exactly what he would do –

Bridget Vallence: On a point of order, Deputy Speaker, members should use proper titles.

The DEPUTY SPEAKER: Thank you. As I just said, yes.

Katie HALL: The now member for Bulleen, the former planning minister, approved thousands of apartments without requiring developer contributions, and the new residents in Footscray still have dirt roads as a result. The Labor government had to take the developers, the member for Bulleen’s mates, to court so that we could recoup some developer contributions to pay for infrastructure like

roads, footpaths and parks – all of the important things that make a community great and which were completely ignored by the member for Bulleen. So we know exactly what happens when the Liberal Party are in charge of development and planning approvals: thousands of apartments with no basic infrastructure like roads at the bottom. That was something that was opposed by the Victorian Government Architect at the time, who appealed to the planning minister not to approve it, yet he went on and approved it, and we are continuing to retrospectively bring in the infrastructure that my community needs and deserves and that the people in my community who have bought into these apartments are now crying out for and desperately need. There is a way to do planning and there is a way to build more homes, or there is the Liberal Party way, which is you get your developer mates to give you a call, maybe you go out for lunch for lobster, and you make some approvals. We have seen it in Fishermans Bend, we have seen it in Footscray and we saw it in Phillip Island. We know exactly what happens when the Liberal Party are in charge of planning and housing and let us hope that the good people of Victoria are never subjected to it again.

Members interjecting.

Katie HALL: Although it is hard for me to hear myself speak –

The DEPUTY SPEAKER: Order!

Katie HALL: Thank you, Deputy Speaker. I am very proud to be a part of a government that is making more approvals for homes than any other jurisdiction in the country, but we are doing it without allowing developers to let rip, as the previous Liberal government allowed in my community of Footscray, where we have apartment towers that are built so close to the river that they are overshadowing the river. They are encroaching on the Maribyrnong River.

Roma Britnell interjected.

The DEPUTY SPEAKER: Member for South-West Coast!

The approvals were made for thousands and thousands of apartments without any consideration of the requisite infrastructure that might need to go in and without any consideration of overshadowing or other impacts. This is not what the Labor Party does, and this is not what the Labor government will do, because we are committed to creating precincts that are livable, that people want to live in, but also ensuring that the middle ring of suburbs is a place where we can accommodate more homes. That is something that the Suburban Rail Loop, a transformational housing and transport project connecting two major universities and a health precinct, will deliver. We know that is something that the Liberal Party will scrap if they have the opportunity, because that is how they roll.

It has been a bit of an eye-opener reading through some of the comments. We know that they want to cut services, but we also know that they will make cuts to infrastructure and to the building of the housing and the precincts that Victorians deserve.

Question agreed to.

Bills

Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024

Second reading

Debate resumed.

Dylan WIGHT (Tarneit) (18:01): We know that vilification and the right to vilify is not a zero-sum equation. It does not happen in a vacuum. It comes at a cost, and there is a personal price paid by those that have been vilified. Amongst disabled Victorians, the labour force participation rate for people with a disability is 60.5 per cent, and the unemployment rate is 56.1 per cent. The labour force participation rate for people without a disability is 84.9 per cent.

An inquiry undertaken by the Legal and Social Issues Committee right here in the Victorian Parliament in 2021 had a submission that found that over 10 per cent of Victorians believe that disabled people should be able to be discriminated against by employers and that employers should have the right to essentially not interview or not employ people because they hold a disability. That is vilification. That is vilification of disabled Victorians, and that is exactly what this piece of legislation aims to stamp out.

The opposition, as per usual, have a reasoned amendment. I think the member for Mordialloc yesterday during the government business program put it pretty well – it is lazy. It is kind of bone lazy. It is, you know, ‘We’ve got this reasoned amendment, and we just want to stop debate completely so we can go out and we can consult more.’ To be frank, they have had several months to consult. We foreshadowed this several months before we introduced it to the Parliament. It is not so as to go and consult, it is to go out into the community and stoke fear and stoke division about a piece of legislation that is aiming to help and support some of Victoria’s most vulnerable people. The interesting thing from my point of view is that several members of the Liberal party room are on record as flatly opposing this legislation – just flatly opposing it. Do not worry about the political freedom aspect of it, do not worry about consultation – they just flatly oppose the idea that there is anti-vilification legislation here in Victoria.

I will use one example. The member for Mornington, in his ongoing quest for relevance, sitting up there – a leadership aspirant and somebody that somehow got more votes in a leadership ballot than the member for Kew, which is mind blowing – is on the record as saying –

David Southwick: On a point of order, Acting Speaker, I ask you to return the member to speaking on the bill and not attacking members of the opposition.

The ACTING SPEAKER (Paul Hamer): The member for Tarneit to continue on the bill.

Dylan WIGHT: He stands up there and on the record speaks about his concern that this may affect comedians, journalists, academics, artists and entertainers. Honestly, if they are going to get up and espouse hate speech, it may potentially affect them – that is the entire point of the legislation. There are members of their party room that flatly do not believe in anti-vilification legislation. That is on the record; that is a fact. To be frank, I sort of get it because it might impede some of their favourite pastimes – that is, standing on the steps of Parliament with neo-Nazis; that is, hanging out at a park in Berwick with neo-Nazis. Yes, this legislation might affect that.

Wayne Farnham: On a point of order, Acting Speaker, the member has defied your ruling. Could you please bring him back to the bill?

The ACTING SPEAKER (Paul Hamer): The member was talking about the bill in relation to what he sees as the opposition’s –

Members interjecting.

The ACTING SPEAKER (Paul Hamer): I will just finish my ruling. The member was considering how the opposition are considering this bill, and that would be a matter of a point of debate. So I do not rule the point of order in order, but the member’s time has expired.

Annabelle CLEELAND (Euroa) (18:06): Thank you, Acting Speaker; that was gripping. I rise today to speak on the Justice –

The ACTING SPEAKER (Paul Hamer): Order! I ask if the member reflected on the Chair.

Annabelle CLEELAND: I was talking about the member for Tarneit.

The ACTING SPEAKER (Paul Hamer): The member to continue.

Annabelle CLEELAND: I have got some time, so I will start again. I rise today to speak on the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. This bill seeks to

implement a number of recommendations made in 2021 by the Legislative Assembly's Legal and Social Issues Committee, including lowering the threshold for civil anti-vilification protections, expanding protections, reviewing maximum penalties and moving criminal provisions from the Racial and Religious Tolerance Act 2001 into the Crimes Act 1958. Under this proposed legislation these recommendations will be applied by strengthening and reforming anti-vilification law. This means a series of changes to existing legislation, as we have heard today, including amending the Crimes Act 1958 to include serious vilification offences, amending the Equal Opportunity Act 2010 to include civil anti-vilification protections, amending the Bail Act 1977, repealing the Racial and Religious Tolerance Act 2001 and making consequential amendments to other relevant acts.

At present the only two attributes protected from vilification under the Racial and Religious Tolerance Act are race and religion. This bill expands that list to include disability, personal association, gender identity, sex and sexual orientation. While these characteristics are already protected under the Equal Opportunity Act to prevent discrimination, this bill seeks to expand protections even further to cover both criminal and civil offences. While I support ensuring more people are protected from vilification, I have concerns about how this bill will be applied, particularly regarding the way convictions can now be reached.

