

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-NINTH PARLIAMENT

FIRST SESSION

TUESDAY, 21 JUNE 2022

hansard.parliament.vic.gov.au

By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU AC

The Lieutenant-Governor

The Honourable JAMES ANGUS AO

The ministry

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

Legislative Council committees

Economy and Infrastructure Standing Committee

Mr Barton, Mr Erdogan, Mr Finn, Mr Gepp, Mrs McArthur, Mr Quilty and Mr Tarlamis.

Participating members: Dr Bach, Ms Bath, Dr Cumming, Mr Davis, Ms Lovell, Mr Meddick, Mr Ondarchie, Mr Rich-Phillips, Ms Shing, Ms Vaghela and Ms Watt.

Environment and Planning Standing Committee

Dr Bach, Ms Bath, Dr Cumming, Mr Grimley, Mr Hayes, Mr Meddick, Mr Melhem, Dr Ratnam, Ms Terpstra and Ms Watt.

Participating members: Ms Burnett-Wake, Ms Crozier, Mr Davis, Dr Kieu, Mrs McArthur, Mr Quilty and Mr Rich-Phillips.

Legal and Social Issues Standing Committee

Ms Burnett-Wake, Ms Garrett, Dr Kieu, Ms Maxwell, Mr Ondarchie, Ms Patten and Ms Taylor.

Participating members: Dr Bach, Mr Barton, Ms Bath, Ms Crozier, Dr Cumming, Mr Erdogan, Mr Gepp, Mr Grimley, Ms Lovell, Mr Quilty, Dr Ratnam, Ms Shing, Mr Tarlamis, Ms Terpstra, Ms Vaghela and Ms Watt.

Privileges Committee

Mr Atkinson, Mr Bourman, Mr Davis, Mr Grimley, Mr Leane, Mr Rich-Phillips, Ms Shing, Ms Symes and Ms Tierney.

Procedure Committee

The President, the Deputy President, Ms Crozier, Mr Davis, Mr Grimley, Dr Kieu, Ms Patten, Ms Pulford and Ms Symes.

Joint committees

Dispute Resolution Committee

Council: Mr Bourman, Ms Crozier, Mr Davis, Ms Symes and Ms Tierney.

Assembly: Ms Allan, Ms Hennessy, Mr Merlino, Mr Pakula, Mr R Smith, Mr Walsh and Mr Wells.

Electoral Matters Committee

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

Assembly: Ms Hall, Dr Read and Mr Rowswell.

House Committee

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

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

Integrity and Oversight Committee

Council: Mr Grimley and Ms Shing.

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

Pandemic Declaration Accountability and Oversight Committee

Council: Ms Crozier, Mr Erdogan and Ms Shing.

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

Public Accounts and Estimates Committee

Council: Mrs McArthur, Mr Barton and Ms Taylor.

Assembly: Ms Blandthorn, Mr Hibbins, Mr Maas, Mr Newbury, Mr D O'Brien, Ms Richards and Mr Richardson.

Scrutiny of Acts and Regulations Committee

Council: Mr Gepp, Ms Patten, Ms Terpstra and Ms Watt.

Assembly: Mr Burgess, Ms Connolly and Mr Morris.

Heads of parliamentary departments

Assembly: Clerk of the Legislative Assembly: Ms B Noonan

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

Parliamentary Services: Secretary: Ms T Burrows

MEMBERS OF THE LEGISLATIVE COUNCIL
FIFTY-NINTH PARLIAMENT—FIRST SESSION

President

The Hon. N ELASMAR (from 18 June 2020)

The Hon. SL LEANE (to 18 June 2020)

Deputy President

The Hon. WA LOVELL

Acting Presidents

Mr Bourman, Mr Gepp, Mr Melhem and Ms Patten

Leader of the Government

The Hon. J SYMES

Deputy Leader of the Government

The Hon. GA TIERNEY

Leader of the Opposition

The Hon. DM DAVIS

Deputy Leader of the Opposition

Ms G CROZIER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Maxwell, Ms Tania Maree	Northern Victoria	DHJP
Bach, Dr Matthew ¹	Eastern Metropolitan	LP	Meddick, Mr Andy	Western Victoria	AJP
Barton, Mr Rodney Brian	Eastern Metropolitan	TMP	Melhem, Mr Cesar	Western Metropolitan	ALP
Bath, Ms Melina Gaye	Eastern Victoria	Nats	Mikakos, Ms Jenny ⁸	Northern Metropolitan	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Donohue, Mr Edward John ⁹	Eastern Victoria	LP
Burnett-Wake, Ms Cathrine ²	Eastern Victoria	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Patten, Ms Fiona Heather	Northern Metropolitan	FPRP
Cumming, Dr Catherine Rebecca	Western Metropolitan	Ind	Pulford, Ms Jaala Lee	Western Victoria	ALP
Dalidakis, Mr Philip ³	Southern Metropolitan	ALP	Quilty, Mr Timothy	Northern Victoria	LDP
Davis, Mr David McLean	Southern Metropolitan	LP	Ratnam, Dr Samantha Shantini	Northern Metropolitan	Greens
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Erdogan, Mr Enver ⁴	Southern Metropolitan	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Finn, Mr Bernard Thomas Christopher ⁵	Western Metropolitan	DLP	Somyurek, Mr Adem ¹⁰	South Eastern Metropolitan	Ind
Garrett, Ms Jane Furneaux	Eastern Victoria	ALP	Stitt, Ms Ingrid	Western Metropolitan	ALP
Gepp, Mr Mark	Northern Victoria	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Grimley, Mr Stuart James	Western Victoria	DHJP	Tarlamis, Mr Lee ¹¹	South Eastern Metropolitan	ALP
Hayes, Mr Clifford	Southern Metropolitan	SAP	Taylor, Ms Nina	Southern Metropolitan	ALP
Jennings, Mr Gavin Wayne ⁶	South Eastern Metropolitan	ALP	Terpstra, Ms Sonja	Eastern Metropolitan	ALP
Kieu, Dr Tien Dung	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vaghela, Ms Kaushaliya Virjibhai ¹²	Western Metropolitan	Ind
Limbrick, Mr David ⁷	South Eastern Metropolitan	LDP	Watt, Ms Sheena ¹³	Northern Metropolitan	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling ¹⁴	Eastern Metropolitan	LP
McArthur, Mrs Beverley	Western Victoria	LP			

¹ Appointed 5 March 2020

² Appointed 2 December 2021

³ Resigned 17 June 2019

⁴ Appointed 15 August 2019

⁵ LP until 24 May 2022

Ind 24 May–2 June 2022

⁶ Resigned 23 March 2020

⁷ Resigned 11 April 2022

Appointed 23 June 2022

⁸ Resigned 26 September 2020

⁹ Resigned 1 December 2021

¹⁰ ALP until 15 June 2020

¹¹ Appointed 23 April 2020

¹² ALP until 7 March 2022

¹³ Appointed 13 October 2020

¹⁴ Resigned 28 February 2020

Party abbreviations

AJP—Animal Justice Party; ALP—Labor Party; DHJP—Derryn Hinch's Justice Party;

DLP—Democratic Labour Party; FPRP—Fiona Patten's Reason Party; Greens—Australian Greens;

Ind—Independent; LDP—Liberal Democratic Party; LP—Liberal Party; Nats—The Nationals;

SAP—Sustainable Australia Party; SFFP—Shooters, Fishers and Farmers Party; TMP—Transport Matters Party

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Tuesday, 21 June 2022

The PRESIDENT (Hon. N Elasmr) took the chair at 11.34 am and read the prayer.

Announcements

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT (11:35): On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the First People of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past, present and emerging and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament.

RIAD HALIM ASMAR

The PRESIDENT (11:35): Last week was the funeral for my eldest brother, my teacher, my friend. My brother Professor Riad Halim Asmar wrote many books and taught me so many important lessons. He taught me to be respectable and humble and to respect others. He taught me to never forget where I came from but to be faithful to Australia and its people. Being politicians we face a lot of challenges, but when it comes to crucial and sad moments you have so many brothers and sisters, and this is the dignity and integrity of Parliament. I would like to thank my parliamentary colleagues from both houses, the clerks, the staff and the Department of Parliamentary Services for their support to me and the Asmar family. Riad, rest in peace. You will be missed, but you will never be forgotten.

Bills

AGRICULTURE LEGISLATION AMENDMENT BILL 2022

STATE TAXATION AND TREASURY LEGISLATION AMENDMENT BILL 2022

Royal assent

The PRESIDENT (11:37): I have a message from the Governor, dated 15 June:

The Governor informs the Legislative Council that she has, on this day, given the Royal Assent to the undermentioned Act of the present Session presented to her by the Clerk of the Parliaments:

22/2022 Agriculture Legislation Amendment Act 2022

23/2022 State Taxation and Treasury Legislation Amendment Act 2022

APPROPRIATION (2022–2023) BILL 2022

APPROPRIATION (PARLIAMENT 2022–2023) BILL 2022

Royal assent

The PRESIDENT (11:37): I have another message from the Governor, dated 21 June:

The Governor informs the Legislative Council that she has, on this day, given the Royal Assent to the undermentioned Act of the present Session presented to her by the Speaker:

24/2022 Appropriation (2022–2023) Act 2022

25/2022 Appropriation (Parliament 2022–2023) Act 2022

Joint sitting of Parliament

LEGISLATIVE COUNCIL VACANCY

The PRESIDENT (11:38): I have been informed by a registered officer of the Liberal Democratic Party that they have selected a person to be nominated to fill the seat in the Legislative Council rendered vacant by the resignation of Mr David Limbrick.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:38): I move, by leave:

That this house meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr David Limbrick and proposes that the time and place of such a meeting be the Legislative Assembly chamber on Wednesday, 22 June 2022, at 6.15 pm.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (11:39): I just want to make some very brief comments to say we strongly support this step and the timely way in which it is being implemented and to welcome Mr Limbrick back very shortly.

Motion agreed to.

The PRESIDENT: A message will be sent to the Assembly informing them of the Council's resolution and requesting their agreement.

Committees

LEGAL AND SOCIAL ISSUES COMMITTEE

Reporting dates

The PRESIDENT (11:39): I advise the house that I have received a letter from Ms Fiona Patten, chair of the Legal and Social Issues Committee, notifying me that the committee has agreed to extend the reporting date for its self-referred inquiry into extremism in Victoria from 4 August to 30 August 2022.

Questions without notice and ministers statements

EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (11:40): My question is to the Minister for Emergency Services. Minister, why is the new IT system at ESTA so long behind in its planned delivery time and so far over budget?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:40): I thank Mr Davis for his question. We have touched on topics of the importance of technology and the caller dispatch system that supports the work that our call takers and dispatchers do to ensure that they respond to Victorians that call 000. In relation to funds that are expended to support that IT service, I certainly would never make any apologies for continued investment in that. It is multimillion-dollar equipment, and if we find better and more appropriate equipment as technologies advance then I would expect that we would be spending more and more millions of dollars to ensure that these staff are supported in the best way possible to ensure that our emergency services operate appropriately. So I am more than happy to continue to provide transparent, up-to-date information on how much we are spending on the computer-aided dispatch system because it is an important investment.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (11:41): I just note that the minister did not really answer precisely why it is so far over budget and behind time. I ask, therefore: Minister, do you take any responsibility for the deaths caused by your failure to implement an adequate IT system in a timely way?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:41): Mr Davis, we have had several conversations in here about my continued efforts and support of the important function that ESTA plays for the Victorian community. I will stand side by side with those staff. I will continue to support them. I will continue to help them with their decisions on where they allocate their resources and where they allocate the welfare programs for their staff. They are doing a fantastic job, and I will continue doing my job in supporting them.

COMMUNITY HOUSING

Dr CUMMING (Western Metropolitan) (11:42): My question is for the Minister for Housing in the other place. How many first-round grants have been approved for community housing agencies for shovel-ready development in the Western Metropolitan Region? In the 2020–21 budget the government announced a \$5.3 billion investment in social and affordable housing as part of the big build. This included \$1.38 billion for the Social Housing Growth Fund to provide grants to the community housing sector. The first round of funding was to provide grants to community housing agencies for shovel-ready development and construction, so how many have been shovel ready in Western Metropolitan Region?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (11:43): I thank Dr Cumming for her detailed question and her interest in these matters, and I will certainly refer that to the Minister for Housing for a written response in accordance with the standing orders.

Dr CUMMING (Western Metropolitan) (11:43): Thank you, Minister. Can the minister please advise when the first-round construction projects will be completed for Western Metropolitan tenants to move into? The increasing cost of living and rental prices are forcing more people in my constituency into needing social housing. With approximately 12 000 people in the west on the social housing waiting list, we need these projects completed, not just promises on paper. I have far too many people in my community either living in cars or couch surfing or sitting on the social housing waiting list. They need these houses now, and they need this government to actually make it a priority in the western suburbs.

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (11:44): I am sure that the Minister for Housing will be happy to detail the very strong pipeline of infrastructure in social housing that will be available to residents of the Western Metropolitan Region as part of his big build.

MINISTERS STATEMENTS: EARLY CHILDHOOD EDUCATION

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (11:44): Today I am very proud to update the chamber on the biggest investment in early childhood education in our state’s history. Last Thursday the Andrews Labor government announced that we will expand the Best Start, Best Life program to make sure every child gets every chance. This is a \$9 billion investment in our children. We want all our kids to grow up and be the best that they can be. The skills they learn at kinder—playing, exploring, making friends and learning about the world around them—are skills not only for school but for life. That is why from next year we will make kindergarten free for three- and four-year-old children.

We already have strong participation rates in Victoria, but we want as many children as possible to benefit from these reforms. It is also about helping take the pressure off Victorian families. Childcare costs have never been higher, and by making kinder free we will save families an average of \$2000 to \$2500 per child each year. The cost of care and the shortage of places see many parents, mainly women, not able to return to work or take on as many hours as they would like. This will change that and give women more economic power through more accessible and affordable early childhood education and care.

From 2025 to 2032 we will scale up kinder hours for four-year-olds to 30 hours per week. The year will be known as pre-prep and will have all the features of a play-based learning program. And to help families find suitable early learning no matter where they live, we will build 50 new government-run integrated kinder and childcare centres. I am looking forward to working with the sector to plan and implement these life-changing reforms, and I am really proud that what they will deliver for children and families across Victoria will be profound.

DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (11:46): My question is to the Attorney-General. I refer to the so-called Red Wedding at the department of justice and the massive turnover of staff, including a redundancy spike, as it was politicised by your secretary, Rebecca Falkingham, a matter now under investigation by the Ombudsman, and I ask: in addition to the Ombudsman’s investigation, will you immediately refer this corrupt politicisation of the department to the public service commission?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:47): Mr Davis, there are some outrageous remarks in that question. As we know, it is this Council, this chamber, that referred a matter to the Ombudsman in relation to hiring practices within the public service. The mere fact that a referral has gone to the Ombudsman and she is obligated to accept a recommendation from this house does not suggest in any way the nature of that investigation, who has been investigated and indeed the characterisation of your question and your linking of it to a media report in relation to some practices within a department. It is, completely appropriately, a matter for the secretary of the department and the senior executive to make decisions about priorities of a department. Hiring and firing practices are not to be politicised, which you are kind of now asking me to do.

I have full faith in the department of justice. I have been in the role of Attorney-General, lead minister of this department, for 18 months, and I have received fantastic support, particularly off the back of working really hard during the pandemic, making sure that we can continue to support Victorians in every aspect of that portfolio, which covers a very broad range of ministers and a broad range of topics. The public service and the advice that I have been provided with by the department of justice, as I am sure some other justice ministers in this chamber would attest to, have been exemplary. It has certainly been my experience that the hiring processes are meritorious. They are appropriately conducted. I have seen absolutely no evidence to suggest otherwise. The department has my full support, the secretary has my full support and your attempts to politicise this are shameful.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (11:48): It is not me who is attempting to politicise it, Minister. I refer to the so-called Red Wedding and a boardroom meeting at which every executive position to be filled was displayed on a whiteboard while the names of candidates preferred by Falkingham and her deputy secretaries were written on post-it notes, and I therefore ask: given the corrupt and politicised appointment process, will you fully cooperate with the Ombudsman?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:49): I reject the notion of your question—to suggest that it is a corrupt practice to make appropriate appointments to some really important roles in the department of justice. Your question is without basis, and that is the answer you are getting.

WEST GATE TUNNEL SOIL

Mr FINN (Western Metropolitan) (11:49): My question without notice is to the Leader of the Government. In her recent report *Investigation into Environment Protection Authority Decisions on West Gate Tunnel Project Spoil Disposal*, the Ombudsman was highly critical of the EPA’s refusal to consult with the Sunbury and Bulla communities. The turmoil surrounding the West Gate Tunnel Project led the Ombudsman to report that:

While senior officials denied there was any government interference, there is little doubt the EPA was under pressure to ‘fix’ the problem to get the project back on track.

Minister, can you give this house a categorical guarantee that the Premier, the Premier’s office, the Minister for Transport Infrastructure or the minister for the environment have in no way interfered in the proper processes of the EPA when considering the Sunbury Road toxic soil site?

The PRESIDENT: I am just wondering whether the question was directed to the Premier, not to the Leader of the Government, Mr Finn.

Mr FINN: I am happy to take your advice, President, and direct it to the minister in her capacity as the minister representing the Premier.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:50): Mr Finn, thanks for your question. It is, I am sure, a matter that has been appropriately managed. However, you have sought assurances about the involvement of ministers other than me, and as directed by the President it would be appropriate for me to seek a written response from the Premier to give you further confidence that all behaviour has been appropriate in relation to this matter.

Mr FINN (Western Metropolitan) (11:51): Probably should tell the Ombudsman as well. Minister, in which other approval processes by the EPA have the Premier, the Premier's office, the Minister for Transport Infrastructure or the minister for the environment been improperly involved?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:51): Thank you, Mr Finn, for your statement, I guess. I will add it to the question that I will be referring to the minister, but as you have asked specifically in relation to the EPA, it might be a bit difficult considering he is not the responsible minister for that organisation. But I am sure they will enjoy writing you a response.

MINISTERS STATEMENTS: EX-SERVICE ORGANISATIONS

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (11:52): Today I would like to update the house on the progress of the inaugural ex-service organisations summit being hosted by the Victorian Veterans Council on Saturday, 6 August, at the Melbourne convention centre. This event is proudly being funded by the Andrews Labor government. This summit will provide a platform for collaboration across organisations supporting veterans and their families and the opportunity for ESOs to establish new partnerships to enhance the service delivery. The summit will take place at the Melbourne Convention and Exhibition Centre on Saturday, 6 August—online participation is also available—with an evening event which will be held at the Shrine of Remembrance on Friday, 5 August. The VVC invites all Victorian-based ESOs and service providers to attend this free event, with veterans and their family members also welcome. The summit program has been designed for ESOs and service providers to participate in knowledge exchange, discover the latest trends and opportunities in service delivery and connect with other ESOs and service providers to forge new relationships for better service provision. ESOs can find out more and register their interest via the Victorian Veterans Council website, and I encourage all members of this chamber and the other chamber to share this information with the ESOs in their areas, which do a fantastic job in supporting veterans' wellbeing.

RENTAL STANDARDS

Dr RATNAM (Northern Metropolitan) (11:53): My question today is for the minister representing the minister for consumer affairs. Minister, Victorian renters are more likely to live in homes that are older, less energy efficient and harder to keep warm in the winter. Renters already spend more on energy than home owners, and with energy prices skyrocketing as temperatures plummet renters are having to choose between keeping their houses warm and facing exorbitant power bills or freezing through the winter months. The government have previously indicated that they are in the process of developing energy efficiency standards for ceiling insulation, draught proofing and hot-water systems in rental properties. Will the government commit to introducing these standards by the end of the year?

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (11:54): Thanks, Dr Ratnam, for your question, which is directed to the minister for consumer affairs. I will make sure that you get a response in line with what is prescribed in the standing orders.

Dr RATNAM (Northern Metropolitan) (11:54): Thank you, Minister, for passing that on. By way of follow-up, many rental homes also rely on gas heating, which is expensive and a danger to health. Renters who want to swap to cheaper and cleaner electric heating have no options other than hoping their landlords agree to make the switch to electric. Minister, what support are you providing renters who want to replace their old gas heaters with cleaner and safer electric heaters?

Mr LEANE (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (11:55): Thanks, Dr Ratnam, for your supplementary question, which I will ensure the minister for consumer affairs receives. Dr Ratnam will receive a response, as is prescribed in the standing orders.

FIREARMS LICENSING

Mr QUILTY (Northern Victoria) (11:55): My question is for the minister representing the Minister for Police. Minister, I have some more wild allegations for you. I have been informed of an altercation at a pistol event at the Melbourne International Shooting Club in 2018. It was verbal until one individual threw a punch. Luckily other shooters intervened and the fight was broken up. Physical violence at a shooting range between armed individuals is dangerous and reckless. The individual who threw the punch apparently holds a firearms dealer licence and is well connected at the club. The licensing and regulation division was informed about the incident but took no action. Charges were filed, but LRD still took no action. Even when the individual pleaded guilty to the assault, LRD took no action. This is unusual. Generally LRD will enthusiastically cancel firearms licences even when they have no reason to do so. Minister, why don't LRD believe committing a physical assault while armed disqualifies a firearms licence holder under their fit and proper person test?

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (11:56): I do thank Mr Quilty for his question, which does actually resemble more of a members statement than anything else. Regardless of that, I will refer the matter to the Minister for Police.

Mr QUILTY (Northern Victoria) (11:56): Thank you, Minister. Following inquiries from the assault victim's legal representation, the victim received correspondence from Senior Sergeant Andrew Armstrong. I have received a copy of that correspondence. You may remember Sergeant Armstrong from the questions we asked a few weeks ago. He is the LRD officer who had his subordinate Sergeant Paul Connor witness an affidavit justifying firearms going missing. We are told Sergeant Paul Connor has free use of the Melbourne International Shooting Club facilities. To connect some dots: the perpetrator of the assault is influential at the club; he gets favourable treatment from LRD; key decision-makers in the LRD get favourable treatment from the club. Minister, who is responsible for reviewing the probity of decisions like this one made by senior LRD officers? It should be clear from my recent turn of questions that I think there is something wrong in the LRD. In the best case we have senior police who have been in the same position for years who believe they are above the rules and can pursue their own interests with impunity.

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (11:57): I thank Mr Quilty for his supplementary question. That will be referred to the Minister for Police, as will the substantive question.

MINISTERS STATEMENTS: ONSHORE CONVENTIONAL GAS

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (11:57): I would like to take the opportunity to provide the house with an update and indeed something of a reminder about the outcomes of the Victorian gas program that was delivered by this government in 2020 and the work undertaken to implement it. I remind the house that the Victorian gas program was a comprehensive and scientific program led by my department the Geological Survey of Victoria. It was made possible because our government had the foresight to commit more than \$40 million for its delivery some time before that.

The program was overseen by a stakeholder advisory panel led by our lead scientist, Dr Amanda Caples, and included robust stakeholder consultation processes. Over three years the program undertook geological assessments in the Otway and Gippsland basins to better understand the rock formations and whether there are likely to be commercial quantities of gas. It used groundbreaking technology to develop scientific data based regional scale models of the south-west and Gippsland to consider existing land uses, environmental values and landscape features in relation to potential onshore conventional gas projects. Following more than 800 engagements with local government, farmers, industry and environmental and community groups, the program found that restarting our onshore conventional gas industry could inject valuable new gas into the market for Victorians without compromising the state’s environment or our vital agricultural sector. The lead scientist found production could generate up to \$300 million annually for regional Victorian communities.

Our government backed the science and enabled the resumption of onshore gas exploration and development from 1 July 2021, and we introduced new petroleum regulations in November 2021 to de-risk the industry. Unlike the gas exports out of Queensland, we ensured that Victorians will benefit from Victorian resources and announced that all new gas will be prioritised for local use. I would just like to remind the house that it was those opposite who put the moratorium in place and the Andrews Labor government who restarted— *(Time expired)*

PANTON HILL PRESCHOOL

Ms LOVELL (Northern Victoria) (11:59): My question is for the Minister for Early Childhood. Minister, the Panton Hill kindergarten is without a cluster manager for next year and is facing closure unless a management structure can be put in place immediately. The kindergarten is the feeder for students who go on to attend Panton Hill Primary School, and if children are forced to attend kindergarten in Hurstbridge it is likely that student numbers at Panton Hill Primary will decline. The Nillumbik shire has asked the government for assistance, but so far nothing constructive has been forthcoming. Minister, what assistance will you commit to providing to the Nillumbik shire to ensure they can secure a manager for Panton Hill kindergarten so this service can remain operational?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:00): I thank Ms Lovell for her question regarding Panton Hill Preschool and for her interest in Victorian kindergartens. I am sure she would join in applauding the unprecedented investment that our government is making in early childhood education, including \$9 billion worth of investment, a commitment that will change lives for families and also have a very positive impact on the viability of our kindergartens, particularly our sessional kindergartens.

In terms of Panton Hill Preschool, I am obviously aware of these issues. The Department of Education and Training has been working closely with the shire council to identify options for management for the preschool from 2023. It is a small kindergarten, as you are aware. It has had viability concerns in the past, and the government took steps to make sure that the preschool was supported and was able to continue to operate. In terms of last year’s budget, we also included in last year’s budget \$31.2 million to support all early years managers to improve viability, access and quality.

It is not an unusual circumstance, Ms Lovell, for some early years managers or individual kindergarten services or operators to divest or indicate their intention to divest of a particular service. I know that it is a much-loved local kindergarten, and I am committed to making sure that the department continues to work closely with the current operator, the local council and the preschool community to make sure that there is a solution found well ahead of next year's kindergarten year.

Ms LOVELL (Northern Victoria) (12:02): Minister, as I said in my substantive question, nothing constructive has come of talks between the Nillumbik shire and the government. Also this kindergarten will close unless a manager is appointed immediately. It will close before your unbudgeted announcements have any effect. Minister, are you prepared to provide additional funding for a new manager to ensure the service becomes financially stable and save this kindergarten from closure?

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:03): Ms Lovell, I think that trying to scare the local community about the closure of a much-loved kindergarten is a pretty low road to go down, to be frank, because you know very well that when local members both in the other place and in this place have approached me about the future of particularly smaller kindergartners in rural and regional and peri-urban areas the government has stepped in to assist. So I can assure you that you might like to characterise the constructive conversations that are going on at the local level as meaningless, but I do not and I know that a solution will be found. I look forward to updating the house when that is the case.

FAMILY VIOLENCE LAW REFORM

Ms MAXWELL (Northern Victoria) (12:04): My question is to the Attorney-General regarding the government's commitment on multiple occasions to legislate the offence of non-fatal strangulation. In 2019 the government promised to legislate this offence following the brutal murder of Joy Rowley. On 22 February this year you reaffirmed that commitment to bringing legislation this year and noted that consultations were closing in on the final stages. At that time you suggested you would have an update for this chamber in the not-too-distant future. 120-odd days is starting to feel a little distant for Ms Rowley's family, who still acutely mourn the death of their mother. So, with only a small number of sitting weeks left, I ask if you have an update that you can provide not only to this chamber but most importantly to the family.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:04): I thank Ms Maxwell for her question and her ongoing interest in these important matters. As you would appreciate, there is a lot of reform that my office and the department are responsible for, and progressing non-fatal strangulation is certainly still on the agenda and still being progressed. I do not have a specific date for you, but I am absolutely more than happy to come and see you and give you an update in detail about the progress of the development of that legislation.

Ms MAXWELL (Northern Victoria) (12:05): Thank you, Attorney. I appreciate that. Attorney, on 22 February 2022 I brought to your attention the family being given the choice of a verbal or a written update. They requested information in writing, which is still yet to be received. While the family understand that this is complex, they are still waiting and my staff have followed up numerous times since without success. Given this is proving frustrating for everyone, my question is: will you agree to meet with the family and give them a personal update and assurance of the government's commitment to bringing legislation as promised for this offence?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:06): Ms Maxwell, I am more than happy to meet with the family. I certainly make myself available to particularly victims of crime who have issues within the justice system that they want to bring to my attention, particularly in relation to reform. It is a practice that I will continue to be committed to, so I am more than happy to meet with the family, and I will make those arrangements directly through the department with them.

MINISTERS STATEMENTS: BUSHFIRE RECOVERY INITIATIVES

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:06): I would like to use my opportunity in the house today to thank Alice and Greg Albert, two proud Cudgewa residents who this month kindly hosted me and Bushfire Recovery Victoria CEO Mariela Diaz at their property. We were incredibly fortunate to hear the story of their recovery journey from the 2019–20 summer bushfires. Sadly they lost their beloved home of more than 40 years. They also lost a significant number of livestock, and all while Greg helped to protect the community and Alice went about setting up the relief centre. Unfortunately rebuilding and recovery has a long tail, and they are only part way through the rebuilding of their home.

Something that has helped make their life just a little bit easier is their participation in the short-term modular housing program run by Bushfire Recovery Victoria. This provides people who have lost their homes with a modular house on their property to live in while their permanent home gets rebuilt or even if they want to live in it while they make the decision about whether they want to rebuild or not. Either way, it helps them stay connected to their community, continue going to school and work and be surrounded by family and friends. We know this is essential to maintaining a sense of community and indeed helping the recovery process. Approximately 457 houses were damaged or destroyed in the fires, and a total of 72 eligible householders have registered to take up a modular home. I am pleased to say that all homes have now been delivered. Under the scheme recipients pay a hiring fee benchmarked to public housing rates. Importantly hardship arrangements ensure that payments do not exceed 25 per cent of household income.

Modular homes are well appointed with kitchens and bathrooms, which for Alice and Greg has been crucial as it has meant that Alice can continue to bake her famous sponge cake, something I had the pleasure of experiencing firsthand. I want to thank them again for their hospitality. Their journey is a reminder that recovery from the fires takes years, and this was certainly the case for this community, particularly being interrupted by COVID. I want communities and householders affected by the fires to know that as a government we are with them every step of the way on this difficult recovery journey.

WRITTEN RESPONSES

The PRESIDENT (12:08): Regarding questions and answers today: Dr Cumming to housing, Ms Stitt, question and supplementary, two days; Mr Finn to the Premier, Ms Symes, two days, question and supplementary; Dr Ratnam to consumer affairs, Mr Leane, two days, question and supplementary; and Mr Quilty to police, two days, Ms Tierney, question and supplementary.

Ms Crozier: On a point of order, President, I know that the Attorney was not in the house last sitting week, but in the previous sitting week, when I was asking a question on ESTA regarding Mr David Edwards, she told the house that she had written to him.

Ms Symes interjected.

Ms Crozier: Yes, you did. It is in *Hansard*, Minister. You are nodding your head.

The PRESIDENT: Your point of order?

Ms Crozier: Mr Edwards has never received anything from the minister, so I would like an explanation. If she is saying she has written to him—

Ms Symes interjected.

Ms Crozier: How, did you say?

Ms Symes: Via the federal member, who wrote to me on his behalf.

Ms Crozier: That is not directly to him. You said you wrote directly to him, in *Hansard*, if I may quote it.

The PRESIDENT: I have to interrupt. I am sorry, but this really is not acceptable. Give me your point of order, and then I will call the minister. Your point of order, please, without debate. Minister, have you got the point?

Ms Symes: I do not really think it is a point of order, but I will get a copy of the letter for Ms Crozier.

Mr Davis: On a point of order, President, on the question I asked the Attorney-General regarding the department of justice, I asked very simply whether she would cooperate with the Ombudsman fully, and she did not actually answer that.

The PRESIDENT: That was for Minister Symes, and I believe the minister answered your question.

Constituency questions

NORTHERN VICTORIA REGION

Ms LOVELL (Northern Victoria) (12:10): (1845) My question is for the Minister for Emergency Services. Minister, the Rochester fire station is a 48-volunteer brigade currently operating in a station built in the early 1960s. The station is clearly unfit for a modern firefighting service, with walls cracking from the 2011 floods, no change room facilities and no showers. Female volunteers are forced to get changed in the station toilets while the male volunteers get changed in the engine bay when responding to an emergency. The recent state budget allocated the CFA just \$49.6 million to build new stations and upgrade some of its 1200 fire stations, yet Fire Rescue Victoria were allocated \$120.6 million towards just 85 stations. While Rochester's 48 volunteers operate in a dilapidated station that is no longer fit for purpose, 16 FRV members enjoy the new \$12 million Derrimut station, boasting a station gym, rec room and internal courtyard. Will the minister immediately allocate additional funding to the CFA to construct a new fire station for the Rochester fire brigade?

NORTHERN METROPOLITAN REGION

Dr RATNAM (Northern Metropolitan) (12:11): (1846) My question today is for the Minister for Housing. I recently met with representatives from North Melbourne Language and Learning, a local learning organisation and community hub based on the North Melbourne public housing estate. NMLL have been supporting residents and the broader North Melbourne community for over 30 years and are the lead community partner, with Drummond Street Services and Mission Australia, delivering the Paving the Way Forward program on the estate. The consortium has employed three local residents as community engagement officers and is supporting residents to establish a representative group who can advocate for and communicate the needs of residents in the future. I understand that this funding will be ending in September, but COVID delays and further lockdowns have delayed progress in the delivery of the project. Will the government extend the Paving the Way Forward program funding to ensure that this important work can continue?

