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Hansard

LEGISLATIVE COUNCIL

60th Parliament

Tuesday 1 April 2025

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Tuesday 1 April 2025

The PRESIDENT (Shaun Leane) took the chair at 12:02 pm, read the prayer and made an acknowledgement of country.

Condolences

Myanmar–Thailand earthquake

The PRESIDENT (12:04): Last week a devastating earthquake struck South-East Asia, causing a significant number of deaths and much damage in Myanmar and Thailand. On behalf of all members I wish to offer our heartfelt condolences to the people of Myanmar and Thailand, especially to families who have lost loved ones. I also want to pay tribute to all the people who are assisting with ongoing rescue efforts.

Bills

Bail Amendment (Tough Bail) Bill 2025

Council's amendments

The PRESIDENT (12:05): I have a message from the Legislative Assembly:

> The Legislative Assembly informs the Legislative Council that, in relation to 'A Bill for an Act to amend the **Bail Act 1977** and the **Summary Offences Act 1966** and to make consequential amendments to other Acts and for other purposes' the amendments made by the Council have been agreed to.

Bail Amendment (Tough Bail) Bill 2025

Terrorism (Community Protection) and Control of Weapons Amendment Bill 2024

Royal assent

The PRESIDENT (12:05): I have also received a message from the Governor, dated 25 March:

> The Governor informs the Legislative Council that she has, on this day, given the Royal Assent to the under-mentioned Acts of the present Session presented to her by the Clerk of the Parliaments:
>
> **8/2025** Bail Amendment Act 2025
>
> **9/2025** Terrorism (Community Protection) and Control of Weapons Amendment Act 2025

Questions without notice and ministers statements

Suburban Rail Loop

Evan MULHOLLAND (Northern Metropolitan) (12:06): (869) My question is to the Minister for the Suburban Rail Loop. Minister, Infrastructure Australia completely obliterated your value capture plans for the Suburban Rail Loop, stating:

> … any value capture revenues required after the project's delivery may need to substantially exceed $11.5 billion in nominal terms to offset the upfront cost in real terms.

Infrastructure Australia told Senate estimates last week they would need to see the split of value capture mechanisms when they come online and when revenue from value capture taxes will be received before considering additional funding. When will you be publicly releasing this information?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:06): Thank you, Mr Mulholland, for that question. The report that you have referred to from Infrastructure Australia starts with a premise that you may well find a little inconvenient. What I am going to do, for the purpose of context, is take you to the point in that report that says – it is the first sentence, so let us just go there –

David Davis: On a point of order, President, the minister is asked questions here. She is not able to go and answer a question of her own choosing; she actually has to answer the question that was asked.

The PRESIDENT: It has only been 23 seconds, and the minister is being relevant to the particular report.

Harriet SHING: Thanks, Mr Mulholland. What a surprise that you do not actually want to hear anything good about this particular project, which will reshape the city, and in particular the very first sentence of Infrastructure Australia's report, which says:

> We recommend that the Australian Government allocates its $2.2 billion funding commitment towards tangible elements of the Suburban Rail Loop (SRL) East project's scope, such as land acquisition and/or land development that supports additional housing opportunities, or road upgrades to improve efficiency and safety of traffic, public transport and active transport movements as enabling works around station precincts.

The report from Infrastructure Australia, which also states very clearly that the Suburban Rail Loop is an infrastructure priority list project – it is on Infrastructure Australia's priority list – goes on to say that additional work is required, which is in fact well understandable within a project of this magnitude, because this is long-term work. This is about a city-shaping project. Infrastructure Australia again – let us go to the evaluation summary – says, amongst other things:

> SRL East presents a significant opportunity to directly improve quality of life for residents in the middle and outer suburbs of Melbourne's east by increasing transport choice –

Evan Mulholland: On a point of order on relevance, President, I asked when the minister would publicly be releasing information Infrastructure Australia has been asking for, and she is yet to get to that question.

The PRESIDENT: I call the minister to the question.

Georgie Crozier interjected.

Harriet SHING: It is an important question, Ms Crozier, and it is a question which is anchored in the Infrastructure Australia report. Let us just go back to what the report says, further to the first sentence, which recommends the release of that $2.2 billion. It says:

> SRL East presents a significant opportunity to directly improve quality of life for residents in the middle and outer suburbs of Melbourne's east by increasing transport choice, connecting major employment, health, education and retail areas, and facilitating new housing. It aims to address a long-recognised challenge of Melbourne's monocentric urban sprawl and radial transport system by supporting the distribution and growth of housing, employment and other land uses in Melbourne's middle and outer suburbs.

What I would say to you, Mr Mulholland –

Evan Mulholland: When?

Harriet SHING: We will have trains running on the network in 2035. You asked me when. We have got tunnel boring happening from next year, Mr Mulholland, when you ask 'When?'

Evan Mulholland: On a point of order, President, on relevance, I asked when the minister will publicly be releasing the information Infrastructure Australia has been asking for.

The PRESIDENT: I will call the minister to the question.

Harriet SHING: I will continue, Mr Mulholland – as I have done since taking on the privilege of this portfolio in December last year – to engage with Infrastructure Australia on this project, which it has identified as a priority project. We will continue to work on funding and finance strategies and on value capture, as has occurred in other jurisdictions, Mr Mulholland. This is hard work. It is important work, and it is work that will go on.

Evan MULHOLLAND (Northern Metropolitan) (12:10): On a supplementary, Catherine King, the minister for transport infrastructure, and several federal government ministers say they still need

more information from the Victorian government before any further federal funding is committed. Freedom-of-information documents have revealed that Infrastructure Australia wrote to the SRLA as recently as May 2024, still seeking information it first asked for in September 2022. Given your government has refused to provide this information for over 2½ years, how can Victorians trust you to release it now?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:11): Thanks, Mr Mulholland. You are referring to something from 2024. Let us go to the Infrastructure Australia report, which did recommend the release of that $2.2 billion amount, and it did so on the basis that the Suburban Rail Loop is an important part of addressing the sorts of challenges which are outlined in *Plan Melbourne*. If all of a sudden you disagree with the matters set out in *Plan Melbourne*, if you are proposing that there is no solution to *Plan Melbourne* and to inner-ring development, then I am looking forward to seeing your offering in the next 12 months.

Infrastructure minister Catherine King has been very clear about the SRL having some really terrific benefits. It also includes references to building, in terms of what she said. The federal Treasurer Jim Chalmers, the Prime Minister Anthony Albanese and the ongoing discussions with the Commonwealth are all about delivering this benefit. We are going to continue to do it. Peter Dutton today has not said he is going to scrap it; he is just going to take $500 million out of an overall project for transport infrastructure.

Evan Mulholland: On relevance, I asked the minister how Victorians can trust her to release the information given that the SRLA have not released that information for about 2½ years.

The PRESIDENT: There is no point of order.

Emergency Services and Volunteers Fund

Rikkie-Lee TYRRELL (Northern Victoria) (12:13): (870) My question today is for the Treasurer. The new emergency services and volunteers levy is becoming more and more of a concern for farming communities in Northern Victoria. They feel unfairly targeted by the huge hike in the levy they will be forced to pay. Imagine their outrage when they discovered that large-scale solar and wind energy facilities have been classified into the lower rate category of ‘public benefit’. Can the Treasurer explain to the farmers of regional Victoria why large-scale solar and wind are being favoured over primary producers?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:13): I thank Mrs Tyrrell for her question and for mentioning the Emergency Services and Volunteers Fund, which is a really important initiative about supporting our hardworking volunteers, whether they are responding to fire, floods or a range of other emergencies. You mentioned farmers. Obviously regional Victoria is one of the most fire-prone areas in the world. They are regularly afflicted by storms and floods as well. They are becoming more and more frequent and more and more severe, and part of our policy settings is about ensuring that we respond to those demands. The Emergency Services and Volunteers Fund is all about making sure there is sustainable funding for equipment and making sure that our services are supported to ensure that they can train, recruit and respond as they do. When it comes to the average farm, the increase that is proposed – and that will obviously be subject to the Parliament’s consideration of the legislation – is around $13 a week. This is a levy as a percentage of operating costs of an average farm. It turns out to be very, very small. The average increase in liability from the Emergency Services and Volunteers Fund for 2025–26 is equivalent to 0.5 to 0.8 per cent of the value of agricultural production.

We know that farmers are very regularly the ones that are hit the hardest by fire in particular. As a former emergency services minister, having visited lots of farms in relation to their impact, I know that being able to rely on this service is something that I really want to stand behind.

We will always back farmers. There are a range of other measures that we take into account. We have slashed payroll tax for regional businesses, which obviously includes our primary producers. It is the lowest in the country. We also have exempted primary production land from land tax, so there are a range of other measures that go to supporting farmers, not to mention that farmers under 35 have exemptions or concessions on their stamp duty if they purchase a farm. What we want to be firm about is that when disasters happen – and they have a huge impact on regional Victoria – we are in the best position to support not only recovery but resilience and future mitigation.

Ministers statements: Suburban Rail Loop

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:16): On this side of the house we know that the Suburban Rail Loop is not a nice-to-have, it is a must-have. It will support up to 20,000 jobs. It will enable us to build 70,000 new homes.

Members interjecting.

Sonja Terpstra: On a point of order, President, I am sitting very close to the minister here and I cannot hear her for the constant stream of noise that is coming from those opposite. I ask that the minister be allowed to be heard in silence.

The PRESIDENT: I uphold the point of order. I ask members to listen to statements without interjections. Can we reset the clock. I would just be mindful, Minister, that if you do provoke interjection you might receive it. From the top.

Harriet SHING: On this side of the house we know that the Suburban Rail Loop is not a nice-to-have, it is a must-have. It will support up to 24,000 jobs. It will build 70,000 new homes close to infrastructure and services. It will connect our growing suburbs and help to untangle our city-centric transport system. It will also take 600,000 cars off our roads. Now, that is not a just a plan. Construction is underway today – right now in fact. Those site works have been happening since 2022. Major works are happening at all six Suburban Rail Loop station sites, and tunnel-boring machines will launch next year. Trains will be running in 2035. This is a project that is on time and on budget.

Sadly, no-one should be surprised to see the alternate prime minister is today boasting that, just like all Liberals, he will also cut funding for critical Victorian infrastructure projects. This time it is a $2.7 billion cut, just like Tony Abbott, who cut $5 billion from Victorian infrastructure and then failed to reinvest for a decade. But the Suburban Rail Loop and Victorians living in Deakin, Menzies, Aston and Chisholm are not the only targets today. In a blow to the west, Peter Dutton will also cut $500 million from the Melbourne Airport rail project, which will stop that project from ever being delivered. Let us be clear: you cannot deliver Melbourne Airport rail without upgrading Sunshine station. That is like saying you will build a house without building any foundations. That means no connections to the city and no connections to the regions. What we do not know yet is whether those opposite have the courage to be honest and say that they are going to back in these Liberal cuts. Are you going to tear up contracts, sack 8000 workers, stop the tunnel-boring machines and let them sink into the ground? Are you going to force more people into Melbourne's already bursting outer suburbs? We know that you are guaranteed to put Liberals first and Victorians last.

Suburban Rail Loop

Evan MULHOLLAND (Northern Metropolitan) (12:19): (871) My question is to the Minister for the Suburban Rail Loop. The Infrastructure Australia report on the Suburban Rail Loop East says the Victorian government failed to provide clarity on operating costs, with cost assumptions failing to reflect recent industry-wide construction escalation. Your own budget papers indicate that there has been a 22 per cent blowout in costs on construction since 2021, when the SRL business and investment case was first published. Given Infrastructure Australia's criticism and its acknowledgement of the

economic reality of costs in the construction sector, does the government stand by its position that the SRL East is immune from sector-wide cost escalation?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:20): I am not sure, Mr Mulholland, whether you are asking for an opinion, but let us talk to the Suburban Rail Loop project and in fact the Auditor-General's own assessment that the project is on time and on budget. It is really important to note, Mr Mulholland, that when we first started having this conversation about the Suburban Rail Loop you actually had not read the budget papers from 2019–20, which contained that $300 million that you were unable to find and therefore based a faulty argument on about costs and insufficient funding being provided for the purpose of those early works. That speaks perhaps more to the preparation that has gone into your assessment as to the merit of this project.

We know that communities need infrastructure and need projects and support and services that will help us to grow and to grow well. The alternative is urban sprawl, Mr Mulholland –

Evan Mulholland: On a point of order, President, on relevance, my question is on whether the government stands by its previous position that the Suburban Rail Loop will be immune from cost escalation.

The PRESIDENT: I think the minister was being relevant to the question, and I feel she answered it in the first 30 seconds of her response, so I will not uphold the point of order.

Harriet SHING: Mr Mulholland, it is unfortunate that yet again you are unable to understand the way in which major contracts for major projects are developed and are delivered, and I suspect that that has something to do with the fact, as I have said before, that you never delivered any major projects when you were in government. As I said, the project remains on time and on budget. We are powering ahead as we get ready for the launch of tunnel-boring machines next year, Mr Mulholland. I look forward to seeing you out there on the sites as they get underway.

All major projects build in contingencies to account for variations across the projects, and the Suburban Rail Loop East is no different. We said it would cost between $30 billion and $34.5 billion, and that has not changed. The project is on time; the project is on budget. We do have work that goes into making sure that the contracts that we develop are developed in accordance with established processes – but, Mr Mulholland, you would not know anything about established processes, because you could not even read the budget from 2019–20.

David Davis: On a point of order, President, the minister keeps attacking Mr Mulholland. It has nothing to do with the answer to the question. Her job is to answer the question and not to attack the opposition.

The PRESIDENT: I have already ruled on the previous point of order that I believe the minister did answer the question within the first 30 seconds when she stood up. I think it is hard for the minister, when she gets constant interjections, not to respond to them, but I ask the minister not to respond to interjections and I ask people making interjections not to make them. Then we will be in a good place.

Harriet SHING: What I would again direct you to, Mr Mulholland, is the business case. I have got probably –

Members interjecting.

Harriet SHING: It is a business and investment case. It is a significant volume of information, Mr Mulholland. Just like a number of your colleagues, you have not read it. You do a quick word search, and you think that you know what is in it. I would definitely suggest that you have a look through it and that you go through the detail, which Infrastructure Australia has relied upon in recommending release of the $2.2 billion. Of course we develop and we deliver our contracts in

accordance with established principles, Mr Mulholland. Again this is about making sure that we deliver this project on time and on budget, and that is precisely what is happening.

Evan MULHOLLAND (Northern Metropolitan) (12:24): I will repeat the fact that Infrastructure Australia says the Victorian government failed to provide clarity on operating costs, with cost assumptions failing to reflect industry-wide cost escalations – that is a fact. Will the government now update its targeted range of $30 billion to $34.5 billion for the SRL East to factor in the 22 per cent increase in construction costs?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:24): Thanks, Mr Mulholland. Again, the Infrastructure Australia report is not a particularly long document, but what you have done, in referring to a couple of very select parts of it, is ignore the first sentence of that report, which I took you to earlier, recommending an allocation of $2.2 billion in a funding commitment toward tangible elements of the Suburban Rail Loop East project scope. The work that we do is underpinned by rigorous approaches to contract negotiation and the execution of terms, as has occurred with these early works and tunnelling packages, to ensure that, as we deliver a contract on time and on budget, that remains the case. Again, we are looking forward to having tunnel-boring machines in the ground next year; looking forward to continuing to work with colleagues in the Commonwealth, depending on whether Peter Dutton decides he supports or does not support the project; and making sure that we are building something, Mr Mulholland, that is bigger than you or indeed me.

Drug harm reduction

Rachel PAYNE (South-Eastern Metropolitan) (12:26): (872) My question is for the Minister for Mental Health. The inquiry into the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023 highlighted how drug-checking services help people better understand the potency, composition and possible contaminants of their cannabis. Accordingly, recommendation 6 of the inquiry is:

> That the Victorian Government investigate opportunities to improve access to plant matter testing, including through integration into its fixed site drug testing service.

The Victorian government is set to open a fixed-site drug-testing service in inner Melbourne sometime in mid 2025. My question is: will the minister investigate integrating plant matter testing into the fixed-site drug-testing service?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:26): I thank Ms Payne for her question. From the outset I want to just acknowledge the work of the Legal and Social Issues Committee and the very thoughtful report that they have tabled and note that of course the government is considering the recommendations and will provide a response in due course. What I can say is that obviously one of the key pillars of our pill-testing system is giving people the information and the facts that they are asking for so that they can make informed decisions and choices. That is clearly about saving lives and changing people's behaviour by giving them access to a health-led response and information. As I understand it, the advice I have been given is that the testing of plant matter is not a simple issue; it is a bit complicated. Currently there is no drug-checking service in Australia that has the capacity to test organic matter such as cannabis, but I will continue to seek advice from my department about the viability of plant matter testing as part of our drug-checking efforts.

Rachel PAYNE (South-Eastern Metropolitan) (12:28): I thank the minister for her response. By way of supplementary, can the minister provide an update on the status of the rollout of the fixed-site drug-testing service and whether it is on track to open in mid 2025.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:28): I thank Ms Payne for her supplementary question, and I note there

is a lot of interest in the fixed site, which is understandable. I can confirm that my department is working closely and hard on identifying a suitable site. We will have more to say very soon.

Ministers statements: drug harm reduction

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:29): Further to the theme, I rise to update the house on the Allan Labor government's community health pharmacotherapy grant program, which is part of our $95 million statewide plan to reduce drug harm. Pharmacotherapy is a proven life-saving treatment and is also an important part of our government's health-led harm minimisation approach to drug-related harms in our community. Last week I was proud to announce that 15 community health services will share in $8.4 million to expand the availability of this life-changing addiction treatment, helping those who have an opioid dependence to access the medical treatment they need closer to home. Whether the recipients are establishing or expanding a pharmacotherapy prescribing service, the funding will help build resilience in our prescribing capacity right across the state, from the south-west to Gippsland to the Riverina. Up to 1500 additional Victorians will be able to access pharmacotherapy treatments in addition to the almost 15,000 who already use pharmacotherapy each day.

Victorians struggling with addiction deserve the best care no matter where they live, and these pharmacotherapy grants will change and save lives.

I also want to take this opportunity to thank for their tireless efforts our pharmacotherapy workforce, which includes GPs, nurse practitioners and pharmacists, all working to reduce opioid drug harms for individuals across the state. The impact of their work truly is life changing, and our government is committed to supporting the workforce in a health-led approach to reduce drug harms.

Suburban Rail Loop

Evan MULHOLLAND (Northern Metropolitan) (12:30): (873) My question is to the Minister for the Suburban Rail Loop. Minister, on Saturday 22 March in a press conference you claimed countless times that the Suburban Rail Loop was Matthew Guy's idea from *Plan Melbourne*, a claim you were later forced to admit was wrong. Minister, on Tuesday 4 March in Parliament you made the same claim. Will you apologise for misleading Parliament?

The PRESIDENT: I need to think about this one, because the only way that you can accuse a sitting member of misleading Parliament is through a substantive motion.

Evan MULHOLLAND: I am happy to repeat the question.

The PRESIDENT: Yes, thanks.

Evan MULHOLLAND: I am very happy to repeat this one. Minister, on Saturday 22 March in a press conference you claimed countless times that the Suburban Rail Loop was Matthew Guy's idea from *Plan Melbourne*, a claim you were later forced to admit was wrong. Why did you make this claim?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:32): It was, as I recall from the transcript – and you might want to have a look at that – once. The reason that I did that – and I did correct myself, so you might want to again have a look at the transcript – was because Mr Guy was quite helpfully listening to the live stream and quite helpfully messaged the journalist in question who was asking the questions to have a real-time engagement with me. It was off the back of that answer that I did actually invite Mr Guy to have a conversation about the Suburban Rail Loop. Now, the reason that I did, Mr Mulholland, for the sake of the avoidance of any doubt whatsoever, refer to the work that is happening within the Suburban Rail Loop is that *Plan Melbourne* – and if you are saying that Mr Guy had nothing to do with *Plan Melbourne*, then that is something that you should actually

indicate to the house. If you are actually saying that Mr Guy's contribution to *Plan Melbourne* amounted to nothing, then that is something that Mr Guy might perhaps want to hear about.

What *Plan Melbourne* does – and this is referred to from page 21 onwards of the business and investment case published on 19 August 2021 – is it says that we needed to plan for the next phase of growth. This was about reducing urban expansion, creating neighbourhoods that support local living and providing more housing choice, and these were priorities reflecting *Plan Melbourne*'s broader contribution to maintaining livability and planning for and managing population growth. It then goes on to say:

> The SRL Objectives – Productivity, Connectivity and Liveability – are drawn from *Plan Melbourne's* priorities and overarching vision.

Members interjecting.

Harriet SHING: All right. I will take up that interjection. You are now saying that Matthew Guy's first version of *Plan Melbourne* never actually talked about accommodating growth. What an absolute humiliation for you over there that the former Leader of the Opposition never did anything to contemplate better planning for our system and our city when he was literally the planning minister. You heard it here first, folks.

What we do know from *Plan Melbourne* is that Mr Guy never actually proposed any solutions to this, except for the fact that I understand by way of late-breaking news he proposed additional buses. So on top of the 20,000 bus services that we have –

David Davis: That's not true.

Harriet SHING: Well, Mr Davis, he has actually said that, so you may wish to take that up with him. But on top of the 20,000 bus services that have been delivered since 2014, if you are suggesting that the only answer to mass transit is buses, then I am sure that the people living within those inner suburbs, within that ring, will be very interested to hear about what you have to say on that – Deakin, Aston, Chisholm and Menzies. You might want to go out and have some conversations about that. I would suggest also that you go back and have a look at the transcript in relation to what was said about *Plan Melbourne* and the objectives that it seeks to satisfy.

The PRESIDENT: There is way too much noise. I remember being here during a debate about whether calling someone a 'goose' was unparliamentary, and I reckon it came out that it was determined unparliamentary. I am a bit of a nerd on precedents, and I remember that one clearly. I ask people not to use unparliamentary words.

David Davis: Do you want me to withdraw?

The PRESIDENT: I do not want you to do anything. I did not even know it was you, Mr Davis, so who am I to point fingers at anyone.

Evan MULHOLLAND (Northern Metropolitan) (12:35): At no point did *Plan Melbourne*, released under Matthew Guy, mention orbital rail, as the minister stated. The government actually released an addendum to *Plan Melbourne* in 2019, which added a whole lot of references to the Suburban Rail Loop. When you made this claim, Minister, were you referring to that or simply misleading to try to apportion blame?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:36): I am going to take you back – I like quoting you back to yourself, Mr Mulholland; it is a very handy tool. The last word you used in that was 'blame'. I was actually seeking to give Mr Guy a bit of credit for identifying the areas where we can meet those challenges around creating a city of centres and around having a distinctive Melbourne, a globally connected and competitive city, living locally and being able to have strong and healthy communities. What I would recommend –

Members interjecting.

Sonja Terpstra: On a point of order, President, the interjections from the opposition benches are constant and loud and unruly, and I would ask that you call the opposition benches to order so I and others in this chamber can actually hear the minister.

The PRESIDENT: I uphold the point of order and put the same case to all sides of the chamber.

Harriet SHING: I am happy to go for longer, President, if you would like, given that there is so much to talk about here in realising the *Plan Melbourne* vision and the way in which the Suburban Rail Loop delivers on that vision. What I would –

Evan Mulholland: On a point of order on relevance, President, I asked the minister if the *Plan Melbourne* report in 2019, to which her government added references to the Suburban Rail Loop, was what she was referring to when she was forced to embarrassingly apologise for misleading the public on the Suburban Rail Loop.

The PRESIDENT: There is no point of order.

Harriet SHING: I did actually think that Mr Guy had had a good idea, but I am happy to retract that on the basis that he had not identified any solutions when he described the problem. So again, we will continue to do the work necessary, and I look forward to seeing you use those services when they become available in 2035.

Housing

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:38): (874) My question today is to the minister for housing. It is my understanding that the North Melbourne housing office at 33 Alfred Street will be demolished later this year. Residents in North Melbourne have voiced concerns that Footscray will become their closest housing office, which some have expressed is too far and for some would be hard to reach. Can you please confirm what the plans are for the North Melbourne housing office?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:39): Thank you, Mr Puglielli, for that question. What I want to do at the outset is make it clear that there will be questions that I get in this place that involve a level of detail that I do not have available to me right then. What I am happy to do is speak in the general in referring to the impact of change and of relocation, and I am really happy to come back to you with some additional information, just because I would rather do that. What I will say in general terms is that we are working really hard as that change continues to be felt across people within the social housing system, all parts of the social housing system, whether it is in the middle of Melbourne or right out to the edges of the state, so that there is proximity to housing support office resources and people, inreach and outreach, as the case may be. There are flexible methods of delivery of services.

I do not have detail on the way in which they may be deployed in this particular instance, but I do know that there is a concerted effort going into making sure that services continue to be able to be provided and that there are a range of ways by which this can occur. We also know, for example, in the delivery of upgraded maintenance systems and the reporting framework – there was $13 million I think put into an upgraded maintenance reporting system – we are trying to overcome the tyranny of distance by making it easier for people to notify issues and to get action or assistance from a housing office. So, Mr Puglielli, as it relates to the actual geographic distance and what that configuration looks like, I am very happy to perhaps get you some further information on that to the extent that I am able.

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:41): Thank you, Minister, for that response. Aspects of this supplementary may also need to be on notice. Will the housing office return to the North Melbourne estate once the site is redeveloped?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:41): Mr Puglielli, I will take you to the announcements that have been made recently in relation to the ground lease model and the work that we are doing across the development of key sites. That is about making sure that resources are available to people in close proximity to the places that they call home, but why don’t I take that on notice and give you some additional detail around what that will look like in light of the announcements that we have made and the principles that I have just outlined about proximity to services, to support and to assistance, again whether that is in combination with an electronic method of seeking assistance, whether it is an in-person visit to an office or whether it is outreach.

Ministers statements: Learn Local providers

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:42): More than 30,000 Victorians are supported by Learn Locals each year to overcome barriers to training and access essential skills for life and work. Learn Locals are an essential partner with our government, providing transformational opportunities that benefit not only individuals but their families and communities too. I have been fortunate enough to visit many Learn Locals already this year right across the state. I was in Mildura last week, where I was impressed by the great services that four Learn Locals are providing. The Christie Centre has been providing support for people with disability since 1954, including social enterprises like GrowAbility. I had a tour from Austin, Jack and Matt – all have completed their customer service and aspiration-to-work courses and are now being supported in their employment at the GrowAbility Nursery. Sunraysia Mallee Ethnic Communities Council are providing a much-needed sense of community, English classes and many different preaccredited courses to help get people employed. Local community organisation MADEC has a 54-year history of providing support to people experiencing poverty or distress to get the skills and confidence to get into the workforce. Alongside work-readiness courses and career path advice, Zoe Support Australia provides many vital wraparound services, like transport and child care, to help many young mums get into work. These are just a few of the more than 200 Learn Locals across the state providing opportunities for individuals and families. The Allan Labor government proudly supports the vital work of Learn Locals, which are helping Victorians gain essential skills for life and work.

Suburban Rail Loop

David DAVIS (Southern Metropolitan) (12:43): (875) My question is to the Treasurer. Despite the fact that the SRL East project is largely unfunded, depending on $11.5 billion from the Commonwealth, most of which the state government does not have, and billions of value capture, none of which the state government has, and further noting the Premier said a few days ago, ‘We have the money we need for this project,’ Treasurer, will you confirm that far from having the money, there is a $20 billion-plus funding black hole?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:44): I thank Mr Davis for his question. Mr Davis, we have money to commence this project. We have momentum and excitement around this project. The minister has talked about the exciting opportunities in value capture, the commercial opportunities, the housing opportunities. Being closer to employment, education and health facilities is something that particularly people in the east are really, really excited about. Particularly members in the east know all about this.

In relation to the allocation of funding, the project is commencing. We will have boring machines in the ground next year –

Members interjecting.

Jaclyn SYMES: and the project will commence.

Sonja Terpstra: President, this is the third point of order that I have made today on the constant stream of interjections, particularly from Mr Davis. I am struggling to hear the minister with her answer, and I would ask that the minister be allowed to continue in silence.

The PRESIDENT: The minister to continue without anyone interjecting.

Jaclyn SYMES: Mr Davis, this project has been underway since 2022. Early works for SRL East are well underway. Every tunnelling contract has been signed, and all construction is expected to be completed by 2035. Contrary to the comments that you make, we cannot afford not to deliver this infrastructure project. These are productive investments that generations will benefit from.

David DAVIS (Southern Metropolitan) (12:46): The Treasurer is in noddy land. Given the Premier said 'We have the money we need for this project' and the huge black hole, I ask the Treasurer this: can you rule out further borrowings, rule out state tax increases, rule out new state taxes and rule out secret Treasurer's advances to fund the SRL East?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:46): I reject the premise of the question. Mr Davis, refer to my answer to your substantive.

David DAVIS (Southern Metropolitan) (12:46): I move:

That the Treasurer's answer be taken into consideration on the next day of meeting.

Motion agreed to.

Housing

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:47): (876) My question is to the minister for housing. Minister, the red-brick public housing towers on Nicholson Street in Carlton are being demolished. The government previously committed to rebuilding these with government owned and run public housing, not social or community housing. However, the community has recently noticed that the government's language has changed and public communications now only talk about social housing, not public housing. Minister, can you please confirm that the red-brick towers in Carlton will definitely be replaced with 100 per cent state-run public housing, not any other form of housing?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:48): Thanks, Ms Gray-Barberio, for that question. Since I was honoured to take on the portfolio of housing, I have worked really hard to make sure that social housing is understood for exactly what it is – namely, housing that provides long-term, safe, secure, dignified, accessible, energy-efficient and low-cost housing for people who are on the housing register, the housing waitlist.

Social housing can be divided into two categories: public housing and community housing. Community housing is delivered by not-for-profit, for-purpose charitable organisations who receive a GST exemption in exchange for their status as charitable organisations and provide housing to people in need. They include organisations like Women's Housing and Aboriginal Housing Victoria. What I want to do is to make sure that in all of the information I give to you I am not inviting any conclusion to be made by anybody in this place or elsewhere that the housing that is provided by our community housing providers is in any way inferior to any other species of housing. I also want to make it clear that when we talk about social housing and we talk about residents, that is exactly what tenants are – they are residing in their homes.

We have been really clear about the Carlton red-brick towers. These are towers which have been vacant for a really long period of time, and they have been subject to extensive community engagement and consultation, including reconfiguration of the number of bedrooms in a number of those homes. These are buildings which had sewage in the walls. Thanks to the partnership with the Albanese Labor

government and that $679 million to build around 769 additional social housing homes, we have been able to partner with Canberra for the first time – after nine years of ignorance from people who needed to make an investment into social housing – to make sure that the red-brick towers are able to be replaced with housing.

I have answered the question before: residents in this housing, as it is rebuilt and redeveloped, will be delivered that housing through the social housing accelerator program. The federal minister has made it clear – I have made it clear – it is public housing, but let us be really clear: community housing has its place; it is housing that provides people with an opportunity to reach their potential, to get access and inreach and support around them that they need and that they deserve. Please do not take anything from anything that I ever say about social housing to indicate that community housing is not of incredible importance in making sure that we can provide homes for those people on the housing waitlist.

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:51): Minister, I agree with you that community housing does have its place, but are you saying that even though the government previously committed that this will be state-run public housing now you are saying it might actually not be public? So are you going back on your government's previous commitment?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:51): Ms Gray-Barberio, I literally just answered your supplementary question in my answer to the substantive question. I have said it in this place before, I have said it publicly and Minister Clare O'Neil has said it publicly in a range of other forums that the red-brick towers are going to be delivered as public housing, but they are part of a broader mix in social housing that is intended to provide residents with the dignity of a home that meets their needs with long-term tenancy and with the operation and cover of the Residential Tenancies Act 1997. We want to make sure also that when we talk about this we are not inviting conclusions that seek to demonise one species of housing as being less fit for purpose than another. Ms Gray-Barberio, the former leader of your party in this place has been releasing materials that refer to the Greens having delivered public and community housing – that is somewhat of an about-face given the Greens' infamous use of taking credit for things and that all of a sudden community housing is not quite the terrible thing that you once said it was.

Ministers statements: early childhood education and care

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:52): I rise to update the house on how the Allan Labor government is improving the education of some of our youngest learners through the commencement of pre-prep. Last week I was delighted to attend Ararat Early Learning Centre alongside the member for Ripon from the other place to celebrate the first term of increased hours of kinder in regional Victoria through pre-prep. It was wonderful to meet the children who are already enjoying the benefits of 30 hours of free kinder each week. It was also a great opportunity to speak with the dedicated owner and centre director of Ararat Early Learning Centre Kerri Turner. The Ararat ELC is one of 37 services now providing more kinder hours across six regional areas this year. All kindergarten services in the local government areas of Ararat, Gannawarra, Hindmarsh, Murrindindi, Northern Grampians and Yarriambiack are delivering between 16 and 30 hours of free kinder. This once-in-a-generation reform is just commencing, and this year it is giving more than 500 four-year-old children more time to learn before they start school. Importantly, this reform is also helping parents return to work or study if they so choose. Thanks to free kinder, pre-prep is also saving families thousands of dollars. Giving children more time to learn through play before starting school has many benefits and can improve their early literacy, numeracy and emotional development.

Next year children living in 12 more local government areas will also have access to extra hours as pre-prep expands. In addition, Aboriginal children, children from refugee backgrounds and those who have had contact with child protection will also gain access to more kindergarten hours no matter

where they live. By 2036 all children in a four-year-old program will have access to 30 hours of kindergarten each week.

I look forward to visiting more centres as the pre-prep reform expands in 2026. It is all part of the Allan Labor government's nation-leading $14 billion Best Start, Best Life reforms, which are transforming early education.

Written responses

The PRESIDENT (12:54): Minister Shing, you were going to supply some additional information to Mr Puglielli for both of his questions, so thank you for that.

Constituency questions

North-Eastern Metropolitan Region

Richard WELCH (North-Eastern Metropolitan) (12:54): (1495) My question is to the Minister for Planning. The Blackburn RSL is a vital part of our community, a home to veterans, a meeting place for local clubs and a longstanding social hub. It sits within the Blackburn activity centre, where locals are increasingly concerned about the impacts of high-density development and the possible application of windfall gains tax. Given the RSL's importance and rising concern about planning that prioritises towers over people, this community asset must not be put at risk. The forced relocation of Waverley RSL due to the Suburban Rail Loop shows this government has form when riding roughshod over veteran communities that are in its way. My question to the minister is: will the Blackburn RSL be protected from closure or relocation under the new activity centre controls, and will it be impacted by the windfall gains tax if rezoning occurs?

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:56): (1496) My constituency question is for the Minister for Outdoor Recreation. Reports have been made to the Game Management Authority by residents near Joyces Creek, a duck-shooting site, with gunfire blasting at 7:47 am, 13 minutes before legal start time. This happens every year, and the GMA continue to ignore the distress of locals. Rate-paying residents of Mount Alexander are having the comfort and utility of their homes severely disturbed by the relentless barrage of gunfire within 3 kilometres of their homes, and locals are describing it as sounding like a war zone. Since they raised their concerns in an October meeting there has been radio silence from the minister. My Mount Alexander constituents want to know whether the minister will follow the 2019 precedent where two wetlands were closed due to public safety concerns in Mildura because of the risk to residents and visitors and close duck shooting at Joyces Creek too.

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:57): (1497) My question is to the Minister for Education, and I ask the minister: what is happening with the promised funding allocation for the Cranbourne Secondary College school upgrade, and when will the project commence? In the 2024–25 state budget the Labor government allocated $9 million in funding to deliver the promised capital upgrade at Cranbourne Secondary College, and yet nine months later this project remains in the tender preparation stage, meaning no works have commenced or even gotten to the stage of a builder being appointed, along with 23 other schools in a similar position around Victoria. With Labor's debt expected to reach $187.3 billion by mid-2028 and Victorians paying an estimated $1 million every minute in interest in this state, the question mark on whether this desperately needed upgrade will ever be delivered by the November 2026 promised timeframe remains.

Northern Metropolitan Region

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:58): (1498) My question today is for the Minister for Agriculture. My constituent Charles has faced 43 incidents of refusal of public and rideshare transport in the past two years for having an assistance dog. Not only are these refusals

frustrating, they are discriminatory and unlawful. Many drivers are unaware of their legal obligations, forcing Charles to repeatedly justify his rights. Despite multiple complaints to the Victorian Equal Opportunity and Human Rights Commission, the issue persists. Other jurisdictions, like Queensland, have stronger protections in place to ensure people with assistance animals are treated with dignity, respect and fairness. Although this question is more appropriate for the disability portfolio, assistance dogs fall under the responsibility of agriculture. Minister, what is the government doing particularly in response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability's recommendations to ensure people with assistance dogs are not continually denied their right to equal transport access?

Southern Metropolitan Region

Georgie CROZIER (Southern Metropolitan) (12:59): (1499) My constituency question is for the attention of the Minister for Transport Infrastructure, and it is in relation to the upgrading and infrastructure needs of Fishermans Bend. Infrastructure Victoria recently updated its 30-year infrastructure strategy and reiterated the need for tram extensions into Fishermans Bend. Recommendation 8 particularly goes to the point that trams can support more homes in inner and middle Melbourne, and as we have an increase in people moving into these areas, that is required. But the government have done very little or next to nothing in relation to addressing this, and it has been a number of years since it has been brought to their attention. In fact in the last five years they have done very little, as I have said. There has been ongoing discussion of tram extensions to Fishermans Bend and Infrastructure Victoria have not started progress on these extensions, so I ask the minister: why have these extensions not been commenced as per Infrastructure Victoria's plan?

Western Metropolitan Region

David ETTERSHANK (Western Metropolitan) (13:00): (1500) My constituency question is for the Minister for Public and Active Transport. My constituent lives in Rockbank. Unlike the neighbouring suburbs of Aintree, Deanside, Bonnie Brook and Mount Atkinson, Rockbank has a train station. The Bible says do not covet thy neighbour, but this station is deeply coveted. Unfortunately, the car park at Rockbank station is full by 7:30 am, with overflow parking dangerously clogging up the surrounding streets. While Aintree residents can catch the 444 bus to the station, Rockbank residents cannot and instead often drive to the station. Extending the 444 bus could connect Rockbank as well as Deanside, Mount Atkinson and perhaps even Caroline Springs to the station and to other buses – perish the thought. My constituent asks: what are the government's plans for a new bus service to make Rockbank station accessible to more residents?

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (13:01): (1501) My constituency question is for the Minister for Transport Infrastructure. It picks up the Suburban Rail Loop, which is in my electorate, or is proposed to be in my electorate, in Burwood, Glen Waverley, Cheltenham and Monash. What I am seeking for the minister to do is to publish a full and detailed breakdown, by area, of how much value capture will be milked from each of the locations: how much will be achieved and how much will be screwed out of the people and the properties in those areas? We know there is a $20 billion black hole with the Suburban Rail Loop. We know the state government says it is going to get about a third of the cost – $11 billion, $12 billion, whatever it is – with this project, which is no doubt escalating out of control. But what the state government has not done is come clean on how much the people in Burwood, Glen Waverley, Cheltenham and Monash in those zones will pay. Will there be new taxes, will there be layers of additional charges and how much will be collected in each area?

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (13:02): (1502) My question today is to the Minister for Public and Active Transport and relates to the connection between the Box Hill bus interchange and the Box Hill Central shopping centre, specifically the escalators. The escalator that

takes people down from the rooftop bus terminal to the shopping centre has been broken and out of action since November last year. This bus terminal is one of the busiest in metropolitan Melbourne and connects not only to the shopping centre but also to the train station below and nearby trams. Many older people rely on this bus terminal to reach Box Hill Central, and the lift access is at the other end of the building. It is unacceptable, frankly, that the escalator has not been fixed over the last five months. While I am not sure if it is the shopping centre itself or Public Transport Victoria who are directly responsible for the repair of this escalator, it should be a priority of PTV to make sure the bus passengers are able to easily exit the terminal and that this escalator is working. Minister, what are you doing to ensure that this is the case?

Eastern Victoria Region

Melina BATH (Eastern Victoria) (13:03): (1503) My question is to the Minister for Tourism, Sport and Major Events, and I ask the minister: what will he do in the state budget to support tourist caravan parks in my Eastern Victoria Region, which have been negatively impacted by the government's so-called free camping policy? Tourist caravan parks play a crucial role in driving our local economy, supporting local employment and fostering community engagement. But now they have been forced to compete with the government's national parks free camping sites, which contradicts its own competitive neutrality. In fact some caravan parks have been asked to match the government's free camping. These are businesses, for goodness sake, and they are struggling. It is time for a level playing field and it is time for the minister to outline how he will support these businesses in my Eastern Victoria Region.

Western Victoria Region

Joe McCRACKEN (Western Victoria) (13:04): (1504) My constituency question is to the Minister for Multicultural Affairs, and it relates to the funding certainty of multicultural groups, particularly the Ballarat Regional Multicultural Council. The problem is that there is no funding certainty. What can essentially be described as bridging grants have been made available, but there is no long-term funding certainty. BRMC do great work in the Ballarat community, from job advocacy to skills development, mentoring, language, education support and so much more. My question to the minister is: will multicultural groups, in particular Ballarat Regional Multicultural Council, be given long-term funding certainty in the next state budget, or are they going to be left in funding limbo year on year on year without any confidence of long-term security? Without funding long term, there are staff resources that could be allocated for long-term purposes but it just cannot happen at the moment.

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (13:05): (1505) My question is for the Minister for Planning. Will the minister release the standing advisory committee's report for the draft Macedon Ranges planning scheme amendment C161? A proposal to build 1360 mid-density homes in Riddells Creek would add about 3800 new residents and double the town's population. Locals in this quaint country village are outraged by the plan to transform their community, as it will massively increase demand on schools, road infrastructure and parking at the shops and train station. The minister referred the planning scheme amendment to a standing advisory committee, which recently completed public hearings on the matter and will soon deliver its report to the minister. The Riddells Creek community has been deeply engaged with the issue, and many of them made submissions and spoke at the panel hearings. They deserve to see this report and know what advice the minister received before making her decision.

Western Metropolitan Region

Trung LUU (Western Metropolitan) (13:06): (1506) My constituency question is for the Minister for Police regarding recent youth crime and violent retail theft in Werribee. On 20 March another lockdown incident at the Pacific Werribee shopping centre shocked my community. A 16-year-old wielding a machete stabbed another 18-year-old in the middle of the shopping centre. My constituents

PROOF

described the incident as terrifying, with people running everywhere and a frightened lady screaming, 'A knife!' Can the minister please update my constituents around the government's plan to address youth crime and escalating violent retail theft to keep my community safe? In one year theft from retail stores has increased 76 per cent in Werribee and 64 per cent in the Hoppers Crossing area, indicating the government's current laws are not addressing the crime problem or keeping Victorians safe. Shopping centres are places where families interact and spend quality time together; they are not places where families should feel unsafe and fearful.

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (13:07): (1507) My question is for the Minister for Police. Recent data from Victoria Police showed an extraordinary number of car plate thefts in my community, which has faced a huge rise in crime under Labor. In Cardinia more than half of all car thefts are related to stolen numberplates. Police also identified hotspots within a 500-metre radius at McGregor Road and Main Street in Pakenham, which is just minutes from my office. Numberplate thefts present a significant threat to hardworking locals, resulting in stolen identities and unfair toll charges, fines and replacement costs. Minister, will you support the Shadow Minister for Police and Corrections' call for more proactive and visible policing to reduce these types of thefts in places like Cardinia?

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (13:08): (1508) My question is to the Premier. Will the state government ensure that regional Victoria receives at least 25 per cent of new infrastructure spending in the coming state budget? In previous state budgets just 13 per cent of new infrastructure spending was allocated to regional Victoria, yet 25 per cent of the state's population call regional Victoria home. I was in Kangaroo Flat last week speaking with local residents who are very concerned that the state government continues to waste taxpayer money on inflated city-based projects like the Suburban Rail Loop. This budget presents an opportunity for the government to change direction. Regional Victorians deserve a fair go. For a healthy economy, we need a healthy state – one that receives the infrastructure so desperately needed to help us grow. Our list of needs is growing too, including better roads and bridges, new bypasses and more public transport; new childcare services, hospitals and health and rehabilitation services; new schools and upgrades; and more housing, police and emergency services, just to name a few. Will the Premier ensure that regional Victorians receive a fair share of funding?

Western Victoria Region

Bev McARTHUR (Western Victoria) (13:09): (1509) My question for the Minister for Local Government concerns the latest report by the latest set of municipal monitors sent to the City of Greater Geelong council. I have consistently opposed this waste of ratepayers money, which duplicates the management the CEO and directors are paid very highly to perform, patronises elected councils and interferes with the democratic choice of local voters. The latest period of monitoring came just months after the previous one concluded, so clearly that did not work. We know that the last report cost ratepayers $107,000. The *Geelong Advertiser* notes the report:

> … recommended the state government keep a keen eye on the council, to make sure councillors played nice with each other and with staff …

Incredible. Minister, how much did this amazing advice – at $1200 a day by two, in a five-page report padded out to seven pages – cost the ratepayers of Geelong?

Committees

Scrutiny of Acts and Regulations Committee

Alert Digest No. 5

Sonja TERPSTRA (North-Eastern Metropolitan) (13:10): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table *Alert Digest* No. 5 of 2025, including appendices, from the Scrutiny of Acts and Regulations Committee. I move:

That the report be published.

Motion agreed to.

Select Committee on the 2026 Commonwealth Games Bid

Inquiry into the 2026 Commonwealth Games Bid

David LIMBRICK (South-Eastern Metropolitan) (13:11): Pursuant to standing order 23.22, I table the select committee's final report on the inquiry into the 2026 Commonwealth Games bid, including appendices, extracts of proceedings and minority reports, and I present the transcripts of evidence. I move:

That the transcripts of evidence be tabled and the report be published.

Motion agreed to.

David LIMBRICK: I move:

That the Council take note of the report.

Next year the Commonwealth Games will go ahead in Glasgow, not Victoria, and every man, woman and child in Victoria will pay about $90 for the privilege – a total of $589 million. This is reminiscent of the kind of story you might see on A Current Affair where a family gets ripped off by a dodgy tradie, except this happened to everyone in the state. It is also fees for no service on a scale that would make the CEO of a bank blush. But this report into the Commonwealth Games bid that I am tabling today is not just about the Commonwealth Games; it is a deep dive into how this state works. To summarise, it starts with a thought bubble that turns into a grand vision that is then handed over to people who justify bad decisions with poor justifications. I hope the Victorian government will use the learnings in this report to improve its processes and make sure it never happens again – we hope.

In some ways the failure of this project was less shocking than the government's response to the failure. The government impeded this committee from collecting important evidence by refusing to appear at public hearings unless forced, withholding documents under broad claims of executive privilege and even refusing to follow the process set out in the standing orders to properly assess those claims of executive privilege. The government needs to have its privilege checked as a matter of urgency. In fact the committee has recommended the Procedure Committee take a careful look at doing just this. The Victorian people now owe $589 million, yet neither the current Premier nor the last one felt they owed it to Victorians to answer some questions. The final report makes 62 findings and six recommendations, focusing on critical decision-making and process failures, the $2 billion regional funding package and impediments the committee experienced when collecting evidence. This is the committee's third and final report for its 18-month inquiry. The committee received 44 written submissions and heard evidence from 89 witnesses in 47 sessions over 12 days of public hearings, including regional hearings in Geelong, Ballarat, Bendigo and Traralgon.

My sincere thanks to all those who made submissions and provided evidence at public hearings. I would also like to thank my committee colleagues for their hard work, and I would also like to thank the Parliament staff, including committee managers Matt Newington and Kieran Crowe, inquiry officers Jessica Summers and Chiara De Lazzari, administrative officer Sylvette Bassy, chamber procedure officer Tom Mills and chamber services officer Monique Riordan Hill.

PROOF

Sarah MANSFIELD (Western Victoria) (13:14): I too would like to extend my thanks to all those who participated in this inquiry and who provided evidence and particularly to the staff and to the chair for an excellent inquiry.

This really could have been called the 'Comms Games' rather than the Comm Games. It was a masterclass in the consequences of governing by press release and from the outset was beset by failures in transparency, oversight and governance. It was ultimately another demonstration of Victoria's public integrity failures. These failures are not unique to the Commonwealth Games saga and are not anything new in Victoria. Time and again they have occurred, and there have long been calls for reform from everyone from the Auditor-General to the Ombudsman and various integrity experts.

A key question arising from this inquiry is whether adequate measures are in place to ensure that major government investment decisions are being made in the broader public interest. In the case of the Commonwealth Games, I think the answer is a resounding no. Core problems included the use of private consultants and the impact this has on the role and capacity of the public service; failures in the parliamentary oversight systems, particularly the ludicrous situation we have where the government dominates joint investigatory committees like the Public Accounts and Estimates Committee and essentially are left in charge of marking their own homework; and failures in transparency, which we saw in everything from the refusal of ministers to appear before the inquiry to the government's failure to follow standing orders with respect to executive privilege claims over documents requested by the Parliament and a lack of transparency regarding cabinet decisions.

We are not going to have another Comm Games situation, but there are plenty of others where the same issues are at play. You only have to look as far as the disaster that is the North East Link Program or the decision to demolish Victoria's 44 public housing towers. The Victorian public deserve to have trust and confidence in its government's decision-making processes, and based on what we saw through this inquiry right now I do not think that they can.

David DAVIS (Southern Metropolitan) (13:16): I want to join with others in commenting on this Commonwealth Games bid inquiry, noting that this was a Liberal-National motion to bring this inquiry forward and an important motion because of the scale of the reputational damage done, the scale of the financial loss and the incompetence of the processes that have been exhibited. This has been an important inquiry. I want to thank the staff in particular for the work that they have done on this inquiry. I thank Mr Limbrick for his chairmanship. But what this shows is that when the games are held in Glasgow they will be largely funded by money from Victoria. They could have been held here. We could have had a scaled down games in country Victoria or indeed a Melbourne-based games in part. All of these would have been options that could and should have been considered. Instead of that, you had Jacinta Allan and her merry band of ministers, who actually exhibited extraordinary incompetence here, failing to undertake even the most basic processes.

As you look at what came forward to the inquiry you can see the absolute governance failures of this government, and those governance failures have had a huge cost to and huge impact on Victoria. Now, the government of course has not been honest with this inquiry either. There are literally hundreds of documents that the government has refused to provide – basic information that should have been provided to the inquiry, and the only reason it has been covered up is because it is embarrassing to Jacinta Allan and her ministers. That is the truth of the matter and that is outrageous. This government has squandered enormous amounts of Victorian taxpayers money and done so with very little outcome for Victoria. We should be very angry.

Michael GALEA (South-Eastern Metropolitan) (13:18): The decision by the Victorian government to withdraw from the 2026 Commonwealth Games was the right decision at the right time. The government was clear from the get-go that the purpose of agreeing to host the games was to deliver benefits to regional Victoria. Once the cost escalations became evident, the government was right to pivot away from the games and instead invest in the $2 billion regional package. This package is delivering the Big Housing Build into cities and towns across regional Victoria. It is investing in

legacy community sporting infrastructure projects in the host cities and beyond. Despite some of the nonsense that has been peddled by the Liberal members of this inquiry, this report found no evidence at all of any reputational impacts which affected Victoria's ability to draw in major international events, as we have seen, such as the Rugby World Cup and the National Hockey League games. Indeed in the last month alone Victoria's major events have drawn in a whopping 2 million people.

This report does make a sensible recommendation about reforms of the Department of Treasury and Finance's high-value high-risk guidelines, but regrettably some other recommendations in this report seek to undermine both exclusive cognisance, which Mr Davis is only too keen to pursue, and the constitutional basis for executive privilege, both of which are cornerstone principles of our Westminster system of government. Ms Ermacora, Mr McIntosh and I put together a minority report which expands on these and some other various points, and I commend that report to the chamber.

I would particularly, though, like to finish by thanking all of the staff, including Matt Newington, Kieran Crowe and all of their teams. They have worked extensively hard so that we can do our work, and I really appreciate all the invaluable work that they have done in supporting this committee's work.

Melina BATH (Eastern Victoria) (13:20): I would like to rise as a member of the select committee into the Commonwealth Games debacle and thank all the committee and staff for doing an outstanding job and my colleagues for their very fulsome participation but also the submitters and the witnesses. Indeed we travelled to regional Victoria, as we should have, because this hoax was to be placed in the space of regional Victoria. It was conspired no doubt in the minds of the former Premier and the current Premier as well, Jacinta Allan. It was aided and abetted by the Minister for Tourism, Sport and Major Events, the Treasurer and others. It was supposed to be 'an ambitious model'. What it did was rip the heart and soul out of country Victoria. People were built up. They were told that this was going to happen. The expectation was built, and what did this government do? It trashed regional Victoria, and it trashed it to the extent of $185 million – and there is $200 million going over to Glasgow. The business case was not worth the paper it was written on. There were people shut out from making comment on the business case, who provided insight and examples as to how this would or would not work. And we see all these commitments; we see these legacy projects that are supposed to be in the future. It is just normal spending, and it is probably on the never-never. Let me just read one quote from a lady who felt that her whole existence in this area and her commitment to the English team were just trashed. When the announcement came the English team said:

> 'Well, we'd never trust an Aussie again' – not a Victorian, an Aussie. It damaged the country as well as Victoria … 'Well, you guys, your handshake's not worth anything.'

There was widespread condemnation, and this government stuffed it up. It was a hoax and a con games.

Jacinta ERMACORA (Western Victoria) (13:22): I too want to speak on the Commonwealth Games bid report. I also want to start by thanking Matt Newington and the team for all of the work that was done. It was a very wide range of topics and a whole range of diverse information that was collected as well. It would have been challenging to collate all of that information and input and refine it down to something only as big as this. Thank you for that. I also want to acknowledge and thank the chair Mr Limbrick for his services as chair.

I also believe that this was the right decision at the right time, and this was an example of good governance. I know that sounds really boring, but operating environments do change. If you look at the trend over time, Western nations are the nations that have been traditionally, in the most recent 20 or 30 years, hosting the Commonwealth Games, and even now Western nations are struggling to pull together the Commonwealth Games. So there really is a need for a look at the model. Of course that was happening at the same time as the games were proposed for Victoria and in particular regional Victoria.

This is what I want to close on: the benefits and the compensation of the $2 billion regional package. As someone who represents outer regional Victoria and inner regional Victoria, we have got multiple programs now being funded beyond the five legacy towns that were going to host outside the city: housing, Tiny Towns, regional worker accommodation, and sports and tourism infrastructure. They are positives and have given opportunities to outer regional communities that otherwise would not have had those opportunities.

Joe McCRACKEN (Western Victoria) (13:24): It is so timely that this report is released on April Fools' Day, because if the story of the failed handling of the Commonwealth Games had not been a catalogue of real-life mistakes, it could easily have passed for a fictional or indeed a dystopian film. The movie *Lemony Snicket's a Series of Unfortunate Events* goes some way to describing what happened and what the committee discovered. However, the 2019 film *Escape and Evasion* encapsulates the government's response to the work the committee did, because escape and evasion was exactly what happened.

Let me make this crystal clear: the Premier of Victoria Jacinta Allan, the then Minister for Commonwealth Games Delivery, did not attend any hearings. All that was delivered were excuses. The former Premier Daniel Andrews did not attend, along with a string of former ministers. They all should have fronted the inquiry.

Where do we start with the mess? It was found that the business case which justified the hosting of the Commonwealth Games was deeply flawed. Those who prepared the business case were unable to access good information due to government directives. Despite making this abundantly clear in the business case with a list of caveats as long as your arm, the government proceeded to rely on the business case to justify bidding for the games, which they took to the 2022 election and the Victorian people. It has become clear that agencies, departments and ministerial offices did not communicate and collaborate effectively with each other. It was even discovered that local government CEOs were forced to sign non-disclosure agreements, which meant they were prohibited even from detailing conversations with their own elected councillors. The impact on regional Victoria was vast and extremely negative.

I want to finish by thanking the committee staff, who did an extreme amount of work. We appreciate it. Thank you so much.

Tom McINTOSH (Eastern Victoria) (13:26): I want to start off by acknowledging the chair Mr Limbrick, who was very thorough in his role, and of course the staff for all the work they did over what was a very long inquiry.

Victoria took the games on at short notice with a clear goal of investing in regional Victoria. With wars around the world, inflation, material price surges and labour shortages and a tight frame to deliver the games, the decision – which, as my colleagues have said, was the right decision – to cancel the games was made. We consistently heard throughout the hearings that that was the case, and we consistently heard throughout the hearings, despite the ongoing attempts by the Liberals to lead witnesses to certain conclusions, the consensus was that the key outcome for regional Victorians was the $2 billion package – the investment in housing, in sports infrastructure, in volunteering, in food and fibre, in Tiny Towns and in worker accommodation. This investment, through the process, occurred not only in the initial towns that were flagged for the investment but was spread broadly across regional and rural Victoria. We heard from numerous councils, community groups and sports groups that they were pleased to be able to all benefit from projects and investments that could be rolled out in a timely manner and one that did not put further pressure on local labour shortages.