There are also some broader concerns about crime and safety in our communities that this government has failed to address. Unfortunately, reform of our criminal justice system is needed on so many levels, especially with crime on the rise across Victoria. While Melbourne-based crime has dominated the headlines, regional areas like ours are feeling the impact, and it must be addressed as a matter of priority. One way to do this is by properly supporting our police. Many regional Victorians feel unsafe due to this government's continued under-resourcing of Victoria Police, which has resulted in more than 1000 police vacancies, 900 officers off duty for illness and injury and, concerningly, the closure of 43 police stations. In towns like Benalla, Seymour and Kilmore residents are telling me they no longer feel safe in their own homes. They no longer feel safe in our community. Businesses and families are taking matters into their own hands, investing thousands in CCTV because they live in fear every single day.

I met with officers at the Benalla police station when they temporarily walked off their posts at the end of last year. They were at their breaking point, frustrated by ongoing pay disputes and the government's failure to provide them with resources needed to keep our communities safe.

Officers were writing messages on their vehicles and displaying banners during their stop-work action, making it clear they are not receiving enough support from this government.

The impact of this under-resourcing is evident across my electorate. Just recently, a family in Violet Town had their home broken into twice in the same month, and police were so stretched that it took hours to respond. Businesses in Broadford and Euroa have been broken into, and it took police several days to take fingerprints, because they were occupied with critical incidents.

A farmer near Colbinabbin told me he had had equipment stolen multiple times, and vehicles, and he felt like reporting it was pointless because nothing ever came of it. We now see vehicles stolen on nearly a daily basis throughout the region, and you can see this across all of our community pages. We have had to take crime into our own hands because we are so under-resourced. In Seymour, local businesses have been targeted by repeat offenders who seem to face no real consequence for their actions.

I have too many stories from the community, of people living in fear, and this is backed up by the Crime Statistics Agency data, which paints a pretty dire picture for 2024. In the Mitchell shire, total criminal incidents have spiked by nearly 32 per cent, with 851 more incidents than the previous year. Crimes in Seymour, Kilmore and Broadford have surged. Rates in Benalla have spiked nearly 12 per cent in total criminal incidents and 23 per cent in recorded offences. Strathbogie has suffered a staggering 34 per cent increase in criminal incidents, with spikes in Euroa, Nagambie, Avenel and

Violet Town. Tragically, family violence incidents have spiked 28 per cent in Greater Shepparton and 24 per cent in Mitchell shire. Family violence incidents are up 18 per cent in Strathbogie.

These are not numbers, these are real people – our neighbours, our family. We all feel unsafe in our own homes and our businesses. Instead of repeatedly denying the crime problem in Victoria, this government should be doing more to protect our communities and ensure our police are properly resourced. Undervalued, overworked and always there – that is what our officers are saying. But crime is up, and police resourcing is down. It simply is not working, and it is leaving our communities vulnerable.

The Allan government must step up and take real action to protect Victorians beyond the provisions in this bill. As it stands, there is too much uncertainty surrounding this legislation. There are highly problematic implications within both the criminal and civil protections listed in the bill, including the ambiguity of new political defences and subjective views on what qualifies as vilification.

One of the biggest questions is the introduction of a ‘genuine political purpose’ defence. This does not come from the original recommendation made by the Legal and Social Issues Committee nor from community stakeholders who were consulted. As my colleague the member for Malvern put it, no-one knows where this came from, and no-one knows who wants it.

A reasoned amendment has been proposed to reintroduce move-on powers for our police and to conduct further consultation with faith groups to help some of the ambiguity in the bill. Without these amendments, I cannot support this bill in its current form.

Nathan LAMBERT (Preston) (18:14): I rise to also support the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, which, as we have heard, increases protection from vilification for all Victorians. I would like to begin by just reflecting on the way that the Victorian public service and a lot of large organisations now manage the issue of vilification with respect to race, ethnicity and religion in particular. Certainly through the cultural sensitivity and awareness training programs that I have seen, the advice from most organisations now is simply for people to not make generalisations based on race or religion at all. I was certainly taught that even seemingly lighthearted jokes, like Germans being punctual or Catholics liking a drink, are not an appropriate thing for people in positions of responsibility to make, and certainly if you are going to make a more serious charge, and an example I was given was that if you are going to say the Chinese cheat at swimming, you should never use a phrase like that. You do not say China cheats at swimming. You would be very specific and not make a generalisation. You would say, ‘23 Chinese swimmers have tested positive for a banned substance,’ or something that was very specific in order to ensure that people in your organisation and your community do not feel unfairly vilified.

Unfortunately that approach of being careful to be specific about more serious issues of race and religion has not been the approach taken by some political figures and media commentators in this country. Unfortunately over a long period of time we have a dark history of people winning votes, selling newspapers and more recently attracting social media followers to their accounts by making crude generalisations about race.

I think back to when I lived in Sydney many years ago and the right-wing shock jocks of that era were busy urging the government to end ‘Lebanese gang rapes’ in relation to the awful crimes of Bilal Skaf and urging the government to end ‘Islamist migration’ in relation to the terrorist attacks of Osama bin Laden. I remember even then people sort of noticed that the mainstream media did a slightly better job of getting Osama bin Laden’s name out there, which may have taken some of the edge off the Islamophobia of the time, but they really did not get Skaf’s name out there. To this day I think those gang rape allegations are still incredibly unfairly associated with thousands of innocent Lebanese Australians. Unfortunately I do not think that we have learned the lesson of that era about being more specific with respect to these serious allegations and ensuring that we do not generalise about the

relative race or religion. I note that up in our part of the world the phrase ‘end Zionist genocide’ is syntactically equivalent to ‘end Lebanese gang rape’, and it has exactly the same effect.

I will return to that, but I do want to touch on the substance of the conflict that has taken place in Gaza, Israel, the West Bank, Lebanon and now Syria as well. Many of us have had conversations with people whose loved ones have been killed or hurt or displaced in that conflict. We have obviously talked in this place about the civilian deaths – approximately 30,000 Palestinians, 800 Israelis, 4000 Lebanese – and the collective punishment people felt from being cut off from food, water and power, the use of unguided munitions in densely populated areas and the broader context of the now 18-year blockade of Gaza by both Israel and Egypt and the fundamental point that those living in the occupied territories did not have the same basic rights nor basic living standards of those on the other side of the green line and the effect that has had on passports and visas and so forth. Some of us have also been involved in discussions about the MOU and the Elbit arrangements. I should say I think they are secondary considerations for most local Palestinians compared to the perception that people just do not think their lives matter.

But in all that work I have been conscious that as a Labor politician I cannot give what some of those people want. They really want to have a conversation where the person is 100 per cent on their side and 100 per cent condemns the other side. I understand that. We have all been in situations in life where that is what you have needed – someone 100 per cent in your corner. I think it is a simple fact that the Liberals and the Greens in this place have played that role for the two respective sides, but I think there is a lot to criticise about the way they have both gone about that, criticisms that are very relevant to the direction of today’s bill.

Firstly, the contributions from Liberals and Greens on the issue of Gaza have been lightweight. They have failed to engage with the detail of this issue or even to engage with the short list of issues I gave early in this contribution. I would put it to you that if you go and listen to any podcast on Gaza – be it by Jonathan Spyer or Rashid Khalidi or Richard Boyd Barrett, whoever your favourite podcaster might be – whatever their views, you will get more information about Gaza out of a single podcast than you would get out of every contribution by the Greens and the Liberals in this place on this issue. As someone said to me, it has basically been ‘You’re antisemites’, ‘You’re pro-genocide’. Those four words encapsulate about 90 per cent of the debate in this place. I think that has been very unfortunate about what is a serious issue for this state and very unfortunate that a large part of the broader debate has had the same character.