NORTHERN METROPOLITAN REGION

Mr ONDARCHIE (Northern Metropolitan) (12:12): (1847) My constituency question today is for the Minister for Roads and Road Safety. Preston and Thornbury residents in my electorate of Northern Metropolitan Region are concerned about the traffic and congestion and the time it takes them to get to work. Now, I know members might be surprised by this, but I have recently conducted a community survey in Preston and Thornbury, and I was inundated with responses. I later made it known to this house how constituents felt about the traffic in their community. One social media user wrote:

St Georges Road is the only road i know where people continue to drive 20kph under the limit—
because of the traffic—

and, as a result, score every red light along its length. And there are alot of lights.

My question for the minister is: will the government commit to investigating the sequencing of lights at the intersections of Bell Street and St Georges Road, Bell Street and Albert Street, High Street and Murray Road, Normanby Avenue and St Georges Road, and High Street and Clarendon Street to improve the traffic flow so my residents can get home to their families a lot sooner?

WESTERN METROPOLITAN REGION

Dr CUMMING (Western Metropolitan) (12:13): (1848) My question is to the Minister for Energy, Environment and Climate Change in the other place from a resident in Sunshine North. Will the minister consider any further action against the Barro Group and additional measures to ensure that the fires are extinguished by the deadline? In late 2019 the Kealba landfill caught fire and has continued to burn. The Barro Group has continually failed to meet the deadline set by the EPA to extinguish the fire. The EPA suspended their licence in September last year, but they have once again extended the deadline. Now the Barro Group has until the end of August. Residents have endured the smoke, the dust and the toxic smells from this fire for 2½ years. They deserve better than this. When will the EPA or this government help stop this fire in Kealba?

EASTERN METROPOLITAN REGION

Dr BACH (Eastern Metropolitan) (12:14): (1849) I have a constituency question today, once again, for the Minister for Transport Infrastructure. Traders in Surrey Hills, in particular along Union Road, have been treated shamefully by the Andrews Labor government in relation to their ongoing level crossing removal work there. While everybody supports the removal of these two level crossings, there are ways and ways of doing these things. I was recently contacted by a local trader called Simon. After years of lockdowns Simon informed me that his business was unduly impacted too long but is now being impacted, once again, by ongoing road closures. The question that I have for the minister is: will she meet with local traders to both understand how the impact of these ongoing works can be mitigated and come to a broader understanding of their needs?

SOUTHERN METROPOLITAN REGION

Mr HAYES (Southern Metropolitan) (12:15): (1850) My constituency question is directed to the Minister for Planning. On Sunday, 15 May, residents of Boroondara contacted me regarding the illegal demolition and destruction of the beautiful heritage Craymer gardens designed by Edna Walling at 146–148 Winmalee Road, Balwyn. Not only is this property situated in a heritage overlay but there are significant tree citations in the garden, including a lemon-scented gum and a cypress hedge. Since then, Boroondara council have identified the company that illegally removed the vegetation and followed up with appropriate action. However, given the very low fines that apply to this, there is not a disincentive to stop this from occurring again, or even punishment for those responsible. The residents would like to know why there is no tough legislation to protect heritage gardens from illegal demolition, which would complement the government's new provisions under the Planning and Environment Act 1987 to prevent developers from benefiting from unlawful demolitions of buildings of significance.

EASTERN VICTORIA REGION

Ms BATH (Eastern Victoria) (12:16): (1851) My question is to the Minister for Roads and Road Safety. Cutting \$200 million out of the roads maintenance budget in the past two years shows a distinct lack of respect for the safety of regional motorists. My constituents have come to me about and are frustrated with the state of the following roads: Traralgon-Maffra Road; the Moe to Glengarry road; the Glengarry West Road and Brown Coalmine Road; the Tyers to Yallourn North road; the Tyers to Thomson Valley road; the roundabout on Traralgon West Road at Maryvale; the Trafalgar to Thorpdale road, which consistently subsides; the Strzelecki Highway, which is littered with pockmarked potholes; the Fish Creek Meeniyah-Promontory Road; the Cape Paterson to Wonthaggi road; and many, many more. Alarming we have seen a 30 per cent increase in fatalities on rural and

regional roads this year. Minister, will you prioritise these Gippsland roads for safety upgrades for my constituents?

SOUTHERN METROPOLITAN REGION

Ms CROZIER (Southern Metropolitan) (12:17): (1852) My constituency matter is to the Attorney-General, and it relates to Penny Van Den Berg. Penny is a trauma nurse at the Alfred. She is also a single mother. On 1 May she had her car stolen. During the 24 hours when these low-lives took her car, they ran a red light, doing more than 30 kilometres over the speed limit. Fines Victoria through VicRoads has cancelled Penny's licence due to the car going through the red light. The car has been written off, and now she has gone to the Magistrates Court to see if she can get her licence reinstated, as was advised. They told Penny that it would take three or four weeks to have her licence reinstated. It is over seven weeks ago that this happened. Penny is the victim here, and she has had no action from anyone inside government or inside the bureaucracy to get her licence back. I ask that the Attorney immediately intervene in this case and ensure that Penny has her licence returned.

The PRESIDENT: Will the minister.

Ms CROZIER: Sorry. Will the minister immediately intervene to see that Penny can have her licence returned?

WESTERN VICTORIA REGION

Mrs McARTHUR (Western Victoria) (12:19): (1853) My question is to the Minister for Roads and Road Safety. Following on from what Ms Bath said, cutting \$200 million out of the roads budget results in shocking outcomes. Last Monday in Ballarat two potholes alone were the cause of multiple calls for help. One roadside emergency business attended 12 cars, changing damaged tyres on six of the vehicles and towing another six away. I am advised that the RACV helped another seven cars in relation to those two potholes alone. There could have been more, but as I am advised, there were nearly 20 cars damaged by two potholes in one night. One tyre business in Ballarat alone advises that repairs to pothole-damaged cars are up 30 per cent this year. So I ask the minister: when will this government fix the appalling state of our roads in Western Victoria Region?

SOUTHERN METROPOLITAN REGION

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:20): (1854) My matter is for the Minister for Planning, and it concerns the state government's grab for power—this repeated grab that is going on with more and more planning amendments giving greater power to the planning minister to very directly intervene in projects. Whether it be the transport projects under C170, the social housing projects under C187, 190, 194, 198 or others, they all strip away planning rights from local communities and councils and all strip away the ability of local communities to have their say about what is built in their community. What I am asking of the minister is: will he step back and revoke a number of these planning amendments where he has taken overweening power and is overriding local communities and councils?

NORTHERN VICTORIA REGION

Mr QUILTY (Northern Victoria) (12:21): (1855) My constituency question is for the Minister for Housing. I have previously raised the issue of ACE school in Shepparton being crowded out by a new social housing project on the council-owned car park next door. Since that time things have only gotten worse for the school. The council seems determined to push on with the project, and to add insult to injury, they have now banned the use of the council car park as an emergency evacuation site for the school. ACE is a fantastic institution helping kids who would otherwise be lost from the system. It is not for profit and community funded; it cannot afford to be kicked out of its location again. Minister, I ask you: will you do something to save ACE school? There are many more suitable locations for social housing in Shepparton. This project cannot proceed without your sign-off.

WESTERN VICTORIA REGION**Mr GRIMLEY** (Western Victoria) (1856)**Incorporated pursuant to order of Council of 7 September 2021:**

My question is to the Minister for Fishing and Boating in the other place.

The St Leonards Pier is an iconic Bellarine landmark. During the warmer months, and occasionally in the cooler months, the pier is bustling with locals and tourists enjoying a walk, going for a fish or simply relaxing.

There is much more to do while visiting the pier. There is a great beach, children's playground, plenty of parking and it's less than 100 metres from the main street.

Unfortunately, the pier is in a bad way with Parks Victoria assessing the pier as failing. The community rallied and made enough noise to secure funding for short-term repairs. This was welcomed by everyone. However, it will only kick the can down the road. I've been contacted by constituents to help save the pier.

The pier is in desperate need for secure, long-term funding to ensure it will be safe to use for generations to come.

Minister, will you commit to long-term funding to upgrade and maintain the St Leonards Pier?

NORTHERN METROPOLITAN REGION**Ms PATTEN** (Northern Metropolitan) (1857)**Incorporated pursuant to order of Council of 7 September 2021:**

My constituency question is for the Minister for Education and relates to Glenroy College.

Glenroy College has faced declining enrolments since 2014, with current enrolments lower than the state average. This directly impacts school funding and the curriculum, with the school currently unable to deliver the full suite of subjects provided at most other secondary schools.

My constituent is a concerned local resident who believes that these declining enrolments are a direct product of substandard facilities at the school.

In the 2019–20 budget there was \$9.2 million to replace dilapidated facilities at Glenroy College. But one might rightly ask whether replacing dilapidated facilities should really be considered a building upgrade or just maintenance money required to bring that section of the campus up to the minimum acceptable standard.

So my constituent asks: can the minister detail what they are planning for Glenroy College?

Bills**PLANNING AND ENVIRONMENT AMENDMENT (TRANSITION FROM GAS) BILL
2022***Introduction and first reading*

Dr RATNAM (Northern Metropolitan) (12:22): I move to introduce a bill for an act to amend the Planning and Environment Act 1987 to prohibit the Victoria planning provisions and planning schemes requiring the distribution of gas to new dwellings and for other purposes. I move:

That the bill be now read a first time.

Motion agreed to.**Read first time.****Dr RATNAM:** I move:

That the second reading be made an order of the day for the next day of meeting.

Motion agreed to.

Committees**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE***Alert Digest No. 9*

Ms WATT (Northern Metropolitan) (12:22): Pursuant to section 35 of the Parliamentary Committees Act 2003, I lay on the table *Alert Digest* No. 9 of 2022 from the Scrutiny of Acts and Regulations Committee, including appendices. I move:

That the report be published.

Motion agreed to.**Papers****PAPERS****Tabled by Clerk:**

Crown Land (Reserves) Act 1978—

Minister's Orders of 30 May 2022 giving approval to the granting of two leases at Lakeside Stadium Reserve.

Minister's Orders of 30 May 2022 giving approval to the granting of licences at—

Lynch's Bridge Historical Precinct Reserve.

Queen Victoria Gardens and Memorial Statue Reserve.

Planning and Environment Act 1987—Notices of Approval of the following amendments to planning schemes—

Greater Dandenong Planning Scheme—Amendment C237.

Mornington Peninsula Planning Scheme—Amendment C291.

Towong Planning Scheme—Amendment C36.

Victoria Planning Provisions—Amendment VC216.

Whitehorse Planning Scheme—Amendment C240.

Yarra Planning Scheme—Amendments C304 and C305.

Rail Safety National Law Application Act 2013 Rail—Rail Safety National Law National Regulations (Reporting Requirements) Amendment Regulations 2022 under section 12 of the Act.

Statutory Rules under the following Acts of Parliament—

Australian Consumer Law and Fair Trading Act 2012—No. 42.

Dangerous Good Act 1985—No. 41.

Education and Training Reform Act 2006—No. 43.

Marine (Drug, Alcohol and Pollution Control) Act 1988—No. 40.

Subordinate Legislation Act 1994—No. 39.

Tobacco Act 1987—No. 44.

Subordinate Legislation Act 1994—

Documents under section 15 in respect of Statutory Rule Nos. 38, 40, 41 and 42.

Legislative instruments and related documents under section 16B in respect of Keno Technical Standard Version 3.3 of 16 May 2022 under section 10.1.5A of the Gambling Regulation Act 2003.

The University of Melbourne—Report, 2021.

Production of documents**JOHN WOODMAN**

The Clerk: I lay on the table a letter from the Attorney-General, dated 14 June 2022, in response to the resolution of the Council of 25 May 2022 on the motion of Mr Davis relating to correspondence

between the Premier and Mr John Woodman. The letter states that there was insufficient time to respond and that a final response to the order will be provided as soon as possible.

Business of the house

NOTICES

Notices of motion given.

Notices of intention to make a statement given.

GENERAL BUSINESS

Mr FINN (Western Metropolitan) (12:35): I move, by leave:

That precedence be given to the following general business on Wednesday, 22 June 2022:

- (1) order of the day 3, second reading of the Firearms Amendment Bill 2022;
- (2) the notice of motion given this day by Mr Somyurek referring matters relating to Mr Somyurek's use of government resources to the Privileges Committee;
- (3) the notice of motion given this day by Mr Finn on the Victorian education curriculum;
- (4) order of the day 2, listed for a future day, resumption of debate on the Independent Broad-based Anti-corruption Commission Amendment (Facilitating Timely Reporting) Bill 2022;
- (5) the notice of motion given this day by Mr Davis on the production of documents relating to moving from stamp duty to land tax;
- (6) order of the day 59, resumption of debate on a motion relating to Victorian Building Authority fee increases;
- (7) the notice of motion given this day by Mr Finn on autism; and
- (8) the notice of motion given this day by Dr Cumming on Refugee Week.

Motion agreed to.

Members statements

QUEEN'S BIRTHDAY HONOURS

Ms LOVELL (Northern Victoria) (12:36): I am proud of the many people throughout my electorate of Northern Victoria Region who are recipients of awards in this year's Queen's Birthday honours. In Greater Shepparton my former colleague and a former member for Shepparton, Jeanette Powell, has been made a Member of the Order of Australia, receiving an AM for service to the people and Parliament of Victoria and to the community. Professor Tim Reeves, who is a professor in residence at the University of Melbourne Dookie campus, also received an AM, for service to sustainable agriculture research and production. Other award recipients from Northern Victoria were Marilyn Bennet of Castlemaine, Margaret Darricott of Kyneton, Christine Douglas of Daylesford, Peter Fleming of Cardross, Florence Forbes of Bagshot, Malcolm Grant of Gisborne, Lyndon Hart of Yarrawonga, Iris Mannik of Beechworth, Catherine Marriott of Yarrawonga, Rachel McKay of Cobram, Christine Nolan of Trentham, Kevin Pitts from Myrtleford and Ronda Richards from Nagambie, who were all awarded OAMs. Marcus Horwood from Mildura was awarded a PSM, and John Cowan of Mernda received an AFSM. Josephine Hunter of Marysville received an ESM.

I also want to recognise some former Liberal members of Parliament who received honours. I congratulate former member for Brighton the Honourable Louise Asher on receiving an AM, as well as a former member for Geelong Province in this place, Ian Cover, who was awarded an OAM. I sincerely congratulate the many recipients of Queen's Birthday honours, and I thank them for their valuable service to their respective communities.

FEDERAL ELECTION

Mr FINN (Western Metropolitan) (12:38): Recent federal election results gave us reason both to be sad and to celebrate. I was deeply saddened by the loss of Senator Eric Abetz down in Tasmania, Senator Amanda Stoker in Queensland and Senator Greg Mirabella here in Victoria. All were outstanding senators, and their presence will be missed in the national Parliament; there are no two ways about that.

On the plus side, Jacinta Nampijinpa Price was elected to the Senate, and this is something I am absolutely delighted about. Jacinta is a delightful person, intelligent, visionary and just what Australia needs right at this point in time. Senator Price will represent not just Aboriginal communities but every Northern Territorian—well, that is to begin with anyway, because we know it is only a matter of time before her talents are utilised in a future coalition government ministry. Given news of the ratbaggyery from the Greens over the past 24 hours, Senator Price's contribution to the national Parliament will be welcomed by the overwhelming majority of Australians. I know that the contribution that Jacinta Price will make to Australia over the next maybe 20, 30 or perhaps 40 years is going to be something that will have to be seen to be believed. She will be an outstanding senator. I welcome her election, and I wish her all the very best for her time in Canberra. I am absolutely thrilled that she is going there.

QUEEN'S BIRTHDAY HONOURS

Dr BACH (Eastern Metropolitan) (12:39): I want to use my time today to congratulate some extraordinary people who live in the community that I represent and where I also live who have recently been awarded members of the Order of Australia in the Queen's Birthday honours.

I want to congratulate Professor Suresh Bhargava of Viewbank for his significant service to tertiary education and to Australia-India relations. Dr Bhargava has had a long and industrious career in academia and science, and I am sure that his AM will sit very nicely alongside his already existing collection of accolades.

I also want to congratulate Mr Leighton Boyd of Greensborough for his significant service to people who are blind or have low vision. Mr Boyd has served as both the chairman of Retina Australia and the vice-president of Retina International and has advised the Shire of Nillumbik on disability inclusion for many years. Congratulations to Mr Boyd.

Lastly I want to congratulate Dr Meron Pitcher of Viewbank for her significant service to medicine and to women's health. Dr Pitcher is one of the many selfless and incredibly hardworking medical professionals who have made such an enormous contribution to our state over many years but in particular over the last couple of years, which have been so challenging. She has served many important organisations, like the Royal Australasian College of Surgeons.

These are just some of the extraordinary people in my electorate who have recently received honours, and I want to congratulate them and those others who have been recognised.

REFUGEE WEEK

Dr RATNAM (Northern Metropolitan) (12:41): This week marks Refugee Week across Australia, and yesterday was World Refugee Day. It is an opportunity to recognise the immense courage and strength of the millions of people seeking asylum and refuge across the world and the urgent need for global solutions to end the war, poverty and persecution that forces people to leave their homelands in search of peace.

It was moving to be at Melbourne's refugee day rally on Sunday, and I thank the Refugee Action Collective for bringing us together once again. It marked an important moment—the first since the recent federal election—to reflect on the immense power and courage of the refugee rights movement, who have helped shape the politics of this country for the better. I thank all the refugee rights campaigners who have been working tirelessly for years for a change of government as a first step in

achieving more compassion and justice in Australia. I also want to thank the Refugee Communities Association of Australia for a terrific celebration event on Saturday and congratulate their work to centre the voices of refugee communities in all their advocacy and community-building work.

This Refugee Week we also recognise that the work continues, with thousands of people seeking asylum still stuck in limbo because of Australia's punitive policies. We have also seen the newly elected Labor government continue down the punitive, cruel path created by the Liberals, with boat turnbacks of people fleeing the desperate situation in Sri Lanka. Now is not the time to turn our back on innocent people seeking peace and safety. The Greens will not stop fighting for change until all people seeking asylum can have the certainty and peace they need to rebuild their lives in a place they call home.

EASTERN VICTORIA REGION ROADS

Ms BATH (Eastern Victoria) (12:43): I sadly would like to put on record today my sincere condolences for the loss of three Gippslanders on our local roads in the past week. Families have lost and are grieving for fathers, sons, brothers, cousins, colleagues and mates. Rendering assistance on the side of the road on the Princes Highway, a father tragically lost his life. Only this morning a pedestrian crossing the Princes Highway tragically lost his life. In a 40-kilometre zone on the edge of Walhalla township a vehicle only a couple of days ago went over an unbarriered embankment and plunged to the loss of a beautiful 19-year-old son and mate; the others were only injured, thankfully. Tragically this is the exact same location where in 2017 a car also went over that same embankment, but miraculously that person did not lose their life. This incident should have and could have been avoided. The community and the Baw Baw Shire Council have asked Regional Roads Victoria to erect a barrier. It is just a tragedy that this had to happen. My heartfelt gratitude and thanks go to all the first responders—the ambulance, the SES, Victoria Police and the CFA—who had to deal with these tragic events. We thank them very much for their endeavours and difficult work.

RAJA PARBA

Ms VAGHELA (Western Metropolitan) (12:44): I recently attended the annual event Raja Parba, organised in Williamstown by Orioz Incorporated. Orioz is a collective of residents of Australia who originate from the state of Odisha in India. Raja Parba has been the biggest annual function of the Odia diaspora, and they have been celebrating this event for the last 11 years in Victoria. Orioz works to support the Odia community in Australia to be engaged, vibrant and inclusive. It provides a platform for the young Odias in Australia to nurture their cultural roots and to strengthen their cultural identity. Raja Parba is a unique festival that represents the culture and tradition of the state of Odisha. It is dedicated to Mother Earth and the celebration of womanhood. It also gives a subtle cultural message to respect women and our planet, the Earth. Through this event, Orioz is making efforts to empower women and highlight the significance of women by emphasising the powerful role of women through their activities and programs. At this annual event onstage group performances by performers in different age categories provided them an opportunity to express themselves in front of a large gathering of about 450 people. The event concluded with a delicious dinner that included authentic Odia cuisine. I congratulate all Orioz members and commend their huge efforts for this massive event.

ALFRED HEALTH

Ms CROZIER (Southern Metropolitan) (12:46): I on Saturday night had the great honour and was delighted to attend the Alfred hospital's 150-year celebration. It was a very special occasion, particularly after what so many of these staff have been going through over the last 2½ years. The Alfred, as we know, is in the electorate of Mr Davis and me, Southern Metro, and Ms Taylor, who is in the chamber today, and the minister spoke at the event on Saturday night. But it really did celebrate 150 years of the Alfred being on its original site. It was a community-built effort back in 1871, and it remains today on the original site of the Alfred. A lot has happened over that time, and if you look through the milestones, I am pleased to say that I actually was there at some of the very historical points when the Alfred made such a difference to so many people's lives, and not only for Victorians

but for those from interstate and sometimes for those from international jurisdictions who have come from overseas to seek specialist treatments. So I was very proud to be there on Saturday night not only in my role as the Shadow Minister for Health but as a former nurse at the Alfred hospital. Congratulations to all.

COVID-19

Mr QUILTY (Northern Victoria) (12:47): On Saturday the Victorian government announced it would finally scrap COVID vaccination mandates for many workers. For some Victorian families this should ease months of real hardship; they will actually be allowed to earn an income again. But for others the experience of being ostracised from their community will have a profound impact on them for years to come and on our society. You may think we should be grateful for this development, but Victoria is one of the last states and one of the last countries in the world to end these cruel mandates. Victoria is still operating under a state of emergency, and all our democratic freedoms in this state are yet to be returned and there are still many people subject to COVID mandates. The government tells us to get over it and that it is over, but it is not over until the mandates are lifted and the state of emergency is ended. We will continue to fight until all Victorians have their rights returned to them.

JULIAN ASSANGE

Mr QUILTY: On another matter, this week we got the news that the UK government had approved the extradition of Julian Assange to the United States. While this is just one more step in the long-running legal battle, the persecution of Julian has to stop. Being a journalist is not a crime, and the US does not have the authority to enforce its domestic laws around the globe. The ongoing prosecution of the case is an attack on journalism and free speech around the world. I call on the new Australian government to use our special relationship with the US and the UK to put an end to this and to finally send Julian Assange home.

IAN COVER OAM

Mrs McARTHUR (Western Victoria) (12:49): Today I wish to recognise a Queen's Birthday honours award recipient from my electorate who has been rightly recently recognised. Ian Cover was a member of this place between March 1996 and November 2002. Ian's name is synonymous with sport, fun and community. His is a household name broadcast into homes, backyards, cars and caravans across Australia as a member of the very witty and wonderful Coodabeen Champions team on the ABC—it is probably the only good thing that has ever been on the ABC.

Mr Davis interjected.

Mrs McARTHUR: They have stopped it; there you go. His love of sport saw him take up the very appropriate shadow portfolios of sport and recreation and Shadow Minister for Racing and Shadow Minister for Youth Affairs. However, his Medal of the Order of Australia perhaps best recognises his community work and support for matters such as women's cancer, youth mental health, the important role of fathers and Anam Cara House in Colac. Ian continues to support the Liberal Party in my electorate, especially in the Geelong area. Ian is a very worthy honours recipient, and I congratulate him wholeheartedly on the award.

COVID-19 VACCINATION

Dr CUMMING (Western Metropolitan) (12:50): My members statement today is that the Minister for Health must stop all the mandates for health workers now. We are in a health crisis, and every paramedic, nurse, doctor and healthcare worker should go back to work now. This government should never have mandated the COVID vaccine, especially when they always have known that the vaccine has serious risks and does not stop you from catching or passing on COVID. Health professionals should be able to make their own health choices. They are the best qualified to make this decision, not the government. The community do not care if their paramedic, nurse or doctor is vaccinated. In an emergency they just want help immediately. It makes no scientific or medical sense to mandate

vaccines for healthcare workers. Your vaccine status should not stop you from helping someone. End all the mandates now—hold the line, from hero to zero. This government should not hide behind industry or business mandates. You need to lift all the mandates now. We need to have our healthcare workers go back to work now, and we should never, ever have mandated the COVID vaccine.

QUEEN'S BIRTHDAY HONOURS

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:52): Today I want to join others in this chamber in noting a number of Order of Australia recipients, including Ian Cover, Louise Asher and Jeanette Powell in particular.

ADAM BANDT

Mr DAVIS: I want also today to draw the house's attention to the sad and disrespectful steps taken by Adam Bandt MHR to disrespect the Australian flag. It is a flag that is a very important flag. It actually reflects not just the British heritage of our legal and parliamentary institutions but also the Southern Cross, which is the geography of our nation, Victoria included. Also, importantly, that is the history back to Eureka and small business people revolting against taxation and excessive taxation. I also note the Federation Star, which actually reflects our system of governance and our long history of constitutional government. The idea of Mr Bandt disrespecting that is, I think, grave and sad, and I do say that we actually need to respect those who fought under the Australian flag. There are veterans who have fought under that flag. I think we can respect our history. We can respect our Indigenous backgrounds and we can respect our migrant backgrounds, but we should equally respect our flag and what it stands for too.

GLENN 'DUTCHY' HOLLAND APM

Mr GRIMLEY (Western Victoria)

Incorporated pursuant to order of Council of 7 September 2021:

I rise today to congratulate Sergeant Glenn 'Dutchy' Holland on being awarded the Australian Police Medal as part of this year's Queen's Birthday honours.

Dutchy has been in the Victoria Police for 20 years. He has worked on the front line of operational policing and seen firsthand the impact this can have on the mental health of police members. He has also seen the long waiting periods for treatment and the self-harming by victims of post-traumatic stress injury.

In 2015 he initiated the Fighting PTSD VicPol campaign. Since then, Dutchy has raised over \$140 000 for the cause. He has worked closely with police command and community groups to directly support current members, past members and many partners who have been left behind by those who didn't survive PTSD.

I have spoken in this place before about Dutchy's work in combatting this issue. Mental health for police is an area close to my heart, having witnessed horrific crime scenes, assaults on my colleagues and other highly stressful situations in my own time as a police officer.

Dutchy has taken a once maligned issue to one of acceptance and support. I am sure all in this place will join me in congratulating Dutchy on this recognition of his great service to the community.

NIA SIMS

Ms PATTEN (Northern Metropolitan)

Incorporated pursuant to order of Council of 7 September 2021:

I would like to dedicate my members statement to our friend Nia Sims, who died last week, after accessing voluntary assisted dying.

Nia described herself as a 'writer, activist, reader, listener, friend, sister, daughter, niece and aunty. Non-practising alcoholic and smoker. Vegetarian, consumer of mental health services, disabled, chronically ill woman from a working-class background Sunshine, Melbourne Australia'.

She was also a warrior.

I met Nia when she contacted me about voluntary assisted dying in 2015. It was clear then she was chronically ill but determined to see voluntary assisted dying become a reality in Victoria. She did.

Since her early 20s, Nia lived with the rare, progressive autoimmune disease scleroderma, which creates scarring of the body's connective tissues. She would ordinarily spend 16–18 hours per day in bed with around 3 hours on her feet, short of breath and unable to walk far, with limited hand movement, suffering from malnutrition as her gut would not absorb nutrients.

But as some of you will remember she was here for every gruelling hour of the marathon VAD debate. Occasionally, after considerable persuasion, she would rest on a makeshift bed in the library.

I know her presence gave a lot of us the strength to keep pushing. She continued advocating for VAD around the country and was an invaluable part of the Go Gentle team as it rolled out in other states.

She will be dearly missed and I will be forever grateful for meeting her and the friendship that ensued.

To quote Andrew Denton, politics is not just about who has the power; it's about who turns up. Nia Sims turned up. And she helped change our world for the better.

Joint sitting of Parliament

LEGISLATIVE COUNCIL VACANCY

The PRESIDENT (12:53): I have a message from the Assembly:

The Legislative Assembly informs the Legislative Council that the Assembly has agreed to the Council's proposal for a joint sitting on Wednesday 22 June 2022 at 6.15 pm in the Legislative Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr David Limbrick.

Business of the house

NOTICES OF MOTION

Ms TAYLOR (Southern Metropolitan) (12:54): I move:

That the consideration of notices of motion, government business, 683 to 746, be postponed until later this day.

Motion agreed to.

Bills

SUMMARY OFFENCES AMENDMENT (NAZI SYMBOL PROHIBITION) BILL 2022

Second reading

Debate resumed on motion of Mr LEANE:

That the bill be now read a second time.

Mr ONDARCHIE (Northern Metropolitan) (12:54): I rise today to speak on the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022, and in starting my contribution today can I pay tribute to the wonderful work of former Shadow Attorney-General Edward O'Donohue and former Shadow Minister for Police David Southwick, who back in February of 2020 announced that a Liberal-Nationals government would amend the Racial and Religious Tolerance Act 2001 to ban the display of the Nazi swastika and other Nazi symbols which are intended to incite hate in Victoria. This decision was taken following an increase in the use of Nazi imagery to harass and harm Victorians—abhorrent behaviour by people that we have seen right across metropolitan Melbourne and in regional Victoria.

In March 2021 the Legal and Social Issues Committee of the Legislative Assembly reported on the effectiveness of the state's anti-vilification laws. The committee recommended a number of things, which included this recommendation, 24:

That the Victorian Government establish a criminal offence that prohibits the display of ... Nazi ideology, including the Nazi swastika, with considered exceptions to the prohibition.

There are very few bills that come before this Parliament that get bipartisan support and even fewer with positions proposed by the Liberal-Nationals, but this is one on which I think it is worth

congratulating the work of Edward O'Donohue along with David Southwick and Michael O'Brien, who did a torrent of work around this. I was involved in this process. We did an extensive amount of consultation to ensure that this was done right, and I am glad that the Attorney-General of this state was able to pick up the concerns that were raised by the Liberals and Nationals. However, I do note that this process has been extremely slow from those on the government side. This could have been implemented if the government had started the process when the Liberals and Nationals first called for it.

People use the term 'swastika'. I want to correct that for the record to make sure we are talking about the right thing. I am talking about the Nazi hate symbol, the Hakenkreuz, often referred to, which is a symbol with a cross with the arms bent at right angles in a clockwise direction or a symbol that so nearly resembles it that it is likely to be confused or mistaken for that symbol. This bill only applies to the Nazi swastika or the Hakenkreuz. It does not apply to other symbols of the Third Reich. I say that because there are a number of elements in our community where this could be confused. I think carefully about our Hindu community, our Buddhist community and our Jain community, who use a form of this symbol that people may confuse, and I want to get that right. Today I want to also pay tribute to the Honourable Jason Wood, who led an extensive amount of community consultation, which I was involved in, to make sure we got this right and that it was not in fact affecting the Hindu community, the Jain community and the Buddhist community and their symbols that they use for their religious activity.

For our Jewish community in this state there is no doubt that the use of the Nazi symbol, especially when it is done in an intentional way, causes great distress, and unfortunately there are people in this state who use this symbol to effect emotional pain or torment on people of the Jewish faith. It has been pretty concerning to see that that hate conduct has been on the rise in Victoria and more broadly in Australia in the last few years. Encouragingly it is a good time to bring this in to stop those sorts of hate symbols being used even at things like Jewish festivals. It is outrageous.

We have seen images recently on our TV news and in newspapers of members of the Jewish community being targeted with verbal abuse, physical abuse, targeted imagery such as this symbol, online and in other media as well. This abuse occurs everywhere—when they go to the shops, when they are on their way to or from the local synagogue, at their places of residence, at their work and even at schools. I am not the first and I will not be the last to call out this sickening behaviour that harasses people, that torments people, that intimidates them and that precludes the ability of those Victorians to live a free and open life. Sadly there are many consequences of antisemitism which can lead to fear, to the loss of self-esteem and the downplaying of their Jewish identity.

As the Shadow Minister for Multicultural Affairs and Citizenship in the Liberal-Nationals coalition and the only multicultural member of the Liberal-Nationals parliamentary party, I want every Victorian to be proud of their heritage. I want them to be proud of their faith. I want them to be proud of where their families originally came from. I want all the different cultures to share their ideas, their stories and their cultures to make this state an even greater place to live. I have to say that I was one of the first people to be delighted when in 2018 the first Indian woman was elected to our Parliament. I was delighted, and Ms Vaghela, I say to you every day when I see you, 'Welcome to this place'. It is a good statement. This Parliament has to be more about representing multicultural Victoria.

It is a concern when I hear people like the Anti-Defamation Commission chairman Dr Abramovich say that the Nazi symbol is an epidemic that is only getting worse. This bill does draw a line in the sand. It says, 'Enough is enough'. To those who are thinking about intimidating people or harassing people with the Nazi symbol: do not do it. It is as simple as that, because you will be committing an offence. But I want to hold the Attorney-General to account on this and not just do a 'set and forget'. They need to spend the next six months engaging with councils, with the police and with the community to ensure that anyone who does break the law is held to account and held to justice. That might mean involving more police, better facilities and greater resources.