I just want to touch on the point, as Mr Galea said, that we had 2 million people at major events in March and a whole lot in regional Victoria. Tourism is doing very well in this state.

Motion agreed to.

Papers

Papers

Tabled by Clerk:

Crown Land (Reserves) Act 1978 – Order of 24 March 2025 giving approval to the granting of a lease at Albert Park.

Parliamentary Committees Act 2003 – Government response to the Integrity and Oversight Committee's Report on the Operation of the Freedom of Information Act 1982 (Vic) *(released on 24 March 2025 – a non-sitting day).*

Planning and Environment Act 1987 – Notices of approval of the –

Ararat, Baw Baw, Buloke, Darebin, East Gippsland, Frankston, Gannawarra, Greater Bendigo, Macedon Ranges, Melbourne, Monash, Moorabool, Northern Grampians, Port Phillip and Stonnington Planning Schemes – Amendment GC242.

Ballarat Planning Scheme – Amendment C259.

Banyule Planning Scheme – Amendment C178.

Bass Coast Planning Scheme – Amendment C174.

Boroondara Planning Scheme – Amendment C415.

East Gippsland Planning Scheme – Amendment C173.

Glen Eira Planning Scheme – Amendments C270 and C271.

Greater Bendigo Planning Scheme – Amendment C274.

Hepburn Planning Scheme – Amendment C89.

Maribyrnong Planning Scheme – Amendment C190.

Melbourne Planning Scheme – Amendment C477.

Murrindindi Planning Scheme – Amendment C77.

Safe Drinking Water Act 2003 – Report, 2023–24.

Statutory Rules under the following Acts of Parliament –

Freedom of Information Act 1982 – No. 7.

Heritage Act 2017 – No. 13.

Independent Broad-based Anti-corruption Commission Act 2011 – No. 8.

Inquiries Act 2014 – No. 14.

Integrity Oversight Victoria Act 2011 – No. 11.

Local Government Act 2020 – No. 9.

Ombudsman Act 1973 – No. 10.

Public Health and Wellbeing Act 2008 – No. 12.

Supreme Court Act 1986 – No. 6.

Subordinate Legislation Act 1994 – Documents under section 15 in relation to Statutory Rule No. 6.

Wildlife Act 1975 –

Wildlife (Prohibition of Game Hunting) Notice No. 1/2025 *(Gazette G10, 6 March 2025).*

Wildlife (Prohibition of Game Hunting) Notice No. 2/2025 *(Gazette S107, 14 March 2025).*

Proclamations of the Governor in Council fixing operative dates for the following acts:

Bail Amendment Act 2025 – Whole Act (other than sections 11 and 12) – 26 March 2025 *(Gazette S138, 25 March 2025).*

National Parks (Amendment) Act 1989 – section 29(3) – 31 March 2025 *(Gazette S109, 18 March 2025).*

Proof

Petitions

Responses

The Clerk: I have received the following papers for presentation to the house pursuant to standing orders: Minister for Environment's responses to two petitions titled 'Review Tower Hill's State Game Reserve status' and 'Review proposed metropolitan and regional parks regulations', Minister for Planning's responses to petitions titled 'Desist from high-rise, high-density zone planning' and Minister for Water's response to a petition titled 'Restore the Fyansford Paper Mill water race wall'.

Production of documents

Planning policy

The Clerk: I table a letter from the Attorney-General dated 27 March 2025 in response to a resolution of the Council on 5 March 2025 on the motion of Mr Davis relating to amendments to the Victoria planning provisions. The letter states that the date for the production of documents does not allow sufficient time to respond to the order and that the government will endeavour to provide a final response as soon as possible.

Business of the house

Notices

Notices of motion given.

General business

David DAVIS (Southern Metropolitan) (13:42): I move, by leave:

That the following general business take precedence on Wednesday 2 April 2025:

(1) order of the day 3, second reading of the Wrongs Amendment (Vicarious Liability) Bill 2025;

(2) notice of motion given this day by Evan Mulholland on the Suburban Rail Loop;

(3) notice of motion given this day by me establishing a select committee on Victoria planning provisions;

(4) notice of motion 817 standing in my name on the Victorian debt ceiling; and

(5) notice of motion 811 standing in the name of Jeff Bourman on employment opportunities in the defence industry.

Motion agreed to.

Members statements

Melbourne Highland Games & Celtic Festival

Sonja TERPSTRA (North-Eastern Metropolitan) (13:42): Last Sunday Scotland came to Croydon with the celebration of the Melbourne Highland Games & Celtic Festival at Eastfield Park. This event has been held every year since 1967. It varies locations across the North-Eastern Metropolitan Region. This year international athletes competed in the International Heavy Games Championships from Japan, the Netherlands, Scotland, the United States and of course Australia. This was made possible through the support of the Allan Labor government, which contributed $37,500 to the event. As a long-time supporter of the women's heavy games, I can say it was fantastic to see national and international records tumble.

A special mention and congratulations go to the following athletes: firstly, Australian athlete Lily Riley, for setting a new Australian record in the women's open category in both the weight over bar and the heavy hammer throw; a fantastic effort by Teresa Nystrom from the USA, breaking multiple world records in the women's masters 50 -plus lightweight category in the heavy hammer, light hammer, weight over bar, light stone and Braemar stone. Honourable mentions go to the women athletes: Brooke, Carly, Heather, Kel, Laura, Liz, Melanie, Red, Sarah, Stacey and Susan. You did everybody proud on the day.

The men's heavy events were also spectacular, with barrel carnage that occurred along the way, and I commend Brock, Robbie, Cam, Chase, both Craigs, David, Eddie, Iain, Jeremy, Kengo, Lachlan, Lee, Lance, Macauley, both Marks, Neil, both Nicks, Rodney, Sean, Teade and Travis for their amazing displays of strength. I also thank the International Highland Games Federation president Francis Brebner and the International Highland Games Federation Australian representative and Highland Muscle founder Rob Mitchell for bringing international athletes to the heavy games and for making them a success. I congratulate the organisers and volunteers for bringing together yet another successful festival, and I look forward to seeing you all again next year.

Ambulance Victoria

Georgie CROZIER (Southern Metropolitan) (13:44): Last week there was another breach of employee details that were released from Ambulance Victoria in another concerning episode that has occurred where details have been accessed. This is not the first time that this has occurred within Ambulance Victoria. Over the last couple of years there have been a series of breaches where personal information and details have been stolen or exposed and investigations have taken place. They have taken place again and been referred, properly, to Victoria Police, but it is particularly concerning given the nature of what is happening in Ambulance Victoria and that these breaches continue to occur. I do think the government needs to be doing far more in addressing these concerns.

Bruce and Chyka Keebaugh

Georgie CROZIER (Southern Metropolitan) (13:45): On another matter, I just want to acknowledge the extraordinary work of Bruce and Chyka Keebaugh, who have really put the events industry on the map at an international level and also at the Australian and Victorian level. They have just been extraordinary in the work that they do, the creativity, the innovation, the customer service and the amount of flair that they bring to the events that they support. They should be acknowledged. They should be congratulated. They are great Victorians and great Australians.

Rewilding Stonnington

Katherine COPSEY (Southern Metropolitan) (13:46): Rewilding Stonnington are a group of dedicated volunteers that work to reintroduce indigenous and endemic plants, raise public awareness of the benefits of local greening and connect with the precolonial heritage of the local area. One of their current inspiring projects is the Green Links alliance proposal for the Sandringham railway corridor: a linear park following the route of the rail line from Birrarung to Gardenvale station, going across the Stonnington, Port Phillip and Glen Eira council areas. The green line vision is to use existing open space and walking paths and expand these by linking existing open space and rehabilitating underutilised spaces. The green line will improve accessibility for walkers and cyclists as well as increase habitat for biodiversity and tree canopy cover. It is so important that we link the ability for people to easily walk to and between existing public open spaces, and the project will also deliver improved pedestrian access to public transport. Community safety will be enhanced through improved lighting and accessibility, and separated bike lanes mean that there is easier community access to local business precincts, transport links, schools and of course green spaces. I encourage more local community members to get involved, and I also call on the state government to provide funding for this practical, necessary and inspiring local project.

Suburban Rail Loop

John BERGER (Southern Metropolitan) (13:47): I have four matters for today, and that is because, thanks to Minister Shing, I visited the site of four brand new locations we are building as part of the Suburban Rail Loop. I started off at Burwood with the hardworking member for Ashwood and my friend in the other place Matt Fregon MP and Ms Terpstra, where we toured the works that are well underway. It was great to get an understanding of the works that are coming up in 2025, get a feel for what we are doing and see how it will benefit our local communities. Second, I headed off to Monash, where I was joined by Mr Batchelor to see how we are supporting thousands of local jobs in our

community. Third, in Clayton Mr Galea and I learned how the SRL will take thousands of cars off our roads every day and how it will enhance access to our world-leading hospitals. This will be a game changer for locals, university students and staff for generations to come. Finally, I toured the Cheltenham site. The SRL East will deliver 26 kilometres of twin tunnels and six brand new underground stations. This project is going to connect my community, our universities and our business hubs like never before. Only Labor gets stuff done, unlike the Liberals, who want to scrap this project and put people out of work.

Myanmar–Thailand earthquake

Nick McGOWAN (North-Eastern Metropolitan) (13:48): I would actually like to join in with the sentiments you shared at the beginning of today, and that is in respect to our sisters and brothers over in both Myanmar and Thailand, but also including, not to forget, in parts of China. For those who may not be aware, last Friday there was a 7.7 magnitude earthquake. You may have seen – if you have not, you may look online – the footage in respect to some of the towers that have actually collapsed. Very sadly, even to this day in Bangkok, in Chatuchak district, there are still a number of people who they believe are trapped there. There are certainly a large number who have died as a result of these earthquakes. The toll is somewhere in the order of 1700 to 2000 across both those countries, particularly Myanmar and Thailand. Our thoughts and our wishes go out not only to them but also to their families that are affected in our constituencies and our local districts of Croydon, Ringwood, Warrandyte – I am sure there are locals there that may also, sadly, be impacted by this – but also Box Hill and right across the suburbs and the state of Victoria, for that matter. It is a traumatic time for those people. We hope that in the days ahead they have good news. We also hope that any assistance they may seek – and we know that the Myanmarese government have already reached out to a number of international actors – and that this state can offer is done swiftly and with the goodwill that we would hope for.

Melbourne International Flower and Garden Show

Rikkie-Lee TYRRELL (Northern Victoria) (13:50): I would like to use my members statement today to highlight the Melbourne International Flower and Garden Show. I was lucky enough to be shown around the show by several of the Nursery and Garden Industry Victoria, or NGIV, officials, including CEO Craig Taberner. As the show is owned by NGIV, I was given a thorough run-down of all that is involved in hosting the largest show of this kind in the Southern Hemisphere and the third largest globally. NGIV represents Victoria's $2.5 billion horticulture industry, an industry I am very proud to support. Employing over 24,100 people and supplying more than 35 per cent of Australia's green life, NGIV not only plays a pivotal role in our urban greening and food production but also is a valuable part of our Victorian economy. The MIFGS showcases the best horticulture landscape design and innovation Victoria has to offer, attracting over 110,000 visitors annually. The elite of the industry create displays and compete in classes for established and up-and-coming designers, landscapers and horticulturists, which also provides much inspiration and knowledge to the tens of thousands of visitors each day.

Anzac Day

Richard WELCH (North-Eastern Metropolitan) (13:51): As this is the final sitting week before Anzac Day, I rise to honour the service and sacrifices of veterans from my electorate. Brigadier George Furner Langley, born in 1891, served in both world wars. He served in Gallipoli, in the Sinai and in the Palestine campaigns during the First World War and served on the home front during the second. Between wars Langley was a dedicated educator, eventually becoming headmaster of Box Hill High School in 1948, right in the heart of my electorate. He later led Melbourne High School and was recognised for his lifetime service to the country and community with a CBE in 1958. His legacy still lives on in Box Hill today and beyond.

We also remember Thomas and James Bowman Sloan, brothers from Box Hill who served in the 21st battalion during World War I. On 2 September 1915 their troopship *HMT Southland* was

torpedoed en route to Gallipoli. Tragically, the brothers both drowned. They were buried side by side on the Greek island of Lemnos, a powerful reminder of the cost of war.

This Anzac Day I pay tribute to these men and to the thousands from our local area who gave their lives in service to our nation. Their stories are but part of a greater legacy, our shared history. We honour them and remember them. Lest we forget.

Emergency Services and Volunteers Fund

Renee HEATH (Eastern Victoria) (13:53): I rise today to condemn the Allan Labor government's latest tax grab, this time targeting Victoria's CFA and SES volunteers through the so-called Emergency Services and Volunteers Fund. This new levy, which will replace the existing fire services property levy, will sting rental providers, farmers, commercial property owners and, most disgracefully, our emergency services volunteers. Despite the Treasurer's promise that volunteers would be exempt, we are now learning that volunteers must first pay the tax out of pocket and then navigate the bureaucratic rebate process that can take up to two months. Worse, the exemption is capped at $4150, leaving many farmers to foot bills between $5000 and $10,000. These are the very people that risk their lives to protect our communities, and the government is punishing them with red tape and broken promises. Labor says this new tax will raise an extra $2 billion over the forward estimates. But let us be clear: this is not responsible budgeting, it is desperate revenue raising at the expense of those who serve. The Treasurer's claim that landlords can afford this ignores the reality that these costs will be passed straight to renters, who are already under a lot of pressure due to Labor's cost-of-living crisis. This is not financial management, and Labor is not delivering cost – *(Time expired)*

Business of the house

Notices of motion and orders of the day

Lee TARLAMIS (South-Eastern Metropolitan) (13:55): I move:

> That the consideration of notices of motion, government business, 278 to 896, and order of the day, 1, be postponed until later this day.

Motion agreed to.

Bills

Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2025

Second reading

Debate resumed on motion of Harriet Shing:

> That the bill be now read a second time.

Georgie CROZIER (Southern Metropolitan) (13:55): I rise to speak to the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2025. I am very pleased to be able to rise and speak to this bill, given my past experience of being a nurse and also a midwife and understanding the extraordinary work that they do every single day in our hospitals in this state and in this country. Although I have not worked in an intensive care unit for some years, I can fully appreciate the extraordinary work that they do in the emergency departments, which is what this bill largely covers off. I will go to the purposes of this bill, but I want to say that I have been very pleased to have spoken to many, many clinicians over recent months, including nurses and midwives, as well as many others who are reaching out to me around a number of their concerns that are arising in the health system.

This bill goes to an election commitment. It was part of a longstanding commitment by the Andrews Labor government, and now it is carried on by the Allan Labor government. In 2015 the then Andrews government introduced the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios)

Bill 2015 to enshrine in law the minimum staffing level for nurses and midwives in the Victorian public health system. These ratios were previously part of the nurses and midwives enterprise agreement. Since then there have been two phases of amendments to the ratio requirements, in 2019 and 2020. This is the third tranche of acknowledgement of the ratios, and that is what this bill is addressing. Over the past five years there have been previous amendments, which include ratios in specific settings, including stroke, haematology and oncology wards; palliative care; aged care; birthing suites; and emergency departments. As I mentioned, this bill is the third phase, which was promised by the government and taken to the 2022 election, and it introduces higher minimum staffing levels in intensive care units, higher dependency units, coronary care units and emergency departments.

As I said, I have worked in some of these areas but not for many years, and I am sure that the workload that many of our clinicians are seeing is very extensive, given the demand and what they are required to do on a daily basis. We all acknowledge that, and we all want to encourage the ongoing work that they do and encourage more Victorians to come into this wonderful vocation, as I did. I spent many years in it, especially in the public system, and it was an extraordinarily rewarding experience that I had. I am very, very grateful to all of those that supported me and likewise to have been able to support the many nurses and midwives that came under me in the senior roles that I had.

This bill seeks to improve patient care and safety with legislative requirements for more nurses and midwives across the public health system. It makes changes to the existing ratio requirements for level 1 and level 2 hospitals. In level 1 and level 2 ICUs a one-to-one nurse-to-patient ratio will be required for occupied ICU beds on all shifts. That is really a given; that has always happened. When you have somebody in an ICU generally it is a one-to-one ratio and there is one nurse to that patient. But this bill is formalising that longstanding practice of having one nurse to one patient in the intensive care unit.

In level 1 and level 2 ICUs there are new requirements that are being introduced to have team leaders and ICU liaison nurses and a nurse in charge of the unit. There has been some confusion around this, and I want to come to that later in my contribution. What the bill also does in terms of the changes is it sets a one-to-one nurse-to-patient ratio for each resuscitation cubicle in an emergency department on a morning shift – currently it is one to three – bringing morning shifts in line with afternoon and night shifts, and a one-to-four midwife-to-patient ratio in postnatal and antenatal wards on night shifts – currently it is one to six – in level 4 services which are part of larger metropolitan services and level 5 and 6 services under the maternity capability framework.

I do understand how, especially during a night shift, everything can be absolutely fine in a postnatal ward or an antenatal ward and you can suddenly find yourself addressing the needs of the patient, given somebody going into premature labour or having a situation where they are needing to be delivered or even post delivery – a caesar – where they need more nursing care than a normal delivery. Those requirements can change very quickly; we know that. That is a normal hospital environment. It is very fluid. Things need to be addressed and they need to be looked at on a shift-by-shift basis – sometimes on an hour-by-hour basis – given the nature of a patient's condition. So it is very important that there is some flexibility in the system to enable those requirements to be met. But what this does is it really ensures that the ratios are in place to ensure that, as the bill suggests, safer patient care is adhered to.

What the bill also does is legislate an in-charge nurse on night shifts in standalone high-dependency units or coronary care units. Those high-dependency units or coronary care units are similar to ICUs, but they are specific around the high-dependency needs; it is greater care than is required in a ward situation. Likewise for the coronary care unit, which is looking after people that have got specific coronary care needs or are being nursed in relation to those conditions, they do not perhaps require an intensive care unit, which is a very, very sophisticated ward with extraordinary amounts of equipment and expertise, with doctors, nurses and other experts in the field, physicians and other specialists as well, that come in and really look at a patient's needs.

The bill also updates the list of hospitals in the schedules to the act to reflect the changing names of some of those services, and that is in relation to some of the government's processes where they are amalgamating services or bringing services together – and we have seen some of those reflected with their name changes in this.

Clause 5 of the bill amends the act to apply the rounding method set out in section 12 of the act to determine the new staff requirements in level 1 and 2 hospitals. That has been a specific concern and they – especially the Australian Nursing and Midwifery Federation (ANMF) – have said part of the endeavour for this bill is to change those rounding methods so that they are rounding up, not rounding down. That will be more reflective of the requirements for the nurse–patient ratios and, as I say, provide an ability for the nurse or midwife, as the case requires, to comply with the ratio.

Clause 6's amendment to section 20 of the act sets out the new staffing requirements for emergency departments. Whilst I am on emergency departments, obviously they are highly sophisticated areas of health care too – very, very busy areas – and what we are seeing, which is alarming, is the extent of violence that is occurring in our emergency departments. We had a situation last week at the Alfred – a very, very concerning situation – where somebody had got through triage with a box cutter knife and other things and really could not be contained. It took 15 minutes for police to arrive and to bring this person under control. It is very concerning that the major hospitals are having code blacks and code greys on a regular basis. But it is not just our major tertiary hospitals in Melbourne, it is right across Victoria where these acts of violence and aggression within our emergency departments are occurring. I do believe the government needs to be addressing these concerns, because staff are feeling very vulnerable and quite unsafe. I hear it all the time; they are coming to me.

The parents of some of these staff are saying, 'I'm worried about my daughter' – or whoever it is – 'going to work given the level of violence,' and that has been communicated to me on more than one occasion.

The amendments in clause 7 of the bill set out the new staffing requirements for ICUs in level 1 and level 2 hospitals respectively. Clauses 8 and 9 amend sections 21 and 22 by setting out the new staffing requirements for high-dependency units and coronary care units. Clauses 10 to 13 amend section 30(1)(a) and (b) and add new sections 30A and 31B, which set out the new staffing requirements for antenatal and postnatal wards. I have alluded to how busy those wards can be; they can change very quickly. The above clauses include the phasing in of the new ratios in three stages to give health services time to implement staffing changes – well, that is the government's intention. The government is saying that hospitals must have 25 per cent of the additional staff required in place from the day after royal assent, 75 per cent from 1 December of this year, 2025, and 100 per cent from 1 July 2026. I do want to delve into this issue a bit more, because I have received correspondence from a health service that explained this. It says:

> The implementation of the recent amendments to the SPCA remains fluid with ongoing discussions between us, the Department of Health and the ANMF.

The exact requirements around how this is going to be achieved are ongoing and yet to be finalised. They are talking about the minimum standards of staffing that they need, and they are saying that they could be anywhere between four full-time equivalent staff and as many as 14. That is quite a variation, and I am not sure that there has been much clarity around how that might actually be realised in the real world once this bill is passed. I will be asking in committee a little bit more around those issues around staffing.

Clause 14 removes the application of local dispute resolution for breaches of the new ratios until 30 June 2026, and that is to allow sufficient time to recruit the additional nurses and midwives that are required as set out with the legislation.

In the bill briefing that the opposition had I asked a series of questions around things that were concerning me. The government has said there is $101 million that has been provided for this, but

where is that in the budget papers? The question was taken on notice but has not been answered. Already we know that health services right across the state are under enormous strain, and they are finding that they are really being pressured with their budget constraints. We know that last year there were budget cuts and then there was a Treasurer’s advance of $1.5 billion to fix up the mess of what happened in last year’s budget. There is just enormous pressure within our health system. We know that hospitals are struggling to pay bills on time, so there is a real concern around the financial element of this and it is unclear how the allocated funding will be sufficient to meet these higher costs. As I have just outlined, one health service has said it is very variable and they have got to find these staff but with what allocation? They are doing well as it is, but it can put additional pressure on their budget.

On workforce capacity, again, when asked what modelling has been done and about the impact on the broader health system, especially given the nurse shortages that are occurring, the response was, ‘Well, it’s up to the individual health service to be operational,’ which I understand – it is. But that is my greatest concern. I think a health service should have the flexibility and the autonomy to be able to manage their own staffing, but there are concerns about how that can be achieved given the requirements of this legislation and what is being asked of them.

In the briefing I was also concerned about which hospitals cannot meet the current ratios, because we know that happens – everybody knows that happens. Again I have had no response. What about the additional workforce required? In the briefing the department was unable to provide that figure.

These are all legitimate questions that should have been able to be answered, and that was asked six weeks ago when we first had the briefing, and still we have got nothing. So I do want the government to clarify these issues in the committee stage, because I do think they are reasonable, legitimate questions that, when we ask them in a bill briefing, we have the courtesy to have a response to some of these questions. They are incredibly important, and I was disappointed not to receive any from the follow-up that was assured to be undertaken.

The bill allows nurses in ICUs to care for up to two patients if they are not critically ill, and we understand that there is that flexibility, and I really understand that, because sometimes they might be stepping down and going out into the ward or stepping down to a high-dependency unit or whatever. So it really is subjective, being critically ill; obviously when you are in those units you know what a critically ill patient is, yet it is not terribly well defined in this bill.

The government’s consultation, I think, has been problematic, and that has been evident over the last few days where I have received dozens and dozens of emails from nurses working within intensive care units, and I received correspondence from the union last night. But I have spoken to the Australian College of Critical Care Nurses, who wrote to me around their concerns. They have said:

> Many Nurse Unit Managers of Intensive Care Units in Victoria have been in contact with us to express their confusion over the intent and language used in the proposed legislation, and their concerns at the potential detrimental impact on staffing resources, and ultimately, safe patient care.

That is exactly what this bill is trying to achieve. So the ACCCN, the College of Intensive Care Medicine and ANZICS have all written this combined letter to me, and they go on, and their concern is that:

> … the ICU liaison nurse is not part of the numbers caring for patients in the ICU, and the current bill provides nursing ratios that do not comply with the long-established standards of ACCCN and CICM.

So they did raise those concerns around the access nurse and liaison nurse, and that has been somewhat clarified in relation to the correspondence I have received from the ANMF, but I do want to spell out just the concerns of the intensive care nurses. These are the nurses actually working in the units, and this is why it was confusing for them. This is why the confusion has come about, and I do not think the government has consulted. Yes, they have consulted with the ANMF, and yes, the ANMF had a couple of members from the Victorian division of the ACCCN that they obviously spoke with, but

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they have not gone to these stakeholders and really understood this, hence we have got this confusion, which I think is disappointing. As this ICU nurse wrote to me:

> I have worked as a nurse in Melbourne's Level I ICUs for the past 35+ years in a variety of roles.

She also has extensive knowledge, I might add, that she said in relation to working as a representative of these statewide bodies. She went on to tell me:

> … the nature of intensive care is unpredictable, with patients suddenly needing complex interventions that require more than 1 nurse to implement, and patients from other areas in the hospital requiring urgent admission to the ICU in the middle of a shift; very few patients have an ICU admission scheduled as part of their hospital stay, especially in Level I ICUs. The inclusion of an ACCESS nurse is therefore vital to provide Assistance, Coordination, Contingency, Education, Supervision and Support –

that is what it stands for –

> when the workload suddenly escalates mid shift, when other staff are not available. The Team Leader is not able to manage their usual duties, assist with a deteriorating ICU patient, and provide all the care for an emergency admission from the ward until the next shift starts. This is neither fair nor safe.
>
> The term "Liaison Nurse" is possibly misleading, with the biggest part of their role being as a member of the Medical Emergency/Rapid Response Team that provides immediate assistance to deteriorating patients outside the ICU; this includes patients who have had a cardiac/respiratory arrest. Unfortunately the number of MET/RRT calls is increasing each year, so the LN can spend most of their shift outside the ICU, regardless of the time of day/night.
>
> All three roles of Team Leader, ACCESS nurse and Liaison Nurse are therefore required to keep ICU and ward patients safe, especially in hospitals with a Level I or II ICU. Expecting ICU nurses to consistently perform 2 roles simultaneously is unfair and unsafe for both the patients and the nurses, and will lead to poorer patient outcomes and increased nurse burn out and attrition.

That is why I read that in, because these nurses have been confused around what is possibly proposed.

In the letter to me from the ACCCN, the College of Intensive Care Medicine and ANZICS, they give a scenario of a typical level 1 ICU with 28 ICU patients and six high-dependency patients, 'which is proposed to be staffed as per below', comparing the ACCCN's concerns with the bill's ratios. They go on and say that an ICU with 28 beds at one to one with the bill would have 28 staff. A high-dependency unit at one to two – that is three staff – with the bill would have three staff. The assistance, coordination, contingency, education, supervision and support nurse at one to 10 in the ACCCN model would have three; the legislation has zero. The team leader would be one to 10 – again, the ACCCN says that three would be required; the bill allows for that. The nurse in charge would be one, and the bill says one. So they are saying that there is a potential cut from 38 staff to 35.

I did appreciate speaking with the ANMF yesterday. We went through it. They said they did think there has been some confusion, and I received a letter last night around that. They are saying that there is just a bit of confusion in the way it is interpreted. I understand that. They are saying that not everyone has the same terms and that hospitals have different titles for various roles that an ICU or high-dependency unit or a CCU might have. So I do understand what they are saying. Nevertheless it has caused this confusion, and I think that is disappointing. I do thank the ACCCN and other stakeholders for providing me with the information, because when I have reached out to these stakeholders, this is what I have got back. But I just do not know that the government has done their work. They have not gone out to the stakeholders. Again, I asked in the bill briefing, 'Who did you consult with?' I did not get that answer. Obviously I know that the ANMF are going to be providing the information, because they wrote to me:

> On 4 November, then Premier Andrews wrote to Lisa Fitzpatrick detailing election commitments for the nursing and midwifery workforce. For Level 1 and Level 2 ICUs this was to fund an additional 160 full-time equivalent (FTE) of team leader and liaison nurse, as well as to enshrine existing practice in the legislation of 1:1 ratio for ICU patients on all shifts.

I am well aware of that election commitment, but I do have concerns around when the ANMF, in their frequently asked questions, talk about the level 2 hospitals that do not have the additional staffing on

night duty. The gap in that night duty in the level 2 hospitals – there is concern around that. It is an eight-bed ICU level 2 hospital. On the am shift and the pm shift there is a liaison outreach nurse – or however it is titled – but on night duty there is no such liaison or outreach nurse or anybody else covering that area of work. So these nurses and others are saying – these specialists who work within intensive care units – there should be at least a liaison nurse to cover all shifts, and that includes night duty. What I have been trying to say is that it can be very fluid, as the nurse who wrote to me – I read out her email – explained regarding exactly what happens in an intensive care unit.

I do think, again, that this confusion could have been avoided if the government had done proper consultation with the various stakeholders that have been involved so that it could have been sorted out or at least addressed. I will be addressing those shortfalls during the committee stage of the bill.

I just want to say that I am very grateful to have spoken to a number of people around this. As I said, it was not just the ANMF; CEOs of hospitals but also nurses and others have reached out to me and been very concerned about the confusion. There was an article on this very issue in the *Age*, in which somebody said, yes, the government are rushing their bills so no wonder mistakes are being made. I will quote it actually:

> A Labor source, speaking on the condition of anonymity because they were not authorised to speak publicly. said there have been some "stupid" mistakes recently with the drafting of bills.

I hope that is not the case with this. I hope that this confusion can be sorted out and that these concerns that have been raised with me, the minister and others can be clarified, because if there have been mistakes – if there are gaps – then let us look at them, work through them and make sure that the intent of the bill is actually there and that our hardworking intensive care nurses and those working in these areas feel supported and feel that the legislation reflects their needs. At the moment I am concerned that, with the numbers that have contacted me, they do not feel that the bill is supporting them and there is confusion in language. I do understand that; hospitals will have different titles, whether it is liaison, access, outreach or whatever it is. But there needs to be some sort of consistency in this so that this confusion does not arise.

Nevertheless, again I say there are many, many, many Victorians who are grateful for the extraordinary work that our nurses and all those clinicians do within our ICUs, emergency departments and hospitals on the whole. I do want to commend the work that they do and thank them for it on behalf of the Victorian community, because it can be extremely stressful, extremely demanding. What they go in and face every day, if you have not experienced it, can be very, very difficult at times. I want to just place on record my thanks to all of them on behalf of the Victorian community. Let us ensure that we get this right so that the intent of the bill is met, that safe patient care is actually adhered to and everybody is supported.

Sarah MANSFIELD (Western Victoria) (14:23): I rise to make a contribution on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2025. We understand that broadly the nursing and midwifery workforce welcomes the changes in this legislation to introduce new minimum workload arrangements in intensive care, high-dependency, coronary care and emergency settings and postnatal and antenatal wards. Supporting our health workforce is vital to ensuring that the system is operating sustainability. We know that a strong workforce means better patient outcomes and a thriving community. Ratios have existed in many parts of our hospitals for years in Victoria. It is something we should be really proud of. They ensure appropriate levels of staffing to meet demand.

I can speak firsthand as to the importance of nurses in keeping our health system running. They are really the backbone of our health system. Anyone who has ever been a patient in hospital knows this. We know that it is the nurses who are the ones who are always there; they provide the round-the-clock care. But as it stands, in many parts of our hospitals, like our maternity units, there are not legislated ratios. This risks wards being understaffed, providing fewer nurses per patient. Not only does it impact the quality and safety of patient care, but it also impacts the workload on nurses.

We already have a nursing and particularly a midwifery shortage. Ensuring that our existing workforce have a good working conditions will help to support their longevity and reduce the risk of them experiencing burnout and leaving the workforce. The bill directly addresses these issues, so the Greens will be supporting this bill.

I want to take this opportunity, however, to flag what is missing from this piece of legislation. For many years now the mental health workforce have been asking for ratios, which currently only exist in the Victorian public mental health services enterprise agreement, to be legislated, and on face value the bill before us today appears to have been the perfect opportunity to action these requests; indeed it is something that was promised by the former Premier. Yet mental health wards are exempt from ratios as per the original Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015, and there has been no attempt to amend this through this bill.

The Royal Commission into Victoria's Mental Health System called on mental health services to move away from the medical model. This means supporting robust multidisciplinary care teams in mental health units, teams made up of mental health nurses, social workers, occupational therapists and lived-experience workers. Enacting consistent ratios across mental health services that reflect these teams would go a long way towards ensuring that mental health consumers receive continuity in the quality of their care no matter where they live. Evidence and testimony from the workforce suggest that occupational violence and aggression can be reduced in mental health settings by improving nurse–patient ratios. Surely improving workforce welfare should be this government's priority, given what we know from Safe Work Australia about the high rates of workers compensation claims for nurses in mental health wards as a result of mental stress. Whilst the workforce is currently engaging in a fresh enterprise bargaining agreement negotiation with the Victorian Hospitals Industrial Association, surely taking the step to legislate these requests would go a long way to assuring the workforce that their working conditions are taken seriously. We implore the government to work in good faith with our public mental health workforce, but we, as stated, will be strongly supporting this bill today.

Sonja TERPSTRA (North-Eastern Metropolitan) (14:27): I also rise to make a contribution on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2025, and I am very pleased to be doing so. As somebody who worked for the Australian Nursing and Midwifery Federation (ANMF) Victorian branch, I reflect fondly actually on how just before I came into this place as an elected representative I was very pleased and proud to lead a team of very skilled and expert nurses who then also transitioned to becoming industrial organisers and the like. I had the benefit of attending public hospitals on my run and seeing the very hardworking nurses and midwives who worked in those hospitals doing the amazing work that they do each and every day to help keep Victorians safe.

I guess what we know and understand here on the government benches is that our health system is built on the skill, dedication and compassion of Victoria's nurses and midwives. Not only do I want to publicly thank them for the work that they do each and every day in keeping Victorians safe, but I also want to reflect on the incredible dedication and work that they undertook during the pandemic, which was one of the most stressful periods really in our history. It was a one-in-100-year pandemic, and we know that the nurses, midwives, doctors and health professionals who turned up in our public health system each and every day really went above and beyond. It is something that we need to continue to thank them for, because it was a very difficult time.

This bill really is about delivering on our election commitment that we made in 2022. If you go back to 2015, there was the first tranche, introducing nurse-to-patient ratios. The basis for introducing nurse-to-patient ratios really was because what the research showed was that when you have ratios, you have better patient outcomes as well. So this is about improving patient outcomes to make sure we are backing in our hardworking nurses and now midwives and giving them the resources that they need to ensure that they can deliver really good patient outcomes. We have listened to and we have consulted extensively with our nurses and midwives, and this is why we are introducing this new

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tranche of reforms – because this is what our nurses and midwives told us that they wanted. Again, this amendment bill that we are introducing now is delivering on those reforms. It is an election commitment. We are proud to have introduced these reforms in 2015 and now also proud to be delivering on these commitments.

I am going to talk a bit about what the bill does, and then I am going to turn to some of the concerns that Ms Crozier highlighted. I have also received some correspondence from the College of Intensive Care Medicine of Australia and New Zealand and the ACCC. I have read that correspondence as well; however, I will come back to that.

As I touched on earlier, the nurse-to-patient and midwife-to-patient ratios, which were first introduced in 2000, were unfortunately subject to the Liberals trying to force nurses to trade them away as part of their enterprise agreement negotiations. That is why in 2015 Victoria became the first state in Australia to enshrine the nurse- and midwife-to-patient ratios into law. These new ratios that we are debating today, which are the core of this bill, are the result of extensive consultation with nurses and midwives, the Australian Nursing and Midwifery Federation and health services. What it will do is as follows: it will provide one-to-one nurse-to-occupied bed ratios in intensive care units on all shifts for all level 1 and 2 hospitals. That means that every occupied intensive care unit bed will have a dedicated nurse assigned to it at all times. Intensive care units will also require a team leader and liaison nurse for the very first time. That is going to be enshrined in law.

I am deliberately not going to use acronyms because it drives me wild that there will be people watching at home not understanding what we are talking about when we use acronyms. Unfortunately, the healthcare system and the public service really love acronyms, but I am going to force myself to say it all in longhand so everyone at home can understand what we are actually talking about. It will improve staffing ratios in resuscitation cubicles in emergency departments on morning shifts, bringing morning shifts in line with afternoon and night shifts, and there are also one-to-four midwife–patient ratios in postnatal and antenatal wards on night shifts. Previously the ratio was one to six, so we are bringing that down to one to four. Also, there will be an in-charge nurse on night shifts in standalone high-dependency and coronary care units. This will also help to ensure that all our health services are adequately supported and prepared to action these changes, with the amendments being rolled out in a staged approach. If I recall, the original nurse-to-patient ratios, when they were brought in, also had a staged approach. Twenty-five per cent of the additional staffing will be implemented the day after royal assent, 75 per cent from 1 December 2022 and then 100 per cent from 1 July 2026. There are a variety of reasons for that. Obviously hospitals need time to get across the changes, but also I know this government and other stakeholders consistently talk about the need to recruit more nurses, because obviously it is a feminised profession but also an ageing profession, and we need to recruit more staff into it to make sure there is that pipeline of skilled and trained nurses who can work in the system.

I will just return to some of the concerns that were raised earlier. There is some confusion around whether the ratios are going to staff at the current levels or increase the current levels. Different iterations seem to say that there might be a reduction in some of those ratios. I was just talking to the advisers in the box and getting some advice on that, because I have read the correspondence that was forwarded to me, raising concerns that there might be potential unintended consequences. I note what the ANMF has said about this as well. There seems to be confusion in the terms used. There is not necessarily consistency across some hospitals in the terms or the titles that are used for some nurses. Some nursing unit stuff are referred to as either liaison or assistance, coordination, contingency, education, supervision and support nurses, and some of these titles are not consistent across hospitals. But rather than saying that there is going to be a reduction in staff, what the bill does is actually implement a floor so that if other hospitals want to have more staff, either in their emergency departments or their intensive care units, they can do that. This does not mandate anything other than the floor. They cannot go below the floor, but if they want to add additional staff to their complement of staff, then hospitals are quite able to do that.

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Again on some of the responses, I understand there is confusion, but obviously when these things get rolled out there will be greater consistency as time goes along. Like I said, this is a floor. It is not taking anything away. So those hospitals who think they have a better staffing complement than the one that is being offered as a floor can maintain that complement as well.

Before I move onto our investment, I think Ms Crozier and others have also talked about occupational violence and aggression. Quite frankly, this bill is not about occupational violence and aggression, and anyone in this chamber would no doubt condemn anybody who subjects our hardworking nurses and midwives to occupational violence and aggression. I know there has been a lot of work done in the health sector about reducing occupational violence and aggression and making sure that those nurses and midwives or healthcare workers who turn up to work can do so safely. I also in my time at the ANMF visited criminal psychiatric hospitals. They are a completely different kettle of fish. They are quite different workplaces to work in. Not only are you dealing with potential medical issues, but there are psychiatric and mental health issues as well. I note that those hospitals take a range of different and other precautions around ensuring safety. Again, this bill does not really address occupational violence and aggression in the sense that what ratios are ultimately designed to do is improve patient outcomes. We know what the evidence says: by introducing these ratios we are seeing improved patient outcomes. Again, it is sort of like a distraction, I guess, that is being raised by the Greens and the Liberal opposition to say that we are not doing enough on occupational violence and aggression. I know the union not only works with the hospitals and the employers, but it works every day with their members and their health and safety representatives in those workplaces on making sure they continue to improve any reported occupational violence and aggression events if and when they occur.

On our record for investing and supporting our nurses and midwives, the government committed $101.3 million in the 2023–24 budget to support the implementation of these new ratios. This builds on our government's 28.4 per cent pay rise that was given to nurses and midwives through the public sector agreement. I must state too for the record that it was the ANMF and its members who fought hard for that increase. Whilst it was the government who agreed to it, it was them who ran a fantastic and very successful campaign to see those increases flow through the enterprise agreement. That 28.4 per cent will help to recruit and retain more nurses so we can get the very best care for Victorians, because we know that you have got to be paid properly to turn up to work every day. Like I said at the beginning of my contribution, we thank our nurses and midwives every day for the work that they do. We know how hard they work, and we know that they keep Victorians healthy and safe every day. That is why a 28.4 per cent pay increase over the life of that four-year agreement was absolutely warranted, and I commend the union for running a successful campaign on that. As I said, that is a historic deal. What it also does is it recognises the undervaluing of a feminised profession like nursing. There are many feminised professions, but nursing is one of those. There is a historical undervaluing of nursing as a profession. The Allan Labor government also sees this as a very important step towards gender wage equity in Victoria.

In addition to the wage increase, the new agreement backs in our existing workforce and encourages a new generation of nurses and midwives by delivering preserved longstanding career structures and opportunities for career progression. It also delivers on incentivising permanent work through a new change-of-ward allowance, which will compensate nurses and midwives when they are moved from their base ward. There are also improved nightshift penalties for permanent nurses and midwives and a right-to-disconnect clause, which is also very important. We know that the Liberal opposition in Canberra want to get rid of the right to disconnect, so we are very pleased to see that enshrined in their enterprise agreement.

But improved access to flexible working arrangements recognises that nurses are available 24/7. On flexible working arrangements, I know it was something that frequently came across my desk as an in-house lawyer for the nurses and an industrial officer. Many, many nurses would request flexible working arrangements because they had young children and they also wanted to parent their children, and that was something that was incredibly tricky to deal with, so I am glad to see there is improved

access to those working arrangements as well. The bill also reduces the qualifying period for parental leave from six months to zero and includes recognition of service for interstate public sector nurses and midwives who have relocated to Victoria, recognising labour mobility, which we know is so important. If we want to employ more people, they may well come from interstate, so that is a good thing.

Since we have come to government we have increased our healthcare workforce by nearly 50 per cent. That is a huge investment and recognition and acknowledgement that we need our nurses more than ever and that they deliver such important outcomes for Victoria in our health sector. That equates to an additional 40,000 nurses, midwives, doctors, allied health professionals and other hospital staff in the state's health services. One in four of these new roles have been created in rural and regional Victoria as well, and now there are 45 per cent more nurses and midwives and 78 per cent more doctors in our hospitals than when we came to office.

The clock will beat me very soon, but I am very pleased to be speaking on this bill. I commend this bill to the house, and I again want to thank all our hardworking nurses and midwives for all the great work they do for Victorians each and every day.

Ann-Marie HERMANS (South-Eastern Metropolitan) (14:42): I also rise today to speak on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2025, and may I start by saying how much the coalition does appreciate our medical profession and our nurses and the great work that they do for our community. For a number of people right now, they are serving away in hospitals and working very hard. I myself have had to grace hospitals over the years and have been very appreciative of the care of so many of our nurses. I do take issue with the colleague across the chamber mentioning that it is a very feminine profession. I do not agree with that. I do think that there are many male nurses and they do a fantastic job, and they are not necessarily feminine in any way. Some of them are fathers and some of them are football players, and they do a fantastic job. They often do some of the heavy lifting. I do appreciate nurses regardless of their gender and appreciate the hard work that they give this community. It is a profession which we are most grateful for, and we recognise that nurses work hard for the money which they earn.

Having said that, I had to visit a hospital only yesterday. It was actually the ICU of a well-known public hospital, and I was incredibly impressed with, first of all, how many ICU units you can actually fit into a space and how well attended patients were with the care of nurses. I do not know all of the terminology for nursing, but there were definitely not just the nurses that were in the ICU unit with that particular patient but also those that were coming in and were offering additional support and suggestions. I was impressed at that time by how many nurses could actually be attending to the care of one patient at any one time. Having said that, I am not personally opposed to us providing the care that we require for our patients, and the nurses I know do an incredibly hard job. It is a hard job to do if you do not have the staffing and the support that you need, and we do want nurses to have the staffing and the support that they need. This bill is an attempt to improve that, and I applaud the bill's requirements and its intent.

I do, however, have to note – and I did not feel that it was adequately addressed – that there are some stakeholders that have been writing in that have some concerns about the bill, and they include the Australian College of Critical Care Nurses and the College of Intensive Care Medicine of Australia and New Zealand.

I find it interesting that these stakeholders were not adequately consulted in the finalisation of this bill. I think that they actually have some important information that could have been relayed had those who were constructing this amendment been willing to engage with wider stakeholders. I would like to quote from something that they have been circulating where they address some of the issues and concerns that they have. They say this:

> Many nurse unit managers of intensive care units in Victoria have been in contact with us to express their confusion over the intent and language used in the proposed legislation …

> Their concerns … the potential detrimental impact on staffing resources and, ultimately, safe patient care. Of note, many have highlighted the discrepancy between the ratios in the proposed legislation and the industry standards …

of the Australian College of Critical Care Nursing, ACCCN, and the College of Intensive Care Medicine, CICM.

They go on to provide information and make suggestions where they talk about the assistance, coordination, contingency, education, supervision and support nurse. They say that the ICU liaison nurse is not part of the numbers caring for patients in the ICU; that the current bill provides nursing ratios that do not comply with the long-established standards of ACCCN and CICM; and that if this is implemented as proposed, it will threaten the safety and wellbeing of patients and staff in these hospitals with ICUs. To maintain patient safety and dynamic staffing capability, standards specify the ACCESS nurses – and 'ACCESS' refers to assistance, coordination and contingency for late admission on a shift or staff who are sick mid-shift, education of less experienced staff relative to others, and supervision and support to the primary bedside nurses in the ICU – essentially act as a readily available resource to manage patient admissions, staff shortages and complex situations while also supporting less experienced nurses in the unit. They are essentially a float nurse with a higher level of expertise specifically dedicated to the ICU environment. They maintain that having the ACCESS nurse could have been an addition – and this is not my professional background, so I do not have the same opportunity that some of those who have been speaking in the house today might maintain. But they make the following recommendation, with minimal changes to the wording of the bill to facilitate ease of discussion: the majority of level 1 and level 2 hospital ICUs in Victoria and Australia with critically ill patients could have this ACCESS nurse alongside the team leader. I just wanted to put that out there.

As I said, this is not my professional background. It does bother me that perhaps all the stakeholders were not actually consulted. I think that it is important, when engaging in something like this, to make sure that we do take the time to do wide consultation, because this is not simply about having a union win of having staffing ratios for patient care. This is not what this should be about. This should be about actual patient care and also looking at the way a hospital is run. The last thing I want to see is great nurses, excess nurses, not actually being adequately utilised in our hospital system, which of course is under financial constraints as it is. I am going to have a dig here at something that has nothing to do with nursing, but it really bothers me when I go past construction sites and I see four people sitting around eating, two people standing around watching people work, one person actually in a machine, one person holding a sign, one person watching the person who is holding the sign and watching the person who is in the machine. I just wonder what the heck we are doing with our costs when we have so many people standing around watching people work when the people who are doing the work are actually not getting enough support. I would hate to see that in a hospital situation, because really we cannot afford it. Whilst it would be lovely to have people being able to sit around and watch people work and get paid for it – and maybe getting paid more than those who are actually doing the work – the reality is we need everyone to be pulling their weight when we are in state that is in so much debt.

I say that because in terms of funding the government has allocated $101.3 million to implement the increased staffing levels; however, it has not been able to provide the detail of this allocation in the budget papers. That is a concern to me, and I am sure it would be a concern to many Victorians as well. We know that health services are under enormous financial strain. Several hospitals are currently operating at a deficit as of last year and are struggling to pay their staff and are struggling to pay their bills on time. What is unclear here is whether the allocated funding will be sufficient to meet the higher costs of employing more casual agency nurses if hospitals are not able to recruit permanent staff. The other issue here is that given the financial pressures throughout Victoria's health system, the new nursing ratios could lead to further budget constraints elsewhere, such as planned surgery capacity.

These are some of the concerns that we need to think about in terms of where these nurses are going to come from. I realise that surgical nurses do not do the work in ICU and they do not do the work in midwifery, but the point is if you are going to have nurses you have got to have them from somewhere, and if you are going to have an increase in nursing in particular areas then it means that we have to have these nurses coming from different places. And some nurses are trained in a variety of areas and do move around within the system, and so these are going to be pressures that we need to think about. I am not convinced that the modelling has been done. I understand that it has been left to health services to review their own operational capacity, but that is going to be a concern perhaps for those who are in the private system. I am not sure how this is going to work when we actually have the issue in hospitals, and it is going to take time for this to be implemented in a way that is effective.

Having said that, as I say, I really appreciate the work that nurses do. I do want us to have staff-to-patient ratios that are fair and reasonable and that work. I am not from this profession, but I want the very best for the people who do work in this profession as well as for those who are patients in the care of nurses. But I want it to be fair and I want it to be reasonable and I want it to be operational. I want it to work in such a way that we do not have a few people doing a lot of work and then a number of people standing around not doing an awful lot at all. That is a concern, because there have been times – and I am not saying that this bill does it – when things have been put in place that have actually made it so difficult for hospitals to operate within their budgets, and while there is a tremendous need for nurses to be supported in certain areas in hospital work, there are some areas where there are genuine concerns that there could be an overload. I am not saying that this is what this does, but I am just saying that we do not really know how this is going to work out. I hope it works out the way it is intended. I hope it is not just an exercise to allow some to work well and others not to. But I do say that whilst we have concerns in terms of how this is going to put pressure on the health system, we have not taken the position of opposing the bill.

We do wish our hospitals and our nursing staff all the very best, and once again I do want to reiterate how much we appreciate the work that they do, how professional they are and the ongoing professional development that they undertake. I was so impressed with what I witnessed yesterday in the ICU and the way they collaborated together and were able to listen to each other and check things. There was one nurse that was clearly in a role where they were coming through and double-checking what others were doing and able to offer that additional support, and I thought it was incredibly good. It was during the day, and I realise that at night-time it is a different situation; I am just saying I want it to be a fair and reasonable thing. And I think it is something that if we are going to put it in legislation would warrant the opportunity for review, not because you want to have people not having the wages that they deserve or the role that they deserve but simply to make sure that we implement something that is fair and reasonable and that works for all Victorians and all Victorian hospitals.

David ETTERSHANK (Western Metropolitan) (14:55): Legalise Cannabis Victoria welcomes the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2025, which, as the title suggests, introduces further improvements to nurse-to-patient ratios in hospitals, plus improves staffing ratios for midwives in postnatal and antenatal wards. Specifically, the bill introduces one-to-one nurse-to-patient ratios in intensive care units so that a nurse will be assigned to every occupied bed in the ICU, and it also introduces an ICU team leader/liaison nurse position. Secondly, the improved staffing ratios on morning shift in resuscitation cubicles in emergency departments are captured, bringing them in line with the afternoon and night shift provisions. It introduces a one-to-four midwife-to-patient ratio in postnatal and antenatal wards for night shifts, and it also introduces an in-charge nurse for standalone high-dependency units and coronary care units during night shifts. The reforms have the backings of the Australian Nursing and Midwifery Federation (ANMF), and these improved ratios are a credit to the union and its members and are the product of a very long, long process of advocacy and negotiation by the union and its members. The reforms will support the safety, health and wellbeing of Victoria's nurses and midwives, which of course in turn will lead to better outcomes for the patients who are in their care.

I do note, as have a number of speakers, that we recently received correspondence from the Australian College of Critical Care Nurses, who the ANMF have worked closely with on these ratios since I believe 2021. The ACCCN are requesting an additional assistance, coordination, contingency, education, supervision and support nursing position for intensive care units to be included in the bill, as well as additional ICU liaison nurse positions. Their concerns, however, do seem to focus on the nomenclature of these ACCESS nursing roles. We have discussed this with the ANMF, and their understanding is that the bill provides for both liaison nurses and team leaders. These team leaders are basically the ACCESS nursing positions according to the ACCCN's workforce standards definition. Given the extensive mapping undertaken by the ANMF in relation to this bill, they are confident that these roles are clearly delineated and that the ratios are appropriate and satisfactory.

I will just make two other points at this stage. One is that of course we need to remember that these ratios are minimums. They are not a cap; they are not designed to contain. They are operational minimum safety nets that should apply in the setting. So concerns about who is covered and not should I think perhaps be seen in that context. Secondly, I would just like to take umbrage with where I think Mrs Hermans was going in terms of a fear, or a perceived fear, that these changes might see nurses standing around. I do not know how much time Mrs Hermans has spent in an ICU at night or a CCU, but I can tell you that they are not standing around; they are not waiting for things to happen. These are positions that require skill, energy and dedication. These are high-pressure jobs, and it concerns me that there might be this implied suggestion or smear that these ratios represent an excuse for nurses to stand around. I just want to object most profusely to that imputation from Mrs Hermans.

These ratios were an election commitment by the Andrews government in 2022. While it is gratifying to see the government honour that pledge to our dedicated and hardworking nurses and midwives, it does bring to mind another group of equally dedicated and hardworking health professionals who are still waiting for the election commitments made to them to be honoured.

Back in 2018 the Labor government committed to enshrining mental health staffing profiles in bed-based services as per the 2016 mental health nurses enterprise agreement. Anyone paying attention to the public mental health enterprise bargaining agreement negotiations would know that this commitment has subsequently been, to put it politely, shelved by the government. The mental health sector is generally treated as a poor relation to the health sector, and its workers are not afforded the same entitlements and protections as other health workers – and I use the word 'protections' intentionally. These health workers are the very backbone of the mental health system, but they are subject to unworkable conditions, dangerous understaffing and increasing levels of occupational violence and aggression in the course of their work. A core reason is the lack of any staffing ratios for workers. It is no wonder that the mental health sector cannot retain its highly qualified and dedicated staff.

For too long government has relied on the goodwill of its mental health workforce to prop up the system. We simply cannot sacrifice the wellbeing of our mental health workers, particularly at a time when our suicide rate is double the road toll, we are in the midst of a youth mental health crisis and there is ever growing anxiety due to cost-of-living pressures. We simply must start to invest in our mental health workforce at this critical time. We call on the government to introduce staffing profiles for mental health workers in all bed-based units and community teams. That said, we commend the bill to the chamber.

Jacinta ERMACORA (Western Victoria) (15:01): I am pleased to speak on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2025. Like many of my colleagues across this chamber, I would like to take this opportunity to thank our dedicated health workers for their hard work and care in delivering world-class health care across our state. Demand for health care is at record levels, and the importance of the roles of nurses and midwives is obvious to everyone needing to be hospitalised. Indeed they also provide care out in our communities.

PROOF

Nurses bring their whole selves to work. It is largely a part of the care component that is provided that is all about the human being and the interpersonal connection with patients and their families and the advocacy that is transacted between nurses and the broader health system or hospital that they are in. It is a unique and really important role. It has always seemed logical to me to introduce nurse-to-patient ratios for those being cared for and for the carers in hospitals, both for better care and also for a better workplace.

Nurse-to-patient ratios are directly related to patient safety, and lower ratios mean nurses and midwives have more time to provide individualised care, reducing the risk of errors, complications and adverse events. Adequate staffing allows nurses and midwives to provide higher quality care, including better monitoring, more thorough assessments and improved communication with patients and their families. Reasonable workloads reduce burnout, stress and fatigue among healthcare professionals, leading to better job satisfaction and staff retention. Ultimately the ratios help ensure that public health funds are used effectively to provide adequate staffing levels.

They were introduced by the Bracks Labor government in the year 2000, and despite this the former Liberal government tried to force nurses to trade them away as part of their enterprise agreement negotiations. This is a really important thing to note, because there is a stark difference between Labor support for health care and healthcare workers and the Liberals and the coalition.

That is why in 2015, under a Labor government, Victoria became the first state in Australia to enshrine nurse- and-midwife-to-patient ratios in law. Later the COVID pandemic caused unprecedented demands on our health system and showed further how the work of our nurses and midwives is fundamentally critical to the success of our health system and also, importantly, to the provision of life-saving health care, particularly during COVID. We all saw the markings on nurses' faces after a day fully covered in less-than-comfortable masks to prevent themselves from catching COVID. Those health professionals, not just nurses but allied health staff and doctors as well, had to put up with that all the way through COVID. Even though it can be somewhat planned for, a pandemic is by its very nature overwhelming and unexpected.

I am sure that everyone in this room has experienced care from a nurse, either by being vaccinated or COVID-tested or – hopefully not – hospitalised. Indeed anybody who was born most likely experienced the care of a nurse in the first moments of their life, focusing on their health in those first precious moments of breathing and the start of their lives. Obviously that nurse care was provided by a midwife. It is really all the way through our lives that we interact with nurses. When we hear stories of people who have been in hospital – whether it is at the start of their lives, the middle of their lives or the end – there is always a thankyou and an expression of appreciation for the care that nurses and midwives provide in what is often the most stressful moment in people's lives when it comes to their health. A significant portion of the work undertaken by nurses and midwives is with people that are very stressed or family members that are very stressed. The other element that I want to acknowledge today is the scientific, medical and technical knowledge that nurses and midwives have that they bring to their role, which takes years of study, training and ongoing study as well. That along with their own personal style and communication techniques are the two really important ingredients for an awesome nurse or midwife.

