



Hansard

LEGISLATIVE ASSEMBLY

60th Parliament

Thursday 4 December 2025

Office-holders of the Legislative Assembly

60th Parliament

Speaker

Maree Edwards

Deputy Speaker

Matt Fregon

Acting Speakers

Juliana Addison, Jordan Crugnale, Daniela De Martino, Paul Edbrooke,
Wayne Farnham, Paul Hamer, Lauren Kathage, Nathan Lambert, Alison Marchant,
Paul Mercurio, John Mullahy, Kim O’Keeffe, Meng Heang Tak, Jackson Taylor and Iwan Walters

Leader of the Parliamentary Labor Party and Premier

Jacinta Allan (from 27 September 2023)

Daniel Andrews (to 27 September 2023)

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

Ben Carroll (from 28 September 2023)

Jacinta Allan (to 27 September 2023)

Leader of the Parliamentary Liberal Party and Leader of the Opposition

Jess Wilson (from 18 November 2025)

Brad Battin (from 27 December 2024 to 18 November 2025)

John Pesutto (to 27 December 2024)

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

Sam Groth (from 27 December 2024)

David Southwick (to 27 December 2024)

Leader of the Nationals

Danny O’Brien (from 26 November 2024)

Peter Walsh (to 26 November 2024)

Deputy Leader of the Nationals

Emma Kealy

Leader of the House

Mary-Anne Thomas

Manager of Opposition Business

James Newbury (from 13 October 2025)

Bridget Vallance (from 7 January 2025 to 13 October 2025)

James Newbury (to 7 January 2025)

Members of the Legislative Assembly

60th Parliament

Member	District	Party	Member	District	Party
Addison, Juliana	Wendouree	ALP	Lister, John ⁷	Werribee	ALP
Allan, Jacinta	Bendigo East	ALP	Maas, Gary	Narre Warren South	ALP
Andrews, Daniel ¹	Mulgrave	ALP	McCurdy, Tim	Ovens Valley	Nat
Battin, Brad	Berwick	Lib	McGhie, Steve	Melton	ALP
Benham, Jade	Mildura	Nat	McLeish, Cindy	Eildon	Lib
Britnell, Roma	South-West Coast	Lib	Marchant, Alison	Bellarine	ALP
Brooks, Colin	Bundoora	ALP	Matthews-Ward, Kathleen	Broadmeadows	ALP
Bull, Josh	Sunbury	ALP	Mercurio, Paul	Hastings	ALP
Bull, Tim	Gippsland East	Nat	Mullahy, John	Glen Waverley	ALP
Cameron, Martin	Morwell	Nat	Newbury, James	Brighton	Lib
Carbines, Anthony	Ivanhoe	ALP	O'Brien, Danny	Gippsland South	Nat
Carroll, Ben	Niddrie	ALP	O'Brien, Michael	Malvern	Lib
Cheeseman, Darren ²	South Barwon	Ind	O'Keeffe, Kim	Shepparton	Nat
Cianflone, Anthony	Pascoe Vale	ALP	Pallas, Tim ⁸	Werribee	ALP
Cleeland, Annabelle	Euroa	Nat	Pearson, Danny	Essendon	ALP
Connolly, Sarah	Laverton	ALP	Pesutto, John	Hawthorn	Lib
Couzens, Christine	Geelong	ALP	Read, Tim	Brunswick	Greens
Crewther, Chris	Mornington	Lib	Richards, Pauline	Cranbourne	ALP
Crugnale, Jordan	Bass	ALP	Richardson, Tim	Mordialloc	ALP
D'Ambrosio, Liliana	Mill Park	ALP	Riordan, Richard	Polwarth	Lib
De Martino, Daniela	Monbulk	ALP	Rowswell, Brad	Sandringham	Lib
de Vietri, Gabrielle	Richmond	Greens	Sandell, Ellen	Melbourne	Greens
Dimopoulos, Steve	Oakleigh	ALP	Settle, Michaela	Eureka	ALP
Edbrooke, Paul	Frankston	ALP	Smith, Ryan ⁹	Warrandyte	Lib
Edwards, Maree	Bendigo West	ALP	Southwick, David	Caulfield	Lib
Farnham, Wayne	Narracan	Lib	Spence, Ros	Kalkallo	ALP
Foster, Eden ³	Mulgrave	ALP	Staikos, Nick	Bentleigh	ALP
Fowles, Will ⁴	Ringwood	Ind	Suleyman, Natalie	St Albans	ALP
Fregon, Matt	Ashwood	ALP	Tak, Meng Heang	Clarinda	ALP
George, Ella	Lara	ALP	Taylor, Jackson	Bayswater	ALP
Grigorovitch, Luba	Kororoit	ALP	Taylor, Nina	Albert Park	ALP
Groth, Sam	Nepean	Lib	Theophanous, Kat	Northcote	ALP
Guy, Matthew	Bulleen	Lib	Thomas, Mary-Anne	Macedon	ALP
Halfpenny, Bronwyn	Thomastown	ALP	Tilley, Bill	Benambra	Lib
Hall, Katie	Footscray	ALP	Vallence, Bridget	Evelyn	Lib
Hamer, Paul	Box Hill	ALP	Vulin, Emma	Pakenham	ALP
Haylett, Martha	Ripon	ALP	Walsh, Peter	Murray Plains	Nat
Hibbins, Sam ^{5,6}	Prahran	Ind	Walters, Iwan	Greenvale	ALP
Hilakari, Mathew	Point Cook	ALP	Ward, Vicki	Eltham	ALP
Hodgett, David	Croydon	Lib	Wells, Kim	Rowville	Lib
Horne, Melissa	Williamstown	ALP	Werner, Nicole ¹⁰	Warrandyte	Lib
Hutchins, Natalie	Sydenham	ALP	Westaway, Rachel ¹¹	Prahran	Lib
Kathage, Lauren	Yan Yean	ALP	Wight, Dylan	Tarneit	ALP
Kealy, Emma	Lowan	Nat	Williams, Gabrielle	Dandenong	ALP
Kilkenny, Sonya	Carrum	ALP	Wilson, Belinda	Narre Warren North	ALP
Lambert, Nathan	Preston	ALP	Wilson, Jess	Kew	Lib

¹ Resigned 27 September 2023

² ALP until 29 April 2024

³ Sworn in 6 February 2024

⁴ ALP until 5 August 2023

⁵ Greens until 1 November 2024

⁶ Resigned 23 November 2024

⁷ Sworn in 4 March 2025

⁸ Resigned 6 January 2025

⁹ Resigned 7 July 2023

¹⁰ Sworn in 3 October 2023

¹¹ Sworn in 4 March 2025

Party abbreviations

ALP – Australian Labor Party, Greens – Australian Greens,
Ind – Independent, Lib – Liberal Party of Australia, Nat – National Party of Australia

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Thursday 4 December 2025

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

Bills

Entities Legislation Amendment (Consolidation and Other Matters) Bill 2025

Introduction and first reading

Danny PEARSON (Essendon – Minister for Economic Growth and Jobs, Minister for Finance) (09:33): I move:

That I introduce a bill for an act to amend the Circular Economy (Waste Reduction and Recycling) Act 2021, the Environment Protection Act 2017, the Marine and Coastal Act 2018, the Commissioner for Environmental Sustainability Act 2003, the Mineral Resources (Sustainable Development) Act 1990, the Public Administration Act 2004, the Financial Management Act 1994, the Mental Health and Wellbeing Act 2022, the Local Government Act 1989, the Essential Services Commission Act 2001, the Commercial Passenger Vehicle Industry Act 2017, the Accident Towing Services Act 2007, the Great Ocean Road and Environs Protection Act 2020 and the Parliamentary Workplace Standards and Integrity Act 2024, to repeal the Victorian Environmental Assessment Council Act 2001 and the Road Safety Camera Commissioner Act 2011 and to make consequential amendments to other acts and for other purposes.

Motion agreed to.

Cindy McLEISH (Eildon) (09:34): Could I have a brief explanation of the bill?

Danny PEARSON (Essendon – Minister for Economic Growth and Jobs, Minister for Finance) (09:34): The Entities Legislation Amendment (Consolidation and Other Matters) Bill 2025 will generate savings and deliver efficiencies across government by abolishing, reforming or consolidating public entities; streamlining governance structures and consolidating functions; reducing the regulatory and administrative burden by streamlining reporting and compliance requirements; and promoting consistency with other legislation and existing policy.

Read first time.

Ordered to be read second time tomorrow.

Business of the house

Notices of motion

Notices given.

The SPEAKER (09:36): General business, notices of motion 52, 53 and 66 to 88, will be removed from the notice paper unless members wishing their matter to remain advise the Clerk in writing before 2 pm today.

Petitions

Fingerboards mineral sands project

Ellen SANDELL (Melbourne) presented a petition bearing 3322 signatures:

The Petition of concerned Victorians, in particular East Gippsland residents, draws to the attention of the House the Minister for Planning's Assessment of the 'Fingerboards Mineral Sands Project' (Nov 2021). It was assessed that the mine project would have unacceptable environmental effects and should not proceed, and furthermore, that mining was not an acceptable land use at this location (p58–60). Protection of the surrounding agricultural industries and the important horticultural fields of the Lindenow Valley was emphasised. This protection can best be achieved by the Fingerboards Project area being declared exempt from all mining activity. The horticulture fields of the Lindenow Valley were exempted from mining in July

2019; to further protect this and other agricultural industries, mining at the Fingerboards project area must be banned.

The petitioners therefore request that the Legislative Assembly of Victoria *Request the Minister for Resources to exercise her/his power under section 7 of the Mineral Resources (Sustainable Development) Act 1990 and permanently exempt the Fingerboards project area from all mining activity in recognition that mining was assessed as not environmentally sustainable at this location for the numerous reasons given in the above report.*

Ordered that petition be considered tomorrow.

Committees

Integrity and Oversight Committee

Report on the Appointment of a Person to Conduct the Independent Performance Audits of the Independent Broad-based Anti-corruption Commission and Integrity Oversight Victoria

Tim READ (Brunswick) (09:37): I have the honour to present to the house a report from the Integrity and Oversight Committee on the appointment of a person to conduct the independent performance audits of the Independent Broad-based Anti-corruption Commission and Integrity Oversight Victoria.

Ordered to be published.

Inquiry into the Adequacy of the Legislative Framework for the Independent Broad-based Anti-corruption Commission

Tim READ (Brunswick) (09:37): I have the honour to present to the house a report from the Integrity and Oversight Committee on the inquiry into the adequacy of the legislative framework for the Independent Broad-based Anti-corruption Commission, together with appendices, extract of proceedings and transcripts of evidence.

Ordered that report, appendices and extract of proceedings be published.

Documents

Children's Court of Victoria

County Court of Victoria

Supreme Court of Victoria

Report 2024–25

The Clerk: I have received for presentation by command of the Governor the Children's Court of Victoria report for 2024–25, the County Court of Victoria report 2024–25 and the Supreme Court of Victoria Report 2024–25.

Tabled.