There will be some that say, ‘Why do we need a ban on this when people have been advocating for this for a long time and people can deal with it?’. Well, I am not sure that is right. Joseph Symon is 97 years of age and is a survivor of the Holocaust. He recently wrote to a New South Wales inquiry on the impact of this Nazi hate symbol. He said:

The swastika is a very vivid reminder of hatred, senseless loss of life of millions of people, Jewish and non-Jewish and the murder of my father.

He went on to say:

When I see a swastika in Australia it brings forward all the cruelty that people lived through and it also helps the ... neo-Nazi's push their agenda ...

Mr Symon went on to say the symbol is about:

... hatred, hatred by the Nazis not only to Jews ... but anybody who was against them. For that reason, still today, the sight of any Nazi flags with the swastika is very disturbing for me.

Mr Symon, this Parliament pays its respects to you. We agree with you.

One of the things I will be interested in hearing much more from the government about when they respond to this bill is how they are going to roll out a strong communication and education plan to the community about the banning of the Hakenkreuz, the Nazi hate symbol. I want to know more about what they are planning to do in letting the community know given they have moved the education period from 12 months back to six months. There is a lot of work to do to inform the police, to inform educators, to inform community groups—to inform a lot of organisations—about how this could be done. What about the 2000 schoolteachers that need to know about this? What about the 80 councils, the shopping centres, the fast-food outlets and even the Amazon person delivering to a Hindu home to find there is a religious symbol of the Hindu community on their front door and not objecting to that? There is a lot of work to be done. It is nothing like running a COVID-19 ad on the TV. There is a lot more work to be done on educating communities about the Nazi symbol of hate compared to the religious swastikas that are used by the Hindu community, by the Jain community and by the Buddhist community. There is a lot of work to be done, so I am going to be very interested in hearing the Attorney-General in her summing up talk about how they are going to roll out specifically the education and communication plan around this legislation, should it pass today, which it should do.

I want to thank the Hindu Council of Australia for reaching out to me, the Hare Krishna movement for reaching out to me, the Swaminarayan community for reaching out to me and others in the Hindu and Jain communities for reaching out. And again, for his leadership, I thank the Honourable Jason Wood, the federal member for La Trobe, for taking this forward into the community for more consultation.

When it comes to legislation in this place, it only gets royal assent when the government presents it to the Governor. It is at the whim of the government when they present a bill to the Governor for royal assent. So one of the things I am going to be interested in in the passage of this legislation—and I will be looking for the Attorney-General to sum up about this, should we not have to take this into committee—is knowing exactly when the government will present this to the Governor for royal assent. Because if we are talking about bringing this forward and if we are talking about doing the right thing and matching it to an education and communications plan, I want to know exactly when they are going to put this in front of Her Excellency the Governor of Victoria, the Honourable Linda Dessau, for royal assent. Because that is really important to our Jewish community—to know when we are actually going to get on with this.

It is really important for us to get this going in terms of both protecting the religious needs of our Hindu, Jain and Buddhist communities but also protecting the rights and wellbeing of our Jewish community. I think it is a really important point to make that the Nazis' hate-filled murderous campaigns extended across a wide group of people: across the Roma and Sinti people often labelled as Gypsies, across black people, across people with disabilities, across Slavic and Polish people, across

the LGBT community and across anyone that stood against the Nazi regime. That may explain why there is overwhelming support to ban this Nazi hate symbol.

I want to encourage the government to get on with it. I want to encourage the government to make sure this bill achieves royal assent and comes into practice very soon, of course matched to that communication plan. The Liberals and Nationals of course support this bill. It started with the work of David Southwick and Edward O'Donohue, and it should finish today with support for this very important piece of legislation.

Mr ERDOGAN (Southern Metropolitan) (13:06): I am pleased to rise in support of the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022. It is pleasing to hear that the state opposition is also supporting this bill. It is an important piece of work. The bill creates a new offence in the Summary Offences Act 1966 which prohibits a person from intentionally displaying a Nazi symbol in a public place if the person knows or reasonably ought to know that the Nazi symbol is a symbol associated with Nazi ideology. The Hakenkreuz will be prohibited, as will a symbol that closely resembles it.

The bill seeks to ensure that the swastika significant to the Hindu, Buddhist and Jain communities is not captured. That is distinguished and separated. This is all set out in the preamble with legislative examples and specific exemptions for genuine religious or cultural use. There are also exemptions for academic, artistic, scientific, educational, publishing, opposition to fascism or Nazism, administration of justice or law enforcement purposes. Some conduct and display not prohibited at this stage include tattoos and online trade, but I will elaborate on these a bit later. Once in effect, anyone who intentionally displays the Nazi symbol in public will face penalties of almost \$22 000, 12 months imprisonment or potentially both. Our government intends to move an amendment to include an early default commencement date of six months after royal assent. This is in response to calls from the community following incidents which occurred the day after this bill was introduced in the lower house. Sadly antisemitism is on the rise abroad and at home.

My electorate of Southern Metropolitan is home to much of Melbourne's Jewish community, and I know the profound contribution to our state that this community has made and continues to make. Antisemitism hurts the Jewish community deeply and offends all of us. The government has responded to the scourge of antisemitism in schools by teaching students about the Holocaust and stamping out antisemitism. Last year we announced that an additional 110 teaching teams at government secondary schools will undertake a professional learning program run by the Jewish Holocaust Centre before the end of 2022, building on the 40 government schools undertaking the program this year. The teaching teams will also be able to meet a Melbourne-based Holocaust survivor and hear firsthand their unique experiences.

It is also fitting that this bill comes to the house this week during Refugee Week, as much of the Jewish community of Melbourne are refugees from Nazi attacks across Europe during World War II. We are proud to deliver this bill, which makes Victoria the first Australian state or territory to ban the public display of the Nazi symbol. We recognise the role of Nazi symbols in inciting antisemitism and hate. The bill specifically prohibits public display of the Hakenkreuz. Importantly the bill also distinguishes and acknowledges the swastika which has great cultural and religious significance for Hindu, Buddhist and Jain communities. The bill also fulfils a Victorian government commitment to implement recommendation 24 of the 2021 report of the Legal and Social Issues Committee's inquiry into anti-vilification protections in Victoria to ban the public display of Nazi symbols. It also forms part of the government's broader commitment to introduce a suite of reforms to strengthen anti-vilification protections in Victoria.

Our government is committed to protecting the rights of all Victorians to be free from racism, vilification and hatred and to ensuring everyone feels welcome and accepted. We know that the harm caused by hate conduct and vilification can be profound. It can affect the physical and psychological wellbeing of individuals and often prevents them from feeling comfortable and participating in the

community to their full potential. Victoria has seen a number of recent incidents where the display of Nazi symbols has been used to intimidate and convey a message of hate and intolerance. We are horrified by these stories. The display of symbols associated with Nazis and Neo-Nazi ideology is harmful and offensive to all members of our society and particularly to the Jewish community. Nazi symbols have been used and continue to be used to communicate hatred and cause harm to a wide range of groups: LGBTIQ+ people, people with disabilities and other racial and religious groups. This type of harm is completely unacceptable in our society, which is proudly democratic, diverse, multicultural and multifaith.

As outlined in the opening statement, the bill does create a new offence under the Summary Offences Act 1966 which prohibits a person from intentionally displaying a Nazi symbol in a public place. The ban applies to displays in public places, which ordinarily include a range of locations such as railway stations, markets, churches and licensed premises. The bill also ensures that non-government schools and post-secondary institutions are covered. The Hakenkreuz will be prohibited, or a symbol that very closely resembles it. The bill ensures that Nazi symbols can continue to be used in appropriate circumstances. There are several exceptions for this public display if done in good faith and reasonable. They include for genuine religious or cultural purposes, in particular to capture the symbol used by Buddhist, Hindu and Jain communities, as well as for academic, educational, artistic or scientific purposes, in publishing a report, in opposition to fascism or Nazism, for law enforcement and in the administration of justice. As stated earlier, once in effect anyone who intentionally displays the Nazi symbol will face penalties of up to \$22 000 or 12 months imprisonment or potentially both penalties.

The commencement of this bill was mentioned by Mr Ondarchie in his contribution, and I do want to address some of that. The bill was originally drafted to commence one year after royal assent. All stakeholders were consulted on the commencement before its introduction. The government is deeply concerned by the recent increase in the public display of Nazi symbols in our community. The day after the bill was introduced Hakenkreuz stickers were plastered on a number of fences, light poles and bus stops and on a Jewish community centre in Caulfield, causing great distress to the Jewish community. This is unacceptable and is exactly the conduct that this bill is intended to prevent.

In response to community calls, our government has moved an amendment to include an earlier default commencement date of six months after royal assent. This means such displays and the harm that they cause can be dealt with sooner. This still allows time for the offence to be properly implemented. Implementation and education are the key reasons why immediate commencement is not appropriate. Victoria Police needs to be provided with guidance and training for its members on the offence and updated systems. We also need to develop a community education campaign on the origins of the religious and cultural swastika, its importance to Hindu, Buddhist, Jain and other faith communities and its distinction from the Hakenkreuz, which is a critical aspect of this reform.

An important aspect at this stage is that the Hakenkreuz is the only symbol being prohibited. It is the most widely recognised symbol associated with Nazi ideology. A ban on its public display is therefore a sensible starting point. The government has agreed to monitor the use of hate symbols and may consider the addition of other symbols, such as the SS symbol, at a later stage. This approach aligns with the anti-vilification inquiry's recommendations.

The government seeks to protect the religious and cultural use through the opening statement of this bill, exceptions to the offences and various examples. This will be supported by community education to raise awareness of the religious and cultural swastika. The preamble or opening statement details the historic and ongoing use of the swastika in the Buddhist, Hindu and Jain communities. This provides vital context to the application of the offence and makes clear that the swastika should never fall within the scope of that offence. The opening statement was co-designed with leaders from the Jewish, Hindu, Buddhist and Jain communities to ensure it appropriately reflects their views. We recognise that this religious and cultural swastika is an ancient and auspicious symbol of purity, love, peace and good fortune. We heard from faith groups about its widespread use, including in places of worship, on clothing, in art and architecture and on cars and shopfronts. This swastika is to be

distinguished from the appropriated and distorted version of the symbol, also known as the Hakenkreuz, noting that the swastika was also appropriated by the Nazis. The Hakenkreuz became a symbol of the Third Reich and there were some heinous crimes perpetrated against humanity, including the Jewish community, the Roma peoples, people with disabilities and obviously political opponents such as communists. It is important to acknowledge that the swastika and Hakenkreuz are visually very similar and in some cases may appear identical; however, the intentions behind the use of the use of the swastika and the Hakenkreuz are fundamentally different.

There are also exceptions to the offence for genuine cultural and religious purposes, which will further ensure that appropriate displays of the symbol can be continued in these faith communities. This is a clear intention not to capture cultural and religious use, but if there is uncertainty in particular circumstances, a person seeking to rely on the exception will only need to raise evidence about the display which is unique to them. This does not transfer the overall legal burden of proof as the prosecution will still need to establish the central elements of the offence beyond reasonable doubt. The government acknowledges there is a diversity of views between Victoria's religious communities about the creation and details of this offence. We have sought to strike a balance.

Who has been consulted? This is important when you are introducing bills such as this, which may have some unintended consequences for communities in that regard. Faith leaders from the Buddhist, Hindu, Jain and Jewish communities have all been consulted. Victoria Police, legal stakeholders, including the Law Institute of Victoria and Victoria Legal Aid, the Victorian Equal Opportunity and Human Rights Commission, the Victorian Multicultural Commission and other impacted stakeholders, such as Aboriginal communities and peak bodies in the creative sector, have also been consulted.

Targeted consultation with 150 stakeholders occurred between December 2021 and February 2022, with stakeholder feedback being received through written responses to a discussion paper and consultation meetings. The Department of Justice and Community Safety held seven in-depth consultation meetings with the core consultative group as well during this period. This core group included the Buddhist Council of Victoria, the Hindu Council of Australia, the Melbourne Shwetambar Jain Sangh and the Jewish Community Council of Victoria. These meetings focused on explaining and seeking feedback on key aspects of the offence and led to numerous changes to address issues raised. We acknowledge that some community members may still have some concerns about the ongoing use of the swastika or other aspects of the bill. The government will work closely with the core consultative group and others to ensure the bill does not limit their use of the sacred swastika. The Hindu Council of Australia has publicly supported the introduction of this bill, noting that it allows for ongoing use of the religious swastika and community education about its difference from the Hakenkreuz.

Tattoos are one area that will not be covered in this bill. The bill excludes tattoos, given human rights considerations and the practical enforcement issues of capturing such displays. In terms of human rights considerations, a ban on the public display of Nazi symbol tattoos would be incompatible with the charter at this time. If the offence applied to a person with a Nazi symbol tattoo in a conspicuous position on their body—for example, on their face—the person's right to freedom of movement and expression as well as taking part in public life would be strongly curtailed. The individual would be required to perpetually cover their tattoo or would otherwise commit a new offence each time they were in public. There are also practical enforcement issues—for example, it may be difficult to determine when a tattoo was created. A ban on new tattoos would have minimal impact because individuals could still get tattoos outside of Victoria. However, should the display of Nazi symbol tattoos become a significant issue, there would be a greater cause to expand the offence to capture tattoos in the future. So it is important to understand that at this point tattoos are not covered, the trade in memorabilia is not covered at this stage and nor is online—online being for obvious reasons, because there are jurisdictional issues. Much of the regulation in this regard is with the commonwealth government, which has primary responsibility for corporations and telecommunications in our nation.

That is why it would require a jurisdiction-wide offence and collaboration, and also the commonwealth would need to take action. But obviously I think this bill is an important step in the right direction. It is an important reform that sends a strong message that hate, bigotry and prejudice have no place in Victoria.

I would like to conclude by thanking all the stakeholders who engaged with the development of this bill. I wish to extend a sincere thankyou to faith leaders in the Buddhist, Hindu, Jain and Jewish communities who took the time to share their lived experience and provide vital input into the development of this bill before us. As stated by other members, future engagement will be undertaken to inform the implementation of this reform, and I wish to thank everyone in advance who will contribute to the implementation of this process. I commend the bill to the house.

Mr FINN (Western Metropolitan) (13:19): I abhor Nazism. I abhor those who try to advance that even today. I just cannot understand why or how anybody could be enchanted by this particular form of evil straight from Satan himself. I detest the sight of the swastika. I can understand why it causes so much distress to so many people. I can understand, particularly in the Jewish community, where I have many friends, why it causes such distress to them. I have actually been to Israel. I have been to the Holocaust museum in Jerusalem as well as the Holocaust museum in Washington, DC. They are incredibly moving places and a reminder of the horror of the just unbelievable inhumanity that the Nazis were responsible for almost 100 years ago. I hope one day to have the courage to go to Auschwitz. I am not sure if I will have the courage to do that, but I am hoping one day I will, because I think it would be an experience that I would never forget. I do not think it would be a happy experience. I do not think it would be an enjoyable experience in any way, shape or form, but it is an experience I believe that I should undertake at some stage.

Having said all that, I am stuck between a rock and a hard place on this particular bill, because I am a great believer in freedom of speech. I am a great believer in freedom of expression, and I have to wonder. Once we start banning political symbols of whatever type they may be—and granted the swastika as far as the Nazis are concerned is a particularly despicable form of political expression, but many of my Indian friends think otherwise. I know that I was taken aback the first time I went to an Indian gathering and there was a swastika held up in high regard. It really took me aback. I think there would be a lot of people that would be taken aback if they saw that. And I really think that we are going to see some real troubles with this bill if indeed we do not have, as Mr Ondarchie said, a major educational program along with it, because to look at them you cannot tell a Hindu swastika from a Nazi swastika. You are going to have some trouble there. I do not think that the average police officer is going to have the artistic eye—if I can call it that—to pick the difference between the two, and that is going to cause some significant difficulties in my view.

We in Victoria of course want to protect our Jewish community. We want to protect every community—that is for sure—and this bill may go some way towards doing that. But Mr Erdogan was talking before about lunatics putting up Nazi symbols on street corners and all that sort of thing. When you are mad enough to do that—if you are an absolute fruit loop who is prepared to do that—then I do not think that the law is going to stop you. I think in fact this law might actually encourage them to do that. They might say, ‘Here we go. This is something that we might’—

Mr Ondarchie: It’s a crime.

Mr FINN: It is a crime, and they might get an extra buzz out of that. That is something that we also should consider. But again, as I said earlier, I can fully understand why particularly those who have been through the Holocaust would feel such revulsion at the sight of the swastika. The Holocaust was one of the most evil times in the history of mankind. We saw at least 6 million Jews murdered by the Nazis. We saw Gypsies murdered. We saw Christians murdered. We saw gay people murdered. Disabled people were the first to go. They were the ones who were used to experiment on for the best way of killing people. I have to say that I often look at my son and realise that if we had been in Nazi Germany 110 years ago, or whenever it may have been, he would have been one of the first to go. He

would have been one of the first in the back of the truck, and they would have picked him up at the end of the day and taken his body out. So this is an issue that does affect me personally as well as the Jewish community.

I know that it does hurt them. Indeed it does hurt a lot of people. That is why I am stuck between my revulsion, my disgust, for the Nazis and their ideology, their philosophy and their actions, for everything that they have done in the 20th century and beyond and for all the evil that has been perpetrated by the Nazis and those lunatics who try to continue that philosophy today—that just is shameful in every way. I do not see how anybody can get any joy, any kick or anything—any benefit at all—out of promoting what Hitler did. I do not see any benefit to anyone at all. It disgusts me. It literally makes my stomach turn.

As I say, superficially looking at this bill, I grasp it, I run with it and I say, ‘This is great. I’ll go with this bill. This is a sensational thing’. But then I think of what it may lead to. I think that once we start cracking down on freedom of speech, freedom of expression and perhaps freedom of political expression as well, then we are in strife; we really are in strife. And it could end up anywhere. I am not sure at this point in time exactly where I will go on this bill. I have been thinking about it for months and months and months, and I am no closer now to making a decision than I was at the beginning of the year when this was announced. It is an incredibly difficult decision, because there is one part of me that wants to stomp on the swastika—yes, most certainly—wants to destroy the swastika and wants to destroy everything that the swastika stands for, and there is another part of me that is such a committed supporter of freedom of speech and such a committed supporter of the freedom of expression. Here we have a conflict. I am tempted at this point in time to vote against this bill. I do not want to vote against this bill, but I feel that I will probably have to.

But at this point in time I will leave my comments there. I will listen to this debate intently, and I urge members to put forward some very thoughtful contributions, because they will be contributions that will be not just expressing their view but forming my view as well. That, I think, is really what this house is all about. I thank the house for its time today, and I hope that my comments have helped a little. I wish they had helped me a little, but I hope my comments have helped a little. We will see where my vote goes when the vote is taken in this house I assume later on today.

Sitting suspended 1.29 pm until 2.05 pm.

Ms CROZIER (Southern Metropolitan) (14:05): I rise to speak to the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022, and I want to thank my colleague Mr Ondarchie for his comments in relation to outlining our position and also explaining just how this symbol can be interpreted in different cultures and by different groups within our community.

It is one of those things that, as in my area of Southern Metropolitan Region where it affects the Jewish community in terms of the Nazi symbol, is very, very concerning. But for others, like Hindus and Indians, this symbol has been around for many, many years, it is my understanding. The symbol of the swastika has been on archaeological pieces for thousands of years and, forgive me if I am wrong, it is my understanding that in certain cultural groups, like Hindu and Buddhist, it is a sign of wellbeing, protection, prosperity and good luck. So there are different interpretations of this symbol, whilst many of us identify it as a symbol of hate through the Nazi regime and the horrendous atrocities that were performed by Hitler’s regime during the Second World War. There is no room for hate and symbols of hate, particularly like we have seen in recent political campaigns and what is going on in certain areas of our community.

So I am pleased that my colleague in the other place the member for Caulfield, David Southwick, was on the front foot looking at this, putting a proposition forward with a former Attorney-General, Edward O’Donohue, putting this issue really in the forefront to say that we need to look at this, that it cannot be tolerated, and producing an amendment to the Racial and Religious Tolerance Act 2001 to ban the

public display of the Nazi swastika and other Nazi symbols that incite the hate that I spoke of—not the issue around what that symbol means for other groups.

The Legal and Social Issues Committee's report on the anti-vilification laws included a recommendation:

That the Victorian Government establish a criminal offence that prohibits the display of symbols of Nazi ideology, including the Nazi swastika, with considered exceptions to the prohibition.

So that is what we are debating today—that recommendation that the government has taken up. But again I say that my colleague David Southwick very much led this in terms of the issues around his community. It comes after there were some very disturbing displays of the Nazi symbol, what that means and how that affects people within his area of Caulfield in particular. It is my area of Southern Metropolitan Region, and I am very familiar with this.

What I was most concerned with in the federal election were members of Parliament of the Jewish faith, such as Josh Frydenberg, former Treasurer of Australia, who did a tremendous job and is a wonderful, wonderful individual who will be very missed—the entire country will miss his particular wisdom, guidance, abilities and intellect—and the member for Macnamara, Mr Burns, who were targeted in the most appalling manner, and I just do not think we can tolerate that, nor should we. Could we just go back to some basics about respect and tolerance and not have this division set up to divide us all, to pit us against one another. It is just not what a cohesive society and community needs, particularly after what we have gone through over the last few years. So there have been a number of issues around how that was used in the last federal campaign, and I do hope that we never see the likes of it again, because it was really not just a one-off that occurred. It appeared to be systematic right across those two electorates, which was very, very disappointing.

I want to make reference also to some comments by members of the Greens party, who refused to denounce some disgraceful behaviours undertaken in saying Hitler 'had fun' and posting videos to that effect. That is truly offensive to many members of our community, especially members of the community of Caulfield in my area of Southern Metro. Many of them were part of the Holocaust. They are survivors of the Holocaust, and they have family members who know those stories of those that have gone before them that were also impacted by the Holocaust. So I think it is disgraceful, the way in which the Greens have really promoted that and said that. That is just, quite honestly, dreadful and unnecessary, and I want to just say how disappointing it was for the leader of the Greens not to call out members of his own party for saying such appalling things.

Just to get back to this bill, if I could, in the few minutes that I have got remaining, an issue that as a society and as a community we need to be particularly concerned about is in relation to the widespread use of this symbol in the hate sense, not the sense that I spoke of before in terms of the Hindus, Buddhists and other religions and faiths that have this symbol. It has been around for centuries—thousands of years—and it has been unfortunately taken and used in the way it has with the colours of the German Empire and the imperial flag, and that is what we are talking about here. It is that symbol, not the symbol that religious and other organisations use.

With those few comments can I say again I would like to commend the member for Caulfield, who took the lead on this, and the former Shadow Attorney-General, Edward O'Donohue, for all they have done. The government has now put this bill in the house today, and the coalition fully supports these recommendations that have come out of that inquiry, the work that was undertaken by Mr Southwick and now what the government is doing.

Ms TERPSTRA (Eastern Metropolitan) (14:13): I also rise to make a contribution on this bill, the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022. This is an important bill, and just by way of context for those who may be watching along at home, I think it is important to just frame my contribution with the background. This bill seeks to introduce a new summary offence to prohibit the intentional public display of a Nazi symbol, specifically the Hakenkreuz, commonly

known as the Nazi swastika. The Hakenkreuz is a symbol of hate and causes significant harm to Victorians, particularly the Jewish community. This landmark reform sends a clear message that the public display of the Nazi symbol has no place in Victoria, and this bill will acquit the government's commitment to ban the display of the Nazi symbol, as recommended by the Legal and Social Issues Committee inquiry into anti-vilification protections.

I have had the benefit of hearing Ms Crozier's contribution and a few others before that and certainly Mr Finn's contribution. I note Mr Finn did say he was in two minds about supporting this bill—on the one hand that he felt he needed to support it but also that he had concerns about free speech. I just find that concerning. Free speech has limits, particularly when it seeks to hurt or attack a particular group in our society and community. We know that the Jewish community has suffered immense harm by people who have sought to target them by using this symbol. Free speech may give rights, but it also comes with responsibility. You just cannot talk about free speech without having that counterpoint and that counterbalance to it. This bill seeks to, as I said, create an offence under this amendment, because there is evidence of the immense harm that the use of this symbol has caused and the persecution of people in the Jewish community who have suffered by those who have sought to use it as a weapon or a tool of offence and harm.

I will focus on a couple of points to do with the bill. As I have said, I have listened to some of the contributions. The main point of my contribution will go towards what we have done in terms of consultation on the bill, but also there has been some commentary around the education campaign. It is important, again, for me to continue to frame my contribution in this way, which is that there is an opening statement and a preamble to this bill, and that preamble sets the context for the rest of the bill.

The purpose of the preamble or the opening statement is to provide the context to the offence by acknowledging the continued importance of the swastika to the Buddhist and Hindu communities and how it differs from the Hakenkreuz. People often use the term 'swastika' in a colloquial sense, but there are actually differences of that symbol reflected. There is even some commentary about how the swastika was culturally misappropriated by the Nazis and the Third Reich in Germany, and the Hakenkreuz is actually incompatible with other uses of the swastika. We have heard other people in this chamber today talk about Buddhist and Hindu communities who have used the swastika for long, long periods of time. It has immense cultural importance and value to those communities, so this bill is about actually not banning that. It is about banning the use of the Hakenkreuz in a way that is offensive and seeks to offend and cause hurt, humiliation and harm to the Jewish community. That is why this statement in the bill is really, really important. It needs to set that context and the frame for the debate.

The statement also includes the history of the swastika, as I said earlier, and its misappropriation and distortion by the Nazi party and the Third Reich in Germany and the incompatibility of the Hakenkreuz with Victorian society. The preamble was co-designed with faith leaders of the Buddhist, Hindu, Jain and Jewish communities. It reinforces to the public, the police and the courts that the ongoing use of the religious and cultural swastika by faith communities is not intended to be inhibited by this bill or prosecuted under the offence. That makes it pretty clear.

The offence will only be the displaying of the Hakenkreuz, more widely known as the swastika or Nazi swastika. The Hakenkreuz is the most widely recognised symbol historically associated with Nazi ideology and was the most common symbol used in recent, high-profile displays in Victoria—and we have heard stories of people displaying the Nazi flag in various communities, and this has caused a lot of concern and upset amongst members of our community—so a ban on the public display of this symbol is therefore a sensible starting point. The government has agreed to monitor the use of hate symbols in response to recommendation 25 of the anti-vilification inquiry and may consider the inclusion of additional symbols, such as the SS—the Schutzstaffel—symbol, at a later stage. I apologise; I hope I pronounced that correctly. I think I made a reasonable stab at it.

Mr Ondarchie: You didn't butcher it too much.

Ms TERPSTRA: No, I thought it was not too bad. I will just talk a little bit more about how the swastika is used in the religious context. I have talked a bit about that, but I will just underscore that point a little bit more. The swastika is an ancient and auspicious symbol of purity, love, peace and good fortune in Buddhist, Hindu, Jain and other religions. It is important to make that point. We heard from faith groups about its widespread use, including on places of worship, clothing, art, architecture, cars and shopfronts. The ongoing use of the religious and cultural swastika by faith communities is not intended to be inhibited by this bill or prosecuted under this offence, as I said earlier.

How does the bill protect religious use of the swastika? That is the distinction we are making in this bill. You have got the Hakenkreuz, which is used to offend, hurt and humiliate people in the Jewish community, but a distinction needs to be made about the religious use of the swastika. Firstly, as I said earlier, the preamble to the opening statement was co-designed by faith leaders, and that distinguishes the cultural use of the swastika from the misappropriated use by the Nazi party and the Third Reich, so that makes that clear.

Secondly, the offence includes exceptions for the appropriate display of the Nazi symbol, which will ensure that the swastika can continue to be used for religious and cultural purposes, such as being displayed on temples to acknowledge the swastika's benevolent connotations for Buddhist, Hindu and any other religions that use that symbol. The bill includes examples of these exceptions for clarity.

We have also committed in this bill to embarking upon an education campaign. It is different from perhaps the use of it for an academic purpose, but an educational exception has been included to reflect the broad range of circumstances in which the Hakenkreuz is displayed to educate and raise awareness. It still remains important to educate our community and particularly younger Victorians as they come through school about why the display of the Hakenkreuz is so offensive and hurtful to the Jewish community. It can be displayed for educational purposes and to raise awareness. For example, the Hakenkreuz is often displayed as part of Holocaust awareness training, so that is important. It is also included to overcome concerns that the academic exception alone may be too narrow to cover all circumstances. This is because the bill's exceptions are based on the current exceptions to unlawful conduct in the Racial and Religious Tolerance Act 2001, which currently does not contain an educational exception.

Although there might be significant overlap between an 'educational purpose' and an 'academic purpose', an educational purpose is intended to be broader and speaks to the point that I just made about continuing to educate people and raise awareness around the use of the Hakenkreuz and what that means. For example, the display of the Hakenkreuz in educational items for sale, such as textbooks in a bookshop, is more clearly for an educational purpose than for an academic purpose. That makes those distinctions clearer.

Also education will be provided as part of this bill in differentiating the Hakenkreuz from other religious and cultural swastikas. A community-led education campaign will be developed. It is important that we work with faith communities who use these symbols, because they are the ones who have raised these concerns and they are the ones who want to continue to appropriately use their cultural symbols.

This campaign will be developed to raise awareness in the Victorian community about the origins and significance of the religious and cultural swastika as an ancient and greatly auspicious symbol of the Buddhist, Hindu and Jain communities and other traditions and its distinction from the Hakenkreuz as a symbol of hate. This is intended to help prevent faith communities that display these symbols in public from being vilified. It may also include, for example, faith groups running intercultural and/or interfaith community development and education activities to raise awareness of the religious use of the symbol and the harm the Hakenkreuz can cause to Jewish communities. Again you can see the frame for the shaping of this education campaign to take place with those faith communities so that they can educate people in their faith communities and others around them about why it is important,

about the sensitive use of the swastika more broadly and why it is important to those communities but also about why the Hakenkreuz needs to be banned.

Who will facilitate the education campaign, what will it look like and who will it be delivered to? The Victorian government has set aside \$500 000 funding for a community-led education campaign. The education campaign will firstly aim to raise awareness in the Victorian community about the origins and the significance of the religious and cultural swastika as an ancient symbol in distinction to the Hakenkreuz. This will go towards educating people, raising awareness and helping prevent faith communities that display these symbols from being vilified, as I said earlier. The details of the campaign will be decided following further consultation with these communities, but one of the things that it could include—and this is just an example, and it may not be limited to this—is faith groups running intercultural, interfaith community development and education activities to raise awareness of the religious use of the symbol and the harm that the Hakenkreuz can cause to Jewish communities. So that is just an example of some of the things that interfaith communities might feel are relevant and appropriate for them to use.

There are lots of other things that I know others will want to talk to about this bill, but I might just finish my contribution in the final few minutes that I have by just focusing a bit on the consultation that the Victorian government undertook in regard to this particular bill, because I think that point has been raised as well. We have consulted with faith leaders from the Buddhist, Hindu, Jain and Jewish communities, Victoria Police and legal stakeholders, including the Law Institute of Victoria, Victoria Legal Aid, the Victorian Equal Opportunity and Human Rights Commission and the Victorian Multicultural Commission. Other impacted stakeholders also include Aboriginal communities and the peak body in the creative sector. Targeted consultation with 150 stakeholders occurred between September 2021 and February 2022, with stakeholder feedback being received through written responses to a discussion paper, and there were consultation meetings as well. The Department of Justice and Community Safety held seven in-depth consultation meetings on this bill from November 2021 to March 2022 with the core consultative group, which was comprised of the Buddhist Council of Victoria, the Hindu Council of Australia, Melbourne Shwetambar Jain Sangh and the Jewish Community Council of Victoria. Apologies if I mangled that pronunciation; I hope I did not too bad a job. The meetings focused on explaining and seeking feedback on the key aspects of the offence, and this led to numerous changes to address the issues raised by those communities.

So I just want to say a really big thankyou to those communities for working with the government and taking the time to explain the nuances and particularities around the use of these symbols, because it is obviously very important that we make these distinctions clear. And that is something, as I said, that I think the preamble in this bill does. It goes a long way towards making those distinctions clearer. Of course there needs to be an education campaign and we need to continually educate Victorians as they come through the school system. Our littlest Victorians, as they grow, need to understand the historical context of the use of both of these symbols—the Hakenkreuz and other swastikas—and why the swastika is appropriately used by other cultures and its importance but also why we need to take this step in banning the Hakenkreuz. I will leave my contribution there and commend this bill to the house.

Mr MEDDICK (Western Victoria) (14:28): At the outset I just want to take up something that Ms Terpstra said there about free speech, and she is right: free speech does come with responsibilities. But there is something else about free speech or the loss of free speech. It is not a free kick with a 50-metre penalty. It is not a licence to go out and say whatever you like. It is not. It is not a licence to be able to go out into the community and say hurtful, hateful, disgusting, vile things and think you can get away with it. That is why this bill is so important.