Given that we have all experienced nursing care and midwife care, we did in the 2022 election commit to further protecting and strengthening nurse-to-patient ratios. We committed to this because it was our nurses and midwives that gave us the feedback to let us know that this is what they needed. With this bill we are delivering on those commitments. A number of my colleagues in the chamber have also gone through the particular changes. I will quickly run through them, just to reiterate. The new ratios are the result of extensive consultation with nurses and midwives, the Australian Nursing and Midwifery Federation (ANMF) and health services and will set in stone a number of changes: one-to-one nurse-to-occupied-bed ratios in ICUs on all shifts for all level 1 and 2 hospitals, meaning that every occupied ICU bed has a dedicated nurse assigned to it at all times; ICUs requiring a team leader and a liaison nurse for the very first time – there have been several descriptions of what those roles

involve; and improved staffing ratios in resuscitation cubicles in emergency departments on morning shifts.

This will bring morning shifts in line with afternoon and night shifts. These changes will also provide a one-to-four midwife-to-patient ratio in postnatal and antenatal wards on night shift – that is an improvement from one to six – and an in-charge nurse on night shifts in standalone high-dependency units and coronary care units.

I know these changes are being welcomed by hospitals across our state. The Warrnambool Base Hospital is a level 2 hospital, and South West Healthcare is welcoming these changes. Matt Watson, an organiser of the ANMF based in Warrnambool, has also expressed his support for these changes on behalf of his members in that union. These changes will now be rolled out in a staged approach to ensure staff will be supported and prepared for the increase in services. As has been identified by colleagues in the chamber already, 25 per cent of the additional staffing will be implemented straightaway, 75 per cent by 1 December this year and 100 per cent from 1 July 2026. To this end the government committed $101.3 million in the 2023–24 budget to support the implementation of these new ratios. The new ratios build on the Labor government's 28.4 per cent pay increase for our hardworking nurses and midwives, helping to retain and recruit more nurses so more Victorians can get the very best of care.

I am very proud that this bill also recognises the historic undervaluing of highly feminised workforces. I know my colleague Ms Terpstra referred to this. Certainly, whilst we have had recent progress in encouraging males to take up nursing, the occupation still suffers from the burden of being under-recognised and underappreciated for the scientific, medical and technical knowledge required and also for the care that is provided. As we all know, historically, work performed by women tied to traditional gender roles that relegated women to domestic and caring duties has often been seen as less valuable than work performed by men. These roles, even when translated into paid employment such as nursing and midwifery – there are other occupations that have the same issues – have carried the stigma of women's work historically, and I have always found it unfair and frustrating that to this day women continue to work for lower wages and less recognition. We know this from the reporting that happens federally now through changes in the federal government in that area. That is how we know this, so thank goodness we have got reporting on that. Particularly, many feminised professions involve care work, which requires significant emotional labour, interpersonal skills and responsibility. These skills are often overlooked or dismissed as natural abilities rather than recognised as both valuable and demanding skills.

The undervaluation of feminised work is a major contributor to the persistent gender pay gap. Lower wages for women translate to economic inequality, impacting their financial security, retirement savings and overall wellbeing, so I do feel very that it is very important to acknowledge that this new enterprise bargaining agreement (EBA) that was recently signed backs our existing workforce and encourages a new generation of nurses and midwives. It preserves longstanding career structures and opportunities for progression, and this creates succession planning opportunities and exciting career challenges and milestones, encouraging people to thrive in their workplace.

It incentivises permanent work through a new change of ward allowance, which will compensate nurses and midwives when they are moved from their base ward. It improves night shift penalties for permanent nurses and midwives, because there is a price for working while others are asleep. It includes a 'right to disconnect' clause, which was also mentioned by Ms Terpstra. It improves access to flexible working arrangements, recognising that nurses are available 24/7. It reduces the qualifying period for parental leave from six months to zero – what a difference that will make – and it recognises services for interstate public sector nurses and midwives who have relocated to Victoria.

Since we came to government we have grown our healthcare workforce by nearly 50 per cent. That is an additional 40,000 nurses, midwives, doctors, allied health professionals and other hospital staff in the state's health services. Almost one in four of these new roles have been created in rural and regional

Victoria, an appropriate allocation of resources. There are now 45 per cent more nurses and midwives and 78 per cent more doctors in our hospitals than there were when we came to office.

In closing I want to say that not just this bill but also our support of EBA arrangements are really important commitments from the Allan Labor government, and I commend this bill to the house.

Renee HEATH (Eastern Victoria) (15:17): I rise today to speak on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2025. I want to start by saying our healthcare workers are heroes. They play a vital role in our state. They face the work that they turn up to every day with incredible courage, compassion and humour, and they are working in a very overwhelmed and broken system. This bill at its core is about patient safety and the working conditions of our frontline healthcare workers. Its aim is clear: to mandate safer minimum staffing levels across Victorian hospitals. The government says that this will improve the safety and quality of patient care in Victoria as well as workload arrangements for our nurses and our midwives. It builds on the 2022 election commitment developed in partnership with the Australian Nursing and Midwifery Federation, an organisation that has made it no secret that it is unashamedly a political movement. The government wants to expand on nurse- and midwife-to-patient ratios across ICUs, emergency departments and maternity wards, particularly during night shifts. It promises better care, fairer workloads and time for hospitals to adjust. Its phased implementation requires 25 per cent compliance at its commencement, 75 per cent by December of this year and full compliance by July 2026.

On the surface, who could object to better nursing staff levels? But in reality, especially for rural and regional Victoria, it is far more complex, and in many cases it is far more concerning. The member for South-West Coast Roma Britnell, our colleague in the other place, rightly pointed out that Victoria is already facing a severe shortage of nurses, particularly in specialised areas like intensive care and midwifery. She warned that these new ratios may exacerbate the issue by placing additional strain on an already overburdened system. She asked: how will rural communities comply? Many already lack the resources to recruit and retain qualified nurses. Mandating new ratios could force these facilities to divert resources from other critical areas, reducing patient care instead of improving it.

Britnell also raised that there could be unintended consequences: hospital closures, reduced services and increased risk to patients. She made clear that without a significant increase in funding for recruitment, training and infrastructure this bill’s objectives may remain unattainable. I think she raised some very good concerns there.

The member for Sandringham, our colleague in the other place Brad Rowswell, was scathing, really, in some of his remarks. He questioned the feasibility of a phased implementation, calling it an aggressive recruitment drive that simply is not possible given current workplace limitations. He asked where the money is coming from and, more importantly, where the nurses are coming from. These questions the government could not answer. He raised serious efficiency concerns, pointing to the possibility that rigid ratios could force hospitals to redeploy staff from other areas, which actually could leave some units worse off. These are very important issues to consider.

And then there are the experts. The Australian College of Critical Care Nurses, the College of Intensive Care Medicine of Australia and New Zealand and the Australian and New Zealand Intensive Care Society are professionals we trust to guide our most critical care policies. They warn of what they say are patient safety risks and unsustainable workloads. They say combining ICU liaison nurses with assistance, coordination, contingency, education, supervision and support nurses into one undefined role would ‘make these critical functions less effective’. They stress that liaisons and support roles are each full-time tasks that cannot be attended by one person simultaneously. They fear that this legislation could actually reduce intensive care nursing numbers, not increase them. Let me repeat that: the law intended to boost ICU care might actually be shrinking the staffing levels.

These concerns are real; they are not just theoretical. In March last year – and we have spoken about this many times in this place – the *Herald Sun* revealed that three babies died in just six weeks at

Latrobe Regional Hospital. Whistleblowers told the press that several staff involved were never interviewed for a review. This government then refused calls for an independent review of safety protocols, and now they want us to trust them with rigid mandatory staffing reforms. These failings do not exist in isolation; they are part of a broader pattern of a government that overpromises and underdelivers – it is something that it has been extremely consistent in – and a government that is now shackled to the very union interest that helped put it in power. After a decade of deal making with the CFMEU, firefighters, police and health unions this government has backed itself into a corner. It cannot afford the promises it has made, and now the chickens have come home to roost. They are crushing private investment, they have driven business out of Victoria, they have pummelled business and they are shrinking the tax base that could have funded essential services, and we do not have a lot to show for it. We have got a healthcare system that is, sadly, buckling under pressure; we have nurses – incredible people – that are burnt out and overworked; we have got ambulances that are ramped; we have got patients that are waiting hours to see a doctor – and often this has detrimental consequences; and we have got hospitals that are drowning in red tape and deficit.

We have also got to consider the realities for regional Victoria, particularly for my area of Eastern Victoria Region and Gippsland. Hospitals in these regions face lower preprocedure funding. They receive $782 less for a knee reconstruction and $1744 less for a hip replacement than Melbourne hospitals. These numbers are not minor; they represent an 18 per cent gap in funding that punishes regional areas like Bairnsdale. Cash flow is dire. In the 2023–24 report the Bairnsdale Regional Health Service had just four days of cash on hand. Forty-four Victorian health services reported a combined loss of $906 million in one year.

Hospitals are being told to break even by mid-2025, and how are they going to do that? They have got to do that by cutting back hospital beds, slashing frontline staff and cancelling planned surgeries. In Pakenham, locals are still waiting for the hospital, the community hospital that was promised in 2018. The government committed to 10; only five have begun construction, and none of them are in Eastern Victoria region. These funding gaps make mandatory ratios not just unrealistic but dangerous. If regional hospitals can meet these new laws, they will not be safer; they will be forced to close wards and to turn away patients. Meanwhile, nurses are burnt out. In Bendigo, 50 per cent of hospital staff say they plan to leave within two years due to workloads. Regional hospitals are overrun, underfunded and undervalued. And let us not ignore the elephant in the room, which is violence in hospitals. The *Herald Sun* reported that every 13 hours a healthcare worker faces violence or armed threats. There were more than 680 code black incidents in just one year in Melbourne hospitals alone. Hospitals cannot afford PSOs, let alone extra nurses, and yet the government expects them to stretch their budgets even further still.

Finally, I want to talk about another aspect, which is the housing crisis in regional areas, which is really strangling recruitment. In Gippsland affordable rental and housing has dropped by nearly 50 per cent in just one year. Some hospitals need 150 rental properties just to house staff, but they cannot afford to build them and they cannot afford to buy them. Petrol prices and cost-of-living pressures hit rural nurses the hardest, with many driving long distances, and if the numbers do not stack up, they simply have to leave.

There is also a community aspect to this. Community support really matters. Nurses need to feel like they belong. They play such an incredible, vital role that takes every part of them, and they need to make sure that they are part of a community where they belong and where they are supported and encouraged. But if their partners cannot find jobs and if their kids cannot get into school, they move on. Colleagues in roles like this become like family in these places, and when everyone is burning out even those ties are temporary. So I will be clear: we all want better nursing and midwife staffing. We all want that. We all want safer hospitals and stronger care. But this bill – this rigid, top-down, union-driven piece of legislation – ignores some of the facts on the ground. It ignores the staffing shortage, the cash crisis, the rural discrepancies and the basic infrastructure failures that plague our healthcare system. It ignores the experts, it ignores the tragedies, and it ignores the realities of regional Victoria.

If the government truly wants to improve patient care, it must fund services properly, it must consult genuinely, and it must support flexible, achievable solutions that work for every community, not just the ones within the tram tracks.

Ryan BATCHELOR (Southern Metropolitan) (15:29): I am pleased to rise to speak on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2025, which does a range of very important things, including introducing staffing ratios into intensive care units, improving staffing ratios in resus cubicles in emergency departments on morning shifts, improving staffing ratios in postnatal and antenatal wards on night shifts in prescribed health services, introducing an in-charge nurse team leader and liaison nurse in addition to prescribed ratios and shifts in level 1 and 2 ICUs, improving staffing ratios in high-dependency units and coronary care units by introducing additional in-charge nurses on night shifts and standalone HDUs and CCUs and making some other further minor amendments.

Quality health care is built on the foundation of a well-supported and well-resourced workforce. There is no more important part of ensuring our patients get the care that they need than having highly qualified, well-trained and well-supported healthcare professionals to do that caring and do that treatment, and nurses and midwives work tirelessly as the backbone of our healthcare system. We thank all of our healthcare workers, but we thank particularly our nurses and our midwives for the work that they do day in, day out. We know that as the backbone of our healthcare system nurses and midwives need our support, and Labor has stood side by side with our nurses constantly to make sure that they have got the human resources that they need to do the caring that they need to do and the other resources as well.

On nurse-to-patient ratios, it was the Bracks Labor government in the 2000s that introduced the first nurse-to-patient ratios in this state, before the Andrews Labor government, after the 2014 election, made the significant and groundbreaking move of enshrining those ratios in law. The Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 was the first of its kind in Australia, and just as with so many other features of our federation, Victoria led the way on nurse-to-patient ratios, and our colleagues around the country have been following suit ever since. It was this Victorian Labor government in 2022 that introduced the undergraduate nursing and midwifery scholarship program, offering free tuition grants for people to study nursing or midwifery in 2022 and 2023. This bill is yet another example of how Labor is backing our nurses and our healthcare workforce so that they can continue to provide the high-quality care in our hospitals, in our healthcare settings, that Victorians absolutely deserve.

We know that there have been incredibly tough times in our healthcare system in recent years. That is why we have got to do all that we can to continue to support the healthcare professionals, particularly the nurses, providing our care, to make sure that the working conditions that they are working in and they are working under are supportive. This bill that is with us today and the actions that this government has taken day in, day out since we were first elected in 2014 demonstrate Labor's commitment to supporting nurses in our healthcare system with enshrined in law nurse-to-patient ratios, more support on training, more support on scholarships, more resources and better pay. That is what Labor does. Nurse-to-patient ratios are a critical part of that, and their importance to the system cannot be overstated. It is about more than just a piece of legislation; it is about more than just numbers on a page. It is about making sure that there are enough nurses in the stations, in the wards, to deliver the vital care and monitoring and support their patients and enough midwives delivering post- and antenatal care, ensuring that ICU patients are able to receive the critical care that they need. Improved staff ratios, better patient care – it is a pretty simple equation. This bill builds on the work of Labor governments past. It builds upon the legislation that we brought into the Parliament that put nurse-to-patient ratios in law in 2015. That original bill made great strides for our nurses. We know that the work of good policy reform is never done. This bill takes those reforms an important step further.

Some of the key elements of the bill include a one-to-one nurse-to-occupied-bed ratio on ICU units on all shifts in level 1 and level 2 hospitals. This will ensure that every occupied bed in those ICUs has a

nurse that is always assigned to it. We will have one-to-four midwife-to-patient ratios in postnatal and antenatal wards on night shift, down from the previous one to six.

It will improve staffing ratios in resuscitation cubicles in emergency departments on morning shifts, bringing them into line with afternoon and night shifts. There is no good reason why they should be different. What this legislation does is align those ratios of morning, afternoon and night shifts in the resus cubicles in emergency departments. The legislation also introduces an in-charge nurse, a team leader resource nurse and a liaison nurse in ICUs, which will serve to provide additional support to not only patients but also their families and the rest of the hospital staff. These changes will help to ensure that our nurses and midwives can deliver the highest standard of care with the time, resourcing, staffing and support they need to do their jobs safely and effectively. Our overall goal is to improve patient care and ease the burden on the system.

To ensure that the implementation of these changes is a success they are being done in a phased way to enable adequate planning and preparation. Twenty-five per cent of the additional staffing will be implemented on the day after royal assent and 75 per cent from 1 December 2025, with full implementation from 1 July next year. We are putting together an implementation plan that will ensure that we can deliver and ensure that there is enough time for the system to get ready and enough time to do the necessary training, rostering and the like.

We do know the importance of enshrining in legislation nurse-to-patient ratios here in Victoria. We have seen other jurisdictions follow suit – as I mentioned, in Queensland in 2016. They have also demonstrated in those jurisdictions that there have been significant positive results overall for their healthcare system. There have been several peer-reviewed studies of the changes to nurse-to-patient ratios that have been undertaken in that jurisdiction, and that has demonstrated improvements in both patient and staff outcomes, including reductions in mortality, reductions in readmissions and better infection control. The studies have shown that the legislating of nurse-to-patient ratios in that jurisdiction has helped to retain nurses in the workforce by reducing burnout and improving overall job satisfaction.

The work that has been done in the bill to improve nurse-to-patient ratios builds upon the investment that this government have been making since we were first elected to invest what is required in our healthcare system. Not only are we legislating but we are putting resources behind the change to make sure their implementation is successful. There was $101.3 million committed in the 2024–25 state budget to support workforce initiatives across our healthcare system, including funding to boost nursing workforce capacity. We have made significant investments to support people to undertake studying nursing – so free nursing and midwifery courses here in Victoria. We have gone through a phase of that, which is assisting the next generation of healthcare professionals by ensuring they have got the opportunity to train and enter the workforce without financial barriers.

Since coming to government, the healthcare workforce has grown by nearly 50 per cent. That is 40,000 more nurses, midwives, doctors and allied health professionals in our healthcare system here in Victoria, more healthcare workers working in our healthcare system – a significant increase. That is what investing in our healthcare system delivers. It delivers more people who can help Victorians get the health care that they need. That is in addition to the extra people we have put into the system and the extra resources we have provided to enable the recruitment of those extra nurses, doctors and other healthcare professionals. That is in addition to the significant pay that we have put on the table, the significant 28.4 per cent pay increase delivered to our hardworking nurses and midwives in the most recent enterprise bargaining round, helping to retain and recruit more staff so that Victorians can get the care they deserve. We have also improved night shift penalties and improved parental leave provisions and flexible working arrangements to support the existing workforce.

This government has shown again and again and again that we support our healthcare workforce, we support our nurses, and we are willing to put both the resources and the pay offer on the table and bring the legislation through the Parliament to recruit more nurses and to make sure they are paid

properly and also to put in law – which is what this bill does – the ratios to ensure that high-quality patient care is maintained.

We know that the investments that we are making in our healthcare workforce, particularly the support that we are providing to our nurses, are a critical part of ensuring that Victoria has the health care that we need. We also know that the choices that Victorians have when they come to the ballot box will be informed by our record and also by the record of those who seek to form an alternative government. I think on this matter it is pretty clear that when it comes to backing in our nurses, Labor has always been there supporting them, whether that is through better pay, increased resources or legislating nurse-to-patient ratios. The same cannot be said for those who also seek to govern this state. We know that the Liberal Party has had a lot of difficulty supporting legislation in this Parliament to enshrine nurse-to-patient ratios in law. We know they have had difficulty in doing that because they seemingly do not have the sort of commitment to this issue that they should. They have been unwilling in the past to support that legislation, and we are not going to let them stand in the way of delivering better outcomes for our nurses. We are not going to let them stand in the way of pay deals that deliver higher pay to our nurses, which is what Labor has been delivering. We are not going to let them stand in the way of increased resourcing of workforce initiatives that are supporting more nurses to become trained in this state. That is what Labor has been delivering.

We know there is a constant challenge in ensuring that our healthcare system has both the human resources and the physical resources that it needs to stay a cutting-edge place of high-quality healthcare. You only need to look around the skylines of Frankston and Footscray to see the investments that this Labor government is making in building more hospitals – the Frankston Hospital coming on at pace, the Footscray Hospital coming on at pace. When they are both completed, those two projects – just to take two – are exactly the kind of investments that Labor makes in our healthcare system.

We will absolutely continue to support our healthcare workforce at the same time we increase the physical capacity, our healthcare infrastructure. This legislation makes important steps in improving the legislative framework to support better nurse-to-patient ratios in Victoria. It is an important part of Labor's legacy of supporting health care in the state. We introduced it for the first time in the 2000s. We legislated for the first time in 2014 with the 2015 act. This bill expands the legislated framework for nurse-to-patient ratios here in Victoria, and I commend the bill to the house.

Melina BATH (Eastern Victoria) (15:44): I have been listening intently to the debate, and it is quite a wideranging debate. There is some fact in there, and we have heard some folly and some falsities from those opposite just now –

David Davis interjected.

Melina BATH: and, as Mr Davis just said, some hyperbole into the bargain. We do not want to play politics with health care or the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2025. I was listening to my colleague and our lead speaker, Ms Crozier, who is certainly well informed in this space, being a nurse herself, but also being very much available, interested and with a finger on the pulse of our health system, as much as you can be from opposition. She does a very fine job of it, and I thank her for the work, on behalf of the Liberals and Nationals, on the scrutiny of government and being an ear and being accessible to those in the health system that need to ventilate their concerns about the government and what it is doing and what it is not doing in our healthcare system.

Indeed this bill seeks to improve patient care and safety, and that should be the primary focus, concern and motivation of all healthcare legislation coming through this place. We have heard this before, but I just want to put it on record: it makes changes to existing ratio requirements for level 1 and level 2 hospitals; level 1 and level 2 ICUs are to be at a one-to-one ratio; in level 1 hospitals and level 2 ICUs new requirements are introduced to have team leaders or ICU liaison nurses and a nurse in charge of

the unit; it looks to have a one-to-one nurse-to-patient ratio for each resuscitation cubicle in an emergency department on the morning shift, which is currently at one to three, and also a one-to-four ratio for midwives in postnatal and antenatal wards on night shift – currently that is that at one to six; and also, finally, it requires in-charge nurses on night shift in standalone high-dependency units and coronary care units. I am just putting on record some of the main provisions in the bill. We have also heard the government is going to commit a tad over $100 million into implementing these increasing staffing levels, but it has certainly not been able, in discussions and questions by the Liberals and Nationals, to give any detail of this allocation in the budget papers.

We do know that our health system is under enormous strain; you do not have to be sitting on a mountain and contemplating this to see it. Day to day in our electorate offices we have constituents who come in and lament the lack of services or, particularly in rural Victoria, the waitlist to access services or sometimes, very unfortunately, the lack of good service in a system under pressure. No-one likes talking about that, and I am not going to stay and dwell on it too much. But clearly there are system pressures in regional Victoria, there are staffing allocations that are frequently a challenge to meet and there are hospitals where services are being trimmed and cut. We have seen certainly that hospitals have been challenged in relation to meeting the current and existing ratios as they stand in regional Victoria.

The Liberals and Nationals will not be opposing this bill. We support its intent to improve safety and achieve better health outcomes for patients but also of course take some of that stress and strain off our nursing fraternity and enable them to do their jobs with more focus, more capacity and more time allocated to each individual patient. Clearly in this case that is critical care that needs that urgent attention and monitoring around the clock. As Ms Crozier has spoken about, it is certainly concerning how the government is going to fill these rosters with the requirement for new nursing staff across Victoria. Indeed some of that will potentially come from backfilling with casuals. What are the cost implications on our hospitals in relation to covering those costs for the casual work pool?

I was having a little read while listening to debate on this of the report *Nursing Supply and Demand Study 2023–25*. This is right across our nation, not just in Victoria. There are examples and illustrations around how our nursing supply is not actually keeping up with demand. Our population is growing. Our need for community health care – and not only community but hospital and intensive care – is growing. We are an ageing population of course and all of us humans and our body parts require specialised nursing, and it seems to me from this report that we are not keeping up.

Indeed the report did say, and I concur, in relation to female staff that it is overwhelmingly a female-based workforce, the nursing workforce, of 88 per cent across the nation – I am sure that is quite similarly reflected in Victoria – and 12 per cent males. And if I can put a comment out on this one, it is that my own son happens to be a nurse, and not only is he a nurse, he is a nurse in intensive care. He has worked in emergency departments, he has a masters degree and he has worked in paediatric intensive care units, and of course PICU is a very significant and specialised area of paediatric intensive care. He has been on the floor in those units, where he is looking after either one very delicate and prem baby – and paediatrics can mean up to 18 years old – but also up to teenagers with head injuries from accidents and the like. They really do watch every breath that that patient takes, and I just want to pay homage to and thank our nursing fraternity for having those skills, that patience, that commitment and that love of those people or children who are in their care for that time. And I am sure they take it home too. I am sure they worry about their patients as well, and I am sure even though they feel regularly burnt out they make it their utmost concern and care to make it to the next shift where and when they can. And without giving any further confidences away, I am also very much aware of when both doctors and nurses are trying to fill staffing allocations for wards and can be in a long and draining and quite intensive position themselves, because there is a time factor and a need factor to fill those rosters.

One of the things that we also note is the importance of our sectors and, in relation to our training, both our universities, for registered nurses and bachelor degrees, but also our diploma courses, for our

enrolled nurses with the work that they do to backfill some of those more intensive roles in our healthcare system. And again, some of my colleagues – I note Dr Heath – certainly raised it about the workforce in regional Victoria.

It is interesting when you read in the papers that post COVID many of our agencies – and by that I mean government departments – have decided and the government is saying, that you can work from home. I often reflect on the fact that nurses cannot work from home, they have to be on the floor. Doctors cannot work from home. Victoria Police cannot work from home no matter how tired they are; they often backfill and come in even though they are overworked and exhausted. And also of course there are our teachers – although they were forced to work from home during COVID. But their normal habitat is certainly in front of a class of noisy and demanding children with varying degrees of understanding. So those are our really frontline services – ICU, EDs and the like – for our nurses.

What I just want to finish off with is: we do need to have a focus. This government must have a focus to keep up with that demand. I get concerned that our sectors, both our universities in regional Victoria and our TAFEs, also need staff to provide that workforce education ongoingly, and I know that there are examples where that is not always the case; they struggle. So it is a whole-of-system requirement. And this government is very good at spruiking their credentials, but we see the pressure points certainly in regional Victoria. And if we look at some of these hospitals, we are talking about level 1 hospitals in Victoria and level 2. Many of our regions actually of course feed into those level 1 hospitals, and there are 14 of them on my count. And in relation to our level 2 hospitals we know Latrobe Regional Hospital is in that category, and again, it has a wide catchment in Gippsland. It always brings me no joy to talk about some of those pressures that it is under. It is all very well and good to build new buildings, but to staff them, to furnish them and to have the funds to be able to continue to pay for them and to pay for those staff are ongoing challenges.

Indeed it will not be a shock to people from my electorate to understand some of the concerns that people have had in relation to Latrobe Regional Hospital and the fentanyl issues that I am sure they are working on, but the government needs to give full focus and full support – and the same with Safer Care Victoria. It has to pay that full eye, mind and resolve to improve patient outcomes into the future.

Finally, I want to make some comments in relation to what are called local health service networks. We in the regions know, and Ms Crozier certainly knows, that that is code for hospital mergers. We have heard in regional Victoria and in my electorate the discussion around the Bayside mergers. That seems to me to be code for concern that, if you have got a major hospital in the Alfred, the government is going to supply it with far more funds and direction, the lion's share of that funding, if there is, we will say, a merger, a Bayside merger – and it looks like there will be – as opposed to those smaller hospitals at Leongatha and the like. It will just end up being the case that local hands on the boards are removed, and we are going to see a stripping away of local jobs and a stripping away of the ability to prioritise the unique needs of those regional communities. I think this is quite a heavy-handed approach. Of course it is always seems to be done by this government without that detailed conversation and consultation. Many of the boards are probably required or requested to have a positive slant on it, and I can understand that, but at the end of the day the Nationals and the Liberals are concerned about that service delivery.

We do not oppose this bill. I am pleased that Ms Crozier will investigate or interrogate her concerns on behalf of the Nationals and the Liberals, but this bill certainly can pass through this house.

John BERGER (Southern Metropolitan) (15:57): I rise to speak on the bill to amend the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 relating to nurse-to-patient and midwife-to-patient ratios. I thank the Minister for Health, Minister Thomas in the other place, for all the hard work that she has done in that role, a cornerstone of this government's reform agenda, because we know that Labor built Medicare and only Labor governments will strengthen and protect Medicare. On a state level that means we will always put a focus on the healthcare system.

It was under the Andrews Labor government back in 2015 –

Georgie Crozier: On a point of order, Acting President, I know that Mr Berger is desperate for a political hit on a federal election campaign, but this is about safe patient care and ratios, and I would ask you to bring him back to the bill that we are discussing today, not being a smartypants and having a go at the federal coalition. It is pathetic.

Lee Tarlamis: On the point of order, Acting President, it is a wideranging debate. I have been listening, and it has strayed somewhat.

The ACTING PRESIDENT (Jeff Bourman): Mr Berger has only just started. We will let him continue on, but let us keep it to the bill at hand.

John BERGER: It was under the Andrews Labor government back in 2015 that Victoria became the first state in Australia to enshrine the nurse-to-patient and midwife-to-patient ratios into law. It was a landmark reform which improved the quality of care afforded to patients and improved the working conditions of thousands of nurses and midwives. We have demonstrated our commitment to strengthening nurse-to-patient and midwife-to-patient ratios ever since.

In 2018 we committed to strengthening these ratios through legislation and the improvements that have now all been phased in and implemented across Victoria. Fairer ratios between nurses and midwives and patients lead to less strain on our health services and a safer environment for patients. That is why the Andrews and Allan Labor governments spearheaded an agenda to provide not just for a fairer work environment but for a safer one. From there came Australia's first nurse-to-patient ratio and midwife-to-patient ratio system from a state authority. It will continue to stand as one of the most critical reforms to our health system, and now the Allan Labor government is building on that legacy by introducing safe nurse-to-patient ratios.

We have been building up our health system towards a one-to-one ratio between patients and nurses, and this is now what this bill aims to achieve. Under the new amendments outlined in this bill, there will be a new ratio standard set in level 1 and level 2 hospitals. This will set out a parity of one to one between nurses and occupied hospital beds. That means that for every patient in ICU at these hospitals there will be a dedicated nurse at all times of the day. But it is more than that. The changes also include a new organising team leader of these nurses as well as a liaison nurse, and together they can manage a group of nurses dedicated to patient care around the clock. For midwives the ratio now will be one to four in postnatal wards. It means that for every four patients there will be at least one midwife around the clock as a standard. That is an increase from the current ratio of six patients for every midwife. These new staffing arrangements will be introduced gradually, in stages. Twenty-five per cent of the new staffing will be introduced immediately after the royal assent, and that will be gradually increased up to 75 per cent by the end of the year. This bill provides total compliance by mid next year. This staged introduction provides enough time and flexibility for hospital management to meet these targets.

The Allan Labor government in Victoria and in fact all Labor governments are the governments that people turn to protect their healthcare system. The lessons of this state are clear: if we want a strong, resilient health system, it means we have to treat our healthcare staff with dignity. Working in a hospital requires years and years of education. It is a big achievement, but it comes with frequent exposure to a highly stressful environment and long-term stresses. In the end, it costs a lot of money to study to become a doctor, a nurse, a midwife or any other medical professional in a hospital. Students in medicine do not go through years and years of an extensive and stressful education just to hang up the coat after a few years of practising. They learn it because that is what they are passionate about, and it is up to the government of the day to ensure hospitals have the resources to retain that workforce. Doctors, nurses and midwives will not stay in the healthcare system if they are subjected to poor pay conditions for more hard work. It is why the Allan Labor government supported a 28.4 per cent pay rise for our hardworking nurses and midwives. Nurses and midwives work around the clock

to make sure all patients are looked after, and they deserve a pay rise. But more needs to be done if we want more nurses and midwives staying in hospitals to look after more patients.

If we want to ensure our health services remain world leading, we need to also look at how we can improve the quality of care. We can do this by ensuring adequate staffing levels. This will provide the quality of care needed and the care that patients deserve. It is all about having a safe and resilient work environment, where these workers are not stretched thin and can look after patients properly. This can be the difference between someone receiving the critical care they need or not. Without a healthy nurse-to-patient ratio, each healthcare worker will be stretched thin looking after more and more patients. Hospitals need enough staff to manage critical patients around the clock and to make sure nurses and midwives are not further overworked and eventually burn out. Having a more equal ratio of nurses and midwives to patients is how we ensure that this does not happen. Currently there are around four patients to every nurse during the morning and afternoon shifts at hospitals. On the night shift it becomes around one to six. That means that for every four people in the ICU there will be at least one attending nurse ensuring everything is all right during the day, and of course at night the ratio is closer to one to six. I can speak to the importance of the state Labor government's move to introduce these ratios in the first place. There is a clear need for us to now step up our efforts more. This is a landmark reform that we are very proud of, and that is why the Allan Labor government will always try to strengthen nurse-to-patient ratios. We know how important the healthcare system is.

Since coming into office, we have grown our state's hospital workforce by approximately 40,000 new staff. Having a better funded workforce, better staffed hospitals and fairer and safer nurse-to-patient ratios have been the foundations of our reforms. This has helped ease the pressure on our health system. I will note that in the last quarter alone there were around 504,000 presentations to emergency departments in Victoria, but despite the demand and pressure on our emergency services, the average time it takes to help patients is now 14 minutes, an improvement of 8 minutes from before the pandemic. That is a direct result of our efforts to strengthen our health services despite growing demand.

I said earlier that a well-functioning health system must look out for patients as well as staff. This amendment will have a direct and positive impact for those under intensive care in hospitals. When the new ratio for nurses and midwives to patients comes into full effect, patients and their loved ones will have the assurance that someone is always there looking after them.

It is important that with these new ratios we support hospitals in our health system the whole way, including hiring and recruiting new staff, particularly nurses and midwives. Stronger ratios are an excellent way of improving patient care and reducing stuff burnout, but to make it work it means we need more nurses. That is why the Allan Labor government has supported and will continue to grow programs which have boosted the numbers of our nurses in Victoria. It was this government that introduced free TAFE here in Victoria. One of the many free TAFE courses is of course the diploma of nursing. In total, not just from this diploma, each year around 3000 students graduate from nursing and midwifery courses in Victoria. That means more and more nurses and midwives are finding their way into hospitals with these new ratios, allowing for more around-the-clock care for critical patients. That is a good deal for patients and it is a good deal for the new nurses.

We have also allocated in the budget around $101.3 million to support the implementation of new ratios. This is a fund that will take some of the burden off the hospitals and the broader health system when it comes to hiring new staff, helping ensure a smoother growth and transition to the new arrangement. One of the places this may have the biggest impact is in regional and rural Victoria. Of the 40,000 new doctors, nurses and midwives brought on since the Andrews Labor government came into power, nearly one in four were situated out in regional and rural Victoria. That means there are more trained professionals and medical staff in our regional cities and towns. That 40,000 also accounted for a nearly 50 per cent growth of our health workforce in just 10 years. There are now 45 per cent more nurses and midwives and around 78 per cent more doctors since we came into government. Our on-road paramedic workforce has also increased by about 50 per cent since we came

into government, with around 2200 more paramedics. Last year alone our workforce grew by around 6.7 per cent in the health sector. This is a result of the Labor government's investment into our hospitals and into our health workers as well.

Victorians will always look to us to fund our health system, because they know we are the only ones who will back them in, both health workers and patients in hospitals. This government has invested millions into programs to help boost the uptake of nursing in tertiary education and to boost wages to help retain the workforce. We have delivered training and recruitment programs, including $270 million for the initiative to make it free to study nursing and midwifery. This goes towards building the supply of nurses and midwives available to the hospitals to hire. It also increases the capacity and the quality of the nursing and midwifery workforce, allowing health professionals to treat and care for more patients. Even better for the results, with a 50 per cent growth in the workforce, a quarter of those are in regional Victorian, and with about a 28.4 per cent pay increase in the last round alone, the Allan Labor government is investing in a more resilient and stronger health service for Victorians. The 2024–25 budget invested a further $183 million in workforce initiatives, including investing an extra $28 million to support our health services and boost our nursing workforce capacity.

We are also building up our health sector's capability through infrastructure. We are investing an additional $1.5 billion, on top of more than $8.8 billion invested in the state budget. That brings our health funding up to more than $20 billion and more than 25 per cent of Victoria's entire budget expenditure. That is because Labor cares about our health system, and Labor will always strengthen it. Our system only works if we continue to grow its capacity and invest in its future. Strengthening the ratio of nurses and midwives to patients is a critical element in that. You can see the results directly in the figures. When you consider the investments made in our health infrastructure and the investments made to improve wages and conditions for nurses and midwives, you can see the impact of stronger ratios.

Victorians' average life expectancy is higher than any other jurisdiction except the ACT and is among the highest anywhere the world. Victoria has the lowest infant mortality rate anywhere in the world. We are also ahead of the other states in the elective surgery waitlist turnover rate. Victoria was also the only jurisdiction that treated all category 1 planned surgery patients within clinically recommended timeframes this past year. This does not just happen overnight; it is because the Allan Labor government is committed to building up our health services and has invested in their growth.

We can see now how resilient and effective our health system is. Introducing these new ratios will be the next step in levelling up our health sector so Victorians can continue to get the treatment they deserve. Having one nurse available at all times of the day will improve the quality and care afforded to all patients. That is what this legislation is about. Patients rightly expect quality and timely care from the health system they pay taxes to. With more nurses available through the training programs, hospitals can meet the new ratios swiftly, supported by a $101 million fund to help recruit and hire new nurses. By legislating these new ratios the Allan Labor government is enshrining its commitment to our health system and to the health workers. It gives patients assurance that the staff will be available to care for them around the clock. It gives healthcare workers the support they need, with more staff sharing the workload without stretching their capabilities thin, and it gives patients the care they expect and deserve in hospitals.

To wrap up, Victoria continues to innovate and lead the way nationally when it comes to our healthcare system, from the 41 per cent survival rate in cardiac arrests, the highest in Australia, to Ambulance Victoria's free GoodSAM app making a difference, with more than 17,000 registered respondents and 793 cases attended by volunteers, to the 250 kids' lives that have been transformed by liver transplants, a milestone we celebrated just last week, to making it easier to seek help for opioid dependence closer to home, to of course, the more than half a million calls that have been made to Australia's first virtual emergency department. I am proud of the work that we continue to do in the healthcare space. This bill builds on the Allan Labor government's record of health and goes a long way to further strengthening our health services. I commend the bill to the house.

David DAVIS (Southern Metropolitan) (16:12): I am pleased to make a contribution on this bill, which is about safer patient care, and I compliment Ms Crozier on the work that she has done in understanding the actual impacts of the bill. It is very clear that in a number of areas it will have an effect that will confound the objectives. The intensive care areas in particular, as Ms Crozier highlighted, will actually be put under greater pressure with this particular approach, and the government has not thought through staffing and not thought through the actual problems that are involved with this bill. So often with these sorts of bills you do need to understand that even while you may have good intentions, there can be a range of outcomes that are not thought through and can actually lead to perverse and unintended consequences, and this is such a bill. The thought has not been there, and in fact without the proper staffing coming through, without the support, it is going to be very difficult to deliver for the community.

Frankly, our health community is under real pressure, and the quality of health care is deteriorating. Even today I have heard on the radio commentary about the declining bulk-billing rates in Chisholm, in part of my area and in Ms Crozier's area, and we have seen the bulk-billing rate fall from about 90 per cent under the last government down to 80 per cent and even less under this government. That is at the community level – a fall in the bulk-billing rate. And what has Carina Garland done about it? Absolutely nothing. She has sat on her hands and allowed this to drift by. If you think of the other hospitals in my area and Ms Crozier's area, the Alfred is under real pressure and Box Hill is under real pressure. They service many in our area, and those intensive care issues are real.

But just as important as the intensive care are the patients coming into the hospitals. Many of them do go into intensive care, but not all of them. Some of them wait and languish a very long time in the emergency department or indeed, even worse, are not able to get into the emergency department or into the intensive care – the scenes where they actually need the support that they would legitimately and medically need.

It is interesting to look at the figures and see how the problem of ambulance transfers is now manifesting, with a clinical guideline of 40 minutes. As of 30 June 2024 Monash Medical Centre, also servicing vast areas of my electorate and Ms Crozier's electorate, achieved just 42.09 per cent, while Box Hill Hospital achieved 42.8 per cent of transfers within the 40-minute time. Now, it should be up around 90 per cent of those transfers within that time, so you have actually got hospitals under real stress, under real pressure, and patients who are languishing in an ambulance or in some cases in the emergency department. I was listening to the lower house question time this morning and hearing the terrible story from Mildura, the Mildura base hospital, and the long wait that a particular patient suffered – you know, really a very severe length of time left languishing on a gurney in that hospital.

Indeed people would be very concerned to hear these sorts of cases, and there are a number of those that come to Ms Crozier and me in our area, but what I would say in the case of Monash – it is our largest health service; it is a very important health service – for it to only be able to achieve 42.09 per cent at 30 June is a deterioration. When we were in government the last 30 June figure in our time in government was 702 patients on the elective surgery waiting list at Monash; that has blown out, to 30 June 2024, to 1038. That is up 48 per cent under Labor – 48 per cent up under Labor at Monash Medical Centre. The Box Hill Hospital went from 1800 at 30 June 2014 under us – the last full-year figures under our government – up to 2445 at 30 June 2024; that is a 36 per cent increase under Labor. So what you see is declining performance in the emergency departments and declining performance in ambulance and elective surgery elsewhere as well.

Now, the government is putting more pressure – piling more pressure – onto our hospitals with some of these various changes without understanding the full consequences and without dealing with the basics in many cases, and I think that is an important point. I know that in the areas in the east of my electorate and Ms Crozier's electorate we have seen the bulk-billing rate fall under Labor over the last three years – a massive fall under Labor and a fall under state Labor too, but federal Labor has seen that fall. I know that Carina Garland has done absolutely nothing to deal with this issue – nothing at all. She has sat on her hands and allowed the deterioration. Why has she allowed the deterioration in

ambulance performance? Why has she allowed the deterioration in the waiting list? Why has she allowed the deterioration in the bulk-billing rate in the Chisholm area? That is the question that Carina Garland that needs to answer. I say that this government, the Labor government in Victoria, has been a terrible government in the performance that it has delivered to our hospitals.

I know that at a federal level both parties have committed to large packages to support Medicare, which are broadly supported across the community. I know that there is one significant difference – that the mental health support that is being offered by the coalition is very significantly better, with an additional 10 treatments under the –

John Berger: I doubt it.

David DAVIS: Well, it is, actually; it was there in the system, and it was cut by the current federal government in a cruel and harsh cut. What did Carina Garland say about that cut in that circumstance?

Lee Tarlamis: On a point of order, Acting President, I seem to recall a point of order from Ms Crozier saying that this was a bill about Victoria, not about the federal elections, so on relevance I would ask that the member be brought back to it.

David Davis: On the point of order, Acting President, we are talking about changes in our health system for safer patient care, and I think that is very important. At the same time I am talking about examples in my electorate that relate to safer patient care. It is not safer to let people languish in a –

The ACTING PRESIDENT (Jeff Bourman): Order! We do not have to debate. I will ask you to keep it to the state. We did have one of your own people bring that up as a point of order, so if we could keep this based to a state-based conversation, that would be great.

David DAVIS: In my electorate of Southern Metropolitan there are a number of major hospitals. The Alfred has been mentioned. The government has not refurbished the Alfred as it should have – that was our policy at the last election – and the pressure at the Alfred is enormous. Again, if you want safer patient care, you have got to have modern facilities, updated facilities and facilities that are able to cope with the pressure of what comes through. The same is true with the examples I have quoted about Monash Medical Centre. The elective surgery waiting list was 702 when we lost government – at the last 30 June before we left government – and it has gone up to 1038 at the last 30 June under Labor, under Daniel Andrews and Jacinta Allan. These are state hospitals run by the state government, and the performance is terrible. Up 48 per cent under Labor – that is what has happened. Let us talk about those state hospitals and their state performance and whether it is safer to make people wait longer for their elective surgery. I say it is not safer for people to wait for their elective surgery.

At Box Hill Hospital – I might say a hospital I have some special interest in, a hospital that I oversaw the construction of and oversaw the opening –

Members interjecting.

David DAVIS: I did. I actually was there and opened it. I was there.

The ACTING PRESIDENT (Jeff Bourman): Order! We do not need to yell at each other. This is a fairly non-controversial bill. Can we just move on, please.

David DAVIS: In an effort to get safer patient care we upscaled the Labor proposal, which was a piddling proposal. It was not adequate, and we upscaled it and built a bigger hospital.

John Berger: You did nothing.

David DAVIS: We did so. We went and announced it in 2010, we built it, and we opened it in 2014. I am just telling you that is what happened. Let me tell you what the waiting list at Box Hill Hospital was on 30 June 2014. It was 1800 people.

Tom McIntosh: On a point of order, Acting President, I have been pulled up numerous times for pointing, and I endeavour not to point. I think Mr Davis should take that point on himself.

The ACTING PRESIDENT (Jeff Bourman): I did not actually see it, but I would just remind everyone that pointing is unruly and we will not have unruly in this chamber.

David DAVIS: I am being provoked, Acting President, but I should resist it. Let me just say that by 30 June 2024 – so the last 30 June, the last full-year figures – Box Hill Hospital had 2445 waiting on the elective surgery waiting list. That was up 36 per cent under Labor – the poor performance under Labor – and I say that it is not safer for people to be forced to wait. On the ambulance figures, let me be clear about those. At Box Hill Hospital the ambulance figures were 42.8 per cent of people transferred within the 40-minute benchmark, the clinical guideline. I have got to say, as much as I think the paramedics are great people and doing a very good job, it is not the safest place in the ambulance, waiting and waiting and waiting and waiting to get into the emergency department. That is not how things should be done. That is a government that has failed and that is a government that is not safer.

At Monash Medical Centre only 42.09 per cent of ambulance patients were transferred within the clinical guideline. The rest of them – nearly 60 per cent – were not transferred within the safe clinical guideline. So that is the failure of this government. If you want to talk about safety, I say you have got to go and look at the actual figures across the system. I have done a bit of work quite quickly to look at the figures in my electorate, in my area, and I say the government's health performance has deteriorated. People are not safer, people are not getting better service, people are actually suffering and being forced to wait and wait and wait.

In the case of bulk-billing, the bulk-billing rate has collapsed in Chisholm. It has fallen. It has gone from 90 down to 80 under Carina Garland in the recent period. Let us be quite clear. What has the federal member done about it? Nothing.

Members interjecting.

The ACTING PRESIDENT (Jeff Bourman): Order! Please, some modicum of order would be fabulous. Can we stop yelling at each other. Mr Davis to continue.

David DAVIS: I will try to contain myself from the provocations, Acting President. But let me just be clear here: Ms Crozier has done very good work on this bill to understand what is going on. It is clear that a number of the government bureaucrats have not understood what is going on and the minister has not understood what is going on. The minister is out of touch. The minister has, in many respects, lost the plot on these points. The minister needs to understand what is happening with the intensive care groups. She should listen to the professionals and the specialists, and she should not dismiss the specialists and the professionals. The professionals and the specialists should be who the minister listens to.

It is not a good thing if the minister is dismissing them without paying due heed to the warnings that they have given. I say Ms Crozier has done a very good job in getting that material into the public domain, and I think that there are a lot of questions for the minister and the government to answer. In terms of my own electorate, the deterioration in the performance of the health system is shocking, and people should be very angry about that performance – and, I should say, those federal members who roam around should take responsibility for the bulk-billing rate, which has fallen under their watch.

Tom McINTOSH (Eastern Victoria) (16:26): I am glad we were spared another minute of that performance. That was a performance of the highest degree. I am pleased to rise to make a contribution on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2025. Labor knows our health system is built on the skill, dedication and compassion of Victoria's nurses and midwives, and we know this was particularly true during the pandemic, when our nurses and midwives worked incredibly hard to keep Victorians safe while responding to unprecedented demands on our

health system. That is why at the 2022 election the Labor government committed to further protecting and strengthening ratios. We committed to this because it is what our nurses and midwives told us to do; it is what they wanted. With this bill we are delivering on those commitments. Our healthcare workers know only Labor has their backs. Our health workforce know that only Labor listens to and implements their ideas. We are proudly the party of nurse-to-patient ratios.

Nurse-to-patient and midwife-to-patient ratios were first introduced in 2000, but the former Liberal government tried to force nurses to trade them away as part of their enterprise agreement negotiations. Mr Davis talked a lot about history over there, but we did not hear him referring to that. That is why in 2015 under a Labor government Victoria became the first state in Australia to enshrine nurse- and midwife-to-patient ratios in law. Now the Allan Labor government is building on this by introducing stronger and safer nurse- and midwife-to-patient ratios, ensuring the very best care for Victorian patients and their families.

The new ratios are the result of extensive consultation with nurses and midwives, the Australian Nursing and Midwifery Federation and health services and will be set in stone, with one-to-one nurse-to-occupied-bed ratios in ICUs on all shifts for all level 1 and 2 hospitals, meaning that every occupied ICU bed has a dedicated nurse assigned to it at all times. ICUs will also require a team leader and liaison nurse for the very first time. Improved staffing ratios in resuscitation cubicles in EDs on morning shifts bring morning shifts in line with afternoon and night shifts, and there will be one-to-four midwife-to-patient ratios in postnatal and antenatal wards on night shifts, down from one to six. There will be an in-charge nurse on night shifts in standalone high-dependency units and coronary care units. To ensure health services are adequately supported and prepared to action these changes, the amendments will be rolled out in a staged approach, with 25 per cent of the additional staffing implemented the day after royal assent, 75 per cent from 1 December 2025 and 100 per cent from 1 July 2026.

It was only last week I was out with some of our first responders, our ambos, out at Yarram and also at Paynesville. I was saying to them how incredibly respected they are in our community. Our workers in our healthcare services do incredible work. I made the joke that as politicians we want to stand beside people that glow and reflect well on us, and that is standing next to nurses, to paramedics, to people doing incredible work, saving lives and helping people at times when they absolutely need that support. I myself was in a situation where somebody passed out about a year ago and we had to call an ambulance. It was a pretty traumatic time, but the paramedics turned up and gave such great care with such calmness, and we see the same in hospitals with our nurses.

I mentioned ICUs before. I have had friends and family in ICUs over the years. There is incredible work that is done when people are at a time – not only the patients but their loved ones, friends and family – when there is such physical trauma but also that mental load on everyone going through that situation. That is why Victorians absolutely love, respect and cherish so many of those working in our healthcare system, indeed the people for whom this legislation is here to support – the people who support us.

We know that it is this side that will continue to support and invest in our dedicated health workforce because we know how important they are. That is why we are absolutely committed to delivering world-class care for all Victorians. The government committed $101.3 million in the 2023–24 budget to support the implementation of these new ratios. The new ratios build on the Labor government's 28.4 per cent pay increase for our hardworking nurses and midwives, helping to retain and recruit more nurses so more Victorians can get the very best care. We know the Liberals' economic policies are actually to drive wages down. They do not have many things they believe in, but one of the few things that the Liberals on the other side believe in is driving down the wages of Victorians. I am proud to be in a party and I am proud to be in a government whose position is to lift the economic wellbeing of Victorians, particularly our incredible health workforce.

Through this historic deal we are also recognising the historic undervaluing of this highly feminised workforce, an important step towards gender wage equality in Victoria. In addition to the wage increases, the new agreement backs our existing workforce and encourages a new generation of nurses and midwives by delivering preserved longstanding career structures and opportunities for progression; incentives for permanent work through a new change of ward allowance, which will compensate nurses and midwives when they are moved from their base ward; improved night shift penalties for permanent nurses and midwives; a right-to-disconnect clause; improved access to flexible working arrangements, recognising that nurses are available 24/7; a reduced qualifying period for parental leave from six months to zero; and recognition of service for interstate public sector nurses and midwives who have relocated to Victoria.

We are recognising the type of work and the hours of work that our nurses and midwives do, as I said before, at times that are traumatic for families and loved ones of someone who needs these services, whether it is someone entering the health system in an emergency or someone looking to deliver a baby, and to have the support and care of incredible staff it is only fitting that we pass this legislation and pass on the reward for the work and incredible care that they give so many of us and our broader Victorian community.

Since we came to government we have grown our healthcare workforce by nearly 50 per cent. That is an additional 40,000 nurses, midwives, doctors, allied health professionals and other hospital staff in the state's health service. Almost one in four of these new roles have been created in rural and regional Victoria. There are now 45 per cent more nurses and midwives and 78 per cent more doctors in our hospitals than when we came to office. Growing up in regional Victoria, I can sure tell you that people have long memories of what the Liberals did when they were in government. Not only were infrastructure and services cut throughout the regions, but hospitals were closed or privatised, and I will come back to that a little bit later in my contribution if I do get time.

Last year saw the biggest yearly growth in Victoria's history, with our workforce growing 6.7 per cent in one year. Our on-road paramedic workforce has also increased by over 50 per cent, with 2200 more paramedics on our roads since we came to government. The Allan Labor government continues to invest in the people delivering critical life-saving health services to the Victorian community and to support initiatives that help to train, attract and retain staff. This includes sign-on bonuses and supports to train and upskill nurses and midwives, making it free to study nursing and midwifery; providing speech pathology grants; and delivering Australia's first paramedic practitioners, which was a piece of legislation that all of us on this side were very proud to stand to speak to earlier this year.

We have also delivered training and recruitment programs, including the $270 million Making it Free to Study Nursing and Midwifery initiative, to build the supply, capacity and quality of the nursing and midwifery workforce. Of course we know those opposite mock the fact that we are making it free to study, and we know that those opposite historically have slashed TAFE and will do the same given any opportunity.

The 2024–25 state budget invested a further $183 million in workforce initiatives. This includes investing an extra $28 million to support our health services and boost our nursing workforce capacity, including continuing our successful registered undergraduate student of nursing or midwifery positions. Year on year we have continued to increase funding to our health services. The Allan Labor government is investing record funding into Victoria's world-class public health system. This includes an uplift in the price we pay all hospitals for the care they deliver. We are investing an additional $1.5 billion on top of the more than $8.8 billion invested in this year's budget, bringing our health funding up to more than $20 billion, more than 25 per cent of Victoria's entire budget expenditure. This is on top of the $15 billion in funded health infrastructure projects that are under construction or on the way. We will always support our hospitals, because that is what Labor does.

I have touched on the incredible work that our world-class healthcare workforce delivers for Victorians, and there are so many people that are so incredibly grateful. When we take measures like

those that we have implemented in government, the public are so incredibly supportive and back us at the polls on that. Victorians' average life expectancy is higher than all other jurisdictions except for the ACT and amongst the highest anywhere in the world. Victoria has amongst the lowest infant mortality rates of anywhere in the world, and Victoria is ahead of all other states in its elective surgery waitlist turnover rate and was the only jurisdiction that treated all category 1 planned surgery patients within clinically recommended timeframes. Victoria is ahead of the national average for cardiac arrest survival rates, and we have some of the quickest ambulance response times. I think you can see that continued investment in our health system and you can see values that underpin policies that are implemented year in, year out.

We know that the Liberals cannot be trusted with the healthcare workforce. We know that the Liberals cannot be trusted with healthcare infrastructure because they will sell the infrastructure, they will privatise it and they will cut the workforce. We know that if, God forbid, they got their hands on the lever, they would cut, cut, cut, because it is not in their political DNA to respect the public workforces that Victorians care for and depend on so much.

Our healthcare workers at our emergency departments are facing unprecedented demand, with more than 504,000 presentations to emergency departments in the last quarter alone, but thanks to the hard work of our healthcare workforce and the Allan Labor government's investment to back them in, the median time to treat is now 14 minutes, 8 minutes faster than prepandemic. Crucially, all category 1 patients – those assessed as being critically unwell – continue to be seen immediately upon arrival to an ED. Our $1.5 billion COVID catch-up plan to boost surgical activity across the state has worked. Investments to drive down planned surgery waitlists are helping our healthcare workforce deliver more surgery than ever before, and 23 patients support units, two new public surgical centres and 10 rapid access hubs continue to deliver impressive results. Waitlists have decreased almost 10 per cent compared to the same time last year, and the number of Victorians waiting for planned surgery is now at its lowest level since the pandemic began. Almost 50,000 patients underwent planned surgery in the last quarter, and all category 1 patients were treated within the recommended time, while the median time for category 2, semiurgent, and category 3, non-urgent, patients has improved by four and 31 days respectively compared to the same time in 2024. Eighty-six per cent of planned surgery patients are treated in the recommended time.

Contrast the Labor government's record of achievement and listening to and working with our healthcare workers with that of the Liberals and the Nationals, and the difference could not be starker. We all remember the Liberal and National parties' secret plan to cut hundreds of nurses and get rid of nurse-to-patient ratios when they were last in government. Remember when they tried to undercut ratios to save $104 million when negotiating with our hardworking nurses and midwives? Remember when the then health minister – who was making a lot of noise over there before but has left the chamber – had his department draw up contingency plans to replace the thousands of nurses who were concerned they would have to resign because they could not safely care for patients? When last in government the Liberals and Nationals also went to war with our paramedics for two years, attacking our paramedics and running a smear campaign against them.

I mentioned it before, and before my time finishes I just want people to remember how those opposite closed Eildon, Koroit, Mortlake, Murtoa, Red Cliffs, Macarthur, Clunes, Beeac, Birregurra, Lismore, Elmore and Waranga. It is all in their history. What we have achieved is on the record and has been delivered, and I stand to support this bill.

Sheena WATT (Northern Metropolitan) (16:41): I am pleased to rise and make a contribution on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2025. The Allan Labor government continues to lead the way in ensuring that every Victorian receives world-class health care built upon our unwavering dedication and the expertise of our nurses and our midwives. We recognise that without a strong, supported workforce our hospitals and healthcare system would not be able to deliver the level of care that Victorians need and absolutely deserve. This bill is another example of Labor's commitment to backing our healthcare workers by strengthening

and protecting nurse-to-patient ratios. Labor understands that safe staffing levels are not just about numbers on a page, they are about patient outcomes, patient safety and the wellbeing of those who need care and those who provide it.