Documents

Incorporated list as follows:

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT – The Clerk tabled:

Australian Grand Prix Corporation – Report 2024–25, together with an explanation for the delay

Caulfield Racecourse Reserve Trust – Report 2024–25, together with the Minister's reported date of receipt

Environment Protection Authority:

Report 2024–25, together with the Minister's reported date of receipt

Report 2024–25 under s 30L of the *Surveillance Devices Act 1999*

Forensic Leave Panel – Report 2024

Financial Management Act 1994:

Report from the Minister for Agriculture that she had received the Report 2024–25 of the Murray Valley Wine Grape Industry Development Committee

Report from the Minister for Environment that he had received the Report 2024–25 of the Dhelkunya Dja Land Management Board

Interpretation of Legislation Act 1984 – Notice under s 32(3)(a)(iii) in relation to Statutory Rule 116 (Gazette S 674, 3 December 2025)

Residential Tenancies Bond Authority – Report 2024–25

Subordinate Legislation Act 1994 – Documents under s 15 in relation to Statutory Rules 119, 120, 130

Trust for Nature (Victoria) – Report 2024–25, together with the Minister's reported date of receipt

Victoria Police – Report 2024–25 under s 31 of the *Crimes (Assumed Identities) Act 2004*

Zoological Parks and Gardens Board (Zoos Victoria) – Report 2024–25, together with the Minister's reported date of receipt.

DOCUMENT TABLED UNDER STANDING ORDERS – The Clerk tabled:

Government response to the Legal and Social Issues Standing Committee's Report on the Inquiry into increasing the number of registered organ and tissue donors.

*Members statements***North Melbourne Football Club**

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (09:40): Over the weekend the North Melbourne AFLW team did what no other club has done before and secured back-to-back flags, the first AFLW side to do so. They went in with belief and came out with a legacy. I was fortunate to be amongst the crowd of more than 12,740 people, including the Governor-General. From the first bounce there was intensity and there was pressure, but it was always going to be the North Melbourne story – a 40-point win, the perfect season, a 27-game winning streak. The Roos have not just been a juggernaut, they have been an unstoppable force, with midfield dominance and the backline refusing to give an inch. The whole team – from best-on-ground medallist Eilish Sheerin to AFL best and fairest winner Ash Riddell, who I might say is also a wonderful schoolteacher, captain Jasmine Garner, coach Darren Crocker and president Sonja Hood to the CEO Jennifer Watt – have put in an outstanding effort. In the club's 100th celebration season you have been the real Shinboners.

Metro Tunnel

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (09:41): I could not help but notice that the Allan Labor government – the Minister for Transport Infrastructure is in the chamber – opened Arden station just in time for everyone to get down to Arden Street and celebrate with the great club. Delivered a year ahead of schedule, it shows what real leadership is about, both in transport and in the AFLW – a joint celebration of the Arden Street Shinboner station and AFLW team.

Kew electorate Halloween colouring competition

Jess WILSON (Kew – Leader of the Opposition) (09:42): It has been a busy couple of weeks in the electorate of Kew. Last week I hosted an afternoon tea in my office to celebrate the winners of the 2025 Halloween colouring-in competition. Once again there were hundreds of fantastic entries from students right across the electorate of Kew, and I would like to congratulate the winners: Mallea from Andale School, Maryam from Belmore School, Charlie from Boroondara Park Primary, Benny from Giant Steps, Evelyn from Greythorn Primary, Sophie from Our Lady of Good Counsel, Zoe from Ruyton, Xavier from Sacred Heart Primary, Amelia from St Anne's Primary and Michael from Xavier College Burke Hall. Can I also congratulate the runners-up: Abigail from Arndell School, Arabella and Michael from Belmore School, Leia from Boroondara Park Primary, Wutong from Giant Steps, Giselle from Greythorn Primary, Maggie and Lila from OLG, Heidi from Ruyton, Alice from Sacred

Heart Primary, Piper from St Anne's Primary and Matthew and Kevin from Xavier College. Congratulations to everyone for their terrific entries, and it was terrific to host you in my office.

Chatham Primary School

Jess WILSON (Kew – Leader of the Opposition) (09:43): Can I also congratulate the team at Chatham Primary School for their terrific grand fair. This is an event I have been involved in for many years; my team and I run the sausage sizzle at the fair. I particularly congratulate Chris Cotching and Georgina Kirwan, the principal and the deputy principal; the committee Aimee, Bree, Kate and Ashley; the school council president Caroline; and parents club president Pam for their terrific work.

Cyclone Ditwah

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (09:43): Starting on 27 November the Ditwah cyclone hit several countries in southern Asia. Within three or four days a massive 75 to 80 per cent of Sri Lanka was under flood and multiple entire villages buried by the resultant landslides. Thousands of people have been declared dead, with multiple thousands more still missing. Around a million people have been displaced from their homes. I want to acknowledge and thank Sinatha Jayathilaka, Dr Ernadi Fernando and Chandra Bamumusinghe, community leaders, for springing into action in raising funds and mobilising donations of packaged goods to send to Sri Lanka.

Victoria has a strong Sri Lankan community, and we are working hard to raise funds and goods to support the peoples of Sri Lanka with basic needs, including food, fresh water and clothes. This catastrophic event rivals the tsunami devastation of 2006. Sadly, not enough of the Western media has focused on this massive disaster. What I want to do now is raise awareness amongst every Victorian of what has befallen many countries, especially Sri Lanka, which because of its geological formation is now under immense flood, deluge, devastation and the resultant landslides. I ask every Victorian to support the cause.

Neighbourhood houses

Peter WALSH (Murray Plains) (09:45): Neighbourhood houses are often the heartbeat of small regional communities, yet as many as half of Victoria's houses are being forced to run at a loss, propped up by volunteers and selfless staff because of a serious lack of government foresight and funding. Neighbourhood houses deliver many grassroots services ignored by this government and urgently need across the board a minimum 25 per cent boost in funding to keep their doors open and effective. My office has been besieged by houses and their supporters across my electorate, and they have given me hundreds of protest cards signed by people who turn to them for help, for connection and for community. If funding does not even cover wages, let alone operational costs, how much longer will many of these hubs survive? They are community resources and assets, from education and entertainment to something as simple as a friendly cuppa and a chat. They mean so much to so many people. I am sure there are plenty of buzzwords to wrap this message in a wellbeing resilience inclusion, but the message here is much simpler than that: neighbourhood houses are vital, and as hard as they work, their resilience can only take so much punishment before they break down. They need proper funding, and they need it now.

Macedon electorate men's sheds

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Ambulance Services) (09:46): I rise to acknowledge the outstanding success over nine years of the Gisborne Men's Shed Young Shedmen program delivered in partnership with Gisborne Secondary College. After a year of dedication, Jake, Luka, Mal and Hamish have officially graduated as young shedmen, and it was my delight to be able to join them at this celebration. This initiative provides young people with the opportunity to develop practical skills, teamwork and confidence, all while working side by side with the wise and welcoming mentors at the Gisborne Men's Shed. It was clear how much this experience has meant to each of the students. Luka showed me all of the men's shed's

facilities on behalf of the group and explained the impact that the program had had on him. With family, friends and mentors looking on proudly, the young shedmen spoke of the lessons they have learned, the friendships they have made and the pride that they feel in their own progress. These young people leave the program with new skills, valuable life lessons, their own toolkits and even a beautifully crafted chopping board to show for it. My warmest congratulations to Jake, Luka, Mal and Hamish; to shedders Jason Azzopardi and Gunther Behrendt; and to everyone involved in making this fantastic program possible.

A shout-out also to Romsey Men's Shed, which I had the pleasure of visiting last week. With a \$48,000 grant from our government's men's shed program, they can fit out their newly constructed shed extension with utilities and accessible toilets. I look forward to visiting them when this work is done, and of course all the men's sheds across the Macedon electorate.

Community safety

Michael O'BRIEN (Malvern) (09:47): I am loath to waste my breath talking about cosplay fascists, but recently some white nationalist propaganda was circulated in my electorate. These Temu Goebbels wannabes polluted the letterboxes of some of my constituents in Malvern, East Malvern, Glen Iris and Toorak. They are not welcome. Their bigoted nonsense is not welcome. They need to be absolutely sent to the boundary, because we are not going to put up with that sort of nonsense here in my electorate or in this state. Bigotry will not win because we will not let it win, and my very clear message to these people is: go back to the holes you crawled out of, because you are not welcome here.

Stonnington City Council

Michael O'BRIEN (Malvern) (09:48): On a separate matter, can I say that I was disappointed to see that Stonnington council recently deferred a decision to display a menorah that had been proposed to be funded by the local Jewish community. It has been a very tough couple of years for our Jewish community, and in my electorate no less than in any others. I understand the decision has only been deferred rather than having been rejected, but I would urge Stonnington council, given what our Jewish community has been through over recent times, to reconsider this. I think it would be a very important message of unity and show of support for them at a difficult time, and I certainly look forward to joining with Chabad Malvern and helping them to light the menorah in the next week or so.

Breast cancer

Sonya KILKENNY (Carrum – Attorney-General, Minister for Planning) (09:49): Last week I hosted my ninth annual pink brunch, bringing together community leaders to raise awareness about breast cancer, the importance of early detection and the support for those living with the disease. That same day marked a historic moment for people living with metastatic breast cancer and their families, a moment shaped by many but especially the late Peta Murphy, the former member for Dunkley. For the first time Australia now has an accurate record of how many people, mostly women, are living with metastatic breast cancer. For the first time they are finally visible in our national data, and the number, at 20,950, is significantly more than previously estimated. Peta, who lived with metastatic breast cancer herself, knew why this mattered. She knew that behind every number is a person whose care, treatment and future depend on being counted. And while there is no cure, being seen means better support, better services and better outcomes for those living with this disease.

I want to thank Breast Cancer Network Australia and all those with lived experience whose courage, strength and determination has made this possible, including those no longer with us, like my dear friend Peta. Their legacy is now part of our national data. This is an important step, but the work must continue and so must the data collection, because every person living with metastatic breast cancer deserves to be heard, seen and supported.

Neighbourhood houses

Richard RIORDAN (Polwarth) (09:50): I would like to put on the record today the wonderful work that our neighbourhood houses do right across our electorates and in particular the electorate of Polwarth. Our wonderful neighbourhood houses in Colac, in Cobden, in Simpson, Apollo Bay, Deans Marsh, Winchelsea, Torquay and right across the electorate provide an essential service, often to some of the most vulnerable people. More recently our neighbourhood houses have really focused on providing cheap, low-cost food or free food for desperate families. They provide wonderful services helping those that are digitally disconnected and have struggled to fill in forms and applications. They are a wonderful service, and I will be joining my colleagues with a petition today to the minister pleading for a resumption of fair and decent funding for these wonderful organisations.

Point Grey precinct, Lorne

Richard RIORDAN (Polwarth) (09:51): I would like to raise on the record again the desperate need of the Lorne community to be heard about the redevelopment of Point Grey. Unfortunately, after more than 10 years the government has come back to the community with a less than adequate redevelopment plan for the project down on the foreshore. After much consultation and years and millions of dollars that have been spent, the community now finds that we are going to have the largest toilet block ever built in the history of the world on the foreshore in Lorne, on what can only be described as one of the most beautiful points along the Great Ocean Road. It is a travesty of justice. It needs to be a viable, workable cafe.