I wish I could say that it gives me pleasure to speak on this bill. I wish we did not have to be here doing so and that the circumstances that gave rise to it did not exist, but they do. Truth be told, this bill today is not just about a symbol but about an ideology that took an ancient and respected religious symbol, perverted it, warped it and desecrated it so deeply that the world has come to see it almost exclusively as a symbol of a regime of such deep-seated hatred, murder, rape, genocide and acts so vile that it is

hard to believe the human species could be capable of them. That is why the banning of the swastika, the Hakenkreuz, the German Nazi swastika, is so important.

This Parliament is currently in the midst of an inquiry into the far right, many of whom align themselves with the ideologies that rally around this symbol. We should all be worried about the rise of the far right. Every single member of society that abhors racism, homophobia, transphobia, victimisation of minority groups and open violence and hatred should be worried. It is equally important that we remain vigilant to deviations of this symbol that are used as rallying flags for Neo-Nazis and white supremacists, because that is how they are getting around it. We need to remain vigilant to them.

We also need to remain vigilant in how these symbols are used surreptitiously out in our communities. I bring the case in point of one of my communities, Geelong, where recently stickers were found on poles. This speaks to that ideology. One of those stickers had the Nazi swastika on it with some links to white supremacist sites, but it was used in tandem with another one that said: 'Multiculturalism Spreading Disease With The Greatest Of Ease!', with a fly on it. These two stickers were used in tandem in public places in the centre of Geelong. This is what we are up against. This is what we are fighting—these ideologies. Every member of this Parliament, whether they are from the government, the opposition or the crossbench, should support this bill, because the rise of these groups and their use of Nazi symbolism as the rallying banner are wedded together.

Less than a decade ago we saw open marches and rallies of these Neo-Nazis in the streets of Melbourne—these white supremacist groups. They marched down the city streets flying the Nazi flag, wearing the armbands and shouting slogans of hatred. We saw it on the St Kilda foreshore. Since then they have slowly grown, hiding away this time, recruiting. They infiltrated and in some instances led, whether those who participated knew it or not, the groups of people who rallied over the COVID-19 pandemic. Their leadership has been exposed, in screenshots shared amongst some groups, on their involvement. Some were from prominent white supremacist groups based overseas. They also have plastered their stickers on public property all over this city, in particular in the Bourke Street Mall.

We saw footage in an ABC exposé of them hiking on training exercises through Gariwerd, in my electorate, on Australia Day, aligning their belief in a fascist nationalist agenda with the day that marks the colonial takeover of this country. They were chanting and singing Nazi songs, raising their arms in the Nazi salute and shouting, 'Heil Hitler'. And if that does not chill you, consider this: in an act that sent shivers down our spines they then burnt a cross, raising the spectre of the Ku Klux Klan. Imagine the fear that would have run through the hearts of all people of colour upon seeing that.

During the events in Melbourne these Neo-Nazis and white supremacists were there. They were identified. For those who want to say, 'Well, what about the extreme left?', it was not the left carrying Trump flags and chanting for violence. It was not the left who carried the hangman's noose and called for members of Parliament to be dragged out of here to dangle on the end of a rope. It was not the left who drove a working gallows to the steps of this building and conducted a mock hanging of the Premier. It was not a member of the left that a prominent double-vaccinated and now thankfully ousted federal politician employed as a bodyguard whilst he screamed out against getting vaccinated. He employed a prominent member of Neo-Nazi and white supremacist groups. The Nazi symbol is the Holy Grail of the antisemite and the anti-Islamist alike—of the ultranationalist.

Those of us who have studied politics and various parties and movements throughout the years know that here in Australia and Victoria it is associated with and proudly flown by fascist and violent groups who have set up here, such as the National Socialist Network, whose membership had its beginnings in the Lads Society and the United Patriots Front. The English Defence League, Golden Dawn and Blood & Honour from the UK and Europe have posted stickers and flyers here. From the US, Volksfront, the White Aryan Resistance, the better known Proud Boys and more recently, frighteningly here now as well, the Base—they are all here. I do not dispute that many people who

attended those rallies are not aligned with those groups—I do not. But if you march beside them, that is the standard that you accept.

My father served in World War II. He was a paracommando in the British Army, always dropped behind the lines, placing him and his mates in some of the most ghastly theatres of operations that could be imagined. He lied about his age to go and fight, as many did, such was their commitment against what they saw as pure evil. He saw, in all their horrific detail, the inside of concentration camps. What he saw haunted him for life, and he always warned that the far right would rise again and that they would resurrect that flag as their symbol—that that would be what drew them together.

Many things in politics are not cut and dried. In fact most are somewhat grey and open to discussion, a melding of ideologies. At times here in this chamber we can come together for the common good; we have proven that. This bill is not a grey area. I have seen, as many others have, leaders of parties make statements that object to these groups we see and their actions and always add that one word, that single-syllable disclaimer, ‘but’. Well, on this issue there is no but. The line is clear: you either condemn it or you do not; no qualifiers—no ifs, no buts, no maybes. All of us here should support this bill, and I appeal to the best parts of us all to cast aside partisanship and do what all who are watching know is the right thing. The line is clear: you either condemn it or you do not; no qualifiers—no ifs, no buts, no maybes. I support this bill wholeheartedly, and I urge you all to do the same.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (14:38): I rise to make a few remarks on the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022. We have heard many passionate contributions in this house this afternoon around this legislation, which seeks to prohibit the display of essentially the Nazi swastika. As we have heard through the course of the debate, this is complex insofar as that symbol is used by a number of other religious and cultural identities, and it has been important in the course of this debate to highlight that the focus of this legislation is on the use of the swastika as a Nazi symbol. We are reminded through the debate of what that symbol in the Nazi context means and what that symbolised 85 years ago through the Nazi period in Europe and the atrocities that were committed in Europe in the name of the Nazi party and under the Nazi symbol and why that is a cause for such concern and why the potential rise of political activity under that symbol is a concern in modern society.

That is the reason for which this bill has been brought to the Parliament this year, and it is interesting to note that this is approximately 80 years on from the time when Nazism was defeated in Europe. We have existed as a society for that period without needing this legislation, and it is important to ask the question: what circumstances now exist in our community that suggest the need for this legislation? What has occurred over the course of recent periods, recent years and recent generations that has led to this once again becoming a concern, when 80 years on from the defeat of Nazism we have been able to exist without needing to address these symbols? What has changed in our community and what has changed in our society to again make these symbols an issue?

One of the challenges with legislation such as this, and indeed we saw it on the day the bill was released, is that the very act of highlighting the Nazi swastika through this legislation led to it being used in a very outrageous way and being spread through the community—through the Caulfield community—in a way which was designed to create concern, which was designed to raise ire and designed to highlight and draw attention to that symbol and what it stands for. It was a perverse reaction to this legislation, but it was a reaction nonetheless. The act of this Parliament considering this legislation actually led to the swastika being spread around the community. That is obviously a perverse outcome, but it is one that the Parliament needs to be very mindful of in addressing legislation such as this. It can have perverse outcomes in encouraging people who are aligned to that philosophy and who are aligned to that symbol to actually use legislation such as this to highlight and legitimise themselves in a way which of course the Parliament does not intend. So it is a very careful judgement for the Parliament to put in place legislation like this, where it actually highlights a symbol and has the potential to encourage people to rally around it. That is obviously not the intent, and it would be a very unfortunate and perverse outcome.

I note in that regard that when legislation such as this was considered in Israel and started in Israel, ultimately the Israeli Parliament and the Israeli government did not take that legislation to conclusion out of concern that it could in fact become a rallying point for people who want to use the Nazi swastika as an ideological symbol, in the way which we are not wanting to occur here in Victoria.

One of the important considerations with this legislation is the need for exemptions. Other speakers have talked about the way in which the swastika is used in different communities, is used in different religions and has been used historically for thousands of years before it was hijacked by the Nazis, and obviously the intent for this legislation is not to impede that traditional cultural use of the swastika.

One of the other issues which arises with this legislation, and a matter on which I would seek some clarification from the Attorney-General, either in summing up or in committee, is the way in which this legislation would apply in respect to historical re-enactment, particularly around World War II vehicles, German vehicles, World War II aircraft et cetera, a number of which exist in Australia and do carry authentic markings, which include in some instances swastikas. Presumably it is not the intention for that to be captured in this legislation, but I think it would be helpful if the Attorney-General could clarify that in her summing up.

It is an interesting piece of legislation. It is unusual for the Parliament to consider legislation seeking to ban symbols. Obviously there is a compelling reason to do so with the appropriation of this symbol as a symbol for vile political views and vile political acts, but it is one the Parliament needs to be careful with so we do not create the perverse circumstance of actually encouraging and promoting this symbol by virtue of it being highlighted here in Parliament today. So this is important legislation. We do need to tread carefully with how it is implemented to ensure it does not have perverse outcomes and that the true intent of highlighting that that ideology is abhorrent in Victoria in 2022 is carried forward.

Ms TAYLOR (Southern Metropolitan) (14:45): We are proud to deliver this bill, which will make Victoria the first Australian state or territory to ban the public display of the Nazi symbol, and we recognise the role of Nazi symbols in inciting antisemitism and hate, in particular reflecting on those who went through the Holocaust and the lifelong suffering that can and often does prevail as a result of having gone through what was a horrific part of human history but also the incredible resilience to surmount the appalling conditions and just incredibly depraved acts that were committed during that period. Part of, I would like to think, the debate that we even have today is about reinforcing that such heinous acts must never ever happen again. So not only do we have, obviously, a very significant reform to pass here, we are also I would like to think finding a very potent and important pathway to share with community and on the journey with our community, because I believe our community as a whole wants this reform, to ensure that such heinous acts do not ever happen again. So by taking the opportunity in the chamber today, all of those who are contributing can help to reinforce a much more positive future in Victoria and our country.

I have to ask, having heard some of the commentary from Mr Finn, which I did find perplexing at best: does one really want to incite antisemitism and hate? Does anyone really need to do that? I put it to everyone here: no, they do not. Is there ever an occasion where that is helpful, where it is constructive, where it actually takes society forward? I would say no; I would say never. It is not needed. On the contrary, it can only undermine and depreciate who we are as human beings if we ever feel that there is such an occasion when we need to display these kinds of horrific behaviours. So it is very much paramount and I think there is a strong imperative, which has been largely the discussion in the chamber today, to bring this very important reform through.

We note that the Hakenkreuz, the Nazi swastika, will be prohibited, or a symbol that very closely resembles it. There are caveats of course, and these caveats have been discussed to some extent in the chamber. These include for genuine religious or cultural use, in particular to capture the swastika used by Buddhist, Hindu and Jain communities, as well as for academic, educational, artistic or scientific purposes; when publishing a report in opposition to fascism or Nazism; for law enforcement; and in

the administration of justice. I note that those caveats were very carefully consulted upon, and I have full confidence in those who contributed to the development of this bill to ensure that it is delivered with appropriate sensitivity in terms of the impact it will have in weeks and years to come.

Furthermore, once in effect, anyone who intentionally displays the Nazi symbol in public faces penalties of up to almost \$22 000, 12 months imprisonment or both. I would argue that they are significant penalties and they are appropriate penalties, and they send a strong signal in terms of what we deem to be behaviour that is completely inappropriate and not part of the contemporary society that we have today in Victoria and hopefully Australia-wide as well.

So with this, and I note that there has been some discussion about the best way to implement the key elements of the bill, Victoria Police will need to provide guidance and training to its members on the offence and update systems. We also need to develop a community education campaign on the origins of the religious and cultural swastika, its importance to Hindu, Buddhist, Jain and other faith communities and its distinction from the Hakenkreuz, which is obviously a critical aspect of this reform, and we note the various sensitivities that are associated with that.

A further issue that I did want to explore, which I note has been touched upon in the chamber, is that there may be further, dare I say, hate symbols that may be under consideration for inclusion, such as the SS Schutzstaffel symbol, at a later stage, and this approach aligns with the anti-vilification inquiry's recommendations. I am raising this point because one might say, 'Well, why is only the Hakenkreuz prohibited?'. The Hakenkreuz is the most widely recognised symbol historically associated with Nazi ideology and has been the most common symbol used in recent high-profile displays in Victoria. A ban on the public display of the symbol is therefore a sensible starting point, but it does not preclude further advancement in terms of considering other additional symbols such as the SS symbol at a later stage.

I think we can see that it is well reflected in the way that this bill has been drafted that there has been considerable consultation, as there very well should be, on how this bill should be implemented—so faith leaders from the Buddhist, Hindu, Jain and Jewish communities, Victoria Police, legal stakeholders, including the Law Institute of Victoria and Victoria Legal Aid, the Victorian Equal Opportunity and Human Rights Commission, the Victorian Multicultural Commission and other impacted stakeholders, such as Aboriginal communities and the peak body in the creative sector, noting that the display of symbols associated with Nazi and Neo-Nazi ideology of course is harmful and offensive to all members of society and particularly to Jewish community. Nazi symbols are also used to communicate hatred and cause harm to a wide range of other groups, including Aboriginal and Torres Strait Islander people, LGBTIQ+ people, people with a disability and other racial and religious groups.

This brings me to a further point that I wish to raise on the nature of this debate today, and that is, 'Hurt one, hurt all'. You know, racist behaviour in all its forms—when you hurt one person, we all feel it; it is a dagger to all of our hearts. I cannot speak for every Victorian, but I would largely say that for the overwhelming majority of Victorians, when we see a fellow Victorian being harmed through vile acts or displays of things such as the Nazi symbols, we suffer with them, as we should, because as human beings with compassion and understanding and care and respect for our fellow Victorians we do not want to see fellow Victorians suffering. Why would we want to do that? That does not enhance our happiness and our sense of purpose, and it is simply and fundamentally a matter of respect—respecting each other and respecting ourselves.

It is also about sending a strong signal—and I do not want to underestimate the importance of that signal—to current and future generations of what it truly means to be a tolerant, and not just a tolerant but a truly supportive, community that understands the impact of words and of visual displays which can trigger horrific memories, horrific moments in history that should never, ever be repeated. I would hope at a minimum today—and as I say I am very proud that we are bringing this reform through, that Victoria is the first Australian state or territory to ban the public display of the Nazi symbol—that we

truly are enhancing our community as a whole, and we are sending a strong signal, not only against antisemitism and hate in that context but against racism per se, because I do not believe this is the community that we would like to be, in the sense that we want to be a community that is truly loving and accepting of all Victorians—and all human beings if I go broader on that concept. I say with a warm heart that I commend this bill to the chamber.

Dr RATNAM (Northern Metropolitan) (14:56): I rise today to speak on the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022, a bill which I and the Greens absolutely welcome and support. This bill bans the public display of the hateful Nazi symbol, the Hakenkreuz, when displayed with the knowledge that it is a symbol of Nazi ideology. The bill does, importantly, permit the continued use of the swastika by people of Buddhist, Hindu, Jain and other faiths. This symbol was only co-opted by Hitler's Third Reich last century but has for thousands of years before been a positive symbol of faith. It is important that practitioners of these faiths can continue to use it.

There are exemptions for the good-faith display of the Nazi symbol for artists, academics, law enforcement and others, including for the display of this symbol in opposition to fascism, Neo-Nazis and Nazis. One of the other key exemptions in this bill is that the Nazi symbol may be used for education purposes. It is vital that we learn from the past and that students and everyone in Victoria understand the events and impacts of the Holocaust. Antisemitism has no place in Victoria. The Jewish community are no doubt deeply impacted and affected by the malicious use of the Nazi symbol in Victoria. We have seen many recent occurrences where the symbol has been used to target their community.

The Legal and Social Issues Committee has just begun its hearings for its inquiry into extremism in Victoria, which I am very pleased to be able to chair. In the hearings last week, we heard of the streets of Caulfield being stickered with this hateful symbol on the very day that this bill was announced. Members of the Jewish Community Council of Victoria and the Executive Council of Australian Jewry spoke of the ongoing impact that antisemitism has on their community and the need for laws like this one to go further.

It is a hefty burden that the Jewish community have to carry to ensure that their members are safe and can learn, pray and congregate in peace. The Jewish community must always be security conscious. They must fund guards for their schools and places of worship, and they must install CCTV. They must limit the symbols and signage on their places of worship, and they must organise and fundraise to undertake all this work. This burden is unacceptable, and this bill is an important first step in addressing antisemitism and racism more broadly in Victoria. Unfortunately the stickering in Caulfield cannot be dismissed as an isolated incident. Within the Jewish community there have been a number of other events where the Nazi symbol has been used to threaten and intimidate. There are people here in Victoria displaying this symbol on flags, on clothing, graffitiing signs and buildings. We have seen Neo-Nazis blatantly parading around the Grampians. It is chilling.

The Nazi symbol is also used to direct intolerance towards other groups within our community. Bigots have used it as a cover-all hate symbol to vilify migrants and asylum seekers, Muslims and people of other faiths, the LGBTIQ community, First Nations people and multicultural communities. We had the disgraceful situation where someone flew the Nazi symbol on a flag on private property and there was nothing that could be done. This symbol has no place in Victoria, and we must strengthen our laws and our resolve to tackle the actual and implied hate of this symbol and the far-right movement more broadly.

We know that far-right extremism is on the rise here in Victoria. Over the past two years the pandemic has been a fertile recruitment ground and vessel for the expansion of far-right groups in Victoria. COVID denialists and anti-vaxxers have rubbed shoulders with the ultranationalists and white supremacists at protests. I acknowledge that most people that attended these pandemic protests were not holding extreme far-right views and did have legitimate concerns, but make no mistake: there was

an emboldened and extreme element in these protests, and they were out to recruit and profit from the disenfranchised.

While we all welcome this important bill as an important step in denouncing extremism, we know that this has to be one step of many more to come. The far right do not organise just around symbols but around ideas. Globally we have seen members of the far right organising around a range of hateful ideas, emboldened and platformed by politicians and elements of the media, particularly in the US and in Europe, and touting deeply troubling and dangerous ideas. They are racist, sexist, misogynist, homophobic, transphobic and bigoted in so many ways and put people at risk.

The white supremacist ‘great replacement’ theory, which suggests that white people are being marginalised and replaced by people of colour, is one such preposterous idea. It has gained momentum overseas and has now made its way to Australia and to Victoria. It is our job as a Parliament and as members of society to call out these appalling narratives, to stand with minority communities and to prevent these ideas from coming into our Parliament and our community. That is why the Greens helped establish the current parliamentary inquiry into extremism. We must investigate and understand its reach and work to eliminate it and create a truly anti-racist and anti-fascist state.

Through the hearings it has been troubling to hear about the radicalisation of young people by extremist groups and to learn of the ways that recruitment and indoctrination occur by targeting already marginalised people and manipulating their vulnerability to desensitise and then normalise extreme and bigoted views. We heard that far-right extremists seek out and exploit the fractures in our community—like rising levels of social isolation, distrust and suspicion of institutions like government and the media, and of course growing economic insecurity. We heard that measures such as a proscription of symbols are important but should be considered as part of a range of other actions if we are serious about addressing the problem at its root causes.

To do so, as a Parliament and a community, we need to listen to First Nations people and reckon with our colonial past. All Victorians need to bear witness and listen to the truths coming out of the historic Yoorrook Justice Commission. As a Parliament we also need to confront our own role in the historical injustices committed against First Nations people and our continued complicity in supporting the structures and system that still harm our First Peoples. We need to acknowledge that racism and bigotry exist in Victoria today. We need to stare them down and actively work to dismantle the structure of white supremacy that seeks to undermine the strength and safety of our community.

There is still much work to be done. I welcome the minister’s commitment in the second-reading speech that this legislation will be part of a broader package of anti-vilification reforms in Victoria. We have a collective responsibility to fight extreme and hateful ideas and actions at every turn—with this bill and beyond.

Ms WATT (Northern Metropolitan) (15:03): I am proud to speak today on the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022. This is a bill that first and foremost makes one thing very clear: every Victorian has the right to be free from racism, from vilification and from hatred. Nazi symbols are symbols of hate, plain and simple. The harm caused by hate conduct and vilification can be profound, affecting the physical and psychological wellbeing of individuals and indeed whole communities and often preventing them from feeling comfortable participating in their community or social and civic lives.

I have found this one an especially hard bill to consider and think about some remarks on. I cannot help but reflect on my experiences of racism, hatred and oppression in our community. Look, I have stories that truly could go on for days—stories that have littered my childhood, stories of hate, oppression and hardship. But every time, and I mean this truly, I thought that life had dealt me a tough blow—and thanks to those before that talked about the connection between this hate symbol and Australia’s First Peoples; I am not immune from having this symbol attached to hate speech towards me and the work that I have done—I was grounded by the survival and resilience of Kathy Reisman.

Now, I do not often get up here to talk about others, but those that know me best and those that love me the most in the whole world know of my deep love and affection for Kathy Reisman. You see, Kathy, God rest her soul, is the grandmother and mother of my other family, the family that I chose—or rather that chose me. You cannot grow up in Carnegie, Caulfield or Oakleigh without being surrounded by beautiful migrant stories of starting life in Australia, and for me growing up there was no greater story, no greater hardship and no greater overcoming of the odds than that of Kathy and her family. Kathy faced the hardships of the Second World War and survived, and in that survival is a book. It turns out it was worthy of a book, a book that was published in our community, and you can probably find it in the Carnegie Library if you are indeed interested. But that story, published for the world to know, is a story of immense and profound hardship, the story of being the only one in her family to survive, the story of her walk up in Auschwitz to the almost-end of her life—and then somebody that she calls her angel pulled her out.

From having Kathy in my life I learned a lot about the Jewish story and I learned a lot about Jewish family, Jewish hardship, Jewish customs and Jewish survival. I learned a little bit about Jewish schools and Jewish synagogues and a lot about the Jewish faith. I learned about so very, very much that I could not even do it justice in the 10 minutes that I have left, but what rests with me all these years later is that Kathy sat me down many times and talked to me about hate and about just how much hardship she had to overcome to find Australia home. And yet upon coming here she did not find the utopia that we talk about it being, she actually found some immense racism, oppression, hatred and harm caused to her and her family.

So every time I see one of these hate symbols around our city I am reminded of the stories that Kathy shared with me all those many years ago. I am reminded of how very much it hurt and harmed her family and her, members of the Jewish community and also members of the community that just do not want to be surrounded by symbols of hate. So to Kathy, thank you for grounding my education and the work that I do in leading both the work of the inquiry that Dr Ratnam spoke about but also the work of the Anti-Racism Taskforce that I now proudly co-chair.

I also need to thank some others as I stand here today to talk more about Nazi hate—my gosh. It would be remiss of me to not mention Rabbi Szmerling and the Szmerling family. Thank you for opening your heart and home to me but also telling me the stories of your survival and how much you have overcome. Thank you, Rabbi Gabi Kaltmann, a member of the Ark Centre and also a fierce, fierce advocate for this work. Thank you for all that you do and also to members of the Jewish Community Council of Victoria and other community organisations that really fought for so very, very long so that we could be here today. Those organisations are protected behind big fences, big cameras, big security guards and other safety measures that they need to have in order to feel some measure of safety in their organisations as they gather as a community. That is a really tough thing to see. As somebody who was gone through the security gates of a shul too many times to count, this is a hardship on our Jewish community that they should not have to endure. Too often people take the signs off that have been graffitied overnight before morning prayers. We have seen an increase in the public display of Nazi symbols in our community. There is simply no doubting it. We have seen the use of the Hakenkreuz by those on the fringes of our community who are trying to stand and convey messages of hate and messages of intimidation, but they simply will not stop the pride with which our Jewish community gather, honour and respect their own struggle and resilience.

I was thinking not only of the stories that I have heard from 30 years ago but of more recent stories, and really the federal election did kick up a couple of examples. It happens just about every time. It was sometimes difficult to go for a walk and not see a corflute or a sign defaced. Sure, some of these are really harmless in our community. We have seen moustaches—big mos—eye patches, speech bubbles and other crazy things, but far too often you could see racist and far-right hate messages scrawled along them, including this hate symbol drawn over a sign. Most of the time it was on signs of candidates that are people of colour—people I know, people I care about—and also candidates from the Jewish community, who are also people I know and people I care about. It happened on all sides

of politics—Liberal, Labor, Greens, independents—right across our state, and I am sure it was not just within these borders. This is not really a genuine public discourse; it is an attempt to vilify and intimidate those running for public office. As a person of colour who is running for public office, I can tell you it does sit with you.

There are plenty of other examples that come to mind. As has been mentioned, there was of course a Hakenkreuz flown on a private property in regional Victoria, there was graffiti on the Cranbourne Golf Club, which was indeed founded by members of the Jewish community, and a person was wearing a hat—how distasteful—at Richmond train station. In fact during the pandemic debate I personally called up the City of Melbourne a great number of times to make sure that there were a great number of these symbols removed—extraordinarily, right here in our parliamentary precinct—so can I just take a moment to thank the City of Melbourne. I do not know what that unit is called. I am just going to call it the hate response unit, because they came out very quickly and made sure that those were taken down very, very quickly. I thank them for taking my calls and acting on them so quickly.

The display of symbols associated with Nazi and Neo-Nazi ideology is harmful and offensive to all members of our society, particularly to the Jewish community. They are used to communicate hatred and cause harm to other groups as well. Like I said, members of the Aboriginal and Torres Strait Islander community have been subject to this symbol many, many times in many, many different ways for many, many years. LGBTIQ+ people, people with a disability and people from other religious and racial groups have also been subject to this hate symbol. We know that Victoria and indeed Victorian people are better than this. This type of harm and vilification is completely unacceptable in our state.

There is no way that I can accept a Victoria that is anything other than proudly democratic, diverse, multicultural and multifaith, and that is why this bill is being introduced. It fulfils a commitment to implement the recommendation from the Legal and Social Issues Committee inquiry into anti-vilification protections in Victoria to ban the public display of these symbols of hate. It also forms part of the government's broader commitment to introduce a suite of reforms to strengthen anti-vilification protections in Victoria. Can I just say the discussions of the Anti-Racism Taskforce meeting have been so very supportive of this, as have the communities of colour that I talk to time and time again about how very meaningfully this has been adopted. It is so very much supported by members of the communities of colour right across our state.

This bill will create an offence in the Summary Offences Act 1966 which will prohibit a person from intentionally displaying a Nazi symbol in a public place if that person knows or reasonably ought to know that a Nazi symbol is a symbol associated with Nazi ideology. The Hakenkreuz, the Nazi swastika—that is a new one for me; I did not know it to be known like that, but there you go—will be prohibited, or a symbol that very closely resembles it. Once the legislation is in effect, anyone who intentionally displays this symbol in public faces penalties of up to almost \$22 000 or 12 months imprisonment or both.

This work came about because of deep and profound consultation with our community, communities of faith, Victoria Police and legal stakeholders, including the Law Institute of Victoria and Victoria Legal Aid. I know also that Aboriginal communities and Aboriginal stakeholders were very deeply engaged, and I know how very grateful and thankful they are for the very genuine outreach that was done on this to Aboriginal communities. There is also the Victorian Equal Opportunity and Human Rights Commission and the Victorian Multicultural Commission. From 2021 up until the end of February 2022 feedback was received through written responses, there was a discussion paper and there were also consultation meetings. The Department of Justice and Community Safety held seven in-depth consultation meetings with a consultative group—or a core consultative group, as I think it is known—from November through to March. Representatives from many, many different organisations were there, so thank you to those that spent so long being so meaningfully involved in this. They explained the changes and sought feedback, making sure that all communities had a chance to have a say.

The Hindu Council of Australia has publicly supported the introduction of the bill, noting that it allows for ongoing use of the religious swastika and community education about the very important difference between that and the Hakenkreuz. Under this bill there are protections for the religious and cultural use of the swastika. There is so much more to say, but in many cultures in fact the swastika is an ancient and auspicious symbol of purity, love, peace and good fortune. It is widespread in its use in many, many communities. It is of course to be distinguished from the appropriated and distorted version of the symbol used by the Nazis. So it is really important that that change is noted. Thank you to all the community groups for being so heartfelt in their consultation that brought us here today.

Mr BOURMAN (Eastern Victoria) (15:18): My contribution is going to be a little fragmented. There are a few things I want to get through. I am not a fan of fascists in any way, shape or form, and I find that fascists come in so-called left and right. At some point in time being a fascist is what you do, not what you believe in. This bill I wholeheartedly support. Whilst I am a fan of free speech, I have got to say that at some point in time, when someone is flying a flag in their backyard that they know is not just offensive—I mean, everyone gets offended fairly easily these days—but is displaying their hatred and will not take it down, they are the people that brought this on. They are the people that are going to hurt—in some cases, there are some legitimate collectors—but because they are fascists and because they support fascists, that is their problem.

I have got to say that the first time I saw an Auschwitz tattoo—I knew about them, I had read about them and I had seen pictures of them—on an actual person, I will not say it freaked me out but the connection between actual hatred and an actual person was there. That was in the East St Kilda area a few years back, and I was stunned. I still am stunned at man's inhumanity to man and what we can do to each other for various beliefs. Little did I know I would have a much closer connection to the Holocaust than I ever thought.

For those that are undecided and not sure about whether freedom of speech trumps these symbols, let us have a think about what that represents. The Holocaust started—or it ended up—as the final solution. What was that final solution? That was killing every man, woman and child that was Jewish. Now, that was their only sin, being in a religion—or a culture, even; you did not even have to be an observant Jew. All you had to be was Jewish—or homosexual or a Gypsy or just someone they did not like—and they would just murder you out of hand. Watching some of the things that the Nazis did to disabled people before they got into this wholesale slaughter of people for their cultural beliefs is just stunning. It is stunning that it can happen, and it is stunning that anyone in this day and age thinks that it is something that they should not howl down at the first opportunity.

Now, my connection to the Jewish community came in 1997 when I met my wife. My wife's surname was Garfield, which sounds fairly innocuous, but her dad, who had passed away, was Jerzy Garfinkel, and my wife's mum's maiden name was Sima Symkiewicz. They were both born in Poland. Sima was born in 1943. How on earth she survived I will never know—how her mother survived it, her father—but of the 13 family members in Poland from my wife's family that were there in 1939, five survived. And what was their sin? They were Jewish. We need to take a stand. I am all for freedom of speech, but I do not see this as a freedom of speech issue. What I do like is that this is a collection of things against vilification, and I do hope that it does not just end up being a so-called far-right crusade—trying to get rid of them. We need to stamp out hate; it does not matter where it comes from.

There are legitimate reasons to have—not display in a public sense—swastikas. When you buy a military rifle that was issued during the period they have what is called a Waffenamt, which is an acceptance stamp and which is a tiny, tiny little eagle and a swastika. Most of the time you cannot see it. There are genuine collectors of memorabilia around them, but that does not give you the right to fly a flag from your house, pretending you are one of them. That does not give you the right to wear armbands in public.

The people that really think that this thing is a bad thing, again, I think need to go back and have a look at what the final solution was. They killed babies. They would have wanted to kill my mother-in-law, my wife and my daughter for being nothing more than Jewish, and for that I will not stand.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (15:24): I rise to support the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022. This is a bill that has had a long genesis, and I want to pay tribute to two people in particular, Ed O’Donohue and David Southwick, for the work they both did on this bill over a lengthy period. They first, in February 2020, announced a Liberal-Nationals government would amend the law to ban the display of Nazis swastikas and symbols which are intended to incite hate in Victoria. Following that, the Legal and Social Issues Committee reported on the need to take some steps here, and at recommendation 24 it did recommend establishing a criminal offence. Later the state government came to the same position, and we welcome that this has moved to a bipartisan position and support that set of decisions.

It is interesting: framing these sorts of offences is fraught. We all understand the evil of Nazism and the evil of right-wing ideologies that lead to so much hate and so much vilification, and the historic resonance of them is extraordinary. So I want to place on record the opposition’s strong view that this will have a positive effect into the future, but it does recognise the horrible past that is there as well. I note the difficulty and challenge—and I think that the bill in its drafting has dealt with this—of reflecting the fact that there are legitimate symbols that appear in the same category but are not the same as a Nazi symbol, and I think the statement at clause 3, which inserts a new division 4C and new section 41I, is worth reading, because it actually eloquently does deal with these particular challenges. It says:

In enacting this Division, the Parliament recognises the continued importance of the swastika as an ancient and auspicious symbol of purity, love, peace and good fortune in Buddhist, Hindu, Jain and other religions. The swastika has had immense significance to these faiths for millennia, long before it was misappropriated by the Nazi party and Third Reich in Germany. The misuse of the swastika is an affront and cause of deep regret to people of the Buddhist, Hindu and Jain religions. The swastika continues to be embraced by members of these religions and can be found in places of worship, architecture and religious books, as well as in commercial and personal settings such as people’s homes.

The distorted version of the symbol is also known as the Hakenkreuz (meaning twisted or hooked cross in German). The Hakenkreuz became a symbol of the Third Reich, under which heinous crimes were perpetrated against humanity, particularly the Jewish people. The Hakenkreuz is a symbol of antisemitism and hatred and of an ideology fundamentally incompatible with Victoria’s multicultural, multiethnic and democratic society.

I think that that statement in very many respects summarises the position: we respect those traditional uses of the symbol but recognise that this has been misused by a very nasty, heinous regime and ideology. It is a very worthy and important step that is being taken to outlaw the misuse of these symbols in this way, to outlaw the use of symbols in the context of advancing Nazi ideology or related matters. I think it is a good day that the Parliament has come to a position of broad support for this step, and I think it is a good day that we have recognised that we can balance those points and balance the legitimate history and cultural significance of the symbol, recognising the terrible misuse.