With this bill before us we are delivering on our promise to nurses, midwives and patients by enshrining in law stronger, safer staffing ratios, ensuring that healthcare workers can do their jobs effectively without being overstretched and overworked. Nurse-to-patient and midwife-to-patient ratios were first introduced by a Labor government in 2000. Since then our commitment to improving these ratios has never wavered. It was a Labor government that enshrined these ratios in law in 2015, making Victoria the first state in Australia to do so. This is of course a perfect opportunity to honour the minister who led that important work, so can I acknowledge former health minister Jill Hennessy for the amazing work she did in protecting our healthcare workers. At the time I was working in health, and I remember it quite fondly.

Once again, importantly, it is worth noting that the Allan Labor government is taking this commitment further with a bill that will introduce even stronger staffing ratios across key areas of our health system. These new ratios are the product of thorough consultation with nurses, midwives, the Australian Nursing and Midwifery Federation – ANMF – and health services. They include critical changes, such as ensuring a one-to-one nurse-to-occupied-bed ratio in intensive care units – ICUs – on all shifts for all level 1 and level 2 hospitals, guaranteeing that every ICU bed has a dedicated nurse assigned at all times. They include improved staffing in emergency department resuscitation cubicles during morning shifts, bringing them in line with afternoon and night shifts. There is also a reduction in midwife-to-patient ratios in postnatal and antenatal wards on night shifts, from one to six to one to four. There is a requirement for an in-charge nurse on night shifts in standalone high-dependency units and coronary care units. Also, to ensure that the health services can implement these changes, importantly, the amendments will be introduced in a staged approach, with 25 per cent of the additional staffing implemented the day after royal assent, 75 per cent by 1 December this year and full implementation by 1 July 2026.

This builds upon the Allan Labor government's continued investment in our health workforce. We understand that quality patient care relies on a well-supported workforce.

That is why we have backed our nurses and midwives with a $100.3 million commitment in the 2023–24 budget to support the implementation of these ratios. Our government has also ensured that Victorian nurses and midwives are paid fairly and are valued. We delivered a historic 28.4 per cent increase for nurses and midwives, recognising the historic undervaluing of this really highly feminised workforce. This wage increase is part of our broader efforts to drive gender wage equity across Victoria. Alongside these wage increases we have taken action to support our existing workforce and encourage new nurses and midwives to enter the profession. Our latest enterprise agreement includes the preservation of longstanding career structures and opportunities for progression. It includes incentives for permanent work, including a change-of-ward allowance to compensate nurses and midwives moved from their base ward. It includes improved night shift penalties for permanent staff and a right-to-disconnect clause, allowing healthcare workers to properly switch off outside of work hours. It includes improved access to flexible work arrangements, recognising the 24/7 demands of the profession. Some that I am particularly pleased to see are the elimination of a qualifying period for parental leave, reducing it from six months to zero, and recognition of interstate public sector nurses' and midwives' service when they relocate to Victoria. Having had the good fortune of spending a lot of time at the Royal Melbourne Hospital and other hospitals in the Parkville precinct, I do know that there are a large amount of nurses that have relocated from other states to here in Victoria, so I am sure that that will be welcomed by many nurses to come.

Since coming to government Labor has grown Victoria's healthcare workforce by nearly 50 per cent; that is 40,000 additional nurses, midwives, doctors, allied health professionals and other hospital staff in our health system. Almost a quarter of these roles have been created in rural and regional Victoria, ensuring that every community, regardless of location, has access to quality health care. Victoria's

hospitals now have 45 per cent more nurses and midwives than when we took office. And the Allan Labor government also continues to invest in training and recruitment programs, including the $270 million initiative to make it free to study nursing and midwifery, expanding access to training and upskilling opportunities. There are also the speech pathology grants and Australia's first paramedic practitioner program – and I recall that coming to our chamber not too long ago. I am pleased to say that there is also an investment of $183 million in workforce initiatives in the 2024–25 budget, which includes $28 million to support health services and boost nurse workforce capacity.

Beyond the workforce investment, the Allan Labor government is delivering record funding to Victoria's world-class public health system. In this year's budget alone we have increased health funding by an additional $1.5 billion, bringing total health investment to more than $20 billion – over a quarter of Victoria's entire budget expenditure. We are also overseeing – and I am delighted to update the chamber on this – a $15 billion investment in health infrastructure projects, ensuring that our hospitals, emergency departments and specialist care facilities can meet the needs of a growing population. None of this would have been possible – absolutely none – without the dedication and advocacy of our unions, particularly the Australian Nursing and Midwifery Federation.

Unions play a crucial role in protecting workers rights, securing fair wages and ensuring that our workplaces are safe. The ANMF has fought tirelessly for decades to improve working conditions for nurses and midwives. It was the ANMF, in partnership with Labor governments, that helped enshrine nurse-to-patient ratios in law and prevented cost-cutting measures that could have jeopardised patient safety. Their advocacy ensures that every reform introduced genuinely benefits both healthcare workers and the patients they serve. During the pandemic, when our health care system faced unprecedented strain, it was the ANMF that fought to secure better conditions, PPE access and support for exhausted staff. Their continued leadership is a reminder of why unions remain vital in ensuring a fair and just workplace.

On this side of the chamber we know that strong unions mean better conditions for workers, better patient outcomes and a stronger, more resilient health system. Unlike those opposite, who have consistently undermined, attacked and sought to weaken unions, Labor recognises and values the contribution of our union movement. The contrast cannot be clearer between Labor's record of investment in health care and the track record of those opposite. When the Liberals were last in government they sought to cut hundreds of nursing jobs and dismantle nurse-to-patient ratios, attempted to undercut ratios to save $104 million at the expense of patient safety and even drew up contingency plans to replace nurses with less qualified staff.

I was very much reflecting on my time working in health advocacy as I was preparing some remarks for this bill, and can I just say that nurse-to-patient ratios and midwife-to-patient ratios are a great Labor achievement, and this bill before us is a testament to our unwavering commitment to healthcare workers and patients alike. Of course I will take a moment to acknowledge and thank again the ANMF and other nurses in the health system. I will also just take a moment to acknowledge the Medical Scientists Association of Victoria, which I know is full of members doing amazing work in pathology and testing in labs and blood banks and other places. They are the critical backbone of our medical and health system, and so too are all of the unions right across the spectrum of health. Can I thank you for all that you do and reassure you today and always that Labor walks with you in your continued pursuit of better health outcomes for all Victorians. We will never waver from our commitment to working Victorians. We will continue to build, invest in and strengthen our healthcare system, because we know that Victorians deserve nothing less.

This bill before us I was waiting for last sitting week. I must acknowledge, Minister, I have been very much looking forward to making a contribution on this bill, because this is exciting indeed. This bill before us is a testament to our commitment and our listening to workers and their representative bodies, the unions. We are not only putting policy in practice but we are putting it in legislation by enshrining it into law with the bill before us today. We are investing in our workforce, we are recognising the indispensable role of unions and we are ensuring that Victoria's healthcare system

remains strong, remains safe and remains sustainable. With the time that I have left I will take a moment to acknowledge and thank all those that worked on making this bill and their world-class commitment to the Victorian health system, and I commend it to the chamber.

Michael GALEA (South-Eastern Metropolitan) (16:54): I also rise to speak on the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2025. We know that Labor is the party that supports healthcare workers and we acknowledge that our very impressive and fast healthcare system in this state is built on the hard work and the dedication of thousands of nurses, midwives and other support staff right across our healthcare system, and that is why we have a government that is listening to our nursing and midwifery workforce in delivering yet another improvement to nurse-to-patient ratios today.

This bill listens to the workers. Our healthcare workers are some of the most skilled and most professional in the world, and ratios are the best practice for safe patient care. I do join at this point, as many other speakers from all corners of this chamber have today, in thanking the healthcare workers, including nurses, midwives and other workers in healthcare system, who do that work so professionally, so diligently and so compassionately day in, day out, for all of us and for our loved ones at the times when we need them the most.

In 2015, under the then new Labor government, Victoria was the first state to enshrine nurse-to-patient ratios into law, and now we are continuing that leadership with the extension of stronger and safer nurse- and midwife-to-patient ratios, ensuring the best care for Victorian patients and support for their families. Because of these policies and the record investment into the healthcare system, the average life expectancy of Victorians is higher than that of all other states in the nation and is amongst the highest that you will find anywhere in the world. We have amongst the lowest infant mortality rates of anywhere in the world. We are also ahead of all other states with our elective surgery waitlist turnover rate, and we are the only jurisdiction to have treated all category 1 planned surgery patients within clinically recommended timeframes.

Indeed, being a part of many committees but part of the Public Accounts and Estimates Committee last year, as we often do, we had the opportunity to engage in outcome hearings with relative department figures for the 2023–24 budget period, and there were some quite interesting statistics in fact with regard to planned surgeries. In the previous financial year we know that 210,000 planned surgeries were undertaken in Victoria, a record for the state and indeed a 10 per cent increase on the year before. When it comes to that COVID catch-up plan in our healthcare system we know that Victoria is not just meeting but really smashing those targets, which is really, really important as we have done a great deal of work in resetting the healthcare system so that it can continue to support the needs of everyday Victorians every day of the year.

We also know that we are ahead of the national average for cardiac arrest survival rates, and I really want to acknowledge the incredible staff at the Victorian Heart Hospital as well; no doubt that is also having a significant and positive impact on the health and wellbeing of our state. It is just up the road in Clayton, just outside my region, and it serves the entire Monash Health region, and it does provide other support services right across Victoria as well. It is truly a world-class facility, and I really encourage members, if they have not already been out, to see or engage with the Victorian Heart Hospital. It truly is an incredible place with some incredible people doing amazing things in there. We are very, very lucky to have it.

This is a bill, as I said, that comes from this government listening to nurses and midwives, and we have heard what they need to ensure the quality of care that Victorians deserve. We have consulted extensively with the Australian Nursing and Midwifery Federation and others in order to get to this point today. These amendments will legislate ratios of one nurse to one occupied bed in intensive care units at level 1 and level 2. It will also involve improved staffing ratios in resuscitation cubicles on morning shifts, bringing those morning shifts into line with afternoon and night shifts. It will mandate one-to-four midwife-to-patient ratios in postnatal and antenatal wards on night shifts, which is down

from one in six, as well as an in-charge nurse on night shifts in a standalone high-dependency unit. These measures will be rolled in over a measured approach, with the first bulk changes coming into effect upon royal assent, a second tranche by the end of this calendar year and the third and final tranche by the end of the following financial year. It does build on this government's long-term investment in our healthcare system, both in those direct supports for nurses and indeed I note the recent – just late last year – significant enterprise bargaining agreement and pay award to acknowledge the very hard work that our nurses do and ensure that their pay, as much as it can be, is adequately compensating them for the work that they do.

It also of course comes off the incredible investment in our healthcare infrastructure. I have talked about of course the Victorian Heart Hospital, but we have also seen many, many upgrades in hospitals, and new hospitals in fact as well, right across Victoria. Right now we are fully rebuilding Frankston Hospital in my region as well, and it is a truly amazing site. It will be one of the largest hospitals outside inner Melbourne and serve a very, very large region in my electorate of the south-east and indeed beyond as well. It is truly amazing to see that hospital come much closer now to completion.

I, along with many others, very much look forward to seeing that. I also acknowledge the very hard work of the local member Paul Edbrooke in advocating so fiercely for that hospital. Indeed if you look at the same thing, it is right across the state, whether it is major hospitals, whether it is upgrades or whether it is primary care.

During COVID when the previous former Liberal government at a federal level completely failed Victorians, completely failed Australians and completely failed to invest in and support our healthcare system, it was Victoria and New South Wales at the time who decided to go it alone and invest, with each state having 25 primary priority care centres (PPCCs). These centres have now been repackaged and rebadged as Medicare Locals, that branding showing to the community the direct value of what they can provide to people. They have also since been significantly expanded as a result of investment by the Albanese Labor government. We still see many of those centres fully state operated, but we very much welcome the investment of 50 per cent co-funding by the federal government in a number of those former priority primary care centres, now Medicare Local services. These are really, really important services – there is one in Narre Warren in the heart of my electorate as well – many of them dotted right across Victoria. What these services do is provide a real pressure valve release for those emergency settings, for those emergency departments and for our tertiary hospital system, by providing urgent but non-critical primary care for people when they need it and when they cannot otherwise access their other primary care options.

One of the reasons of course that there was such a need for these centres was the complete degradation of primary care by the previous federal Liberal government. There were nine years of cuts and of refusing to increase the Medicare rebate, so much so that bulk-billing was pretty much almost dead. In fact for those of us without bulk-billing, doctors' bills were going up and up and up and up. It was a complete policy failure by the federal Liberal government that has taken several years for the current Albanese Labor government to address. There is much more work to be done; it takes much longer than three years to fix nine years of sustained damage. But I do very much welcome those recent announcements by Prime Minister Albanese on Medicare, in particular supporting those primary care services, because we know how important effective primary care is and how important our local GPs are as well. That is why I am very proud to see those investments made again by a federal Labor government in this case. It does stand in stark contrast to the nine years of cuts and dereliction we saw under the former Liberal government. Let us certainly hope that we do not have a return to that, a return to those settings and a return to a federal Liberal government that would rather pursue nuclear energy than the primary healthcare needs of Victorians.

We know that they would rather put nuclear energy above Sunshine Station, above the Suburban Rail Loop and above any sort of Victorian infrastructure project, because they obviously want to go back to the bad old days under Abbott, Turnbull and Morrison of failing to invest in Victorian infrastructure. They have made that very clear. They have also made it very clear that they are now directing the state

opposition leader's policies by telling him what to do in their media releases, so that is very interesting as well. We have not seen any clear indication from the opposition leader of what he would do with the Suburban Rail Loop, but apparently Mr Dutton has decided for him. That is what we have seen from the federal Liberal government. We know that their priorities are spending completely wasteful hundreds and hundreds and hundreds of billions on nuclear energy at the expense of Victorian infrastructure and of Victorian health as well through a return to what we saw under the Abbott, Turnbull and Morrison governments: a disgraceful lack of support for primary health care in Victoria and right across the nation as well.

It was Victoria and New South Wales that stepped in – a Victorian Labor government and a New South Wales Liberal government that had to step in – during COVID when the federal Liberals completely failed to look after the healthcare needs of Australians at the time when we needed them the most. It is a Victorian Labor government that will continue to invest in those healthcare services, whether it is by continued support of the Medicare Locals – those sites formerly know as the PPCCs – or whether it is through supporting our workforce in the hospitals, such as with pay rises and these critical midwife-to-patient ratios, and indeed supporting our patients, because that is exactly what this bill does as well.

It actually goes to patient safety as much as it does to the welfare and wellbeing of our nursing and midwifery workforce. Any time that any of us in this place have, directly or indirectly, had to deal with a hospital situation – it is never normally never a pleasant experience to go through – I know I am sure I speak for many, if not all, in this place that when we do, it is always made better by the support and care of those amazing workers who go in to work each day with that dedication, with that compassion and with that work ethic to look after our health. We are seeing the outcomes of that.

When I say that the healthcare outcomes in Victoria are amongst the best in the world, you do not need to take my word for it. We know, for example, that a recent Commonwealth Fund report, the *Mirror, Mirror 2024* report, compared 10 countries' healthcare systems, including Australia as well as Canada, France, Germany, the Netherlands, New Zealand, Sweden, Switzerland, the UK and the United States. What that report found across a range of measures – whether it was access to care, care process, administrative efficiency, equity or health outcomes – was that Australia was the first overall and the first for health outcomes and equity. It also noted that as part of that Australia has the lowest healthcare spending as a share of GDP, which was interesting as well and which shows the efficacy of our health systems. That is a very, very good tick for the Australian healthcare system as a whole. This report came out just last year, so it was already in the wake of a couple of years of investments under the Albanese Labor government and after a sustained period of investment by the states, including in the state of Victoria.

On the state of Victoria, we know the Productivity Commission's report on government services in 2024 found that Victoria was the highest overall performer of all Australian states. That was based on the 15 key measures of system performance across the domains of availability, affordability, access, equity and health outcomes. So we know that Victoria's healthcare system is leading the nation, but that is no reason for us to rest on our laurels. Whether it is an investment in new health infrastructure, whether it is in new priority primary care centres, whether it is in mental health and wellbeing locals, whether it is in the Casey Hospital emergency department upgrade in my electorate or whether it is in major new projects such as the Frankston Hospital or the recent new major projects such as the Victorian Heart Hospital, those are all important. At the centre of the work that we are doing, though, is supporting the workforce – those incredible nurses and midwives – and that is what this bill really does seek to achieve. It does stand in stark contrast, and it is good that we have been able to make these continued investments. Indeed for the first time now under an Albanese Labor government we are getting our fair share of GST as well, I might say, which for many, many years Victoria has not received. This is now the first federal government in the entire history of the GST that has actually given Victoria its fair share of GST funding. That is a very good thing because it means that we can continue and expand those investments in our healthcare services, as well as in education services,

police services, emergency services, transport and all the other very important things that get done at a state government level.

One of the most important things that any government can do, though, is look after the health and wellbeing of its citizens. We are already doing very well, as those figures in those reports clearly show, in the state of Victoria. The changes in this bill will continue to support our workforce and continue to support better healthcare outcomes for all Victorians. I commend the bill to the house.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (17:09): I thank all members for their contributions in relation to the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2025. At the last election the Labor government was proud to stand with our nurses and midwives. Labor knows our health system is built on the skill, dedication and compassion of Victoria's nurses and midwives, and we know that this was particularly true during the pandemic, where our nurses and midwives worked incredibly hard to keep Victorians safe while responding to unprecedented demand on our health system.

That is why at the 2022 election the Labor government committed to further protect and strengthen ratios. We committed to this because it is what our nurses and midwives told us they needed. The bill both reflects those needs and also delivers on those commitments. I want to thank the Australian Nursing and Midwifery Federation (ANMF) and their members for their advocacy in improving ratios and in turn improving the care and safety of Victorian patients.

I just want to touch briefly on some of the issues that have been raised in a letter to members of the Legislative Council and the government by the Australian College of Critical Care Nurses. It is important to reiterate in response to those concerns that have been raised that ratios are a minimum, and the bill in its current form does not preclude a health service from exceeding these minimums if that is their current practice. The government's proposed amendments to the Safe Patient Care Act 2015 will allow health services to have that flexibility to support different delivery models and settings. I note that some roles may be known as different titles across different health services. I am sure Ms Crozier will want to get into the detail of that in the committee of the whole. It is the government's clear understanding that the ANMF does not support the amendments that have been proposed by the ACCCN. The Department of Health have met with the ACCCN to discuss their concerns, and they will continue to work with health services by providing that critical guidance on the implementation of the new ratios, as has been done with previous rounds of amendments to ratios legislation.

I also just wanted to touch on a few of the issues that have been raised by members in the second-reading debate, in particular some of the issues raised by Ms Crozier. Regarding what the government has done to understand how many additional nurses and midwives are needed to implement the terms of the bill, the Department of Health have consulted on the development of the bill throughout the drafting process, but there was specific consultation that occurred late last year around workforce, and it indicated that approximately 270 additional FTE are required to deliver these amendments. Members would be aware that there is a staged process contained in the bill that allows for the rolling out in a staged way of the commitments contained in the legislation. Of course the department will continue to work with health services as these ratios are rolled out.

In addition, regarding some of the questions around the funding for delivery of the improvements to ratios, I want to reiterate that the 2023–24 state budget had specific allocation contained in it to provide for the additional FTE, but again, I am sure that I will be happy to take members – in particular Ms Crozier, who asked about this in the bill briefing – through the particulars of the budget and the provision to support nurses and midwives.

Regarding health services implementing these ratios and the assistance that will be provided to them to meet these ratios, obviously, as has been the case in previous iterations of ratio amendments to the

act, the Department of Health will continue to work closely with our health services and the ANMF and Victorian nurses and midwives. There are provisions in the act to allow for health services to work with unions where health services genuinely cannot meet ratios, and that is consistent with the collaborative approach that has been practised with other provisions of the current act and the successful implementation of previous rounds of ratios.

Again, I just want to thank our nurses and midwives for the incredible work they do delivering world-class health care, despite record demand. The Allan Labor government will continue to back them in. I do understand that members may have questions in committee. I am happy to follow up those in committee, but I do commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (17:16)

Georgie CROZIER: Thank you, Minister, for providing some clarification. I might expand on a couple of those points. I am just wondering: could you explain why the Monash heart hospital is not included in the schedule of hospitals as listed?

Ingrid STITT: Ms Crozier, only hospitals listed in the act are subject to the ratios, so that is the schedules contained in the bill. The Victorian Heart Hospital was opened after the commencement of the last round of amendments to the act, so it is not listed.

Georgie CROZIER: So that is an oversight, Minister?

Ingrid STITT: No, I would not characterise it as an oversight, Ms Crozier. The application of the act to new hospitals will be informed by the hospital classification review, which is currently being assessed by government. Before the 2022 Victorian election the Premier of the day committed to complete a review of how hospitals are classified under the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015. This review assessed the classification system to ensure the nurse-to-patient ratios are appropriate to deliver high-quality and safe patient care. That process is not quite complete but is in train.

Georgie CROZIER: Minister, in this particular bill you have actually made some amendments around changes to names in relation to schedule 2 hospitals. It is very specific and it is highlighted in the bill. Now that the Monash heart hospital, which has got a specialist ICU, is not included in this legislation, what ratios will apply there?

Ingrid STITT: Ms Crozier, I am advised that the heart hospital at Monash is already following best practice but is subject to the broader review, which I just went to in terms of the classifications of hospitals.

Georgie CROZIER: Minister, when did the heart hospital open?

Ingrid STITT: Just one moment. I will get the exact answer for you, Ms Crozier, but I think I have already indicated that it opened after the commencement of the last round of amendments.

It was February 2023.

Georgie CROZIER: Correct – over two years ago the heart hospital opened. It has a specific intensive care unit, yet it is not listed in this round of amendments, because you forgot. The department did not include it when they included everything else. I think this is incredible, given all that I have had to listen to from the government about safer patient care and what your government is doing – yet you forgot to include the Monash heart hospital.

Ingrid STITT: You are asserting that that is the case, Ms Crozier, but I have already given you the actual answer of what has occurred here, and it is the application of the hospital classification review, which is currently being assessed by the government.

Georgie CROZIER: This is an extraordinary oversight, given what the legislation actually states and in terms of those hospitals that had to be reclassified because of their change in name. You forgot to include the Monash heart hospital, which opened two years ago with an intensive care unit. I asked in the briefing five weeks ago why Monash Health was not included, and I have not received an answer. You are telling me that it is because they were not in the last round of amendments, yet we are here debating this bill, so I ask, Minister: when will Monash heart hospital be included so that they have this legislation applied to them?

Ingrid STITT: I can simply restate the advice that I have, and that is that the application of the act to new hospitals will be informed by that classification review. That is not finalised. It is currently being assessed by the government.

Georgie CROZIER: How many other hospitals are on that review?

Ingrid STITT: Ms Crozier, what I would say in response to your question is we have very clearly listed the services which are subject to the new ICU ratios at the schedule contained in the bill.

Georgie CROZIER: I am very well aware of that, and I can read through those hospitals, if you like, but Monash heart hospital, which has been opened for two years, which has an intensive care unit, which has an emergency department, is not included in this scheduling. You have just told the Parliament that it is being reviewed, so I am asking: what other hospitals are a part of that review and when will they be coming online for this legislation to be applicable to them?

Ingrid STITT: Ms Crozier, obviously careful consideration is given to where ratios apply. That is clearly work that has been the subject of consultation with the Australian Nursing and Midwifery Federation (ANMF), and let us not forget that this bill delivers on an election commitment to the union around strengthening ratios, and so those hospitals which are listed are the hospitals that the parties have agreed and consulted around where ICU ratios will operate in the terms spelt out in the bill. But in terms of the review, it is a systemic review and it is still being considered by the government, and I do not know that there is too much more that I can add to what I have just advised the house.

Georgie CROZIER: I know that you are not the responsible minister – you are acting on behalf of the Minister for Health – and you clearly cannot answer the questions I am asking, because you do not have that information. So we are in the dark about how many hospitals are under review where this legislation does not apply. There are hospitals in this state where the ratios have to apply – the union dictates that. They tell you – the government – or the hospitals themselves whether there can be some flexibility, and I will come to that question in a minute. But there are hospitals that this legislation does not apply to – not the ratios, nothing. So do the ratios apply to the heart hospital, for the general wards in the heart hospital, or are they exempt as well?

Ingrid STITT: Well, the scope of this bill is, Ms Crozier, as you know, in respect to very specific parts of the health system in specified health services contained in the appendix to the bill. So it is in relation to ICUs, emergency departments, antenatal and postnatal, high-dependency units and coronary care units –

Georgie Crozier: Coronary care units, the heart hospital. Correct.

Ingrid STITT: Well, if I can finish, you made a few assertions in your question around things being dictated. I want to reiterate that the government is proud to have done the work with our health services and with the ANMF and nurses and midwives across the system to strengthen our ratios in those specific parts of the system broadly but specifically in the affected services listed in the appendixes.

Georgie CROZIER: I am not getting anywhere here; I think it is a massive stuff-up. Nevertheless let us move on, because the reason I ask that is in the last tranche of legislation where hospitals were required to meet the government's legislative ratios it was the union that would then sign off, if you recall; they were the ones to say, 'Yes, that's okay. You don't have to meet the ratios.' So I would like to understand which hospitals have not been able to meet the government's ratio requirements.

Ingrid STITT: Again, that is a sort of very narrow question about a framework that has a number of steps in place if and when a health service is unable to meet the ratios. So there is obviously a dispute process within the act, but there is also the ability for the parties to reach an agreement locally. Those are matters that are dealt with at each health service level. I know that you know that the ANMF work hard on behalf of their members to make sure that health services are complying with the legislation and, if not, either work with them in a way that provides an agreement locally or work through the dispute settlement process. So it is not a black-and-white answer of who is or is not meeting ratios. This is something that I know health services and the ANMF talk about and deal with regularly. At the end of the day the implementation planning process that the Department of Health continues to assist health services with is all about making sure that health services comply, because it is in everybody's best interest for us to get there because it is about not only safety on our wards for our hardworking nurses and midwives but also patient safety.

Georgie CROZIER: Minister, you just spruik and sprout all of that rhetoric, but you actually cannot meet it, and that is why I am asking: how many hospitals have not been able to meet the legislative ratio requirements? Because what you are telling the community and what you can deliver are two different things, and you have not even included a raft of hospitals – we do not know who they are. The Victorian Heart Hospital, which has been open for two years, is not even included in this legislation to be able to meet what you are saying – what you are telling the community you are doing. So I just think this is farcical in one sense, because you are pretending to nurses and to midwives that you care, but actually you are not following through and doing the right work. And then what is more, for the management of these hospitals, you are not providing the support. I think it is incumbent on the government to be up-front with the community on which hospitals are unable to meet their ratios, because that then tells you another story. It is not about the intent of what the union is trying to do or the work of the hospitals or what you are trying to do; it is actually the reality of what is happening in the community and that there is a problem with staffing. I make that statement before I move on to my next question because I think it is quite disingenuous that you keep talking about how you care about patient safety when so much is being missed out. Nevertheless, could you please tell me how many high-dependency units are co-located with intensive care units?

Ingrid STITT: Just before I go to that second part of your question, there was quite a bit in your preamble. There are two things to say in response – or three, if I add the 'nobody is sprouting' part of my answer. The two things to draw you back to, Ms Crozier, are there are current ratios and then there are the ratios that we are dealing with in the house today, which are the future ratios. In relation to current ratios, what I have attempted to outline for you is the process that already exists in the current act. If a health service is unable to meet ratios for whatever reason, there are two mechanisms in the current act. There is a dispute process but there is also the ability to reach a local agreement, and as I am advised, these matters are worked out very well at a local level. The second part of addressing your preamble is to note that the bill before the house today has a staged rollout of the next tranche of ratios. As you would be aware, I just want to put on the record that 25 per cent of the new ratios will be implemented the day after royal assent, 75 per cent from 1 December this year and 100 per cent from 1 July 2026. Health services will also be exempt from the local dispute resolution process for any breach of the new ratios for a period of eight months for the first tranche and seven months for the second tranche, and health services in addition to all of that may also enter into a local agreement as they work towards full 100 per cent implementation of the ratios from 1 July 2026. I just want to dispel any notion that anybody has been set up to fail here. There is a good process contained in the bill which will ensure health services and the workforce represented by their union will be able to manage this in

a way that is manageable for all concerned. In relation to your question around where there is co-located – just one sec and I will find the right answer for you.

That is my mistake, Ms Crozier. The trusty advisers are correct. There are 30 that are co-located.

Georgie CROZIER: Thank you for that clarification, Minister. Can I say to your preamble to the answer to that: I am not suggesting that anyone is being set up to fail here. What I am trying to understand is where the gaps are, so that when you are working through this and when there are legislative requirements people can comply. You just spoke about the dispute resolution process. In terms of that dispute resolution process, I therefore ask how many health services have not been able to comply and whether they have had to go through that process.

Ingrid STITT: That is not data that I have available to hand, Ms Crozier, because individual health services manage that. It is not centrally managed by the department.

Georgie CROZIER: When you are developing this legislation and you are wanting to try and have health services comply with the legislation, then surely you would be asking: have there been any problems with the previous two tranches of these ratio bills? It appears from your answer just now, Minister, that the government is not even monitoring this. It is quite extraordinary. I am perfectly happy if you want to take it on notice and come back to me about how many health services are having trouble meeting the ratios or whether any have breached them so we know where this third tranche of legislation will be going. I just think it is in the interests of transparency, and I think it is incredible that the government is not following that due process.

Ingrid STITT: Ms Crozier, they are two different questions. You asked about how many health services have had issues with meeting the ratios. I said to you that that is not data that is kept centrally by the department, because each individual health service manages those issues in accordance with the process set out in the act. That is a different question to whether or not we consulted about the development of the bill, which of course we did. You implied that there was a lack of consultation about the development of the bill in your question. They are two separate issues. There was extensive consultation in the development of the bill, as you would expect.

Georgie CROZIER: Your interpretation of what I was asking is very odd, but let us go to the consultation process, because there are actually some questions I have for you, Minister. Given the letter that I received from the ANMF last night, given the correspondence that I have received from dozens and dozens of midwives and intensive care nurses and others that work in the area and also from the College of Intensive Care Medicine and the Australian College of Critical Care Nurses and given that in the briefing I asked you who you had consulted with and I have not had an answer, did the government just consult with the ANMF? You said in the summing-up that you consulted with the ACCCN. When was that?

Ingrid STITT: I can confirm for you, Ms Crozier, that there was significant consultation that occurred at different stages of the development of the bill. The organisations that were involved in consultation included the ANMF, the Health Workers Union, the Victorian Hospitals Industrial Association, the Victorian Healthcare Association, the public health services, Safer Care Victoria and public health service executive directors of nursing and midwifery, who are members of the Safer Care nursing and midwifery council. In addition to that, there were a number of central agencies and departments which were consulted about the potential impacts of the bill.

In addition there were some discussions held with the ACCCN and the Department of Health, where they went through –

Georgie CROZIER: When?

Ingrid STITT: On 28 March. As you would have gauged from –

Georgie CROZIER: Three days ago. You are kidding me.

Ingrid STITT: Ms Crozier, with a very straight bat I am answering your question, and you would know, if you had read the ANMF correspondence that you just referred to, that the ACCCN has a number of members which are also members of the ANMF.

Georgie CROZIER: I find it incredible. The government wanted to debate this bill in the last sitting week, two weeks ago, and yet we have just had it confirmed by the government that they did not even consult the ACCCN, the Australian College of Critical Care Nurses, until three days ago – extraordinary. Nevertheless, that is why there is confusion, and that is why I am getting dozens of emails from intensive care nurses. It probably says it all.

I am going to move on. Minister, could you please, as you said you would in the summing-up, provide some clarity about the $103 million in the budget papers?

Ingrid STITT: As tempting as it is to go back to those other issues, Ms Crozier, I will resist. Just for clarity, the 2023–24 state budget committed $101.3 million over three years and $59.868 million ongoing for the ratio improvements to be legislated in the act and to fund the ongoing wages of additional nurses and midwives required to meet the new staffing ratios – just for completeness. That can be found in the 'Admitted services' section of budget paper 3. It forms a component of the line item under the heading 'More support for our nurses and midwives'.

Georgie CROZIER: Thank you for that clarification. I will go back and have a look at that. Given you said in your summing-up that there was a total of 170 FTE –

Ingrid STITT: Approximately 270 additional FTE.

Georgie CROZIER: 270 additional FTE. The letter from the ANMF to me last night says:

> For Level 1 and Level 2 ICUs this was to fund an additional 160 full-time equivalent (FTE) …

Where are those other 110 nurses that you have stated going to be employed?

Ingrid STITT: I can certainly seek some more advice from the box, Ms Crozier, but that is the amount of additional FTE that I have been provided information about. That is based on data received from health services in August 2024 about what they would require to meet the needs of the bill. But I would add that of course there is a staged process of implementation, and health services continuously are adapting their operations to meet their staffing needs. The department will continue to work with health services on their staffing requirements to meet the ratios.

Georgie CROZIER: If there was $101.3 million over three years for the election commitment, as highlighted by the ANMF, of 160, will there be additional money required for the 110 that you have suggested are required given that assessment that you did in August last year?

Ingrid STITT: Ms Crozier, I am advised that the budget provisions, because of the staged nature of the rollout of the ratios, will cover the costs of implementing these commitments. I guess I would add that there are other workforce initiatives in the health system more generally that go to providing a strong pipeline of nurses and midwives. Whilst I accept that your question specifically relates to how the additional ratios will be funded across the system, it is important not to ignore the fact that there are other significant investments across the workforce in terms of building that strong pipeline of nurses and midwives.

Georgie CROZIER: I just need some clarity. The $101.3 million is for the implementation of nurses and midwives in this latest tranche, but then you have just said 'other initiatives'. This is totally to meet these requirements. I have had some correspondence from a health service, to go to your point about the department working through this, and they have said that it remains fluid, with ongoing discussions. This is in the last couple of days. It is very fluid – four to 14, or even more than that. They are still working through their budgets. How is that going to be determined and what additional funding do you see is required, given the work you did in August last year? Clearly the health services are still finding it very, very difficult to assess exactly what they are going to require given this legislation.

Ingrid STITT: The commitment in the state budget in 2023–24 is $101.3 million over three years, but it is also $59.868 million ongoing. In addition to that, I would just reiterate that 25 per cent of new ratios have to be implemented the day after royal assent, then 75 per cent from the beginning of December this year and then 100 per cent in July next year. The very clear process, having learned from the first two tranches of ratios, is for the department to continue to work closely with those health services around support to make sure that they can meet these ratios. That is the advice I have about the budget commitment and the ongoing nature of that funding.

Georgie CROZIER: Minister, given you could not answer the questions about whether hospitals were having difficulty meeting ratios under the previous legislation and you have just said the department will be working very closely with our health services with this tranche – as you said, it is 25 per cent after royal assent and then ongoing by December 2025 and 1 July next year – will the department be monitoring who can and who cannot meet the ratio requirements? Will it be reported and how will it be monitored?

Ingrid STITT: I have clearly said that there is a role for the department to continue to support health services in implementing the ratios. There is also the fact that the dispute settlement process does not apply for a period of time and that health services may enter into a local agreement as they work towards a 100 per cent implementation of the new ratios from 1 July next year.

I think that it is the expectation that health services continue to work closely with the department on the implementation of these requirements once the bill passes the Parliament. That is why there has been careful consideration given to the staging and the rolling out of these ratios.

Georgie CROZIER: Minister, in light of your response just then, has there been any risk analysis on whether the new staffing ratios will lead to budgetary restraints in other areas of hospital budgets, such as planned surgery, or other services they provide?

Ingrid STITT: I know you are not trying to conflate the issues, but I would not accept that there is any negative impact for health services on complying with the ratios. This is about strengthening our nurse-to-patient ratios in very specific parts of the system, and I would argue that that is going to provide better health care for those Victorians that our nurses and midwives are caring for in the health services that are subject to these strengthened ratios. More broadly, health services will continue to work closely with the department and Hospitals Victoria on their overall budget and comply with their statement of priorities as a normal part of those processes.

Georgie CROZIER: Thank you, Minister, for that reassurance. Given the last year, the uncertainty, the cuts to health services were going were significant – health services, you are well aware, have to work within their allocated budgetary requirements. If they cannot find the staffing or the staffing is not available and bed closures occur as a result of not having those staff to meet the ratios in emergency departments or intensive care units – some of the planned surgery needs to be admitted into ICU post surgery. If some of these hospitals cannot meet that requirement, it is going to have an impact, so that is why I asked. I am pleased that you are reassuring the house that is not going to occur.

Minister, if I can go on to an example provided by the ACCCN and the College of Intensive Care Medicine (CICM). I spoke about it during the debate. They provided an example of – I am not going to go through all the levels – a typical level 1 ICU with a 28-patient ICU and a six-patient high-dependency unit proposed to be staffed. As a comparison, the ACCCN says an ICU with a one-to-one ratio has 28 beds and a high-dependency unit with a one-to-two ratio has six beds – that is three staff. They claim an assistance, coordination, contingency, education, supervision and support (ACCESS) nurse, which is their contention. I have spoken to the head of the union and talked about the titles – different health services have different titles. In their example they spell this out: an ACCESS nurse, which is important in relation to the functioning of an intensive care unit, is one to 10, so that is three;

a team leader is one to 10, so that is three; and a nurse in charge is one. That is 38 staff. Then the bill, as spelt out, does not have that ACCESS element, and so that takes it back down to a 35-staff number.

By counting the ICU liaison as part of the ICU staffing numbers and then removing them from the actual care team in ICU, you have reduced staffing levels to below current minimum numbers as defined by the ACCCN guidelines. Why has the government done this, and is it a cost-saving measure?

Ingrid STITT: Ms Crozier, you are right; there are different titles that exist in different health services. The ACCCN's workforce standards specify for ICUs with greater than 75 per cent of qualified ICU nurses and where less than 80 per cent of ICU beds are in single rooms, one ACCESS nurse per eight patients per shift. I guess the thing to say about that is that the bill does not define the classification of team leader or liaison nurse, allowing health services the flexibility to support different service delivery models. These roles may also be known by different titles across the Victorian public health service – for example, team leaders may also be referred to as ACCESS nurses.

I think there has been a little confusion around these issues as a result of receiving the ACCCN's correspondence. For level 1 hospitals the bill specifies there must be one team leader for every 10 occupied beds for all shifts, and the ratios are a floor; this is not intended to be a cost-cutting measure. I can confirm that this is not to cut costs. This is really an issue around different classification and terminology across some health services, which has caused a little bit of confusion. But the government stands by the provisions of the bill in terms of what would be required in those units.

Georgie CROZIER: If I can go to a typical level 2 ICU with 10 ICU patients and four high-dependency unit patients, which is proposed to be staffed as: ICU, one to one, 10 beds; high-dependency unit, one to two, four beds; and ACCESS , one to 12, one – and there is again nothing in the bill to suggest that ACCESS, and we have just gone through the terminology and how that is applied. To break it all down, when you have got a team leader and a nurse in charge, you have got the liaison or outreach nurse or whatever the term is, on the AM and the PM shifts, but under the ACCCN standards they should be covered for all shifts. I noticed that in the ANMF's frequently asked questions it clearly shows this – that a night duty shift is not covered. It does not have that provision and therefore does not have that support. It does not have a liaison or outreach nurse, or however it is titled, during a night shift. Why is that?

Ingrid STITT: Ms Crozier, the level 2 hospital ICUs generally have a lower level of patient acuity and lower ICU bed numbers when compared to their level 1 counterparts, and as such the decision has been made not to legislate the liaison nurse on the night shift in level 2 ICUs, considering the lighter patient load and reduced necessity for certain duties during this time. But I would just again restate that the ratios in the bill are a minimum requirement; there is nothing to prevent services that are operating above the minimum ratios from continuing those arrangements.

Georgie CROZIER: Minister, I find it really curious that in the general wards and other parts of the hospital ratios must apply. You are saying that in a level 2 hospital intensive care unit that has that the workload is generally lighter than a level 1 hospital. I would say, yes, the complexity could be not as complex with those patients in a level 2 hospital. However, the workload is exactly the same as if not more than a general ward, where they have specific ratios, and yet this is covered in the a.m. and p.m. shifts but not the night shifts. I take your explanation that you see it as not being as critical as the level 1 and that is why the government has not made that provision. If I could ask, therefore: the ICU liaison outreach role in Australian hospitals is an advanced practice nurse; they are very specialised. So is the ICU liaison role in the bill intended to describe this same role, or is it something different?

Ingrid STITT: Just to clarify the previous answer I gave you, Ms Crozier, I was referring to patient acuity and lighter patient load, not workload.

Georgie CROZIER: I just want to correct the minister: I am very well aware it was not the workload – and that was my point – it was the patient acuity. That is right. When they are in intensive care they are complex. It is not about workload; it can be just as demanding as a patient who is

postoperative with less complications on a general ward. I know this – I know it very well. I have worked in these areas. I am just curious why you have not applied this in an intensive care unit in a level 2, where you said that it was not regarded in the same way as the workload for a level 1.

Ingrid STITT: Ms Crozier, my apologies, but would you just repeat the first question about the roles that you are asking about – the team leader and the ICU liaison role?

Georgie CROZIER: Yes. I know that there are different titles for this, but the ICU liaison outreach role is generally regarded in Australian hospitals to be an advanced practice nurse, so they are a clinical nurse, consultant or a name such as that – they have specific roles. The question is: is the ICU liaison role in the bill intended to describe this same role, or is it intended to be something different?

Ingrid STITT: The team leader role, you mean?

Georgie CROZIER: In the ANMF's frequently asked questions it calls it 'the liaison outreach nurse', so it is really that that I am referring to, not the team leader – that is a different role. It is very well spelt out – in the bill there is team leader, there is nurse in charge, and there is the liaison outreach. So it is very clear; it is completely different from the team leader.

Ingrid STITT: Thank you for that clarification. The advice that I have got is that the team leader and the ICU liaison roles are two separate roles with distinctly different responsibilities.

Georgie CROZIER: I know that. It is very clearly spelt out in the bill that the team leader and the liaison outreach are two different roles; I am very aware of that. What I am asking you about is this liaison outreach role, regarded by the ACCCN and others in Australian hospitals – it is not just Victorian hospitals, it is right across the country – as an advanced practice nurse. They are very specialised in what they do, and they are often a clinical nurse consultant or they have other specialist training to provide them that ability to undertake these roles. The question is: is the ICU liaison role in the bill intended to describe this same role – so that nurse who has that clinical expertise – or is it something else?

Ingrid STITT: The intention of the liaison role is outreach. They provide clinical leadership and assistance both within and outside the ICU.

Georgie CROZIER: The intention of an ICU outreach liaison nurse is to provide expert clinical care to patients outside of the intensive care unit who are most at risk of clinical deterioration in order to optimise their care. This is most acutely needed in many instances after hours or on nights and weekends, when you do not have the medical expertise and others in these very busy intensive care units, yet the ratios are higher during the daytime, according to the legislation, during the a.m. and p.m. shifts. When there are less medical and other senior clinicians available at night, it is not there. So the question is: why haven't you included that support for these nurses as well to provide that safe patient care that the legislation is designed to provide?

Ingrid STITT: I refer you to the previous interaction we had around the level of acuity and the differences between level 2 and level 1 hospitals.

Georgie CROZIER: Minister, this is my final question, and it goes back to the issue around breaches. I am just wondering: have there been any referrals to the Magistrates' Court under section 42 of the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act since the current ratios have been in place?

Ingrid STITT: I will check to see if we have got that information.

I will have to take that one on notice, Ms Crozier.

Sarah MANSFIELD: Minister, as you are aware, the public mental health workforce are actively seeking improved staff–patient ratios at present. Why haven't ratios in mental health settings been included in this bill?

Ingrid STITT: The scope of this bill is very narrow and relates to acquitting an election commitment made to the ANMF for very specific parts of the general health service, so it is very much confined to those issues. As you are aware, there is bargaining going on currently with our mental health workforce, including mental health nurses. There are a number of different staffing matters that are relevant to the issues that you raise, but those are ongoing negotiations that are live now in the bargaining, and that is the appropriate place for those discussions to continue.

Sarah MANSFIELD: There was a previous commitment made around mental health ratios as well by the former Premier. You mentioned that the current enterprise bargaining agreement process is where some of this is being worked through, but there have been previous commitments made by the government, so can we expect to see some movement in this space at some point in the near future?

Ingrid STITT: I am not in a position to pre-empt the outcome of the bargaining. I do know that minimum staffing profiles are issues that are being actively discussed by the parties to that agreement, and I do not wish to cut across those negotiations. We will have to see whether bargaining resolves those claims. But I do know that they are the subject of ongoing discussions.

Clause agreed to; clauses 2 to 20 agreed to.

Reported to house without amendment.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (18:13): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (18:13): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

The DEPUTY PRESIDENT: Pursuant to standing order 14.28, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill without amendment.

Business of the house

Orders of the day

Lee TARLAMIS (South-Eastern Metropolitan) (18:14): I move:

That the consideration of orders of the day, government business, 3 and 4, be postponed until later this day.

Motion agreed to.

Bills

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

Second reading

Debate resumed on motion of Enver Erdogan:

That the bill be now read a second time.

Aiv PUGLIELLI (North-Eastern Metropolitan) (18:14): I rise to speak on this bill today, noting the many years that it has taken to see these laws brought before the Victorian Parliament. I will say from the outset that I am saddened to see that for much of the public debate around this bill and in the words promoting it from leaders in our community, no less the Premier of this state, the LGBTQIA+ community, who have fought long and hard for these reforms, have hardly been mentioned. Instead politicians have weaponised this debate to focus on their own political aims and their own personal ambitions in a political push to the community spanning a range of issues of their choosing, from public protests to the Myer Christmas windows. As I stated in my first speech to this chamber, I have seen my LGBTIQA+ community used as a perennial political football. We are championed for cynical political gain when it is electorally advantageous, but we are cast aside when it is politically expedient. For too long people in our community have been targeted and vilified just for being themselves. This is not on.

The Greens and the community, particularly members of the LGBTQIA+ community, have fought and campaigned for years now to see anti-vilification protections expanded and for reforms to come to the Victorian Parliament and be passed into law. Acknowledging these community campaigns, we are seeking to further expand the protected attributes to ensure that more people are protected, including those who may face vilification on the basis of homelessness, immigration status or sex worker status whether past or present. It is so important that we see this bill pass and work as it is intended to keep all marginalised members of our community safe from targeted hate and vilification.

Over the past few years we have seen some truly chilling events with increased levels of harassment, of abuse and of threats of violence directed at LGBTQIA+ communities as American-style far-right extremism becomes more prevalent in our country. Multiple family-friendly events held by queer people for the community have been cancelled due to threats. We have seen neo-Nazis emboldened and parading through our streets. Trans and gender-diverse communities have particularly faced escalating anti-trans hate over recent years with the Trans Justice Project and Victorian Pride Lobby report *Fuelling Hate* in 2023 reporting that one in two respondents had experienced anti-trans hate in the past 12 months. This is not acceptable in our state, and should this bill pass we still have a long way to go. We cannot legislate our way out of transphobia, homophobia and queerphobia, but we can hold people accountable for truly deplorable acts. That is what this legislation does: it draws a line in the sand between what is permitted as part of a public, robust discussion of diverse views that we celebrate here in the state of Victoria and what is hateful vilification – these targeted attacks on people for being who they are, for loving who they love. To best ensure this distinction we are seeking to move amendments to ensure that we are able to maintain this healthy, robust discourse and engagement here in this state and to clearly state in the purposes of this bill that its intention is to promote full and equal participation in an open and inclusive democratic society without impeding robust discussion. However, it is the targeted, vilifying behaviour that too often has been directed at people on the basis of being who they are and their personal attributes, often directed at members of marginalised communities like the LGBTQIA+ community and particularly directed by those in positions of power and privilege.

For this bill to operate as intended power dynamics and context must be taken into account as they exist in the community – the context of those who are empowered with a platform and those who are most vulnerable in our communities to the targeted hate that we have been seeing. To this end we are seeking to include via amendment the need for decision-makers to consider the circumstances of the conduct, including the social, cultural and historical circumstances. This consideration would extend to all relevant people – both the victim and the alleged offender in criminal cases and the plaintiff and defendant in civil cases – and would necessarily include the consideration of any power imbalances between the relevant people. In addition, we are seeking to amend the purposes of the bill to explicitly state that the intent of the bill must be to protect people that experience systemic injustice and structural oppression, including Aboriginal and Torres Strait Islander people. This tells courts, tribunals, the Victorian Equal Opportunity and Human Rights Commission, the police and the Director of Public Prosecutions that the intention of the bill is to safeguard individuals who face widespread entrenched

patterns of unfair treatment that are built into the systems, into the institutions and into the laws of our society and that this should be taken into account when protecting those at risk of vilification but also that we should ensure that those who are marginalised and those who are vulnerable or disadvantaged are shielded from these laws being weaponised against them or applied to them in a discriminatory or an unjust way.

Because this legislation is not about criminalising a person's right to practice their religion or to participate in our community or in a legitimate public discourse, it should not impinge upon democratic rights that are key to the freedoms we enjoy here in this state, including the right to public assembly, the right to political communication. These amendments will help guide how this legislation should work in practice and enforcement. Having to consider the context and power imbalances when responding to vilification will help in preventing further entrenchment of structural oppression and systemic injustice for all people in our state affected by these issues. We also see our marginalised communities often simultaneously overpoliced and underserved in justice outcomes, which is why guardrails are important around the introduction of these types of laws, and as such we will be seeking to retain the requirement for Director of Public Prosecutions consent for the prosecution for a serious vilification offence. Our amendments that I have outlined, I seek to circulate now.

Amendments circulated pursuant to standing orders.

Aiv PUGLIELLI: My colleagues and I have been on the public record with our concerns about the way the government have conducted themselves in bringing this bill before us. There is and has been throughout this term of Parliament a progressive pathway for the government to pass legislation that makes our community safer – better – for everyone. There should be no excuse for capitulating to campaigns from far-right groups who would see the continued vilification of marginalised communities, people targeted and vilified for being themselves under the guise of religion. We are therefore seeking to move amendments to the civil religious purpose exception within this bill. This is vital to ensure that LGBTIQA+ and other marginalised groups are protected from hate speech. As I have indicated for years now, we have seen people in positions of power and privilege in faith-based institutions use their platform to vilify and dehumanise members of our community on the basis of being who they are. This must end.

To best ensure the proactive elimination of vilification, we are also seeking to introduce an amendment for a positive duty for duty holders within organisations to take reasonable and proportionate steps to eliminate vilification in line with the positive duty under the Equal Opportunity Act 2010 that currently exists in relation to eliminating discrimination, sexual harassment and victimisation. This would help drive systemic change by encouraging organisations to consider practical ways of tackling hate in their community, thereby helping reduce the burden on individuals to bring forward a complaint.

We are seeking to amend a review clause for the government to consider further strengthening of the Victorian Equal Opportunity and Human Rights Commission powers in the Equal Opportunity Act as they relate to vilification. Our view is that the rolling back of the commission's power in 2011 limited its capacity to enforce Victoria's human rights legislation. Considering reinstating the commission's powers was a recommendation from the inquiry into anti-vilification.

We are also keen to see the latest commencement date of the bill be brought forward from 18 September 2027 into this term of Parliament, and we will be supporting the amendment from Legalise Cannabis to this effect.

I will just take this moment to thank my colleagues on the progressive crossbench for their support and collaboration on improving this bill, for clarifying its intent. As always, it is a great pleasure to work together with Georgie, with Rachel and with David on our suite of amendments and to work together to achieve better outcomes for our communities. We have been clear with the government on our concerns in relation to what has been brought to this chamber, and thankfully the government has remained at the table with us. We will seek to improve the bill to clarify its intent and achieve lasting

protections for the community via the amendments which I have foreshadowed. The Greens will not apologise for fighting tooth and nail with the government on these matters and for staying at the negotiating table to make sure this bill passes and it works as intended to keep our community safe from this vilifying behaviour, because this hate is not okay – it must end. To many in our community who have engaged in the process that has seen this bill come before us today, be it through inquiry, through consultations or through ongoing discussions with my colleagues and I or others in this place, we see you, we hear you. I commend this bill to the house.

Sitting suspended 6:24 pm until 7:27 pm.

Anasina GRAY-BARBERIO (Northern Metropolitan) (19:27): I rise today to speak on the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024 and join the calls of my colleague Aiv Puglielli. This bill, if enacted properly, could be a transformative tool in a climate beset by a rising tide of hate, discrimination, intimidation, violence and vilification in Victoria. The us-versus-them mentality that has taken hold in parts of our society poses a real threat to peace, unity and democracy. For too long, multiculturalism in this country has been framed around tolerance, as though we must simply endure each other's differences. But tolerance is not enough. In fact it is an approach that undermines our connection to one another. We need to move towards acceptance, valuing and respecting our differences rather than othering those who do not fit the dominant narrative or the status quo of what is perceived to be normal. All this does is reinforce division and acrimony.

I note the urgent need and longstanding battle of marginalised communities, community organisations, community legal centres and human rights experts to expand legal protections in order to protect oppressed communities and their clients from abuse, vilification and violence. I want to emphasise the importance of ensuring these laws actually serve the challenges of these members of oppressed communities. People with disabilities, for example, struggle to navigate a world shaped by able-centric views that fail to recognise their experiences. They face ongoing vilification and harassment on the basis of their disability from strangers, from organised groups and even from people they know. The lived experiences of the disabled community are frequently ignored in policy decision-making. A 2022 survey conducted by the Australian Disability Network found that one in 10 Australians living with a disability had faced discrimination, rising to one in five for young people aged 15 to 34. Similarly, the LGBTQ community have long faced discrimination in workplaces, schools and public life. LGBTQA+ employees are twice as likely to be victims of workplace discrimination. Sixty per cent of young LGBTQA+ people aged 14 to 21 said they have felt unsafe at school. When these identities intersect, the harm is even greater – in fact for so many it is a life-or-death experience. LGBTQA+ people with disabilities are nearly three times more likely to experience discrimination compared to heterosexual people with disabilities. These are not just statistics. They represent real people, real lives and real harm. That is why lawmakers must take a targeted approach to address discrimination, break down systemic barriers and create policies that allow all communities to thrive.

I am proud to represent Northern Metro, home to a growing, diverse community, including many Muslim and Jewish families and individuals. In the past few years there has been an alarming and dramatic increase in hate crimes against the Jewish community and against the Muslim, Arab and Palestinian communities in Australia. All groups have long endured vilification, discrimination and hate speech, even prior to 7 October. We need to be speaking up for both these diasporas, not pitting them against one another or playing favourite child with one over the other. Too often mainstream media and political narratives fuel division. An example of this was the delayed announcement of the special envoy against Islamophobia, coming almost three months after the appointment of a special envoy against antisemitism. We need to stop with this kind of ethnic favouritism. It does nothing for inclusion, belonging and community safety. Social cohesion begins here in these chambers in Parliament across parties. It cannot be just words; it must be reflected in our actions, our laws and our commitment to community building and finding common ground. If we are going to get this bill right, we need to ensure both Muslim and Jewish Victorians – who are in pain, who are scared – are supported fairly and in a way that promotes harmony.

For far too long our current hate speech framework has failed to recognise the full spectrum of our social and cultural diversity. These reforms should not only prevent harm but also actively protect those who are disproportionately targeted. This includes stopping the dehumanising language used against Palestinians, Jewish people and protesters. We cannot allow such rhetoric to become normalised. As we know, prejudice escalates into racism, which escalates into violence. We have seen this play out in real time with the heavy-handed response to anti-war protests where peaceful demonstrators, including students, workers and community members, have been vilified simply for standing against injustice. Instead of addressing these concerns, we see them represented in the media labelled as threats and in some cases even criminalised for exercising their democratic right to protest.

While protections on the basis of race and religion have been critical, they do not plug all the gaps. Vulnerable Victorians – those with attributes such as disability, gender identity, race, religious belief or activity, sex, sex characteristics, sexual orientation or personal association – continue to face vilification and targeted abuse. The Greens have always been supportive of these communities having the opportunity to seek legal recourse when they are threatened or incited against. This bill is a critical acknowledgement that vilification based on any aspect of one’s identity is simply unacceptable. Even as we welcome these expansions we must ask: is this enough? The Greens continue to call for the inclusion of additional attributes, such as gender expression, bloodborne virus status, homelessness, immigration status and lawful sexual activity, to ensure that no-one is left unprotected.

This bill also proposes important reforms to the civil process. By expanding and strengthening civil protections, it offers hope that individuals who have been vilified might finally gain access to meaningful redress. It makes justice more accessible. Victims of vilification may now have a real chance of getting compensation, a formal apology or an injunction, and this is a critical advance for communities who have historically struggled with an often inaccessible legal system, including our LGBTIQA+ communities and disabled people, who until now have not been afforded the protections under the Racial and Religious Tolerance Act 2001.

However, access to justice is not just about laws. It is also about wraparound support, resourcing, capacity building and education. Many people facing vilification experience a silencing effect on top of struggling to navigate the complex legal system. Without extra funding for community legal centres and stronger powers for the Victorian Equal Opportunity and Human Rights Commission, legal protections may remain out of reach for those who need them most. It is essential that the government provides adequate funding and supports those who the bill seeks to help and protect.