I think people like Adam Bandt and some of the Victorian Socialists been playing a very dangerous game of been deliberately vague. They know that their statements about genocide are giving many young people the impression that all Israelis want to kill all Palestinians to steal their land and steal their fossil fuel reserves. When you talk to the organisers about this and you pressure them, they say, ‘Oh, no, we don’t really mean that. We don’t mean genocide in the Rwandan sense; we mean it in the narrower sort of Raphael Lemkin sense’ and they point to some 2000-word article they wrote in *Red Flag* magazine about it.

If people think that it is the narrower sense, they should say the narrower sense in their social media. I think it is deliberately disingenuous. You see the same thing when you read reports from Al Jazeera of an attack on the Kuwaiti peace camp or whatever it might be. Two hours later the Greens post about the same thing. They copy and paste all of the facts but they drop the fact that there were one or two Hamas or Palestinian Islamic Jihad fighters found there. I do not understand why they have to omit that. If Amnesty International can accurately depict it, if the South Africans in their contribution to the International Court of Justice can accurately depict it, why did the Greens feel the need to inaccurately exaggerate it to give the impression that the children were killed for no reason at all?

The starkest example people might remember is that the International Criminal Court said it would issue arrest warrants for five people: Gallant, Netanyahu, Mohammed Deif, Ismail Hanyeh and Yahya Al-Sinwar, five people. Everyone following the issue knew there were five names on the media

release, and yet the Greens walked into this place and said we should condemn the two war criminals identified by the ICC: Gallant and Netanyahu, the two Israelis, and just blatantly left the other three off. I feel that that one-sidedness means that they cannot ever recognise the humanity of the people on the other side, and I feel neither the Liberals nor the Greens have ever done this in this place. It also means they can offer no vision of peace beyond the disappearance of the side that they do not support, and ultimately I think they have done it for the reason that that sort of ethno-nationalist campaigning, which is what that sort of deliberate distortion and omission is, wins you votes and recruits you members.

We all know and we are all watching what is going to happen in the federal election, but I will say right here, right now: the Greens and the Victorian Socialists will be strongly up in areas that have a high proportion of Muslims, and the Liberals will be very strongly up in areas that have a high proportion of Jewish voters. Everyone knows the maths in Wills and McNamara and the fifth Northern Metro spot. Everyone knows what is going on. To be fair, and I am going to be fair here to the Victorian Socialists of all people, at least they have been a little more consistent. But the thing you really notice with the Greens is when they are north of the Yarra, when they are in our part of the world, as we saw in the Darebin council elections, Gaza is the number one issue and they talk to everyone about it. The second sometimes literally the same people walk south of the Yarra and are campaigning one month later in Prahran, they appear to have totally forgotten about the death of 30,000 Palestinians. What happened when they crossed back south of the Yarra? I think it is very difficult for the Greens to explain why it is their candidate for Wills talks about this issue all the time but their candidate for McNamara does not.

So therefore I strongly support the bill that we have in front of us in this place because I think the bill does a very important thing, which is that we have to more strongly restrict everyone but particularly ourselves – politicians, and media commentators – from using crude, racial generalisations to advance their own self-interest. I would like to see a future Victorian society in which people can condemn war criminals – terrorists, criminals – in the strongest language that they possibly want to, and appropriately condemn them, but do so in a way that does not impugn everyone of the same nationality and does not impugn everyone of the same religion or the same ethnicity, and in fact takes an effort, as I hope we would all do, to actually say positive things about those people at the point where many in the public are unfairly associating them with negative acts that they had nothing to do with. Many of us tried after 9/11 to be as positive as we could about the Muslim community. I think we have an obligation to be as positive about the Russian migrants to this place, Israeli migrants to this place, Palestinians – you name it. I strongly support this bill, which will go in the direction of us being fairer to those people in our society.

John PESUTTO (Hawthorn) (18:24): We debate this bill at a time when the decorum that has for generations buttressed our democratic traditions and institutions that safeguard our human rights in what we describe as a vibrant democracy – the greatest in the world – have been under great assault. We have seen that on our streets and we have seen it in acts of rising antisemitism that we have seen over recent weeks – the Adass Israel synagogue but elsewhere as well around the country. We live at a time, particularly here, where we do have to have a discussion about what the right to free speech means. For many people it seems the right to free speech is some right to say whatever you like, regardless of the consequences and regardless of whether you dehumanise others in the course of expressing itself.

I think it is important to remind ourselves that with the freedom of speech that we hold so valuable and which is a cornerstone of Australian democracy there comes a responsibility. It is too often neglected, and we see so much evidence of that in Victoria today. I have said in recent times that the types of protest, if we can call them those – the acts of violence we see on our streets under the cover of some freedom of speech that apparently has no limitations and no obligations – are simply unacceptable. It is with that backdrop that I say that whilst there are some things in this bill which we do wholeheartedly support, and the Shadow Attorney-General and member for Malvern articulated

those quite eloquently this morning, the bill fails to strike the right balance in a number of key respects. Its intention I think is sound. It wants to ensure that people are not dehumanised, and I use ‘dehumanised’ because it is a word which for me expresses what vilification really is: it is stripping others of their dignity in a way which demeans us as a civilised people. That is why measures to counter rising acts of vilification, whether it is online or whether it is on our streets or in and around places of worship, are an imperative we cannot fall short on. But this bill does not strike that right balance.

It is also a missed opportunity in that climate I have described for the government to actually reconsider the move-on laws and any other measures which can help impose on the public square those normative influences which are a better reflection of what our democracy should be. Our democracy should not be a silent majority that has people going about their daily lives while others think that they can engage in whatever acts they like – more often than not, acts of violence in our community in the name of free speech – while we have to sit by idly and consign ourselves to the idea, misplaced though it may be, that people have a right to do that. They do not have a right to physically impede others. They do not have a right to dehumanise others like we have seen on our streets.

Unless we do something about that, we are going to see people live in fear. I had a principal of a Jewish school say to me just recently that kids going to and from school have been apprehensive, as their parents have been, and I understand, Acting Speaker Hamer, that you know this yourself. Whatever your background, spiritual or not, cultural or other, you have a right to live in peace and security. So there have been calls from the opposition, constructive calls, for the government to work with us and vice versa to introduce those measures that will say to our broader community, but particularly those who think it is acceptable to engage in that type of behaviour I have described, that it is not acceptable and there are measures. We need to do more to impose those normative influences on the way we engage in political exchange. As I said, whether it is online or in the streets and throughout our communities, people need to understand that they are as much responsible as they are free to engage in political exchange.

In terms of the move-on laws, there are some obvious things the government could and should have done. When this government came to office, it stripped the move-on laws of some important provisions that the Baillieu and Napthine governments had introduced into those measures. Taken out was the ability of police to move people on when protesters or others cause a reasonable apprehension of violence or when they engage in undue obstructions or physically impede people. They are very reasonable things for police to act upon. The government removed the requirement to provide a name and address where you are engaging in such behaviour. And there were opportunities to use exclusion orders to ensure that recidivist protesters who engage in violence or the types of behaviour that we find unacceptable could be restrained from continuing to engage in that conduct. But those opportunities have been missed.

I will not rehearse everything the Shadow Attorney-General said, but I do want to focus on the ‘genuine political ground’ defence that is in this bill and just point out some features of that. We do have existing offences around serious racial and religious vilification in the existing Racial and Religious Tolerance Act 2001 in sections 24 and 25. They have not often been used, as has been pointed out in the debate, but what is interesting about the bill that is before us is that the chief provision in all of the provisions that are in the bill, which relates to criminal acts of vilification, ironically and sadly, if it passes, will actually be weaker than the existing provision, because the existing provision for serious racial and religious vilification, which carries a criminal penalty under the existing act – less of a penalty, it must be said, than in the bill – actually does not contain a ‘genuine political belief’ defence.