It is important to recognise that since the Second World War and the lead-up to the Second World War—that terrible period that was faced particularly by the Jewish community—the world has I think remembered, but we cannot be too careful in maintaining vigilance. We cannot be too careful in maintaining a very weather eye on many of these issues. I do believe that there is a place for keeping that close watch—and this is in one sense what this bill is about—on those nasty, heinous ideologies.

I do also note that there are some terrible ideologies on the left of politics. I note that there are some on the left of politics in this state who have an antisemitic view, and I certainly condemn those views. The BDS movement has been a very unwelcome development internationally but also a very unwelcome development in Victoria. I should place on record—and I have done this in formal communication—that the Legal and Social Issues Committee of this chamber of Parliament has a self-

reference dealing with right-wing ideologies. We support the general thrust of that but believe the inquiry is unbalanced, and I have written to the inquiry and made my views very well known that it should be also considering forms of extremism on both sides of politics.

Some left-wing extremism has been manifested quite recently at the University of Melbourne, and I do not think anyone in this chamber would support some of the comments and decisions that were made at the University of Melbourne that have subsequently been rescinded at the student-body level. I think that the decisions of those who would advance the BDS agenda—the boycott, divestment and sanctions agenda—ought to equally be subject to the scrutiny of the Legal and Social Issues Committee. I make clear to the chamber my entreaties to that committee in formal communications for it to broaden its self-reference to make sure that those left-wing ideologies do not escape attention. It is wrong for them to escape attention. I must say I find it incomprehensible that people of goodwill would not want to ensure that those left-wing ideologies are just as much a part of the purview of that committee as the right-wing extremism which it seeks to monitor and examine.

I do also think that in an international context it has become clear that there is a left-wing agenda which has at its core an antisemitic focus, and I think it is not only reprehensible but regrettable that that is where things appear to be heading. I think in that context we need to be quite thoughtful and vigilant here in Victoria. We have a fine Jewish community in Victoria who contribute enormously to the strength of our state, to its cultural strength and its deep understanding of the networks around the world, and I think the contribution of so many Jewish people to the arts, to education and to the broad activities of business is something to be admired.

I was at the Mount Scopus foundation dinner recently and was honoured to be at that recognition of not just the Jewish community's contribution to that school but really in a broader sense the great strength of the Jewish community in Victoria, its wonderful integration with Victoria's society in such a positive way and the enormous philanthropy that is behind the work of that foundation. I see that that is something to be greatly celebrated—the decisions of the Jewish community to build an institution of that strength, as they have done in so many other areas of philanthropy, whether it be our hospital sector or our arts sector. I was at the National Gallery of Victoria the other day, and a number of Jewish community people spoke to me about the contribution they were making to the expansion of the national gallery. I want to put on record my enormous affection for the Jewish community in Victoria and my recognition of its great, and I might say disproportionate in the positive sense, contribution to our state. I think that when we look we can see that the generosity and the strength of the community is evident to all.

It is in that context that I am very happy to support this bill wholeheartedly. Again, I want to pay tribute particularly to David Southwick for the work that he has done, a leadership role that he has taken in this context, and I hope that this bill in that broad spread across the Parliament actually sends a very useful signal that actually it has machinery behind it and an ability for enforcement. But I think also these matters are about sending a signal and the symbolism of the position of leaders in our Parliament. On one side I am sad that we need such a bill, of course, but on the other I see that many people have come together in a constructive and positive way to address some of these challenges.

Mr QUILTY (Northern Victoria) (15:37): The Liberal Democrats will be opposing this bill today. Sometimes making a decision on what our position should be is difficult and we are torn, but this bill is not one of those occasions. This is a simple issue of freedom of speech, and the libertarian position is very clear. Freedom of speech does not exist to protect the voice of those that we agree with. It does not exist so that we have the right to hear things that we like. If rights do not protect everybody, even the ugliest amongst us, in the end they protect nobody. They are not rights.

The Liberal Democrats are the natural enemies of Nazis. We hate coercion and racism, and we believe in equality before the law. This is the basic philosophy behind libertarianism, and it should be what your mother taught you as well. The Nazis were evil. They were evil because they killed millions of people, evil for their race-based ideology, evil for believing that individuals have no value except to

serve the state and could be sacrificed freely to achieve the state's ends. They were evil for what they did and for how they thought, evil because they did not think twice about using the power of the state to remove the agency of individuals. They suspended democracy and removed alternative voices from Parliament. They enabled their worst excesses by using emergency powers. They divided people by race and religion.

We shudder to think how Nazis would behave in the modern day. I imagine they would have no respect for privacy. They would have no problem with allowing police to take your DNA or record your medical details without your consent. They would perform surveillance on people through social media and by using drones. They would allow police and others the power to break into our homes. They would ignore the right to peaceful protest and allow police to use weapons against them. They would expel alternative voices from the Parliament. Nazis would care very little about freedom of religion, freedom of movement or any other human rights. They would allow police to arrest people gathered at churches and synagogues. They would keep their reasoning for any decisions they made secret because they would know these reasons would not stand up to scrutiny. And they would probably have some sort of bureaucracy to rubberstamp their human rights abuses.

A hallmark of authoritarian governments is that they like to control free speech. In North Korea, for example, people have been executed for distributing South Korean pop music. Authoritarians cannot bear to hear alternative voices. They wrongly believe that by controlling what you read or see they can control your thoughts. The Nazis were no different. We remember them for burning books and setting up numerous state bureaucracies to control all forms of expression. If somebody wrote or said something they disagreed with, the police would smash their doors down, enter their homes and arrest them. The Nazis never did care much for human rights. In fact human rights in their current form did not exist until the UN Universal Declaration of Human Rights was established. An interesting fact is that the person who oversaw this process was a Labor man, Doc Evatt, president of the General Assembly of the United Nations, back in the day when Australia's major parties cared about human rights. These days the major parties only apply human rights when it suits their quest for power.

For a very small group of people, adopting extremist ideology is just a way to get attention. This bill is their dream come true. At last these nobodies can become victims—a status that they crave. Somebody will pay attention to them. It is hard to say how many actual Nazis there are in Australia, but for the handful of these people, currently living in the basements of their mothers' houses, the passing of this legislation must be one of the best days since the 1940s. It means they are suddenly getting attention. It means they have a chance to feel important. No doubt the dark web is abuzz with debate about adopting new symbols—the Buddhist symbol or any other symbols—and for some reason the government has generously granted them six months to think about their rebranding exercise. For the truly committed Neo-Nazi it means that, if they want to, they have a chance to get media attention, to raise money, to get followers or even to become political prisoners. Let us note that in Australia, unlike the US, we do not currently have much of a white supremacist problem in our prisons. If we arrest and imprison these people, we risk creating a prison culture of white supremacist gangs. Turning our prisons into white supremacist recruiting grounds will make things much worse than they are now.

It is no coincidence there is no law against swastikas in all the freest and happiest countries in the world. It is especially worth noting that even in Israel there is no law against displaying the swastika. Israelis take the view that if idiots want to identify themselves, then so be it. Extremists in Israel and free countries around the world are moderated by public opinion. That is how free speech works. Let me emphasise that point: I would prefer that these idiots, who purport to support these evil ideologies publicly, publicly labelled themselves in this way. They have a giant label stuck upon themselves telling the rest of us to exercise our freedom of association and thrust them away. We do not need the government to tell us the Nazis are bad; we know ourselves, and we are free to exclude them. The Victorian government is getting itself into a battle of wits with drivelling idiots. Sadly, this is a battle it looks certain to lose.

This bill is the thin edge of the wedge. It is not just one evil symbol we propose to ban today; we create the template for banning all symbols that offend whoever rules over us. The door will be wide open to ban the symbols of the other kinds of socialists. I imagine the hammer and sickle could be banned by a future government—communism is an authoritarian ideology every bit as evil as Nazism and has a body count far in excess of it—or perhaps the flag of China, flying as it does atop a mountain of human skulls. One day we might have a government that is willing to call out China for their murder of opposition voices and their ongoing genocides. And why wouldn't a future government decide to ban images of the notorious racist and homophobe Che Guevara?

There will inevitably be unintended consequences for protesters or others who use Nazi symbols to express their disgust towards a politician. If a conservative government should ever be re-elected, what will happen next? Will left-leaning protesters be arrested for suggesting a Liberal leader is a Nazi? In Russia today protesters are doubling and crossing the 'Z' symbol—it has come to represent the Russian invasion of Ukraine—to create a swastika. Should this be banned in Victoria? God forbid we insult Putin or his murderous, bloody destruction of the Ukrainian state.

The Liberal Democrats believe free speech is fundamental to a democratic society and governments should stay out of it. Allowing people into people's houses to combat Nazis is like deporting people to the Gulag to stop communism. We do not need to ban swastikas to make it illegal to spray swastika graffiti. It is already illegal to do graffiti. Apart from anything else, the Victorian government should be ashamed to be doing this now while the emergency pandemic powers are still in place and human rights are still suspended in the state. Piling up symbols that you do not like and burning them in the public square is not the way to fight authoritarianism. If the swastika is the ultimate symbol of badness, banning it becomes the ultimate virtue signal. But like many other virtue signals, you do not make the world better, you make it worse.

The Liberal Democrats oppose this bill because if you do not stand for speech you disagree with, you do not stand for free speech at all. We believe that the best way to show contempt for Nazis is first and foremost not to emulate them. The best way to oppose authoritarianism is to defend basic human rights like freedom of speech. This bill does nothing to fight any actual Nazi movements in Australia, such as they are. This bill is human rights astroturfing. It is an assault on free speech. The Liberal Democrats oppose this bill.

Dr KIEU (South Eastern Metropolitan) (15:45): With great pleasure and pride I rise to speak to and support the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022. This bill is about the Nazi swastika symbol, but the swastika itself has been around for thousands of years as a religious symbol. It is a symbol for many religions, including Buddhism, Jain and Hinduism. It has been used as a symbol for divinity and spirituality, a symbol of purity, love, peace and prosperity. All of that changed in 1920, when the Nazi party adopted this symbol for their party and for their ideology. Since then it has become associated with them as a symbol of evil, of hatred. There is no recent ideology that is more evil and has committed more heinous crimes against humanity than that of the Nazis. They killed millions of Jewish people, who they shot at, buried alive and herded into gas chambers—and not only Jewish people but also the disabled and those they thought were not fit for their ideal society. I would like to take this opportunity briefly today—and this week is world Refugee Week—to recognise that as a result of the atrocities that happened, after the Second World War we were able to receive members of the Jewish community who came to this country and to take in Jewish refugees and all the refugees who have come to this country. We recognise their contribution to our country.

Now, back to the symbol. Let me be clear that this bill is not about a symbol, however evil it is. It is about an evil ideology that is not fit for and has no place in a modern, civilised and humane society. The symbol associated with Nazi and Neo-Nazi ideology is harmful and offensive to all members of our society. The symbol is used to communicate hatred and cause harm to many groups, including Aboriginal, Torres Strait Islander, LGBTIQ+ people, people with disabilities and other racial and religious groups. So it is not surprising that many countries in the world have banned the use of the

Nazi symbol, including countries like Austria, France, Lithuania, Latvia, Poland, Ukraine, Brazil and Israel. They have banned the symbol and consider it a criminal offence to display it if it is not for educational purposes.

My colleagues mentioned several aspects and details of the bill. I do not have the time to repeat them here but only want to mention one thing—that since the bill was introduced and passed in the other chamber there have been many incidents that deeply concern us in the increase of public displays of Nazi symbols in the community. That is why we will have an earlier default commencement date—namely, six months after the royal assent of this bill turning it into an act.

I would just like to conclude by saying that our government is committed to protecting the rights of all Victorians to be free from racism, vilification and hatred and to ensuring that everyone feels welcome and accepted. Some of the arguments put up in this chamber are about freedom of speech. Freedom comes with responsibility, and the kind of freedom—particularly freedom of speech—that creates division, brings about hatred and radicalises young people is not the type of freedom we can tolerate. We know that the harm caused by hate conduct and vilification can be profound. It can affect the physical and also the psychological wellbeing of individuals and often prevent them from feeling comfortable participating in our community. In conclusion, I would like to thank all the stakeholders for their input into drafting and forming this bill. I commend the bill to the house.

Mr ATKINSON (Eastern Metropolitan) (15:51): I am pleased to join this debate and to support the legislation that is before us. This state of Victoria is an exemplar of multiculturalism. Arguably it is one of the best, if not the best, multicultural jurisdictions in the world. As my friend Tien Kieu and I both say at many functions, as indeed does my friend and colleague Craig Ondarchie, we do not simply tolerate differences of opinion, we celebrate them. We actually celebrate those communities that create the diversity here in Victoria which has provided a much-strengthened state, community and society and has actually underpinned advancement economically and in terms of security as well as prosperity because of the contribution of people from so many different backgrounds.

It is so unfortunate that this symbol, the swastika, has not been consigned to history—this infamous icon of one of the most treacherous regimes in history. Certainly it is almost incomprehensible that it could have occurred in the middle of the 20th century: the inhumanity of people to other people, the fact that a dictator could have such command, such control, and be virtually able to hypnotise an entire nation so that they turned their back on their conscience and their humanity and committed such atrocities on other people. Sadly a symbol that had been a symbol of faith, a symbol of peace, a symbol of tolerance and a symbol of compassion in the religious faiths of the Buddhists, Hindus and Jains was stolen by the Nazis and then in turn became such an infamous icon. As I said, it is unfortunate that it is not consigned to history.

But the problem is that that symbol today—outside its very proper, important and fair use by those faith communities—has been used as a spark to some people with very distorted views of life, of society and of our responsibilities as people to one another. It has been a spark to some extreme behaviour and extreme views, and unfortunately because of that, notwithstanding that I think everybody in this place has a very strong commitment to free speech, we recognise that this symbol really does need the distinction of having an act of Parliament that says that that use outside those faith communities, outside of some educational focus—an educational focus that we would all hope, that we would all expect, will ensure that never again do we go down the track of the Nazi regime, albeit all too sadly we see playing out yet again aggression in Ukraine from a communist regime. One of the things that I must agree with Mr Quilty on is the communists of Russia actually committed greater atrocities, killed more people and were responsible for even greater genocide than the Nazis.

This legislation is not pandering to the Jewish community. We all have high regard and respect for the Jewish community in this place, I believe. It is not pandering to them. It is about certainly recognising history and the importance of learning from history, but it is more important to say that these symbols of hatred cannot be tolerated in a free society, that in fact they erode the principles of multiculturalism

which this state has been so committed to, that this state has celebrated and that this state has found so important to our success as a society, as an economy and as a community—a community of diverse views, of different faiths, of people from different geographies and of different languages but a community that is cohesive because of respect, one for another. This legislation is important as a plank underpinning that multiculturalism.

Ms SHING (Eastern Victoria) (15:58): I have listened very carefully to the contributions that have been made in the chamber today and which were also put onto the record in the other place, and there are a number of comments which I wish to make. I hope that I will be able to make them briefly, and I hope that I will be able to articulate the sentiment that sits underneath them.

I have over the years spent a considerable period of time in Germany. In fact I did my honours thesis on the topic of Nazi propaganda and had occasion to live and study in Berlin and also in Nuremberg. In the course of that study, as I lived in those cities, as I spoke German, as I lived as part of the everyday landscape of Germany, I would see from time to time symbols tucked under public structures, scrawled underneath benches and littered like small graffiti against the side of buildings. They were the Hakenkreuz, they were the Sonnenrad or they might have been the number 88 or the number 14. They might have been the Schutzstaffel. Whatever they were in this language of hatred, they served a purpose to communicate vitriol within a small but very vocal group of people for whom vilification is the common denominator.

That is where this bill is relevant and important. The Hakenkreuz itself is a lightning rod for vilification, for hate speech and for violence. I accept that where the Hakenkreuz is banned there will be other symbols that will become part of the nomenclature of hate groups and of white supremacist groups, and to that end I welcome the work that is being done on anti-vilification laws building on the findings of the inquiry in that regard.

I appreciate the reality of the world in which we live, whereby the removal of one symbol will invariably lead to the emergence of another. I do, however, think that when we consider the history, when we consider the 10 million lives taken under the Third Reich and when we consider the way in which this ubiquitous symbol, the Hakenkreuz, festooned everything from bibles given to newlyweds through to the currency which people exchanged after hyperinflation finished and Germans had a sense of faith in economics and fiscal stability returned, the propaganda of the symbol is enormous and can never afford to be ignored. We can never afford for responsible communities and societies to turn away from it. It is the height of ignorance to suggest that if we just ignore it, it will go away. It is, conversely, a responsibility which, as evidenced by the contributions here today, is being taken extremely seriously. A confinement of the doctrine of freedom of speech is something which is by necessity applied only in the rarest of circumstances, and in fact the prohibition of the Hakenkreuz for all but educational purposes is to make sure that nie wieder—never again—do we end up in a position whereby the ubiquity of this symbol conducts that level of vitriol, of hatred, of vilification and indeed of eradication that punctuates Germany's history and the history of those occupied countries around it.

We cannot afford to be complacent. We cannot afford not to lean in to the difficult work of facing the reality of far-right activism and right-wing extremism. This bill is an important step in the right direction, and to that end I look forward, as I said earlier, to development of further progress on hate symbols such as the Sonnenrad, the Schutzstaffel, the numbers 14 and 18, the Totenkopf and the Reichsadler, amongst other things, to make sure that this library of language, this library of symbols, is not given any of the oxygen which some in our community would desperately want it to receive. On that basis, I commend the bill to the house.

Sitting suspended 4.03 pm until 4.19 pm.

Ms VAGHELA (Western Metropolitan) (16:19): I rise to speak in support of the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022. The government moved an amendment in the Legislative Assembly to bring forward the commencement of the bill by six months, from 12 months, which will allow for sufficient education and awareness in the community. I am glad that we have bipartisan support for this legislation.

The main purpose of this bill is to amend the Summary Offences Act 1966 to make the public display of Nazi symbols an offence. The bill implements recommendation 24 of the 2021 Legal and Social Issues Committee inquiry into anti-vilification protections in Victoria to ban Nazi symbols in public. This bill plans to tighten anti-vilification protections in Victoria. This bill ensures all Victorians are free from racism, defamation and bigotry and feel welcome and accepted. Hate behaviour and vilification can injure someone physically and psychologically, prohibiting them from participating in their community. There is a concern about the rise in public Nazi symbolism. Recent displays have used the Nazi symbol, also known as the Hakenkreuz, to convey hate and intimidation, considering its association with Nazism. Nazi and Neo-Nazi symbols are repulsive to all segments of society, especially our Jewish population. Melbourne boasts the world's biggest per capita population of Holocaust survivors outside of Israel.

Firstly, we must understand the difference between the Nazi symbol and the swastika. The symbol the Nazis used was not the swastika but the hooked cross, and the name that they used for it was Hakenkreuz. The warped Nazi symbol is Hakenkreuz, which means a twisted or hooked cross in the German language. Mr Fowles, the member for Burwood in the other place, very clearly emphasised that we need to get the nomenclature right and have a clear understanding of the word 'Hakenkreuz' and the word 'swastika'. To avoid any confusion, I want to make a clear distinction here that I will use the word 'Hakenkreuz' for the Nazi symbol and the word 'swastika' only for the symbol that is sacred and is being used by the Hindu, Buddhist and Jain communities. Education about this distinction begins in the Parliament, starting with us, the MPs.

The Hakenkreuz, or the hooked cross, is a symbol of hatred, embodying painful and traumatic memories of the Third Reich, which committed horrible crimes against humanity, especially Jews. After the atrocities of the Holocaust the Hakenkreuz became a symbol of Nazism associated with genocide and hatred. The swastika is one of the most ancient symbols of purity and positiveness across the world. The Nazis used the distorted version to commit heinous crimes against humanity. The name 'swastika' originates from Sanskrit language roots. 'Su' means 'good' and 'asti' means 'to predominate', and it indicates welfare, health or good fortune. In Hindu philosophy it represents the four Yugas or cyclical seasons, the four ends or objectives of life, the four stages of existence and the four weathers.

The bill recognises the cultural and spiritual significance of the swastika and differentiates it from the Nazi Hakenkreuz. We see a significant difference between the Nazi symbolism for hatred, which will be banned, and a genuine religious symbol of peace—the swastika—which should be welcomed and celebrated. The government recognises the swastika's cultural and religious significance for Hindu, Buddhist and Jain cultures. The Buddhist symbol, known as 'manji' in Japanese, represents the Buddha's footsteps. To Jains it refers to a spiritual guide. In India it is a symbol of the sun deity, with a clockwise direction, and the auspicious symbol is drawn on thresholds and store doors as a message of welcome, as well as on cars.

Mr Ondarchie: On a point of order, Acting President, this is a very sensitive bill to many, many communities, and most of the speakers in this house have been afforded silence today. I ask that Ms Vaghela be afforded the same.

The ACTING PRESIDENT (Mr Bourman): Okay. Could everyone just keep it down so we can hear better, thanks.

Ms VAGHELA: Thank you. In India it is a symbol of the sun deity, with a clockwise direction, and the auspicious symbol is drawn on thresholds and store doors as a message of welcome as well as on cars, religious literature and letters. The swastika is displayed for weddings and other festive occasions, the decoration of a new home, the opening of account books at the beginning of the fiscal year and the commencement of a new endeavour. For centuries Hinduism, Jainism and Buddhism have revered the swastika. The government says these religious and faith communities should continue using the swastika unfettered and it will not be a crime to do that.

The public display of the Nazi emblems harms and frightens Jews and other Third Reich victims. Swastikas and Hakenkreuz are visually similar and may appear identical, but the sacred swastika and the hated Hakenkreuz have very different meanings. The bill acknowledges these parallels but clarifies that Buddhist, Hindu and Jain use of the swastika should never be considered offensive. All the committee members and the community members involved in creating this bill have done a commendable job by clarifying the distinction between the swastika and the Hakenkreuz.

I am proud to be the first Indian MP in Victoria and the first Indian-born Hindu MP in Australia. Being the only Indian MP in Victoria and also being a Hindu MP, I was approached by the Hindu Council of Australia and many other key stakeholders from the Victorian Hindu community once the anti-vilification protections report was tabled in the Parliament. I am thankful to the Hindu Council of Australia, Melbourne Shwetambar Jain Sangh and all of our Hindu community organisations for giving their valuable time and working closely with me so that I could give them a better understanding of the bill to alleviate some of their earlier concerns regarding this bill. I worked with them to get their feedback and kept them updated with this bill and its context as it is applicable to Hindus and the swastika. The Victorian Hindu community endorses this bill to eliminate the vilification of Victoria's Jewish population. Though some concerns exist that the violation may lead to the vilification of Hindu, Buddhist and Jain communities who continue to display the swastika lawfully, the bill itself acknowledges these concerns and the need to ensure the offence does not harm faith communities.

The bill introduces a criminal offence under the Summary Offences Act 1966 that forbids wilfully displaying a Nazi sign in public if the person knows or ought to reasonably know that the symbol is affiliated with Nazi philosophy. The offence in the bill was carefully written to safeguard these faith communities' right to display the swastika. The bill prescribes a ban for the public display of the Nazi symbol—the Hakenkreuz, not the swastika. The Hakenkreuz is explicitly banned since it is the most commonly recognised Nazi and Neo-Nazi emblem and its display can cause harm and offence to our Jewish community and many other groups mentioned in the bill, including Aboriginal and Torres Strait Islander people, LGBTIQ+ people, people with disabilities and other racial and religious communities.

The offence in the bill has two elements. Firstly, the offence has an intention element which requires that the person intentionally displayed a Nazi symbol in a public place or in public view. Secondly, the offence has a knowledge element, requiring that the person knows or ought to know the Nazi symbol is a symbol associated with Nazi ideology. Publicly displaying a Nazi symbol can result in a year in prison, a 120-unit fine or both. Unreasonable refusal to remove content is punishable by 10 penalty units. This penalty is commensurate with vilification offences under Victoria's Racial and Religious Tolerance Act 2001.

The bill offers exceptions to the offences as per the committee report. The exceptions are based on the Racial and Religious Tolerance Act 2001 with certain adjustments to fit the offence. The bill includes two exceptions which are not currently contained in the Racial and Religious Tolerance Act 2001. The cultural exception recognises that while the swastika has Hindu, Buddhist and Jain origins its application is often religious and cultural. The religious purpose exception defined in the bill is crucial for Hindus, Buddhists and Jains to continue displaying the swastika as a sign of purity, love, peace and good fortune. These exceptions represent stakeholder comments concerning various situations where the Hakenkreuz or swastika can be shown legally. Religion and culture are often inseparable. The bill includes a distinct cultural exception to guarantee faith and cultural communities can continue

using the swastika with confidence. The bill offers instances of how the swastika is utilised by Hindu, Buddhist and Jain faiths to educate, train and raise awareness about the religious exception.

The bill will commence six months following royal assent. I do understand the intent of the amendment that Mr Davis was planning to bring today regarding this bill. I am advised today that Mr Davis has withdrawn his amendment that he was proposing to put forward, which was seeking to reduce the time frame from six months to two months after royal assent for this bill. There is a general consensus amongst the Victorian Hindu community that if this time was further reduced there would not be enough time to complete community education. Community education's expected outreach is vast. Some of the major areas where this is required are for Victoria Police, protective services officers, schoolteachers, members of Parliament, councils, shopping centres, retailers, interfaith networks et cetera.

The responsibility for the community education about the sacred swastika lies with the Victorian government. It is recommended that the content of the community education should be in multiple languages. Considering the extent of the education, it is recommended to the Victorian government that it plan and speed up the process of education. The Victorian Hindu community would not have supported a further reduction of the time frame from the current six months for implementing this legislation to two months after royal assent. A six-month time frame after royal assent will give Victoria Police time to plan, develop and conduct a community education campaign on the history of the religious and cultural swastika, its value to Hindu, Buddhist, Jain and other religious communities and its distinctiveness to the Hakenkreuz.

In collaboration with the Victorian government and on behalf of the Victorian Hindu community, the Hindu Council of Australia propose to launch a swastika awareness and education campaign, an initiative meant to bring about awareness regarding the swastika, one of the most sacred symbols for Hindus, Buddhists and Jains around the world. Through this campaign, along with awareness and education, they hope to foster a mutual understanding of the swastika with other communities and prevent misunderstanding and misuse while imparting much-needed education on hatred and intolerance in today's world. The Hindus recognise and acknowledge the transgenerational trauma of the 6 million Jews, 1.5 million Romani and others killed by Nazi persecution and the chilling, intimidating effect of Nazi-inspired hatred on Jewish Australians and others even today. Hindus believe in the fundamental concept of dharma and peaceful coexistence and have never tolerated hatred towards others. Hindus have provided shelters to persecuted communities, including Jews, Parsis, Christians, Buddhists and others due to their inherent aversion to hatred. It is imperative that we equip our children with proper knowledge about world cultures and religions so that they can develop mutual respect, and that must be the cornerstone of any multiracial, multiethnic and inclusive society. Victoria is a very big state with a complex structure of governance consisting of state, federal and local council authorities. A very large portion of the campaign energy will be utilised to bring awareness to and educate frontline workers, police, kindergarten educators and healthcare workers.

Another important pillar of the campaign should be to work with Victorian media organisations and educate and persuade them to adopt appropriate terminology while reporting. Small businesses and big corporate groups that employ a large number of Hindu, Jain and Buddhist Victorians also need to be targeted by education and awareness campaigns. A range of different methods and tools can be used individually or jointly by the Victorian government to reinforce each other and to raise awareness of the swastika—for example, producing educational resources, such as reports, studies and infographics; holding or participating in events, such as thematic discussions, round tables, seminars, webinars, workshops, conferences, debates, exhibitions and presentations; utilising radio, including community radio, as a powerful means to spread information and raise awareness; producing audiovisual material, such as television, video and documentary film; using the internet, including online forums, petitions, groups and interactive websites, as well as social media platforms such as Facebook and Twitter; engaging the media through press releases, briefings, newspaper articles and opinion pieces; and conducting media campaigns. The arts, including art, satire, spoken word, music

and theatre, can be a powerful vehicle to raise public awareness and consciousness. Such an extensive education campaign would not have been fulfilled in two months. The community is looking forward to all the help and support of the government of Victoria and the Victorian Multicultural Commission to achieve an inclusive and respectful place to live and work and get an education for Hindus, Jains and Buddhist Victorians.

The swastika has been around for thousands of years, and it is used by many cultures as a symbol of peace, wellbeing and auspiciousness. We hope that individuals and institutions will learn to differentiate between the swastika and the Hakenkreuz and that they will rightly denounce and condemn the Hakenkreuz and what it stands for. I commend the bill to the house.

Mr TARLAMIS (South Eastern Metropolitan) (16:38): I also rise to make a brief contribution on the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022. I do not intend to speak at length, because there has been quite extensive coverage of the bill during the debate today, but I did want to put a few things on the record, including that it is disappointing that there is actually a need for a bill such as this in this day and age. But whilst that is the case, I want to take the opportunity to thank members who have made such eloquent and considered contributions on this bill both in this chamber today but also in the other place during the last sitting week, when the bill was debated there. Many members from all sides of politics have shared their deeply personal experiences as well as the experiences of others that have been shared with them by friends, family and those that they have come into contact with, either as members of Parliament or in other aspects of their life, on an issue that is of utmost importance and concern to so many in the community.

It is not often that we see this house and this Parliament take such a unified approach on a matter, but it is truly great to see. I commend everyone in this Parliament who has spoken on this matter in such an impassioned way. We are a better, a stronger and a richer community when our Parliament can show leadership and come together on issues such as this that affect the community and send a strong, unified message that there is no place in Victoria's proudly inclusive community for this Nazi hate symbol. We have a duty as a government to the people and to the community to protect them from harm, whether it be via racism, homophobia, xenophobia, sexism or bigotry. We do not tolerate discrimination based on one's identity in this state or in this country. As legislators and as the body that governs this state we are fortunate to have the power to protect members of our community from these harms and to prevent them from the residual effects of traumatic events.

The Holocaust was one of the most abhorrent breaches of human rights that the world has ever seen—the most unjust, cruel and discriminatory treatment by a regime in history—and an event that has affected the worldwide Jewish community to this day as well as all those that were persecuted by the Nazi regime. In the aftermath of such events the affected communities themselves are the ones who have the power to narrate their trauma. They get to decide how their story is told and how the world remembers the events of their suffering. When hateful antisemitic individuals and groups wield symbols such as the Nazi hate symbol, otherwise known as the Hakenkreuz, it is a violation, plain and simple, of the survivors' and the communities' rights to control their narrative. This Nazi hate symbol is a hateful symbol that was weaponised by the Nazi regime during the Second World War. Today it is a symbol that incites hatred and antisemitic views and is a symbol associated with Nazi ideology, which incites hate and division. Disappointingly and disgustingly, there are still some out there in the community that are choosing to spread such deeply, deeply troubling ideologies, and we must stand together to oppose these views—stand together against them. We have seen an alarming resurgence of the display of this symbol, which is, sadly, why this bill is necessary. There have been any number of examples cited during the debate, both today and in previous weeks, of where this symbol has been used in recent times. This bill puts forward the necessary protections and regulations to stop and penalise the displaying of this Nazi hate symbol.

I will not go into the full details of the bill because they have already been outlined in some detail by previous speakers, but we recognise that the swastika itself, not the Hakenkreuz, is used in other contexts that deviate from Nazi ideology. Before it was weaponised during the Nazi regime the

swastika held—and still does hold—significance to the Hindu, Buddhist and Jain communities, and Ms Vaghela went into a lot of detail as to the significance of the swastika to those communities. It is a symbol that has been used for thousands of years to signify peace, love, divinity, the sun, good luck and many other things. To ensure that we were not obscuring or infringing upon the religious expression of these communities we conducted significant stakeholder consultation with religious leaders from these groups, and the result of such consultation is the bill that you see before us today. That has ensured that the swastika, which holds significance for these communities, is not included in what has been prohibited. The swastika displayed for genuine religious and cultural use will not be subject to the penalties in this bill or legal punishment. This is really important because for these communities this symbol is a cause for celebration, and we want to ensure that these communities are still able to celebrate the significance of the swastika in line with their particular religious beliefs and practices. The display of the swastika will also be allowed for educational, academic, artistic and scientific purposes. There will be an extensive education campaign run around the differences between the Hakenkreuz and the swastika as well, so people are aware of what the differences are.

Ultimately this bill helps us to codify the messaging that we, the Victorian people, will not stand idly by any antisemitic discriminatory behaviour and that our vision for Victoria has always been one that celebrates, fosters and facilitates multiculturalism, where we appreciate and respect one another's different cultures and religious beliefs. We have worked hard and will continue to work hard to foster a positive multicultural experience in Victoria, and this bill furthers that.

The summary offences bill is very important. It will protect not only religious groups but the whole community and holds special meaning to many, many people who have been impacted by the hatred that has been spread by the misappropriation of this symbol. I can only hope that by passing this bill we are able to provide some sort of reprieve for the communities that have been affected in any way by recent antisemitic displays of the Nazi hate symbol. I would like to extend my heartfelt apologies to the individuals and communities who have been affected by recent displays of this hateful symbol around Melbourne.