Turning to the criminal provisions, this bill lowers the threshold for what constitutes hate-driven conduct and increases penalties. While dangerous and hateful conduct is never acceptable, we must tread carefully when criminalising speech. History has shown that without the appropriate safeguards, laws intended to protect can be weaponised against the very communities they are meant to serve.

We have seen time and again that marginalised people, whether they are disabled, culturally diverse or victims of gender-based violence, are at risk of being overpoliced and disproportionately targeted. Lowering the threshold for criminal charges, while well intentioned, raises significant concerns. We must ensure that these provisions do not inadvertently silence legitimate political expression or become tools for discrimination or weaponised. In our consultations with legal, human rights and community organisations a clear message has emerged: any reforms must be balanced with robust protections against misuse. For example, removing third-party oversight in prosecutions could empower law enforcement, but without proper checks it risks being weaponised against marginalised communities and undermining community trust.

Racism extends beyond harmful comments and needs to be rooted out of our systems, policies and societal norms. It happens in hospitals, where Indigenous Australians and Australians born overseas have higher preventable hospitalisation and mortality rates. It happens in schools, where high attrition and low levels of aspiration for further study have been connected to fear of cultural isolation or racism in higher education. It happens in the justice system, where Indigenous Australians are 14.5 times

more likely to be incarcerated. It happens in Parliament, where there is a lack of power sharing with diverse groups, acknowledging inherent barriers for non-Anglo-Celtic people accessing political spaces. We all have a duty to recognise these barriers and address them at their roots. With that responsibility comes the need for care and consideration when engaging in public discourse, particularly around this bill and other legislation that could incite harm. Political leaders have a duty to debate laws in good faith, and this bill is about protecting people. That protection should extend to how we speak about communities both inside and outside this chamber.

The Greens stand for laws that protect every person's right to live free from vilification and for a society that respects difference and champions inclusivity. We would like to extend a huge thankyou to a list of stakeholders, who have been very generous with their guidance, including the Victorian Aboriginal Legal Service, the Federation of Community Legal Centres, the Fitzroy Legal Service, the Human Rights Law Centre, the Jewish Council of Australia, the Islamic Council of Victoria and Equality Australia. We sincerely appreciate your time in shaping the amendments with us for this bill.

But we must also work to refine these proposals to ensure that they do not inadvertently create new forms of injustice. This bill is not just about legal reform. It is for the Muslim women getting their hijabs ripped off. It is for the security guard in Ballarat who had his turban ripped off. It is for the worshippers at the Adass synagogue attack in Melbourne. It is for every person with a disability, who often feels invisible in the eyes of the law. It is for every LGBTQA+ gender-diverse individual abused and attacked for their gender expression. This bill is about breathing out an unequivocal message: hate, discrimination, racism and vilification do not belong in this society. This government has a responsibility to ensure that this bill roots out racial and power inequalities and that this bill promotes full equitable participation and full protection for marginalised groups against hate, vilification, dehumanisation and incitement.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (19:38): It is a privilege to have the opportunity of taking this bill through the house. Let me be absolutely clear: this bill is for the community and the many ordinary people who have been seeking better protections for years. The bill is not about protests. The bill is not for lawyers, for academics, for those who want to intellectualise about the theoretical good or application of the laws. These are practical reforms informed directly by the communities who seek better protection and continue to experience abhorrent vilification.

As people may have heard me say before, particularly when I had responsibility for this legislation, the bill is for the Muslim woman who told me she is fearful of using public transport because she has been previously vilified and threatened to be pushed off a tram for being black and for wearing the hijab; the parents of Jewish schoolkids who will not allow their kids to travel into the CBD wearing their school uniforms, a Star of David necklace or a kippah because of increased antisemitic attacks; and the young man who told me he is queer and has had to take absences from school because he is viciously bullied due to what he looks like.

I am certainly not saying that every community member agrees with the exact landing of each provision of this bill, but we have struck a balance that is practical and meaningful for diverse communities, particularly those that are seeking protection.

I will take the opportunity to just run through some of the amendments. The content of the bill has been well ventilated through previous speakers, but this will facilitate the next stage. There are a number of amendments that the government will not be supporting, the reasons for which I will explain. The opposition are proposing to remove the words 'with the protected attribute'. There has been a lot of unhelpful back and forth about four little words in the civil protections in this bill. The reality is that this is a reductive tactic from those opposite. We cannot understate the inherent subjectivity of unlawful vilification. Whose perspective about what is relevant to assess if something is misogynistic – would that be a man or a woman? Whose perspective is more relevant to assess if a

remark is antisemitic – a Jewish person or someone who is not Jewish? Whose perspective is more relevant to assess if a person with a disability was vilified?

The test of unlawful vilification from the objective standard of the reasonable person from the relevant group is one that courts and tribunals are really familiar with and is already used in other jurisdictions. I would point out it did receive bipartisan support in the recommendations handed down by the parliamentary committee inquiry. Amending the provision to remove the words 'with the protected attribute' would mean that the conduct that is highly offensive to the targeted group but perhaps not offensive to the broader community would not be captured by these laws. This completely undermines the intent of the harm-based test to protect the most vulnerable members of the Victorian community. We want to ensure that their specific lived experience of harm is truly understood and recognised and that there is a response. The bill retains this test because it recognises the fundamental fact: what may not bother or resonate with me, perhaps in the slightest, may be extremely harmful and cause significant distress to another.

Further, the government will not be supporting any of the amendments put forward by the opposition that have the effect of removing civil protections for Victorians. That those opposite are seeking to leave behind Victorians vulnerable to harm is not necessarily a surprise to many, but that is mainly because we are seeing time and time again the opposition held hostage by extremists in their party. This is despite the fact that community members have been advocating intensely for the civil protections in the bill for many, many years. Supporting the opposition's amendments would in practice mean that civil anti-vilification laws would remain limited to just racial and religious vilification under the Racial and Religious Tolerance Act 2001. There would be no extension of protected attributes, no harm-based tests, no modification to the incitement-based test or civil exceptions and no extension of the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) powers to better respond to vilification. This is a complete lost opportunity.

The Allan Labor government, and the Premier in particular, has been committed to providing protections to all. We, unlike those opposite, are not in the business of cherrypicking who deserves protection and who does not. I maintain that this is an opportunity to send a huge message about what we want Victoria to stand for and what community concerns we should be responding to, particularly to the community members who need protection.

Expansion of attributes has been set out in some amendments that have been put forward by Mr Puglielli on sheet AP49C. I would point out that there have been some substantial, good faith negotiations with members of the Council, including members of the Greens party. However, there are amendments that have been put forward tonight that were not subject to some of those discussions in any detailed way, and the tabling of these amendments was not something that we were actually expecting this evening.

The attributes amendments will not be supported on that basis and also because they were not a direct recommendation of the parliamentary inquiry; they were not recommended by the inquiry and therefore have not formed part of this bill, nor have they informed any meaningful discussion with the Greens party in that regard.

On the inclusion of a positive duty, the government will not be supporting the inclusion of a positive duty. It goes beyond the intention of the bill and would require significant community consultation to ensure that it is effective and efficient. Again, this was not part of the discussions with the Greens political party in any in-depth conversation in the consultation phase of this bill nor between it being introduced into the Assembly and now.

I understand that Mr Puglielli's amendments also propose a review of reforms. There is already a statutory review clause in the bill, new section 189A, therefore it is my advice that the proposed clause would be duplicative and therefore should not be part of an amendment that we would be able to accept.

In positive news there are some amendments that the Greens have put forward that I can confirm will receive support from the government. There have been substantive conversations about these. I think people might remember that it was a deliberate position of the government to ensure, despite having 18 months to two years of consultation with community members in the development of the bill – when it was introduced to the Parliament we knew that there would be fresh attention on it – that we allowed for a lot of community consultation, particularly facilitated by members of Parliament. I do thank members of the Greens and particularly Legalise Cannabis Victoria for their positive engagement in that regard which has led us to some amendments that will be supported. I will run through those quickly.

The government will be supporting the Greens amendments that provide for a statement of intent with this bill; clarify that the reforms are intended to protect all Victorians and also protect Aboriginal and Torres Strait Islander people as well as people who have experienced systemic injustice and structural oppression; clarify that the bill intends to promote full and equal participation without impeding robust discussion that does not vilify or marginalise others based on a protected attribute; obtain DPP consent before prosecutions for alleged serious vilification can commence – and I might have a bit of a conversation with Mr Puglielli about that, because that is agreed to but with some hesitation; clarify that the word 'circumstances' also captures the social, cultural and historical circumstances; and clarify that the religious exceptions are intended to operate in conformity with the doctrines, beliefs or principles of the religion.

We will also be supporting Ms Payne's amendments to bring forward the operation of the civil element of this bill to 30 June 2026 and the obvious consequences of repealing the act to June 2027.

We certainly have an opportunity to deliver practical and impactful reforms to Victorians through this bill. It is incumbent upon us as elected legislators to fulfil our duty in this regard. It is my contention that the opposition have clearly chosen to abandon this duty, and that is of course their prerogative, but in doing so they have sent many Victorians a clear message that they do not care about them.

I am proud of this bill, but it would be remiss of me not to put on the record that this bill is due to an enormous amount of cumulative hard work and emotional, painful and moving experiences. I would like to thank all of those who have participated in the process of getting us here, both in consulting on the bill but also in with the many submissions that were made to the parliamentary inquiry, which was a few years ago now. I would also like to thank the Attorney-General in the other place for all of the work that she has done to ensure that we are in this position today. I am not pre-empting the conclusion of the bill, but hopefully it will pass in the Parliament this evening.

I have said this before and I will say it again: it is a once-in-a-generation opportunity for us to protect all Victorians from hate and vilification. I commend the bill to the house.

Council divided on motion:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Noes (17): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (19:57)

Evan MULHOLLAND: I will start by saying that this bill is a significant piece of legislation in addressing an urgent issue in Victorian civic life. Sadly, we have seen an unprecedented rise in prejudice-fuelled hatred, violence and assaults on our streets, and it is deeply shameful that Victorians of certain faiths feel unsafe visiting central business districts or attending places of worship. It is also deeply disappointing that we have had members of certain political parties in attendance where hateful things were said and that they have had no condemnation whatsoever.

I will point out that we welcomed the provision allowing Victoria Police to bring charges for prejudice-motivated crimes without requiring the approval of the Director of Public Prosecutions, the DPP. Since its introduction in 2001, the Racial and Religious Tolerance Act 2001 (RRTA) has resulted in only four convictions, despite a far higher incidence of prejudice-fuelled crimes. Victoria Police has sought to lay charges under the act only to be blocked by the DPP, and removing this barrier, except in cases involving minors, where oversight remains appropriate, would have been a positive step.

Can I restate that the Liberals and Nationals fully support the expansion of the list of protected attributes beyond race and religious belief to include disability, gender identity, sex, sex characteristics, sexual orientations and personal association with individuals possessing these attributes. These communities are some of the most vulnerable in our society and they deserve legal protections rather than smears about the position of the Liberals and Nationals. We do support the expansion of those attributes, and we fully support the criminal provisions in the bill. What we do not support is the reasonable person test – that is, conduct that may 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. Legal tests must be and should be objective, as is the concept of a reasonable person, but the government moves away from the reasonable person in this new harm-based civil protection and now it is only the reasonable person with the protected attributes.

Minister, since its introduction in 2001 the Racial and Religious Tolerance Act has resulted in only four convictions despite a far higher incidence of prejudice-fuelled crime. Do you believe that removing the provision allowing Victoria Police to bring charges for prejudice-motivated crimes without the prior approval of the Director of Public Prosecutions would be a weakening of these laws?

Jaclyn SYMES: I thank Mr Mulholland for his question, although he is asking me for an opinion, which I am not inclined to provide. But I will have a conversation with you about some of the comments you have made and indeed the applications. First of all, I was a little concerned about the way you articulated the past experiences of four particular cases being blocked by the DPP. I think that is a really unfair characterisation of the important work that the DPP do. The DPP's job is to assess the case and the prospects of the case and whether it is both in the interests of justice and has any prospects of actually being successful should they proceed with it. For the DPP to just wave through cases would be not advancing the interests of justice and in fact that is not their job. I think the changes in the proposed bill will mean that the thresholds are lower, which means that both police and the DPP will have stronger cases against people who offend these laws.

I am accepting of the Greens amendment for the inclusion or the retention of DPP oversight and approval for some of the reasons that they have raised. There is some merit in that. But I do pick up on your hesitation, Mr Mulholland, because I share it in that in some instances it may be a barrier or an administrative burden, and it might clog up the courts and slow things down. I think this is about balance. I think if the Greens have convinced the Attorney-General that this is an amendment worth supporting, it is something that we should keep an eye on because I do not think the intention of the Greens is to create any barriers. It is about protection. There is an argument that we should not dismiss that in certain circumstances it may actually slow things down. I think we should keep an eye on this, but that is not to put a different position to the Attorney in accepting the amendment that the Greens are putting forward.

Evan MULHOLLAND: I might ask some questions of the Greens, if that is all right, and I will go back to the minister. I am happy to have it as free-flowing as possible and leave it all on clause 1 for the benefit of the chamber. If we want to wait till the clauses I am happy to wait for the clauses, but I would have thought that we do not want to be here all night.

The DEPUTY PRESIDENT: Sorry, Mr Mulholland. What are you seeking to do?

Evan MULHOLLAND: I am just seeking to put some questions on the Greens amendments.

The DEPUTY PRESIDENT: We probably do have to wait until they are moved.

Evan MULHOLLAND: That is all right. I am happy to do that.

Aiv PUGLIELLI: For the benefit of the house, we will be withdrawing the amendments under sheet AP49C.

Evan MULHOLLAND: The government, just from reading the second-reading speech of the minister in the lower house, talked up the involvement of both Victoria Police and the DPP to commence prosecutions. As the Minister for Police would, in talking up the involvement of Victoria Police in seeking to have the effect of strengthening the cases in this bill, he said that this would address the risk of improper prosecutions and that a similar safeguard could be found in New South Wales. That is from the government's own second-reading speech. Wouldn't removing Victoria Police allow for more improper prosecutions?

Jaclyn SYMES: No, Mr Mulholland, because the DPP would have to still make an assessment.

Evan MULHOLLAND: At a public hearing on Thursday 25 June 2020 Luke Cornelius said in his evidence to the committee that in regard to the numbers being low for anti-vilification instances:

> … the test in relation to intent is a challenging test to satisfy in terms of us discharging our prosecutorial burden in terms of proving intention. And I suspect that the difficulties that we have encountered in prosecuting these offences are because of evidential challenges in that regard have had a chilling effect on us bringing prosecutions under this legislation.

As police have argued, hasn't this been a barrier for many vilification cases proceeding?

Jaclyn SYMES: Mr Mulholland, the barrier has been the thresholds in the laws. As you have indicated from the comments that you have read out, it is not that there was a lack of incidents; there was a lack of ability for charges to proceed given that it was difficult to prove the elements, which is what we are seeking to address in this bill. What we have done in particular with the criminal offences is we have separated them into two offences: one for incitement of hatred and one for threats. As you have cited the inquiry, I will do the same. They noted that requiring proof of both incitement and threat made the current offences complex and difficult to prosecute. Since the current offences were introduced, there have only been two successful prosecutions, and both the inquiry and the government were convinced that lowering the thresholds would bring about the ability for more charges and more enforcement through the courts.

You are trying to assert that the DPP was the reason that there were low prosecutions. I would contest that assertion and say that it was in relation to the unworkability of the offence, which is what we are seeking to address through this bill.

Evan MULHOLLAND: The government particularly were keen for the assurity of the Parliament, as there were several concerns raised, to add preaching and proselytising back into the religious purpose defence. What do you think the intention was of inserting a line to the end of the amendment that it be in conformity with the doctrines, beliefs and/or principle of that religion? What do you think the intent of that would be? Would the intent of that be to limit religious freedom and limit the religious defence?

Jaclyn SYMES: I will start with the first component of your question because I think you are jumping ahead to amendments that have not been formally put yet. I think that would be where you are going with that question, but you did start with amendments that have been made in the Assembly. The bill does retain the current civil religious purpose exception to exempt conduct engaged in reasonably and in good faith for any genuine religious purpose. I think you suggested that proselytising was an addition in an amendment. My understanding is that was actually not the addition; the addition was preaching. In the Legislative Assembly it was proposed to include specific mention of the word 'preaching' in the religious purpose exception. The amendment was passed. Preaching and proselytising are already captured by the civil religious purpose exception and will continue to be. However, including specific mention of the terms as examples of a religious purpose provides faith communities with greater certainty that these religious activities will continue to be exempt from civil anti-vilification laws. You have gone on to then, I think, conflate your question with the proposed amendment of the Greens to add in some clarifying terminology, which I would contend is consistent with the purpose of exempting conduct engaged in reasonably and in good faith for any genuine religious purpose.

Evan MULHOLLAND: I will not ask about hypothetical amendments. I will speak to your current position, and your current position provides a default commencement date of 18 September 2027 for the civil provisions, while the criminal provisions have a default commencement date of September 2025. The government have explained a number of things needing to occur between now and then in terms of resourcing – in terms of preparing for the introduction of that. Is that date still appropriate in terms of all the preparation for those laws to kick in?

Jaclyn SYMES: As you have identified, it is the government's intention to commence with the criminal elements in the first instance. It very much came through in our stakeholder consultation. As you would appreciate, I led the majority of that in my previous role. It was certainly the priority of the vast majority of stakeholders that the criminal reforms should be brought into effect as soon as possible. There was general consensus that the civil elements could be delayed to ensure that we have the ability to educate, communicate and be ready for the operation of this system.

It is expected that the criminal elements will be relatively straightforward. Victoria Police are pretty confident they know what type of behaviour will fall foul of these laws. When it comes to the civil component, Mr Mulholland, the success of these laws will be them not being exercised very often. If the community education is right, the messaging is right and people are more aware of what is appropriate and what is not in the public, I would hope that we would not be overrun with complaints, because it has been well ventilated what is acceptable behaviour in the state of Victoria. The delay in implementation of the civil elements will hopefully facilitate that outcome.

Evan MULHOLLAND: Just to go into the detail of what has been previously said, the explanatory memorandum states at clause 2:

> The timing of the commencement of the civil provisions is to ensure that affected stakeholders and entities responsible for the delivery of these reforms, have sufficient time to complete all necessary implementation and readiness activities prior to commencement of the reforms in new Part 6A of the **Equal Opportunity Act 2010** and the repeal of the **Racial and Religious Tolerance Act 2001**.

If that date, 18 September 2027, is brought forward, doesn't this mean the affected stakeholders and entities responsible for the delivery of these reforms will now not have sufficient time to complete necessary implementation activities?

Jaclyn SYMES: No. On the contrary, Mr Mulholland, it was with great consideration that we put in a default commencement date of September 2027. I was very conscious at the time, when we landed on that date, that it would be preferable to bring it forward. We gave ourselves quite a buffer, I would say. I was not wanting to necessarily hold out to September 2027, and it was always on the condition that the reforms could commence earlier by proclamation, but as I have outlined before, it is the intention of the government and connected agencies to ensure that these laws are well communicated.

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As I said, the less people breaching these laws or having these laws apply to them the better. In relation to potential opportunities for bringing the commencement date to before September 2027, we have considered that that would be an achievable outcome.

Evan MULHOLLAND: Minister, if the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) and the Victorian Civil and Administrative Tribunal do not have sufficient time to prepare for these significant changes, won't this risk undermining the protection that the law is supposed to provide?

Jaclyn SYMES: Mr Mulholland, I am quite conscious of the fact that in this place we represent other ministers and other members of Parliament, and you are required to ask some questions that have been prepared for you, but I just answered that question in my previous response.

Evan MULHOLLAND: I will go with another question. Given Court Services Victoria, which funds VCAT, has a $19.1 million budget cut this financial year and is scheduled to receive a further budget cut of $58 million in 2027–28, how does the government expect VCAT to cope with the new jurisdiction of this bill at the same time as this government is ripping money of out of VCAT's budget?

Jaclyn SYMES: You do not even have to pretend that you did not write that question. I do not support the premise of your question. As I said, the government has considered the operational ability of these laws. The reforms will have funding, because of course there will be resource implications for VEOHRC and VCAT, Victoria Police, the Office of Public Prosecutions and other justice entities. The funding of the entities tasked with implementing these changes to the law will be subject to the usual budget processes, but as you have just indicated, they do not commence until 18 September 2027 at the latest.

Evan MULHOLLAND: Members of Parliament were advised in the Attorney-General's bill briefing that similar law reforms in Scotland had led to an explosion of civil claims immediately upon their coming into operation. Can the government guarantee the same will not occur in Victoria, particularly as it is tightening the timeframe?

Jaclyn SYMES: Mr Mulholland, it was certainly the government that brought this information to the attention of other parties during our briefing and preparation of the bill. This is also why we are keen to have a staggered commencement, particularly in relation to the civil proceedings. The new hate offences in Scotland came into force in April 2024, including offences for threatening or abusive behaviour intended to stir up hatred based on prejudice towards protected characteristics. We understand that after an initial influx of reports to police reporting significantly reduced and stabilised. The Scottish Police Authority has noted that there was no impact on frontline policing and no material burden or additional workload for officers and contact centre staff.

The new criminal offences in Victoria may have some resourcing implications for the courts and other criminal justice stakeholders such as VicPol due to the potential increase in investigations and prosecutions, but this will be closely monitored following the commencement of the criminal reforms, and in relation to the civil reforms that is the exact reason that we were keen to ensure that we have education and information and we are prepared for day one of operation.

Evan MULHOLLAND: Minister, you have said there will be resource implications for VEOHRC and VCAT. Will there be additional funding for VCAT and VEOHRC as a result of these changes?

Jaclyn SYMES: Again, Mr Mulholland, two answers ago I explained that the resourcing of the entities that are responsible for these laws will be subject to funding bids in the normal budget process.

Evan MULHOLLAND: Minister, as part of the bill briefing process in questions on notice that came back, in response to a question about cases where Victoria Police have sought to lay charges but the DPP has not consented, the Attorney-General's office said, 'Yes, we believe there are cases where Victoria Police have laid charges and the DPP have not consented to a prosecution being commenced.' Would removing Victoria Police from this process have the effect of weakening this bill, given the

Attorney-General's office has confirmed that there were cases where Victoria Police had laid charges but the DPP had not consented?

Jaclyn SYMES: Mr Mulholland, again, you are using experiences from the previous laws to try and formulate an argument that there is an issue with DPP inappropriately rejecting charges. The DPP's job is to ensure that there is a prospect of conviction. That is one of their considerations, and by virtue of changing the threshold and the elements of the offence, that is what will bring about more prosecutions and charges of police proceeding to the courts. VicPol can still seek to prosecute; they just need DPP consent. There are model requirements that the DPP apply to consideration of proceeding with cases, and that is what will apply here.

David LIMBRICK: I would like to pick up a couple of points that the minister spoke about before with regard to the success or otherwise of this bill. I have spoken with the minister about this previously, and I think the minister mentioned that success of this bill would be where it is used infrequently. Is that how we would judge success of this bill?

Jaclyn SYMES: Mr Limbrick, you and I have had this exchange I think before. When you create laws that are in response to behaviour in the community that is unacceptable, you would hope to see a deterrence. You would hope to see an empowering of the majority of the community, who understand what is appropriate and what is not. You would hope that that creates a disincentive for people to act in a manner that is completely abhorrent. We are seeking to ensure that for those that engage in behaviour that causes significant harm and vilifies people based on who they are. I would not like to see lots of charges in this regard. I recognise that it will send a strong message when charges are laid, but the more infrequent they are, the more I would personally count that as a success of government policy. Knowing that you have the ability to take matters to a civil environment that provides the opportunity to explore these issues and educate people will have a positive impact on the community, and I think that hopefully you will see less and less of the need to have these matters dealt with – whether it is through the civil or the criminal systems. Is that a formal measurement? No. That is just what I bring in my approach to laws that are commenced under me as Attorney-General.

David LIMBRICK: The existing regime is under the Racial and Religious Tolerance Act 2001. It was said by the minister earlier that that is used very infrequently currently. It would seem that this is not a good metric of measuring the success or otherwise of this type of law. If we are saying the existing regime does not get used very often and therefore it is not good, and we expect the new regime to not get used very often, is it not the case that this is a very poor metric?

Jaclyn SYMES: It is not a formal metric. What I would base it on, Mr Limbrick, is that under the current system you have got people saying they would like to be able to bring cases and they cannot meet the threshold. Under the changes, we will not have that as the reason that there are infrequent cases, and so that is not a comparable way to describe my view of not having to charge people under these laws.

David LIMBRICK: I would like to ask a question about the amendment to the Bail Act 1977 in clause 40. What was the genesis of this amendment? This is relating to bail for performance of Nazi gestures.

Jaclyn SYMES: As you would appreciate, Mr Limbrick, I am returning to a bill that I left some time ago, but yes the amendment to the Bail Act was picked up and added to this bill as an appropriate vessel. It was required to ensure a consistent bail response to those accused of the display of Nazi symbol offence and the performance of Nazi gestures offence. The need for consistency was highlighted in a case last year where there was an individual convicted of performing a Nazi salute in public on 9 October 2024 and was sentenced to one month imprisonment on 8 November 2024. During the hearing the court indicated that the individual would not be remanded until sentencing despite indicating that it would impose a custodial sentence. In the context of the bail decision the magistrate commented that the discrepancy between the availability of remand for the display offence

and the performance offence was anomalous and suggested that it be rectified. That is what we are proposing to do through this bill.

David LIMBRICK: If I recall correctly, we had a very similar discussion when that salute bill went through Parliament. I believe I asked the Attorney at the time about the success metric of this bill. I think the response was something along the lines of 'If the law is successful, it won't be used. It'll be an effective deterrent.' Was it not the case that only days after it came into effect someone was actually charged with this law?

Jaclyn SYMES: Mr Limbrick, we created a law to apply in appropriate cases.

David LIMBRICK: If the minister would recall, I had the concern at the time – and I still hold that concern, and I would be interested in the minister's response – that this type of law would effectively create martyrs for these types of extremists. Wasn't I correct in what actually happened?

Jaclyn SYMES: Mr Limbrick, obviously the laws have not been in place for very long. I have not seen a prolific display of people breaching the laws. This individual was sentenced to one month imprisonment for flouting those laws.

David LIMBRICK: Is the minister aware that this movement that this individual belongs to has been using this conviction as a method of recruitment?

Jaclyn SYMES: Mr Limbrick, the laws that passed the Parliament were in relation to preventing and responding to really hurtful conduct in the community – that is the purpose of that legislation. That individual was conducting that type of behaviour before the legislation came into effect as well.

David LIMBRICK: I would say that that means that the legislation has not been effective, nevertheless. Earlier on there was some discussion, in fact in the minister's summing-up, about the backwards and forwards between the government and the opposition about the reasonable person test of someone with a protected attribute. If someone is a reasonable person without the protected attribute, how would they know what is or is not offensive to someone with the protected attribute? How would they know what is offensive to all of these different classes?

Jaclyn SYMES: Can you clarify the person that you are expecting to form that view, and are you referring to the courts?

David LIMBRICK: No. I mean someone expressing some view, a member of the public. They have to obey these laws, and the minister said earlier the best person to understand whether or not something is offensive is a person with that particular attribute. Therefore the implication is that someone without that attribute would not understand what is and is not offensive. Therefore people communicating ideas could not understand, according to the minister's own definition, whether or not something is offensive to someone with that particular attribute.

Jaclyn SYMES: Mr Limbrick, as you have identified in my summing-up, I made the points of why it is imperative that we have a test that refers to the protected attributes of people and people from that perspective. It is the whole purpose of the test. It is the fundamental component that will make this law meaningful. I think what you are referring to is potentially concerns about whether someone would inadvertently contravene these protections because they were unaware that it was offensive or perhaps not offensive enough. There are still reasonably high thresholds that people have to meet before saying something that is merely offensive – if it is merely offensive it is not going to meet the test. But could a person inadvertently contravene the harm-based protection if the harm is assessed from the perspective of a reasonable person with the protected attribute is the question I think that you are getting to, and the answer would be no. It is unlikely that a person would inadvertently contravene the harm-based protection because of the threshold of the harm-based test being high. It captures conduct that is hateful, seriously contemptuous, reviling or severely ridiculing of another person or group because of their protected attribute. It would not capture conduct, as I said, that is merely offensive.

The proposed test is also consistent with comparable jurisdictions and therefore has been seen in operation.

David LIMBRICK: So if it is possible for a reasonable person without a protected attribute to understand what is and is not offensive to someone with a protected attribute, why does the test have to be someone with that protected attribute? That does not make logical sense, does it?

Jaclyn SYMES: This is about the harm that it causes and responding to that harm. What is said to one person is potentially meaningless to another. Assessing harm from the position of a reasonable person with the same protected attribute recognises that people from different groups may have different lived experiences. Some types of conduct are incredibly hurtful and incredibly harmful to certain groups due to the way those kinds of conduct have been used to demean or potentially exclude them. For example, this would allow VCAT and the courts to consider the context of the Holocaust and Jewish people's experiences of violent antisemitism when considering whether the alleged antisemitic conduct towards a Jewish person is reasonably likely to be hateful. It is important again, as I stressed in my earlier answer, that the threshold of the harm-based test is high. It does only capture conduct that is hateful, seriously contemptuous, reviling or severely ridiculing, and does not capture low-level offensive commentary. As I have outlined in a variety of reasons, Mr Limbrick, this is a test that is not something that we have made up. This is ensuring that we are responding to the people who have been experiencing unacceptable conduct that we think should be addressed through changes to our legal settings.

David LIMBRICK: There are many things that someone could say that someone with a protected attribute might find highly offensive that the person saying it would not be aware of. I find this quite strange, the idea that someone who does not have a protected attribute cannot say something without knowing that it is offensive. Isn't that an odd and illogical position – because in order for me to understand whether or not something is offensive to someone with a protected attribute, I have to first understand that person's perspective, and if I do not understand that person's perspective, I could inadvertently, quite happily, do something that is very offensive to that person, surely, couldn't I?

Jaclyn SYMES: Inadvertently and happily engage in conduct that is hateful, seriously contemptuous, reviling or severely ridiculing of another person because of a particular attribute? I do not agree with your position.

David LIMBRICK: There are many cases of this, in fact. There are many people that find talking about scientific reality offensive. I do not accept the idea that someone might just simply state reality and someone might be offended by that.

Jaclyn SYMES: It will not be captured.

David LIMBRICK: Why won't it be captured?

Jaclyn SYMES: Stating a fact about a scientific belief is not going to be captured by laws that are about ensuring people are not vilified because of a protected attribute.

David LIMBRICK: That is an interesting response. I will go on to some of these terms that are in the explanatory memorandum. It does provide some guidance for 'incite' and what it means. It specifies 'hatred', 'serious contempt', 'revulsion' and 'severe ridicule' – they are intended to take their ordinary meaning – and it excludes, in these terms, 'mere contempt, distaste and ridicule', 'seriously unkind' conduct and 'bad thoughts'. But it does not define the comparison between these terms. How do we determine whether something is distasteful or ridicule or severe ridicule, for example, or unkind conduct compared to hatred?

Jaclyn SYMES: Mr Limbrick, as with the Racial and Religious Tolerance Act, which has been in place for some time, the bill does not define these terms, but as is very often the case when we create laws, we look to the courts in relation to how they would apply them. The courts have considered the terms, and they should be given their natural and ordinary meaning and describe the strongest possible

or extreme feelings of dislike. The ordinary dictionary meaning of ‘hateful’ is to detest or to excite a strong passionate dislike. ‘Seriously contemptuous’ is to regard something as seriously vile or worthless. ‘Reviling’ is to criticise in an abusive manner, and ‘severely ridiculing’ is conduct that excites severe derision. These terms are intended to capture the more serious types of conduct and not conduct that is merely offensive or the terms that you referred to in your question.

David LIMBRICK: Is it the case that religious extremists have protected attributes as well under this law?

Jaclyn SYMES: It is difficult for me to provide a case-by-case answer to different people’s attributes when you have just given me a broad view of somebody. It depends on their attributes and if they have been offended.

David LIMBRICK: I will make it clearer then. If this bill is enacted, will it be legal to ridicule religious extremists?

Jaclyn SYMES: Mr Limbrick, as I said, referring to my previous answer, it is unclear what the hypothetical example you are referring to involves in relation to what somebody has been ridiculed for, but as is regularly the case in legislation such as this, I cannot be drawn into case-by-case applications of the law.

David LIMBRICK: I am not talking about hypotheticals; I am talking about real application of this law. Many terror groups have their origins in religious beliefs. Therefore aren’t terror groups in some way protected by this type of law? They have the protected attribute of their religious belief, surely.

Jaclyn SYMES: Mr Limbrick, I have answered your question.

Gaelle BROAD: I would like to ask a question about part 2, the criminal provisions, and clause 4, which inserts new division 2D, ‘Serious vilification’. New section 195M, which is about the definitions, expands the list of protected attributes in the criminal law, and new section 195N creates a new criminal offence of ‘Incitement on ground of protected attribute’. Part of the legal test in new section 195N(1)(a) is that a 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 …

Why has the government chosen a legal test that does not require the conduct to have the prohibited effect?

Jaclyn SYMES: There were a lot of references to clauses, so it took me a while to follow your question. Let me see if I give you the right answer, and that will determine whether I understood your question right. ‘Conduct that is likely to incite hatred’ means conduct that a reasonable person would have known or foreseen would be likely to incite hatred. It is an objective test. For example, in *Cottrell v. Ross*, 2019, when the court considered whether the accused conduct was likely to incite serious contempt for a group with a protected attribute it found that posting a hateful video on social media to a group of like-minded followers was likely to incite serious contempt. The current offences require proof that an accused intentionally engaged in conduct they knew was likely to incite hatred, as you have indicated. The inquiry recommended replacing this subjective test because proving that an accused actually knew their conduct was likely to incite hatred is difficult, and that is where we fall into some of the issues that Mr Mulholland was referring to in relation to the operability of the previous laws that we are seeking to replace.

Gaelle BROAD: Why is ‘likely to’ sufficient to constitute a crime that can lead to three years jail?

Jaclyn SYMES: As I indicated in my previous answer – and I gave you some case examples, Mrs Broad – what we are concerned about is that the existing laws are not being used to respond to this concerning behaviour, and that is what we are seeking to address. In relation to the incitement

offence, it captures offences of any activity or combination of activities that meet the offence thresholds. As I said, it can include a range of really harmful activities, but there are still standards that apply. New offences and making them easier to apply to this conduct were a large consideration of the parliamentary inquiry, because their recommendation was that offences should apply to both intentional and reckless behaviour. This was recommendation 20. The fault elements refer to an accused's state of mind at the time they are alleged to have committed the offence – they are 'intentional' and 'reckless' for that reason. They were some of the considerations. In relation to the penalties, that is what was deemed a maximum appropriate penalty for such offensive behaviour.

Gaelle BROAD: Why does the government believe that severe ridicule is a necessary part of the criminal definition in section 195N? Hatred is a higher bar, but severe ridicule lowers the bar for an indictable offence.

Jaclyn SYMES: Mrs Broad, this is terminology that has existed in the RRTA for some time and in other jurisdictions, and it has been demonstrated to be an appropriate element for proving vilification. There is case law to that effect.

Gaelle BROAD: There is no carve out for private conduct in this offence. Can the government rule out that a person telling a poor joke in their own home could be guilty of committing an offence if the joke was severely ridiculing of a group of people with a protected attribute?

Jaclyn SYMES: I think that is a big leap that you are taking from expressing the impact of a joke. The legislation and the position of the government is that Victorians are entitled to hold opinions without interference and to seek, receive and impart information and ideas of all kinds; we accept that that is part of a healthy democracy, and we think it is vital to political discourse. This is not what this bill is about, but articulating opinions in a way that incites hatred against a person or group or threatens people and property is not something that we would maintain is remotely acceptable nor is it protected under the charter or the Australian constitution. The serious vilification offences prohibit serious hateful conduct that would be likely to incite hatred, serious contempt, revulsion or severe ridicule against a person or group or threaten physical harm or property damage; they are significantly higher thresholds than expressing an opinion or making a distasteful joke at the expense of a person or group.

Gaelle BROAD: Sorry, can you just clarify that? I guess I just want to understand: is there any exemption for people telling jokes?

Jaclyn SYMES: Mrs Broad, as I said, it is a high threshold; expressing an opinion or making a joke at the expense of somebody else is exactly what I am saying – it is about expressing an opinion or making a joke at someone's expense. What we are trying to capture is conduct that amounts to serious vilification – that is, hateful conduct that would be likely to incite hatred and basically encourage people to inflict violence or exclude someone or hurt someone or chase them. This is the conduct that is happening out there in relation to incitement. Having a poor joke is not something that I would encourage, but there is no specific exemption; the behaviour that we are trying to prevent is not normal conversation as you have articulated it.

David LIMBRICK: I would like to ask the minister: on the jurisdictional limits of this law, does someone committing these offences have to reside in Victoria?

Jaclyn SYMES: Mr Limbrick, I have got a bit of information obviously on this. So the offences will apply to conduct where there is a direct link to Victoria – for example, if an accused outside Victoria engages in inciting or threatening conduct on the grounds of a protected attribute towards a person or group, offences will apply. We are not seeking to regulate all vilifying conduct that occurs beyond Victoria's borders; the offences will only apply to conduct where there is a direct link to Victoria. Where there is no link to Victoria via the accused or the person or group the conduct is directed at, the offence will not apply. Obviously there are enforceability issues in relation to the online world and the like, not to mention the identification of those that may offend the laws. There will be

challenges and complexities in regulating transborder criminal conduct, as there are in a range of offences of this nature.

David LIMBRICK: There is a recent case – I know the minister will be reluctant to talk about actual cases – where a Victorian was the offender against someone in Queensland. This woman was a breastfeeding expert, and someone who was a biological male claimed that they could breastfeed. This woman said, 'No, men cannot breastfeed', and she was dragged before the Queensland Human Rights Commission. Are you saying that we could do the same thing to Queensland, for example?

Jaclyn SYMES: Victoria Police have various investigative powers which allow them to investigate conduct that occurs outside Victoria in order to decide whether there is sufficient evidence to charge an individual with a criminal offence in our state. Victorian law enforcement agencies regularly engage with their colleagues in other jurisdictions, which is likely what happened in the example you have provided. This can extend also to Commonwealth and international jurisdictions, all with the view of investigating and enforcing Victorian laws that involve accused from outside Victoria. If Victorian laws do not apply, another jurisdiction's may apply. For example, the Victorian serious vilification laws would not apply to a person in New South Wales who threatens physical harm towards another person in New South Wales on the grounds of religion, because there would be insufficient link to Victoria. However, the conduct may be captured by New South Wales laws.

David LIMBRICK: Earlier the minister expressed surprise or bemusement at the idea that someone could get in trouble for stating scientific reality, but that is exactly what has happened in this case in Queensland. Surely the exact same thing could happen here, couldn't it?

Jaclyn SYMES: Stating an opinion of fact would only be captured by these laws if it goes to vilifying somebody on the grounds of an attribute.

David LIMBRICK: And that is what happened in this case, apparently. I would like to go to clause 13, which talks about the disputes process. As per clause 13 dispute resolution is voluntary, but how effective will unnamed representation be if respondents can opt not to participate against representative organisations at their discretion?

Jaclyn SYMES: Mr Limbrick, I might just take you through the policy rationale for us landing here. Currently representative organisations such as religious or community organisations can bring a vilification dispute to VEOHRC or an application to VCAT on behalf of a named person or group. To bring a complaint, each represented person must be entitled to bring a complaint and consent to it being brought on their behalf by the organisation. The representative body must also have sufficient interest in the complaint, and if it is brought on behalf of more than one person it must be in relation to the same conduct. The bill before the Parliament today enables a vilification dispute to be brought to VEOHRC on behalf of an unnamed person to recognise that in some circumstances people may not feel comfortable putting themselves forward or safe to identify themselves through a dispute resolution process. This is something that was also picked up by the inquiry in recommendation 29 to enable a representative organisation to bring a complaint to VEOHRC without needing to name the complainant, but VEOHRC does need to be satisfied that the person represented is entitled to bring a dispute, the person has consented to it being brought on their behalf and the representative body has sufficient interest in the dispute. VEOHRC may be satisfied of these requirements without having to know the identity of the person or persons being represented.

David LIMBRICK: If a respondent to a VEOHRC dispute resolution process opted to raise the matter with VCAT instead, would they be raising the dispute against the representative body or the unnamed complainant?

Jaclyn SYMES: This is only in relation to VEOHRC; you cannot be anonymous in VCAT.

David LIMBRICK: That gets to my point, actually, Minister – that if the respondent opted to go through VCAT, the complainant would not retain their anonymity, would they?

Jaclyn SYMES: Not necessarily, but what we were referring to was, as you put out, new section 114A, and this is about the ability for representative bodies to bring a dispute for unnamed persons.

David LIMBRICK: Does the conduct that someone might be accused of under this need to be directed at a particular person for them to complain or can it be directed generally?

Jaclyn SYMES: Mr Limbrick, there certainly has to be a link. As you will appreciate, the legislation is proposed to apply to those with a protected attribute or somebody who is associated with someone with a protected attribute – for instance, a parent of a child who has a protected attribute that is subject to the laws.

David LIMBRICK: Maybe it would be helpful if I clarify a bit. For example, let us say I have a protected attribute, and I see something on the internet that I find highly offensive or to be severely ridiculing my protected attribute – it is not directed at me personally, but it is directed at people with my protected attribute. Can I launch a complaint against the person who communicated that thing?

Jaclyn SYMES: Mr Limbrick, to bring a civil anti-vilification dispute to VEOHRC or make an application to VCAT a person must claim that another person has contravened the protection in relation to them or their group. This requirement is the same as for bringing a discrimination, sexual harassment or victimisation complaint under the Equal Opportunity Act 2010.

David LIMBRICK: If I understand the minister right, that would apply because I am a member of that group. This ridicule is directed at my group, and therefore I can bring a complaint against that person. Is that not the case?

Jaclyn SYMES: Mr Limbrick, as I have outlined, a person can bring a dispute to VEOHRC or make an application if the protection has been contravened in relation to them. For the new harm-based protection they will also need to claim that they have the relevant protected attribute and were part of the audience of the alleged conduct.

David LIMBRICK: Can I just clarify the audience of the alleged conduct: if I am using a social media account, then I am an audience of everything on that social media platform, aren’t I? So basically everyone using social media would be an audience of that alleged conduct, wouldn’t they?

Jaclyn SYMES: The steps that I have taken you through are to ensure that only people directly affected or targeted by the conduct are able to make a complaint.

David LIMBRICK: Can I just clarify something with the minister: the minister just said only people that are targeted by the complaint, but I thought the minister said earlier people with those particular attributes that are targeted by the complaint. Couldn’t it target a group with the attribute rather than a particular individual?

Jaclyn SYMES: Yes, but if you are part of the group, you can be affected.

David LIMBRICK: Back to jurisdictional issues: in, for example, defamation cases it is often the case that the identity of the person committing this conduct is unknown and therefore there needs to be legal action taken on a social media company or through some internet service provider or something to find the identity of the person that did it. For persons that are essentially anonymous – say a social media account that is not named – how would VEOHRC identify who that person actually is, and would they have the legal power to be able to figure that out?

Jaclyn SYMES: Yes, you are touching on areas where the enforceability of some of the provisions when you cannot identify a perpetrator is quite difficult. That applies to a range of offences, particularly those that can be committed by carriage of social media and the internet. Obviously, for the criminal component police have a range of investigative powers that they could exercise. There is provision for VEOHRC to seek orders from VCAT in relation to production of information and the like, but these are not new challenges.

David LIMBRICK: I understand that in criminal cases it is already the case that if people commit criminal conduct online that is anonymous the police have the power to use legal means to obtain the identity of someone through issuing notice to a social media company or something like that. But what I am getting to is: if someone under the civil provisions was anonymous and directed severe ridicule, for example, to someone with a protected attribute, how could VEOHRC actually find out who they were? There is no named person. VEOHRC would need to force that company to hand over the details, as the police do currently for criminal investigations. But how could VEOHRC actually know who they were?

Jaclyn SYMES: I think that is the conversation we have been having, Mr Limbrick. VEOHRC can obviously hear matters about online vilification. Some of the barriers that you have indicated can be dealt with by VEOHRC if there is agreement between the parties, and this could include public apologies or an agreement to remove the online content, so that could apply to a platform. The outcomes at VEOHRC can include an order for a person to remove material from an online publication, so there are avenues for removal of material that might fall foul of the laws, despite the fact that they might not be able to identify a particular perpetrator.

Gaelle BROAD: I would not mind going back to 195N where it talks about the criminal definition. The government has stated that the offence is not intended to capture mere contempt, distaste and ridicule or seriously unkind conduct or bad thoughts. I know you touched on this perhaps earlier with Mr Limbrick. How does the government distinguish between seriously ridiculing conduct, which will be illegal under this bill, and seriously unkind conduct? How confident can the government be that one will be criminalised and the other not sanctioned?

Jaclyn SYMES: Mrs Broad, I went through the expectation of the courts in relation to their interpretation of these laws. The language is not new to them. Just let me find my section and I can read it back out for you. Obviously these are matters for the judiciary to determine. But in relation to the incitement offence in particular – because you are talking about 195N – a person commits the new incitement offence if they engage in conduct that is objectively likely to incite hatred against, serious contempt for, revulsion towards or severe ridicule of another person or group of persons and they do so on the ground of the protected attribute of the other person or the group, and if they either intend their conduct to incite hatred against, serious contempt for, revulsion towards or severe ridicule of the other person or the group or believe their conduct will probably incite hatred against, serious contempt for, revulsion towards or severe ridicule of that other person or group. These are subject to legal precedent and, as you have indicated, it is not intended to capture merely offensive or unkind conduct or mere distaste or ridicule that was established in the Cottrell and Ross case that I referred to earlier.

I went through this with Mr Limbrick. Were you here when I went through the dictionary meanings? Yes. Okay, I do not need to repeat that.

Gaelle BROAD: Previously under the Racial and Religious Tolerance Act the criminal offence required proof that the accused knew that their conduct was likely to incite hatred. Why has the government removed this requirement from the legal formulation for the offence in this bill?

Jaclyn SYMES: It was based on both a parliamentary inquiry and feedback from the police and the courts that the threshold was too high and that the appropriate setting is ‘likely’, and we have followed the advice from both stakeholders.

Ann-Marie HERMANS: Minister, I heard you answering some of the questions. Could you perhaps help me to understand and clarify some of the answers that you have given? The bill provides that if any of the inciting conduct takes place in Victoria, it does not matter whether a person against whom the offence was committed was outside Victoria at the time. I heard your answer to Mr Limbrick. I am trying to clarify if the answer I heard to the question I am about to ask was yes, and I would like to understand further: does it mean that an activist who lives in, say, New York or London or Timbuktu could make a complaint to Victoria Police about, say, a private email received from a

Victorian that they found severely ridiculing? Is that what you are saying – that they can actually from outside, internationally, take a complaint to Victoria Police about a private email and the contents of it?

Jaclyn SYMES: Without getting into the specifics of the vague example that you provided, I think what your question is about is the jurisdictional application of the laws. I can take you back through some of the commentary that I went through with Mr Limbrick. There has to be a link to Victoria. There are investigative powers for Victoria Police to extend beyond Victoria for the purposes of applying the laws, but it is not without its challenges, as we said in the exchange before.

Ann-Marie HERMANS: My understanding is that the answer is yes and that that would be –

Jaclyn Symes interjected.

Ann-Marie HERMANS: You did not say no either, so you said that it is possible.

The DEPUTY PRESIDENT: Mrs Hermans, try and stick with the minister's answer rather than your answers, please.

Ann-Marie HERMANS: Minister, I am just trying to clarify. It is still a bit vague. It does not seem to completely clarify what I was asking in terms of this context, but let us just move on. Section 195Q removes the requirement in the Racial and Religious Tolerance Act 2001 for the Director of Public Prosecutions to give written consent for prosecutions of adults. That would be removed from the act. As the DPP prosecution policy notes, consideration of reasonable chance of conviction and the public interest is required when providing consent. Has this requirement for written consent been removed so as to ensure more prosecutions of cases which have a less than reasonable chance of success?

Jaclyn SYMES: No, that is not the intention.

Ann-Marie HERMANS: In terms of physical harm and property damage, section 195O establishes the 'threaten physical harm or property damage on ground of protected attribute' offence. The maximum penalty proposed is five years jail, whereas previously under the Racial and Religious Tolerance Act the maximum was six months jail. What is the reason for the tenfold increase in the maximum penalty?

Jaclyn SYMES: Two-plus years of consultation is what has led to an increase in penalty to reflect the seriousness of this behaviour. The maximum penalty for the threat offence will be five years imprisonment, compared to a three-year maximum for the incitement offence. The higher maximum penalty for the threat offence recognises that, while inciting hatred is a serious offence, threatening actual physical harm to a person or damage to property is objectively more serious. The five-year maximum penalty is consistent with other existing threat offences and with other comparable offending. A range of sentencing options below the maximum penalty will also be available for appropriate cases and may include fines, community-based orders, restorative justice and the like. The reforms will increase the maximum penalty for the incitement offence to three years, as I have indicated, and that is in line also with similar offences in Victoria, which is something that we strive to do for consistency.

Ann-Marie HERMANS: This offence covers both intentional conduct and also reckless conduct. Given the significant increase in the maximum penalty, is the government confident that a person acting recklessly should be facing the same maximum penalty as a person who acts intentionally to threaten physical harm or property damage?

Jaclyn SYMES: Again, the inclusion of reckless as an offence was identified by both the parliamentary inquiry and also feedback from Victoria Police in relation to the difficulty of ensuring that these charges could apply where appropriate. Recklessness is still a high threshold, and obviously the difference between reckless and intentional would be taken into account in sentencing.

Ann-Marie HERMANS: Section 195Q provides that Victoria Police or the DPP may bring a prosecution for either of the new criminal offences; however, the DPP must consent in the case of a person under the age of 18 years. What is the reason for this?

Jaclyn SYMES: This is a common feature in relation to a protection mechanism for vulnerable cohorts. The DPP is regularly asked to provide consent where alleged offenders are under 18. It ensures that the unique vulnerabilities and characteristics of children are considered before proceeding with criminal charges.

Ann-Marie HERMANS: Just for my own clarification too, recently we had a situation where some nurses were recorded on a video inciting hatred for another particular race and religion. In the case of that recording being released to the public, it also would have caused – and did cause, as I understand it – some damage or concern to those who were in the video. So in that case, where does the act apply? Does it apply to both the person who created the video and released it and those who were speaking on the video that were inciting hatred? Because once the video is released it could also cause problems for those that were in the video who were representing yet a different religion. I am just trying to understand: would it be that both would be in a situation where this law would apply and both would be in breach of the vilification law if this passes?

Jaclyn SYMES: Mrs Hermans, I might just get some advice from the box, because I am obviously quite reluctant to refer to a case that is currently before the courts. It is a matter that is in New South Wales, so it is not particularly relevant to this legislation. I was also a bit confused about whether you were asking whether people are vilifying themselves. In relation to the dissemination issue, let me see if I can address that.

A creator of material and a disseminator of material could both be caught under these laws, without reflecting on the specific example that you provided.

Ann-Marie HERMANS: I know you do not want to do specifics, but just so I can understand this, let us take that in the time of the lockdowns there were unvaccinated pastors that actually had church, and they went to church and then were put in the papers. Would that mean that that church and all of its people could then turn around and say that because the pastor had been put in the papers and had been imprisoned for breaking the law, they felt vilified themselves because it was actually giving their church and their religion a bad name? Could they be prosecuting in the vilification laws?

I feel like we are opening up Pandora's box here. You are saying that dissemination of material can be something that people take an issue with according to this law, and therefore this could be applying to absolutely every article that is ever written that somebody could take offence to or anything that is out on YouTube at all. I am just trying to clarify. Is that what you are saying, that dissemination of any information that a person or group takes offence to can actually have this law applied to it and they can then say that they feel that it is a vilifying situation? Is that what you are saying? Can you please clarify, Minister.

Jaclyn SYMES: I can absolutely confirm I am not saying what you just tried to articulate. There are a range of concerns I have with the way you articulated that question. First of all, you are referring to vaccination status. That is not a protected attribute, so I would fully remove the example that you have tried to use to understand the application of the law, because it is not helpful. It would not apply.

Religion is a protected attribute, yes, but in the way you have characterised the question, you are trying to create a situation where you rule in or rule out that particular example, and that is particularly unhelpful. I cannot and will not answer that because it is an example that just does not apply in this situation in the way you have articulated it.

What I think you are getting to, the crux of your question – which I do not think actually needs an example – is in relation to dissemination and whether public conduct could include dissemination. Ultimately the courts and tribunals will determine if conduct is public after taking into account the

facts of a particular case. Again, I do not believe that the way you characterised that question is helpful in any way in explaining the application of that particular clause.

David LIMBRICK: I would like to take the minister back. Earlier I asked some questions about clause 13 and the disputes process, and forgive me if I did not hear your answer correctly. I was asking a question about an anonymous complainant. If a respondent opts to go to VCAT, will the anonymous complainant remain anonymous, or will the representative body represent them in VCAT? Who from the complainant's side is representing in VCAT?

Jaclyn SYMES: You cannot bring a complaint in VCAT against an unnamed complainant.

David LIMBRICK: If that is the case, how does that work if the complainant is anonymous and the respondent opts to use VCAT? How is that actually going to work?

Jaclyn SYMES: The purpose and intent of enabling VEOHRC to deal with matters that involve a complainant represented by a group is particular to VEOHRC and will serve a purpose for bringing parties together where someone is concerned about identifying themselves – as the particular victim, for example. That is a different process to VCAT. We think it is appropriate for this to be facilitated in the VEOHRC environment.

David LIMBRICK: The government has amended the religious exemptions to include preaching and proselytising, but these terms are not defined. Could the government provide a definition for these terms?

Jaclyn SYMES: Mr Limbrick, I was just conferring with the box, because I was of the view that there is a definition of 'proselytising' in the current Racial and Religious Tolerance Act. I am just double-checking that. The answer that you would expect from me is that they are to be given their ordinary meaning, and I guess in justifying or giving a reason as to why there were amendments in the Assembly to add the terms, it was about making sure that people are clear on what is captured by the religious purpose exception. That was something that was brought up in consultation and feedback about conveying or teaching a religion or proselytising. Currently the definition of 'religious purpose' is 'conveying or teaching a religion or proselytising', but this is not intended to be an exhaustive list. Again, there is case law that goes to this material.

David LIMBRICK: The definition of 'religious belief or activities' is adopted from the Equal Opportunity Act 2010. That is my understanding. But that includes not holding a lawful religious belief or view. Does that mean that atheism could be construed as a protected attribute, for example?

Jaclyn SYMES: The answer to that is yes.

David LIMBRICK: I am sure that atheists will be very happy to hear that.

When this was debated in the lower house, during debate when these amendments were introduced, the government claimed that part of the reason for the change was to make the language consistent with other legislation, but the Crimes Act 1958, the Equal Opportunity Act and the Charter of Human Rights and Responsibilities contain no mention of the terms 'preaching' or 'proselytising'. What legislation is the government referring to for consistency?

Jaclyn SYMES: I am going to take that one on notice, Mr Limbrick, and come back you.

David LIMBRICK: The amended statement of compatibility, when explaining the definition of religion under clause 9, claims:

> The Bill also modernises the definition of 'religious purpose' to align it with the wording of the Charter, with additional modifications. It defines a religious purpose as including, but not limited to, worship, observance, practice, teaching, preaching and proselytising. The inclusion of the terms 'preaching' and 'proselytising' provides greater certainty to faith communities that these religious practices continue to fall within the religious purpose exception.

Proof

Is it the government's intention to expand human rights protection beyond the legislated charter section 14 for the religious protections?

Jaclyn SYMES: No. I was following along the way you explained where we got to in the legislation, and I think you answered your own question in that after landing the legislation and being consistent with the charter there were questions that still remained in relation to what it was particularly picking up. To put this beyond doubt, 'preaching' and 'proselytising' were added for clarification purposes.

Georgie PURCELL: Minister, how does the bill ensure that consideration is given to the intersectionality of attributes?

Jaclyn SYMES: It is deliberately picked up, wanting to ensure that people that have a variety of attributes do not have to pick one and decide that that is the one that should be considered. We know very well that women in particular, particularly Muslim women, will have a range of attributes that can be subjected to vilification, and that comes through very strongly in relation to sex, race, religion. Meeting young people in particular to speak about these laws in terms of – I think I met a young Muslim woman of colour who was queer, and I had a great conversation with her about the fact that you do not need to pick one attribute as to why someone is not treating you appropriately. We have deliberately ensured that the legislation picks up a range of attributes and you do not have to pick and choose between them.

Georgie PURCELL: I just had a few questions about children: how does the government envision the bill applying to people under the age of 18 who can sometimes often unknowingly or recklessly engage in hate speech at a young age?