Felicitations

Natalie HUTCHINS (Sydenham – Minister for Government Services, Minister for Treaty and First Peoples, Minister for Prevention of Family Violence, Minister for Women) (09:52): Behind every minister is a great team of staff, and I want to take the opportunity to thank my ministerial staff for their years of service to me, in particular Madeleine Moore, my chief of staff, who has been with me for 15 years. She is a strong, smart, hardworking woman and champion of working women. To Ismene Thiveos, my deputy chief of staff, who again is a fighter for fairness and a champion of the social services sector, thank you for all your work. Thank you to Rachael Davies, determined and extremely intelligent, an excellent writer to have on staff and a true warrior for the Aboriginal community; to Hannah Gandhi, our brains and beauty of the office; to Tilly O'Rourke, our hardworking, passionate worker who is also a champion of the services of domestic violence across this state; to Jennifer Yang, the fastest talking and walking adviser I have ever had, who is a tech mastermind; to Rebekah Hogan, talented expert; to former staff Sarah Pine and Lawrence, thank you for your years of service; Bianca Parsa, Michaelia Reese and Marcus. In particular I want to thank Mel, who is always by my side, who has listened to my stories and always supported me. I am going to miss her.

Goulburn Valley Health

Kim O'KEEFFE (Shepparton) (09:53): I wish to congratulate the Ladies Who Lunch fundraising event, that raised \$175,000 to support women undergoing cancer treatment, and the Biggest Ever Blokes Lunch, that raised an astounding \$300,000 to go towards prostate and bowel cancer services. Together the two volunteer-driven groups have raised an astounding \$475,000 this year alone. This is a true testament to the incredibly hardworking committees and the generosity of local businesses and the community – a truly amazing effort.

Greater Shepparton Visitor Centre

Kim O'KEEFFE (Shepparton) (09:54): I also wish to congratulate the Greater Shepparton Visitor Centre, who won silver at the Victorian Tourism Awards, coming second to Melbourne in the visitor information servicing category, a fantastic achievement acknowledging the wonderful, dedicated team, including the fantastic volunteers who are so proud of and passionate about our region and every single day are front and centre for people visiting the region. The visitor centre is located at the

Shepparton Art Museum, known as SAM, at the beautiful Victoria Park Lake. You can also purchase local produce and learn about all the wonderful things to do and places to visit.

Paul ‘Battery Man’ Archer

Kim O’KEEFFE (Shepparton) (09:54): I also wish to acknowledge Paul Archer, known as the Battery Man. Paul is a much-loved local who has raised an amazing \$880,000 for GV Health’s child and adolescent centre so far by collecting and recycling lead-based batteries from across the region, and is pushing to reach \$1 million. What an incredible effort. Well done to Paul.

Stud–McFees roads, Dandenong, pedestrian crossing

Gabrielle WILLIAMS (Dandenong – Minister for Transport Infrastructure, Minister for Public and Active Transport) (09:55): I rise today to speak about the brand new pedestrian crossing at the intersection of Stud Road and McFees Road in Dandenong North, which is thankfully about to open later this month after very strong and passionate advocacy from the Dandenong North community. This project was made possible by a budget allocation from the Allan government of \$12.6 million and will allow locals to be able to cross Stud Road safely, which is so important because so many locals use it to access the Dandenong basketball stadium and the Dandenong Creek Trail, some wetlands on that side of Stud Road as well and some local bus services. For too long we have seen near misses and some tragic accidents at that site, and this pedestrian crossing will help to avert that. I want to say thank you to the local community for their advocacy in making this possible and also flag that there will be some further work done once that crossing is complete to deliver a brand new walking and cycling path to improve access directly to those wetlands, which is also great for local connectivity. This is yet another local project that is backed by locals but built by Labor, and I am so proud that we have been able to deliver it.

Cyclone Ditwah

Gabrielle WILLIAMS (Dandenong – Minister for Transport Infrastructure, Minister for Public and Active Transport) (09:56): I just want to add my voice to others in saying my thoughts are with our Sri Lankan community at the moment in the wake of the cyclone and flooding, which we know have affected other parts of South and South-East Asia as well. I know my community is hurting, and my heart is with them.

Yarra community awards

Gabrielle DE VIETRI (Richmond) (09:56): Congratulations to Thi Mai Tran, 2025 Person of the Year in our local community awards. Cô Mai is a respected community member in the Richmond public housing estate, and she has shown courage and determination in supporting her neighbours facing forced eviction. She has kept them informed and united, sharing updates in both English and Vietnamese so older residents know their rights. Cô Mai helped organise workshops so residents could participate in the public housing inquiry. She appeared before the inquiry herself to speak about the strength of her community and the importance of public housing to her. In her 80s, Cô Mai continues to be a fierce advocate for her neighbours, reducing fear and fostering resilience during a time of enormous upheaval.

Congratulations also to the community grocers Richmond market, awarded Community Initiative of the Year. Located on the Richmond estate, it provides fresh, affordable, culturally inclusive produce. I was there to launch it earlier this year, and I cannot speak highly enough of this small but important initiative to connect people to promote wellbeing and food security. Unfortunately their government funding was not renewed last year, and so I urge the government to fund this important health, social and equality initiative in next year’s budget. Congratulations also to Queer Muslim Naarm, recognised for their contribution to diversity and inclusion. Their queer iftar is an incredibly cherished celebration of faith, of culture and of queer identity.

Minister for Treaty and First Peoples

Danny PEARSON (Essendon – Minister for Economic Growth and Jobs, Minister for Finance) (09:58): I want to rise to acknowledge the great contribution that my dear friend the Minister for Treaty and First Peoples has delivered to this Parliament and this community. In politics I have often thought it is not so much why we are here or what we want to do, it is the how – it is always about the how. The thing is, my good friend has always been a trailblazer. Whether it was right back in the 1990s as the first female assistant secretary of Trades Hall, she has always had an incredibly values-based approach. I think that if you look at what Natalie has achieved in her tenure, it is extraordinary. People have talked for years and years, for decades, about reconciliation with First Peoples – Natalie did it. She did it. She did not just talk about it, she did not admire the problem, she went on and she did it, and what she has achieved is extraordinary. For me, I feel an enormous amount of pride. I have known Nat for probably getting close to 30 years, and as she reaches the end of her ministerial career I have nothing but pride and admiration for what she has achieved. It is just extraordinary. I think that the ultimate test in leadership is: did you leave the place better than you found it? I think that in terms of what she has achieved, it is something that will reverberate across this nation for decades and for generations to come. I could not be any – *(Time expired)*

Mae La refugee camp

Will FOWLES (Ringwood) (09:59): On Tuesday morning I returned from the Thai–Burma border region, where I visited, amongst other things, the Mae La refugee camp, a camp that is home to some 30,000 refugees of the murderous thugs running the Burmese regime. That regime continues to engage in the bombing of villages, of schools and of medical centres by air against unarmed civilians. There is an impending urgent and serious economic famine in this region. The withdrawal by the Trump administration of the United States Agency for International Development from the region has meant that those refugee camps, which total some 100,000 residents across the Thai–Burma border region, are about to have no funding whatsoever for food subsistence. That is at a cost of about \$1 million a month.

There are 100,000 people who are right now being tipped into famine, but it is an economic famine, a famine induced only by the actions of the Trump administration. For the sake of just \$1 million a month those 100,000 people could be receiving subsistence rations of rice, at the bare minimum. I travelled with a group called Sharing Hope, who do fantastic work in this region, including through supporting a school in the region which is doing simply amazing work, including training students to produce prostheses for the very large number of amputee victims. It is fantastic work, and I commend it.

Good Samaritan Inn

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Community Safety, Minister for Victims, Minister for Racing) (10:01): I am pleased to acknowledge the Good Samaritan Inn. We opened the new facility there, a 10-unit family violence supported facility and accommodation to support victim-survivors and their families for up to 12 months and provide a suite of internal and external supports. Clients will also consist of adults and children who are beyond the immediate crisis phases but still have support needs that are best addressed while being in accommodation that is provided by the Good Samaritan Inn.

That facility in Banyule was previously accommodation for nuns. I want to thank the local Catholic parish for the work they have done in repurposing this facility, the \$2 million-plus provided by the Allan Labor government for the capital works and also some ongoing funding for that facility. This is really a great community project. When so many around the world and in so many places are closing doors and turning backs on people, I think it is really important that we are opening our doors in Ivanhoe to people in need, particularly women and their children, and this is a great repurposing of a community facility in my electorate.

I want to thank Banyule council, which supported the planning process – there are always a few people who want to resist these projects – but also Chris Dixon for his leadership at the Ivanhoe parish for the work of the Good Samaritan Inn. This is a great project that will provide great support in my community.

Housing

Nicole WERNER (Warrandyte) (10:02): On this side of the house we believe in the great Australian dream. We believe that Victorians should be able to buy a place to call their own. As the Shadow Minister for Youth, I hear from young people all of the time that lament to me that no matter how hard they look or how long they save or how much they budget, they feel like the dream of buying their own home is dead and that it is impossible to get their foot in the property market. The reality is that under Labor, sadly, this is the case. Forty-two per cent of the cost of a new build here in Victoria is taxes, fees and charges from the Allan Labor government. Just yesterday we found out that Labor is slugging Victorians with yet another tax and that there will be a charge of \$11,000 per new dwelling in the suburbs, a cost that will inevitably be directly passed on to new home buyers and renters.

It was the former Labor Premier Dan Andrews that famously said, ‘Nah, I’ve spoken to young people, and they do not really care about owning their own home.’ Labor may not believe in home ownership here in Victoria, but we sure do. On this side of the house we believe in young people and we believe in home ownership. Whether it is a dream of a quarter-acre block in the suburbs, a big plot of land in the regions or a townhouse in the inner city, we want to unlock the potential here in our state to get Victorians into their own homes. The Liberals and Nationals stand with Victorians and are here to restore the dream of home ownership for the next generation.

Kalkallo electorate

Ros SPENCE (Kalkallo – Minister for Agriculture, Minister for Community Sport, Minister for Carers and Volunteers) (10:04): As the year draws to a close, I take this opportunity to reflect on and celebrate some of the incredible people that make my community such a vibrant and welcoming place. Raj and the team at the Australian Women’s Association continue to share culture and unite our community. Haroot and the Nova Armenia Society continue their work supporting the Armenian community and preserving their rich culture. Kiran Sidhu has been tireless in her efforts to ensure that vital health awareness and information reaches our CALD communities. Bhawna and the team at Kali Mata Mandir have hosted many wonderful events at their increasingly busy and vibrant temple. Congratulations to Jaikishaan and Rashmi on the opening of their new J’YUG perfume display store; to Gurpreet, Jasvinder and Sukhpreet on the opening of their Celebrations superstore; and to Harpal on the opening of Northside Imaging. It is always exciting to see local businesses open, thrive and grow and I wish them all the best.