When you look at the bill, which contains the political defence in relation to acts of vilification, then you have to wonder why the government is giving on the one hand, that is lowering the threshold, expanding the range of protected attributes, which we support – no problem there – but then taking more back with the other hand, with a defence that will be almost universally applied. It is very easy

to articulate a political ground defence in these types of matters. We understand from the government briefing that there was a concern that omitting that defence in the bill would somehow expose the bill to the risk of a High Court challenge. Well, on the face of it I can at least understand that may have been the motivation for including the defence in this bill, but then why was it not included in the existing legislation, which has been on the statute book since 2001? It is something that is actually going to eviscerate the very provision, which is likely to be one of the more important provisions in the bill, intended to address the scourge of vilification that we are seeing, whether it is online or on our streets.

The government says that it has consulted. – well, I doubt it. To see Jewish community leaders and Islamic community leaders, amongst others, come out harmoniously to express their opposition to this bill for that very reason tells you that the government has not done enough to consult. Bear in mind that the genesis of the bill preceded the climate that we have seen erupt, particularly since 7 October 2023 but even before that, it may be said. It is just lamentable that the government has not been agile enough to recognise that this is part of a broader issue and that we need to foster a better sense across our community that the right to protest, the right to engage in political exchange, carries with it enormous responsibilities.

For those who think that free speech means that you can say what you like, as I have said, it does not entitle you to dehumanise. Those who want the benefit of free speech but then argue that others' differing views are illegitimate equally cannot sustain that argument. Ultimately, our democracy hinges on a sensible and abiding balance between those two interests: the interests of protecting the ability of each of us to express ourselves within faith, in our orientations, who we love, what we do; and then that sense of citizenship that comes with living together in a community which, if it is as civilised as we want it to be, means that we respect each other and uphold each other's rights even when we are different to those we engage with or disagree with them as vehemently as we do.

Kat THEOPHANOUS (Northcote) (18:34): I rise in support of the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. It is legislation that will deliver the strongest anti-vilification protections in Victoria's history, giving effect to 15 recommendations of the 2021 Victorian parliamentary inquiry into anti-vilification protections. I have listened to the debate today, and while it has sometimes been heated, I have nevertheless been heartened to hear that there is overall a general consensus about the need to do more to protect Victorians from rising and alarming levels of hate speech and conduct. That reflects the sentiments in my own community of Northcote too. I support this bill after having spoken to a great many people in my community, people with a diversity of views on this topic, people who have valid questions and even reservations but who on the whole have a genuine hope that these new laws will curb the disturbing trends that we have seen and allow us to collectively demonstrate that hate has no place in Victoria. Hate will not define who we are.

People in my community are deeply concerned about the rise of extreme views and groups. In conversations around dinner tables, in classrooms, in the office kitchen or over drinks with friends people are talking about the far-right movement, about online agitators and bots spreading misinformation, about people being radicalised and about coordinated campaigns of harassment designed to stoke division and destabilise democracies. These are not abstract concepts. They are real threats – real, frightening threats to our social cohesion and our way of life.

ASIO currently assesses our terrorism threat as 'Probable', having increased it from 'Possible' in August last year. Director-General of Security Mike Burgess explained:

More Australians are being radicalised and radicalised more quickly. More Australians are embracing a more diverse range of extreme ideologies and more Australians are willing to use violence to advance their cause ... we are seeing spikes in political polarisation and intolerance, uncivil debate and unpeaceful protests. Anti-authority beliefs are growing. Trust in institutions is eroding. Provocative, inflammatory behaviours are being normalised.

And he went on:

Many of these individuals will not necessarily espouse violent views, but may still see violence as a legitimate way to effect a political or societal change. All of this creates a security climate that is more permissive of violence.

People are genuinely worried. I am worried. We are here in this Parliament, in this great hall of democratic debate, with the privilege and the honour to debate legislation in peace and safety. We live in a country that has largely been buffered from so much of the terror and horrors we have witnessed on our screens. We cannot take that for granted – not ever – and frankly, we have absolutely no reason to believe that democracy will ultimately win the day overseas or here at home. History is not on our side. Democracy is not the rule, it is the exception, and there are no guarantees that it will continue to prevail against its resurgent competitors of authoritarianism and anarchy.

What holds our form of government together? What preserves the sovereignty of our people and our precious ability to go to the ballot box and cast a vote on who will represent us and to change that vote if our trust is broken? It is a culture of respect. Democracy breaks down when hate takes the place of disagreement. I may have differing views to my opponents across the way, but they are not my enemies, they are my opponents. Politics is not war, it is the alternative to war. And yet what we have seen – what we are seeing increasingly – is divisive rhetoric taking the place of genuine discourse. Political extremism thrives in this environment, driven by the promise of simple solutions and fuelled by stigmatising otherness. The targets? People of colour, people with disabilities, women, LGBTIQ+ Victorians, people of faith and, lately, Victoria's Jewish communities. Jewish families in our community have woken up to find neo-Nazi stickers on their letterboxes. We have seen not only Jewish schools and synagogues defaced with racist graffiti but also, terrifyingly, a firebombing. This is not just offensive; it is targeted, it is deliberate and it is dangerous.

History teaches us that hate left unchecked does not go away – it escalates. This bill is about confronting that reality. It is about ensuring that those who seek to incite hate, threaten harm or target people based on their identity face serious legal consequences. It is about making our communities stronger, safer and more united. I want to make it very, very clear that in our state every Victorian has the right to protest peacefully without putting others in harm's way, and we will always defend that. As someone with Labor values, I will always defend the critical right to protest, to political expression and to collective action.

We owe so many of our precious advancements in this state to these movements and those who stood up for what they believed in. Equally, we are a party that upholds the rights, dignity and safety of all Victorians. No-one should have to see neo-Nazis parading their hateful ideologies in the street nor be subject to violent activity or criminal property damage by the far left. When that is occurring we need to step back and reflect, because when that is occurring it means that anger, fear and cynicism have won the day. It means nuance is lost in policy debates, because in hate there is no room for disagreement.

The struggle between democracy and authoritarianism does not just happen on a big, global scale. It happens in the day-to-day actions that we take and the decisions we make to either honour human dignity or to dehumanise. That is a decision that every single one of us needs to make, and political parties need to make it when they consider how they conduct themselves and whose voices they seek to elevate and platform, because frankly there are some who have really shown their dark side this last year, some who, rather than offering compassion or constructive dialogue or peaceful protest, have preferred to be complicit in undemocratic acts of hate and violence. Or rather than actually offering aid, they have opted to fetishise and exploit the suffering of others, often simply to attract a social media following for their political party. It is an ugly, toxic thing to witness, and Victorians deserve better from people who are meant to be the custodians of their democracy.

Hate speech, incitement and vilification have no place in our community, and victims need clear pathways to justice. That is what this bill delivers by expanding protections to also cover attributes of

disability, gender identity, sex, sex characteristics, sexual orientation and people associated with a person or group with a protected attribute. It introduces two new serious vilification offences under the Crimes Act 1958. These are: the incitement offence applying to conduct that is objectively likely to incite hatred against, serious contempt for or revulsion towards or severe ridicule of another person or group of persons on the grounds of a protected attribute; and the threat offence. This offence applies if a person threatens physical harm or property damage against a person or group on the grounds of a protected attribute. Both offences capture intentional and reckless conduct. We are talking cases of extreme, serious conduct, not just unkind or offensive conduct. There are, as others have outlined, a range of defences that can be utilised, including the defence of genuine political purpose.