Jaclyn SYMES: One of the benefits that I hope to see through the changes of the way we deal with these matters is the opportunity for people to be presented with the impact of their behaviour. I think particularly with young people, if they have engaged in behaviour that has caused harm to another, having that person articulate the impact of that conduct can be incredibly powerful in relation to people understanding the consequences of their behaviour and hopefully it not happening again. It can change the trajectory of somebody's way they view the world. In relation to the criminal laws, again I do not want young people caught up in the criminal system in relation to these laws; I would much prefer that education prevents that type of thing, but we have got a mechanism where DPP will consider the particular vulnerabilities and characteristics of young people under 18 and potentially a broader cohort if things proceed as I think they will, but in relation to children I think that the civil approach can be incredibly powerful, particularly for young people.

Georgie PURCELL: You touched on this a little bit just now, but just to clarify: are there any specific protections to prevent children from being charged under the bill?

Jaclyn SYMES: Yes, they will require the consent of the DPP, and I think just to elaborate a little further in relation to this, this legislation cannot be viewed in isolation to other programs and initiatives that the government have embarked on, particularly in the education space. There are a range of initiatives to strengthen programs that promote respect, diversity and cohesion amongst students in Victorian schools and also to better equip educators and school leadership to prevent and respond to hate conduct. That is good work, and as I have indicated to Mr Limbrick, I hope that that type of effort prevents people having to use the civil or criminal scheme, particularly in relation to young people, but there is always more work to do in this regard.

Georgie PURCELL: I just want to touch briefly on homelessness, which a few members raised in their second-reading contributions. How does the bill make space for the vulnerability of those suffering from homelessness, with the nature of their plight often being that their conduct is always in the public?

Jaclyn SYMES: Can I just clarify that you are wanting assurance on alleged perpetrators or victims in that cohort?

Georgie PURCELL: Yes, in relation to alleged perpetrators experiencing homelessness who may be on the street permanently.

Jaclyn SYMES: Ms Purcell, in the civil system there is already provision for an examination of specific circumstances that would pick up some of the considerations that you have referred to. In the criminal space public interest is not an overlying principle in relation to these matters, and I think it goes to police discretion in relation to the appropriate response in the circumstances. It is also one of the considerations in weighing up whether the Greens proposed amendment is the right way to go or not. It is something we considered in the development of the bill in relation to the current requirement for all charges needing the consent of the DPP to proceed. There is experience that that can be a barrier, but as I have already indicated to the Greens, we are supporting their amendment because of this exact reason. Giving the DPP the ability to look at particular cases such as vulnerabilities of alleged offenders is something that is a benefit and something we should keep an eye on, because it can slow up other cases as well. But the Attorney has been persuaded by the arguments that the Greens have put, which go to the very point that you are raising in relation to people with vulnerabilities and specific considerations. As you rightly point out, it is a bit difficult to have a conversation in private when you do not have a home.

Georgie PURCELL: You did touch on this somewhat in your response just now, but of course there is obviously quite a difference between asking a person who is just on the street to move versus asking someone who is on the street because they are homeless and is keeping their belongings there. The responses are bound to be different. Will authorities take this context into account when deciding whether to prosecute someone? Based on your response before, it sounds like the answer is yes.

Jaclyn SYMES: I would argue yes in either scenario, whether it is under the bill as it stands or under the potential amended bill should the Greens amendment get up. But obviously it is more structured under a DPP consent model.

David LIMBRICK: I would just like to follow up something Ms Purcell mentioned about the difference between private and public conduct. I think the minister said it is hard to have a private conversation if you live in public on the street, but isn’t it the case that these laws apply in private anyway?

Jaclyn SYMES: Not the civil.

David LIMBRICK: That brings me to another dissemination issue. If there was a private conversation that was secretly recorded or recorded overtly and distributed and the person saying the offence did not consent to that distribution or was not aware of it being recorded and it was subsequently published, can someone still put a complaint against that person regardless of whether they intended for that to be public or not?

Jaclyn SYMES: Mr Limbrick, this is similar to the conversation I was having with Mrs Hermans before. The courts and tribunal would determine if conduct is public after taking into account the facts of the particular case. As we established, it is possible for a creator of content and a disseminator to be captured by the laws, but obviously if you intend something to be said in private, particularly if dissemination is against your consent, that would be taken into consideration by the courts.

David LIMBRICK: In the current day and age, when you are walking outside, you sort of pretty much have to assume that everything could be recorded and disseminated, especially for MPs.

Jaclyn Symes: Good. Well, act appropriately, then.

David LIMBRICK: Yes, well, act appropriately. But if someone is having a private conversation that is disseminated without their knowledge – it might not necessarily be covert, but it can happen

inadvertently all the time, actually – would that be expected to be taken into account if a complaint was made about that person?

Jaclyn SYMES: Again, just for clarification, private conduct and private conversations are not captured by the civil anti-vilification laws. Private conduct does not fall within the new definition of 'public conduct'. In relation to the existing private conduct exception in the Racial and Religious Tolerance Act, we are not retaining that, because it would overlap with the introduction of a definition of 'public conduct'. The two concepts, the private conduct exception versus defining public conduct, are different ways of achieving the same purpose of continuing to limit the scope of civil anti-vilification laws to capture only public conduct. Some of these matters were referred to in the parliamentary inquiry in relation to ensuring that a definition of public conduct could be brought in and the private conduct exception not being required in that instance. Conduct that is private, such as private conversations, will continue to be excluded from the civil anti-vilification laws. In relation to if you are in public and that conduct occurs, you can be captured by anti-vilification protections, as well as in the online world. It is about, effectively, viewing it from the perspective of the person that it impacts. We were having a conversation earlier about audiences.

David LIMBRICK: We are getting down to the definition of public versus private conduct, and Ms Purcell earlier gave the example of a homeless person. I think the minister said that they cannot conduct anything in private. Is it possible to have a private conversation on the street outside? Because I would have thought that it is possible to do that. If I am standing next to someone and having a conversation, I do not expect that to be broadcast everywhere. That to me would be private conduct and therefore a homeless person on the street could conduct private conduct or have conversations with other people, surely.

Jaclyn SYMES: Yes, and I agree with that. And again, ultimately the courts and tribunals will determine if conduct is public after taking into account the consideration of the circumstances. But again, it is about communication to the public, or things that can be observed by the public. That is what is intended to be picked up by the term 'in public'.

Evan MULHOLLAND: I might ask a couple of questions just on the back of Mr Limbrick's comments. So, would a conversation between two office colleagues be considered public conduct?

Jaclyn SYMES: Mr Mulholland, any conduct that is communicated to the public or observable by the public could be captured by the civil anti-vilification laws, including if it occurs in a place that is not open to the general public, such as a workplace.

Evan MULHOLLAND: What about between two colleagues in the tearoom but it happens to be overheard by another person?

Jaclyn SYMES: Again, I have answered the question. I do not want to be drawn on hypotheticals except to repeat the answer that conduct that is communicated to the public or observable by the public could be captured by the laws. It means public conduct that could occur on private property, such as schools, workplaces, universities et cetera. Ultimately, it would be a matter for the court to determine if conduct is public, taking into account the facts of the situation.

Evan MULHOLLAND: Minister, can you explain to me how many people have to be able to see or hear conduct in a workplace or a school before it is deemed to be public conduct?

Jaclyn SYMES: Any conduct that is communicated to the public or observable by the public could be captured by the laws.

Evan MULHOLLAND: Could that just be captured by one person?

Jaclyn SYMES: As I have indicated, the courts and tribunals will determine if conduct is public after taking into account the facts of a particular case.

Evan MULHOLLAND: Are online comments public conduct?

Jaclyn SYMES: Yes. Public conduct that occurs online will continue to be captured by anti-vilification protections. The bill expressly provides that public conduct includes any form of communication to the public, including 'broadcasting and communicating through social media and other electronic methods'. It is in the bill.

Evan MULHOLLAND: Clause 9 sets out a statement for Part 6A. Does this statement have, or is it intended to have, any legal effect?

Jaclyn SYMES: Deputy President, again, when somebody refers to a clause and asks me a question, I need some time to read the clause, which I am doing.

Evan MULHOLLAND: That is okay. I will help the minister along.

Jaclyn SYMES: You can't ask me about the impact of something when I haven't got to it.

Evan MULHOLLAND: No, that is all right. I will see if I can help. In new part 6A new section 102A states:

> The right to freedom of expression is an essential component of our society and this right should be limited only to the extent that can be justified in an open and democratic society based on human dignity, equality and freedom. The Parliament acknowledges the importance of maintaining the ability to engage in robust discussion reasonably and in good faith on any matter for a genuine academic, artistic, public interest, religious or scientific purpose.

Does the government still agree with that statement?

Jaclyn SYMES: Mr Mulholland, your first question was in relation to whether it has legal effect, and now you are asking me if I agree. I thought your second question was flowing from your first, but I guess the answer to both is yes.

Aiv PUGLIELLI: We have covered quite a lot of ground tonight, and I will really try not to duplicate anything. The new incitement offence in new section 195N is an extremely serious crime punishable by up to three years imprisonment. To ensure we are going to continue living in a society where things like investigative journalism, artistic and academic expression, political speech and the right to protest are upheld, criminalising speech in such a way should be reserved for the most egregious conduct. Why does the explanatory memorandum indicate that the offence is intended to respond to a broad range of conduct, both overt and subtle?

Jaclyn SYMES: It is a good opportunity to put on record that Victorians are entitled to hold an opinion without interference and to seek, receive and impart information and ideas of all kinds. As I have indicated, this is vital in a democratic system of government and to political discourse. The incitement offence is intended to capture only extremely serious conduct that urges or promotes the strongest forms of dislike towards a person or group of persons. Like the current serious vilification offences, it is not intended to capture merely offensive or unkind conduct, mere distaste or ridicule, which is a conversation that we had a little while ago that has been established in the case of *Cottrell v. Ross*. Whether the conduct is considered likely to incite hatred against, serious contempt for, revulsion towards or severe ridicule of will depend on the circumstances of each individual case.

Aiv PUGLIELLI: With respect to that word 'subtle', what kind of subtle conduct is intended to be captured by 195N?

Jaclyn SYMES: As you have referred to the wording of 'overt' and 'subtle', it was intended to contrast the existing Crimes Act definition of 'incite', which includes strong language like 'command', 'advise' and 'authorise' with the ordinary dictionary meaning of 'incite' used in the offence, which includes less forceful language like 'to urge', 'to animate', 'to stimulate' or 'to encourage'. The reference to subtle conduct does not relate to the seriousness of the conduct, rather it reflects that the offence is intended to respond to a broad range of incitement conduct, including conduct which is less directive than, say for example, a command.

Aiv PUGLIELLI: How does the government intend to ensure that democratic freedoms like the right to academic and artistic expression, to protest and to political communication are not unduly impinged upon by the interpretation of these words?

Jaclyn SYMES: The reforms limit only hateful speech and conduct to the extent necessary to protect at-risk individuals and communities. The reforms will not apply to speech more broadly and will not interfere with a person's right to hold an opinion. The bill includes measures that promote and protect this endeavour. The new serious vilification offences will only prohibit serious hateful conduct that would be likely to incite hatred, serious contempt, revulsion or severe ridicule against a person or group or threaten physical harm or property damage. This is a significantly higher criminal threshold that will not unjustly infringe upon freedom of expression, protest or political communication. There is a particular aim for this legislation in relation to particular conduct. It is not envisaged and not intended to impact on general freedoms of expression.

Aiv PUGLIELLI: The new list of protected attributes includes gender identity, which states that the definition of gender identity here is to have the same meaning as in section 4(1) of the Equal Opportunity Act. This definition encompasses expressions of gender, including dress, speech, mannerisms, names and personal references. Could you please clarify that this definition covers working or presenting as a drag artist, drag queen or drag king within this protected attribute?

Jaclyn SYMES: Yes, it does.

Anasina GRAY-BARBERIO: Minister, the definition of 'race' includes nationality or national origin. Could you please clarify whether criticising the actions of a government – for instance, the government of Israel – is intended to be captured by anti-vilification laws under the definition of nationality or national origin in this legislation?

Jaclyn SYMES: No. While the existing definition of race under section 4(1) of the Equal Opportunity Act includes a person's nationality or national origin, these changes to the law are not intended to capture criticism of a government or criticism of any government's particular policies. However, that does not provide an avenue as a placeholder to use as an excuse to hide behind vilification.

Anasina GRAY-BARBERIO: New section 195N states that:

> 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 …

What conduct would constitute severe ridicule that would not be captured by hatred against, serious contempt for or revulsion towards?

Business interrupted pursuant to standing orders.

Jaclyn SYMES: Pursuant to standing order 4.08, I declare the sitting to be extended by up to 1 hour.

Ms Gray-Barberio, you are asking me to apply and define terms. I have done my best to go through, which is not uncommon in criminal bills, the ordinary meanings and definitions. I have pointed to some case law. It is not for me to provide examples of what is in and out and where it sits.

Anasina GRAY-BARBERIO: The incitement offence proposes two possible fault elements, one of intention and one of belief. Legal stakeholders have indicated that belief is not one of the more commonly used four fault elements of intention, knowledge, recklessness or negligence. Can the government confirm which fault element it intends the word 'believes' to cover? This would really assist community legal centres and lawyers in providing advice to clients by providing more certainty about the types of conduct the provision is meant to cover.

Jaclyn SYMES: In relation to the fault elements, they refer to an accused's state of mind at the time they are alleged to have committed the offence. 'Intention' means that the accused actually sought to bring about a particular outcome; 'reckless' means that the accused believed a particular outcome would probably result from their actions, and they acted anyway. We have had a little bit of a conversation about recklessness and its inclusion. It is a policy position to include recklessness because it lowers the threshold of the new offences compared to the current serious vilification offences, which are obviously the reason we are here. The feedback was that they were not working particularly well and not being used. However, I would caveat those comments that reckless is still a high threshold, reflecting the serious criminal penalties that could apply.

Evan MULHOLLAND: It is worth noting that I know the Greens have attended rallies where Hash Tayeh has used the chant 'All Zionists are terrorists' and have not condemned the use of that chant or stopped its use at rallies at which it was involved. Does the government foresee the term 'All Zionists are terrorists' being an offence under the protected attribute?

Jaclyn SYMES: Without reflecting on your unhelpful commentary in relation to a valid question, whether conduct would be captured by the proposed changes to the laws will depend on individual facts and circumstances of the case. In criminal matters it would be a matter for the prosecuting agencies, VicPol and the DPP, and then obviously for the courts to ultimately determine. Anti-vilification laws will continue to apply to any person who vilifies another person or group on the ground of their protected attribute – for example, because of their race or religion. A person or group's political views or ideological positions are not protected attributes under the bill, but similar to the conversation that I had previously about being able to criticise the actions of a government not being intended to be caught by this, it is not a way to use a term that is substituted for another term – particularly in relation to the term 'Zionist', for example. You cannot use that as a cover for anti-Jewish behaviour and think that that is the way that you could avoid being captured by the laws. It does not provide immunity from application of the laws if that is what it is used for.

In relation to the government's intent for criticism of Zionism as a political ideology to be captured by these laws under the definition of 'race', it is not – anti-vilification will continue to apply to any person who vilifies another person or group on the ground of their protected attribute. As I said, where criticism of Zionism is used as a placeholder for clearly antisemitic conduct, yes, you could expect that behaviour to be captured. This has been subject to a lot of conversation in relation to how this law would apply. Obviously we have had a lot of feedback from the Jewish community in particular, who have sought greater protection from vilification. As I said, political beliefs and criticisms of government are not to be caught up by these laws, but they cannot be used as a loophole to express views that do pick up a protected attribute.

Evan MULHOLLAND: That is extremely helpful. It is good to get this on the record in the committee stage. Would chanting 'From the river to the sea' be covered as an incitement offence?

Jaclyn SYMES: Mr Mulholland, as you would appreciate, when you are trying to bring about laws that apply to the conduct of people and words, it is all contextual. It is not for me to rule things in or out. The courts will have an opportunity to consider all relevant facts and circumstances.

Evan MULHOLLAND: Would holding up a sign that someone might take offence to under the protected attributes – likely to cause severe ridicule and all that – would that be considered public conduct?

Jaclyn SYMES: Yes, it could be. As I said, words or signs that are in public would be captured.

Evan MULHOLLAND: And if someone had a similar thing on an item of clothing, would that be considered public conduct?

Jaclyn SYMES: If they are in public, it could be.

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Evan MULHOLLAND: And if someone has that exact same form of words as a tattoo and appeared in public, would that be considered public conduct?

Jaclyn SYMES: No, we exclude tattoos. This has come up in a variety of laws, particularly in relation to hate symbols and the like. Tattoos and other forms of body modification are excluded to ensure that the bill is not more restrictive than necessary, also recognising the importance of protecting a person's bodily integrity as part of the right to privacy under the charter. This is a question that comes up a lot. It is not something that is intended to be captured for obvious reasons.

Evan MULHOLLAND: That is interesting – good to know.

Jaclyn Symes: Going to rush out and get a tattoo, are you?

Evan MULHOLLAND: No, not quite. Threatening physical harm or property damage is an offence under the Crimes Act with a maximum penalty of five years. It will also be an offence, under this bill, to threaten physical harm or property damage based on a protected attribute. Could someone be charged twice for one incident?

Jaclyn SYMES: Double jeopardy prevents that, but you could be charged in the alternative.

Evan MULHOLLAND: Could you expand on that? What do you mean by 'could be charged in the alternative'?

Jaclyn SYMES: You cannot proceed with both, but one or the other could proceed.

Bev McARTHUR: I am a little concerned for my friends in the Greens over there because this description of what might be considered vilification may well impede their ability to express their free speech on issues. Minister, can you clarify that they will be protected under this act if they want to protest about matters occurring on the other side of the world?

Jaclyn SYMES: Being green is not a protected attribute.

Bev McARTHUR: That means they are excluded from all matters of activity that could be considered vilification of another group with a protected attribute, does it?

Jaclyn SYMES: Being green does not make you immune from the law.

Bev McARTHUR: I will leave it to our friends to defend their right to free speech further down this committee path. I will go to the civil provisions in the bill, which apply to all the protected attributes in the Equal Opportunity Act – for example, religious belief or activity is a protected attribute, as is gender identity and as is sex. Under this bill, how does the government anticipate that VEOHRC or VCAT will deal with matters where the reasonable and good faith views of one group with a protected attribute – that could even be the Greens – are regarded by another group with a protected attribute to be severely ridiculing or seriously contemptuous?

Jaclyn SYMES: That would be a matter for a court or tribunal in terms of balancing some of the issues that you have raised, but what you are potentially touching on as well is that some of the exceptions, particularly in relation to religious exceptions that would play out in practice and particular exemptions for expressing a view – preaching or proselytising and the like – are being acknowledged in relation to people's genuine practice of their faith.

Bev McARTHUR: For example, a gender-critical feminist, a woman, may hold certain views about biological sex which are very much at odds with the views of members of the trans community. In a bill supposed to support social cohesion, how does the government anticipate that these laws will settle such disputes?

Jaclyn SYMES: They are not intended to settle the views of people. You can have the views that you like. There is a difference between having an opinion and expressing that opinion in a way that

causes harm and demonises and destroys someone. This is about protecting people from vilification. It is not designed to control people's thoughts and feelings.

Bev McARTHUR: Well, Minister, one man's thought or views might be another man's vilification. So are you telling us that the courts will decide this?

Jaclyn SYMES: No, Mrs McArthur. Sorry, we are on different wavelengths here. There is no capacity to legislate against somebody's thoughts or somebody's beliefs. It is the actions that somebody takes that cause other people harm connected to a particular attribute that these laws are all about. The bill is not intended either to restrict genuine debate on any matter, and particularly – I will call it out – we are not attempting to restrict genuine debate on sensitive issues such as gender and ideological differences of opinion. The reforms will limit hateful speech and conduct to protect at-risk individuals and communities. However, they do not apply to speech more broadly and will not interfere with a person's right to hold an opinion. As you have indicated, somebody might hold hurtful, horrible opinions. If they keep them to themselves or if they have conversations with people in their home – go for it. If you come out onto the street and point to somebody with an attribute that you have an issue with and demand that people throw rocks at them, that is going to offend the laws.

Bev McARTHUR: Will certain people with a protected attribute be required to be silent as to their beliefs – they cannot prosecute them or they cannot proselytise them – or risk being sued.

Jaclyn SYMES: Again, Mrs McArthur, I have explained what the law's purpose is. If somebody is concerned about expressing an opinion and being caught up by the laws, then that is probably a good opportunity for them to take stock and think about what they say before they say it. But these laws are not designed to prevent people's thought processes. We are wanting to deal with the harm that certain behaviours and conduct that are inflicted on people with protected attributes suffer.

Bev McARTHUR: As an adult human female, am I someone with a protected attribute?

Jaclyn SYMES: You could have a range of attributes I am not too sure about, Mrs McArthur, but the attribute of sex is picked up in the legislation, which is the only one that was particularly obvious from your description.

Bev McARTHUR: If I were to preach or proselytise the merits of breastfeeding as opposed to just chest feeding, would I be exempt from any vilification if that was offensive to another protected-attribute species?

Jaclyn SYMES: You are not exempt from the laws because you hold a protected attribute. You and I share the attribute of being female.

Bev McARTHUR: I am glad you can confirm that, Minister.

Jaclyn SYMES: Well, unless you would like to correct me.

Bev McARTHUR: No, no. I am very pleased you can confirm the definition of 'a woman'.

Jaclyn SYMES: There are plenty of people that would fit into this attribute. I think you and I both do. In relation to us sharing in attribute, I am not protected, by virtue of having a protected attribute, from the law applying to me. If I vilify you based on one of your protected attributes, even if it is a protected attribute that I also hold, I am not immune from the laws by having the attribute myself.

Bev McARTHUR: As someone with a protected attribute – that is, sex – can I preach the merits of sex-based rights in sport without being subject to these vilification laws?

Jaclyn SYMES: You can express an opinion as long as you do not vilify individuals.

Bev McARTHUR: Minister, if a faith group had a genuine belief that the moon was made of blue cheese, would a Victorian who harshly mocked that belief in public as being patently absurd not risk

contravening section 102D? After all, even a reasonable person amongst such a faith group would by definition genuinely hold that view as to the moon's composition.

Jaclyn SYMES: Mrs McArthur, the hypothetical scenarios that you put are not particularly appreciated in a really serious legislation that is designed to protect really vulnerable groups that have been subjected to extremely inappropriate, harmful behaviour. I am not going to be drawn into specific scenarios. There has to be a genuinely reasonable belief, even in the scenario that you played out.

Bev McARTHUR: Minister, can you confirm that this bill will offer no protection for those whose claimed sexual orientations are against the law, such as paedophiles?

Jaclyn SYMES: Paedophilia is not a protected attribute.

Bev McARTHUR: New section 102D refers to public conduct that could be considered hateful against another person. Even if the former reasonable person test had been retained, 'hateful' is a subjective and vague term. Is the government aware of any law in existence anywhere that has given a clear and consistent definition of 'hateful'? How can Victorians be expected to know what speech is and is not hateful?

Jaclyn SYMES: Definitions of laws are generally in this instance drawn out through case law.

Bev McARTHUR: Minister, there is already a major logjam in the courts, but you are frequently referring to courts determining, for example, what is 'public', what is the definition of something and how it can be concluded or clarified. How do you intend that the many extra cases which will clearly be brought before the courts will be handled in a timely fashion given the extreme logjams that there are currently?

Jaclyn SYMES: Mrs McArthur, these laws are being proposed by the government off the back of years of consultation and a parliamentary inquiry that provided a unanimous bipartisan report that made recommendations that the existing legal framework is not providing adequate protection for vulnerable Victorians. In a conversation that I had with Mr Limbrick I hoped that there would be limited cases before the courts, because that would be a good outcome – that people are not engaging in serious vilification of others. That is not a situation that I think we want in Victoria. We want less of this behaviour. Where people do contravene these laws, it is appropriate that they come before the courts. In relation to any resource demands, they would be considered in the normal budgetary sense. We will watch these cases with interest and hope that they deter others from engaging in hurtful conduct.

Bev McARTHUR: In other parts of the world where these sorts of laws have been enacted, there have been extreme logjams of court procedures. Are you saying that is not likely to happen here?

Jaclyn SYMES: Mrs McArthur, you have made a claim. Do you want to back that up?

Bev McARTHUR: Take Scotland, for example.

Jaclyn SYMES: The reason I asked was I was wondering if you had any other examples, because we had a conversation already a couple of hours ago in relation to Scotland. The new hate offences in Scotland came into force in April 2024, including offences for threatening or abusive behaviour intended to stir up hatred based on prejudice towards protected characteristics. What happened after an initial influx of reports to police was that reporting significantly reduced and stabilised. The Scottish Police Authority has noted that there was no impact on frontline policing and no material burden or additional workload for officers and contact centre staff. The new criminal offences in Victoria may have resourcing implications for the courts, which I have indicated, and we will closely monitor following commencement of the reforms.

Bev McARTHUR: Well, in Queensland the former head of the Australian Christian Lobby Lyle Shelton has been dragged through the legal system for almost five years after he was the subject of an anti-vilification complaint following comments he made online that two drag queens involved in a

drag queen story time event were poor role models for children. It is not unreasonable to view the case as politically motivated given Shelton's reputation as a well-known commentator on religious and cultural issues. The bill's explanatory note indicates that the definition of gender identity is intended to protect drag performers. How will Victorians who share Shelton's beliefs be protected from vexatious litigation?

Jaclyn SYMES: We have gone through the elements of many of the offences both in the criminal section and also what would need to apply in the civil protection. Hating drag performers is not a protected attribute, but what we have created here is high thresholds that need to be met in relation to offending the laws.

Bev McARTHUR: Minister, there was nothing about hate in what was suggested by Mr Shelton, but you have added that. It is about people having an opinion, which you said was quite acceptable previously, and in this case we have seen the example of it not being protected; opinions are not clearly protected. So unless you are going to say that in this state they will be under these laws – will opinions of the same ilk as Mr Shelton suggested be protected, or won't they?

Jaclyn SYMES: It is not for me to apply these laws to another situation in another state.

Bev McARTHUR: I am asking, Minister: in Victoria if somebody holds the opinion that a drag queen story time is not acceptable for young children, is that going to be considered vilification under these laws?

Jaclyn SYMES: Under the bill we are not outlawing opinions; they would have to be expressed in a way that offends the law, so expressed in a way, for instance, that incites hatred. Merely having an opinion and expressing that would not fall foul of the law, but again – I think I went through this with someone earlier – if that extends to going into the street and pointing to someone with a protected attribute and calling for condemnation and harm to come to that person, that is a different set of facts.

Bev McARTHUR: So if I or others were to suggest at a library that it was inappropriate for a drag queen story time to take place, would that be an offence under these laws?

Jaclyn SYMES: Opinions are not outlawed by these changes; what we are hoping to address is that vilification would be caught by the laws.

Bev McARTHUR: But will it be an intention of these laws that that action could constitute vilification against a protected attribute?

Jaclyn SYMES: Mrs McArthur, it is not my role to apply the law to specific situations.

Bev McARTHUR: So in fact what you are actually saying here –

Jaclyn SYMES: No, do not tell me what I am saying –

Bev McARTHUR: Well, are you saying, Minister, that you will sublet the definitions and the decisions on these, well, definitions to the courts?

Jaclyn SYMES: We are legislators; that is our job.

Bev McARTHUR: But you seem to be saying that the courts will decide on these sorts of jurisdictions, not us the legislators but the courts. You are subletting the role here of the legislators to the courts in many of these decisions. Is that not the case?

Jaclyn SYMES: We make the laws; courts apply and interpret the laws. We have separation of powers for a reason. In relation to a lot of the matters that are subject to this bill there is existing case law in relation to definitions and applications that will guide the operation of this legislation.

Anasina GRAY-BARBERIO: This will be our second-to-last question. Minister, as has been recognised by the United Nations Office of the High Commissioner for Human Rights, the protection

of freedom of expression requires that speech be criminalised only when an intention to threaten or incite violence can be proved. How does the government reconcile this with its decision to split the elements of threat and incitement into two separate criminal offences?

Jaclyn SYMES: At the outset this was examined by the parliamentary inquiry, and it was a recommendation that they made. That is what we went and consulted on, and the break-up reflects the seriousness of each of the conducts. In terms of coming back to what the inquiry found, they noted that requiring proof of both incitement and threat made the current offences complex and difficult to prosecute. That was certainly confirmed in my conversations with VicPol and was one of the reasons that people pointed to for such a small number of cases being progressed. The inquiry obviously recommended simplifying the offences and lowering the thresholds, and new offences have been separated into an incitement offence and a threat offence to cover a range of vilification conduct and improve the operability of the offences. Our hope is that this protects more Victorians from vilification.

Although the reformed offences are intended to be easier to prosecute, they maintain appropriately high thresholds, which is picking up a little bit perhaps on some of Mrs McArthur's concerns. This is about incitement. It is intended to capture only extreme and serious conduct that urges or promotes the strongest forms of dislikes towards a person or group. It is not intended to capture merely offensive or unkind conduct or indeed opinions that fall into that category.

Aiv PUGLIELLI: This is the last question from the Greens. We went close to this earlier, but just for abundance of clarity, regarding making a complaint to the VEOHRC or to VCAT, do all viewers of, for example, an Instagram reel containing hate speech constitute being an audience in order to make a complaint?

Jaclyn SYMES: Mr Puglielli, I have a slight problem with the way you have constructed that question in that not all viewers would be captured because you have to have the protected attribute that is part of the communication. I kind of want to say yes, but I want to add the caveat that the only people that would have a cause of action are those that have the protected attribute or have an association with a person with the protected attribute who happen to be part of the audience.

Evan MULHOLLAND: I am just following up, Minister, on our discussion about double jeopardy and the offence in the Crimes Act versus the new offence to threaten physical harm or property damage based on a protected attribute. Double jeopardy definitely applies when it is the same offence, but it is a bit more tricky when there are distinct references in two separate acts. Can the government guarantee that an individual will not be charged with what are relatively similar offences but in two distinct acts?

Jaclyn SYMES: The criminal offences in this bill are going in the Crimes Act, so it is not two different acts.

Evan MULHOLLAND: One offence considers a threat of physical harm or property damage based on a protected attribute, and the other does not. Will double jeopardy still apply?

Jaclyn SYMES: We might have to go through this a little bit, because I think the way you have characterised the question is: can you be charged with threat and incitement? Is that what you are asking? Because they are two separate offences, and you can get charged with both, and they are connected to being motivated in response to a protected attribute. If you commit an offence that is threatening, you cannot be charged with threatening behaviour and threatening behaviour because of a particular reason. You would have to pick one or do them in the alternative.

Evan MULHOLLAND: I particularly meant the threat of physical harm or property damage in the Crimes Act but also the threat of physical harm or property damage based on the protected attribute, which this bill inserts. Could a person be charged for both offences? I will also note that section 198 of the Crimes Act refers to 'Threats to destroy or damage property', which is also quite similar. Could someone be charged for a combination of those or all three?

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Jaclyn SYMES: Again, I am not wanting to get too into the specifics of the application of the law, but you could be charged as alternative charges.

Ann-Marie HERMANS: I just want, Minister, to pick up on a couple of things that Mrs McArthur alluded to and also the Greens. In section 102E, incitement, this expands the current incitement civil provision in the Racial and Religious Tolerance Act, the new list of protected attributes, but it is also lowering the test from 'public conduct that incites' to 'public conduct that is likely to incite'. What is the reason for lowering the test?

Jaclyn SYMES: Mrs Hermans, I have answered this question – the exact question.

Gaelle BROAD: I just have a question to do with 102C, because there is an example there about:

> Conduct may be public conduct even if it occurs at a school or a workplace.

I just want to clarify, for freedom of expression, for example, in Christian schools expressing Christian teaching, faith-based teaching intended for their community – within chapels, for example, or newsletters or emails sent out to parents – will religious institutions or schools for teaching be able to uphold and share their faith?

Jaclyn SYMES: Yes.

Gaelle BROAD: Earlier we spoke about exemptions or the intention of this bill when it comes to offensive jokes, for example, but what about cartoons that may be deemed offensive to someone with a protected attribute?

Jaclyn SYMES: It could be captured, yes, if it is in the public.

Gaelle BROAD: If someone posts on social media a scripture or religious belief that someone with a protected attribute finds offensive, will that person be captured by the civil provision?

Jaclyn SYMES: Obviously there will be consideration of the interaction between the exception.

Gaelle BROAD: If someone finds the message of a pastor or a street preacher offensive, will the pastor or street preacher be captured by the civil provision? Minister, you referred earlier to 'genuine practice of their faith', but who determines 'genuine religious purpose'?

Jaclyn SYMES: I think just in terms of where you went there, I think you used the term 'merely offended'. That is not the intention of the laws, to capture conduct that is merely offensive or unkind.

David LIMBRICK: We spoke earlier about the Scottish hate crime act, and it is my understanding that the laws were actually passed – although, as the minister mentioned, they came into effect last year – in 2021, and so it took three years for them to come into effect, and that was later than expected, and the delay was attributed to Police Scotland's need for training, guidance and communications. So how will the government be ensuring that the relevant agencies and police are actually prepared for these laws to commence, taking into consideration the problems that Scotland had?

Jaclyn SYMES: Obviously, as I am no longer the minister responsible for this legislation, I would have to seek advice on conversations that have happened since I left the role, but the exact points that you made were subject to extensive consultation with Victoria Police in relation to 'How much time do you need?' They assured us in relation to their training and education that they could meet the implementation dates that are contained within the bill.

David LIMBRICK: I thank the minister for clarifying that. Recently in the New South Wales Parliament, they passed a similar sort of bill – not the same, but similar. In the Legislative Council there, this was the Crimes Amendment (Inciting Racial Hatred) Bill 2025, the Greens party moved amendments to remove exemptions – it was an interesting amendment – for quoting from or referring directly to religious texts. They were concerned about exempt conduct that would otherwise constitute racial hatred because it is presented under the guise of religious doctrine. Will the government be

exempting quotes from or references to religious texts under these new offences, considering that there are some religious texts that are clearly racist and some people may believe those things?

Jaclyn SYMES: There is no specific exemption contained in the bill.

David LIMBRICK: Could that not be captured by preaching and proselytising if I was reading out those particular parts of a religious doctrine that were considered racist? Someone who has that protected attribute could take offence to that and I would find myself at VEOHRC.

Jaclyn SYMES: If it is genuine religious observance or practice, that is what the bill intends to be reflecting. It has to be reasonable and in good faith in that context.

David LIMBRICK: I suppose it is a question of precedents then really, because you have the potentially harmful speech weighed up against the exemption for preaching and proselytising. Certainly the New South Wales Greens thought that that balance was not right. What makes the government confident that they have got the balance right?

Jaclyn SYMES: I would say that given the genesis for this bill came from a parliamentary inquiry and then it had about three years of consultation, these were the exact issues that were worked through in relation to landing the wording and the balance. As I said in my summing-up speech, it is impossible to please everyone in this regard. We have landed in the best possible place. I have foreshadowed acceptance of some of the Greens amendments that again reflect the fact that there are various views in how this should be applied in practice. It is all about balance and bringing about the best outcome for Victorians. That is what the goal is. We think that we have done pretty well in that regard in being able to reflect a range of views – a lot of diverse views. But again I come back to the core: this bill is about ensuring that Victorians are safe, Victorians can be who they want to be and live freely, protected from vilification.

We keep coming back to that principle. Some of the questions that are raised can generally be answered by the purpose of the bill is to prevent harm, really serious harm, to people. That is the principle I keep coming back to when it comes to this bill. It is not about curtailing people's views, particularly in relation to religion, sexual identity and the like. This is about ensuring that everyone, regardless of their background and their lifestyle, can live freely and when they are treated poorly there are avenues.

David LIMBRICK: With regard to compatibility with the Australian constitution, in particular political communication, there would be some types of political communication that one would think are racist, like, for example, a political belief that was very racist. There could be political beliefs that are based on religious views that are considered offensive. Is it not the case that someone who had, for example, racist political beliefs could challenge that and say, 'This is a genuine political communication' and therefore they could defeat this under the federal constitution?

Jaclyn SYMES: This is a good opportunity to talk about a topic that I do not think we have covered yet. The genuine political purpose defence was initially included in the incitement offence to ensure consistency with the constitutionally implied freedom of political communication and ensure that genuine political communication was not inappropriately criminalised. A wide range of stakeholders raised concern that the defence may be used to excuse vilifying conduct that is intended to be captured by the offence and that it would be misused to legitimise vilification under the guise of political communication. Although the defence was limited and unlikely to excuse a broad range of conduct, removing the defence responds to those concerns without impacting the operability of the offence or the overarching aims of the bill. The constitutionally implied freedom of political communication of course still applies, as High Court cases to that effect show, and it protects a range of political communications where the communication is genuine. The implied freedom does not include or permit violent threats, and other criminal law defences such as duress would continue to apply.

David LIMBRICK: I take the minister's point that criminal threats and these sorts of things are not covered as genuine political communication, but certainly some of the other things here that we are talking about could potentially be considered by the High Court. What sort of advice has the government received as to the survivability of this sort of thing under a High Court challenge?

Jaclyn SYMES: Sorry, I think I caught the tail end of your question. I am not at liberty to share legal advice, as you would appreciate. We believe that most of the laws that we would pass here are potentially subject to constitutional challenge, but we are confident in that regard in relation to this legislation. As we have indicated, we have picked up an acknowledgement of the implied freedom of political communication.

David LIMBRICK: With regard to the practicality of these types of laws, considering the limitations that we spoke about earlier especially with regard to the civil scheme, if it is difficult to identify the person that is committing that offence and they may be in a different jurisdiction, isn't it the case that this sort of activity will still continue to happen, especially online and on social media, and basically what we are doing here is not particularly enforceable?

Jaclyn SYMES: There is a range of conduct that will be captured by these laws. I would not want the perfect to get in the way of the good. There is a range of conduct that was shared through the development of this legislation that will be captured by these laws. People's experiences on the streets and the intimidation, fear and vilification that they have been subjected to will be picked up by these laws. Yes, jurisdictional issues, particularly in the online world, are problematic. But the conduct that people complained about – the reason we are making these laws – can be captured by the laws, because they are real-life stories that we are responding to.

David LIMBRICK: Did the government consider exempting online activity from this law? It seems that things that happen on the street or in public places are very different in terms of enforceability compared to something that is on a social media platform. Did the government consider exempting online conduct?

Jaclyn SYMES: Not to go into too much of the policy deliberations that formed the development of the legislation, I can confirm as the minister that was responsible for the development of the legislation. Did I consider excluding online? No, I did not want to provide a green light and an express exemption for online vilification. Do I acknowledge that it is difficult to apply to a range of conduct, particularly in the online world? Of course I acknowledge that. This is not the first time that we have had laws made in this place that have these barriers.

David LIMBRICK: Will VEOHRC be able to cooperate with other federal agencies, such as the eSafety Commissioner, for example, to issue takedown notices? Because the eSafety Commissioner does have that sort of power to direct companies to take certain actions. Is that something that is envisaged that will happen, or is that not how this will operate?

Jaclyn SYMES: Mr Limbrick, as we have previously touched on, there are limitations in relation to the powers of VEOHRC to take action in relation to anything other than consent and seeking compliance and apologies and the like. My advice from the box is that there is nothing that would prevent sharing of information or indeed a referral to appropriate bodies that could take action if that was deemed appropriate.

Evan MULHOLLAND: I want to take you to a different section, which I am not sure you have been asked about. In part 3, amendment of Equal Opportunity Act 2010, section 102G(1) on exceptions provides that:

> A person does not contravene section 102D or 102E if the person establishes that the person's conduct was engaged in reasonably and in good faith –
>
> …
>
> (c) in making or publishing a fair and accurate report of any event or matter of public interest.

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Does this mean that VEOHRC or the DPP will just be deciding what is fair and accurate?

Jaclyn SYMES: Mr Mulholland, the answer to your question is yes, a tribunal, like a court, can seek to interpret and apply our laws.

Evan MULHOLLAND: Does that include the Victorian Equal Opportunity and Human Rights Commission?

Jaclyn SYMES: Courts and tribunals are included, yes.

Evan MULHOLLAND: Will VEOHRC and the DPP decide what is a matter of public interest?

Jaclyn SYMES: Will the DPP consider what is in the public interest? Was that your question?

Evan MULHOLLAND: Yes. Part of the exemption was an event or matter of public interest.

Jaclyn SYMES: Yes, well, the DPP constantly consider what is in the public interest in a variety of considerations for the application of laws and proceedings in the state. It is their job.

Evan MULHOLLAND: Let us give a hypothetical case. There was a cartoon last year by Mark Knight on immigration which the Australian Press Council found was not in good faith. Hypothetically, would a Mark Knight cartoon be captured by this legislation if it was not deemed a fair and accurate report of any event or matter of public interest?

Jaclyn SYMES: That is a hypothetical that I am not inclined to give my application of the law to.

Evan MULHOLLAND: It seems this is intended to capture, broadly, the media. Would I be right?

Jaclyn SYMES: Yes.

Business interrupted pursuant to standing orders.

Jaclyn SYMES: Pursuant to standing order 4.08, I declare the sitting to be extended by up to 1 further hour.

Evan MULHOLLAND: You have agreed that it is the intent of this particular section to cover the media. Would this also apply to opinion pieces in a major newspaper?

Jaclyn SYMES: Yes. I think I will just read out the section that you are referring to. You do not contravene the section of the bill in relation to conduct that is:

> engaged in reasonably and in good faith –

that is the first test –

> in the performance, exhibition or distribution of an artistic work –

which could, for example, pick up cartoons, as you indicated before –

> or in the course of any statement, publication, discussion or debate made or held, or any other conduct engaged in, for … genuine academic, artistic, public interest, religious or scientific purpose …

So yes, the media would be a good example, reporting something that is in the public interest, of conduct engaged in reasonably and in good faith:

> in making or publishing a fair and accurate report of any event or matter of public interest.

It goes without saying that the media's day job is to report events and matters, and you hope that they are generally in the public interest. That is what is included. Then obviously we go on to subsection (2) of that section, which is about religious purposes:

> … not limited to, worship, observance, practice, teaching, preaching and proselytising …

This is the area that is about balancing the reporting and public discussion and conversations and practising your faith. This is about the balance of where exceptions can apply. As long as it is behaviour that is reasonable and in good faith, it protects you from actions.

Evan MULHOLLAND: That was quite useful, Minister, giving a broad remit. I just want to give the example of someone that is a guest on a *Sky News* panel. Obviously the topic is in the public interest enough for it to be discussed on a national news program, and if someone makes commentary about that particular topic, let us say immigration, and someone with a protected attribute sees that as an offence, will the protection in section 102G(1)(c) in terms of public interest – that is, not religious or scientific – still hold?

Jaclyn SYMES: At the outset, Mr Mulholland, your exact question was about if somebody took offence to a comment that somebody made on a TV program. Merely taking offence to a comment is not intended to be captured by the laws.

In relation to the dissemination and the platform element of your question, I think we will come back to the conversation we were having just before about what 'reasonably and in good faith' means in relation to the exceptions, which is the caveat before the reporting or discussion. You have got to get over that one first. The term 'reasonably' has been interpreted by the courts to mean that the conduct was engaged in reasonably according to the objective standard of a reasonable person who is a member of an open and just multicultural society. 'In good faith' has been interpreted by the courts to mean a person's subjective, honest belief that the conduct was necessary to achieve the purpose of the exception. 'Genuine' has been interpreted by the courts to mean that the person's purpose for engaging in the conduct was truly their purpose and not some ulterior purpose. For example, a person cannot claim a religious purpose if their actual motivation was to spread hate.

In instances of appearing on a TV show, the same as publishing something online, that could be considered and would be likely to be considered to be 'in public' and therefore the conduct, if complained about, would go through those tests that we have been discussing.

David LIMBRICK: I would like to ask: what is to stop these laws being used as a new form of blasphemy law? Anyone that has religious beliefs has a protected attribute, and the test for whether or not it is serious contempt of their religious beliefs will be based on whether they feel it is serious contempt or not, not whether an objective reasonable person believes it incites contempt of their religion or not.

I can think of many situations where someone might draw a cartoon – in fact there have been many examples of this overseas – that most people would not see as inciting contempt, but people that are a member of that particular religion would, and therefore these laws could be used as a form of blasphemy laws, couldn't they?

Jaclyn SYMES: The test still requires that it has to be from the perspective of a reasonable person in that category. So the element of reasonableness does not disappear; that is still a factor.

David LIMBRICK: Is it reasonable to draw a cartoon of a religious figure that may not be offensive to most people but that people who are members of that particular religion would find seriously contemptuous? Therefore they could claim offence to that, surely.

Jaclyn SYMES: Merely claiming offence to something is not what we are proposing be captured under the changes, Mr Limbrick. We have got high thresholds. We have crafted the laws in line with the recommendations of the inquiry about whether the conduct would be reasonably likely to be considered hateful. It will be assessed objectively from the perspective of a reasonable person with the same protected attribute. Whilst this focuses on the harm experienced by those who are targeted by vilification, it retains the objective reasonable person element to ensure that extreme or atypical reactions are not captured.

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David LIMBRICK: I want to explore something related to that around the protected attribute. We keep saying 'a person with the protected attribute', but is that someone who believes in a religion – or indeed an atheist apparently has a protected attribute – or do they have to have the protected attribute and be a member of that same religious group in order for the court to form that opinion?

Jaclyn SYMES: I do not understand the question.

David LIMBRICK: I can clarify that if you want. A Christian person and a Jewish person both have protected attributes, right? If someone says something that is offensive to one of those religions but not offensive to the other, who has the protected attribute that will inform whether it is contemptuous or not? Everyone who has a religious belief has a protected attribute.

Jaclyn SYMES: What we are really getting at here, Mr Limbrick, is subgroups within protected attributes. The courts would be able to consider this in assessing the perspective of a reasonable person within a subgroup of people with the protected attribute. It would depend on the specific circumstances of the case, which will obviously be quite unique from time to time. On occasions where vilifying conduct is directed at a particular subgroup it may be appropriate for VCAT and the courts to assess the conduct from that subgroup's perspective. You have given a good example in terms of religion as a protected attribute, but particular conduct can be offensive to one group who identify as or have a particular faith and be meaningless to another group, so assessing the conduct from the broader group may not allow VCAT or the courts to sufficiently consider the unique appearance, beliefs or experiences of the subgroup, so they would be able to look at that. I think I have got an example here: a person living with multiple sclerosis would be protected under the bill under the attribute of disability. If a person living with MS is vilified because of their MS, the harm would be assessed from the perspective of a reasonable person with MS rather than a reasonable person with a disability more broadly. This is because the attribute of disability is broad and covers a range of disabilities including physical or psychological disability and disease.

Georgie CROZIER: Minister, I just want to go back to the issues that Mrs Broad has raised, and Mr Mulholland and now Mr Limbrick, in relation to cartoons. You did say that that would be captured under this bill if it offended certain persons with those protected attributes. I think the brilliant cartoonist Mark Knight has been mentioned, and it often can be a work of art that he does. You said that artistic work is considered. What is the threshold for somebody like Mark Knight, who is a brilliant cartoonist who often does have those subjects in his cartoons? What is the threshold for somebody like that to be deemed artistic? Has it got to be decided on by the panel and the tribunals that you have described, if somebody takes offence?

Jaclyn SYMES: At the outset, Ms Crozier, the exception where artistic work is protected has been in existence for some time. In fact it is currently part of the Racial and Religious Tolerance Act, so this is not a new concept that we are introducing and obviously it is not something that has not been brought before the courts before. I come back to the issue that I spoke about with Mr Mulholland: to enact the exceptions of academic, artistic, public interest, religious or scientific, you still have to get over the first hurdle of 'genuine'. The term 'genuine' has been interpreted by the courts to mean the person's purpose for engaging in the conduct was truly their purpose and not for some ulterior purpose. For example, you cannot engage in serious vilification behaviour or seriously vilifying conduct of a particularly harmful nature and say, 'It's a cartoon, so I'm exempted.' You still have to first meet the fact that it is genuine in relation to having a true purpose that is not to cause hate. For example, you cannot claim an artistic exemption when your actual motivation is just to spread hate.

Gaelle BROAD: I am just wondering if comedians are covered by this exemption.

Jaclyn SYMES: Again, if it is for a genuine purpose, the answer is yes, they can be covered by an exemption.

Georgie CROZIER: But again, Minister, that is exactly the point in relation to the question Mrs Broad asked earlier when she asked you about cartoons. You said yes. She has asked you again about comics, and you have said yes.

Jaclyn SYMES: Yes. You cannot use it as a cover for alternative purposes.

Georgie CROZIER: But it could be deemed by some groups that might view the act in a comedy or, as has been said, in a newspaper article or in a cartoon to be offensive. Are you saying there is some sort of media defence in that situation?

Jaclyn SYMES: Comedy and satire and performances are forms of artistic expression. But again, I come back to that you cannot just say, 'I'm a comedian, and I'm going to stand on a corner and I'm going to spew hate about how I hate somebody who happens to be a Jew or gay.' Right? That is not what we are talking about here. If you are performing and you are not using that as a cloak to be awful, if you say things that are merely offensive, first of all, it is not captured, but under the new civil anti-vilification protections the bill continues to provide exceptions for conduct engaged in reasonably and in good faith. That is what we need to come back to. For a genuine artistic purpose or in the performance of artistic work, comedic performances such as stand-up comedy are not intended to be captured by the civil anti-vilification protections. In relation to the new serious vilification criminal offences, whether comedy and satire would be captured will depend on the individual circumstances of each case and whether the joke or comedic content constitutes conduct that meets the high criminal thresholds. You cannot just use the fact that you are a comedian to give yourself immunity from anti-vilification laws, nor would I think anyone in the chamber expect that you could.

Gaelle BROAD: Can I just ask, then: if that does come into play, what is the maximum penalty that would apply?

Jaclyn SYMES: Your question is a little unclear to me. Do you want me to go back through the offences that the bill is creating?

Gaelle BROAD: I guess, with the cartoons, for example, or a comedian, if it is found to be offensive, what –

Jaclyn SYMES: If it causes incitement, it is three. If it is threatening, it is five.

Bev McARTHUR: Minister, would a flyer that highlights binary sex for males and females, distributed in the community, be considered hate speech?

Jaclyn SYMES: Mrs McArthur, I am not going to go into applying the laws to hypotheticals, but a flyer that has content that breaches the laws and meets the high thresholds of vilification could be captured, yes.

Bev McARTHUR: If someone with protected attributes finds crosses offensive, as in the case of Methodist Ladies' College, will crosses be captured in the law?

Jaclyn SYMES: Mrs McArthur, would it be helpful if we came back to the purposes of the bill and the offences and the thresholds?

Bev McARTHUR: Minister, we are all entitled to know, and the community is entitled to know, exactly who and what will be captured under these laws. If we give you reasonable questions about what might be a situation –

Jaclyn SYMES: I would welcome reasonable questions.

Bev McARTHUR: Well, this is reasonable. A cross that someone finds offensive, as we have had a case of: will that be captured under these laws?

Jaclyn SYMES: Merely finding something offensive will not be captured by these laws.

Bev McARTHUR: So, Minister, if nurses refuse to attend a male who demands treatment in a female hospital ward, would that be considered hateful speech or vilification of a protected attribute?

Jaclyn SYMES: Denying service to someone based on an attribute is already illegal under the Equal Opportunity Act. These laws are for separate conduct. What you are referring to is already captured under the Equal Opportunity Act if you are denying someone services, if you are denying someone health care, based on your view of their sexual identity.

Bev McARTHUR: Minister, if a parent or parents expressed concern that same-sex toilets for primary aged schoolchildren were inappropriate and a principal or staff or other parents took offence, would that be captured under these laws?

Jaclyn SYMES: No.

Bev McARTHUR: That is pleasing to hear, even though a case is before us. Minister, are you saying that the courts will be the ultimate decider of the terms, the definitions like 'reasonable', 'in good faith', 'in public interest', 'likely to' and 'seriously vilify'? Are they the ultimate determinator in these laws?

Jaclyn SYMES: Yes – like every law we pass in this place.

David LIMBRICK: I have already discussed with the minister the concept that we have protected attributes and then subgroups of those protected attributes. The example before was we can have religion as a protected attribute and then a subgroup of that could be a particular religion. For the criminal offences, how does the government expect a judge to direct a jury to put themselves in the place of someone with a subgroup of a protected attribute? It seems like an almost impossible task for a judge to instruct a jury to put themselves in that place, doesn't it, especially considering that we already established earlier that it is essential for someone to form the view of whether or not something is vilifying for them to be a member of that group. How can a jury form that view?

Jaclyn SYMES: Mr Limbrick, the subgroups and the reasonableness test are for civil. We do not talk about subgroups in criminal. So you are picking up the test and putting it in the wrong jurisdiction.

Gaelle BROAD: Just going back to this protected attribute, the test moves away from the objective reasonable person test to a more subjective one. I guess the government did confirm in briefings to the Shadow Attorney-General that subgroups or groups with a protected attribute will have to be considered separately from other subgroups. How is it reasonable or fair to expect every Victorian to know what a particular subgroup of a group with a protected attribute may regard as seriously contemptuous or severely ridiculing?

Jaclyn SYMES: Mrs Broad, you will appreciate we had a conversation earlier about recklessness and intentionally, but what you were touching on also is could a person inadvertently contravene the provision because it is the harm-based protection from the perspective of a reasonable person with a protected attribute. It is unlikely that a person would inadvertently contravene the harm-based protection because the threshold for the harm-based test remains so high. It captures conduct that is hateful, serious, contemptuous, reviling or severely ridiculing of another person or group because of their protected attribute. Again, it might be a problem if the threshold was capturing offensive comments, but it is not.

Bev McARTHUR: Would Jesus being mocked in the Mardi Gras be considered hate speech and captured by this law?

Jaclyn SYMES: Mrs McArthur, what attributes does the Jesus that you are referring to have? It is a ridiculous situation that you are putting. You are making a mockery of this legislation, and I find your question really offensive.

Bev McARTHUR: Minister, I find your response offensive to the people who respect Jesus.

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Jaclyn SYMES: Which Jesus?

Bev McARTHUR: Which Jesus?

Jaclyn SYMES: Jesus is not walking around the Mardi Gras, is he?

Bev McARTHUR: Jesus in the Christian sense, Minister.

Jaclyn SYMES: A pretend Jesus.

The DEPUTY PRESIDENT: Can we have some decorum, please? Mrs McArthur has the call.

Bev McARTHUR: I do find that actually offensive. This occurred where Jesus, the Jesus that people know in the Christian Bible to be part of their religious belief, was mocked in the Mardi Gras. They may well have found that offensive. Will that be captured under this law?

Jaclyn SYMES: Mrs McArthur, if I take your question literally and your reference to Jesus, your hypothetical is impossible because Jesus has not attended the Mardi Gras unless he has come back to life in a recent turn of events that I am unaware of. So your hypothetical situation is making a mockery of serious legislation. I am more than happy to entertain your questions, but the literal reality of your hypothetical is even beyond hypothetical if I am to take your comments about the particular Jesus that we are referring to as the Jesus that is in the Bible and you are saying is he attending the Mardi Gras –

Ann-Marie HERMANS: I will just explain for the sake of the minister. Minister, there was a situation recently at the Mardi Gras where a statue of Jesus was depicted and was jeered at and made fun of, which was highly offensive for many religious believers, and it would have been seen as a way of vilifying their actual faith to take the symbol of their faith and their God and to take it in a way that was being made fun of and was in fact therefore making fun of everyone from that people group that may actually have followed Jesus and believed in Jesus to be more than just a statue. So in this situation the question is: could this be seen as a form of vilification? The question arises because one of the most vilified people groups in this state are actually people of religion who have the Christian faith as their religion.

Jaclyn SYMES: As I said at the outset, these laws are designed to protect people's right to practise their religion. Religion is a protected attribute. Mrs McArthur's question did not refer to a depiction of Jesus; in fact she followed it up by making very clear that I was certain of the particular Jesus that she was referring to, and she referred to an individual. It also is a situation that, as I understand it, the Mardi Gras happens in Sydney, so we are talking about a hypothetical of a real person and a depiction in a different state. It would be –

Georgie CROZIER: Would you say the same about Mohammed if Mohammed was depicted in this way?

Jaclyn SYMES: I am not reflecting on the behaviour. I am reflecting on the fact that you are trying to draw me into a hypothetical that is not something –

Georgie CROZIER: That is not hypothetical. That actually happened.

Jaclyn SYMES: You saw Jesus in Sydney?

The DEPUTY PRESIDENT: Through the Chair, please.

Jaclyn SYMES: She said it was the real person. That is what she asked about.

The DEPUTY PRESIDENT: Minister!

Jaclyn SYMES: She did! Mrs Hermans has clarified.

The DEPUTY PRESIDENT: Minister, through the Chair, please. No arguments across the chamber.

Jaclyn SYMES: I was responding to her interjections.

The DEPUTY PRESIDENT: No, you were not. It was arguments across the chamber.

Ann-Marie HERMANS: Just to clarify, this is not a hypothetical; this is an actual situation that has happened.