Felicitations

Ros SPENCE (Kalkallo – Minister for Agriculture, Minister for Community Sport, Minister for Carers and Volunteers) (10:05): A heartfelt thank you to Jo Hardie, who worked in my office for over five years and has been deeply committed to assisting residents in every way possible, leaving a lasting and positive impact on countless lives. Thank you also to my electorate office staff, who continue to do that important work. To Alex, Lucas, Lorjel and Shraddha: thank you for the year and have a lovely, well-earned break. To all of our emergency services: thank you for keeping us safe and being there for our community in times of greatest need. Thank you to all the individuals and groups, particularly all of our volunteers who make our community stronger, more connected and full of life. Wishing everyone a safe and happy holiday season and a fantastic year ahead.

Kealba landfill

Natalie SULEYMAN (St Albans – Minister for Veterans, Minister for Small Business and Employment, Minister for Youth) (10:05): I want to raise a critical issue on behalf of my residents of Kealba. On Monday Kealba residents met with me and Brimbank City Council. This follows news

from the EPA that they are withdrawing from VCAT proceedings and suspending Barro's Kealba landfill licence. We were less than impressed to say the least. The hot spot fires started in December 2019 and six years later they are still burning. This has had terrible consequences for my local community and my neighbours and has affected the health and wellbeing of my constituents. We have a very strong message: enough is enough. We will fight tooth and nail to keep the gates closed and locked at Kealba landfill, and I will work with Brimbank City Council, the Minister for Environment and the Minister for Planning to ensure that no stone is left unturned. Barro, you are not welcome in our community. Furthermore, the Barro Group have behaved like cowboys: irresponsible, neglectful, misleading and dodgy to the core. My community and I are united against this landfill, and we will continue to fight against Barro. And when we fight together, we will win.

Melton electorate achievements

Steve McGHIE (Melton) (10:07): I rise to acknowledge some outstanding contributions and achievements right across Melton. Firstly, our emergency services volunteers continue their exceptional service and will now be backed by the biggest ever round of volunteer emergency services equipment program grants. More than \$30 million has been delivered statewide, including \$96,000 for Melton SES for a brand new Ford Ranger and \$166,000 for upgrades at the Melton South CFA branch, ensuring our volunteers have the modern facilities, vehicles and equipment they need to keep our community safe.

I also want to highlight the important work happening to support families doing it tough, through the community food relief program. Local organisations in Melton will share in \$9 million, including \$60,000 for Combined Churches Caring Melton, \$25,000 for the South Sudanese Christian Welfare Association and \$76,000 for Earth Village Community to expand essential meal programs. These grants mean more fresh, healthy meals reaching families who need them most.

I also want to congratulate Melton's vibrant performing arts community. Groups like Moonlite Theatre at Bacchus Marsh and Melton Performing Arts bring creativity and community spirit to our growing region. Their new productions, *Rope* and *Drinking Habits*, are helping nurture the next generation of local talent and I encourage everyone to check them out.

Finally, I want to acknowledge Pam Pryor, who has kept kids safe at Melton West Primary School for more than 50 years. Pam is one of Australia's longest serving crossing supervisors, a beloved and familiar face who has guided generations of children with kindness, care and a smile. Her dedication to the community is remarkable.

West Gate Tunnel

Katie HALL (Footscray) (10:08): Christmas is coming to the inner west and so is the West Gate Tunnel Project. With the West Gate Tunnel Project opening in coming weeks, we will also have 14 kilometres of new bike lanes for the community to explore, including the amazing 2.5-kilometre veloway into the city. But one of the things that the community is most excited about with the West Gate Tunnel Project opening, of course, is the truck bans. Living next to the port we obviously have the challenge of truck movements on local roads, and the opening of the West Gate Tunnel Project will deliver 24-hour truck bans on Moore Street, Buckley Street, Somerville Road, Francis Street and of course Williamstown Road. Thanks to the hard work of Minister Horne we are getting a night-time curfew on Williamstown Road and also on weekends, and I know that is something that the community is really excited about. Also next year in February it has been announced that the new Footscray Hospital will be opening on 18 February.

Felicitations

Katie HALL (Footscray) (10:10): I would like to take this opportunity to thank, before Christmas, my electorate staff, who do so much for our community. To Linden, Sel, Paddy and Fraser: thank you for everything you do.

Albanvale Primary School

Luba GRIGOROVITCH (Kororoit) (10:10): Congratulations to Albanvale Primary School, which has been recognised as one of Victoria's top performing schools in the 2025 NAPLAN results. To Principal Michael Uzunovski, the entire teaching staff and the students: well done. You outperformed comparable schools in reading, writing and numeracy.

The DEPUTY SPEAKER: I acknowledge in the gallery a former member for Oakleigh and former Deputy Speaker Ann Barker. Welcome back.

Business of the house**Orders of the day**

Danny PEARSON (Essendon – Minister for Economic Growth and Jobs, Minister for Finance) (10:10): I move:

That the consideration of government business, order of the day 1, be postponed until tomorrow.

Motion agreed to.

Bills**Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025*****Second reading*****Debate resumed on motion of Sonya Kilkenny:**

That this bill be now read a second time.

James NEWBURY (Brighton) (10:11): Today is a significant day as I rise to speak on the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. I say at the outset that the coalition will not be opposing this bill. It is a significant day, a momentous day, a day that so many have waited for. It is a significant day for this country, not just Victoria, because the impact of this bill will have repercussions in other jurisdictions across this country. It is a momentous day most of all for victims, for victims who have waited for this bill, for an extension of law in a way that we have hoped for for over a decade as the courts have considered a difficult area of law. Again I want to say that the coalition will not be opposing this significant bill, this momentous bill. We will be not opposing its passage through both chambers.

What this bill does, in brief, is amend the Wrongs Act 1958 to create a statutory vicarious liability regime for employees and those akin to employees, which I will go through a little bit later in my speech and explain the importance of, especially in relation to the 'akin to employment' relationship. But it also amends the Limitation of Actions Act 1958 to allow survivors – both retrospectively for matters settled since a recent High Court case and historical – retrospective standing. Though retrospectivity, it would be fair to say, is something that the rule of law often frankly detests, I think that there are exceptions, and this is certainly a case where retrospectivity should stand.

Although there has been a difficult history at the common law in relation to the concept of vicarious liability and there have been many cases, and I will refer to a number of them, that have shown that difficulty in relation to interpretation of vicarious liability, this proposed piece of law that is before the house today came about as a result of a High Court matter where a respondent was sexually abused twice by an assistant priest. Before we talk about the bill in detail, it is important for us to understand why at its core we have had a need to legislate in this space: because of a victim, a victim of a horrific crime – in fact more than one crime. In that case the High Court found that because, bluntly speaking, the perpetrator was not an employee, they did not have standing. The law should provide justice. More than anything else it should provide justice. It is not always perfect. The system is difficult. It is expensive. But at its heart, we as legislators should always aim to ensure that our laws provide justice, and for that victim there was no justice. This piece of legislation provides a clear statutory framework

that says for victims, including the victim in that case, no longer will we allow this area of law to be unsettled. We as legislators will lean in to provide certainty, to provide clarity and to provide justice retrospectively, which is absolutely deserved.

Vicarious liability – for background – is, as the High Court has put it, where one person in a broad sense is the agent of another. As the High Court said specifically, it is a form of primary liability where the acts of another person are attributed to the defendant on the basis that the acts were done for the defendant with the defendant's express, implied or apparent authorisation of the acts. They are an agent of the person, so their behaviour can be attributed and liability should exist. There are secondary instances of behaviour where liability should be attributed but has not been attributed, because that agency may not be as clear or the behaviour may be such that no good person would have allowed or authorised that to occur, so there has been a question at law in relation to secondary liability, because good people would not allow that behaviour to occur. As the High Court said in relation to secondary liability:

This is vicarious liability in its true or proper, sense – liability based on the attribution of the liability of another. As is self-evident, vicarious liability is a form of strict liability, whereby a defendant is held liable for the wrongs of another, despite the defendant being free of fault.

That is why the law in this space has been uncertain, because in cases of secondary liability there is almost always an understanding that the first party is free of fault from the behaviour that has occurred. But I think the court, as it has grappled with the most difficult cases, has understood over time, which I will speak to shortly, a need to not allow that loophole to remove justice from people, especially where it relates to child abuse, the most heinous form of crime to slip through a loophole. The courts have found that concept difficult because the first party is, as I said, free of fault, but the person, their agent, has acted in the most heinous way.

So the common law has through many cases been quite strict with the rule that an employment relationship needs to exist, and a person who does wrongdoing as an agent does need to be in an employment relationship. You can understand why the court has been hesitant to move away from that strictness of employment. This is, I should say, an issue that is not just one that has been grappled with within our jurisdictions; this is in like countries an issue that has been dealt with – moving away from that strict employment relationship, because it is hard to see where these crimes have occurred and a strict employment relationship has not existed. For example, a person may be an agent of the organisation or person but not strictly be paid, so therefore they are not necessarily an employee but all other features of employment may be there. While the courts have grappled with those cases, it is fair to say it has been a difficult area for the courts, and they have been historically strict, but the High Court has recognised more recently that:

Vicarious liability has had a tortured history not only in this Court –
the High Court –

but also in other jurisdictions.

And has described vicarious liability further:

as, among other things, an “unstable principle”, for which a “coherent basis” and “fully satisfactory rationale” for its imposition have been “slow to appear in the case law”.

It is a difficult area of law because, as the court said:

... this Court has not accepted an overarching theory based on “enterprise risk” beyond any employment relationship.

And further:

... a relationship of employment has always been a necessary precursor in this country to a finding of vicarious liability and it has always been necessary that the wrongful acts must be committed in the course or scope of the employment.

And we have seen that in the case law if you look at the historical judgements and the court's reliance on those judgements in the way vicarious liability has been interpreted, like *Deatons*, which is a 1949 case where a waitress threw a glass at a patron, and the bar was not found liable. There have been some other cases more recently in relation to behaviour of one employee against another, where two employees were living at an accommodation of the employer and that employer was not found liable, or a security guard who pointed their gun, which of course would be outside the role with which they were connected. In those cases, even where an employment relationship existed, vicarious liability was not held. But there are others, and I do note that that is where the court has found difficulty, especially in relation to circumstances where an employment relationship has not existed. I do note the *Footscray Football Club* case where a long-term volunteer was found to have been liable. As the court has said, it has been difficult to extend the issue of vicarious liability beyond that of an employment relationship, but we have seen a movement in the development, and I would argue the courts are softly making clear a need to find justice or deliver justice to victims of the most heinous crimes.

You saw that, I think it would be fair to say, in cases like *Christian Brothers*. In that particular matter, which was a Supreme Court matter, the court adopted a test of 'akin to employment' and they set out a policy rationale for a need for fairness and justice. It was a bit over 10 years ago an example of the court saying we need a system of fairness and justice, that we need principles of fairness and justice to underpin vicarious liability and to do so in circumstances where there may not be direct clear employment or 'akin to employment'. If I can refer to – and this is a few sentences – those principles that the Supreme Court set out at that time, the reasoning was:

- i) The employer is more likely to have the means to compensate the victim than the employee and can be expected to have insured against that liability;
- ii) The tort will have been committed as a result of activity being taken by the employee on behalf of the employer;
- iii) The employee's activity is likely to be part of the business activity of the employer;
- iv) The employer, by employing the employee to carry on the activity will have created the risk of the tort committed by the employee;
- v) The employee will, to a greater or lesser degree, have been under the control of the employer.