Unlike those opposite, we have taken the time to carefully consider this bill and to respect the feedback and the findings we have had from community stakeholders, from members of the public and from the inquiry itself. Of course there will be varying views on where the balance needs to be struck, but I believe this bill represents a goal that is supported by the majority – a modern, diverse, safe and free state that does not tolerate vilification. I want to thank the member for Preston for his contribution as well tonight. His concerns about the polarisation of public debate and the reductionist politics being played out in particular by the Greens and the socialists, which is so damaging and stigmatising, was incredibly well articulated and something that we are living in the inner north. We must hold ourselves to a higher standard and enable dialogue to win over division. I commend the bill.

Will FOWLES (Ringwood) (18:44): I rise today to address the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. It is a very important bill, an immensely important bill, because it seeks to protect our communities from the vilification and hatred that we have sadly seen far too much of in recent times. The bill has the potential to stand as a beacon of justice for vulnerable groups right across our state, but as with any piece of legislation that seeks to address complex social issues, there are parts of the bill that raise some concerns. Victorians are presently protected from vilification on the basis of their race and religion under the Racial and Religious Tolerance Act 2001.

The bill seeks to build upon that legislative foundation and introduces a new crime of serious vilification. In addition it amends other acts to expand the list of protected attributes to include disability, gender identity, sex, sex characteristics and sexual orientation – so that is in addition to race and religion. It also protects people with a personal association with someone with a protected attribute.

All Victorians deserve to feel safe and equal. All Victorians deserve to live their life free from hate for who they are or what family they were born into. Sadly, and as I think you know most particularly, Acting Speaker, there has been a significant uptick in antisemitism in the past 18 months following the brutal attacks by Hamas on 7 October 2023 – attacks perpetrated against innocent civilians, many of whom remain hostages of that terrorist organisation. We have seen places of worship attacked in Melbourne in order to intimidate, and we have seen people attacked for who they are, and schools – schools – attacked. It is vicious antisemitism and the worst period of antisemitic behaviour that I can recall in my lifetime, and I suspect in yours too, Acting Speaker. These incidents seem all too familiar. Every day when we open the newspaper or scroll through social media we are confronted with yet another antisemitic attack, a stark reminder that this form of hatred continues to infiltrate our communities and poison our society – poison the very debate that we ought to be able to have in a mature, sensible and enlightened fashion without the shadow of hate and vilification being brought to the table.

[NAME AWAITING VERIFICATION]

In my electorate of Ringwood I have had constituents raise their concerns time and again over hatred being shown in our community, and indeed last year a constituent, Joe, called my office and alerted us to some public displays of antisemitism. The Hakenkreuz, the swastika, was graffitied in public places in Mitcham. I was gobsmacked. My first reaction was to go and grab cleaning gear and get

down there and literally start scrubbing it off the pavement it was on. Similarly, constituents have raised concerns over Islamophobia, which is just as abhorrent. These incidents of hatred are powered by hate speech, but sadly this bill as drafted would allow this sort of speech if it is done for a genuine political purpose. So it is with something of a heavy heart that for the first time I formally disagree with the government in this place. As a result of that disagreement, I will be moving an amendment to the member for Malvern's reasoned amendment. I move:

That all the words after 'until' be omitted and replaced with the words 'the government conducts community consultation on the 'genuine political purpose' defence.'

If adopted, my amendment to the reasoned amendment would narrow the reasoned amendment to defer the second reading until the government conducts community consultation on the 'genuine political purpose' defence. This is community consultation that should have occurred already and has not or certainly has not to anything like the depth and scope it ought to have been. I will just foreshadow to the house that the rules of the Parliament require me to move it in this way as an amendment to an amendment. I am sure the Shadow Attorney-General is not going to be too offended by me taking that particular route. That is the only route, regrettably, that is open to me. As the amendment to the amendment, effectively what I am putting is a reasoned amendment to defer consideration of this bill until that consultation occurs, because I have enormous problems with the 'genuine political purpose' defence. That is why today as an independent I remind the government that we have a duty in this place to protect those at risk. This 'genuine political purpose' defence, which is in subparagraph 195N (4) of the bill, states:

It is a defence to a charge for an offence against subsection (1) if the accused engaged in the conduct for a genuine political purpose.

'Genuine political purpose' is such a vague term. It is open to interpretation that could justify almost any action, no matter how harmful, no matter how hateful, under the guise of political expression. Think for a moment how easy it would be to simply become a candidate in any election – local, state or federal – and say, 'That is a political purpose and I am now protected by this defence. I can vilify as hard and as often as I like.' This defence enables Trots and Nazis alike to access that protection simply by being a candidate and to be able to say, 'The purpose I'm engaged in, whether it is an uprising, whether it's simply to get elected to public office, is a political purpose, and I can now vilify to my heart's content.' It actually takes us backwards from where we are today, and today is the day I am decrying it in this place because of the extraordinary, painful, outrageous uptick we have seen particularly in antisemitic attacks.

I stand shoulder to shoulder with the Jewish community in decrying these attacks. I stand shoulder to shoulder with the Jewish community in calling out those who would pretend that there is some agenda of Australian Jews that is utterly synonymous with whatever decisions the Netanyahu government might make on any given day. They are not synonymous bodies politic.

That actually brings me to a really important matter, about the use of the word 'Zionist'. The Shadow Attorney-General in his contribution quite rightly pointed out that the terms 'Zionism' and 'Zionist' are often used as code words by people who simply do not like Jewish people and want to attack them. He quoted Mark Dreyfus, who said:

The label Zionist is used, not in any way, accurately. When critics use that word, they actually mean Jew. They're not really saying Zionist, they're saying Jew because they know that they cannot say Jew, so they say Zionist or words [such as] Zeo or Zio.

I say this. Zionists simply believe that the Jewish people are entitled to a homeland, and the 'genuine political purpose' defence effectively functions to allow bait and switch antisemitism. It renders this bill useless, because it is too easy to characterise. If I am talking about Zionism, I am talking about an ideology. That is a genuine political discussion, which allows me to access the 'genuine political purpose' defence. The defence simply should not be there. It simply should not be there.

Members of this Parliament would be aware that they have been written to by a number of eminent Jews and Jewish organisations, including Philip Zajac from the Jewish Community Council of Victoria, Elyse Schachna from Zionism Victoria, Jeremy Leibler from the Zionist Federation of Australia and Daniel Aghion from the Executive Council of Australian Jewry. They are similarly concerned that this proposal should in effect legalise that very nasty conduct if it is done for a genuine political purpose. We cannot allow that to happen. It is for that reason that I am also moving an amendment to the bill itself, which will be considered if we move to consideration in detail. Under standing orders I wish to advise the house of an amendment to this bill and request that it be circulated.

Amendment circulated under standing orders.

Will FOWLES: So the government has got some choices to make. They can either defer consideration of this bill to get the consultation right – to speak to members of the community and to understand fully the implications of this silly inclusion in the bill as it stands; or they can take up my amendment, and that amendment simply removes the ‘genuine political purpose’ defence. It removes new section 195N(4). Both of those amendments I urge the house to consider.

Chris COUZENS (Geelong) (18:54): I am pleased to rise to contribute to the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. I want to start by thanking the former Attorney-General for her work on this important bill. More so than ever we need to address harmful impacts of hate speech. I listened to the comments in the contribution of the member for Laverton about social media and what was happening there. I share her concerns. I have experienced some pretty horrible things on Facebook and other areas of social media – really vile, hateful, racist comments – and I think, ‘What are these people thinking to be putting those words out there on social media for people to read?’

Those sorts of things have to be addressed, but it is not just on social media – it is out on our streets, as we have heard in many contributions here in this place today.