Jaclyn Symes interjected.

Ann-Marie HERMANS: No, this was the situation that Mrs McArthur was referring to. It was an actual situation that happened recently. The depiction was on social media as well and was available to all Victorians to be able to view. It was seen to be offensive to many people of religious belief, so the question was: would this be captured in this bill and would people who have become offended by this be able to then take action against the ones that posted and/or participated in this form of mockery?

Jaclyn SYMES: No, because it happened in New South Wales.

Georgie Crozier interjected.

Jaclyn SYMES: You are referring to a real-life situation now.

The DEPUTY PRESIDENT: Excuse me, can we just have one person talking at a time, please.

Georgie CROZIER: I am not sure the minister has understood what Mrs McArthur is referring to. This situation happened, and it was widely reported. It was depicting a statue of Jesus and somebody was making mockery and using it to offend those who have that religious belief. If it was the Prophet Mohammed, would that be captured in the same way? It could have offended those who are of that particular religious belief. This is the point. It did happen. It is not like you make out, that Mrs McArthur is making some ridiculous assertion that Jesus is up and living. It happened at Mardi Gras, and there were people that took great offence. Are you aware of what happened at Mardi Gras as Mrs McArthur has described or not?

Jaclyn SYMES: This is the problem with trying to articulate something. What started as a hypothetical situation has been clarified as a real-life example. My answer to Mrs Hermans was because it happened in New South Wales, the answer –

Georgie CROZIER: It could happen here.

Jaclyn SYMES: That is not the question that you asked.

Members interjecting.

Georgie CROZIER: But you knew what she was inferring.

Jaclyn SYMES: On a point of order, Deputy President, can I ask for your guidance? If I answer a question and then I am told, ‘She was inferring something,’ that is making my job pretty difficult.

The DEPUTY PRESIDENT: I think that this has got a little bit out of hand with interjections across the chamber. Can we please just get back to asking straight questions through the Chair.

Ann-Marie HERMANS: I just want to go back and clarify something with the minister. Maybe a couple of hours ago we went through this. If an activist lived in, say, New York, London or Timbuktu and made a complaint to Victoria Police about something that they saw, whether it be a private email, something on social media or something that happened at Mardi Gras, and that was put to Victoria Police and found to be severely ridiculing, would they be able – and the answer was yes – to see this as something that was inciting conduct? But now I am being told that it is not inciting conduct. I would just like some more clarification on this, because it seems to me that a couple of hours ago the answer was yes and now the answer I am getting appears to be no. Minister, could you please clarify this?

Jaclyn SYMES: Let us break this down a bit. Yes, conduct that occurs outside of the state needs to have a direct link to Victoria. So for an accused outside Victoria engaging in inciting or threatening conduct on the grounds of a protected attribute the offences can apply. In the example that was provided – and we have worked through a couple of elements of that situation – I was asked whether it causing offence would be captured by the laws. I think I have repeated continually that merely offending someone does not contravene the laws that are being proposed. If there is an example where there is an offence under the bill that is based on the protected attribute of religion, and the one we have been talking about is Catholicism –

Members interjecting.

Jaclyn SYMES: Christianity or Catholicism or another subgroup. If there is conduct that meets the threshold and is based on somebody being a Christian, that is a protected attribute under the protected attribute of religion. So yes, it could fall under the incitement offence if the conduct was more than merely offensive and extended to attracting the elements of incitement or threatening behaviour, again bearing in mind there could be other factors such as artistic expression that could apply in an instance where you are involved in a festival or the like. This is why I am answering all of the considerations that the court might look at in a situation such as this. It is not the job of the Parliament and the legislators to apply the law, but there are a range of factors that are obviously relevant and of concern to you, Mrs Hermans, in particular. The laws are designed to protect people from vilification, from hurtful, harmful, awful conduct, and if that is because of your religious belief, that is what this is designed to pick up.

Evan MULHOLLAND: I am just following on from the discussion, and I promise I will get off this one particular topic.

Jaclyn SYMES: You have missed out.

Evan MULHOLLAND: I have already raised it in the Parliament, and once is probably enough. If an individual from Victoria witnessed a depiction of Jesus being mocked at the Mardi Gras on television or on social media and the image of an Indigenous man spearing Jesus on the cross was displayed and considered that their protected attribute of religious affiliation was being vilified – and there are lots of subsets and different types of Christianity; for example, people in the Maronite church were incredibly offended by that depiction, many of them to the point of tears, I know, whereas someone from the Uniting Church might not take particular offence to that – would that meet the test under this bill? Would the equal opportunity and human rights commissioner, the DPP or even VCAT have to look at the subset of the protected attribute? Also, is it not the case that a person in Victoria would be able to take someone to court under these laws?

Jaclyn SYMES: Mr Mulholland, starting at your final point, referring to clause 4, new section 195N 'Incitement on ground of protected attribute' has an example that is constructive to the conversation that we have been having. Conduct that is engaged in from outside Victoria and is against a group of persons defined solely by the possession of a protected attribute does not constitute an offence against subsection (1):

> **Example**
>
> If a person in another State engages in conduct that is against all people of a certain race, whether or not those people are within Victoria, that conduct does not constitute an offence against subsection (1).

Probably the issue that I have with the commentary that we have here is that if the conduct offends or passes the thresholds, which are high, I acknowledge that there can be really hurtful, offensive conduct that makes people upset and makes them cry that is unlikely to meet the threshold. Just being offended and being upset by something that someone does is not the conduct that we are trying to capture here. It is not conduct that I condone, but we have very high thresholds in the bill for this very reason.

Evan MULHOLLAND: Also for civil harm.

Jaclyn SYMES: Yes, the civil thresholds are also designed to avoid merely being offended, even if you are quite upset by it.

David LIMBRICK: Can I just clarify the minister's previous answer. Is the minister saying that the scenario outlined by Mr Mulholland and others would not constitute inciting serious contempt?

Jaclyn SYMES: It is not for me to say.

David LIMBRICK: But to me it seems like it is pretty serious contempt, and it certainly would be viewed as such by someone from the Maronite faith, for example.

Georgie Crozier: What if it was Mohammed?

David LIMBRICK: Yes.

Jaclyn SYMES: I was responding to the way Mr Mulholland described the impact. He said that people were really upset and offended. That is what I was responding to.

David LIMBRICK: But surely they could have been offended because they were being held in serious contempt.

Jaclyn SYMES: If conduct meets the thresholds, then the laws would be enacted. If it is merely offensive to someone, that is not what is intended to be caught.

Ann-Marie HERMANS: But section 102D refers to public conduct that could be considered hateful against another person, and in that situation, then –

Jaclyn SYMES: Where are you?

Ann-Marie HERMANS: Section 102D, which refers to public conduct that could be considered hateful against another person. This is where we are coming back full circle to the concerns that we have. That word 'hateful' is subjective, but in this case that behaviour and the mockery et cetera would have to be considered hateful. Such hate is what this bill is all about, so if that level of hate has been demonstrated publicly and posted throughout social media to be visible to many Victorians, of which subgroups find they start to fear for themselves because it is hateful conduct that is being allowed, surely the bill applies then in this sort of scenario and situation because it is considered to be hateful conduct.

Jaclyn SYMES: Mrs Hermans, what you are referring to is the civil scheme. You have now switched from the criminal to civil. The offence of incitement is in the criminal system, and what you are referring to are the civil tests. I think you are confusing the two. Yes, they are saying that is what you are doing. Your question does not really flow, because you are applying a civil test to the criminal situation of the incitement offence.

Evan MULHOLLAND: Minister, in Tasmania the Archbishop of Hobart Julian Porteous was the subject of a 2015 complaint by an activist to the Tasmanian anti-discrimination commissioner under laws similar to these for daring to publish a booklet entitled *Don't Mess with Marriage*. The commissioner actually decided that the bishop had a case to answer. The matter only ended when the activist withdrew her complaint to avoid a lengthy tribunal process after conciliation had failed. If you could just walk me through these particular laws, particularly the religious purpose defence, would that apply before a case is taken up by the Victorian Equal Opportunity and Human Rights Commission?

Jaclyn SYMES: What was your final question?

Evan MULHOLLAND: I am just wanting to talk you through that scenario.

Jaclyn SYMES: Just ask the question without applying it to a situation.

Evan MULHOLLAND: Would there be a conciliation process or an application process whereby claims are looked at and individuals are either hauled before a tribunal or a court prior to a religious purpose defence kicking in?

Jaclyn SYMES: Are you asking about the processes at VEOHRC and how an application would proceed?

Evan MULHOLLAND: Yes. If it helps, I am asking you: at what point in the process does a religious purpose defence kick in?

Jaclyn SYMES: Mr Mulholland, I am not quite sure about your question. VEOHRC cannot consider an exception before it is before them, so I am really unclear what you are asking, sorry.

Evan MULHOLLAND: I am asking you if an individual is accused but has a substantial claim for a religious purpose defence, in what process is that applied in the civil harm side of the bill?

Jaclyn SYMES: Apologies, Mr Mulholland, I just needed a bit of assistance to break down your question. It is not dissimilar to other civil actions. If you are asked to respond to a complaint, that would be the opportunity to raise the defence of an exception or explain the exception. The same applies in defamation, for example.

Evan MULHOLLAND: Particularly in these kinds of cases, as we have seen in Tasmania with Bishop Porteous, what are the measures the government will take to prevent vexatious complaints made against people of faith that quite clearly have an exemption.

Jaclyn SYMES: I think it particularly important to point out that, for instance, VCAT has the capacity to award costs against vexations litigants. That is part of their powers in relation to their act. In relation to VEOHRC they can knock vexations claims out once the facts become evident, if that is indeed what has happened. Without reflecting on a particular case that you are referring to, there is not an experience of a flood of vexatious complaints in relation to laws such as this. You could look at defamation laws, for example, or discrimination laws – they are not something for which we experience a floodgate effect of spurious claims.

Evan MULHOLLAND: I will just respond to that question, because the Attorney-General's briefing actually mentioned that similar law reforms in Scotland had led to an explosion – I think that was the word used – of civil claims immediately after they came into operation. You mentioned that there are costs that could be awarded by VCAT against someone who is inappropriately called before it. In terms of the complaint process to the Victorian Equal Opportunity and Human Rights Commission, if a decision is seen to be in error or incorrect through the Victorian Opportunity and Human Rights Commission, what would be the recourse for an individual in that circumstance?

Jaclyn SYMES: It is difficult for me to provide an answer to that scenario without having facts and circumstances. There are avenues for defamation if that has made its way to the public arena, for example, and is the result of a vexatious, unsubstantiated claim, but I cannot go into an exhaustive list of what might happen in relation to a detrimental course of action. Again, it is not my job to apply it to situations case by case, but it would depend on particular circumstances. But that would be outside the VEORHC process; VEORHC do not have power to do it themselves, if that makes sense.

Evan MULHOLLAND: I just want to ask about representative complaints – I know this was briefly touched on with Mr Limbrick earlier – and particularly representative bodies. I am talking about section 114A, to be helpful. Does the law create a situation where an activist organisation could target speech or conduct by seeking out anonymous complaints from individuals?

Jaclyn SYMES: There is protection against that, Mr Mulholland. Criteria that would be applied include – again, this is picking up on recommendations from the inquiry – facilitating a representative organisation to bring a complaint without the need for a complainant to be identified. The caveats are that VEOHRC have to be satisfied that the person represented is entitled to bring a dispute, the person

has consented to it being brought on their behalf and the representative body has a sufficient interest in the dispute. There are protections about inventing people or falsifying that type of information. Those are the things that VEOHRC would consider in relation to these matters. Very regularly, referring to the parliamentary committee's report, this is about protecting individuals that have suffered harm. It is not about facilitating a particular interest of a representative group. They are there to facilitate the anonymity, privacy and safety of an individual. That is the purpose.

Evan MULHOLLAND: I thank you for your clarification, Minister, because if I am not mistaken, the bill that former member Ms Patten brought to this chamber sought to actually fund a number of legal activists to run fishing expeditions or test cases. I am just clarifying, for the sake of this committee, that groups soliciting complaints would not be the intention of the government.

Jaclyn SYMES: It is about ensuring that those individuals or that group of individuals that have suffered harm are not prohibited from bringing their claim forward because they are worried about identifying themselves. The experience and the feedback from consultation of people that have been subjected to vilification is that it is particularly harmful; it is isolating. They are concerned that by making a complaint it will make it worse for them, and they are scared to do so. We do not want people who are fearful of making a complaint deterred from coming forward if there is a representative body who can ensure that that complaint, particularly where it relates to something that might continue to happen to other people, can be brought forward and dealt with at VEOHRC. As we have discussed, VEOHRC is about bringing people together, discussing issues and having consensual outcomes and the like, and for that purpose you can bring about some good without having to expose someone who might be fearful.

Business interrupted pursuant to standing orders.

Jaclyn SYMES: Apologies to the chamber. I did not realise how late it was. I would normally converse with other parties to see where we are at, but I am just going to put the extension motion. Pursuant to standing order 4.08 I move:

> That the sitting be extended.

Council divided on motion:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Noes (17): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Motion agreed to.

David Davis: On a point of order, Deputy President, this late sitting is entirely unscheduled and could have been handled differently. We could in fact sit later in the week. In this circumstance I am concerned about the staff and would point out the comments over here by Mr Berger. But it may be an appropriate time for a break for half an hour to give the staff and members an opportunity to rest and to go for their various breaks to enable them to proceed in greater comfort.

The PRESIDENT: Just to respond to the point of order, I had a long conversation with the Clerk of the Legislative Council about rostering people on and off and making sure they have breaks. He was comfortable that the staff were comfortable to continue and proceed in the fashion that we are.

David Davis: Further to the point of order, President, you may well have had that conversation, and I commend you for such conversations. But that is only part of the point. The point here is that the

staff will be impacted, and the chamber could have been organised quite differently. I think there is also the matter of members.

The PRESIDENT: Mr Davis, neither you nor I talk on the staff's behalf as far as the impact. There has been a conversation, as there is every time that we have an extended sitting. I have a conversation with the Clerk and staff members. Their preference is to roster on breaks because all of them do not have to be in here, so they roster on that they will have a break. Their preference is to continue, and maybe they will get home half an hour earlier than with your suggestion of a half-hour break. No-one has any greater love for the staff than me, so trust me that if I thought there was a real concern about staggering breaks and rostering on and off in this chamber I would be in league with you. But I have had a conversation and I think it is a good way forward. Thank you. That is the end. I will leave the chair and the committee will continue.

The DEPUTY PRESIDENT: We return to questions on the legislation.

Evan MULHOLLAND: Just to continue where we left off, we talked about how you cannot be anonymous at VCAT – I think it was discussed earlier at length. I will take you to section 114A(2). It provides that the commission does not even need to know the identity of the unnamed person. Is that correct?

Jaclyn SYMES: Clause 13, which inserts that new section, as you correctly identify, runs through a representative body that may be able to bring a dispute on behalf of an unnamed person. The commission must be satisfied with the requirements that we were discussing prior to the division. The commission do not need to know the identity of the persons referred to in that provision, but they still have to be satisfied of those other factors.

Evan MULHOLLAND: How can the commission possibly know if the complaint is real?

Jaclyn SYMES: Mr Mulholland, again, as recommended by the inquiry, the unanimous bipartisan report from a few years ago, it is about enabling a representative to bring a complaint without the need to name a complainant. If VEOHRC is satisfied the person represented is entitled to bring a dispute, the person has consented to it being brought on their behalf and the representative body has sufficient interest in the dispute. VEOHRC must be satisfied of these requirements without knowing the identity of the person or persons being represented. There may be instances where they know the person, there may be instances where it is de-identified, but the facts are well set out. Merely knowing the person's name is not a requirement, but there is still the expectation – in fact legislative expectation – for VEOHRC to satisfy themselves of those three elements.

Coming off the back of the conversation that we were having, the protection mechanism here as well is that VEOHRC is voluntary. If the respondent has a concern about the validity of the claim based on the fact that the identity is not revealed, they may seek on those grounds not to engage in the process.

Ann-Marie HERMANS: I know that a few hours ago we touched on something, and there is a reason why I am coming back to it, so I just want to clarify it first. We talked about the tenets of some religious faiths being confronting to some people and how religions can sometimes lay down strict rules for how people should live and act and prescribe dire consequences for those who disobey those rules. Some of these teachings may be offensive to some people, including some people with a protected attribute. Just before I go into the next bit of this, can I ask again just to clarify: how can the government guarantee that this bill will not see religious faith put on trial by activists who wish to silence teachings that they find offensive?

Jaclyn SYMES: Mrs Hermans, again, it is not designed to pick up conduct that people find merely offensive. That is my answer.

Ann-Marie HERMANS: In this situation with this bill, is it going to be able to be applied retrospectively?

Jaclyn SYMES: The legislation is not retrospective.

Ann-Marie HERMANS: So if it is not retrospective but the impacts of the actions of people in recent times have impacted someone severely to the point that maybe they have lost their career based on their own religious beliefs that have been made public, is there any ability then for someone in that situation to then turn around and claim that vilification in that instance?

Jaclyn SYMES: These laws are not retrospective.

Evan MULHOLLAND: Just going back to what we were discussing earlier –

Jaclyn Symes: There is a lot.

Evan MULHOLLAND: Yes, there is a lot. Just on the identity of the unnamed person – the person not having to be identified – what safeguards are in place for both VEOHRC but also a representative body to not act maliciously or fake an individual? Is there any penalty for not acting in good faith with the intent of the legislation?

Jaclyn SYMES: I think I have gone through that in relation to the criteria that VEOHRC have to apply before they proceed with a consideration of a matter that involves an unnamed or an unidentified person. It is a requirement of VEOHRC to apply those, and I repeat in relation to the capacity of participants to withdraw from participating in the process if they are concerned about anything in that regard. I do not want to verbal VEOHRC, but it is important to them that there is confidence in being able to deal with complaints; it is not in their interests to be in a position where they are entertaining frivolous and vexatious complaints, so I expect that for these laws to be meaningful they would be pretty fierce guards of the integrity of the laws.

Evan MULHOLLAND: Just broadly, has the government consulted with stakeholders regarding any amendments under consideration on this bill?

Jaclyn SYMES: The answer would be yes, and the reason I answer yes confidently is a lot of the amendments that have been put up by various parties have actually already been considered in the development of the bill. So as I was explaining to, I think, Ms Purcell, about balancing people's views and interests in this bill, at the outset it was actually really rewarding to go and have conversations with various groups about what they wanted to see in laws. A lot of the issues that you are raising in your questions are not new topics for me; I might have been out of the space for a while, but I was in it deeply for a long time. We talked through the laws, the application and the words. We talked about DPP consent or not. We talked about attributes. We talked about the wording of attributes like this. Of all of the bills that I have been connected to, this would be the bill that has been the most open and transparent and discussed and examined and had hypotheticals run through it and conversations with people that are for and people that are opposed. So the answer to your question is yes, because we have considered so many of the terms and therefore picked up probably a lot of the amendments that have been discussed today. In relation to the specific amendments that the government moved in the Assembly, that was a direct result of stakeholder engagement once the bill was public and in the Parliament. We did not just say 'We're going to amend it because we feel like it' – it was based on in-depth consultation with people who wanted to see the bill pass and make sure that any of their concerns were picked up, and that is what certainly drove those. In relation to the amendments that the Liberal Party have put forward and the Greens have put forward, I am not aware of the level of consultation any further than how I have explained to you that there is nothing that has been presented that is new to me, so they have already been subject to extensive conversations.

Evan MULHOLLAND: Just continuing along the lines of consultation, are you aware if groups like Victoria Police have been consulted on potential amendments to this bill?

Jaclyn SYMES: Are there any particular amendments that you are –

Evan MULHOLLAND: The particular amendments are removing Victoria Police's role in determining an offence and particularly whether Victoria Police and the Chief Commissioner of Victoria Police were consulted.

Jaclyn SYMES: Mr Mulholland, I am not sure in relation to these amendments. What I can be open with you about is that the government's position in relation to removing DPP consent was certainly subject to a conversation with the former chief commissioner, who supported the removal of DPP consent. In fact I would go as far as to say that was the position that VicPol advocated for. I am already on the record discussing this. It is an area that you have expressed a concern with. I have some hesitation in bringing it back, but there is merit on both sides. The Attorney, through her conversations with the Greens, has been convinced that that protection measure does not undermine the intention of the laws. As the former minister who introduced the bill to the Parliament, I could have gone either way as well. I think it is something that we should keep an eye on to make sure that it is not an inappropriate barrier, slowing up any of these potential cases. However, there is a strong argument for protection of vulnerable cohorts in relation to DPP consent. So it is really a 'not sure who's right' situation in this case. Through genuine good-faith negotiations, the government will be supporting the Greens amendment in this matter.

Evan MULHOLLAND: Perhaps the real reason it was agreed upon was to ram this bill through and get a deal done. You also mentioned that stakeholder engagement since the bill was first introduced into the lower house took place, which led the government to making some changes. Preaching and proselytising were added into the religious purpose defence. Does the government still agree with those changes without any sort of clarification towards the end of that?

Jaclyn SYMES: I do not understand your question, and neither did the box.

Evan MULHOLLAND: Does the government still agree with the current religious purpose defence as written without any insertion afterwards, as is being circulated in the Greens amendment about conformity with particular doctrines?

Jaclyn SYMES: My view is – and I should not give an opinion – it is the government's position that the Greens amendment is a clarifying amendment and does not make a substantive change to the intention of that clause.

Evan MULHOLLAND: Has the government consulted with faith groups on that amendment?

Jaclyn SYMES: As previously explained, Mr Mulholland, I am not across the level of consultation in recent weeks, short of saying that this bill has been subjected to extensive consultation, particularly in relation to religious exceptions.

Evan MULHOLLAND: I am aware that this bill has been the subject of a lot of consultation, and I would state as a credit to you, Minister, that you would have undertaken such consultations on such serious amendments, but from what I can gather, faith groups have been completely left in the dark at this amendment that we only just saw a few hours ago that supposedly has already been agreed to by a government that invites faith communities into government offices at taxpayer expense to meet and greet and talk about how much they support groups like diverse Christian communities, yet do not have the capacity to consult said faith groups or faiths about such a significant change. I will add that as a comment, but I would say to you, Minister, that in the past I have seen that you have gone out of your way to consult particularly on amendments as well, and that does not seem to have occurred from this part-time Attorney-General.

Jaclyn SYMES: I think that is slightly inflammatory and unfair commentary, Mr Mulholland. It was consulting with faith groups that brought us to a position of adding in preaching and proselytising to avoid doubt. In relation to the Greens amendment – and we are talking about an amendment that has not been moved yet, but obviously it has been circulated – what we are talking about is their proposal to add 'that is in conformity with the doctrines, beliefs or principles of that religion'. As I

said, I think it is a clarifying set of words that is unlikely to do anything other than confirm the intention of the clause. That is certainly my understanding – I have got some nodding from those that have proposed this. I reckon having a clause that has now been added to twice, has been pretty much subjected to a lot of consultation and has had a lot of views of people considered in relation to that is clarifying, as I said. I am also advised that it is existing in legislation under section 82B of the Equal Opportunity Act, so it is not something new that is a big change.

David LIMBRICK: On this proposed change – and I take in good faith the consultations around the addition of proselytising – this addition that we are talking about adding here, 'that is in conformity with the doctrines, beliefs or principles of that religion', implies that someone needs to decide what is in conformity. Isn't that implying that VEOHRC will be deciding on religious doctrine?

The DEPUTY PRESIDENT: Mr Limbrick, are you asking questions on the amendment?

David LIMBRICK: Yes, we were just discussing the amendment.

Jaclyn SYMES: It was kind of where we went.

The DEPUTY PRESIDENT: We did decide earlier in the evening to keep the questions and discussions on the amendments to when we move the amendments, because it is the person moving the amendment that you should be asking those clarifications of.

Ann-Marie HERMANS: I am also aware that the Racial and Religious Tolerance Act 2001 covers, as you have mentioned, the electronic transmission of material, and you have talked about protected attributes, whether they be disability, gender identity, race, religious belief or activity, sex, sex characteristics, sexual orientation, personal association et cetera. In this particular bill, however, if were to take, for instance, not just religious doctrine but religious scriptures, you would find in potentially all religions that there will be within their doctrines, their scriptures or their religious or holy books lines that could be considered hateful, offensive or inciteful to a number of people. Given that a person may then quote a scripture online, which I know was a question before, that may be considered inciteful or hateful to another person of another belief, how will the person who actually holds dear those religious beliefs and those religious scriptures be protected by this law if they actually quote from their own religious doctrine and it is considered to be inciteful or hateful?

Jaclyn SYMES: I think what you are presenting, Mrs Hermans, is the exact reason that we have the exceptions. That is what they are designed to ensure that we are responding to. We have talked about genuine and good-faith expression and the practice of a faith; that is an exception, and the way you have articulated it is with the exact types of examples that people who were concerned about the applications of the law raised. It is why the exception is phrased in the way it is.

Ann-Marie HERMANS: So then in the case of Israel Folau and what he quoted, which was directly from a revelation that was given 2000 years ago to one of the disciples of Jesus in a dream and then was interpreted and put into words in the Book of Revelation and was considered to be inciteful and hateful, does that mean that somebody like him would then be exempt from any retribution for what he wrote and was published online?

Jaclyn SYMES: Mrs Hermans, I am not going to apply the law to specific situations. What I will refer back to are the exemptions and the fact that when there is a genuine good-faith expression and practice of faith, it is likely to be picked up by the exemption. In relation to the case that you have mentioned, I do not think it was a vilification case in any event; I think it was a contract case. Again, I do not want to make comment on a specific example and apply the law, but what you have articulated I do not think was a vilification case.

Ann-Marie HERMANS: Just to clarify, though, the ABC quoted this as being a situation where Israel Folau was considered to have put forward words that were considered to be hateful, and then as a result of that being hateful and therefore having an implication on people with a particular attribute, it was concluded to be inappropriate. So the question still remains.

Jaclyn SYMES: I do not think that is what happened.

Ann-Marie HERMANS: I just looked it up on the ABC; I have got the article on my phone.

Jaclyn SYMES: So anti-vilification laws were in breach?

Ann-Marie HERMANS: No. Obviously your laws have not yet been passed, but the point is that had they been passed at that point in time and this had taken place, it would have been a very interesting case. It looks to me like Israel Folau would have had a case to fight and to say that he was actually being vilified. Would that be the case?

Jaclyn SYMES: You are entitled to your opinion on how you think the laws would apply, Mrs Hermans. It is not my intention to apply laws to specific situations.

Bev McARTHUR: Minister, I just wonder if you would confirm the definition of 'proselytise'. I am looking it up in the Oxford dictionary, and it says as a verb it means 'to convert or attempt to convert (someone) from one religion, belief or opinion to another, and to advocate or promote a belief or course of action'. Do you confirm that that is your understanding of the definition?

Jaclyn SYMES: Mrs McArthur, when it comes to definitions, particularly in this space, we have provided some guidance for the courts to apply the laws and interpret the laws. We have added preaching and proselytising to the conduct that would be considered as part of the legislation, and we have also confirmed that it is not an exhaustive list that may be relevant to those that are expressing their religious beliefs and views.

Bev McARTHUR: But you need to be able to confirm to the chamber and to the people of Victoria what your understanding of the word is, surely, as you are putting it into the legislation.

Jaclyn SYMES: Mrs McArthur, ordinary meaning and dictionary meanings are all relevant for the court's considerations. Thank you for putting it on the record.

Bev McARTHUR: In that case proselytising can refer to matters other than religion, because it refers to a belief or opinion and promoting and advocating a course of action. So outside the area of religion it has a meaning as well. Do you confirm that that will be the case?

Jaclyn SYMES: First of all, Mrs McArthur, it is not my position to confirm or otherwise. When we make laws in the Parliament we provide scope for the courts to determine things such as definitions based on a lot of case law and experience, and we can draw on that. But it is not for me to give a definitive definition of a word such as 'proselytise'. You are trying to make a link to apply proselytising to other attributes et cetera, but it still needs to be a religious purpose to fall within the exemption, because the term 'proselytise' is not a general term in the legislation; it is confined to considerations of religious purpose.

Aiv PUGLIELLI: I move:

1. Insert the following New Clause before clause 1 –

"**1AA Statement for this Act**

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

The diversity of the people of Victoria enhances our community and Victorians embrace the benefits provided by this diversity and are proud that people live together harmoniously. However, vilification is still occurring in Victoria.

Vilification harms social cohesion through its inherent divisiveness and perpetuates the unequal distribution of power. Vilifying conduct is contrary to democratic values because of its effect on the people who are subjected to it. It diminishes their dignity, sense of self-worth and belonging to their community and can cause profound physical and psychological harm. It also reduces their ability to contribute to, or fully participate in, all social, political,

> economic and cultural aspects of society as equals, thus reducing the benefit that diversity brings to the community.
>
> It is the intention of Parliament to enact law for the people of Victoria that respects the inherent dignity of all of us and promotes our equal participation in public life.”.

For the benefit of the chamber, if possible, I am able to speak to all the amendments I am moving tonight and get it all done in one go. Is that of use?

The PRESIDENT: Yes, please.

Aiv PUGLIELLI: With regard to the preamble statement amendment, this amendment seeks to bring the preamble statement that the bill inserts into the Equal Opportunity Act into the entire bill to ensure that overarching statements relating to the right of all Victorians to participate equally in a democratic society, the promotion of the diversity that exists within our society and the right to equality and the need to balance this with the right to freedom of expression apply to both the civil and the criminal provisions.

With respect to the purposes amendment, to help get the balance right between the right to equality and freedom of expression we are seeking to amend the purposes of the bill via this amendment to clearly state in the purposes of the bill that its intention is to promote full and equal participation in an open and inclusive democratic society without impeding robust discussion. It is vital that anti-vilification legislation is directed to addressing the systemic nature of disadvantage to protect marginalised groups.

When interpreting legislation, determining parliamentary intent and the objectives of the bill, legal stakeholders have indicated to us that judges and magistrates will give the purposes section higher weight. That is why this amendment also seeks to explicitly state in the purposes of this bill that its intention is to protect people that experience systemic injustice and structural oppression, including Aboriginal and Torres Strait Islander people.

With respect to the DPP consent amendment, we believe there is a risk that these laws could be misused and selectively enforced by police, which could disproportionately impact marginalised and overpoliced communities or result in frivolous or vexatious charges. This risk could be mitigated by retaining the requirement that a prosecution for a serious vilification offence must not be commenced without the written consent of the Director of Public Prosecutions, which is what we are seeking to achieve via these amendments. Requiring consent from the DPP is an extra level of oversight and consideration. The DPP is required to consider whether prosecuting a person is in the public interest. Given the significantly increased penalties for these offences of three to five years in prison, we believe this oversight is critical.

With respect to the power and context amendments in criminal and civil provisions, it is important that this bill is not misused against already overpoliced and marginalised groups. These amendments, coupled with our amendment to the purposes of the bill, clarify that the intention of the bill is to safeguard individuals who face widespread, entrenched patterns of unfair treatment that are built into the systems, the institutions and the laws of our society and that this should be taken into account when protecting those at risk of vilification but also to ensure that those who are marginalised, vulnerable or disadvantaged are shielded from these laws being weaponised against them or applied to them in a discriminatory or an unjust way.

Because this legislation should not be about criminalising someone’s right to practise their religion or to participate in our community, in protest or in legitimate public discourse, it should not impinge upon the democratic rights that are key to the freedoms we enjoy in this state, including the right to public assembly and political communication. When considering whether to commence prosecutions for vilification it is critical that decision-makers take into account the circumstances of the conduct, including the social, historical and cultural context and including any power imbalances between the parties involved. We are seeking to achieve this via one of these amendments. It is also critical that the

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Victorian Equal Opportunity and Human Rights Commission and the Victorian Civil and Administrative Tribunal take into account these same considerations with respect to the civil provisions. We are seeking to achieve this also via these amendments.

With respect to the amendments clarifying the religious exceptions in the bill, we are seeking to clarify the scope of the religious exception to ensure that there is a close and direct nexus between preaching and proselytising and a person's religious beliefs. Importantly, the terms 'worship', 'observance', 'practice' and 'teaching' have largely been interpreted to protect activities performed by people of faith within their faith communities rather than harmful public conduct targeting non-believers, so that genuine conduct that is engaged in in the course of worship, observance, practice, teaching, preaching or proselytising in respect of a particular religion is in conformity to the doctrines, tenets or beliefs of that religion.

While our preferred wording would align with the exact wording in article 18(1) of the International Covenant on Civil and Political Rights, we are satisfied that this amendment sufficiently clarifies the interpretation of this exception to apply equally to have that scope narrowed in that way. This wording echoes the Commonwealth Sex Discrimination Act 1984, in which the religious purposes exception must apply to an act or practice that conforms to the doctrines, tenets or beliefs of that religion. In our own Equal Opportunity Act we have already a religious bodies exception in subsection 82(2)(a) that requires that anything done is reasonable and proportionate in the circumstances and that it conforms with the doctrines, beliefs or principles of the religious body's religion. We are therefore seeking to clarify the civil religious purpose exception within this bill to ensure its reading remains appropriately narrow via this amendment, so that only genuine conduct that is engaged in in the course of worship, observance, practice, teaching, preaching or proselytising in respect of a particular religion is in conformity to the doctrines, tenets or beliefs of that religion. This is vital to ensure that LGBTQI+ people and other groups who are often marginalised are protected from hate speech that could hide under the guise of religion – for example, a religious person distributing hateful, homophobic or antisemitic material that is based solely on their personal views and not those of their religion.

Evan MULHOLLAND: Acting President Galea, it is good to see you in the chair. Not to reflect on the Chair, but I thought a tie might be appropriate. Minister, you mentioned that the government agreed with part 6A in the prohibition of vilification. You also clarified that it is to also express legal intent. Would inserting the Greens statement at the front of the bill, which is somewhat contradictory to the government's statement in part 102A, give it more legal weight than the existing statement in 102A?

Jaclyn SYMES: In relation to this amendment, Mr Mulholland, the government will be supporting the changes. I will be up-front: we do not think it is necessary, but for clarification, we are happy to support the amendment because it just sets out the intentions of the bill, so it is inoffensive to us.

Evan MULHOLLAND: Just clarifying that, although you have got this ridiculous situation where the government does not think it is necessary but is supporting it, the intent of putting it in the front of the bill would give it greater legal weight than the existing statement in 102A, which has explicit points about freedom of expression as 'an essential component of our society'.

Jaclyn SYMES: The inclusion of the words from the Greens does not change the legal status of the statement.

David LIMBRICK: What legal effect will this statement actually have? Is the minister saying that this statement, after it is inserted, will have no differing legal effect?

Jaclyn SYMES: Let me just clarify. At the outset, the positioning of the provisions does not relate to how much legal weight would be afforded. As I said, we think that this is largely about clarification, and if that is a way that more people are given comfort about the intention of the laws, then there is no harm in that.

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David DAVIS: I am just struggling with the concept that there are two of these sections in the bill, one further up in the bill and another one later, and they are not the same words. I just wonder if the minister can explain how inconsistencies in the words will be resolved. We all understand that lawyers know and are able to look at small words and small differences and tense differences and modest tonal changes. These seem to me to be quite different in at least some paragraphs, and in that sense I would just be very interested to hear how the minister intends that that be resolved.

Jaclyn SYMES: With respect to the committee, the position of the government is to explain that we are supporting the amendments. The amendments have been put by the Greens. If you want to ask about the amendments –

Members interjecting.

Jaclyn SYMES: I did not have to tell you up-front I was supporting them. I am trying to be transparent. Asking the minister about amendments that are not theirs is not usual practice. I have told you that we are not opposing the amendments, and I have told you why. If you have questions about the Greens amendments, you should direct them to the Greens.

David DAVIS: With respect, the minister has indicated the government will accept this amendment, so the government in doing so must have considered the consequences of accepting the amendment and what it will do –

Jaclyn SYMES: And I explained that.

David DAVIS: I heard what you said, but it actually did not explain it adequately. If you are accepting these amendments, how are you to explain inconsistencies in interpretation?

Jaclyn SYMES: I have answered.

Members interjecting.

The ACTING PRESIDENT (Michael Galea): The minister has answered the question.

Jaclyn SYMES: I asked you to direct questions about an amendment to the mover of the amendment.

David DAVIS: With respect, I do not think that is good enough from the minister. The truth is the government have indicated they will accept the amendment, so they must have consequently thought through the impact of those amendments on their bill.

Jaclyn SYMES: Which I went through.

David DAVIS: Yes, I heard what you said, but I do not accept that there is no inconsistency. If there is an inconsistency, this is going to leave a legal avenue through which lawyers will drive large trucks. If the minister is not prepared to answer it, we will just record for the committee that the minister is not prepared to answer it despite accepting the amendment. Maybe there is a difference there, but it does seem extraordinary.

Ann-Marie HERMANS: Again, based on the fact that the government have explained that they are happy for the changes to take place with AP51C, I am taking a look at, for instance, page 7, 195Q, prosecution of offences. With this change it would mean that the government is allowing that a prosecution for an offence against sections 195N(1) or 195O(1) may only be commenced by the Director of Public Prosecutions, because it will be omitting ‘or a police officer’. Can the government please explain why it would be happy to have the omission of ‘or a police officer’ in the prosecution of an offence?

Jaclyn SYMES: We have gone through this extensively. I was really, really –

Ann-Marie HERMANS: This is to do with the Greens making the changes, and this is the change you are allowing to be withdrawn.

Jaclyn SYMES: Yes, the DPP and police. Ask Mr Mulholland. We went in great detail through the fact that I am hesitant about the Greens amendment, but when I formulated the bill there were very mixed views on whether you should have no DPP consent or you should. I fell on the side in the development of the bill that you do not require it, except for those under 18. In the good-faith consultations that have happened since the introduction of the bill, the now Attorney-General has been persuaded by the Greens argument – which is not just their argument; many people have raised this argument – that vulnerable marginalised groups can be better protected if DPP consent applies. I was very clear with my answer to Mr Mulholland: this for me is an area where I am not sure what the right way is. I think there are merits on both sides, and I am happy to facilitate the Attorney's agreement to the Greens proposal in an amendment in this regard. I do not think I can be any clearer than that.

Evan MULHOLLAND: I have a question for the Greens, Mr Puglielli, and it goes to your amendment 2 to clause 1, inserting a specific provision to protect Indigenous and Torres Strait Islander peoples – those experiencing systemic injustice and structural oppression. The legal interpretation of that is that some protected attributes are more important than others and are given more weight than others. Does this not undo the statement that you have inserted into the middle – the one that the government is hesitant to support but is supporting – that we should respect equal participation in public life?

Aiv PUGLIELLI: Mr Mulholland, are you putting a legal interpretation to the chamber?

Evan MULHOLLAND: I am asking about your amendment, Mr Puglielli, specifically 'to protect Aboriginal and Torres Strait Islander people and others experiencing systemic injustice and structural oppression'. I will start by asking: what are the reasons behind your decision to insert this provision?

Aiv PUGLIELLI: As I would have thought you would understand, Aboriginal and Torres Strait Islander people – and many others who are in marginalised groups in our community – face systemic injustice and structural oppression, and therefore it should be considered in the bill. That is why it has been included in the amendment.

David DAVIS: I am just going to ask the minister about the government's decision to accept these amendments too. What basis is the government accepting those amendments on? Has the government consulted on these amendments, particularly new paragraph (ab), as outlined by Mr Mulholland? Has the government undertaken any broad discussion?

Jaclyn SYMES: I have answered the question about consultation in relation to amendments extensively with Mr Mulholland.

Evan MULHOLLAND: Just in regard, Mr Puglielli, to your amendment, particularly on 'others', I am asking for your interpretation of 'experiencing systemic injustice and structural oppression' in terms of 'others'. Could you provide for the chamber your interpretation or thoughts on other groups that have experienced systemic injustice or structural oppression?

Aiv PUGLIELLI: As you would be aware, the attributes are expanded under this bill – speaking to the fact that there are marginalised groups who up until now have not been covered by the provisions of the legislation – therefore indicating, as I would have thought would be obvious, there are groups within our community who face systemic injustice and structural oppression. Again, that is why we have sought to move this amendment acknowledging that Aboriginal and Torres Strait Islander people and others experience systemic injustice and structural oppression in our community.

Evan MULHOLLAND: I get that, Mr Puglielli, but that is not the question I asked. You brought this amendment to the chamber, so I ask who the others are that are experiencing systemic injustice and structural oppression.

Aiv PUGLIELLI: Those with the protected attributes under this bill.

Evan MULHOLLAND: So are you saying all those with protected attributes under this bill, including religion and race, are the others you define as experiencing systemic injustice and structural oppression?

Aiv PUGLIELLI: One moment. Mr Mulholland, you are seeking to draw me into interpreting, as if I were the judiciary, the word 'others'. I will not seek to speak for them, but what I can say is, again, as I have indicated in my prior responses, this bill is expanding attributes to protect a range of marginalised groups in our community. This amendment seeks to explicitly state that its intention is to protect people who are experiencing systemic injustice and structural oppression, including Aboriginal and Torres Strait Islander people.

Bev McARTHUR: Mr Puglielli, will you confirm, then, that a vulnerable, marginalised group that is experiencing systemic injustice at the moment are women, adult human females, who are absolutely experiencing systemic injustice absolutely at the hands of those who say that anybody can be a woman?

Aiv PUGLIELLI: Sex is a characteristic that is protected under this bill.

Bev McARTHUR: So, Mr Puglielli, you confirm, then, that women are being marginalised and experiencing systemic injustice and this amendment is designed to protect adult human females – that is, biological women – against systemic injustice. Is that the purpose of this amendment for proposed new clause 1(ac)?

Aiv PUGLIELLI: Sex is a protected attribute under this bill.

David LIMBRICK: On proposed new clause 1(ab), where it talks about 'to protect Aboriginal and Torres Strait Islander people', did the Greens consult the First Peoples' Assembly on this amendment?

Aiv PUGLIELLI: One moment. Our advice with respect to this and all our amendments has come from a range of stakeholders. We have engaged quite widely. With respect to First Nations people in our community, I would point you, for example, to the Victorian Aboriginal Legal Service, one of the stakeholders we have engaged with here. This has been a thorough process of engagement right across the community. There are a range of stakeholders who have engaged throughout the process right from the beginning, prior to this bill being in existence. There has been a lengthy public discourse over the reforms we are talking about here tonight. Yes, we have consulted with key groups relating to the welfare of First Nations people.

David LIMBRICK: My question was specific, though, around the First Peoples' Assembly. Have they been consulted on this?

Aiv PUGLIELLI: Specifically the First Peoples' Assembly? No.

Bev McARTHUR: Mr Puglielli, did you consult the Victorian Women's Guild?

Aiv PUGLIELLI: I am not aware of us having received any specific feedback from this group in relation to this bill.

Bev McARTHUR: Mr Puglielli, did you seek it?

Aiv PUGLIELLI: From this specific group? Not that I am aware of.

Bev McARTHUR: Why not? This is a very important group in the area of women's rights. Why wouldn't you have first consulted with this significant group in Victoria?

Aiv PUGLIELLI: We have, to my understanding, read every submission that was made to the inquiry that predated this bill. Again, this is specifically a group that we have not engaged with and has not written to us.

Evan MULHOLLAND: I am glad, Mr Puglielli, that in your previous answer to me you acknowledged that religions – so by extension Christians – are suffering structural oppression. Would historical considerations, systemic injustice or structural oppression also include the experiences of many Catholics and Jews of a more boomer generation and older, who grew up with job ads with letters saying 'CNNA' or 'CJNNA' – Catholics and Jews need not apply.

Aiv PUGLIELLI: Considering the opening of the question entirely verballed me, I am not engaging in this line of questioning.

Bev McARTHUR: Mr Puglielli, given that you said sex is a protected attribute, did you consult with Women's Forum Australia?

Aiv PUGLIELLI: Mrs McArthur, I understand the attribute you are referring to under this bill was determined by government, so therefore your question has no relevance to the Greens amendments this evening.

Bev McARTHUR: Mr Puglielli, you have put forward an amendment which says:

> to promote full and equal participation in an open and inclusive democratic society, without impeding robust discussion that does not vilify or marginalise others based on a protected attribute …

Surely if you are intending to have this amendment passed, we need to know who you consulted with in the design of this amendment and if you are ensuring that is groups who are important in this area. You have admitted that sex is part of a protected attribute. We need to know that you consulted with those groups that particularly represent one area of sex, which is women – biological adult human females.

Aiv PUGLIELLI: Perhaps for the benefit of the house, because I think we are going in circles a little bit here, I have a non-exhaustive list of stakeholders we have engaged. I might read through those if that is of benefit: Action on Disability within Ethnic Communities, Australian Discrimination Law Experts Group, Australian Democracy Network, Australia Palestine Advocacy Network, Commission for Children and Young People, Centre for Multicultural Youth, Disability Advocacy Network Australia, Disability Discrimination Legal Service, Deaf Victoria, Democracy in Colour, Disability Justice Australia, Disability Resources Centre advocacy, Ethnic Communities' Council of Victoria, Equal Voices, Equality Australia, Federation of Community Legal Centres, First Peoples Disability Network, Fitzroy Legal Service, Human Rights Law Centre, Inclusive Rainbow Voices, Intersex Human Rights Australia, Islamic Council of Victoria, Jewish Council of Australia, Justice and Equity Centre, Law Institute of Victoria, Liberty Victoria, Melbourne Activist Legal Support, Minus18, Office of the Public Advocate, Queers for Palestine Naarm, Queer Greens, Rainbow Families, Rights Information and Advocacy Centre, Star Victoria, Switchboard, Thorne Harbour Health, Trans Justice Project, Trans Queer Solidarity Naarm, Transcend Australia, Unionists for Palestine, Uniting (Victoria and Tasmania), Victorian Advocacy League for Individuals with Disability, Victorian Aboriginal Legal Service, Victorian Council of Social Service, Victoria Legal Aid, Victorian Pride Lobby, Victorian Trades Hall, Victorian Aboriginal Legal Service, Villamanta Disability Rights Legal Service and Women with Disabilities Victoria.

Bev McARTHUR: Mr Puglielli, that is most illuminating. So you have consulted all those other groups, but there is not any women's group identified in that list of groups you have consulted. Let us get it on the record: you have consulted no women's groups.

Aiv PUGLIELLI: In addition to, as I have indicated, reading every submission that was made through the inquiry process that predated this bill, and notwithstanding that the last group I just read was Women with Disabilities Victoria, we receive plenty of feedback from women in the community.

Evan MULHOLLAND: My question is to the minister, and it really relates to the Greens amendment that the government has accepted, number 2.

Jaclyn SYMES: Can you take me through it? Which one?

Evan MULHOLLAND: Yes, I am happy to.

> Clause 1, after line 5 insert –
>
> “(ab) to protect Aboriginal and Torres Strait Islander people and others experiencing systemic injustice and structural oppression; and
>
> (ac) to promote full and equal participation in an open and inclusive democratic society, without impeding robust discussion that does not vilify or marginalise others based on a protected attribute …

Are the Greens and the government undermining the independence of the DPP by telling them how to do their job?

Jaclyn SYMES: I want to just say no – that is the answer. I assume we are talking about the same amendment. This is talking about purposes of the bill, right? This is not about the powers of the DPP, it is not about dictating; it is the main purpose of the bill. This is what they are proposing to do:

> to protect Aboriginal and Torres Strait Islander people and others experiencing systemic injustice and structural oppression …

I do not have a problem with that. Do you have a problem with that? It does not make sense to me that you have a problem with that. The amendment states:

> To promote –

my God, promote, how dare you! –

> full and equal participation in an open and inclusive democratic society, without impeding robust discussion that does not vilify or marginalise others based on a protected attribute …

I refer to my previous comments.

Bev McArthur: They are being marginalised by this.

Jaclyn SYMES: Women have been marginalised for centuries, and I do not think they are proposing to exclude women. It is a promotion. It is the purposes of the bill clause. The way you are characterising it, Mr Mulholland, is catastrophising something for the sake of catastrophising it. The government’s position is that we thought we had probably covered the field. This is fine. If we want to make sure that people from Aboriginal and Torres Strait Islander backgrounds know that this is about protecting them if they are vilified for being Aboriginal, I am pretty okay with that. If we want to promote full and equal participation, I am pretty okay with that. I do not actually understand the opposition to some words that are pretty inoffensive; in fact they are really inclusive. The government did not propose them, but we are not opposing them.

Evan MULHOLLAND: I would have a different view, that it does undermine the independence of the DPP. This is coming from a government that wrote to the Chief Justice of Victoria instructing them how to apply the bail laws that were passed by this Parliament – again, something, to your credit, Minister, you would have never done. But this bill seeks to do that, and it gives particular weight and says basically that some attributes are more important than others. I want to ask whether it is the government’s view that Aboriginal and Torres Strait Islander people are already covered under race.

Jaclyn SYMES: Yes, for that particular attribute.

Evan MULHOLLAND: My question is to Mr Puglielli. What is your reason for the amendment to not remove the consent requirement from the DPP for Victoria Police?

Aiv PUGLIELLI: As I have indicated, we believe there is a risk these laws could be misused and selectively enforced by police, which could disproportionately impact marginalised and overpoliced communities. This risk could be mitigated by retaining the requirement that a prosecution for a serious vilification offence must not be commenced without the written consent of the Director of Public Prosecutions, which is what we are seeking to achieve by this amendment.

Evan MULHOLLAND: Could you just talk me through – because it is quite important, particularly with reference to the police – what issues you have with the police involvement in the bill as was drafted?

Aiv PUGLIELLI: This is about providing oversight so that marginalised and overpoliced communities do not become further incarcerated.

Evan MULHOLLAND: Could you repeat that?

Aiv PUGLIELLI: This is about ensuring that marginalised and overpoliced communities do not become further incarcerated as a result of these laws.

Evan MULHOLLAND: What communities are marginalised and overpoliced by the police?

Aiv PUGLIELLI: I feel like this has been asked and answered. It might have been first question you put to me.

Evan MULHOLLAND: You made a statement and I had a follow-up. What communities have been marginalised or overpoliced by Victoria Police?

Aiv PUGLIELLI: It appears the idea of racial profiling that occurs in policing in this state has not reached the ears of the opposition. But it occurs, and you should ask your constituents about it.

Evan MULHOLLAND: I am asking you about your intent. You have drafted this amendment, or one of your colleagues has, or one of the many different stakeholders you seemed to reel off has obviously drafted it for you, so I understand you might not be fully across it. But I am asking about the intent of removing Victoria Police from the protests. Who specifically are the marginalised and overpoliced groups you are referring to? If you had to pick out of the protected attributes, who would you be choosing?

Aiv PUGLIELLI: Mr Mulholland, your condescension aside, I have spoken to the intent behind this amended, and I will not be engaging further.

Evan MULHOLLAND: Obviously he cannot answer it. I will ask the minister, because I do think some of the attitude we just heard and some of the flippant attitude to law enforcement is probably the reason why the Greens political party are losing seats like Prahran and some of their support has dropped to record lows.

Minister, there is obviously a very important role for Victoria Police as part of this bill. As we have discussed before, the government and particularly the Attorney-General's office came back to us stating the reasons for strengthening this legislation so Victoria Police could enact prosecutions so we could get outcomes. In that respect, why are you now supporting the Greens amendments to cast aside Victoria Police?

Jaclyn SYMES: Mr Mulholland, I answered this question previously with you and I got asked the same question by Mrs Hermans. My response to her was that I had answered your previous questions. I explained where we got to with police and DPP consent and I explained where we are at now. I have got nothing further to add. I can just repeat that this is a lineball one. As I said, the government will not be opposing the Greens amendments. As has been indicated, there are a variety of views in relation to this and I think it would be prudent for us to keep an eye on things.

Evan MULHOLLAND: Just back on the DPP, I will probably ask this of both of you, actually. If someone is threatening harm to another person's body or property based on their protected attribute, why should the historical circumstances of the person making the threat be relevant?

Aiv PUGLIELLI: Just one moment.

There are a range of considerations that are taken into account in each particular case. This is to ensure that these considerations are taken into account with respect to both the person on the receiving end and the alleged perpetrator.

Evan MULHOLLAND: Isn't this a get-out-of-jail-free card for people wanting to threaten others based on what may have happened generations ago on another continent?

Aiv PUGLIELLI: No.

David LIMBRICK: I have a question for the minister. Everyone is talking about this word as if everyone understands it, but not all of us were involved in leftist politics. 'Marginalised' – this is an introduced object of the bill that we want to not impede robust discussion that does not vilify or marginalise others based on a protected attribute. What is actually meant by 'marginalised'? We are adding in a new purpose, effectively, here – or a new verb. What is actually meant by that? What are we actually trying to stop doing?

Jaclyn SYMES: This is not my amendment. This is the Greens amendment. Mr Limbrick needs to direct his questions about a specific amendment to the mover of the amendment.

David LIMBRICK: Fine. I will direct that question to Mr Puglielli then, please.

Aiv PUGLIELLI: I am sorry, could you repeat the question?

David LIMBRICK: Yes, sure. You are introducing a new purpose here to not marginalise people. What do you actually mean by the verb 'marginalise'? What are you actually trying to prevent or stop happening?

Aiv PUGLIELLI: The ordinary meaning – this is addressing groups in our community who systemically experience vilification. We are expanding these attributes to protect people on the basis of who they are.

David LIMBRICK: That does not really answer the question, though. What does the word 'marginalise' actually mean here? Because you have introduced it twice in here, and it is not clear to me what the actual meaning of it is in this context.

Aiv PUGLIELLI: The ordinary meaning, as I have indicated; you can consult a dictionary.

Rachel PAYNE: Mr Puglielli, I would like to ask a question just in relation to amendment 2(ac) on clause 1: what is meant by the term 'robust discussion'? That term is often used by activists to claim that they are not engaging in vilification because they are simply using robust discussion. So I just want a bit of clarity around that, please.

Aiv PUGLIELLI: I welcome the question. The words immediately draw into account the words following, which is that it is:

> … without impeding robust discussion that does not vilify or marginalise others based on a protected attribute …

It is really important to state that: we are not talking about discussion that vilifies or marginalises people. So potentially the sort of inferences made, where others have tried to weaponise the term – that is not what we are speaking about. The purpose of this amendment is to make clear that robust debate in the public interest that does not engage in harmful dehumanisation and vilification of other human beings based on their inherent characteristics is not intended to be captured by these new laws. For example, victim-survivors of institutional child sexual abuse have protested about specific religious institutions or representatives, such as Catholic priests, being complicit in child abuse or said, 'Down with the Catholic Church' – those are quotes. These types of statements are drawing public attention to the experiences of victim-survivors and their families and the role of religious institutions in failing to protect them from child sexual abuse and would constitute robust discussion that should

not fall foul of anti-vilification laws. This particular amendment does not open the pathway to a discussion or harmful conduct about individuals, identities or attributes.

Rachel PAYNE: In relation to amendments 3 through to 10, I am referring back to the inquiry into anti-vilification laws, which recommended removing the requirement for DPP consent to prosecute vilification offences. Why are the Greens proposing that this will be retained, and won't this make it harder to prosecute anti-LGBTIQA+ vilification?

Aiv PUGLIELLI: The requirement to obtain consent from the DPP before prosecuting serious vilification offences will ensure the DPP can play a critical role to ensure the new laws operate as intended, recognising the specialist legal expertise of the DPP to assess whether a prosecution is in the public interest, ensuring proportionality and fairness and appropriately considering whether and how human rights have been taken into account.

Rachel PAYNE: Amendments 11 and 12 – what value do these add in strengthening the legislation? Again, I heard your response previously, but this is in relation to those civil offences.

Aiv PUGLIELLI: It is important in these contexts that these matters be considered. We are also aware that the VEOHRC would likely already take these things into consideration, but we believe it is important that VCAT does too, and therefore we have made it explicit.

Rachel PAYNE: Just on that, wouldn't it make it more difficult to pursue anti-vilification cases through VEOHRC if that rigorous testing was applied?

Aiv PUGLIELLI: That is not my interpretation.

Richard WELCH: I would like to ask Mr Puglielli regarding the statement for the act, amendment 1. We have heard that much of this bill will be interpreted by the courts, and therefore it is important we do not deliver the courts ambiguity in the bill, but I think this opening statement does exactly that. I am particularly concerned about where it says vilifying conduct 'diminishes their dignity, sense of self-worth and belonging to their community'. Is it the intention that – or will it influence the interpretation of the bill – if someone simply has a diminished sense of self-worth, ipso facto that is vilification?

Aiv PUGLIELLI: I will have to disagree on the matter of ambiguity. As I have indicated, this amendment seeks to ensure that overarching statements relating to the right of all Victorians to participate equally in a democratic society, the promotion of diversity that exists in our community and the right to equality and the need to balance that with the right to freedom of expression are applied to both civil and criminal provisions.

Richard WELCH: But just to be clear though then, it is not the intention of this insertion to say any one of these events – if someone has a loss of sense of self-worth or feels that their dignity has been diminished or their sense of belonging to a community – individually themselves should be interpreted as vilification?

Aiv PUGLIELLI: This is a preamble statement, and I note again that this is already present in the Equal Opportunity Act.