We are the first state in Australia to pass this law. I know that other states are looking at doing something similar, and we are proud to be taking action to deter further antisemitic behaviour into the future. We will continue to work hard to foster a positive multicultural, multifaith experience in our state, and this bill is further proof of that.

I would like to take this opportunity to recognise the extensive work of the Legal and Social Issues Committee, which led the inquiry to anti-vilification protections in Victoria. I would also like to thank all of the religious, legal and community groups and organisations which were consulted extensively in the development of this bill and who helped shape it. This is a significant bill and a necessary and critical step in protecting human rights in Victoria, and I commend the bill to the house.

Dr CUMMING (Western Metropolitan) (16:47): I also rise today to speak to the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022. I have in this place before told many people that my mother is German and I have German heritage. And my German heritage is this: my grandfather during the Second World War noticed that a lot of people in the Jewish community were disappearing. He raised awareness, and he was then taken away for actually questioning why the Jewish people in his community were being taken away. He was taken to the Russian front, and my family were sent a notice that he had gone missing on the Russian front, which meant that my mother and her brother and sister were brought up by my grandmother as a single parent. They were young. And for me, ever since I have been here in Australia my mother has explained the difficulty of the German community being generalised as being Nazis.

Just by saying that you are German there has always been a stigma, a generalisation of that, and for me, I have felt it. Every time I have run for council, every time I have run for state, I have had nothing but swastikas put on my posters. I have had little Hitler moustaches put on my posters, and even in the last three years on more than one occasion I have had that same vandalism on my electorate office in

Seddon, in Footscray. I am not Jewish—my heritage is German—but, no matter what, you get that generalisation that because of your heritage people feel they can actually do that. So for me, I have actually found it quite difficult in the last two years to hear this government and others when they have spoken during the pandemic about protesters. It has been really easy for this government to name and generalise the whole protest movement, saying that there have been a whole heap of right-wing, Neo-Nazi extremists. And there have been one or two occasions in this place when I have heard it thrown across the room at me and at others.

It has been on the other side as well. I have heard this government. You just have to go through *Hansard* to see the amount of times that the words ‘Nazi’ or ‘Neo-Nazi’ have been brought up by the government or others in the last two years. There was someone in the lower house—I could name who it was—that virtually said, ‘I am sick and tired of being compared to Nazi Germany. I am sick of this government’s approach to the pandemic being compared to Nazi Germany. I am very sick and tired of it. I am very sick and tired of the comparisons’. I was also sick and tired of the comparisons that this government made with the protesters, calling them Neo-Nazis. I have heard it time and time again, even during the contributions today. Show me the proof. That is what I would like to see.

I have seen the odd picture of Daniel Andrews where somebody has put him in an Adolf Hitler outfit and made him look like that, and I have heard the comparisons between Daniel Andrews’s and Adolf Hitler’s style of governing, being that there were times when Adolf Hitler, during the Second World War, made the community turn on the radio every night and actually listen to propaganda. I get that some people in the community felt that Daniel Andrews’s daily Dans could have been attributed as not dissimilar. Sometimes Daniel Andrews’s very heavy propaganda made them feel that that was not dissimilar to Adolf Hitler’s. I get it. I have heard those comparisons.

The ACTING PRESIDENT (Mr Bourman): Order! Dr Cumming, you are kind of straying off here. We know your thoughts on the Premier, but can you keep to the bill. I think you have made your point.

Dr CUMMING: Yes, that is fine. I feel like I am still on track. There were comparisons made, and I feel that the government at times made the direct comparisons back.

The ACTING PRESIDENT (Mr Bourman): Dr Cumming, I appreciate what you are saying. You made that comparison, but you are just straying off into other stuff, so can you just get back to it.

Dr CUMMING: Even though we are here talking about symbols today, I have heard so much talk about Neo-Nazis—not just the symbols but actually about Neo-Nazism—so I do not feel that I am straying off any track at the moment. I am describing the comparison that was made during the last two years of this pandemic. The government are hurt at feeling that they were being compared to Nazi Germany. But I also heard that from Daniel Andrews’s own mouth. I will quote Daniel Andrews for you.

Mr Melhem: He is the Premier of Victoria.

Dr CUMMING: He is the Premier of Victoria, Mr Daniel Andrews, and—

Mr Melhem: On a point of order, Acting President, I think it is tradition in this house that when members want to refer to other members they refer to them by their title, and I ask you to ask Dr Cumming to refer to the Premier as ‘Premier Andrews’.

Mr Ondarchie: On the point of order, Acting President, I hear what the honourable member says, but I will remind him that he, alongside his colleagues, often refers to the ‘Andrews Labor government’. If we are going to refer to the Premier by his right title, maybe they could cease doing that as well.

The ACTING PRESIDENT (Mr Bourman): If possible, I think it is convention that people say in this case ‘the Premier’ or ‘Mr Andrews’ or whatever. But bear in mind my previous ruling, unless this is to do with Nazi symbolism or something.

Dr CUMMING: Thank you, Acting President. I love interjections. I always seem to poke the bears in this place. I will call him Mr Andrews, but on the top of my search it says ‘Daniel Andrews, ALP’, so there we go. I will just quote Mr Andrews, or our Premier, and he has said:

... just imagine if over the last two years we had a pandemic response crafted by someone beholden to extremists, beholden to anti-vaxxers, beholden to Nazis and Neo-Nazis ...

It is in *Hansard*.

The ACTING PRESIDENT (Mr Bourman): That is okay, Dr Cumming. Keep on going. I have not stopped you yet.

Dr CUMMING: Great. I am just waiting to be stopped, but these are Mr Andrews’s, our Premier’s, words. He has said this. So it is not only that I have had to sit here for the last two years and listen to anyone who actually spoke about the pandemic response being called far right or a Nazi or a Neo-Nazi; I have got the Premier’s words here. Then there is another, and this is from the government as well. It says:

What our health professionals do not deserve is their elected officials standing out there pandering to anti-vaxxers and Nazis ...

This is the government. So I guess with this bill I wish there was a section not just about the symbols and banning symbols but actually banning the government and fining the government when they are talking about and whipping up Neo-Nazi and Nazi hate and are able to just generalise. When it serves their purpose they are able to throw that around the room at others. When they wish to, they are allowed to call people from the far right Nazis. They are allowed to call them Neo-Nazis. Sure enough, they are not coming in with a symbol or a flag, but they are able to say it, so where is their fine? I want them fined when they are actually generalising and being disparaging to the community when they use these words.

I will also bring to your attention others in the lower house that actually get offended, just like me in this place, when they are called a Nazi just because of their heritage, like me with my heritage. Here is one. It is David Southwick. He says:

The Minister for Health is referring to Neo-Nazis. I take offence when you talk about Neo-Nazis ...

...

... and someone starts referring to me and others as Neo-Nazis. I take offence at that by the Minister ...

This was on 1 December 2021. Throughout the pandemic bill there are numerous references to Neo-Nazis and Nazis. It is 17 November, if you want to look it up, kids. But within this place last year I do not know how many times it was thrown around this room. Sure enough it was not a flag. Sure enough you were not wearing a T-shirt—because of course the government would like to avoid their fine when they are throwing it around the room. But it would be great if there was a section in this bill that talked about members of Parliament when they are throwing around this kind of hate or getting their workers to go around and put swastikas on people’s corflutes. It would be great to educate your own parties in not going down that kind of path during an election, because I have had it numerous times, and others here have just watched it during the federal election.

Ms Symes: On a point of order, Acting President, in relation to relevance, I would also take issue with unfounded accusations against members of the government from the member during her contribution.

The ACTING PRESIDENT (Mr Bourman): Dr Cumming, I am giving you a lot of leeway. Can we move back to the swastika issue rather than the wider Neo-Nazi issue.

Dr CUMMING: Okay. Thank you, Acting President. I understand why the Attorney-General would actually take offence at Mr Andrews and what he has said in the lower house or the health minister—

The ACTING PRESIDENT (Mr Bourman): Order! Dr Cumming, there is no need to continue down that line. You are starting to reflect on my ruling.

Dr CUMMING: No problem, Acting President. We do not talk enough here in this place about far-left fascism or far-left racism or far-left extremism or about removing some of their symbols around communism and the like. We do not talk about it enough. We have a committee set up to talk about the far right, but where is the far left? Why isn't there that kind of fairness? How about—

Ms Symes: When was the last time they wanted to gas someone?

Dr CUMMING: Pardon me?

Ms Symes: When was the last time someone from the left wanted to gas someone?

Dr CUMMING: Did you say 'gas someone'? The Attorney just said, 'When has someone from the far left tried to gas someone?'. I would like a point of order on the Attorney.

The ACTING PRESIDENT (Mr Bourman): Order! Dr Cumming, first of all, the bill is very narrow. This is about the banning of the swastika. There is a lot of leeway to be given about religious things and even to a degree Neo-Nazi stuff and even to a very small degree about far-left extremism as well, but in the interests of staying relevant, can you just move on and keep your contribution limited to what we are actually here to discuss.

Dr CUMMING: I request that the Attorney withdraw her interjection of 'When was the last time the far left gassed someone?'. I am requesting that interjection be removed.

The ACTING PRESIDENT (Mr Bourman): Dr Cumming, there is no way I can force the Attorney-General to do that, because it does not actually fit any of the points of order on which I can ask for a retraction. You may not be happy with it, but I cannot make the Attorney-General retract it.

Dr CUMMING: Let the record show that the Attorney said, 'When was the last time someone from the far left gassed someone?'. That is the government—the Leader of the Government in the upper house.

Ms Symes interjected.

Dr CUMMING: Another interjection, Attorney? There you go. I would love for the government to be able to be fined for when they are throwing around their own hate speech, because we are here just talking about symbols today, because it is an easy get, but when we are actually talking around hate speech there are no fines involved. But this is an example. I have stood here and spoken about my own German heritage and some of the horrendous stuff that I have had against me, and I get to hear these kinds of interactions.

I guess this goes some of the way to actually stopping some of the hate that I have watched my whole life. I hope it goes some of the way to help the Jewish community, which feels a certain amount of hurt when these symbols are used, but also for the German community, who actually feel the same, same hurt when they are actually getting these symbols thrust and used against them. I think I will leave my contribution there.

Ms PATTEN (Northern Metropolitan)

Incorporated pursuant to order of Council of 7 September 2021:

I rise to make a contribution to this bill.

Earlier this parliamentary term, I introduced the Racial and Religious Tolerance Amendment Bill 2019—a bill to extend the application of the Racial and Religious Tolerance Act 2001 to vilification based on gender, disability or sexual orientation.

Vilification is public hate speech that threatens or incites hatred and violence against another person, or group of persons, based on who they are, not something they might have done. It is also behaviour that incites serious contempt, revulsion or severe ridicule.

Back in 2001 Victoria introduced laws to prevent vilification based on race and religion. My bill sought to extend those protections.

Ultimately, my bill was referred to a parliamentary inquiry.

That inquiry made favourable recommendations and received a positive government response, including that:

The government will carefully consider extending anti-vilification protections to additional groups of people, including all those groups protected from discrimination under the *Equal Opportunity Act 2010*.

I look forward to this reform and anticipate that it will flow in the next term of government. As Ms Shing outlined in her contribution, that work is progressing.

However, a very positive by-product of that inquiry was that the same committee also recommended prevention initiatives in the areas of school-based education, responsible media reporting, public awareness campaigns and the banning of the public display of Nazi symbolism.

It is that recommendation that we will see legislated today.

Other members of the house have already canvassed the atrocities of the Nazi regime, so I will not retrace those steps, other than to agree that the justification for this legislation is clear.

This bill introduces a new summary offence to prohibit the intentional public display of the Nazi symbol. It appropriately builds in protections to ensure that similar symbolism from the Hindu, Buddhist and Jain communities is not captured.

This is positive change for Victoria and I am glad that reason could play a part.

I commend the bill to the house.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (17:02): It is not the best way to end what have been really fantastic, thoughtful contributions in the debate from numerous members of Parliament across both chambers, but I would like to bring the positivity back to the importance of this bill and really reaffirm some comments that I made in relation to the announcement of this bill and the progression that we have made. You certainly have the privilege of doing some meaningful things in government and in this place, in the Parliament, and with this bill we are sending a clear, clear message of inclusiveness, tolerance and peace. We are also making history in Australia.

We are immensely proud of this landmark legislation to ban the public display of the Nazi hate symbol, the Hakenkreuz. We know that this is a symbol of antisemitism, hate and division. The message it sends is incredibly harmful and damaging to our whole community and in particular our Jewish community. This type of harm is completely unacceptable in a society that is proudly democratic, diverse, multicultural and multifaith.

We know that the swastika—a symbol of peace, love and acceptance—is an important symbol for members of the Buddhist, Hindu and Jain faith communities. It is a symbol commonly displayed in homes, temples and cars and on clothes—and Ms Vaghela went to this in her contribution with some experience. Thank you for your contribution, Ms Vaghela. The legislation makes clear that this symbol in particular will not be impacted. It is also supported by the fantastic preamble that is at the front of the bill. The bill, as we have heard, has specific exemptions for genuine religious or cultural use, and legislative examples, and that is important. We have a great opportunity to educate the community with this reform. The government will provide further support with a community education campaign

to raise awareness of the origins of the religious and cultural swastika and its distinction from the Nazi symbol.

In terms of the details of the offence, it is pretty straightforward. It will create an offence within the Summary Offences Act 1966 which prohibits a person from intentionally displaying a Nazi symbol in a public space if the person knows or reasonably ought to know that the Nazi symbol is a symbol associated with Nazi ideology. Specifically, the Hakenkreuz will be prohibited, or a symbol that very, very closely resembles it. Other symbols are not included. The offence includes various exemptions, including cultural and religious ones as well as those for academic, artistic, scientific and educational purposes, or for publishing a report, opposition to fascism or Nazism and administration of justice or law enforcement. Exemptions are really important in this bill because we want to ensure that further generations are informed of and acknowledge the atrocities of the past.

I want to just take the opportunity to respond to a matter that Mr Gordon Rich-Phillips asked me to address. He was wanting confirmation that re-enactments of historical events could continue to be undertaken in relation to this and not attract the offence under the bill. So historical events, plays, theatre, movies et cetera would fall under the exceptions of artistic purposes or perhaps education, depending on the specific nature of the performance or re-enactment. I want to make clear that this is not a loophole to allow Neo-Nazis or others to get together and put on a play and say that this is why they can display Nazi flags and the like. The exemptions when they are relied on are subject to a reasonableness and good faith standard. They consider the person's actual motive for engaging in the activity and whether the person engaging in it displays it with prudence, caution and diligence and took appropriate care to avoid harmful consequences.

The bill also of course will empower police to direct a person to remove a Nazi symbol from a private or public property. It will create an offence for not complying without reasonable excuse, and it will provide police search and seizure powers.

As a government we really want to do everything we can to stamp out hate and give it no room to grow. The Nazi hate symbol glorifies one of the most hateful ideologies in history. Its public display does nothing but cause further pain and division. Sadly, we have heard through contributions in the chambers, across both houses, that the use of this symbol has not been condemned to the history books. It is a practice that we know occurs, and we know that it continues to cause harm in appalling circumstances, particularly for our Jewish community.

I acknowledge calls from the Jewish community following incidents which occurred the day after this bill was introduced. I unfortunately was not surprised that that happened the day that we stood up and announced this legislation, and of course those calls of concern were about wanting to make sure that these laws came into effect as soon as possible. In response we have moved an amendment to include an earlier default commencement, of six months after royal assent. Six months will enable Victoria Police to provide guidance and training on the offence to police members and make necessary updates to their internal IT systems to take account of this new offence. It will also enable government to commence the development of a community education campaign on the origins of the symbol, something that we promised the Buddhist, Hindu and Jain faith communities. Once the bill is passed, in regard to a point that Mr Ondarchie asked me to confirm, royal assent will be at the earliest opportunity, so it is likely in the next two weeks and therefore the six months clock will start then. That means that we will see this bill come into effect hopefully this year, I think, if my maths is correct.

Further to Mr Ondarchie's contribution, he sought some more information in relation to the education campaign. As I have said, it is a fundamental aspect of this reform to educate our community about the origins of the religious and cultural swastika; its importance to the Buddhist, Hindu and Jain faith communities; and importantly, its distinction to the Hakenkreuz. Following close consultation with faith leaders from these communities, the government has committed to developing and implementing a community education campaign. It is intended to help prevent faith communities that display these symbols in public from being vilified. My department is working closely with the Department of

Families, Fairness and Housing to roll out funding, and we hope we will be able to make further announcements really soon on some specific programs. It will be certainly led by those communities. The exact details of the campaign will therefore be subject to further consultation with those communities. It will likely involve grants to these communities to roll out activities that they think would be best for their communities, and we as a government are there to support their ideas and support their initiatives as they see fit. It may include the development and delivery of information resources that can be used to raise awareness of the religious use of the symbol or just specific education campaigns.

The development of the bill in itself has been an educational opportunity for me and for others. I felt very fortunate to visit temples and learn from faith and community leaders about their concerns, and certainly the six-month delay of the commencement is something that these communities have really appreciated as well as the commitment to making sure that they are not going to suffer any blowback from confusion that some people in communities have. But we are well on our way to this education being more broadly accepted or there being a broader awareness of these issues just by virtue of having the debate about this bill and making the announcement.

I do want to commend those who have advocated for this critical reform over a really long time, including Daniel Aghion of the Jewish Community Council of Victoria, a thoroughly decent person who is here and has subjected himself to the entire debate today, and Dr Dvir Abramovich from the Anti-Defamation Commission, who also stood with me during the announcement. I want to thank him for his continued advocacy—this is a five-year campaign from Dr Abramovich. I think when I reflect on some of the words that have been said in the Parliament about just how much this reform means, if I can reflect on the announcement and some of the words from Dr Dvir Abramovich, it really hit home to me what this reform means. I was really proud to stand there, but I think when I read some of these words, there can be no doubt how important this is. He said:

For a Holocaust survivor, to see a Nazi swastika, graffitied or vandalised, it is as threatening as being faced with a gun. It tears a hole through their heart ...

He also said:

This is a day for the history books, this is an uplifting and triumphant moment for every Victorian and it's a thunderous blow to the solar plexus of the neo-Nazi movement here in Victoria who would love nothing more than to put people like myself in the gas chambers and who dream of an Australian Hitler and Fourth Reich ...

This is a day in which we honour the six million Jews exterminated by the Nazis and the millions of others, it's a day in which we honour the Holocaust survivors who made Victoria their home and pay tribute to the brave diggers who sacrificed their lives to defeat the Third Reich.

I found those some of the most compelling words I have ever heard. To say that I commend the advocates of this reform for standing up for the community and what is right is an understatement. I am so proud to be the vessel to introduce this legislation that brings about something that Dr Abramovich has been campaigning for for some time.

I did also want to quickly reflect on the work of the Legal and Social Issues Committee—a fantastic inquiry—and really thank them for their work and their bipartisan approach to suggesting that we do this and really setting the wheels in motion.

I want to thank all the stakeholders—Victoria Police, the Law Institute of Victoria, Victoria Legal Aid, the Victorian Equal Opportunity and Human Rights Commission, the Victorian Multicultural Commission, Aboriginal community representatives and peak bodies from the creative sector—but I particularly want to thank the core consultative group: the Jewish Community Council of Victoria, the Ark Centre, the Buddhist Council of Victoria, the Hindu Council of Australia and Melbourne Shwetambar Jain Sangh. Their guidance throughout this reform has been so valuable and has informed the balance that we struck, even when there was not agreement on everything of course. Not many bills have an educative preamble settled by a consultative group, and I think that is pretty special. It is a preamble that others have read out, so I will not repeat it, but I think it is fantastic and I think it is a

fitting way to end an important debate. I would encourage people to revisit it at their leisure. I think I will revisit it again and again in future years. I commend this bill to the house.

House divided on motion:

Ayes, 30

Atkinson, Mr	Hayes, Mr	Rich-Phillips, Mr
Bach, Dr	Kieu, Dr	Shing, Ms
Barton, Mr	Leane, Mr	Stitt, Ms
Bourman, Mr	Lovell, Ms	Symes, Ms
Burnett-Wake, Ms	Maxwell, Ms	Tarlamis, Mr
Crozier, Ms	Meddick, Mr	Taylor, Ms
Cumming, Dr	Melhem, Mr	Terpstra, Ms
Davis, Mr	Ondarchie, Mr	Tierney, Ms
Elasmar, Mr	Pulford, Ms	Vaghela, Ms
Erdogan, Mr	Ratnam, Dr	Watt, Ms

Noes, 1

Quilty, Mr

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (17:22)

Mr BOURMAN: Attorney-General, I have only got a couple of questions, and I think Mr Rich-Phillips may have covered off a couple of them, anyway. Living history and re-enactment groups are not intended to be covered under this legislation, correct?

Ms SYMES: Correct, Mr Bourman. In relation to re-enactments of historical events—plays, theatre, movies et cetera—there is an exemption that applies. The exemption has a reasonableness layer to it so that people cannot say that they are doing a play to get around it. You have to have good intent. You have to demonstrate that by engaging in the display you have acted with prudence, caution and diligence and taken appropriate care to avoid harmful consequences. In relation to some of the reflections of my summing up in terms of educative and artistic purposes, we have appropriate balances in place to make sure that people can still be informed about this part of history, because that is important, but as long as it is done in a way that has a good intention, a good purpose, and is not designed to cause offence.

Mr BOURMAN: Thank you, Attorney-General. That covers off all of that. There are also other times. When people are trading in memorabilia they also do so at gun shows and arms and military fairs, whatever they want to call them. Now, technically they are public places, because as a member of the public you can go into there. I just want to ensure that a display there will not be captured by this legislation.

Ms SYMES: Mr Bourman, I know that early on when we were discussing this bill you came to me and showed me pictures of weapons with little symbols and things on them, and that was very informative for us in relation to making sure that we crafted out the appropriate exemptions as to not capture every symbol that exists. This is designed to avoid causing offence to people. It only applies in public places, but it will apply to shops, markets et cetera that sell memorabilia. The onus will be on the seller, the vendor, to appropriately not display Nazi hate symbols. So if the Hakenkreuz is on a weapon, for example, it will have to be covered. They are tiny, I know—and you have shown me this—so a little sticker over them would be fine. For anybody who purchases that for a private collection or if that exists in a museum, for example, it could be displayed appropriately. But for the

purposes of sale, for the purposes of a public shop or a pop-up market, for example, of a memorabilia-type thing, care has to be taken to ensure that there is no public display of the Nazi hate symbol in that environment.

Mr BOURMAN: Thank you, Attorney-General. Getting down to the Waffenamt in particular, Attorney-General, I just want to unpack that a little bit. It is actually completely impractical to try and put on stickers. When I showed you the pictures of them, they were blown up to the point where you could actually see what they were, but in real life some of them are like 3 or 4 millimetres and they are tiny. I just want to say that with stuff like that, I think it is improbable to be done properly. There are also people who collect Nazi daggers and in some cases, say, captured flags. In some instances when an arms fair is held it is possible to see in from certain parts. It has been a while since we have had one, but I just want to make sure that people are doing the right thing in the circumstances and that we do not have someone wander past and suddenly decide they are offended when it is not actually anything except someone trying to sell something. I am trying to get that explanation, I think, into *Hansard*.

Ms SYMES: Mr Bourman, the purpose of the legislation is to ban the public display of the Nazi hate symbol that we know causes offence. It will extend to private properties and businesses where it is on public display, so flying a flag at someone's house will be covered because it will be public display. In relation to memorabilia and the trade, there is no prohibition on trade per se. Where it is a visible symbol, it needs to be appropriately covered for the purposes of public display, as I said, by any means, just so that it is not on public display. If somebody wanted a private inspection, that could be arranged as long as it was not in the view of the public. It is incumbent upon people that are engaged in this trade to ensure that they are not engaging in a behaviour that would be an obvious public display. Steps need to be taken to cover what is visible. I take your point. If you need a microscope to see it, then there is obviously no requirement to cover up something you cannot see, unless you are looking at it through a magnifying glass.

This is a contentious area. There are people that are concerned about the continued sale of memorabilia, but we have listened to stakeholders such as you in relation to this reform, and that is why the exemption is carved out in a way that has not at this point in time banned any of the sale of that. But it is something that we want to keep an eye on. As long as it is not causing harm, obviously we do not really have an issue with it, but it is something that has been thought through based on the examples that you have provided. I think the people that you have told me about, the people that are into historic artefacts and stuff, are not collecting this material to cause offence or cause harm. Their interest is in history and education and collections and things. We are not intending to catch those people up with this offence.

Mr BOURMAN: Thank you, Attorney-General. I know I am labouring a point, Attorney-General, and I thank you. It is just that I think when it comes down to the point of what a public place is, even though when there is a military affair it is indoors, it is still technically a public place. That is why I am kind of labouring the point. If someone is trying to sell a certain item, and even if no-one can walk through—without having to actually go into the room—I just want to make sure that they are covered for displaying their items when it is clearly not to advance the ideology, it is just to sell an item. I do not know if you want to make a comment on that.

Ms SYMES: They are covered. It would be a public display. There is no exemption for a shop, regardless of how dark their windows are, for example. It is incumbent upon somebody that wishes to sell something, if it is on public display, to ensure that any Nazi hate symbols that are visible be covered for the purposes of the sale, unless they want to arrange a private viewing.

Mr BOURMAN: Thank you, Attorney-General. I am just going to mull over that one. I am going to actually get to a couple of comments, one that you just made and one that Mr Erdogan made earlier, that it is not included at this stage that there will be a ban on the sale in the future of these things. Is there anything I should know? Is this on the government's radar?

Ms SYMES: I might just draw your attention to the second-reading speech, Mr Bourman, where we have certainly called out that it is a concern for some, that it is a sensitive topic and that:

The government acknowledges the harm which can be experienced through knowing Nazi memorabilia is being traded for profit, even where such items are not being publicly displayed. While the offence does not prohibit the public trade and sale of historical Nazi memorabilia, it will have some direct impact. In particular, for trade that does not fall within an exception—such as trade purely for commercial or personal reasons—traders will need to cover the Hakenkreuz or avoid trading altogether to avoid prosecution. This reflects the focus of the Bill on public display as the most significant harm.

Trade of Nazi memorabilia that is clearly educational or cultural in nature—such as the sale of an educational textbook on World War II which has a Hakenkreuz on the cover—will fall within the exceptions for display for a genuine educational or cultural purpose. The government will continue to consult with the Jewish community to monitor the impact of the offence on the trade of Nazi memorabilia, the impact of such trade more broadly and whether any further changes are required in the future, noting the difficulty posed in regulating online environments.

We just wanted to really call out that we know that for most of the stakeholders that you have identified—people that have a genuine historical interest and things like that—it is a genuine thing, but because it is not being covered by the bill, we just want to keep a close eye on it to make sure it is not used as an opportunity to continue to have any form of public display that causes offence. We just wanted to make sure that we acknowledged that. For some people it is quite confronting, the idea of memorabilia in this space, without a clear understanding of what we are talking about. I think it is good for the public debate to have this conversation to explain that when we are talking about memorabilia we are not talking about people that want to have a patch and then go out and walk around with it. There is a cohort of people that are interested in model aeroplanes and things that are direct depictions of a wartime event and the like. That is why we were trying to draw that out in the second-reading speech and have a conversation about making sure that those genuine practices can continue, but in no instance do we want any of those practices to be manipulated or used for an opportunity to cause offence.

Mr BOURMAN: Thank you, Attorney-General. It is actually funny you brought up the model aeroplane thing. The ban on tobacco advertising has actually affected model cars, where you cannot have—I do not know if we are even allowed to speak of it in this place—‘Marlboro’ of the Marlboro Holden Dealer Team written on the cars. This is going way off track, but I am assuming model aeroplanes are not going to be captured by this unless they have got a swastika that big on a plane. Will the regular model aeroplane be fairly safe from this, even if it is on public display?

Ms SYMES: Again, Mr Bourman, if it is on public display, there would be a requirement to cover the symbol, but in a private environment there is obviously no prohibition.

Mr BOURMAN: Thank you, Attorney-General. I think that is a little extreme, but I am not going to labour the point. The last thing I will say is the administration of this is going to be difficult, but the people who generally sell these things are dealers, whether they are arms dealers or whatever. Is the government going to embark on a campaign to make sure that the people that are actually selling these things—at a military affair or wherever—are suitably prewarned about the standards that are required rather than having to find out at the time? I am assuming there is going to be at least some leeway in the early days whilst they sort it out, but is the government going to commit to giving them a decent heads-up on what is and is not suitable?

Ms SYMES: I think the answer to that is that if we are made aware of a military affair then we can certainly make sure that we take steps to bring to their attention the requirements. To your point, I think as opposed to trying to get information out to all dealers, there is the capacity for police to request that a display be removed, and then the offence of failing to comply with that direction would kick in. If somebody has got a model aeroplane and it has not got a sticker on it, police will say, ‘Hey, that’s what you’re supposed to do’, and it would be an offence not to comply with that direction.

Mr QUILTY: I have got a few scribbled things here, so some of this might be disjointed. Committee question time is not my forte—but anyway. I am curious to see if you can clarify how we are proposing to recognise when the swastika is a symbol of love and purity and where we draw the line between that and when it is a symbol of hate.

Ms SYMES: Mr Quilty, I am a little confused by your question. Are you asking me to differentiate between two symbols? Is that what you are asking me to do?

Mr QUILTY: I am wondering, under this legislation, exactly where the line will be drawn.

Ms SYMES: I guess your question is best answered by the reason that we are having a delayed commencement of six months. The reports that I got from some of the Hindu community were that when somebody comes to their door and they see their swastika, they go, ‘Oh, hang on. Are you a Nazi?’, to which they say, ‘No, no, this is our symbol’, and explain the differences. And people go, ‘Oh, right’, and they get it pretty clearly. To me it is obvious; I have been educated about it. I think the education process and the community awareness process that will be largely driven by the Hindu community—to celebrate and remind people about what their symbol means versus a symbol that is horrible and designed to divide and cause offence particularly to the Jewish community—will make it a lot more obvious to those people that have not had the opportunity to be educated.

Mr QUILTY: This might be going out to a strange place, but do you not think there is a possibility that Neo-Nazis may propose they are putting a sign out there as an act of love?

The DEPUTY PRESIDENT: Are there any further questions?

Mr QUILTY: I take it the minister did not want to answer that question.

Mr Leane: It wasn’t a question, it was a comment.

Mr QUILTY: It was, ‘Do you not think?’.

The DEPUTY PRESIDENT: Mr Quilty, I think the Attorney took it as a comment, so would you like to rephrase your question?

Mr QUILTY: She did not wish to answer it. Will the legislation consider a cross with the arms bent at right angles in a counterclockwise direction to be a Nazi symbol?

Ms SYMES: Mr Quilty, a Hakenkreuz or something that closely resembles the Hakenkreuz that is on display that causes offence is going to be picked up by this legislation. I understand that a hand-drawn particular symbol may be open to interpretation, but in the instances that we are trying to prevent and that are the reason we are creating this offence, generally there are very few grey areas that we have come across at this point in time. If the symbol looks like a Hakenkreuz or closely resembles a Hakenkreuz, it will be caught by the offence unless there is a genuine excuse, a genuine reason. Police will be undertaking some training in relation to making sure that they are clear on the obvious differences, and in instances where it is questionable, if there is somebody that is responsible for the display, then appropriate questions would be asked.

Mr QUILTY: Thank you, Minister. Would the blue swastika that was used by the Finnish air force before and during the Second World War be caught up under this?

Ms SYMES: Mr Quilty, I am not familiar with that symbol being connected with Nazi ideology, which is the purpose of the bill in relation to banning of Nazi hate symbols. It is not intended to pick up other symbols.

Mr QUILTY: I will just labour that point, because obviously during the Second World War Finland fought both with the Germans and against the Germans. I feel like someone could make that link fairly easily, but you do not intend it to pick up that symbol?

Ms SYMES: Again, Mr Quilty, the ability to question people and ask what their motives are is an important feature of this legislation. It is not intended to capture symbols other than a specific Nazi hate symbol, the Hakenkreuz. Where there are any confusions, which again goes to the importance of an awareness education campaign and some training for police, then there can be appropriate conversations, and obviously further on from the police the DPP has a role in relation to appropriate charges in relation to these offences.

Mr QUILTY: Okay. Mr Bourman picked up my questions on models. There are computer games which are strategy simulations of World War II. Admittedly it is much less common these days to see a swastika or Hakenkreuz in the games, but does this legislation intend to pick that up?

Ms SYMES: In what?

Mr QUILTY: Is it intended to ban the use of these symbols in computer games?

Ms SYMES: We have not been able to have the legislation apply to the online environment, because it is just too difficult to enforce. Just picking up, I guess, on the themes of your questions, there is no intention to ban the symbol for the use of historical, artistic or educational purposes. So I guess, as I said, computer games are almost left out because of the online inability to enforce these offences. But if it is a game that reflects—the same as a movie—an era, then an exemption would apply if the online exemption did not apply anyway, unless it was a game that was designed to cause hate, and then I would have issues with it. I think one of the features that I have welcomed in recent times is the reporting from the media, for example, on the ban of the Hakenkreuz. A lot of the establishments either did not display the Nazi symbol or blurred it out a bit and that type of thing, and I think we will see more and more of that—not necessarily in the gaming industry, but it might be open to people to come up with other ways of demonstrating the historical facts while being conscious of the fact that it is a symbol that really causes harm to people. I have been really impressed with people trying to find that balance around communicating, educating and informing whilst being respectful of people's feelings.