I am pleased to be a member of the Legal and Social Issues Committee, which undertook the inquiry into anti-vilification protections. The inquiry examined current anti-vilification laws and the effectiveness of the operation of the Racial and Religious Tolerance Act 2001. The committee also considered any evidence of increasing vilification and hate conduct in Victoria, the possible extension of protections or expansion of protection to classes of people not currently protected under the existing act and any work underway to engage with social media and technology companies to protect Victorians from vilification.

This bill comes as a result of that inquiry but also as a result of the extensive consultation that was undertaken. All of that has indicated that it is clear we need to do a lot more. That consultation certainly showed that. That parliamentary committee heard from many brave people who stepped up to tell their stories and their experiences of what was happening to them. I again want to thank them for their contributions during that inquiry and to thank the many others who contributed to the government’s consultation process, which included submissions, consultation papers, surveys on Engage Victoria and consultation with key stakeholders. That feedback is what has gone into the development of this bill.

I do want to point out how concerning it is that there are those in our communities – personalities, leaders – who incite this hateful conduct by supporting neo-Nazis or questioning the welcome to country or the Aboriginal flag, which then incites people to put out this hateful speech and to have a go at people on the street. It is almost like it gives them licence to be vile and hateful, and they thrive on that division that occurs in our communities.

I have been chatting to a few people over the last couple of weeks about this bill and what it means. As people said to me, back when I was a kid growing up – and I know that was a long time ago – multiculturalism was a thing and we supported new migrants coming into our communities. I grew up on a public housing estate, so we had lots of different multicultural communities living in our

community. Maybe I missed it, but there was not that hateful racism. I am sure there was some, but I never experienced that amongst my friends, and many of them were from multicultural communities or Aboriginal communities. It seems like over the last couple of years this has grown and people feel that they have the right to use hateful, vile speech against others in our community. This bill is really important in continuing to do more to protect those people who are subjected to that sort of behaviour.

I know during the referendum on the Voice to Parliament the experience of the Aboriginal community, who are still feeling the impacts of that and are also feeling the impacts of those hateful, vile comments that come through because of 26 January and the debate around that and what is being put out there now around the welcome to country, the use of the Aboriginal flag and the concerns that the community have about those. I commend the bill to the house.

The DEPUTY SPEAKER: Order! The member will have the call when the matter returns should she wish it. I am required under sessional orders to interrupt business now.

Business interrupted under sessional orders.

Adjournment

The DEPUTY SPEAKER: The question is:

That the house now adjourns.

Eildon electorate public transport

Cindy McLEISH (Eildon) (19:00): (981) My matter tonight is for the Minister for Public and Active Transport, and the action I seek is for the minister to extend the existing Martyrs 683 public transport service to better accommodate the transportation needs of students attending Upper Yarra Secondary College. This request stems from the growing challenges faced by students, particularly those living in areas such as East Warburton, and from the limitations of the existing school bus network.

Upper Yarra Secondary College services a whole lot of really small communities such as Reefton, McMahons Creek, East Warburton and Powelltown as well as other larger towns such as Warburton, Yarra Junction and Woori Yallock, but often those in the far reaches end up being quite disadvantaged, and the school bus network does not always work.

The school believes that the public transport access is limiting for too many students and needs to be more equitable. There is certainly a lack of public transport in rural and outer suburban areas – that goes without saying – but students miss out, and should be able to have access to education. All of the students, including those with disability, need a more inclusive and accessible mode of transport, because it is not always catered to their needs. There needs to be greater flexibility and efficiency to the existing school transport system. Sometimes students have TAFE placements or work placements or have to go to excursions, and they cannot easily get there on public transport. The regional school bus program is really ages old, and public transport was not available at that time when it was put in place and it really only meets part of a need.

The school have identified what they think needs to be done and they have considered this very carefully, and they request the following changes to the 683 public transport timetable: the 7:17 am service from Whitegum Drive in East Warburton to deviate via Upper Yarra Secondary College on school days, which will add a couple of minutes and 1.6 kilometres; an extension of the 8:05 am from Yarra View Retirement Village to commence from Whitegum Drive, which would not impact the current timetable because it is before the regular service begins, and would add another 15.2 kilometres; and an extension of the 2:31 pm service from Chirnside Park coming in the opposite direction to conclude at Whitegum Drive, which would not impact the current timetable as it occurs after the regular service concludes. So the school have done a lot of work to see what they think could be done and how easily it could be done.

Now, I know there are always issues with trying to change existing public transport timetables, but I really urge the minister to engage with the school to see if there is a solution here because it really does need greater flexibility, and it will not just benefit the students but will also provide a little bit more flexibility for the wider community who are often left stranded in those areas.

Northcote electorate transport infrastructure

Kat THEOPHANOUS (Northcote) (19:03): (982) My adjournment is for the Minister for Roads and Road Safety, and the action I seek is for the minister to meet with me regarding road safety at the two bus stops on Station Street near the Collins Street intersection in Thornbury.

[NAMES AWAITING VERIFICATION]

Recently I met with Thornbury High School parents Jasmay and Nina, alongside the mayor and deputy mayor of Darebin, and Thornbury High assistant principal Paul Mameghan to discuss road safety priorities for students and the school community. Thornbury High is of course a major destination in my electorate, with around 1100 students travelling to and from the school every school day. The catchment is large, spanning around 7 kilometres from North Preston to South Alphington, through Northcote and Thornbury and across to Ivanhoe. With no walkable access to our inner north train and tram lines from the school, buses play a key role in getting students safely to and from the campus. The school facilitates this with some school buses that depart from the Dundas Street gate where a teacher is on duty to supervise, but I am told these buses fill up very quickly, and many students then must rely on the public buses on routes 552 and 567 which travel up and down Station Street a few blocks away from the school. Anyone who has travelled Station Street in this part of Thornbury knows how complex the traffic and pedestrian situation is here. The state route carries a heavy amount of north-south vehicles across its four lanes – around 33,000 per day, including many trucks. A median area in the middle of the road means cars idle there with their nose or tail out, waiting for a break in the traffic to make a right turn. The speed limit is 60 kilometres an hour, and there is a bend and a crest which can really limit visibility.

There is just a lot going on, and at the end of school day it can mean large groups of students navigating the intersection and waiting for buses on the footpaths along this major arterial. As you can imagine, students invariably jostle around and there is a real risk of them spilling out onto the roadway. The school has asked me to raise this concern and consider ways in which we can make the intersection safer. It could be something as simple as installing a low barrier near these bus stops or proper bus shelters.

The Victorian government has long supported Thornbury High School, including through the transformational investment to build their performing arts centre, gymnasium, netball courts and stunning STEAM centre in recent years. This means the school will only grow. I do welcome the recent steps taken by Darebin council under its new Labor majority to prioritise road safety upgrades near Thornbury High. At its most recent meeting, council passed a resolution committing to working with Thornbury High to construct a wombat crossing on Matisi Street on the other side of the school. This is a positive step forward, and I thank Cr Dimitriadis for championing that project and Cr Vasilios Tsalkos for seconding it.

I look forward to speaking with the minister in more detail about how we can work closely with Darebin council and Thornbury High to promote safer connections for the many local families that are part of this fantastic school community.

Euroa electorate health services

Annabelle CLEELAND (Euroa) (19:06): (983) My adjournment this evening is for the Minister for Health, and the action I seek is a guarantee that no funding or services will be cut at local hospitals across the Euroa electorate. The government's recently announced health services plan set to take effect on 1 July has sparked deep concern across my communities. Under this plan, our smaller

regional hospitals will be merged with larger hospitals to form centralised hubs hours away from the communities they are meant to serve. This is not just a bureaucratic shuffle, this is a direct threat to the healthcare access of thousands of people. Patients, medical professionals and hospital staff are rightly worried about what this will mean for the future, and so am I. I fear for the survival of our smaller hospitals, the heartbeats of our communities, as they are swallowed by a system that prioritises efficiency over accessibility. Instead of empowering these hospitals, the government is introducing more red tape, stripping them of autonomy and centralising decision-making far from the people who rely on them most. Let us call it what it is: a blatant attempt to remove local voices from critical healthcare decisions.