You can understand, when thinking those concepts through, why the court was setting out the need for a policy framework in relation to justice being provided to victims through 'akin to employment' and vicarious liability. That was further developed in *Prince Alfred College* a few years later, where it identified the particular features and noted authority, power, trust, control and the ability to achieve intimacy. You can see the court has been speaking to a need to develop a case in these matters. However, that does not mean that the High Court was of the same view, and that is why the High Court matter that has caused this, frankly, is the cause of this bill. You must understand that the High Court has come in over the top of the development of the lower courts and ruled against the development of that extension of the law. As the High Court said in this particular matter that is at the core of this law, the *Bird* case:

Abandoning the threshold requirement of a relationship of employment for the purposes of vicarious liability does not fit within the body of accepted rules and principles. The difficulties that have existed and presently exist with vicarious liability in Australia, and overseas ... do not provide a proper basis for the development of the common law ...

Further, and this is perhaps the most important thing, they said:

Reformulation of the law of vicarious liability is properly the province of the legislature.

We have heard, as this bill has been developed – and we will hear many, many people set out their views, and I will briefly touch upon them – concerns about the law that we are potentially considering today. But that sentence is the one that we as legislators must keep at the forefront of our minds – that

is, though this has been a difficult area of law, the High Court has made it clear that reformulation of the law of vicarious liability is properly the province of the legislature, which is why we are here today.

I am sure there have been many organisations, experts and practising lawyers who have been consulted but have also provided feedback on the proposed legislation. This is frankly the kind of legislation that comes up in parliamentary sessions only sporadically. There are some small moments in time across the term of a Parliament where a piece of legislation comes in where a broad base of the community and experts in the community have very differing views. It is worth noting them because although we as legislators I hope disagree with some of their views and agree with other parts of their views, their views are worth noting. It is worth talking through where we do not agree and setting out why that is the case. In terms of agreement, I should note people like the Australian Lawyers Alliance and the Federation of Community Legal Centres are strong supporters of the need for the state to legislate. They are not the only ones, but they certainly are supporters.

There are a number of other religious congregations who have contacted me and asked that their specific identities not be set out. I take their request; however, I will note their concerns. They are, in general terms, about retrospectivity and consultation and also the state leaning into developing the law in this space. There are legal experts who are concerned about the legislature developing further the law here where, in their view, the common law is the appropriate place to consider vicarious liability, especially as it relates to circumstances akin to employment and there being no need for this. I do in both those circumstances note that the High Court said otherwise.

There is one organisation – and I am going to try to be constructive in the way that I frame it – who have noted strong concerns and will have contacted most members of the chamber about their concerns: the Australian Christian Lobby. I think it is worth noting their concerns because I think they speak quite clearly to their purpose. They raise concerns about retrospective liability and note specifically:

Holding individuals or institutions accountable under laws that did not exist at the time of the alleged conduct undermines foundational legal principles ...

Respectfully, holding institutions accountable for child sex abuse is the right thing to do. They also noted that the bill creates legal uncertainty. I have just explained quite clearly why that is not the case. In fact I think what this bill does is the exact opposite. Thirdly, they have a concern about the volume and scope of claims and specifically that a broad retrospective window could generate an unmanageable number of claims. They say:

There is real risk that current leaders and institutions may be held responsible for actions they had no knowledge of and no ability to prevent.

I circle back to the initial point that a broad retrospective window could generate an unmanageable number of claims. That is why we are here – because every claim is a child, and if there are an unmanageable number of claims, every Parliament in Australia has an obligation to protect what happened to them.

This is a very difficult piece of legislation for some people, and I understand why. A number of institutions have made this clear, and they are not the only ones; there have been a number of institutions that have contacted me and put this into volume. One described it as ‘unmanageable’, as I just read; another described it as ‘hundreds’, in relation to just simply their organisation. I would say to those organisations: think through those sentences and those words and think through when you talk about these issues that there are hundreds of people that many organisations are aware of who have not found justice but who have lived a full life in many cases, although in others they have ended their life because of the crimes that were perpetrated against them. What this bill does is create absolute clarity. Of course it allows the court to consider the circumstances of the case, as it rightly should. It does push back to the court where a circumstance has occurred or is before it that each case should be considered on its merits and the test, especially as it relates to ‘akin to an employee’, should be considered by the court. But it puts into the statute book a set of clear laws that include the victims of

perpetrators for whom, now and historically, organisations have tried to use a loophole in the law to say they should not be held liable because they were employees but not by one factor – in most cases, being paid. I cannot see how any good person could argue that they were their employee but by one factor – that they were not being paid – so they should not be liable for their actions.

So I say, and circle back to where I started, this is a significant day with this piece of legislation, because this legislation leans into a space of law that has been difficult and makes clear that employers of perpetrators of behaviour that no good person could abide cannot find a loophole out because of one factor of their circumstance with their employee. This law will have an impact across other jurisdictions, as it should, and it will provide something to victims that they should have had and should have received. Firstly, the crimes should not have occurred in the first place, but it provides them with legal clarity where it has not been since the High Court judgement where the High Court ruled quite strictly, frankly, a level of distress to victims that they have had to live with since that judgement.

As I said, though we have a government and the government drafted this legislation, there are a few moments in Parliament where pieces of legislation come before it that rise above politics and, frankly, are hopefully the good work of legislators, and this is one of those. The High Court pointed to the state jurisdictions having a responsibility to legislate over this area of law. That is what this bill does. The coalition will not be opposing it in either chamber. Again, I finish by saying, this is a significant day.

Paul EDBROOKE (Frankston) (10:40): Can I first acknowledge the Shadow Attorney-General for that thoughtful, well-considered and accurate reflection and contribution. I rise today to speak in strong support of the vicarious liability reforms that this Parliament has now placed on the table, reforms that matter deeply to victim-survivors, to advocates and I think to every Victorian who believes in justice. First and foremost, I want to acknowledge the courage and resilience of the victim-survivors who have fought for decades to be heard. Many of them have carried the trauma that no child, no person, should ever have to experience, yet they have turned their pain into purpose. This legislation exists because of them. They faced institutions that were supposed to protect them, and they have changed laws, they have changed expectations and they have changed this state.

Thank you to the legal firms and the survivors who I invited into our Parliament brief who shared their lived experience, including Patricia and Bernadette, but also those who understandably could not come in but wrote or called. Thank you to the Premier and the Attorney-General for their prompt action and also the strong unified Labor government caucus who rallied behind this issue, along with the Victorian Trades Hall Council, Thanks also to Rachel Payne, who bravely introduced a private members bill earlier this year, and also thank you to Judy Courtin, who has provided educated, fearless and very frank advice to me at times on this bill.

One of the greatest injustices exposed in recent years came through the Bishop of Ballarat versus DP decision. The *Bird v DP* decision left Australia at odds with other common-law jurisdictions like the UK and Canada, who had actually extended vicarious liability to relationships that are akin to employment around 20 years ago. This ruling left thousands of people devastated – suicidal even – and I note that some of us have probably seen that firsthand. This decision created an absurd legal fiction, giving us two categories of victim-survivors – those who were abused by people who were technically employees, on one hand, and those who were abused by people who were not employees or who were volunteers. The first group could seek justice. The second group, through no fault of their own, could not.

I ask you to imagine standing in a court beside another survivor from the same institution subjected to the same abuse by the same systemic failures but being told your case would be dismissed because your perpetrator was labelled a volunteer. Imagine being told that the organisation that provided that abuser with a platform, with the authority, with the opportunity, could wash its hands of responsibility because a payslip did not exist. That is not justice. That is not accountability. That is an absolute insult to survivors.

We know what these relationships looked like. They were not hobbyists. They were not casual helpers popping in once a month. In cases such as the DP case, they were individuals entrusted with authority, wearing uniforms, living on church property, gaining stipends, using vehicles supplied by the organisation and holding positions of trust that gave them unfettered access to children and vulnerable people. To pretend that they were not in an employment-like relationship is not just absurd, it is absolutely dangerous. To use this argument to absolve your organisation from responsibility is pathetic.

And with respect to those of faith, who I do respect – this is not about faith, but regardless of that – I ask you a simple question, and you have heard this question many times, but in this context: what would Jesus do? If Jesus was faced with adults who were victims of child abuse, I very much doubt Jesus would be trying to find the legal technicality to avoid responsibility and justice and would provide compassion. Institutions knew exactly what they were doing when they delegated responsibility. They knew the power these individuals held, they knew the risks, but when survivors came forward, suddenly the same institutions claimed that these people were just volunteers. It is a legal technicality that has shielded organisations from accountability while survivors have constantly been left holding the cost. This legislation closes that loophole. It broadcasts the message that perpetrators can no longer be hidden by any organisation in Victoria. It makes clear that vicarious liability must reflect the real nature of the relationship, not the label that an institution gives retrospectively. If an organisation entrusts someone with the authority, the responsibility or the access – if they give them the keys, the clothes, the car, the status and the opportunity – then that organisation must be accountable for the harm that that person causes.

I also want to make something abundantly clear: this legislation is not about punishing faith communities or volunteer organisations or institutions unfairly. At its heart it is about justice and protecting children. Do not get confused about that. It is about acknowledging that power and opportunity, not payroll classifications, determine the risk, and it is about making sure that the next survivor who comes forward is not told that they are in the wrong category. But while this bill is about justice for survivors, I think there is also a cultural and a preventative effect going forward. The message in this legislation that this government is passing should always be simple: put child safety first. Do not allow any place, any space or any person to operate without appropriate oversight. There are no excuses. Every MP in this place who recently went through and told us their opinion about the issue we just witnessed in the childcare sector now has the chance to prevent abuse by supporting this bill. I ask members of this house not to just not oppose this bill but to support this bill. Support this bill to encourage a culture where institutions do not just denounce or avoid poor behaviour. Support this bill so institutions actively use child safe standards. Support this bill to send the message that if you do not allow this behaviour under your watch, you will not have to pay a barrister to find a legal technicality under appeal.

There will always be those people who say that these reforms go too far, and to them I say: it is pretty clear that the only people who should fear accountability are those who have failed in their duty to protect the vulnerable. Let me also dispel a myth that will no doubt be raised in this debate about volunteer groups. Volunteer groups being damaged by this bill is a fundamentally flawed argument. The bill before us takes us back to the law before October 2023, when no volunteer organisations were falling over because of this law, and they will not be now. The courts are also left to decide via an appropriate test what is akin to employment. Anyway, it will never be financially viable for a plaintiff law firm to take on cases with organisations that are not insured or are not financially capable. If you are up to speak next and that is the tenor of your argument, I think you should actually read the bill. For those who may get up and say the bill is going too far, I would say to you: until there is a time where we have zero children being abused, we are not going far enough. Furthermore, if this bill concerns some organisations, then I would say that often those are the organisations that need to be concerned. They are the organisations that have turned a blind eye to potential abuse by allowing a sliding culture of behaviour – things like not completing adequate background checks, things like

letting that one person be alone in a room with a child, things like moving problematic workers all around the state. When these failures happen, we see the consequences.