Mr QUILTY: I note there does not seem to be a reasonable person test anywhere in the legislation, so who is the person who is reasonably likely to be offended—anyone, or the most poorly sighted, least informed, most politically motivated person?

Ms SYMES: I am sorry, Mr Quilty, can you bring me to the clause you are referring to?

Mr QUILTY: Not necessarily. The short answer is no. We are in clause 3 somewhere. Let us skip on. I might come back to that one. Is it a public display if someone has the symbol on the background of their phone and uses the phone in public?

Ms SYMES: Often as the case is with me responding to questions that are specific examples, it could be that if somebody has a picture on their phone that is in view of the public and is of a Nazi hate symbol, then yes, it could be captured by the legislation.

Mr QUILTY: Could it be considered a public display if the layout of a building was considered to resemble a swastika when viewed from above?

Ms SYMES: Mr Quilty, again, when there is a public display of a symbol and then we look to the exemptions, the whole purpose of this bill is to prohibit display that is predominantly about causing harm to others. A loosely resembled design of a building that can only be viewed from a hot air balloon is unlikely to be captured by the legislation unless there is a clear intent that somebody—like, a crop burning thing might. But again it would come back to what the motivation of the person was and whether they are covered by any exemptions. In relation to an unintended consequence of the design of a building, I think we are getting into some pretty unlikely events. But sure, if somebody designed a building that was deliberately aimed at a public display of this hate symbol, then it could possibly be captured. But an incidental resemblance would not meet the threshold of the legislation.

Mr QUILTY: Okay. The bill protects the use of the symbol in opposition to fascism, Nazism, Neo-Nazism or other related ideologies. Would displaying a Nazi symbol as part of a free speech demonstration be protected as opposition to fascism?

Ms SYMES: Mr Quilty, the public display of the symbol is something that we are seeking to ban. If somebody claims that it is for a particular purpose, they have got to fit into one of the exemptions, and claiming you are using it in a different way is not a way of avoiding this legislation.

Mr QUILTY: I note in the bill they have an explanation saying if it is displayed with some description saying that it is opposing fascism it is fine, so if you were to claim that limiting freedom of speech was fascist—

Ms SYMES: The simple answer, I suppose, is in a political sense it could potentially fall under that exemption, but again it would need to be balanced out with the motives and the like. It is a unique example that you are raising, and as I said, when we are crafting a law that is difficult to define every single example for, it is difficult for me to give you a definitive answer other than sometimes it might.

Mr QUILTY: I am interested in what ideologies are related to fascism and Neo-Nazism. Is socialism related to national socialism?

Ms SYMES: I will just get some advice.

Mr Quilty, I just want to go through this in a little bit of detail. I just want to refer to the sections, I think, Mr Quilty, because it will make the answers to your questions a little cleaner. In relation to the public display of Nazi symbols, if we go to new section 41K(2):

A person does not contravene subsection (1) if the person establishes that the display was engaged in reasonably and in good faith ...

for a variety of reasons. The topic that you are on is covered off by paragraph (d), and that is:

in opposition to fascism, Nazism, neo-Nazism or other related ideologies ...

And there are examples here:

A person who displays a flag of Nazi Germany with a marking through it to signal the person's opposition to Nazism.

A person participating in a protest who displays a Nazi symbol on a placard which also contains words stating opposition to fascism.

So if it is very clearly opposed to fascism, then that is an appropriate exemption that can apply. But I guess it is worth pointing out that the exception is not limited to opposition to Nazism and Neo-Nazism alone and includes other related ideologies. This acknowledges the fact that the Hakenkreuz is often used to promote a range of hateful ideologies, such as racism, for example.

Flipping your question a little bit, but in terms of the risks of fascism and other related ideologies and the exemption being used for dishonest purposes, through our consultations and drafting of the bill we believe that there is minimal risk that a potential offender may seek to dishonestly rely upon this exception to evade prosecution. This is because the exception requires the display to be engaged in reasonably and in good faith in opposition to fascism, Nazism, Neo-Nazism or other related ideologies. A display of Nazi symbols which pretends to be for this purpose would not satisfy the reasonable and good-faith requirements of the exemption and would be captured by the offence. This exception supports the right to freedom of expression and acknowledges the Hakenkreuz can be used to protest a broader range of ideologies rather than Nazism alone.

Mr QUILTY: I am not sure that completely answered my question, but I will leave that there for the moment. I raised in my speech the use of the Russian 'Z' symbol in the invasion of Ukraine and the use of a pair of Zs crossed by protesters against the war in Ukraine. Is that going to trip any issues?

Ms SYMES: Mr Quilty, we are going around a little bit in relation to the symbol that this legislation proposes to ban. It is confined to the Hakenkreuz.

Mr QUILTY: I only raise that one because as part of the process there is the belief that the Russians are now the Nazis in the war, and the symbol is drawn because it resembles a swastika. It will not be picked up?

Ms SYMES: Mr Quilty, I was just seeking assurances from the box that they have the same view of the question that you asked me as I do. I can repeat that this legislation is about banning the Hakenkreuz.

Mr QUILTY: So just to go back to ideology for a second, sometimes there is a dispute over who the fascists actually are. For example, if we go back to the Russian invasion of Ukraine again, Russia claims they are conducting denazification of Ukraine, so how do we know who the fascists are?

Ms SYMES: Mr Quilty, the bill is in relation to a pretty confined space, and it is about banning a symbol that causes a lot of pain and creating appropriate exemptions where appropriate. To me it is pretty clear when most of this will be applicable and when it will not be, and it is confined to the Nazi hate symbol, no other symbols at this point in time. There may be a future Parliament that wants to revisit and expand that, particularly if people pivot to new and emerging areas of division, intolerance and racism. This is a bill about a particular symbol, predominantly causing pain to the Jewish community, although I do acknowledge that it is a symbol that is being used against other marginalised groups as well. That has been a growing trend, which is another really good reason to bring about this offence, so that it stops the growth of that hate.

Mr QUILTY: All right. I did have another point there, but it has slipped out of my head, so I will move on. The exemption for a Nazi swastika tattoo—are we not concerned that this is going to encourage people to get tattoos that they can display publicly?

Ms SYMES: You are asking me for an opinion in relation to what people may or may not do. In relation to the non-applicability, I suppose, of tattoos, it was something that we looked at, but in balancing people's individual rights and the overlay of the human rights charter we fell on the side of not banning the tattooing of the symbol. I would put on record my discouragement of people acting in that way, but that is the balance that we have struck.

Mr QUILTY: I have general questions around genuine artistic expression. It seems to me like there are potential loopholes here as well. Could someone not argue that the use of the swastika to offend, provoke or agitate is part of a genuine artistic purpose? For example, we have seen artworks where symbols are used to provoke.

Ms SYMES: I acknowledge the area is difficult to define and difficult to be really express about, and that is often the case when we are talking about legislation that applies to people's rights. What I would say is that we thought it was important to have an exception for artistic purposes. We wanted that to be broad and include not only the creative aspect of art but associated commercial activities, such as intellectual property, marketing, promotion and distribution. It allows for the Nazi symbol to be displayed in public if the display is done reasonably and in good faith and is done genuinely for an artistic purpose. I would really hope that there is not motivation to use this as a loophole, but that is why we have the good faith and reasonable provisions in the bill. We know that artwork is always evolving. It is why it is important that any exception for artistic work not be too prescriptive. There will be genuine reasons, and as you have identified, perhaps people are interested in art for a variety of reasons. But again, it comes back to the purpose of this bill: is the motivation to cause offence and harm? It is incumbent upon people that do display, when they are seeking to rely on an exemption, that they have taken appropriate steps and care in considering any harm that the display could cause. So you have to balance the exception, and I acknowledge it is a broad exception, coming back to reasonableness and good faith. Of course there is a subjective element to that, but that will be a matter for the courts.

Mr QUILTY: This one might be my final question. Talking about art and also political depictions, a cartoon depicting a prominent political leader as a Nazi with a swastika—is that going to be banned under this?

Ms SYMES: More than likely, yes.

Mr RICH-PHILLIPS: Attorney, I would just like to follow up on some of the questions you had from Mr Bourman in the matter I raised in the second reading. In the answers to Mr Bourman, you referred to circumstances largely where items were displayed in private. I would like to ask specifically about public display of items, artefacts that have the symbol, and give the example, as I did in the second reading, of World War II vehicles, World War II aircraft. They are British, US and German, and they are marked accordingly with British, German and US markings. Typically they will be displayed at steam fairs, they will be displayed at car rallies, they will be displayed at air shows—public events where there are a lot of people. They are displayed for the purposes of displaying a vintage war-era vehicle, so they are not displayed with any political intent, and I just seek clarification or confirmation that that would be included under the cultural and educational exemption that is provided in the bill, assuming the standard criteria of ‘reasonably and in good faith’.

Ms SYMES: It depends on the purpose of the display. If the purpose of the display is for commercial and trade, then it would be considered a public display and therefore steps would have to be taken to cover up the symbol—say it is on the door of a car or something, for example. But if it is for the purposes of a display for educational or cultural reasons or educative purposes—even artistic purposes—then the exemption could apply. But again it comes back to the motivation that the person is seeking to rely on for an exemption for the public display. Again, it is hard to be clear cut in these things, but if it is purely for commercial purposes, you need to cover it. If it is for a display that is connected to, I guess, an outdoor museum event or something like that, for lack of probably a better example, an exemption may very well apply.

Mr RICH-PHILLIPS: Thank you, Attorney. Certainly not in a commercial context but more in the latter examples you gave, for a military vehicle that is German, that has got the Iron Cross, that has also got a swastika on it, if it is displayed at a car rally along with other military trucks and things like that, would that likely fall under the cultural and educational exemption?

Ms SYMES: Probably, I think, in the way that you have articulated that. Again, it comes down to if you seek to rely on an exemption and it is questioned, you would need to be looking at the motivation for engaging in the display—whether the person who engaged in the display acted with prudence, caution and diligence and took appropriate care to avoid harmful consequences. With the way you have described it in a historical display, there is an exemption that could potentially apply unless it was a display that was designed to cause offence. So you have got to look at the motivations of the people that are having it on public display, and I think taking steps to advise people about the purposes of it and the like as opposed to a rally about Nazi memorabilia—‘Come and have a look’. There would be a few factors that people would have to take into consideration, but a genuine, good-faith display of a vintage car could very well be fine under an exemption if it were not for sale for a trade purpose.

Clause agreed to; clauses 2 to 4 agreed to.

Reported to house without amendment.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (18:11): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (18:11): I move:

That the bill be now read a third time.

The PRESIDENT: The question is:

That the bill be now read a third time and do pass.

House divided on question:

Ayes, 31

Atkinson, Mr	Hayes, Mr	Rich-Phillips, Mr
Bach, Dr	Kieu, Dr	Shing, Ms
Barton, Mr	Leane, Mr	Stitt, Ms
Bath, Ms	Lovell, Ms	Symes, Ms
Bourman, Mr	Maxwell, Ms	Tarlamis, Mr
Burnett-Wake, Ms	Meddick, Mr	Taylor, Ms
Crozier, Ms	Melhem, Mr	Terpstra, Ms
Cumming, Dr	Ondarchie, Mr	Tierney, Ms
Davis, Mr	Pulford, Ms	Vaghela, Ms
Elasmar, Mr	Ratnam, Dr	Watt, Ms
Erdogan, Mr		

Noes, 1

Quilty, Mr

Question agreed to.**Read third time.**

The PRESIDENT: Pursuant to standing order 14.27, 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**

Ms TAYLOR (Southern Metropolitan) (18:18): I move:

That the consideration of order of the day, government business, 2, be postponed until later this day.

Motion agreed to.**Bills****CASINO AND LIQUOR LEGISLATION AMENDMENT BILL 2022***Second reading***Debate resumed on motion of Mr LEANE:**

That the bill be now read a second time.

Mr ONDARCHIE (Northern Metropolitan) (18:19): I rise to speak this evening on the Casino and Liquor Legislation Amendment Bill 2022. I can commence by indicating that the Liberal-Nationals coalition will not be opposing this legislation. The Liberal-Nationals coalition under the leadership of Matthew Guy has given its full support to the recommendations of the Royal Commission into the Casino Operator and Licence. The government keeps implementing a new recommendation every few months, so I suspect, if we do the maths, by the end of 2022—

Members interjecting.

The PRESIDENT: I cannot hear you, Mr Ondarchie. Please, members.

Mr ONDARCHIE: The government keep implementing a new recommendation every few months, so probably by the end of 2025 they might finally implement all of the 33 recommendations from the royal commission, but I will not be holding my breath. This would be comical if the issue was not so serious, but this government think that by putting off the full suite of recommendations Victorians will forget that they are at fault. The system was left to rot under this government. If the bill is passed today or in ensuing days, they will have 22 outstanding recommendations out of a possible 33, so effectively the government to date only support 33 per cent of the royal commission's recommendations. I certainly hope that the government use the winter break to sit down and get on with this, because it is a very important issue. When you have a royal commissioner's words that are so strong in their criticism, the government should be acting at lightning speed. Commissioner Ray Finkelstein stated:

The board were either lacking curiosity or were "asleep at the wheel". Senior executives were "indifferent to their ethical, moral and ... legal obligations". Internal and external lawyers neglected to keep Crown focused on its need to remain of good repute "having regard to its 'character, honesty, and integrity'".

The *Sydney Morning Herald* stated on its front page: 'Disgraceful, illegal, dishonest, unethical, exploitative, alarming'.

The purpose of this bill is to amend the Casino Control Act 1991, the Gambling Regulation Act 2003, the Liquor Control Reform Act 1998 and the Victorian Gambling Casino Control Commission Act 2011. Further, the bill makes arrangements for the gambling and casino regulator, the Victorian Gambling and Casino Control Commission, the VGCCC, and implements the government's decision to separate gambling and liquor regulation by establishing a new regulator for liquor, the Victorian Liquor Commission, the VLC, and these amendments in this bill will transfer all aspects of liquor regulation which are currently under the VGCCC to the VLC.

This is the second bill incorporating recommendations of the Royal Commission into the Casino Operator and Licence. The commission was established to inquire into and report on the suitability of Crown Melbourne to hold its casino licence. This was preceded by the New South Wales Bergin inquiry, which found (a) Crown Melbourne facilitated millions of dollars to be laundered through a bank account of its subsidiary and (b) Crown Melbourne allowed operators with links to organised crime to arrange for junket players to gamble at the casino. Commissioner Ray Finkelstein AO, QC, handed down his final report on 15 October 2021. He made 33 recommendations. The commissioner stated:

... for many years Crown Melbourne had engaged in conduct that is, in a word, disgraceful. This is a convenient shorthand for describing conduct that was variously illegal, dishonest, unethical and exploitative.

Despite finding that Crown was unsuitable to hold a casino licence, the commissioner stopped short of recommending the licence be torn up. In coming to his final recommendation he pointed to the risk that the cancellation of Crown Melbourne's licence would cause considerable harm to the Victorian economy and innocent third parties and losses of jobs. The government has given in-principle support to the remaining 24 recommendations after this first tranche of legislation. There are now 22 outstanding recommendations yet to be legislated, and as this amendment bill seeks to address just two of the royal commission's 33 recommendations, we still have a fair way to go.

Recommendation 17 is about the function of inspectors. The commissioner recommended that inspectors be given the functions to ascertain whether money laundering or loansharking are taking place and whether illicit drugs are being sold; to make an exclusion order, where appropriate; to withdraw a person's licence to remain on the casino premises; and any other functions prescribed by regulation. Recommendation 18, the second of the recommendations in this bill, is about the powers of inspectors. The commissioner also recommended that inspectors have free and unfettered access to all parts of the casino, all the surveillance equipment used by the casino operator and all the books and

records of the casino. He further recommended that interference with respect to the performance of their functions is to be a strict liability offence which should carry a significant penalty.

There are many provisions in the bill today. Clause 3 inserts definitions of ‘illicit drug’, ‘loansharking’, ‘money laundering’ and ‘reportable conduct’ to support inspector reporting obligations. Clause 4 amends the Casino Control Act to allow disciplinary action to be taken for a single breach of the responsible gambling code of conduct. Clause 6 provides the VGCCC with enforceable undertaking powers similar to other regimes, including seeking court orders. Clause 8 requires inspectors to report to the VGCCC certain conduct they believe they observe within the casino, in line with the royal commission recommendations. Clause 9 inserts new sections to give inspectors greater access to the casino. On that, I have amendments to the bill, and I ask now that those amendments are circulated.

Opposition amendments circulated by Mr ONDARCHIE pursuant to standing orders.

Mr ONDARCHIE: Those amendments, which I will talk to further in committee, are essentially about clause 9 of the bill, where it talks about inspectors being able to look at the CCTV but only by asking for that in writing. I am looking to take out the bit about ‘in writing’ to give them unfettered access to the CCTV without any restrictions, and I will talk more about that in the committee stage of this bill.

Clauses 11 to 16, 37 to 43 and 45 to 62 amend the Gambling Regulation Act 2003 to reflect the separation between gambling and liquor regulation, as I have talked to earlier in my contribution. Clause 22 inserts new parts into the Liquor Control Reform Act 1998 to establish the new liquor regulator, the Victorian Liquor Commission, the VLC, which will include largely duplicating the Victorian Gambling and Casino Control Commission Act 2011, apart from the gambling-related provisions in that act. Clause 25 allows for the continuity of existing permits, demerit points, notices et cetera that are issued or recorded before commencement of a new regulator. Clause 31 provides for new ministerial directions relating to the VGCCC—however, not relating to operational matters. Clauses 33 to 34 provide new objectives for the VGCCC relating to harm minimisation. Clause 36 provides eligibility criteria for commissioner appointments. Clause 44 inserts certain non-delegable functions to the Casino Control Act 1991.

This bill implements some of the royal commission’s recommendations. We have sought feedback from a range of people, and I congratulate Shadow Minister for Gaming and Liquor Regulation Steph Ryan for her work in leading the coalition on this decision we are taking today. We have sought some feedback from Crown Casino, the Australian Hotels Association, Clubs Victoria, the Law Institute of Victoria, the Alliance for Gambling Reform and other places, and to date no great concerns have been raised with this.

We have given our support to the royal commission’s recommendations. Improving the powers and functions of inspectors is a good thing, but the value that we will get out of the government’s changes to the VGCCC are yet to be seen. However, I would say to you, like a lot of legislation that comes before this place, the issues only start once they leave this chamber. I hope the government can be proactive and transparent around the value of how these changes work in application, because the last thing we need and the last thing we should be doing is coming back in two years implementing more changes because the Labor government in 2022 failed to do their job properly. I remind the house that should this bill pass, the government will still have 22 recommendations out of a possible 33 to do. This is a government that came out beating its chest saying it supported the royal commission’s recommendations—all 33 parts—and here we are, such a long time on, and we have still got 22 more to tick off. Something does not sound right here. Something tells me there is something happening between the government and the casino operator. But we will find out more about that through things like IBAC, I suspect. The opposition will not be opposing this legislation.

Business interrupted pursuant to sessional orders.

Ms TIERNEY: I move:

That the meal break be suspended.

Motion agreed to.

Ms TERPSTRA (Eastern Metropolitan) (18:29): I rise to make a contribution on the Casino and Liquor Legislation Amendment Bill 2022, and in doing so I would like to highlight for the house that this bill is the next stage of the Andrews Labor government's overhaul of the gambling regulations following the Royal Commission into the Casino Operator and Licence.

At the end of last year the Andrews Labor government established the Victorian Gambling and Casino Control Commission as a standalone gambling regulator to focus on holding the industry to the highest of standards. This bill will finalise the governance structure of the commission and respond to further recommendations of the royal commission with enhanced powers and functions, including giving casino inspectors greater access to surveillance equipment and casino records and requiring casino employees to assist inspectors to access and operate surveillance equipment to monitor all activity on the gaming floor. This bill will also protect Victorians from gambling-related harm by embedding this as part of the commission's core functions, mandating that this shapes every decision that it makes. Liquor regulation will be transferred to a new liquor regulator within the Department of Justice and Community Safety, allowing the commission to focus solely on regulating the casino and gambling industries. The bill contains measures to ensure continuity in the transition to the new regulator, ensuring there is no disruption to regulatory activity and giving businesses the certainty that they need.

The royal commission handed down its final report in October last year, and the government responded to that report in record time. We legislated the commission's nine priority recommendations through the Casino and Gambling Legislation Amendment Act 2021 in December last year. This set up the framework necessary to start holding Crown to account, including establishing the role of the special manager. Stephen O'Bryan QC, Victoria's first IBAC Commissioner, has been appointed to the role, overseeing every single aspect of casino operations and reporting on its suitability to hold a licence over the next two years. Make no mistake, unless Crown can demonstrate to the regulator that it has become suitable, the licence will be automatically cancelled.

The legislation also dismantled the sweetheart deal put in place by the previous Liberal government which made Crown untouchable. This arrangement meant that Crown would be entitled to compensation for any changes to rules governing its operations, so if any rules were changed they would be entitled to compensation. The royal commission was highly critical of this deal, which only served to shield Crown from accountability. Abolishing it has paved the way for our reform program to restore integrity to Victoria's casino. The legislation also increased the maximum penalty Crown could face from \$1 million to \$100 million, above and beyond what the royal commission recommended, and empowered the regulator to act directly on the royal commission's findings. We have accepted the remaining recommendations in principle and will bring further legislation to Parliament this year to address these, ensuring the injustice uncovered by the royal commission can never happen again.

Just in terms of the former regulator, this former regulator was established by the previous Liberal government and its merged model of gaming and liquor regulation, and this model was not fit for purpose. We are completely overhauling how we regulate gambling in Victoria, as I said, with a dedicated new regulator, the Victorian Gambling and Casino Control Commission. The new commission has oversight of all gambling and gaming activities within Victoria from pokies through to the casino, with its core business also focused on protecting Victorians from gambling-related harm. Led by the inaugural chair and CEO, Fran Thorn and Annette Kimmitt, the commission has wasted no time holding Crown to account. Since commencing on 1 January 2022 it has already taken disciplinary action against Crown, imposing an \$80 million fine for the China UnionPay process, which was uncovered by the royal commission. This is one of the largest fines imposed on a casino anywhere in the world. It has also been conducting a thorough investigation of unpaid casino tax,

having already uncovered \$61 million from Crown, responding directly to findings of the royal commission. And it has also signed a new memorandum of understanding with the federal anti-money-laundering authority, protecting Victorians from serious financial crime. So this government has wasted no time in getting on with implementing not only the recommendations of the royal commission but also the reforms necessary to support those recommendations.

So in terms of harm minimisation the Andrews Labor government is doing more to tackle problem gambling and the harm it creates than any government has before, and this bill is testament to that. This bill will enshrine harm minimisation as the guiding principle of how we regulate gambling and protect Victorians from associated harms by embedding this as a key objective. The commission does not currently have legislative objectives which guide how it regulates gambling. The bill will insert new objectives into the Victorian Gambling and Casino Control Commission Act 2011 to legally oblige the regulator to have regard to minimising gambling harm in its decision-making. Specifically, it will make minimising gambling-related harm part of the commission's core business by requiring the commission to consider this in each and every decision that it makes. These reforms build on our strong record of tackling gambling-related harm, including increasing funding to the Victorian Responsible Gambling Foundation to \$153 million over four years. This is the largest commitment to addressing problem gambling in Australian history. Labor introduced YourPlay, which is the nation's first statewide precommitment scheme, and tightened restrictions on how much and where gamblers can access money in venues. Only a Labor government can be trusted to ensure we have the most comprehensive harm-minimisation measures across the country and will work with responsible venues and the people that they employ.

I could go on. There is much more I could say in regard to this bill, but I know that there will be perhaps others who may want to make some commentary on this. I will just finish on perhaps this aspect in regard to the bill and in regard to inspectors' powers before I conclude my remarks: the bill will also introduce mandatory reporting requirements for casino inspectors who observe or suspect criminal activities, specifically money laundering, loansharking or the sale of illicit drugs. The commission must refer any such report to the agency responsible, whether that be law enforcement or the federal anti-money-laundering agency, AUSTRAC. The bill will also enhance inspectors' powers, with increased access to surveillance equipment, books, records or documents at the casino. These were recommendations of the Royal Commission into the Casino Operator and Licence, which identified consistent failures on the part of the casino operator to use its surveillance equipment to detect money laundering and other crime. These measures will give inspectors the powers that they need to do their job and to assist law enforcement to do theirs.

I will conclude my remarks there and say again that the government is wasting no time in getting on with implementing these very important reforms. We have listened very carefully and taken heed of the recommendations of the royal commission, and we are acting on implementing those reforms. I commend this bill to the house.

Mr HAYES (Southern Metropolitan) (18:37): Thank you for the opportunity to speak to the Casino and Liquor Legislation Amendment Bill 2022. This bill looks like a step in the right direction after the most appalling revelations from the Crown royal commission in Victoria, an inquiry which revealed systemic failure; criminal behaviour, including fraud and money laundering; and the facilitating of organised crime. What is extraordinary is that it took so long for these investigations to be completed. The regulator said that Crown Casino went to some lengths to keep the scheme secret and itself devised a scheme allowing foreign punters to transfer illegal money out of China. How have successive governments and their regulators turned a blind eye to this for so long? It was only exposed when another state undertook an inquiry. It is a bit embarrassing for the government that the New South Wales inquiry had to do the Victorian Commission for Gambling and Liquor Regulation's job. The Victorian government was quite happy to take the money from the industry and keep quiet.

We all know that gambling attracts big money, and we know that big money can be associated with money laundering, loansharking and the sale of illicit drugs. We know that it is prone to backroom

influence and questionable donations, so it is plainly obvious that the gambling industry needs responsible oversight to stop corruption. So I welcome the establishment of the Victorian Gambling and Casino Control Commission in legislation and the implementation of the recommendations from the Royal Commission into the Casino Operator and Licence. It is a huge step forward.

While welcoming what the government has done here, I do question why Crown Casino has yielded such unprecedented power over the government for such a long time. I do support this bill and its work to start cleaning up this mess. The innumerable breaches by Crown Casino which enabled outright illegal and corrupt activity must be stopped. To be a company of this stature and to have participated in such devious and questionable behaviour is of great concern. Is it possible for a company that hides cash in shoeboxes, cardboard boxes and plastic bags for counterfeit money laundering able to be a trusted company again? It will require much higher standards of scrutiny from the government to properly regulate the casino and hold Crown accountable and hopefully this time beyond reproach. Crown says they are going to clean up their act and fix these systemic issues, but of course they are going to say that when there are billions of dollars at stake. Actions speak louder than words. I look forward to seeing real change, real oversight and a government that regulates this industry with initiative and with integrity.

Ms MAXWELL (Northern Victoria) (18:41): I rise to speak on the Casino and Liquor Legislation Amendment Bill 2022. This bill is the next stage of the Victorian government's response to the 2021 Royal Commission into the Casino Operator and Licence, which includes changes to the regulation of gambling in Victoria. I would like to make some general comments on the findings of the royal commission and the sad fact that there needed to be one in the first place.

Casinos are certainly big business. Gambling taxes are around the fifth-highest source of revenue for the state. The casino is one of the largest employers and a major tourist drawcard. For many people, gambling is a bit of fun—you have a bit of a flutter. Sometimes you win, but plenty lose. Casinos are associated with notions of glitz and glamour. They have been successfully marketed that way—think of James Bond in *Casino Royale*, the playgrounds of Monte Carlo, the lights of Las Vegas. Casinos cater for the wealthy. They appear a bit elitist, and they can be utterly tempting to those aspiring to quick riches.

The other thing that casinos have long, long been associated with is crime. We are not talking about small-time crime either, but serious organised crime. Organised crime costs Australia up to \$60 billion every year—\$60 billion per year. When I brought my motion on illicit tobacco for debate in September 2021, I spoke about the links between proceeds of organised crime and child sexual exploitation, human trafficking, firearm offences and general violence. Organised crime and money laundering are explicitly linked, and the dark underbelly of casinos includes money laundering on an epic scale, loansharking, junkets and drug dealing.

Crown was found to have blatantly ignored directives about criminal associations and a multitude of shady practices that occurred in plain sight over many years. The royal commission that was finally initiated after media exposés and the Bergin inquiry cost \$5 million, and the government will now spend millions in funding reforms that respond to the recommendations. Nothing seems to have occurred at Crown for many, many years, and reports made up the chain by inspectors simply disappeared into oblivion. They said that over time their roles were undermined, funding was reduced, responsibilities were diverted and audits were either irregular or completely absent.

The harms from problem gambling were also well documented by the royal commission and include family violence, forced prostitution, debt, poverty and suicide. It noted that the prevalence of people who experience problem gambling at the Melbourne casino may be three times higher compared to all Victorian adults who gamble. On average there may be somewhere in the vicinity of 462 problem gamblers at the casino at any one time, yet on an average day there were only around four interactions in response. Many of these concerns were raised with Crown by the regulator, and in its sixth review the regulator noted that Crown Melbourne's approach to responsible gambling had not changed since

the review five years earlier. One of the examples that the commissioner noted as ‘horrific’ was a problem gambler who would regularly go home and assault his wife, blaming her for his bad luck and ultimately forcing her into sex work to repay his gambling debts.

The cost of problem gambling is not just personal, it costs this state financially. So while gambling taxes deliver \$2 billion every year to the state’s coffers, problem gambling costs \$100 million in crime and to the justice system, \$1.6 billion in terms of emotional and psychological issues, \$2.2 billion in relation to family and relationship problems and \$600 million in lost productivity and other related costs.

We support this bill and ongoing efforts to return to effective oversight of Melbourne’s casino and to wipe out the criminal activity associated with it. The merging of gambling and liquor regulation was described by the minister as a failed experiment, and federal MP Andrew Wilkie described the Victorian gambling regulator as ‘a lapdog, not a watchdog’. So with the starting point that low, the only way from here is up. The separation of liquor and gambling regulation will only be a success if the new regulators are well funded and given the powers for effective oversight and the capacity to ensure the casino complies. This is effectively early intervention, something I talk about all the time in this place. We have so many debates in this Parliament about IBAC and royal commissions, which deal with problems at the crisis end, once the damage has been done. In this instance if the regulator had been effective, as it should have been, there possibly would not have been the need for a royal commission. We need to ensure effective responses early across all our systems, because if we do not, we can see the ultimate cost—the economic cost, the personal cost—will far outweigh the revenue or any other benefit that one might espouse about having a casino in the first place.

Dr RATNAM (Northern Metropolitan) (18:47): I am pleased to rise to make some brief comments on behalf of the Greens on the Casino and Liquor Legislation Amendment Bill 2022. This bill is formally separating the two functions of the old Victorian Commission for Gambling and Liquor Regulation (VCGLR). It transfers the liquor regulation functions to the new Victorian Liquor Commission and further establishes the gambling regulation function in the Victorian Gambling and Casino Control Commission. The bill also amends the operation and functions of the VGCCC, including a new statutory objective for the commission to minimise gambling harm and problem gambling and a new function to undertake activities to minimise gambling harm. The Greens are pleased to see harm minimisation explicitly stated as a key objective and function of the new regulator. We are glad to see the government appears to be taking the recommendations from the royal commission seriously and is setting the regulator up to take a more active role in reducing and preventing gambling harm in Victoria.

The Greens have been calling for a complete overhaul of the regulator for years. In 2017 one of the very first things I did in this chamber was to move to refer the VCGLR to an inquiry. The inquiry would have considered the effectiveness of the regulator, its ability to carry out its functions and its ability to protect the Victorian community from the harms associated with the misuse and abuse of gambling, but my referral was voted down by both sides of this chamber. Over the next four years we repeatedly saw evidence of wrongdoing at the casino and the complete inability of the regulator to take any action in response. Whether it was handing out special chips that allowed pokies to run in autoplay mode, deliberately underpaying casino tax or turning a blind eye to money laundering and other criminal activity within the casino, the regulator did nothing. The VCGLR’s track record showed it had been unable or unwilling to prevent Crown from engaging in what Commissioner Finkelstein described as ‘variously illegal, dishonest, unethical and exploitative’.

Promisingly, there are signs of change. The new VGCCC recently issued a record \$80 million fine to Crown Casino over the illegal practice of accepting Chinese bank cards at the casino premises. This is the first time an increased penalty has been issued since the maximum penalty was increased to \$100 million from the previous paltry \$1 million. As we pointed out at the time, a maximum fine of \$1 million is loose change for a gambling behemoth like Crown, so we are pleased to see this reformed regulator showing they are willing to use their expanded powers as intended to ensure the casino

operator actually faces the consequences of its actions. We are hopeful this trend continues and that the regulator utilises some of the new enforcement powers in this bill—like, for example, the ability to initiate disciplinary action for a single breach of the responsible gambling code of conduct instead of only after multiple breaches in the current system, which I wonder was ever used.