These are forced amalgamations. Our communities deserve better than this. They deserve to have a say in the future of their health care. I am deeply concerned that existing services will be stripped from smaller hospitals, funnelled into larger facilities to make up for their resourcing shortfall. This means patients will be forced to travel even greater distances to access essential care, something that is simply not viable in a region where public and patient transport options are woefully inadequate. This government is deadset on entrenching a postcode lottery when it comes to our health care.

I have heard too many distressing stories of patients being stranded by ambulance at metro hospitals, left with no way to get home. Their only option is paying hundreds of dollars for a taxi, and it is an option that for most is completely out of reach. While the government spends time engineering hospital mergers, it has utterly failed to invest in the transport services that make health care accessible in the first place. Volunteer-driven initiatives like the Royal Flying Doctor Service community transport team in Heathcote are still waiting for funding assurances from the government, despite the vital role they play in keeping regional patients connected to care.

The health services plan is not about improving health care; it is forced hospital amalgamations. These are not mergers by stealth, they are blatant, top-down decisions that risk gutting local healthcare services. We only need to look at what happened with Grampians Health to see the writing on the wall. Services were cut, communities left without the care they relied on and decision-making was dragged further from the people it impacts most. We cannot let this happen to our communities. Our regional towns simply cannot afford to lose the hospitals and services they rely on.

I am calling on this government to do the right thing: guarantee these forced hospital amalgamations will not cost us essential local services. Regional Victorians deserve better, and I will fight to ensure they get it.

Mordialloc Beach Primary School

Tim RICHARDSON (Mordialloc) (19:09): (984) My adjournment this evening is to the Minister for Education, and the action I seek is for the minister to update the Mordialloc constituency on the anticipated completion of the Mordialloc Beach Primary School capital works. Mordialloc Beach Primary School has been serving our community for over 150 years. Led most recently by our amazing principal Sue Leighton-Janse, we have seen this school go from strength to strength over its many years. Just to see at the end of last year their student graduation, which I have had the chance to attend for the last decade, was truly a humbling experience. To see the kids go through that and then as they go into high school and then into later life – it is a really moving thing to see what this school means for so many kids in our community and their growth and development.

They are supported by some of the best educators you will find in our state, people who each and every day go over and above to support the youngest Victorians to realise their dreams and aspirations in the classroom. I will give a big shout-out to all our educators and education support staff who started out in 2025. Over a million students are in the Victorian education system, and our preppies are starting to onboard across our primary schools in more than 1200 primary schools across the patch. It is a really exciting time for schools as they onboard and take on the next year and their aspirations.

These works are part of a series of upgrades to our schools across our community. It was not long ago that there was no capital works program for a number of years in our community. Now we see every primary school and secondary school across independent, government and Catholic education has benefited from upgrades in our local community, because we want the first-class education that happens in our community to be matched by the best possible facilities, and that is why the modernisation that is occurring to A block and the B building is really critical for my local community. It is coming out of the ground right now. When you drive past on Barkly Street or Albert Street, it is one of the best sites.

There is a bit going on in Mordialloc. There are of course the level crossing removal works which are going to be in full flight in just a little while. It is going to be a busy time around our patch as our community sees what Labor governments deliver: transformational investments and generational-significant investments that will support our communities in the many years to come. When it comes to education, when it comes to health care and when it comes to the vital infrastructure that people rely on in our community, in the Kingston and Keysborough South community, they know Labor governments have got their back. I am really proud to see the Mordialloc Beach Primary School works get underway, and I cannot wait for the Minister for Education to update my community on the progress of those works.

Police resources

David SOUTHWICK (Caulfield) (19:12): (985) My adjournment tonight is to the Minister for Police, and the action that I seek is for the minister to update us as to when the 1000 police vacancies that we currently have in this state will be filled to ensure the front line is properly resourced so that there is not the need for many of my constituents and those around the state to employ private security to keep them safe.

Back in October I raised this issue in the Parliament, and I know in my electorate in Glen Eira 150,000-odd residents across the City of Glen Eira for many, many years had one divisional van looking after the whole area. We have a situation now because of the uplift in crime where residents have had to take the situation into their own hands and employ private security guards to guard their homes from evening until morning. It costs about \$300 a month for about 50 people to come together to pool in and do this. Since then and the increase and spike in crime I am now realising that we are not the only ones, and there have been many people doing the same thing. Just last month the Police Association of Victoria blasted the government, saying:

[QUOTE AWAITING VERIFICATION]

While police are busy doing the very best they can, we know that courts are just being able to be a revolving door, and they do not have enough resources on the front line. And the consequence is we are now seeing neighbourhoods banding together to find their own private security – and not for the first time. This is unacceptable.

That is from Wayne Gatt from the Police Association. One of the examples was Jubilee estate in Wyndham Vale in the heart of Werribee, which is right in the middle of a by-election at the moment. Twenty minutes from the Werribee station locals are banding together to have private security patrols. The owner of the company conducting the patrols Grant Burton said they look after four housing estates across western Melbourne, and they receive an inquiry once every fortnight.

It is not just the west. Private security firms are being employed in Prahran, again, coincidentally where there is another by-election, and also in Camberwell, Hawthorn, Toorak, Brighton, Balwyn and I am sure many, many others. Private security guards are being hired because the Allan Labor government is failing. We are all paying taxes. We all should have security first and foremost in terms of policing and not have to take the law into our own hands and employ private security guards.

The Lord Mayor of Melbourne also said for the first time they are going to have private security patrols patrolling the City of Melbourne because the Allan Labor government has failed to provide policing

to do the job. With over 1000 vacancies, we need them filled. We need to ensure we return law and order to the state. There are no ifs, no buts. Get on with it and do it. Let us get the 1000 police on the front line, keeping our community safe.

Point Cook small businesses

Mathew HILAKARI (Point Cook) (19:15): (986) My adjournment matter is for the Minister for Small Business and Employment, and the action that I seek is for the minister to join me for a local business round table within the community that I represent. This government have of course demonstrated their support for small business in Point Cook through the numerous visits of the Small Business Bus, which is a wonderful service provided by this government. They help people to start or to build their small business and give them specialised financial tips, wellbeing support, business strategies and online strategies, and I know many people in the community that I represent have appreciated their services already. Having a government that supports small business is vital for the community that I represent, because you may not know but the LGAs that cover the community that I represent – Hobsons Bay and Wyndham City Council – have 99 and 97 per cent of their businesses that are small businesses. So that is good for the community.

Most recently the small business association that has set up in Point Cook, under the leadership of Sudhir, Sara and Japinder, is fantastic – the Point Cook Business Association. They are hardworking community-minded people who want to see a fair go for their businesses and to see small businesses thrive. Minister, I look forward to seeing you again, I hope, at a small business round table. You have been there before. I hope you had a great time, and I look forward to having you back.

Abortion law reform

Ellen SANDELL (Melbourne) (19:16): (987) My adjournment tonight is for the Premier Jacinta Allan. The action I seek is for the Labor government to permanently protect our right to abortion here in Victoria. In June 2023 the United States Supreme Court overturned *Roe v. Wade*, the law which enshrined the right to abortion across America, and it set off a cascade around the world. Not only did states in America start to ban abortion or make it almost impossible to access, but right-wing politicians around the world, including here in Australia, were emboldened, and they started to follow suit.