This bill embodies a simple but powerful truth: institutions that benefit from the labour, trust and vulnerability of individuals must also bear the responsibility when that trust is violated. Today we are affirming that harm is not an unfortunate accident of bureaucracy, it is the foreseeable consequence of systems that fail to safeguard those in their care. And when those systems fail, the system, not just the individual, must answer for that. This bill does more than protect victims – it incentivises organisations to build cultures of prevention, transparency and also integrity. It ensures that no institution, no matter how large, respected or influential, can shield itself from accountability behind individual wrongdoing or harbour perpetrators. This bill draws a line in the sand. Supporting this bill is supporting a safer Victoria, a more just Victoria and a Victoria where power comes from responsibility, not immunity. It draws a line in the sand for those who are entrusted with authority: they must be answerable for the actions carried out under that authority. That is the essence of justice. To survivors watching today or reading this in *Hansard*, the message from this place should be clear: you were right to speak up, you were right to demand change, and this time the law is not leaving you behind. I commend this bill to the house, and I wish it a safe and speedy passage.

Emma KEALY (Lowan) (10:50): I rise to speak on the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. Firstly, I would like to acknowledge the children in care who were abused, those that have been able to summon the courage to continue to function with varying levels of success throughout their lives. I have spoken to and know quite well some of the children who were sexually abused many decades ago in various care. I know people who have been able to put that behind them and not hold themselves to the level that their assailants held them to. They have been able to put it behind them and get on with their lives. There are others who carry that burden throughout their lives and have found it incredibly difficult to move on. As has been noted by previous speakers, sadly, when child abuse happens, it has an impact and creates a scar that can never be healed. For some that scar is too much of a burden to carry.

The fact that children can blame themselves for sexual assault by child predators is incredibly damaging and can never be underestimated. I acknowledge those that are not with us today to hear about this legislation. As has been said in the very generous contributions that have been made by members on both sides so far, they cannot listen because they are not here with us. I acknowledge their family members and their friends and those who would have enjoyed their company. The world would be a better place if those younger people had been given the opportunity to grow into adulthood without the harm that occurred at the hands of adults that should have known better and institutions that should have kept a better eye on things, that should have acted on reports at an earlier point and that should have ensured that somebody who had wrong intent and was working with children one on one at times or had an ability to influence or do not just the wrong thing but heinously horrific things was held to account. This legislation is a step forward in that.

There would not be a member of this place who, like I suspect the vast majority of Victorians, would not always do what they could to ensure that child predation around sexual abuse and physical abuse does not occur. But unfortunately it does occur. It is important to note that this does not occur just within religious organisations. I think it is unfair to paint religion as being a precursor to child predation. That is not the case, and we misrepresent the risk to children across our society by singling out one particular entity. Child predators and sexual assailants, we know, will find victims wherever they can to achieve their own end point of sexual gratification. As was mentioned by the member for Frankston, recently we have seen that within childcare centres, but we know it has also occurred in other areas, including within the child protection system – kids who we already knew were at risk that were then exposed to predators, that were sexually assaulted during that time and whose lives have been so deeply harmed that their pathway has deviated from what they could have achieved in life.

Government has a role and a responsibility to play in that, no matter whether it is something that occurs within a religious organisation, a school or a healthcare setting, whether it is in foster care or the child

protective care system or whether it is in sporting or community clubs. It does not matter what scenario this is in, the government has a responsibility to be part of that. While this legislation today steps up in some way towards that, we know that, sadly, there are children across Victoria who will be sexually assaulted today. As a parliamentarian, that is something that weighs heavily on me. I know that it weighs heavily on other members as well. There is always more we can do, but we can never undo the harm that was done in the past, which is why we must continue to have these conversations.

While it is a very difficult conversation to have, having the opportunity to listen to child victims of sexual assault is one of the heaviest duties we have as parliamentarians. On the other side, to be trusted enough that a constituent will come forward to you and share for sometimes the first time that they were sexually assaulted as a child, I am glad that somebody feels like they can come forward and share their story. I would not necessarily think that going into an MP's office would be my first port of call to share that story, but when people do trust us enough to share those stories we have an obligation to do more and to make sure that people feel heard, that their harm is understood and that they have our support. Their survival means that they can continue to be advocates through their courage to speak out, whether it is a private one-on-one conversation with a friend, with a family member, with a counsellor who has expertise in the area or perhaps with a member of Parliament – whoever it is that they feel they can trust – and I encourage them to do so.

Unlocking the heaviness of guilt and shame that is associated with being a victim of child sexual assault can help to heal as much as you can the harm that was caused by others. It is a simple message for anybody who is listening or reflecting back on *Hansard* who has been a victim of child sex abuse, no matter where that occurred: do what you can to look after yourself, and above all else, know that the actions of an adult that should have known better, that knew that it was wrong to use your position of vulnerability, of not knowing right from wrong, of having an undeveloped and immature brain, of having experiences in life of perhaps not feeling like you had an option to say no or feeling like you would get into more trouble, lose access to loved ones, be expelled from school or be homeless and out of care – that intimidatory behaviour – and the fact that at the time you could not speak up does not mean that you have failed. That is not a guilt or shame that any victims of sexual assault should ever carry.

That is why as parliamentarians bringing through legislation like this shows that when people share their story we can take action. We can ensure that the voices that are out there today who are speaking out against child sexual assault in the past or which is occurring today can be actioned so that in the future we have fewer child sex offences, that the predators are locked up and kept away from children and kept away from the community and that they are the ones who carry the guilt and shame of their own actions and not the victims of child sexual abuse. I hope that this is a step forward for some of the victims of sexual assault who have not been captured and have not been able to access all of the penalties that should have been afforded to them because there was not the legislation to support the positions which were akin to employment. I will note that this was covered in the *Betrayal of Trust* report over a decade ago, but obviously with the High Court decision and the recommendation that each state should establish legislation in this part does mean that a wrong will be set right in terms of a legislative framework.

I thank all of those who have had the courage to speak up and to be the voice of others who are not with us today. You have ensured that, in the future, there will be fewer child sex offenders. You have ensured there will be accountability and responsibility for those who have caused harm in our community.

Juliana ADDISON (Wendouree) (11:00): I am proud to be speaking in strong support of the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. This is a critically important bill which improves the legal avenues available to survivors of historical child abuse in my community of Ballarat, across the Ballarat diocese and the whole of Victoria. Firstly, and crucially, I wish to recognise the strong leadership of the Attorney-General and her commitment to addressing the impact of the High Court *Bird v DP* decision and restoring fairness for victims in Victoria.

This bill will ensure that institutions can be held liable for child abuse committed by individuals who are akin to employees, not just direct employees. I strongly support that the bill will be able to provide the ability to retrospectively set aside settlements or judgements made between the decision on the 13 November 2024 and the act's commencement. I want to thank the Attorney-General's office and the department for their efforts in bringing this bill before us before the end of the year. I would also like to acknowledge and deeply thank all those who contributed to this bill, and those who have advocated and spoken out to underline its importance, including Loud Fence members from Ballarat, Dr Judy Courtin, the former member for Oakleigh Ann Barker and loved ones of victim-survivors. Some of these people are here today and others are tuning in from Ballarat.

This legislation is significant for members of my communities whose lives have been irrevocably impacted by clerical sexual abuse and injustice for victim-survivors. Following the High Court decision in November 2024, on 22 February I attended a Loud Fence event in Ballarat to hear from lawyer Dr Judy Courtin about the impact of the *Bird v DP* decision on victim-survivors of institutional child sexual abuse and the need for a campaign for retrospective legislation to reverse the judgement. It was at this event that I committed to advocating to the Attorney-General for legislation. As a part of this commitment, in March I organised for representatives from the Loud Fence advocacy group to meet with the Attorney-General in my electorate office and to hear directly from them about how the High Court decision was impacting victim-survivors, and the actions they were seeking. In the strongest terms, the Loud Fence advocacy group expressed that the High Court decision ended hope: a hope for justice, a hope for recourse and a hope for a better future. Thank you to Gary Sculley, Maureen Hatcher, Marg Camilleri, Katrina Bevelander and Caity Cox for your powerful advocacy.

In May I was contacted by the father of a victim, a constituent who had never contacted his MP before. He described the ramifications of the High Court decision as catastrophic. He shared with me that his son was frequently abused by a parish priest in the Ballarat diocese, and the abuse had started when his son was in early primary school. He explained to me that his son's life had been irreversibly changed, and he continues to suffer from PTSD from the abuse. The impact on the family has been devastating. The father explained that when his son learned of the High Court decision, he did not know if he could see his path for justice through. The father told me that the life had gone out of his son and that he was very concerned about him. The father could not be clearer in his views on the consequences of the High Court decision, telling me:

It will directly lead to the deaths and self-harm of people who have been abused by an institution that should be held accountable for actions of its so-called "representatives".

That is why this legislation is so important, because of what it means to survivors and their loved ones. By introducing the bill we not only do not allow their hope to be taken away but we do not allow their access to justice to be taken away and we do not allow their voices to be silenced. Our government's commitment to victim-survivors of sexual abuse includes our \$500,000 contribution towards a sexual assault memorial in Ballarat, in partnership with the federal Labor government and the City of Ballarat. The memorial will be constructed in Victoria Park and is intended to recognise the impacts of sexual abuse in our community, reflect the continuing lived experience of trauma and elevate the voices of victims. Once established, the memorial will create a place for deep reflection and remembrance. It will also be a physical reminder that there is still so much more we need to do to end violence that continues to inflict significant harm in the Ballarat community.

The legislation before us today is one further part of our efforts to better support survivors. I asked associate professor of criminology and criminal justice Marg Camilleri if she would provide me with some words to share about the legislation during my contribution to this debate, which I will read now:

The importance of this Bill to children of historic and future child sexual abuse, cannot be overstated. It responds to the High Court judgement in *Bird vs DP* (Nov. 2024), a case led by the Ballarat Diocese. A gesture toward survivors of clergy abuse which was simultaneously appalling as it was hypocritical and seen as yet another attempt to silence survivors and disrupt their attempts to seek justice.

Survivors have spent decades dealing with the devastating consequences of the abuse, being silenced and repeatedly betrayed by systems which purported to care for their welfare. Make no mistake, the effects of childhood sexual abuse are lifelong. The ripple effects of which are felt by families, communities and subsequent generations. Lives shattered will never ever be the same. For those who ended their lives, the struggle proved overwhelming.

This Bill and the promise of legislation it will become, ensures that:

- **survivors are not left behind, not ignored and not denied justice yet again.**
- **the safety of children is prioritised, not at the expense of organisations who work directly with children, but ahead of predators who deliberately seek positions granting them access to children.**

We now have an opportunity to put children's safety first and to provide survivors with a pathway to justice and a *Just* response.

I thank Associate Professor Marg Camilleri for sharing these words with me.

The Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025 addresses the issue of vicarious liability and, by amending two current acts, will remove a key legal barrier faced by some victim-survivors of historical child abuse. Proposed amendments to the Wrongs Act 1958 will provide the basis for vicarious liability claims for actions by individuals akin to an employee in addition to formal employees. In the *Bird v DP* case, which was a civil case against the diocese for historical child abuse committed by an assistant priest, it was the technicalities of employment that impeded the finding of vicarious liability. The court found that the abuse occurred and that it occurred during the broader course of the assistant priest's duties. But while the first judgement and the first appeal were both satisfied that the assistant priest represented the diocese akin to an employee, the High Court found that it was not sufficient. He was not an employee in the strictest of senses, so the opportunity for justice was lost. Amending the Wrongs Act 1958 will set this right.