Richard WELCH: I would love to also just revisit amendment 12, 'Clause 9, page 15, after line 4 insert', and that is the section where it describes taking into account the social, cultural, historical and other circumstances of the other person or group of persons. I think you mentioned earlier that that applies to both the alleged perpetrator and the alleged victim. The principle of equality before the law is a pretty fundamental one. If we are going to put in law within a single incident potentially the historical or other – and 'other' is undefined – circumstances for the perpetrator and simultaneously historical and other circumstances for the alleged victim, is there not a risk that you will stray so far from the concept of equality before the law because of extraneous qualifications on the action or on the perception of the action?

Aiv PUGLIELLI: I am not quite following. Could you explain further?

Richard WELCH: Equality before the law is a very fundamental principle: we are all treated equally in front of the law. This bill says in that interpretation we are no longer equal before the law because our historical circumstances, social factors or, in black and white, other circumstances must be taken into account. On one hand the perpetrator may find justification for their criminal or violent acts because they came from a certain social group or they had a certain social background. On the other hand, the victim should not be considered a victim; they are not entitled to be a victim because of their social background or historical circumstances. This to me is a very dangerous amendment because it completely diminishes equality before the law and with open-ended concepts which are ill defined. That is my concern. Where is equality before the law under this amendment?

Aiv PUGLIELLI: A lot of that felt like more of a statement, but I note it. Again, these are –

Richard WELCH: You asked for an explanation; I gave it to you.

Aiv PUGLIELLI: These are considerations, as I have indicated already, that we feel should be applied to this provision. As I have indicated, we are aware that the VEOHRC luckily already takes these things into consideration.

Richard WELCH: This might sound a little bit like a statement too, I guess. That is exactly the problem I am pointing out. You are leaving it completely open-ended to the court that they must take into consideration matters, other than facts, that relate to circumstances or subjective judgement about the impact of historical or heritage matters.

Aiv PUGLIELLI: There are a range of considerations that will be taken into account. We are asking that these considerations be also considered.

David LIMBRICK: I would just like to ask Mr Puglielli about amendment 13:

> … after “proselytising” ‘insert “that is in conformity with the doctrines, beliefs or principles of that religion”.

This adds a condition on what is valid and is not valid proselytising. Who is actually going to decide what is in conformity with the doctrines, beliefs or principles of that religion?

Aiv PUGLIELLI: I believe you put this same question, or one very, very similar, to the minister, and I concur with her response.

David LIMBRICK: I think the minister told me to ask the mover of the amendment.

Aiv PUGLIELLI: I am quite confident that the minister did fully answer this question. Again, I concur with her response.

Evan MULHOLLAND: I know it is past 1 am, but I am finding myself in a strange period of time when I am in agreeance with the Legalise Cannabis Party on the intent of the bill, particularly in regard to amendment 10(2):

> In determining whether an offence against section 195N(1) or 195O(1)is to be prosecuted, the Director of Public Prosecutions must take into account all the circumstances (including the social, cultural and historical circumstances) surrounding the conduct that is alleged to constitute the offence.”.

Minister, I will ask you, because earlier you stated in regard to another amendment that it really did not matter because it was not a direct, explicit instruction to the DPP that would undermine its independence. This is a direct, explicit instruction to the Director of Public Prosecutions that they must take into account the circumstances. Is this not undermining the independence of the DPP?

Jaclyn SYMES: No. Providing guidance about what the DPP should assess when determining the application of laws is not an inappropriate direction to the DPP. In relation to the terminology that the Greens have used to pick up in an amendment, I would draw your attention to page 18 of the

explanatory memorandum, because it is language that the government has already proposed as explaining what could be included in other circumstances:

> The phrase "in all the circumstances" requires the context in which the conduct occurred to also be considered, including, for example, the social, cultural, historical and other circumstances of the person or the people in the group.

So I would contend that we have covered this quite substantively in our explanatory memorandum, and it is for those reasons that we are not opposing these amendments – because we do not believe that in any way they alter the intent or purpose behind the provisions. We do not necessarily think that they are that necessary, but we do not think that they make any substantive change, and therefore there is no need to oppose it. We are very keen to ensure that this bill becomes law for obvious reasons – we want to protect Victorians – and adding words in this respect is not a problem.

Evan MULHOLLAND: As we have gone over quite a bit, Minister, on the removal of Victoria Police's ability to initiate prosecutions, again, you have got this bizarre Greens opinion about Victoria Police, really denigrating the good work of Victoria Police as well. But I agree with some colleagues – some I thought I would never agree with – that it does reduce the ability and the intent of this bill to stop serious incitement, threats and all sorts of other things in this bill. Can the government clarify their support of this change?

Jaclyn SYMES: I just want to clarify a few things. First of all, VicPol can still instigate proceedings; they just need DPP consent. I am a little bit troubled by the way you phrased things – that by virtue of the DPP looking at something it might prevent cases from coming forward. The reason I have hesitation about it is probably around the extra hurdle, the extra administration and the impost on the DPP when it is not necessarily required. I do not think that it will actually have the impact of holding back cases. The DPP do not squash cases because they feel like it; they have a job to do in relation to ensuring that the case has genuine prospects of success and is in the public interest. We would hope that the DPP and VicPol would confer and agree in the vast majority of instances.

We have a protection mechanism for younger people for obvious reasons. It is custom and practice; it is usual. I do not think that putting in a DPP consent will have an adverse impact on cases that are appropriately brought before the courts. I am just worried about the impost on the DPP in having to do a job that perhaps VicPol are okay to do. I hope that clarifies the reason that I personally, as the former Attorney-General – and I probably should caveat; this is delving into opinions, but it is because I want to explain. This is not because we think the DPP will do a bad job – of course not. We did not think it was necessary, but the Greens have argued the status quo. There are reasons for that in terms of protections for marginalised groups, and there is merit in that argument. As I said, this is a 50–50 lineball for me.

Evan MULHOLLAND: Thank you, Minister, and thank you for your very good answer, a lot of which, again, very strangely at this time of morning I agree with. I want to particularly ask the Greens about their amendment 13:

> Clause 9, page 16, line 4, after "proselytising" insert "that is in conformity with the doctrines, beliefs or principles of that religion".

I may have misheard, but I believe I heard you say that this is a narrowing of this section. Would you confirm that?

Aiv PUGLIELLI: This amendment seeks to clarify the scope of the religious exception to ensure it retains its narrow definition.

Evan MULHOLLAND: Would the effect of your amendment mean that VEOHRC or the DPP will be adjudicating over the doctrines of a particular religion?

Aiv PUGLIELLI: This wording echoes the Commonwealth Sex Discrimination Act, in which the religious purposes exception must apply to 'an act or practice that conforms to the doctrines, tenets or

beliefs of that religion'. In our own Equal Opportunity Act 2010, as I have stated, we already have a religious bodies exception in subsection 82(2)(a), which requires anything to be done to be 'reasonable and proportionate in the circumstances' and that it 'conforms with the doctrines, beliefs or principles of the religious body's religion'.

Evan MULHOLLAND: This one is to the minister and is further to this point: how does the government intend that a court or tribunal should understand what is or is not a doctrine of religion if that religious group leaves certain views on certain issues up to its individual members?

Jaclyn SYMES: Mr Mulholland, obviously, just coming back to what our bill says, the intention was to provide an exception for any genuine religious purpose, 'including but not limited to worship, observance, practice, teaching, preaching and proselytising'. It is a non-exhaustive definition, and I am reading directly from the explanatory memorandum. It was designed to modernise the definition of religious purpose, which was pulled from the Racial and Religious Tolerance Act, by aligning it with the right to freedom of religion and belief under the Charter of Human Rights and Responsibilities with additional modification. The Greens amendment is intended to add terms such as falling within doctrines or principles of religion. We do not have a problem with this clarifying language, because we believe that it is just part of religious practice, and therefore we have already indicated that we did not think that our definition was an exhaustive list, and we do not think that adding these words has a substantive change other than further clarification of the intent of the clause. It is fine.

Evan MULHOLLAND: Okay. Well, given that, and Mr Puglielli will correct me if I am wrong, Minister, but he seemed to suggest that the clarification was proselytising, preaching, teaching, and the scope would be narrowed to within those communities, as in any engagement externally, as in proselytising, sharing the good news of the Bible, sharing that to other communities, as in one person with a religious belief to someone who might not, might not be captured. I am asking you, Minister: is it your interpretation that 'proselytising', even with this definition, could still mean an individual proselytising to someone outside of their particular religion?

Jaclyn SYMES: Again, what we are missing in the way that you characterise your questions is the starting point. The word 'genuine' is being added in relation to ensuring that it is for genuine purpose, reasonable and in good faith. That is the first test. What you are talking about is the carriage of the information. It does not really matter how you articulate it if it is not in contravention of the law in the first instance in relation to it being a genuine exception to the fact that you have professed a statement or otherwise that falls within the 'genuine religious purpose' exemption, which is about ensuring people feel confident to celebrate their faith and talk about their faith, even in the knowledge that some of their beliefs would be offensive to others. This is what it is designed to do. It is designed to give confidence to religious groups that there is an exemption about the fact that sometimes there are things that you may say because they are in line with your faith that are offensive. That is the whole purpose of this point.

Richard WELCH: Minister, on that explicit answer, on that specific answer, the complication arises in that we are now intending to insert the word 'marginalised' into it. So it is no longer just the vilification bill, it is the vilification and marginalising bill.

Jaclyn SYMES: In which clause? You have jumped off religious exemption now.

Richard WELCH: We are on to the amendment.

Jaclyn SYMES: Which amendment, sorry? We were talking about religious exemption. You are talking now about the purposes clause?

Richard WELCH: I am sorry if I have confused it. I thought we were still on the amendment.

Jaclyn SYMES: There are several amendments.

Richard WELCH: We are talking on the Greens amendment.

The DEPUTY PRESIDENT: At the moment we are talking to all the Greens amendments and asking questions on all the Greens amendments, I believe, so as long as it is one of the Greens amendments –

Richard WELCH: Yes, it is Greens amendment 2:

> Clause 1, after line 5 insert –
>
> …
>
> (ac) … without impeding robust discussion that does not vilify or marginalise …

By putting the word 'marginalise' in there, that is a word that is not buttressed anywhere else in the definitions here. 'Marginalise' can mean a wide range of things. It can mean simply not including someone in a conversation, not inviting them to an event or maybe having a conversation in front of somebody and the nature of the conversation is one that they cannot participate in. So that adds an extra complication into full freedom of speech. 'Marginalise' adds a lot of complication to this bill. I do not think we should skip over it, but now I do not know what the question is.

Jaclyn SYMES: It is worth making the point that – and I am actually glad that you have revisited it, because it was something that I should have said earlier – the term 'marginalisation' is to be given its ordinary meaning, to repeat the member's answer, but to suggest that this is something new and novel is wrong. As you would appreciate, what we are doing through this bill is replacing the existing Racial and Religious Tolerance Act, and marginalisation is referred to in that bill in section 4. In section 4 of that act it says:

> to maintain the right of all Victorians to engage in robust discussion of any matter of public interest or to engage in, on comment on, any form of artistic expression, discussion of religious issues or academic debate where such discussion, expression, debate or comment does not vilify or marginalise any person or class of persons …

In terms of the commentary around the fact that this is inserting some new section that is changing the way these laws apply, it exists in an act that has been on our statutes since 2001.

Ann-Marie HERMANS: I just had this thought while I was having a little break. I was thinking about the fact that some things are fluid. Let us take the situation where a person has one religion and then changes to another or is transitioning and then chooses to detransition or something of a similar nature. Whereas originally comments, postings, emails may have been palatable, suddenly with a change in that person's perception, acceptance or beliefs that which has been posted or sent is now offensive, threatening. What happens in a situation like that?

The DEPUTY PRESIDENT: Mrs Hermans, is this to do with the Greens amendments? Because we have moved off from clause 1.

Ann-Marie HERMANS: It is, because the Greens have here:

> Clause 1, after line 5 insert –
>
> …
>
> (ac) to promote full and equal participation in an open and inclusive democratic society, without impeding robust discussion that does not vilify or marginalise others based on a protected attribute …

What happens if that protected attribute suddenly changes? It does happen that people change religions, change gender. What happens in a situation like that where they suddenly become marginalised based on that change? How is that going to be impacted by this vilification bill that is being brought in and by the Greens amendments? They are talking about not doing that, but in actual fact, with the change, they suddenly will do that. I am interested to know how it actually caters for that level of transformation. I do not mind whether the minister wants to answer it or whether she would prefer me to directed to the Greens.

PROOF

Jaclyn SYMES: I will have a stab. A good question that I received from Ms Purcell right at the start of the debate was about the fact that the bill picks up on intersexuality in that we are not particularly determined to ask people to identify which attribute they are being vilified for. It could be a range. It could change; it could be one and then another. This is about protecting individuals. I think a lot of this debate – and I am stepping a little bit into Mr Puglielli's shoes in terms of it being his amendment – has conflated it with a purpose bill, and from the second word of the amendment it says 'to promote'. It is about a values-based statement in a purpose of the bill. It is consistent with the language that we have already brought into the purposes. It is consistent with our explanatory memorandum. I think the line of questioning is conflating it to have some kind of impact on the law as opposed to a consideration for people to think about in the application of the law.

Ann-Marie HERMANS: One of the thoughts that just occurred to me as you were speaking here was in the situation of gender affirmation, which is the only way that counsellors can now counsel. In a situation with gender affirmation – and I think of people who have transitioned and then wish to detransition – that gender affirmation can suddenly become something that is considered to be harmful. Would there not be conflict with something like gender affirmation, where a person suddenly takes offence to the fact that they have had gender affirmation and now they find that to be something that is vilifying for them and inciteful and making them feel unsafe?

Jaclyn SYMES: I am struggling to find the connection to the Greens amendment. I am also a little bit lost in your train of thought here, Mrs Hermans. Again, this is about vilification and preventing and responding to harm of those people that have a protected attribute. I am struggling to follow along.

Evan MULHOLLAND: Just back to our conversation on when the process would kick in in terms of the clarification that is in conformity with the doctrines, beliefs or principles of that religion, who decides that? Who decides what is in conformity with the doctrines, beliefs or principles of that religion? Is it the Victorian equal opportunity and human rights commissioner? Is it the DPP? Is it Victoria Police?

Jaclyn SYMES: Courts and tribunals. I thought we had visited this already.

Evan MULHOLLAND: It was noted publicly by the government when it changed the religious purpose defence to add preaching and proselytising that this was done after stakeholder engagement with a number of groups, including the Catholic Archdiocese of Melbourne. Has the government consulted the Catholic Archdiocese of Melbourne about its support for this amendment prior to it appearing and being tabled a few hours ago?

Jaclyn SYMES: It is not my amendment.

Evan MULHOLLAND: I understand that, but the government has made the decision to support this amendment and therefore it becomes government policy and on our statute books. What faith groups has the government consulted regarding this amendment?

Jaclyn SYMES: I went through the reason that we are not opposing that amendment, particularly in relation to the fact that we have already provided a non-exhaustive list of things that could be included for the consideration of application of the exemption for religious purposes. I think that this has been well traversed. It is not for me to respond in any more detail other than our position is that we are not opposing the Greens amendment. We do not think that it substantially has an impact, and if it provides clarification, then that is not something we should be concerned about; in fact we should welcome it.

Evan MULHOLLAND: I certainly do not think we should be welcoming an amendment such as this where the Victorian equal opportunity and human rights commissioner or a court or the DPP or Victoria Police will be determining what is in conformity with the doctrines, beliefs or principles of that religion. We had a government that said it was speaking to stakeholders and listened –

Jaclyn Symes: On a point of order, Deputy President, I answered the question in relation to who makes the determination. It is not VEOHRC, it is not the DPP; it is courts and tribunals. Mr Mulholland is misleading the house in the application of this particular clause.

The DEPUTY PRESIDENT: There is no point of order.

Evan MULHOLLAND: So we are leaving it up to courts and tribunals to decide what is in conformity with the doctrines, beliefs or principles of that religion, and now we know that the part-time Attorney-General did not actually consult with stakeholders, including faith groups, prior to agreeing to this amateur-hour amendment to restrict and, to quote the Greens member, 'narrow' the interpretation of what the government actually consulted on to make clear its intention in the bill. That is now being narrowed. Let us make that clear: that is now being narrowed. The government clearly has not consulted with faith communities. This amendment by the Greens would not be being supported and not be passed into law without the agreement of the Labor Party, who say they are for faith communities and spend taxpayer money hosting events for diverse religious communities and then go around narrowing the scope of laws that restrict religious freedom.

I just wanted to get that on record and also to ask the minister: in terms of the determination of the doctrine, would the interpretation be similar to the interpretation of protected attributes and the subsets of protected attributes? There are a lot of different religions where a subset of that religion has a very vastly different view to another part – and I suspect the only reason why the Greens consulted with the Uniting Church of Victoria and Tasmania is because they would not dare approach the Maronite church or the Assyrian church or the Chaldean church on their view of these particular amendments, because I think we know what they would say. I am asking the minister whether she believes the intent of this clarification would be the courts or tribunals looking into conformity with the doctrines, beliefs or principles of that religion and whether 'of that religion' involves the specific religion.

Jaclyn SYMES: At the outset, Mr Mulholland, your attack on the Greens is a little bit hypocritical considering if you think that they are doing anything in any way to abandon religious groups, I would put on record that you abandoned religious groups first by proposing that you would not support civil protections for faith communities, and as I understand it, that remains the Liberal Party's position in relation to this bill. It is quite hypocritical to then attack another amendment when your amendment was purely to not support civil protections for people who have a particular faith base or practise a particular religion.

Again, I think this is probably more appropriate for Mr Puglielli to go through but my reading of the Greens amendment is we have a non-exhaustive list in the bill at clause 9. Just to put it on record, with these terms we have attempted to ensure we are covering the field in relation to conduct and behaviour of people that are in the practice of their faith. That is where preaching and proselytising come in. When it comes to the Greens amendment – and maybe I could do this almost by answering a question with a question – Mr Puglielli, in relation to 'that is in conformity with the doctrines, beliefs or principles of that religion', I take that – and I am interested in your view – to basically refer to practising the religion in the ordinary way. Do you want to elaborate on that for me?

Aiv PUGLIELLI: Yes. I concur. That is also my interpretation.

Jaclyn SYMES: Mr Mulholland, the concern I have is: if we are talking about the way people conform with the doctrines, beliefs and principles of a particular religion, how is that a concern to anybody that is practising their religion? It is basically just a description of how they are doing it and conforming with their religion. They are being true to their religion. They are acting in accordance with their faith. That is what 'conformity' means to me, without having the opportunity to look at a dictionary. So if you are following the norms of your religion – that is effectively how I am reading that addition. So what that does is support our contention that there is a place for an exception for religious practice to ensure that people who practise faith have confidence that they are not going to contravene these laws. But we have also said you cannot use your religious beliefs as a cloak to vilify

people with the excuse that your religion is there, because otherwise you would be acting outside the conformity of your doctrine; you would be acting opposed to your religion. That is the behaviour that we kind of want to make sure we are picking up. But if you are genuinely and in good faith following and conforming to your religion, whether it is through preaching, proselytising, communicating or praying, I do not see how you can have a problem with this. It is not intended to do anything except to really clarify that religious exceptions actually apply in a range of particular behaviours, as long as they are in line with the practices of your particular faith.

Evan MULHOLLAND: Minister, you are a former Attorney-General. We have heard from the Greens in their contribution talk about a narrowing. That obviously has precedence in determining and interpreting the legislation. Would you not agree that this particular amendment is a narrowing?

Jaclyn SYMES: Let me confer with all of the lawyers over here.

The advice is that the addition of the words from the Greens is contextualising and clarifying.

Evan MULHOLLAND: That is quite a cute way to describe narrowing in my view.

Jaclyn SYMES: On a point of order, Deputy President, I am being verballed by the member, who is giving an interpretation to my answer which is untrue.

Aiv PUGLIELLI: Further to the point of order, Deputy President, I am also being verballed through this line of questioning repeatedly in the use of the word 'narrow'.

The DEPUTY PRESIDENT: There is no point of order, but you have made your points in *Hansard*.

Evan MULHOLLAND: I am just simply repeating the members' words, particularly the members' words as well when they were discussing this. When you were talking about conformity within their communities, when you were saying 'within their faith communities', did you mean to explain the effect of this amendment to mean that these faith communities should only really proselytise, teach or preach within their own communities and not to others that might not be of their particular faith?

Aiv PUGLIELLI: As I have already put on record, we are seeking to clarify the scope of the religious exception to ensure that there is a close and direct nexus – you could say a narrow nexus – between preaching and proselytising and a person's religious beliefs.

Evan MULHOLLAND: Mr Puglielli, on your interpretation of the point particularly about proselytising, you mentioned a broad range of stakeholder groups that you have consulted with. You mentioned the Uniting Church of Victoria and New South Wales. Did you consult with any other Christian faith groups regarding this amendment?

Aiv PUGLIELLI: I should correct for the record: that was Uniting Victoria and Tasmania, not New South Wales. Further to this, as I have indicated, we read through every submission that was made to the inquiry that predated this bill. As I have indicated, that is a non-exhaustive list. As I have indicated, beyond Christian faiths there were groups, such as the Islamic Council of Victoria and the Jewish Council of Australia, that we also consulted with prior to these amendments being brought before us today.

Evan MULHOLLAND: Do you accept that the Jewish Council of Australia is not a representative body for the Jewish community – not as representative as the Australian Jewish Association is – and is not a credible stakeholder organisation regarding the Jewish community?

Aiv PUGLIELLI: I am here to respond to questions relating to our amendments to this bill, not to make statements about community groups.

Evan MULHOLLAND: Mr Puglielli, there was a specific line of questioning – which you have already answered, so you have already opened yourself up to that line of questioning – on who you

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have consulted regarding your amendments. Therefore it is perfectly valid to ask about the stakeholders that you have consulted. Why did you not consult other Jewish organisations regarding this amendment?

Aiv PUGLIELLI: As I have indicated, we have read every submission that was made into that prior inquiry predating this bill.

Evan MULHOLLAND: Mr Puglielli, the government says the amendment is 'contextualising and clarifying' regarding needing to conform with the doctrines, beliefs and principles of that religion. In your view – and it might be the view of your stakeholders – what is your interpretation of what this amendment does?

Aiv PUGLIELLI: I feel like we are going around in circles. I have already indicated this clarifies the scope of the religious exception.

Evan MULHOLLAND: You have said that it clarifies the scope of the religious exemption. Is that to put a remit on the scope of the religious exemption that currently exists in the bill? Is that to not have it be so expansive?

Aiv PUGLIELLI: I have well and truly answered this question.

Rachel PAYNE: My question is for the minister. Just circling back to the Greens amendments 11 and 12, in the government's view are the Greens amendments 11 and 12 necessary or are these circumstances that the commission and the tribunal would already take into account?

Jaclyn SYMES: The commission or tribunal would be able to consider the particular characteristics or vulnerabilities of either a complainant or a respondent. Those would be open to both bodies to consider. Is that what you asked?

Rachel PAYNE: What I am trying to ascertain is if these amendments actually add to the bill or if there is scope to consider the fact that they are probably already performing these roles, both the commission and the tribunals.

Jaclyn SYMES: No, we do think that they are not necessary. We do not think they are critical to the operation of the bill, nor that they undermine the operation of the bill.

Evan MULHOLLAND: I do not know if we are up to this yet, but given we have considered the Greens amendments as a whole, I am wondering whether I could use this section to just ask about the Legalise Cannabis Party amendment.

The DEPUTY PRESIDENT: When we get to the Legalise Cannabis Party amendment.

Evan MULHOLLAND: Okay. Yes, I am happy to do that.

The DEPUTY PRESIDENT: If there are no further questions on the Greens amendments, the question is that Mr Puglielli's amendment 1 on his sheet AP51C, which inserts a new clause, stand part of the bill.

Council divided on new clause:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Noes (17): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

New clause agreed to.

Aiv PUGLIELLI: I move:

2. Clause 1, after line 5 insert –

“(ab) to protect Aboriginal and Torres Strait Islander people and others experiencing systemic injustice and structural oppression; and

(ac) to promote full and equal participation in an open and inclusive democratic society, without impeding robust discussion that does not vilify or marginalise others based on a protected attribute; and”.

Council divided on amendment:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Noes (17): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Amendment agreed to.

Amended clause agreed to.

Clause 2 (02:32)

Rachel PAYNE: I move:

1. Clause 2, lines 24 and 25, omit “18 September 2027” and insert “30 June 2026”.

This is in reference to clause 2, lines 24 and 25, and clause 44, line 18. These amendments will bring forward the latest commencement date of the bill from 18 September 2027 to 30 June 2026, which is essentially bringing forward the commencement for civil anti-vilification protections.

Evan MULHOLLAND: In moving the commencement date for the civil side of the bill to 30 June 2026, did the Legalise Cannabis Party particularly demand any extra resources for both VEOHRC and also VCAT in terms of their operations to commence earlier?

Rachel PAYNE: Mr Mulholland, it was my understanding that you asked a question to the Treasurer in regard to funding, and the Treasurer’s response – and I do not mean to verbal you – was that it was part of the normal budget process. In saying that though, yes, I have spoken with VEOHRC in particular, and I did make reference to the fact that it was discussed that funding would be part of that further ongoing discussion. Yes, I think it is satisfied.

Evan MULHOLLAND: I note that the previous explanation for the date of 18 September 2027 was that the timing and commencement of civil provisions is to ensure that affected stakeholders and entities responsible for the delivery of these reforms have sufficient time to complete all necessary implementation and readiness activities prior to the commencement of the reforms in new part 6A of the Equal Opportunity Act 2010 and the repeal of the Racial and Religious Tolerance Act 2001. I will note, in a similar vein to my previous question, that Court Services Victoria, who fund VCAT as well as Victoria’s courts, have had a $19.1 million budget cut to VCAT this financial year and announced a $58 million budget cut to CSV in 2027–28, which was meant to be the first full financial year that the civil change was to come into effect. You are essentially sliding backwards in terms of funding as it is meant to be ramping up. Did the Legalise Cannabis Party have discussions around this funding prior to making this agreement?

Rachel PAYNE: I would just reiterate that as part of normal budget bids this would be taken into consideration. It is noted that there is a backlog in cases with VEOHRC, and that has been a discussion that I have had with the human rights commissioner. What would be then appropriate moving forward

would be that the commissioner would put forward these laws to be enacted, for the legislation to be moved forward in an expedited manner for that date of 30 June 2026 and for there to be additional resources to cater for that backlog. That is a discussion that I have had with both the government and the commissioner.

Evan MULHOLLAND: Part of the explanation from the Attorney-General's office in the briefing in terms of the date being so far out was that similar civil law reforms in Scotland led to an explosion of civil claims immediately upon their coming into operation. Are you concerned that we could see the same result or impact by bringing it forward prematurely?

Rachel PAYNE: I cannot actually comment on behalf of the Attorney-General, but what I would say is that this legislation has been a long process in the making. Since 2019, when the inquiry process was underway, there has been no denying that those service providers that were to facilitate enacting these ongoing protections would be preparing for that.

David LIMBRICK: The Libertarian Party will be enthusiastically supporting this amendment. I believe that it is important that the Victorian public get to experience this new regime before the next election, and the sooner that we can experience this and experience how bad this new regime is, the sooner Victorians will form a view on it. So I enthusiastically support bringing in this legislation to commence on 30 June next year.

Council divided on amendment:

Ayes (23): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Noes (16): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Amendment agreed to.

Amended clause agreed to; clause 3 agreed to.

Clause 4 (02:39)

Aiv PUGLIELLI: I move:

3. Clause 4, page 7, line 27, before "A" insert "(1)".
4. Clause 4, page 7, line 28, omit "195O(1) – " and insert "195O(1)".
5. Clause 4, page 7, line 29, omit "(a)".
6. Clause 4, page 7, line 29, after "by" insert "or with the consent of".
7. Clause 4, page 7, line 30, omit "Prosecutions or a" and insert "Prosecutions.".
8. Clause 4, page 7, line 31, omit all words and expressions on this line.
9. Clause 4, page 8, lines 1 to 5, omit all words and expressions on these lines.
10. Clause 4, page 8, after line 5 insert –

    "(2) In determining whether an offence against section 195N(1) or 195O(1) is to be prosecuted, the Director of Public Prosecutions must take into account all the circumstances (including the social, cultural and historical circumstances) surrounding the conduct that is alleged to constitute the offence.".

Council divided on amendments:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah

Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Noes (17): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Amendments agreed to.

Amended clause agreed to; clauses 5 to 8 agreed to.

Clause 9 (02:49)

Aiv PUGLIELLI: I move:

11. Clause 9, page 12, after line 23 insert –

 "(ba) homelessness;

 (bb) immigration status;".

12. Clause 9, page 12, after line 27 insert –

 "(fa) sex worker status;".

Council divided on amendments:

Ayes (19): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Aiv Puglielli, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Noes (20): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, David Ettershank, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rachel Payne, Georgie Purcell, Rikkie-Lee Tyrrell, Richard Welch

Amendments negatived.

Evan MULHOLLAND: I move:

Clause 9, page 14, lines 3 and 4, omit "with the protected attribute".

Jaclyn SYMES: I will breeze through this as I have already put things on the public record. But just to come back to it, seeing we have not been here for some time, if the words 'with the protected attribute' were removed from the bill – we have had a lot of backwards-and-forwards commentary about four words holding up the Liberals' support for this bill. I would have thought that there is a little bit more opposition to this bill than four words given that we have been in committee since 7:30 tonight. I think that is cover for general opposition to protection of vulnerable Victorians, and you are covering up for that by pointing to four little words. May I point out that if we were to remove those four little words, it would mean that conduct that is highly offensive to the targeted group but is not offensive to the broader community would not be captured by the laws, completely undermining the intent of the harm-based test to protect the most vulnerable members of the Victorian community by ensuring that their specific lived experience and harm is truly recognised and understood. A broad concept of a reasonable-person assessment may insufficiently capture the specific harms that people experience. This is what people told us. This is what people who made submissions and appeared before the parliamentary committee said. It is what led members of the Liberal Party who were on that committee to endorse a report that had bipartisan support for recommendation 9 of the inquiry that future legislation should include a harm-based test to be assessed from the perspective of the targeted group. The government does not support this amendment.

David LIMBRICK: The Libertarian Party will be supporting this amendment. I was not part of that committee and I did not support or otherwise have any part in that committee. However, as has been explored extensively throughout the committee stage, I feel that this is an unworkable system. The groups and subgroups and the attributes, subattributes and sub-subattributes seem totally unworkable, and therefore I will be supporting this amendment to remove these words.

Aiv PUGLIELLI: Just to speak to the Greens position here, this amendment would make a change that fundamentally undermines the specific protections within this bill, specific protections intended to shield our most vulnerable communities from hate speech and vilification. By shifting the assessment of harm from the perspective of a reasonable member of a group with a protected attribute to that of a general reasonable person, these amendments risk diluting the effectiveness of the bill. This approach neglects the unique experiences of those directly impacted by vilification. It invalidates their experiences and the very real threats they face daily, so we will not be supporting this.

Evan MULHOLLAND: Just to respond to that and respond to what can only be described as a slur by the Leader of the Government in regard to the Liberal Party's position on this bill, this is something that we have particularly raised in multiple different forums. In several media releases from my colleague Mr O'Brien, in conversations with the government and in bill briefings with the government we raised several times the subjectivity of viewing a reasonable person through that of a person with that particular protected attribute and a particular subset of that particular protected attribute, because we know that subjective laws on speech are bad laws. If you are driving 110 kilometres in an 80-kilometre zone, say, down the Eastern Freeway, you know you are breaking the law. That is an objective law. Under these changes, no-one will know if they are committing an offence under these laws. That is why we have moved these changes to view the harm in terms of a reasonable person – to make it an objective law rather than a subjective law, because as I said, subjective laws are bad laws.

Council divided on amendment:

Ayes (17): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Noes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Amendment negatived.

Aiv PUGLIELLI: I move:

13. Clause 9, page 16, line 4, after "proselytising" insert "that is in conformity with the doctrines, beliefs or principles of that religion".

Council divided on amendment:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Noes (17): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Amendment agreed to.

PROOF

The DEPUTY PRESIDENT: Mr Mulholland's amendment 16 is just to omit the clause. The question is that the clause stand part of the bill. Those supporting Mr Mulholland's amendment should vote against it, as amended.

Jaclyn Symes: Can we talk about the impact of what that would do so people know how they are voting?

The DEPUTY PRESIDENT: If you want to something really quickly, Minister, that would be good.

Jaclyn SYMES: I think it is just important to not skim over the implications of Mr Mulholland's proposal here. This is basically an omission to delete the impact of half of the bill. No-one is served by this proposal. If it was to succeed, it would mean that civil anti-vilification laws would remain limited to racial and religious vilification under the Racial and Religious Tolerance Act, which does not work, as we have already heard from multiple people, from those that have a religious or racial attribute that have suffered harm. It is going to provide no benefit to that cohort of people. There would be no extension of protected attributes, no harm-based tests, no modification to the incitement-based test or civil exceptions and no extension of VEOHRC's powers to better respond to vilification. So not only are we not serving racial and religious behaviour that is adverse to racial and religious attributes, we are being asked by the Liberal Party to send a message to everybody else who has been vilified and caused harm based on another attribute, whether that be disability, gender identity, race, religious belief or activity, sex, sex characteristics, sexual orientation or personal association. The Liberal Party are sending a message to every member of that community that they do not care about you and you do not need protections. As for the people that we have been purporting to represent wholeheartedly in relation to ensuring that faith-based voices are heard, they are not benefiting from this amendment either. This is mean-spirited. You failed to weaken the laws, and now you are going to deny everyone protection. I think it is shameful.

Council divided on clause:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Noes (17): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Clause agreed to.

Clauses 10 to 43 agreed to.

Clause 44 (03:10)

Rachel PAYNE: I move:

2. Clause 44, line 18, omit "18 September 2028" and insert "30 June 2027".

Council divided on amendment:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Noes (17): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

PROOF

Amendment agreed to.

Amended clause agreed to.

Reported to house with amendments.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (03:15): I move:

> That the report be now adopted.

In doing so, just quickly – again coming back to first principles – this bill is about protecting Victorians, particularly vulnerable Victorians. It is late, but we should collectively be very proud as a Parliament in what we have achieved this evening.

Motion agreed to.

Report adopted.

Third reading

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (03:15): I move:

> That the bill be now read a third time and do pass.

Council divided on motion:

Ayes (22): Ryan Batchelor, John Berger, Lizzie Blandthorn, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Anasina Gray-Barberio, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Noes (17): Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rikkie-Lee Tyrrell, Richard Welch

Motion agreed to.

Read third time.

The PRESIDENT: Pursuant to standing order 14.28, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill with amendments.

Adjournment

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (03:22): I move:

> That the house do now adjourn.

Gender-responsive budgeting

Jacinta ERMACORA (Western Victoria) (03:22): (1545) My adjournment matter is for the Minister for Women. Gender-responsive budgeting recognises that we still have work to do in our fight for equality. It ensures that impacts of government decisions on women are taken into account at every stage of the budget process, and it means that the issues that affect women and girls will be given a focus and funding. Minister, Victoria was the first jurisdiction in Australia to make gender-responsive budgeting law. My request is for you to provide me with more detail about how gender-responsive budgeting has benefited women in Victoria.

Waste and recycling management

Wendy LOVELL (Northern Victoria) (03:23): (1546) My adjournment matter is for the Minister for Environment. The action that I seek is that funds from the waste levy be provided to the City of Whittlesea and other municipalities to offset expenses associated with managing illegal rubbish dumping. Illegal rubbish dumping is a prolific and serious problem across Victoria. Too many people would rather cheat the system and dump their waste instead of arrange for councils to collect it or take it to the tip themselves. Not only is it a health and safety risk, dumped rubbish is also a visual blight on the streets of our communities and creates a perception among residents that their neighbourhood is being neglected. Dumped rubbish still has to be collected, and it is local councils that end up paying the cost of dealing with hard waste that has been dumped illegally.

As rubbish dumping continues to increase, the cost to councils is going up and up, pulling money and resources away from core services. Many individuals and businesses who dump rubbish illegally do so to avoid the municipal and industrial waste levy sometimes known as the landfill levy. The waste levy was $130 a tonne, but the Allan Labor government has legislated another tax increase and from 1 July this year the waste levy will increase by 30 per cent to $170 a tonne. We can expect a lot more illegal rubbish dumping when the levy becomes more expensive. But councils cannot expect any extra help from this Labor government in dealing with dumped rubbish, and that needs to change. I am asking the minister to provide funds from the waste levy to local councils to offset the increased costs they face as illegal dumping rises. Money collected by the waste levy goes to the EPA, which then distributes portions of it to key environmental agencies before handing most of it to the Sustainability Fund.

The Sustainability Fund is legislated in section 449 of the Environment Protection Act 2017, and its first stated purpose is to foster environmentally sustainable uses of resources and best practices in waste management, with a second purpose of supporting initiatives that reduce greenhouse emissions or adapt to climate change. Even though the Sustainability Fund gets its money from the waste levy, most of the money it distributes does not go to better waste management. The fund's activities report from 2023–24 says that it gave away $156 million and that over half of that money went to climate change initiatives. The cash balance of this fund in 2023–24 was $393 million, and it is projected to climb to $1.7 billion by 2027–28. This fund is a cash cow that gets its money from the waste levy, and local councils want a share of it to help divert waste and deal with illegally dumped waste, which will only get worse when Labor's waste tax becomes even more expensive in July.

Stroke Foundation

Sarah MANSFIELD (Western Victoria) (03:26): (1547) My adjournment is for the Minister for Health, and the action I am seeking is for Stroke Foundation initiatives to be adequately funded in the upcoming state budget. Stroke can happen at any age; in fact a quarter of all strokes are experienced by people under 65 years of age. It is important to know the signs. FAST reminds us of the most common ways to recognise a stroke. F: ask the person to smile – is their face drooping? A: ask the person to raise their arms – is one arm weak? S: ask the person to speak – is their speech slurred? And T tells us that time is critical when seeking treatment – every second counts. But currently too many people do not know any of these signs. Currently only around a third of Victorian stroke patients arrive at hospital within the 4.5-hour window for treatment. The result is many people are left with life-altering brain injuries and there are many deaths that could have been prevented. That is why ensuring that there is funding in this year's budget for Stroke Foundation initiatives is so important. The Stroke Foundation's FAST regional and metropolitan program aims to deliver the FAST message across high-reach, high-impact broadcast channels, including media and community-led campaigns, to increase awareness of at least one sign of stroke in Victoria from 63 per cent to 73 per cent by 2027. Considering 80 per cent of strokes can be prevented, this message has the potential to save many, many lives across the state.

Care after a stroke is just as vital. StrokeLine provides a dedicated support phone line for survivors of stroke, their families and carers so they can access information and support when they need it. In the last three years there has been a significant increase in the number of complex calls to StrokeLine, including vulnerable survivors who are facing challenges such as anxiety, depression and suicidal ideation, loss of independence, financial stress and social isolation. Dedicated StrokeLine funding will ensure all Victorian callers receive the support they need in a timely manner, including vital information to help prevent secondary stroke. I sincerely hope the government will take into consideration these life-saving initiatives and fund them.

Donnybrook Road, Kalkallo

Evan MULHOLLAND (Northern Metropolitan) (03:29): (1548) My adjournment is for the Minister for Transport Infrastructure. I want to speak for about the 23rd or 24th time in Parliament about Donnybrook Road in my electorate. Previously the Minister for Transport Infrastructure refused to respond to questions about Donnybrook Road, because she said it is not in her portfolio. Well, tickle me surprised, I saw the Minister for Transport Infrastructure alongside Anthony Albanese at Donnybrook Road welcoming Labor's B-grade announcement of $125 million toward Donnybrook Road. I would like to inform the minister that she was there welcoming a B-grade announcement of $125 million – to try to save Rob Mitchell, the member for McEwen – to blow up and signalise an intersection of a roundabout and slip lane this state government only installed and upgraded at the end of 2023. This highlights the patchwork incompetence and neglect that has occurred under this state Labor government. Let us not forget the history when it comes to Donnybrook Road. Labor hate developer contribution plans. They reversed our approach to the Growth Areas Infrastructure Contribution Fund, which means that residents cannot have infrastructure before and as people move in, but after. When the Liberals were in government we signed a developer contribution plan, when the developer was building Mickleham, to duplicate the Mickleham side of Donnybrook Road – a beautiful four-lane highway. The most this government has ever contributed to the good people of Mickleham is a mothball quarantine facility. That is all they have contributed to the people of Mickleham. Now you have got the transport infrastructure minister welcoming $125 million, not to duplicate the bridge over the Hume, which is what residents desperately want, but to duplicate the bridge over Merri Creek, signalise an intersection and blow up a roundabout they only just installed.

I seek the action of the minister to ask if she welcomes the announcement by Peter Dutton today that a coalition federal government will commit $192 billion to duplicate the bridge over the Hume, to fully duplicate Donnybrook Road, reinvesting the $2.2 billion from the Suburban Rail Loop. But I do not know whether that is for the Minister for the Suburban Rail Loop or the Minister for Transport Infrastructure, because the Minister for Transport Infrastructure seems to be cleaning up all the Minister for the Suburban Rail Loop's mess. But this could not have been done without the advocacy of Jason McClintock, the Liberal candidate for McEwen, and Usman Ghani, the Liberal candidate for Calwell, and the shadow infrastructure minister Bridget McKenzie as well. I seek the action of the minister to welcome the coalition's announcement.

Duck hunting

Georgie PURCELL (Northern Victoria) (03:32): (1549) It is 3:30 am and I am going to talk about duck shooting, because I rise in disbelief and disgust to direct my adjournment matter to the Minister for Outdoor Recreation. The action that I am seeking is for him to review the disgraceful tactics of the Game Management Authority (GMA) officers during the commencement of the 2025 duck-shooting season. This year was my 13th year on duck rescue, and at this point I feel like I have just seen it all. But then the Game Management Authority decided to step it up one more notch. Each and every year they attempt to find a new way to remove rescuers from the wetlands as swiftly as possible, including those who are licensed and can legally enter the water before 11 am. They pay all the money and do all the training so that they can be out there to rescue the birds. In the past they have used the rules created to reduce shooter cruelty, such as failing to kill wounded birds when they are en route to the veterinary tent, while ignoring the shooter who actually wounded the bird in the first place. But this

year they were determined to ensure that we could not even get to those wounded birds, guaranteeing them a slow prolonged death by predation, infection or drowning, which can take days, if not weeks, suffering out there on the wetlands.

Duck rescuers go out there with one specific purpose – to help our wounded native waterbirds. They are doing a task that should not even be theirs, but it is one that the government and the authorities refuse to address themselves. But as soon as rescuers legally enter the wetlands, keeping their distance from shooters, as they always do, GMA officers are quick to swarm on them and give them immediate suspensions of their licences, this time, unbelievably, for having nets, as we have always done throughout the history of the duck-shooting campaign, claiming that they were a prohibited weapon under the Wildlife Act 1975. As shooters around Lake Marmal shot and killed protected and threatened species, including blue-winged shovelers and freckled ducks, and continuously wounded but failed to retrieve other game species – which is also an offence – the authorities turned their focus to those trying to help them and in doing so seized the one tool they have for capturing wounded but still mobile birds.

As I have spoken about in this place many times before, ducks can receive pellets to their bodies, organs, wings, legs, beaks and head, guaranteeing their eventual death, yet they can still be too fast to capture without the necessary equipment. It is downright offensive to accuse us of cruelty to waterbirds when it is happening right before their very eyes by shooters out there on the wetlands, and they turn a blind eye. An independent review previously found that the GMA was failing its responsibilities, including being unwilling and incapable of investigating shooters. It is clear that nothing has changed, and the minister must urgently intervene and order an investigation into compliance officer behaviour throughout the opening of this year's duck-shooting season.

Electricity infrastructure

David DAVIS (Southern Metropolitan) (03:35): (1550) My adjournment tonight – or this morning, I should say, at 25 to 4 – is for the attention of the Minister for Energy and Resources, and it concerns the option of early fault detectors on our electricity system. We all remember Black Saturday, the terrible devastation, the loss of life and the significance of Victoria's many tens of thousands of kilometres – almost 30,000 kilometres – of rural single-wire earth return powerlines, which played a significant role in sparking the bushfires. Since that time nine years of trials partly funded by the government have recommended the full-scale rollout of EFDs across the state to protect Victoria's rural communities from catastrophic powerline fires such as the 2009 Kilmore East–Kinglake fire, which was sparked by a faulty SWER fire and was a significant component in the loss of life at that time in 2009.

The recent trial of EFDs picked up 23 faults over 1100 kilometres of SWER lines, including live wires in contact with wooden poles, rusted-out tie wires, loose conductors and clamps and so forth. But the difficulty is there is a regulatory hole here that has not been dealt with and not been pushed forward in a sensible way by the state government. Some say the state government needs to mandate a rollout, and neither Powercor nor AusNet are able to gain Australian Energy Regulator approval to recover the cost of installing EFDs developed and manufactured indeed in Richmond in Victoria here by the firm IND Technology – and they are a very impressive firm, I might say. AusNet proposed spending $8 million as part of its approach, but that has not been able to be done because of these particular issues. The Australian Energy Regulator even counted the benefits, it said in a recent article, of climate change, but not public safety in rural areas.

I note the Minister for Energy and Resources has dodged questions on this, with her office stating that:

> distribution businesses are required to minimise bushfire risk on their networks under the (Victorian) Electricity Safety Act 1998 which can include early fault detection technology …

which is quite true.

What she needs to do, though, is explain to the community why she will not move on this important set of safety measures. If there is some good reason that is escaping everyone else, we need to hear that. She could even consider a very short, sharp approach which analyses this independently and comes back with an answer, but we need to take steps on this for the safety of our community.

Rental reform

Katherine COPSEY (Southern Metropolitan) (03:38): (1551) It is 3:40 am, so it is time to talk about some recent rental wins. I know many across my electorate, across Melbourne and across Victoria are struggling with rising costs, particularly housing costs. But the housing crisis did not just appear out of thin air. It is a result of political decisions from both major parties over decades that failed to prioritise everyone's right to a safe, secure and affordable home. Across the last year the Greens are really proud that we have secured some important reforms that will make renting a lot easier and more affordable for everyone. That includes banning fees so real estate agents cannot charge you fees to pay your rent or to get a background check when you apply for a house. It includes ending no-grounds evictions, which means you cannot get kicked out for no reason; your landlord now has to provide a proper reason to ask you to leave, no matter what lease you are on. It includes extending the notice to vacate. Now a landlord has to give you 90 days, up from 60, to move out – if they have a proper reason – or to raise your rent. It includes banning rental bidding so a real estate agent or landlord can no longer ask for or accept more than the advertised amount, which means you will no longer have to unfairly compete for a rental. If you live in an apartment, your owners corp can now vote to ban short-stays in your building, and by regulating Airbnb and introducing an effective empty homes tax, more homes are now available for renters and first home buyers.

We know there is more to be done. Renters deserve secure, affordable housing, just like everybody else. The only way to make renting truly fair is to make unlimited rent increases illegal. Across the world governments have introduced rent controls as a way to make sure that people can continue to afford to live in their home. We are calling on the Victorian government to do the same so renters do not have to worry about that next rent increase. My adjournment is to the Minister for Housing and Building, and the action I seek is for the Victorian government to make unlimited rent increases illegal.

Mental health services

Trung LUU (Western Metropolitan) (03:40): (1552) My matter is for the Minister for Mental Health regarding critical funding needed for the mental health services in my electorate of Western Metropolitan Region. The action I seek is for the minister to urgently secure the funding for the mental health and wellbeing hubs in Footscray and Werribee beyond June this year. Mental health services play a critical role in supporting individuals and serving their communities. When these services lack stable funding, those who rely on them are left without the support they desperately need. Rather than ensuring the stability of these vital services the government is creating funding uncertainty and putting the mental health of all Victorians at risk.

Mind Australia is the body that provide these services, highlighting the critical role these hubs play in our community. The services correlate with significant improvement in housing, social connection and reduction in homelessness and suicidal ideation among those they support. These services are not just beneficial, they are life saving. The positive outcomes reported include decrease in distress, increased confidence and greater social engagement and employment opportunities. In the Western Metropolitan Region alone the hubs supported over 2100 people and provided more than 464,000 hours of service in 2024 and 2025. However, without this continued funding, we are risking creating significant equality issues in Victorian communities, particularly in the absence of the full rollout of the mental health and wellbeing hubs located across the state.

Despite this serious security need there has been no confirmation of funding extension from the Allan Labor government. The need for quality mental health service support is a most critical area, especially amid an ongoing cost-of-living and housing crisis. The mental health of our community is in decline, and services like those provided by Mind Australia are essential. Therefore I urge the minister to

consider the continuation of the funding of mental health and wellbeing hubs across my electorate and the state. All Victorians deserve reliable access to this vital service, and the government cannot afford to let them down any longer.

Landcare

Melina BATH (Eastern Victoria) (03:43): (1553) My adjournment matter is for the Minister for Environment, and it relates to Landcare Victoria. Landcare Victoria friends of the environment groups filled Queens Hall last sitting week for two days, showing all the amazing work that they do in terms of habitat restoration, weed reduction and working for the environment – and they do it for free, these volunteers. One of their submissions to the government says, 'A fair go for Landcare facilitators – the glue that holds Landcare together'. My particular issue tonight relates to the Victorian Landcare facilitator program, which ensures volunteers have the support they need to achieve positive outcomes for our natural environment in Victoria. Their work has not only environmental but social and economic benefits. Indeed facilitators return more than $7 for every $1 invested, and they coordinate over 60,000 volunteers. This means that the current $4.5 million state investment in the 80 part-time Landcare facilitators yielded over $31 million in economic return in 2023 alone. But the funding runs out in May next year. These people are hanging on, and they need that certainty. So what I am asking the government for – and this is in their funding request, so the government are well aware of it – is $48 million over four years for this facilitator program. This includes $9.5 million per annum over four years for 100 Landcare facilitator positions, $2 million per annum for a four-year term for 10 regional Landcare coordinators and a paltry half a million dollars per annum over four years for Landcare Victoria Incorporated's support program. Now, this sits separately to the grants program.

Minister, the other day, when you were in the hall – and I know my colleague Mr Welch was there and many others – you made a commitment and you said to said to the group of people in this hall, the Landcare volunteers and facilitators and CEO Claire Hetzel, 'We're not going anywhere; Labor is not going anywhere.' Well, not going anywhere is not good enough. In the past 10 years there has been no increase in funding, and if you consider inflation not even keeping up with CPI, this organisation needs your support. It needs you to fund $48 million over four years. If we look at that, that is only going to be two days worth of interest repayments on this government's blowout debts. These are vulnerable species; we need our Landcare coordinators and facilitators to continue well into the future.

Suburban Rail Loop

Richard WELCH (North-Eastern Metropolitan) (03:46): (1554) My adjournment matter is for the Minister for the Suburban Rail Loop. In Heatherton residents like Michelle Hornstein are suffering. Since February Michelle and her neighbours have endured constant nausea, headaches, dizziness and ear pain caused by low-frequency vibrations from a roller machine operating at the SRL stabling yard in Kingston Road. These vibrations, confirmed by Suburban Connect to be as low as 31 hertz, are making homes unlivable. Michelle described feeling motion sick while working at her desk, overwhelmed by a relentless humming pressure in her ears. Despite this, Michelle has not been properly compensated. She was offered relocation options that were completely unsuitable, and Suburban Connect knew it. Last week she was told the vibration roller will resume this Thursday and continue intermittently until September. Residents had previously been assured it would stop in August. This is not the only concern. Locals have raised serious issues with dust, excavation, noise and even asbestos tape found on site, but they have been repeatedly told these matters are within limits. When Michelle's experience was played on radio this week the minister responded, 'That sounds an awful experience,' and vaguely referenced relocation, yet Michelle remains at home unsupported. Sadly, this is not isolated. In Glen Waverley residents have had trees removed without notice, traffic and parking thrown into chaos and small businesses left to struggle, to say the least. A sense of disruption is growing, but genuine compensation remains absent. In Box Hill I have met families enduring dust and noise from the SRL station site. Box Hill Gardens has been split in two. The open space losses are now permanent.

What is becoming clear is that the communities bearing the brunt of the Suburban Rail Loop are the ones benefiting the least. There is no station coming to Heatherton, Glen Waverley residents are struggling to move around their own suburb and in Box Hill locals are losing precious green space and gaining only congestion. This is fast becoming the most expensive project in Victoria's history and certainly at the most human cost. The very least the government can do is treat people living through this with some basic respect and care. The action I seek from the minister is to finally do the right thing: either cancel the deeply flawed, destructive and unfunded project or provide compensation, appropriate timely relocation and genuine support to the residents whose lives this government is turning upside down.

Fire services

Nick McGOWAN (North-Eastern Metropolitan) (03:49): (1555) Recently the *Herald Sun* reported on the lack of aerial fire trucks available to fight towering infernos across the state, including in my electorate, in Ringwood. The report outlined that in early March Telebooms should be located at Sunshine, Oakleigh and Ringwood, all of which are more than 20 years old and all of which were offline due to faults and maintenance. Another, a 27-year-old truck based at East Melbourne, was unavailable, as was one at Dandenong. This meant that right across the Melbourne metropolitan area there was a lack of critical rescue and firefighting capabilities. In the article a firefighter at Ringwood noted that:

> We are in a situation that is leaving us and the public at risk.

The firefighter noted that at a recent Forty Winks fire at Nunawading crews were waiting for a teleboom to travel from Richmond due to there being no coverage locally. It is a demonstration of how this government continues to chronically underfund fire services in Victoria. Hardworking ratepayers across this state contributing towards the fire services levy via the fire services property levy should expect world-class protection when it matters most. This government chooses to leave ratepayers with fire trucks that are out of date, broken down and not fit for purpose.

And what is the response? The government is proposing to cut back on fire services through some underhanded word changes. In relation to funding, the word in the Fire Rescue Victoria Act 1958 is exact at 87.5 per cent, whereas the new Fire Services Property Amendment (Emergency Services and Volunteers Fund) Bill 2025 specifies 'up to' 87.5 per cent of FRV's budget. This is a change aimed at legislating a funding cut for Fire Rescue Victoria, leaving firefighters and the public at greater risk. At the same time, the government is aiming to slug ratepayers even more for less fire services, increasing the tax burden on hardworking Victorians during a cost-of-living crisis via the proposed bill. It is duplicitous in every sense of the word. It is dismissive too and disrespectful of the findings from the 2009 Black Saturday bushfires, in that it aims to fundamentally alter the reason it came into existence. Firefighters, ratepayers and councils are expressing their concern at the proposed bill, and it needs to be rejected by this Parliament. Today concerned firefighters travelled from across the state to this Parliament House to let the government know for themselves what they think of this. The action I seek from the Premier is to guarantee that no cuts in funding will affect the firefighters of Victoria.

Illicit tobacco

Bev McARTHUR (Western Victoria) (03:52): (1556) My adjournment debate for the Minister for Local Government concerns the government response to the Public Accounts and Estimates Committee inquiry into vaping and tobacco controls. As a committee member I heard shocking stories about cigarette smuggling in Victoria's tobacco wars, and I believe the most self-evident recommendation is to remove local government from this battlefield. This is not a matter of minor regulatory breaches or misplaced signage. Illicit tobacco is big business for organised crime, and they are willing to fight very dirty to keep it. Over a hundred firebombings, shootings and violent attacks have been linked to the black market tobacco trade in Melbourne. This is an escalating gang war where even heavily armed police are struggling to keep up. Yet despite this the government has refused to

accept recommendation 12, which explicitly states that local government enforcement should be limited to smoke-free areas and basic information gathering.

Instead, the government response insists councils have an 'important compliance and enforcement role' – important, more like impossible. What exactly is the plan here? Are we expecting local government officers to bin the dog registration paperwork and kick down the doors of hardened criminals? Will they be enforcing the law against crime syndicates who treat arson as a business negotiation tactic? Imagine the scene: a council worker armed with nothing more than a clipboard and an encyclopedic knowledge of municipal regulations arguing the toss with gangsters brandishing Molotov cocktails. It would be laughable it if were not so dangerous. The committee recommended a well-resourced standalone regulatory agency within the Department of Justice and Community Safety working in partnership with Victoria Police and federal agencies. Ministers have accepted this in part but for some reason are still reviewing local government's role and branding it 'important'. What about accountability? With responsibilities scattered across various local entities, who is responsible when things go awry? Ministers cannot sidestep their duties by offloading them onto ill-equipped local councils. I have frequently criticised local government for going beyond their remit, but in this case it is hardly their fault. I do not think councils are actively asking to intervene in gang warfare. Minister, the action I seek is simple: consult with your ministerial colleagues responsible for formulating the government's response and take local government out of the tobacco war front line.

Responses

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (03:55): Just before 4 am this morning we concluded the adjournment debate. There were 12 matters that were raised. All of those matters will be raised with the relevant minister for a response.

The PRESIDENT: The house stands adjourned.

House adjourned 3:55 am (Wednesday).

Proof