They have a big job ahead of them. International private equity giant Blackstone is preparing to take over Crown Resorts at the massive cost of \$8.9 billion. It is not hard to see how we may be about to step out of the frying pan into the fire, as the Victorian casino is about to be folded into a multinational with an enormous casino portfolio. Blackstone owns the MGM Grand, Mandalay Bay and Bellagio casinos in Las Vegas and, through one of its subsidiaries, a massive 147 casinos across Spain, Italy and Latin America. The VGCCC will need to have both the teeth and the guts to stand up to this mega international firm and to ensure it plays by the local rules for casino management. And the government should be coming clean with the Victorian people about any discussion it has been having with Blackstone over the regulations that will govern the casino into the future.

We are looking forward to seeing the promised legislation that will implement the remaining outstanding recommendations of the royal commission, particularly the recommendations that relate to harm minimisation. Legislating recommendations like mandatory precommitment would be a major piece of gambling reform and would do a lot to reduce harm at the casino. I was very pleased earlier this year to hear the government promise to implement the mandatory precommitment recommendation in full, but going further than the recommendations, like the government did with the previous piece of legislation that implemented the Crown royal commission recommendations, would be game changing—like applying the precommitment recommendation to every gaming venue in the state, not just the casino, or like introducing dollar bet limits for all electronic gaming machines.

With just four sitting weeks left in the 59th Parliament the promised bill is a real opportunity for this government to show the Victorian people that it is serious about gambling reform and that it is willing to take a stand against the gambling industry and introduce real harm minimisation measures at the Victorian casino. The Greens are looking forward to working with the government on this legislation and pushing them further and faster on gambling reform.

Ms TAYLOR (Southern Metropolitan) (18:53): I move:

That the bill be adjourned until the next day of meeting.

Motion agreed to and debate adjourned until next day of meeting.

Adjournment

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (18:54): I move:

That the house do now adjourn.

E-CIGARETTES

Mr ONDARCHIE (Northern Metropolitan) (18:54): (1986) My adjournment matter this evening is for the Minister for Police. Parents in Melbourne's north are worried about their children having access to e-cigarettes. They feel let down by the Andrews Labor government, which has done nothing to crack down on the illegal selling of e-cigarettes to children, posing a greater risk to the health and wellbeing of younger people. Children as young as 12 years old have no idea they are being exposed to highly toxic, addictive and harmful chemicals in e-cigarettes, with potentially deadly long-term health effects. It is clear that vaping has become common in use, even more concerningly amongst children, and it is imperative that we do not become complacent in regulating e-cigarette products.

The action I seek from the minister is for the government to commit to extra police resources in Melbourne's north to monitor and restrict the selling of vapes to children. Parents of children in

Melbourne's north are crying out for action to prevent children and adolescents from purchasing and using e-cigarettes. We need to keep our children safe.

AGED CARE

Ms MAXWELL (Northern Victoria) (18:55): (1987) My adjournment is to the Minister for Disability, Ageing and Carers, and the action I seek again is for the minister to detail how training in practice is being strengthened in state-managed aged-care homes in response to the sexual assault and abuse of residents. On 28 October last year I raised an important adjournment matter concerning reports that abuse of residents by staff who commit a sexual assault could possibly be classified as non-urgent. This adjournment is still to be answered.

On 14 June, the day before World Elder Abuse Awareness Day, the campaign called #ReadyToListen was launched for 2022. Ready to Listen is aimed at building the skills and capacity of residential aged-care service providers so that they can better respond to and prevent sexual assault in residential aged-care settings. Maria Berry, from the Older Persons Advocacy Network, is a loud and proud advocate for the rights and needs of older people in our communities. OPAN is one of the leaders of the Ready to Listen project in partnership with Celebrate Ageing and the Older Women's Network in New South Wales.

The statistic that 50 sexual assaults occur in residential aged care in Australia every week is horrifying. The fact that little has improved since the royal commission continues the assessment of this issue as a source of national shame—and I am ashamed of this statistic for our older people. I am angry, and I fear for those who are vulnerable in settings where they deserve nothing but compassion, respect and safety.

When I raised this issue in October last year, I noted a KPMG study of 2019 found that almost 60 per cent of aged care staff considered a sexual assault survivor had experienced no physical or psychological impact after being raped or sexually assaulted. In one-third of cases incidents were resolved without any formal intervention. The serious incident response scheme came into effect in April 2021 and requires every residential aged care service to have in place an effective incident management system for eight types of reportable incidents. This includes the use of unreasonable force, unlawful or inappropriate sexual contact and psychological or emotional abuse. It concerns me that the regulator asks staff to determine the impact on the victim and whether there are reasonable grounds to report an incident to police. This could mean that if staff deemed it to have no impact sexual assault might not be reported for 30 days or reported to police at all.

Victoria's public health system is the largest provider of public sector residential aged care in the nation, and nearly 90 per cent are in regional and areas. As a leading provider the state government should be a model provider in leading the way and providing quality care that ensures the safety of residents. That includes ensuring that protective measures are in place to minimise the risk of sexual abuse and ensuring appropriate trauma-informed responses are there when required.

GOULBURN VALLEY HEALTH

Ms LOVELL (Northern Victoria) (18:58): (1988) My adjournment matter is for the Minister for Health, and it concerns critical staff shortages at Goulburn Valley Health in Shepparton. The action that I seek is for the minister to work with the new federal government to ensure the funding of \$19.5 million that was committed by the former federal coalition government to construct the \$26.5 million clinical health school in Shepparton is allocated by the federal Labor government and for the minister to commit the remaining funding of \$7 million so this critical project is built to help address the severe staff shortages currently being experienced at Goulburn Valley Health.

Sadly each new day delivers yet another example of the current broken state of Victoria's health system, which is failing to deliver adequate health care under Daniel Andrews and his government. Ageing infrastructure, the breakdown of the 000 system, constant ambulance ramping, elective surgery

waiting list blowouts, code reds and code yellows—the problems are endless. The emergency departments are being so overwhelmed that some hospitals have even been unable to physically accept any more patients. Under trying conditions our dedicated healthcare professionals are working as hard as they can and are also dealing with dramatic staff shortages across most of our health facilities.

One health service currently experiencing critical staff shortages is Goulburn Valley Health, which has a primary patient catchment of approximately 120 000 people. Like many hospitals around Victoria, GV Health is operating under code yellow status due to critical staff shortages, meaning the service has been unable to meet patient demand. Recent data shows that GV Health currently has vacancies of 80 FTE doctors at the registrar, intern and house medical officer levels, as well as 110 FTE nursing positions. These are not absences due to illness, these are actually vacant positions at the moment. That means that people filling in for people who are sick are working harder than ever before, because they are also covering for shortages of staff. In addition it was recently revealed that the hospital will require an additional 360 nurses and midwives and an extra 45 allied staff by 2025.

The current staff shortages are impacting GV Health's ability to provide the health care that it wants to deliver, and both the hospitals and the wider community have long advocated for the establishment of a clinical health school offering dedicated nursing, midwifery and allied health education delivered locally to local students. The school would be developed through a partnership between GV Health and La Trobe University, and I was pleased that the former federal government committed \$19.5 million to the project. The clinical health school is a priority project for the Greater Shepparton council, and they have advocated for this government, the state government, to provide the remainder of the funding to make sure the hospital can address it.

CONFINED SPACE RESCUE EQUIPMENT

Mr MEDDICK (Western Victoria) (19:01): (1989) My matter this evening is for the Minister for Emergency Services, and the action I seek is for her to meet with the Howkins and Brownlee families as they ask for a rollout of trench rescue and confined space rescue equipment to be implemented across Victoria. On 21 March 2018 a trench collapse at Delacombe near Ballarat killed two men, Charlie Howkins and Jack Brownlee. Four years ago not only was the rescue equipment not available, but those properly trained to use it were also over 2 hours away.

As someone who has confined space accreditation I know only too well what the consequences of not having the right equipment in an emergency and the capability for its deployment can mean. Minutes—seconds—are literally the difference between life and death. I have worked on sites where during induction it was drummed into us that if we could not get our comrades out within a specified time it was no longer a rescue but a body recovery mission.

I know that there are members here who have met the Howkins and Brownlee families, and I know that they have felt their pain, that they are not immune to it, that they are not uncaring. It is in that spirit that I ask the minister to meet with them to hear why we need to immediately begin the task of rolling out this equipment with proper coverage and training so that the families of Charlie and Jack will know that no other family will have to endure what they have.

PAKENHAM EAST TRAIN STATION

Ms BURNETT-WAKE (Eastern Victoria) (19:03): (1990) My adjournment matter is directed to the Minister for Transport Infrastructure. It concerns the future of Pinehill Drive in Pakenham. This is where numerous houses have been acquired by the Andrews Labor government to make way for the new Pakenham East train station. The action that I seek is for the government to work with Cardinia Shire Council to block access to the railway car park from Pinehill Drive. This will include permanently closing the driveways of 38A and 44 Pinehill Drive and Pinehill Drive being closed at the end of Ryan Road when developing this new station. The extra traffic on Ryan Road will create major delays in the area, and the government should meet with the residents to hear their concerns and needs for road upgrades.

On 10 May 2021 at 4.00 pm the government released a statement to the media to inform them that land and homes on Pinehill Drive in Pakenham would be acquired for a new train station. Between 5.00 pm and 8.00 pm that night members of the level crossing removal authority doorknocked these homes, informing some residents that they would be taking them. Those who were not home were left to find out in the paper the next morning as they did not see the small notice left in the letterbox the night before. Others found out via return phone call and were told not to tell their neighbours.

I have already spoken on this matter in the chamber and how abhorrent it was of this government to inform residents only at the same time it informed the media. They pat themselves on the back and tell themselves they did all they needed to do because they left slips in the letterboxes, but I think most everyday Victorians will agree that home owners should be informed long before anyone else, especially when the government intends to take their homes. Some of these residents have lived in Pinehill Drive for 30 years; others just bought in the area six months ago. Each of them has been impacted greatly by the government's lack of consultation and the expectation that they will just up and leave their homes, which they have worked so hard for.

The residents whose homes are not being acquired are concerned about the flow of the traffic in the area once the station is built. These residents have had their lives turned upside down, from living on the outskirts of town to now being on the doorstep of a noisy, unwanted train station. The government owes it to them to take their concerns into account and work with council to ensure the driveways are not used or accessible as part of the new station. They do not want people walking past their homes or parking on their nature strips to get to the station. Fifty-two residents have tabled a petition with Cardinia Shire Council but have been informed the council has little wiggle room when it comes to level crossing removal projects. I ask the government to work with council to block off access to Pinehill Drive when designing this new station, including blocking off access to the driveways mentioned. I further ask the government to meet with affected residents to hear their concerns about road traffic and consider upgrades as part of the project.

GENWEST

Mr FINN (Western Metropolitan) (19:05): (1991) I wish to raise a matter for the attention of the Minister for Prevention of Family Violence, and this is a matter that I previously raised with the Minister for Health on 6 April when I asked him to ensure that GenWest, which was formerly Women's Health West, was provided with the necessary funds to fight family violence in the western suburbs. I asked him to ensure that the money was provided in the budget. Today I got a response from the health minister, who said to me:

As this matter relates to the portfolio of Prevention of Family Violence, this question should be directed to Gabrielle Williams MP ...

In other words, Mr Foley says, 'It's not my job'. That is what he says: 'It's not my job'. He has done a ScoMo. Perhaps the Liberals will run that at the next election as an ad: 'It's not my job'—just a thought. Anyway, I would like the Minister for Prevention of Family Violence to ensure that GenWest does have adequate resources to do the job that it is supposed to do. It is so under-resourced, it is so overworked, there is so much demand and it is really struggling, and for the health minister to say 'It's not my job' is just not good enough. What the hell is his job if it is not to provide a health service with the necessary funds for it to do its job? It is just an extraordinary thing, but that is what we would expect from the health minister.

I am asking the Minister for Prevention of Family Violence to get on top of this because family violence is a particularly heinous issue in the western suburbs. In many parts of the west it is totally out of control, and there are thousands—thousands—of people who require assistance. We are not talking about something that can wait until next week; these people want help tonight. They want it tonight. They wanted it last week or the week before—or before Martin Foley found out that it was not his responsibility and it was not his job. They need that support, they need that help, and I am asking the Minister for Prevention of Family Violence to do the job that we require of her—to provide

the support that GenWest needs to help these, largely, women and children who are struggling under the yoke of family violence. I ask the minister to do that, and I ask her to do it as a matter of urgency. As I say, this is something that we need tonight. There are people who are sleeping in cars—women and children—tonight because they have nowhere else to go in the western suburbs. I ask the minister to provide the necessary funding for GenWest to allow it to get on and do the job.

CHILD PROTECTION

Dr BACH (Eastern Metropolitan) (19:09): (1992) My adjournment matter tonight is for the Minister for Child Protection. It has in fact been 250 days today since the Children, Youth and Families (Child Protection) Bill 2021 was debated in the other place, and it was made plain in the other place on day one that the opposition wholeheartedly supports this important bill. The government introduced this bill because the opposition had been advocating for years for a home stretch, for extended care to make sure that kids in our care system could have care beyond the age of 18—that artificial cut-off point—but also to seek to ensure that the many vulnerable Indigenous kids in our care system could have the support that they need in particular through shifting responsibility from the government, which of course has done nothing but debase our child protection system over 18 of the last 22 years, to our fantastic Indigenous community sector organisations. I was so thrilled to support that piece of legislation because of course a further element of it is to enable members of our community sector organisations to attend with child protection workers in an effort to drive down the number of unallocated cases where children who are known to have experienced dreadful trauma have no support. And yet because Dr Ratnam, who is present in the chamber, wanted to amend that bill to raise the age of criminal responsibility, the government has determined not to bring it back. It sits on the notice paper today.

It is a bill that has bipartisan support. It is a bill that so many members of the government have said is necessary. Members of the government have said that this bill is necessary to seek to ensure that Indigenous kids get the support that they need, to drive down unallocated case numbers and more broadly to provide care and support to young people leaving care. But because it is an election year, and because the last thing that the government wants to be doing is to be talking about the youth affairs portfolio and in particular about thorny matters when it comes to youth justice, it just sits and languishes on the notice paper. Well, we have noticed. It has been 250 days. That bill must come back. I implore the government, please. We will vote for it. On this side of the house every single member of the Liberal and National team will vote for it. Dr Ratnam and Mr Hayes are indicating that they will vote for this important bill. The action that I seek is for the minister to work with his upper house colleagues to bring back that bill in whatever form so that we together can seek to provide a better future for vulnerable Victorian kids.

SHORT-STAY ACCOMMODATION

Dr RATNAM (Northern Metropolitan) (19:12): (1993) My adjournment matter tonight is for the Minister for Consumer Affairs, Gaming and Liquor Regulation, and the action I seek is that she expedites the overdue post-implementation review of the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016. As the world begins to open up, we are seeing an increase in the number of visitors to our cities and regions and an increase in the number of Airbnb and other short-stay guests. We acknowledge the benefit that short-stay platforms offer to residents wishing to rent out their home while they are away. Too often entire properties are turned into holiday rentals 365 days of the year. Home owners and residents who have moved into high- and medium-density living in search of a community can find themselves instead living in a busy hotel. We need to strike a balance, allowing genuine residents to rent out their homes on a short-term basis without letting the short-stay industry run rampant over our communities.

In Victoria we have not got that balance right. Victoria continues to lag behind the rest of the country in properly regulating the short-stay industry. Other states have cracked down on the industry, for example, by capping the number of days a property can be let out as a holiday rental, requiring all

hosts to register their properties before they can be listed or allowing owner corporations to make rules restricting the operation of short stays in their building. Some states have even done all the above, like New South Wales, but Victoria has dropped the ball. The only measure we have taken is to introduce penalties for unruly parties or damage caused as a result. The government promised to conduct a review into the operation of the new party rules within two years. But over three years since these changes came into effect we are still waiting, and in that time I have heard that zero orders have been made against short-stay operators under the new provisions.

We are once again facing a rental crisis, which is only likely to worsen as inflation increases. Rents are skyrocketing, up 5.7 per cent in Melbourne since this time last year, and the median cost of renting a house in Melbourne is at a record high of \$450 per week. Rents in the regions are not far behind at a median of \$420 a week, an increase of a massive 9.1 per cent since last year, and the number of available rentals is plummeting back to the pre-pandemic level of a 1.6 per cent vacancy rate. But the short-stay industry is booming. Right now there are around 15 000 active short-stay rentals in the city, the majority of which are entire homes. Victoria needs to step up. A good place to start would be to review the current regulation around short stays, including reviewing how effective the short-stay party provisions have been. I ask the minister to release the overdue post-implementation review of the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016.

GIPPSLAND HOMELESSNESS SERVICES

Ms BATH (Eastern Victoria) (19:14): (1994) My adjournment matter this evening is for the Minister for Housing, the Honourable Mr Wynne in the other place. I would like to bring to his attention this evening correspondence I have received from Chris McNamara from the Gippsland Homelessness Network and her partners Community Housing Limited and Quantum Support Services. They wrote to me, and other MPs, I am sure, in Eastern Victoria Region, and outlined a terrible, terrible conundrum that they are in.

Lack of housing and homelessness are unfortunately prevalent right across my Eastern Victoria Region, and during COVID the government provided some additional funding for a Housing Establishment Fund and a particular COVID housing establishment fund. Now, this fund was normally for short stays—so normally over two to three nights—and over the past period of time there have been extended nights for families. What sorts of families am I speaking about? There are 20 households affected by this. There are 67 people and 41 children. At the moment those children and families have been ensconced in motel units or motel rooms for an extended period of time, but that time finishes when this funding finishes on 28 July. So next month they are going to be unfortunately turfed out on the 29th.

It is a significant issue and there is no easy answer, but it is very well put by Chris McNamara and her team. We need to investigate how this can be done, how support services can be triaged, how these families, come 10 o'clock on the 29th, can not be turfed onto the pavement with nowhere to go. This is a really critical issue, and I thank Chris and the inner Gippsland homelessness team for bringing it to my attention. She says we should look at every option possible—transitional housing, public housing, private rental—any variety. So I ask the minister if he would, as a matter of urgency, speak with Chris McNamara and the partnership that I have outlined to ensure those families, including the 41 children, are not kicked out onto the pavement with nowhere to go and if he would work with them, triage them and find a solution as an absolute matter of urgency.

PAISLEY TRAIN STATION

Dr CUMMING (Western Metropolitan) (19:17): (1995) My adjournment matter is to the Minister for Transport Infrastructure in the other place, and the action that I seek is for the minister to consider reopening the North Altona railway station, commonly known as Paisley station. Now, the station was closed in 1985—not a bad year, 85. In the five years to June 2010 patronage between Newport and Werribee and Newport and Williamstown increased by 54 per cent, with at least 40 000 rail trips made each day. In 2011 the Hobsons Bay City Council approached the government to have the station

reopened. Their request was refused, and in 2018 an e-petition to reopen the station was tabled. In February 2020 I asked the minister about reopening the station. This matter has been raised numerous times and still remains a priority of the Hobsons Bay council and their residents in Altona North.

The platform still exists, so it is still viable and visible. The decision to close the station was obviously not a forward-thinking one. Altona North is pretty much a black hole for public transport. The population has increased, with large developments currently underway in precinct 15. Residents currently rely on a bus network or cars to drive to Newport train station or even to North Williamstown station, their closest stations. Reopening the Paisley train station would ease traffic and parking congestion at Newport train station, because there is little car parking around North Williamstown. There is also a new shopping precinct, which is called Millers Junction, within reach of the former Paisley train station. The precinct includes supermarkets, a hardware store, cafes, hospitality, retail locations and even a cinema. Altona North itself will see an estimated increase of 7000 residents once the new development in precinct 15 opens, so it makes sense to ease the pressure on Newport station by reopening this station. I urge the government to consider reopening the station at North Altona, and they should do it now.

HEALTH SYSTEM

Ms CROZIER (Southern Metropolitan) (19:20): (1996) My adjournment matter this evening is for the attention of the Minister for Health.

Our health system is in crisis. Nurses and midwives are holding it together with redeployment, overtime, extra shifts and double shifts.

I agree with that statement. That comes straight from the Australian Nursing and Midwifery Federation (ANMF) and the secretary, Lisa Fitzpatrick, and she is right. She knows that the health system is in crisis. It is dire. Other clinicians and senior people that work within Victoria's public health system have said it is dire and it is dangerous. We have got senior clinicians walking away from our hospitals and our health services because they cannot do it any longer. This is extremely concerning. We have got code yellows that are happening all the time in regional Victoria. There just is not the capacity. With those hospitals, there are not the beds and there are not the staff. This is years of underinvestment and mismanagement by the Andrews Labor government. This is not just confined to regional Victoria, as we know. In metropolitan Melbourne there is a 000 crisis. Right across the state there is ambulance ramping, and there is a lack of capacity in our metropolitan hospitals too.

The government brought in nurse-to-patient ratios, and this year they were to roll out further throughout aged care. They were going to roll out into palliative care in inpatient units, and as I said, in July this year the 50 per cent rule was to be removed from the afternoon shifts for residential aged care. So all of these ratio rules that were put in place under legislation, which the coalition supported, are not being met. The Premier was out there today saying that there are significant pressures in the system and that the suspension of ratios has occurred. That was backed up a few days ago when the ANMF secretary also said that patient ratios were not being met. The action I seek from the minister is that he provides how long ratios have been suspended for and in which health services they have been suspended. I think every nurse, every hospital, every clinician and every Victorian needs to understand the full extent of the problem, and the only way we can fully understand it is if the government is transparent and provides that information. I am looking forward to the health minister providing that as a matter of urgency.

ENERGY POLICY

Mr QUILTY (Northern Victoria) (19:23): (1997) My adjournment matter is for the Minister for Energy, Environment and Climate Change. Last week the federal price-setting body that controls the Australian energy market intervened and shut down the electricity market. We then got to see the New South Wales minister for energy pleading with citizens to use less electricity. What kind of free market is a government price-setting body and a politician trying to manage demand via press conference?

Australia's energy system is collapsing, and it is the result of decades of bipartisan government policy at state and federal levels.

Renewable energy is expensive, and even with a flood of government subsidies it has still been too expensive to cover demand. You will read in newspapers that the cause of the low supply is our coal plants are struggling, breaking down and being decommissioned. Renewable energy advocates pretend that this pattern of coal plant failures is from random chance—that it is just a coincidence that coal has suddenly begun to fail after decades of reliability. According to them, it has nothing to do with renewable energy or government energy policy. What is actually happening is that electricity companies recognise that it is not worth investing money into maintenance, repair and refurbishment of coal plants when the government is going to shut them down anyway. Regulatory risk has pushed coal into an early grave by design.

We warned that decommissioning our coal production in favour of wind and solar energy would lead to expensive and unreliable energy, and here we are with expensive and unreliable energy. We are surrounded by politically motivated talking heads and journalists who want to convince you that these problems are caused by privatisation or by Russia or by anything except the obvious. The obvious is that the things we expected to happen are happening. We said the transition to renewables would be wildly expensive and consumers would pay the price. Now with the transition to renewables, it is wildly expensive, and consumers are paying the price. It is not caused by coal plants being shut down; coal plants are being shut down because of government policy favouring renewables. It is not caused by rising transmission infrastructure costs; transmission infrastructure costs are rising to facilitate renewables. It is not caused by privatisation; the market is following government decisions, not driving them.

The action I seek is for the energy minister to be honest with the Victorian public about the reasons for rising prices in the energy market. I do not want honesty because I want to stop us transitioning away from coal; it may well be exactly what we need to do. I want honesty to make sure we are considering all the options fairly, including nuclear. Government-led transition is leading us into an energy nightmare. It is confusing price signals, distorting incentives and warping our energy mix towards the extremely expensive and unreliable.

ENERGY POLICY

Mrs McARTHUR (Western Victoria) (19:25): (1998) My adjournment debate is for the Minister for Energy, Environment and Climate Change and concerns her long-known opposition to the inclusion of coal and gas power stations in the proposed electricity capacity market mechanism. Recent weeks have shown the cost of prematurely forcing generators out of the electricity market before sufficient replacement dispatchable power or storage—or in some cases even transmission infrastructure—has been put in place.

The tripling of brown coal royalties in 2016 did not just cost 750 jobs at Hazelwood, it has had a lasting effect on our energy market. Our state's hostile attitude to gas production has not just forgone great opportunities, it has cost existing jobs too. I greatly regret the loss of 23 jobs at Stawell's Advance Bricks & Pavers in my electorate, a family company with a history of more than 80 years. Last week they said their gas costs went from between \$6 and \$8 a gigajoule to \$37 a gigajoule overnight. As the key enabler for the business, it was a mountain far too high to climb. Its doors will close within days. This is a real-life consequence of ideological decisions, and the impact on the families involved and Stawell is absolutely deplorable.

We have become used to this ideological intervention in the energy market, however, and added to failures on transmission infrastructure and hostility to coal and gas is the rejection of nuclear power. As the sad demise of Advance Bricks & Pavers shows, ideology affects energy prices in the everyday market, but it now seems the same stupidity will be extended to the proposed capacity market designed to provide power when the market proper is failing. If there was ever a time for ideology to take a back seat, surely it is when the choice is between maintaining power and the lights going off. And by

definition a stand-by market, an insurance policy, is already an additional and usually unnecessary cost. Barring any use of fossil fuels in it will add further to the cost of running this capacity market. Even many experts generally supportive of increasing the share of renewables generation in the market recognise that this emergency reserve is not the place for ideology to trump common sense and value for money.

I am confident that the minister and her department will have conducted a full impact assessment on this policy choice, so the action I seek is the release of this assessment, specifically of the department's view of the annual net cost of excluding non-renewable generators from the proposed capacity market.

SAND MINING

Mr HAYES (Southern Metropolitan) (19:28): (1999) My adjournment matter is for the Minister for Planning. Residents of Grantville and members of the Western Port woodlands group have expressed concerns regarding another planning permit issued by the minister for sand mining in their local forest, the last remaining forest around the whole of Western Port Bay. This vulnerable lowland forest, of which just 1 per cent remains on the Gippsland plains, is habitat to much flora and fauna listed as vulnerable under the commonwealth Environment Protection and Biodiversity Conservation Act 1999 as well as the Victorian Flora and Fauna Guarantee Act 1988. This includes the scarlet robin, swift parrot, powerful owl and the southern brown bandicoot. There are seven listed fauna species and three listed flora species in this region under the EPBC act and 14 listed fauna and three listed flora species under the FFG act.

There are 10 sand mines already operating in this forest corridor, five in conservation reserves, another seven with approvals and a further similar amount awaiting approval. The recent approval of this massive expansion of the Dandy Premix mine on the edge of Grantville, with its pondage to be within 500 metres of the Western Port shoreline and allowing the removal of mature forest along the ridge line, a vital biolink corridor, not only puts increased pressure on the listed flora and fauna but exposes the Ramsar convention listed wetlands of Western Port to unacceptable toxic contamination. Despite 78 local objections being lodged and a petition by almost 4000 members of the local community, the minister has approved the extraction of 30 million tonnes of sand. This will remove 13 hectares of native vegetation, just an astounding decision when all evidence shows we are in the midst of a mass extinction crisis in Victoria. Rehabilitation does not restore biodiversity, and heavy metals dumped into the groundwater can never be reclaimed. This quarry endangers this ecosystem in a way that it can never recover.

Locals ask the minister to prohibit any further expansion of this mine into Western Port woodlands, and I request the minister to (1) provide information on why the minister did not ask for an environmental impact study to be conducted prior to approval, given its close proximity to the Ramsar wetlands, and (2) provide information on why, when known habitat and evidence of vulnerable species is listed under the Environment Protection and Biodiversity Conservation Act 1999, this approval allowing the ripping out of a vital biolink connecting two conservation reserves was not referred to the commonwealth EPBC act prior to the granting of permit approval.

HEALTH SERVICES

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (19:32): (2000) My matter for the adjournment tonight is for the attention of the Minister for Health. This relates to correspondence I have received from Mr George Zoraya in Endeavour Hills. That our health system is in absolute crisis is shown very clearly by this case. He has had issues with getting his mother in for dental care. He had given that up as a lost cause, but he tried to get his father in for dental care in 2017. He received correspondence from the department in late April this year—2022—five years later, with an appointment. He had in the interim actually had private work undertaken—\$1500 worth of private work. But what distresses George is that his father had died in the interim. His father died last year, in 2021.

Our health system, our dental services, Monash dental service to be clear, is in such crisis that a man who was booked in in 2017 did not get an appointment until 2022. Sadly, he had died in the interim. That is how severe our system now is. That is how incompetent the running of our system is under Daniel Andrews and the health minister, Mr Foley. They have no excuse in my view for taking five years to get basic dental service. George goes on. Just to be clear, this was way before COVID of course, so do not try that on, he says—five years to be eligible. He goes on further, and he says:

How can one Live Properly without Nutrition?

Isn't the ability to 'chew food' a Non-Negotiable, to have Teeth? For anyone, let alone a Pensioner who has worked the greater majority of his working life in Australia ... and Paid Taxes for what?

My great discovery today ...

He talks about the priority access arrangements at Monash Health. Well, the truth is his father did not get priority access. His father would have had to wait five years for dental treatment, and as he says, the ability to chew food is a non-negotiable aspect here. He goes on to talk about the fact that there is huge spending on big projects and yet not enough to make sure people can chew food properly. He is very critical of the current government, and he has provided me with all of the details and his correspondence with the Monash service. So I say to the health minister that it is completely unacceptable. The system is in crisis. You need to fix it. You need to fix the dental service.

VOLUNTARY ASSISTED DYING

Mr GRIMLEY (Western Victoria) (2001)

Incorporated pursuant to order of Council of 7 September 2021:

My adjournment debate is for the Minister for Health.

The action that I seek is for the minister to provide a formal response on why the government will not urgently address the permanent residency loophole that exists for voluntary assisted dying in Victoria.

As you would know, I introduced a private members bill to this place just over 12 months ago. It sought to address two issues that have existed since our VAD laws were introduced.

The first was seeking to allow telehealth for all but the first appointment for VAD, to allow those especially in regional and rural Victoria the same access as their metro counterparts. Further, for those who are immobile—most of those accessing VAD—telehealth is a sensible option that we've embraced wholeheartedly during COVID.

The second amendment in the bill was to fix an issue with the definition of 'permanent resident'.

In addition to having late-stage terminal illness, applicants for VAD must provide evidence they are an Australian citizen or permanent resident and must have lived in Victoria for a minimum of 12 months.

But 'permanent resident' has been interpreted as only someone with a permanent residency visa. This has meant people who have lived here for over 50 years or who have served in our armed forces might be ineligible.

The VAD review board's report of operations from 2020 raised the issue of permanent residency and yet nothing has been done to fix the issue.

Under my bill, a permanent resident would be a person who has been 'ordinarily resident in Australia for at least three consecutive years', but they wouldn't have to show a permanent residency visa.

This is sensible and absolutely continues to eliminate the chances of enabling 'death holidays' like we've seen in Switzerland.

The minister would also be aware that there was a VCAT challenge to have this issue resolved but VCAT decided it didn't have jurisdiction to hear the application. So the issue has remained.

The urgency to change this is paramount.

My office has spoken to a doctor who has a patient in Victoria—with just four months to live due to cancer—who mentioned that he owned a shotgun at home. He said that he would use it should he not be able to access VAD due to this permanent residency restriction.

He has lived in this state for more than five decades.

Was this not what we introduced the new laws to avoid?

Minister, this cannot wait until your five-year review begins, is consulted on, is conducted, is completed, takes time to be debated and legislated, whilst we then wait for the commencement date.

This needs to be fixed now.

Not in another three or so years' time.

Please fix this issue that my private members bill directly addresses so that people can die with dignity.

MEDICINAL CANNABIS

Ms PATTEN (Northern Metropolitan) (2002)

Incorporated pursuant to order of Council of 7 September 2021:

My adjournment matter is for the minister for road safety and relates to medicinal cannabis.

Last week the Premier posted on social media that medicinal cannabis 'helps the most unwell Victorians. It can change lives. And it's being manufactured right here'.

The Premier has previously stated that 'the best argument in favour of medicinal cannabis is that it saves lives'.

As a state we have embraced medicinal cannabis as an industry and we recognise it as legitimate prescription medicine.

But the single biggest barrier to access is our driving law that does not distinguish between medicinal and illicit use.

I have introduced a bill on this issue. I saw that a government working group was established on this issue. But that has not helped the growing number of Victorian medicinal cannabis patients.

Under Tasmanian driving law, THC is seen as a prescribed and lawful drug and a person does not commit an offence if that drug was obtained and administered lawfully.

The fact that Tasmania has a legal defence for medicinal cannabis patients shows that it is not only possible, but that it is safe and reasonable.

So the action I seek is that the minister meet with his relevant counterpart from the Tasmanian government with the view to understanding how that government allayed safety concerns in legislating for this important reform.

We provide a defence in Victorian law for all other prescription medicines. It is time we stopped discriminating against medicinal cannabis patients and followed Tasmania's lead.

RESPONSES

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (19:35): There were 15 adjournment matters, and all 15 will be referred to the appropriate ministers.

The PRESIDENT: On that basis, the house stands adjourned.

House adjourned 7.35 pm.