Improving the test for vicarious liability will reform the basis of court decisions going forward, but that still does not account for cases decided over the last year since the precedent set by the High Court decision. That is why we also propose amendments to the Limitation of Actions Act 1958. This bill will provide courts with the option to set aside judgements and previously settled causes of action. Claimants will also be able to bring actions in cases where judgements and settlements have already been made. I want to acknowledge the contribution of the member for Brighton and the member for Frankston and thank the opposition for their strong support for this important legislation. I support this legislation because it will restore justice for victims and provide retrospective application. I support victim-survivors today and every day, and I commend the bill to the house.

Rachel WESTAWAY (Pahran) (11:10): I rise to speak on the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. The opposition will not oppose this legislation, though we do so with carefully considered reservations about both process and legal principle. This bill addresses a profound failure in our legal system: the inability of survivors of institutional child abuse to achieve justice when technical employment structures shield institutions from accountability. The opposition's position reflects a difficult balancing exercise. We have a genuine concern about retrospective legislation and about codifying legal tests in what has been described as an unstable area of law. However, we do recognise the moral imperative to provide pathways to justice for survivors and the urgent need to address the injustice created by the High Court's decision in *Bird v DP*.

This bill responds directly to that decision handed down on 13 November 2024. The ruling left survivors facing an impossible burden: proving their abuser was an employee in the traditional sense, even when that person was placed in a position of power and trust by an institution and exploited that institutional role to perpetrate abuse. Survivors who had been pursuing justice for decades suddenly found their cases in jeopardy and some were forced to accept materially lower settlements. Others saw years of courage simply evaporate because of a technicality about employment status. The High Court itself stated explicitly that any reformation of the vicarious liability principle is properly the provenance of the legislature. Today this Parliament accepts that responsibility.

Victoria is not alone in recognising this need. Following the Bird decision, jurisdictions across Australia moved swiftly to address this gap. This national response demonstrates the consensus across Australian jurisdictions and across different political parties that the Bird decision created an untenable situation requiring immediate legislative correction.

This bill does two critical things. First, it establishes a statutory vicarious liability regime, ensuring institutions can be held accountable for child abuse committed by those placed in positions of trust. Second, it provides justice for survivors whose cases were resolved during the Bird window, allowing inadequate settlements to be reopened where just and reasonable. Before addressing these provisions, I must place on record the opposition's significant concerns. Vicarious liability has been described by legal experts as an unstable area of law. The case law demonstrates this. Bars have not been held liable when employees throw glasses at patrons, yet employers have been found liable for conduct in employer-provided accommodation. These precedents remind us that we are legislating where even experienced judges must carefully weigh competing factors.

The opposition also has serious concerns about retrospectivity and the reopening of settled matters. These are not abstract concerns. They go to the foundations of our legal system. Retrospective legislation, particularly legislation that allows settled matters to be disturbed, creates uncertainty and it can absolutely undermine confidence in legal finality. However, the opposition have concluded that we will not oppose this bill and our reasoning is clear: both elements of the bill, the codification of vicarious liability and the retrospective provisions, align with our moral and value bases. Context absolutely matters. The area of vicarious liability has been characterised by judicial evolution. Institutions are already operating on the assumption that vicarious liability could extend to non-employees. The Bird decision disrupted established expectations; it did not affirm them. We are dealing with serious criminal conduct where survivors face enormous barriers to achieving justice. When technical legal barriers prevent accountability for serious harm the moral case for legislative intervention becomes compelling. The bill includes safeguards in this space. Reopening settlement requires Supreme Court approval on a just and reasonable basis. Nevertheless the opposition want to be clear that our decision not to oppose this bill does not mean that we regard retrospectivity lightly. We have determined not to oppose because of specific circumstances: the nature of the conduct at issue and the alignment with our fundamental values about justice for survivors provide sufficient justification in this particular case.

The need for this legislation arose because for decades many institutions operated with structures that created difficulties for establishing traditional employment relationships. Survivors were abused by people who wore the uniforms, bore the titles, exercised the authority and acted with the apparent endorsement of their institutions. Yet when survivors sought justice they encountered arguments that the perpetrator was not technically an employee. We cannot accept that technical employment structures should shield institutions from accountability for abuse committed by those they placed in positions of power and trust. The bill's statutory vicarious liability test provides that an institution will be vicariously liable where the apparent performance of a role in which the institution placed the perpetrator supplied the occasion for the abuse and the perpetrator took advantage of that occasion. This draws on principles discussed in earlier cases, including Prince Alfred College, recognising that institutions create opportunities for abuse when they place individuals in roles with authority, power, trust, control and the ability to achieve, sadly, intimacy with children. Some stakeholders have argued the bill should use broader language than 'akin to an employee'. However, the bill provides courts with flexibility to consider whether activities were integral to the institution, whether they were for the institution's benefit and the extent of the institutional control. This list of factors is deliberately non-exhaustive, preserving judicial discretion.

The amendments to the Limitation of Actions Act 1958 address the urgent injustice suffered by survivors during the Bird window. The Supreme Court will have the power to determine whether it is just and reasonable to allow settlements to reopen or new actions to commence, and this balances the interests of survivors with the need for legal certainty, while recognising that certainty must never

come at the cost of justice. We must be clear about what the Bird window meant in human terms. For survivors this was not an abstract legal development, it was a period of profound uncertainty and distress. Many had spent years, even decades, building the courage to pursue justice. They had relived the trauma through legal process, they had fought against institutions with vastly greater resources and then suddenly the legal ground shifted beneath them. Some accepted settlements that they knew were inadequate because they feared basically losing everything. Others simply gave up, unable to face starting again. This bill gives them certainty. It gives them a second chance at justice, and rightly so. We know from the Royal Commission into Institutional Responses to Child Sexual Abuse that institutional child abuse was enabled by systemic failures. Survivors seek acknowledgement and accountability. This bill sends a clear message: institutions cannot hide behind technical legal structure to avoid responsibility for abuse committed by those acting under their authority.

The failure to hold institutions accountable has profound consequences beyond individual cases. When institutions escape liability through technical legal argument it sends a message that clever structuring of employment arrangements can shield organisations from the consequences of abuse that occurs under their watch. This undermines public confidence in our justice system and in the institutions themselves, but more importantly it denies survivors the validation they deserve and the closure that comes from holding the responsible parties to account. This bill addresses that failure directly. I acknowledge the concerns about uncertainty for organisations. However, institutions were already operating on the assumption of vicarious liability prior to the Bird decision. This bill does not create new and unexpected liability. It restores the legal landscape that existed before the judgement disrupted it.

Vicki WARD (Eltham – Minister for Emergency Services, Minister for Natural Disaster Recovery, Minister for Equality) (11:20): Thank you, Acting Speaker Addison, for your earlier contribution. I support this bill. The trauma, damage and harm of abuse have a long tail. It can take years to learn how to live with this experience – or experiences – and it comes at a cost: drug and alcohol abuse; staying in education; keeping a job; paying for psychological support; maintaining relationships; and self-harm. The list of consequences is very long. Some take their lives, unable to any longer live with the hurt and the pain. We also know through research that a disproportionate amount of prisoners have experienced sexual or physical abuse in childhood. Abuse changes the courses of lives and often limits the full potential of a person being realised – this is a further injustice. The costs mount: this is a financial, mental and social charge; an expense for which those responsible or those who, through their own actions, created an environment of permission need to and should pay. Sometimes those who have experienced abuse do not want to have anything further to do with their perpetrators or those associated with permissiveness, and that is absolutely understandable. But many want and need perpetrators and the organisations who did not stop this behaviour, or who were too slow, or who did not have the safety of children and vulnerable people at the heart of their decision-making, to be accountable and to support them in rebuilding their lives so that they do not carry this cost on their own.

We know childhood abuse, including in institutional or organisational settings, often remains hidden for decades, and that justice and redress cannot be dependent on the technicalities of when an offence occurred or what legal structure the institution had, including definitions of ‘employment’. In 2024 the *Bird v DP* decision by the High Court of Australia ruled that an organisation could not be held vicariously liable for abuse committed by a person who was not formally employed even when their role was functionally equivalent to employment. We are going to fix this legal limbo with this bill. This is a ruling that left many historical abuse survivors unable to access justice and unable to hold institutions to account despite experiencing profound harm. Institutions and organisations should not evade any responsibility that they hold simply because a perpetrator under their watch was a volunteer, a member of clergy or otherwise was not formally employed. For many victim-survivors the consequences of what they have experienced – the harm and hurt that they have experienced – are lifelong. They span physical and mental health, relationships, education, employment and even life expectancy. Research from Macquarie University has shown clearly that people who experience child

abuse are significantly more likely as adults to suffer from both physical and mental health conditions and to incur higher ongoing healthcare costs.

The effects are deeply personal and persistent. The flashbacks that interrupt life can take days, hours or weeks to recover from and can put your life on hold and reduce your social and economic life. The Royal Commission into Institutional Responses to Child Sexual Abuse gathered extensive evidence from survivors detailing trauma that spans a lifetime. Some survivors described immediate and lasting psychological damage: depression, anxiety, post-traumatic stress disorder, nightmares, sleep disturbances, self-harm, suicidal ideation, substance abuse, difficulties with trust and intimacy and challenges forming relationships. The commission found that this abuse affects relationships, employment, economic stability and family dynamics and can ripple through future generations. Many survivors found life hard – challenges with schooling, work, parenting, intimate relationships and social isolation.

Abuse is very expensive. It has so many diverse costs. A 2024 study by researchers at the University of Sydney estimated that childhood abuse, including sexual abuse and neglect, is responsible for approximately 40 per cent of common lifelong mental health conditions in Australia. This includes depression, anxiety, harmful alcohol and drug use, self-harm and suicide attempts. The study also found elimination of childhood abuse in Australia would in 2023, for example, have prevented 66,143 years of life lost and 118,493 years of life lived with disability, totalling 184,636 years of healthy life lost through mental health conditions experienced by childhood maltreatment and abuse. Those who have experienced abuse need to have custody over their lives and choices, which includes choosing to access justice, compensation, counselling and support. It is about fairness and an acknowledgement of their suffering, helping them build a new life, for the past one cannot be rebuilt, and holding institutions accountable for past failures.

I am going to talk about David. Firstly, he acknowledges and commends the government for this legislation and work. He believes the closure of this loophole delivers the right to justice for all victim-survivors and the pathway to justice and that including volunteers as well as employees will ensure that institutions are held accountable. He said:

... as a survivor and advocate I recognise the journey to justice is long and hard – for too long the ‘system’ has not been structured to support redress and justice – not everyone can be an advocate – I acknowledge that most cannot be public advocates and I am honoured that I am able to be an advocate – these changes whilst they mean so much to me they will change the lives of many folk for the better – it will not just make their recovery journey a bit easier but it will deliver justice and closure ... when governments address real disadvantage for marginalised communities that is the measure of a true reforming government that has a social conscience and is not afraid to act despite powerful forces pitted against them. I am proud of this legislation and that my government has acted. I want to publicly congratulate the previous AG, current AG and –

me and their local member –

... for hearing me and the survivor community – too often we are not heard. This is landmark legislation – thank you ...