In Queensland we saw the Katter party and some far-right LNP members pledge to unwind that state's hard-won abortion decriminalisation laws, laws that were only passed in 2018. In South Australia the Liberals introduced a bill to wind back abortion rights in that state, and they came within just one vote of succeeding. This is a very scary time. It is a very scary time for women and for everyone who deserves to have 100 per cent autonomy over their own bodies. Right-wing men in parliaments should not be able to tell us how many children to have or determine what health care we get when we are pregnant. These choices are for us to make – for us alone – with advice from our healthcare providers.

Victoria is a progressive state, and we fought for decades for the right to legal and safe abortions until it was finally decriminalised in 2008. Some might think that here in Victoria we are protected, but let us remember it would just take a simple vote in Parliament to roll back abortion rights. Just one change of government with a few right-wing backbenchers potentially calling the shots in a new conservative government and all our rights here in Victoria could be unwound. That is why we need to take action now to permanently protect the right to abortion in Victoria by putting it in Victoria's constitution. Fortunately, right now, if the Labor government had the courage, we could actually have the numbers to do this here in Victoria to permanently protect our abortion rights.

Putting it in the constitution makes it harder for our abortion rights to be overturned by a future government. We know it is a popular idea. More than 10,000 people just in the last little while have signed the Greens petition to back our bill which would put abortion in the constitution. It is not an unusual idea. France did it just last year. Victoria could be next if the government had the courage to do so. All we need is 24 out of the 40 votes in the upper house, but it is up to Labor and the Liberals. We know the Premier believes in this issue, but Labor so far is refusing to support the Greens bill. The

new Leader of the Liberal Party Brad Battin says he is no conservative. We ask him to prove it, to provide that tripartisan support for this issue.

Victorian African Communities Action Plan

Pauline RICHARDS (Cranbourne) (19:19): (988) My adjournment is to the Minister for Education, and the action I seek is an update on the homework club program. I have been honoured to chair the Victorian African Communities Committee alongside Tigist Kebede, and the work done by this body is extraordinary. There has been generous and insightful input from Mahamed Ahmed, Fred Alale AM, Tawana Basutu, Andrew Gai, Mama Selba-Gondoza Luka OAM – very exciting – Catherine Jonathan, Adongwot Manyoul, Dr Tebeje Molla, Anaab Rooble and Mohamed Semra. I would also like to take the opportunity to thank Dr Stephane Shepherd and Monica Forson for their contribution to this committee.

I would also like to formally congratulate Mama Selba-Gondoza Luka OAM on her well-deserved honour and for the extraordinary work being undertaken by Afri-Aus Care, and I know that their advocacy for homework clubs has been a really important part of enacting the *Victorian African Communities Action Plan*.

I have visited a few homework clubs, including with the member for Northcote, and I can update the house that they are vibrant and joyous spaces of learning for our young Victorians. In the last Allan Labor government's budget there was a significant commitment made as part of the *Victorian African Communities Action Plan*, and I look forward to an update on the rollout of this important program.

Merril Kelly

Peter WALSH (Murray Plains) (19:20): (989) My matter is for the Minister for Housing and Building in the other place, and it is on behalf of the small Mallee town of Quambatook, population 229. 228 of those people are now in deep mourning because one of their own, a 70-year-old woman described as the heart and soul of that community, was brutally and pointlessly murdered in January. The action I seek from the minister is to have the four flats the government own on the corner of Guthrie Street and Quambatook-Boort Road bulldozed so it will remove forever a stain on the town's collective memory. Quambatook does not want the government's problems and mismanagement of the state's crime and drug problem dumped in its backyard, out of sight, out of mind for the bureaucrats who run the Department of Families, Fairness and Housing. There are no families or fairness with what happened in Quambatook in January. The town does not want people sent there because the government has some available real estate where it can shove people who are in the too-hard basket to live.

Barely two weeks ago, Merrill Kelly was a much-admired volunteer who came to Quambatook as a young single schoolteacher, found love and built a life there. This Friday I will be joining the people of Quambatook and district at her funeral – a funeral which should not have been held for years, and never for this reason. Well known for her passion and commitment, Merrill served on the boards of numerous organisations, working tirelessly to advocate for her community. She was a founding member of the Quambatook Community Resource Centre, a long-term executive member of the Quambatook Community Development Association and a board member of Northern District Community Health for 27 years, including time as chair.

In a social media post the Northern District Community Health chair Meghan Stewart said Merrill provided leadership, wisdom, lived rural experience and vision for her community. Merrill's husband has not only lost his wife, he has lost his primary carer and may now be forced to move into care away from his home town. Her children have lost their mother. Quambatook has lost a friend and a leader. An open community letter after her death summed it up:

She became a cornerstone of our community, always seeing the best in people, giving more than anyone could ask.

Minister, all Quambatook asks is: bring in the bulldozers and help it find some closure.

Suburban Rail Loop

John MULLAHY (Glen Waverley) (19:23): (990) My adjournment matter is directed to the Minister for the Suburban Rail Loop, and the action I seek is for the minister to join me in inspecting the progress of the Suburban Rail Loop construction in Glen Waverley. The Suburban Rail Loop is a transformational project which will shape our state for years to come. Whether it be Berlin, Paris, London, Tokyo, Seoul or Singapore, most advanced metro networks across the world have a loop connecting the various suburbs and train lines within each city. The Allan Labor government also understands the vital need to make this significant investment into Victoria's future. Not only will the Suburban Rail Loop bring communities together, take cars off the roads, boost local economies and slash travel times, it will enable some 70,000 new homes to be built. This is so important because these new dwellings will be located on the doorstep of world-class public transport, as well as around services, jobs and existing infrastructure. It is critical that we build homes in places that are convenient and efficient, and the Suburban Rail Loop allows for planning reforms which will provide this opportunity.

On this side of the house we are builders, we invest in Victoria's future, we understand that we must always look at upgrading and modernising our public transport systems and we are taking real action to increase the supply of housing and address the cost of living for Victorians. I am very excited about the continued construction of the Suburban Rail Loop and the tremendous benefits it will bring to the Victorian community. I look forward to working with the minister on the delivery of the Suburban Rail Loop, and I look forward to her response.

Responses

Vicki WARD (Eltham – Minister for Emergency Services, Minister for Natural Disaster Recovery, Minister for Equality) (19:24): The member for Eildon has called on the Minister for Public and Active Transport to extend the existing transport services for students of Upper Yarra Secondary College. The member for Northcote has asked the Minister for Roads and Road Safety to come and meet with her and talk through the two bus stops in High Street, Thornbury, that she would like to be made safer. The member for Euroa would like the Minister for Health to guarantee no funding or services will be cut in the Euroa electorate. The member for Mordialloc would like the Minister for Education to update him on the Mordialloc Beach Primary School capital works. The member for Caulfield seeks an action from the Minister for Police to give him an update on when the 1000 police positions will be filled. The member for Point Cook has asked the Minister for Small Business and Employment to come join him on a local small business round table. The member for Melbourne has asked the Premier for the Labor government to permanently protect the right to abortion. The member for Cranbourne has asked the Minister for Education to update her on the homework program. The member for Murray Plains has asked the Minister for Housing and Building to support the Quambatook community and to have four flats owned by the government in Quambatook bulldozed, and my thoughts are with this community in what I can imagine is their massive grief. The member for Glen Waverley has asked the Minister for the Suburban Rail Loop to join the member to view the progress of the SRL in his community. These will all be passed on to those ministers.

The DEPUTY SPEAKER: The house stands adjourned until tomorrow morning.

House adjourned 7:26 pm.