I thank David for coming to me with his words and for the courage and commitment that he has shown over many decades in his advocacy.

Organisations and institutions and the people who lead them, who set the culture, who make the policies and processes and who are there to manage people and their behaviour hold a unique and profound responsibility when they accept care for children in any form. Once adults accept positions of authority, supervision or trust over children, they become custodians of their safety. They become a part of the village that has the responsibility to raise strong and healthy children. Leadership and trust come with consequences for failure. There is a responsibility to protect children, one we as adults all hold, and once you have responsibility in any form for children there is also the responsibility for protecting them. This legislation is legal reform, and it is also a statement of our values as a government and as a Parliament. Children’s trust must always be honoured. Those who have been abused deserve

acknowledgement, pathways to justice and support. They deserve our respect, they deserve our care and they deserve our love. By expanding vicarious liability to those akin to employment and allowing retrospective claims, our government is demonstrating that no institutional child abuse can be sidelined because of a technical legal definition. Accountability is vital, as is ensuring that we as a community, as a state and as legislators do all we can to prevent abuse, to ensure that these decisions – these choices – to abuse are never made. I support the bill.

Richard RIORDAN (Polwarth) (11:29): I rise to join my colleagues in discussing the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. Speaker after speaker this morning have spoken of the true dastardly nature of child abuse, its insidiousness and what all evidence tells us is a lifelong impact on people's lives. I guess today I want to not so much discuss the intricacies of the bill and its history – that has been well covered by many of those in the chamber today – but I want to talk about child abuse and the way the Parliament's and society's discussion generally frames around it. The facts are very, very clear: the bulk of child abuse occurs in the home amongst people that we know and family. I am a white, middle-aged man, and I am considered as privileged as you get on the planet, and I feel that at times, because I have been lucky. I grew up in a large, loving family, but I had a friend around my age next door in a home with well-respected country people who were just horrible. That poor fellow is a couple of years older than me. My parents fought desperately to keep him safe, and it was a push uphill.

Legislation today, and legislation that we often talk about, never looks after those people. In the last 18 months two completely different families, different circumstances, have been torn apart with the revelations of 40- and 50- and 60-year-old children who have opened up about what their father did to them. It devastated the families. It has caused fight and war. One family has opted to go to court; another family deals with it themselves. As a society and as a community we do not disproportionately focus on institutions but we all too often – and I sense we are doing it again today – think it is the only abuse that happens. While it is important that no-one who perpetrates abuse should ever be let off and we should not have legal loopholes and we should not allow that to happen, one of the concerns I have is that in the debate – and I hear it a bit again today – is we are not looking forward as to how society may need to deal with this issue going forward, because the sad reality is it is a failing of an individual that causes them to behave in this way and perpetrate these acts on vulnerable young people in their care who have their trust. Overwhelmingly, victims know their perpetrator.

I pose the question: how are we dealing with it going forward? Because the debate today again talks about how we will continue to expect financial recompense from organisations which are not traditional organisations in the sense that for many communities, and my community in particular, many important local social services are supplied by these institutions we are wanting to hold to account. It is not unreasonable that we hold them to account, but we have to have a plan for what is the next step. For many communities, if we do not have the food support service and if we do not have many of these other social services that have been provided to our communities for 150 years, will government stump up the extra money? Will government step in to take over those important community and family services that belong to many of the institutions that we are talking about today?

These are important questions, and I am not sensing that as a Parliament and as a state we are actually thinking through the logic of how we progress that. I challenge us, in having this debate today, to truly think about what it is that we are seeking to achieve. For some people I absolutely understand that there is a huge anger and a rage, and financial compensation will in fact be something that helps them heal; I understand that. I understand that there are people that are going through a process. We still have not come up with a better way other than having victims in particular have to go through a process that is incredibly traumatic and can take years. Again, I happen to have been involved in helping to mediate in this sense, as a local MP, a church-based abuse situation. It is incredibly traumatic for people having to go through that.

Even though this system has opened that door to make sure that there are fewer loopholes, this bill and this Parliament still have not come up with a way we can get to the bottom of it and get the victim

what the victim needs. When talking to a good friend of mine, who is not church raised – he works for a non-profit organisation that deals with people over the age of 60 who have been in institutional care all their lives right across the state – he would say to me that money as a solution is an option for some people. But in his lived experience of working with many of these people on a daily basis, the money often causes more problems because it is often going to people without the necessary – they have had very tough and arduous lives – skill set sometimes to deal with it. It creates other family problems.

The recompense, the care and the support we need to offer victim-survivors are different for every single victim. Every single victim needs to have a system that understands where they are in their life and what it is that is best going to help them. Certainly money is one thing, but there are sometimes many, many other things. It can be the assistance to link up with their family again. It can be intense and extreme counselling, care and support that helps them understand that it was never their fault. It is different for everybody.

Often in this debate we seem to narrow it down to a large institutional problem and that that is going to be the solution. Hopefully as a society and as a Parliament we will begin to think more holistically about this debate going into the future. If any organisation starting up today does not have the practices and procedures in place, then regardless of vicarious liability they are negligent. But we have seen only this year horrendous stories of where people who want to perpetrate these wrongs against young people find their way into community groups, into organisations, into childcare centres. It is an ongoing problem. Recent reports tell us, for example, that the Anglican diocese of Ballarat is on the brink of bankruptcy. That might please many people, but I do not get pleasure out of that because the Ballarat diocese, for example, is not a single entity owned by a person. It is a community asset, and those assets being lost to that community are not a win for our community either.

One of the points made earlier by a speaker was that expanding this vicarious liability will not in fact be a terrible thing because it will not go to football clubs and volunteer groups and others because they do not have the financial assets. Therein lies the problem. The care and support that we offer and the recompense and the acknowledgement of the wrong to our people cannot be just based on whether an organisation has enough assets to support them. As a society we need a more complex, a more advanced and a more sustainable model of how we ensure we get to this.

Prevention is always going to be the best cure. Preventing these things from happening to start with is always the best option. The resources of the world – the FBI, ASIO – everybody is online now and they are working on these problems, but they are enormous. They are entrenched. For centuries, probably for the length of humanity, this inclination has plagued the lives of young people. As a society we need to get the structures and the thought around how it becomes sustainable and not have a system that says, 'We're doing the job here. No more to see because we've targeted institutions.' We need to look at this as a broad problem that will, sadly, be with us for a very long time, as much as we try and defeat it. While I welcome the fact that we are trying to do our best as a Parliament, I think there is still much more that we can do.

Tim RICHARDSON (Mordialloc) (11:39): I rise to speak on the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025, a really important piece of legislation that comes at a critical time for victim-survivors in our community. I want to place on record our sincere thoughts about and acknowledgement of those who have a lived experience – those that are, sadly, not with us anymore and those that might not have disclosed but carry that to this day. Our thoughts are with you.

One of the more powerful presentations of the advocacy on this piece of work was an opportunity in this Parliament. I want to acknowledge Ann Barker, and I want to acknowledge the amazing Chrissie Foster, an absolute superstar – thank you for everything you have done, Chrissie – and Kathleen Maltzahn, CEO of Sexual Assault Services Victoria. There are some powerful advocates who have done an incredible amount of work. Ann was in that meeting – and the member for Frankston facilitated this with a number of government members of Parliament – and the urgency in that room really stuck with me. It hit me in the sternum that the people that shared their lived experience had

gone on such a journey to be validated and to share their lived experience and then faced the arbitrary structures of a case that came forward. The High Court were quite strong in their commentary around the harsh nature of their conclusions and the description of legislators needing to jump in and really intervene here. I am glad about the urgency that was brought to that by members of Parliament who were on that. There was another member of Parliament in the other place Rachel Payne, but I particularly acknowledge the urgency that the member for Frankston brought to this, and he did not miss any colleagues. When we think about impact in this place and we think about how we can really make a difference, everyone knew where this issue stood and everyone knew the urgency. There was another Frankston line colleague in the Attorney-General, who is the most magnificent leader – one of the most magnificent leaders; I have got to be careful what I say – in this place. I know for the member for Carrum, the Attorney-General, the urgency in getting this to this place in bill form would have taken every waking moment, so thank you to the Attorney-General.

It is such a perverse thing to have people who have come forward and shared their lived experience – have gone on that journey – to then be invalidated by a legal technicality, be retraumatised all over again and have to experience that suffering and that trauma and that grief. This is where legislation like this is really critical to square that balance and to find our way through. The narration around organisations and their impact I think was so well described by members of Parliament before my contribution. We need to realise in all elements that the protection of people, particularly children, is absolutely paramount. It shocks me to the soul the numbers of people who have a lived experience of sexual violence in our community. It needs so much more work in awareness. It needs so much more work in prevention. I do not think it is anywhere near mainstream Victorians in terms of just the scale and challenge of this epidemic. We need to do so much more. The impact then for children – and we see this in the men's behaviour change space – and the impact that has on our communities is substantial. The work in prevention and the work in supporting victim-survivors in their mental health and wellbeing and their journey is so very critical.

The numbers and stats in organisations of people who might be a risk to children, having been part of some of those briefings and that engagement, really shock you to the core. There is a need for a positive duty to be always on guard and to be aware of organisations that have any interaction with kids, and we need to always have them at the forefront of our consideration and impact. I do not accept an argument that is put forward that suggests financial viability is the equivalent of an argument around protecting children and that impact. That will never be a standard that any parliamentarian should accept or any legislator should accept. If anything, it should be the inverse, because if the scale of the concern around vicarious liability is such a number that it would make your organisation not viable, then maybe we need to go back to how those kids are being protected and how people are being protected in your organisation. That should be the first and foremost consideration. This legislation is really important to supporting people in their journey and validating once again their courage in coming forward and sharing their lived experience, whether that is with compensation or whether that is with support but, importantly, validating where they have come to be today.

The urgency that has been brought to this issue shows what legislators in the Parliament can do in that environment and those circumstances as well. This is a unique set of circumstances where the High Court, in making that judgement, acknowledges that it squarely sits with legislators, acknowledges the harshness of that, then makes the decision. There are not too many opportunities where there is such a strong signal from the judiciary to bring that forward. Victoria has not wasted a moment in trying to make sure that this is fit for purpose, that this meets those requirements going forward as well and, importantly, that it is retrospective, because the gap and the huge impact in the discussion that we had in that room with government members of Parliament was that those who were having their matters heard or who were potentially having matters heard before the courts or who were in negotiation and who were then going to be locked out of not being able to be supported as well – I strongly support them. I hope that comes as comfort to those victim-survivors today, that we have heard their requests and the anxiety and turmoil that was described to us in many briefings. We have heard that loud and

clear and have an understanding of that. That is a recognition directly of the advocacy that has been put forward as well in this bill.

The bill expands the relationship in which vicarious liability can be applied to include those that are akin to employment. I think there is a technical element to that description, but it was well and truly covered off in the second reading and in the contributions, particularly from the member for Frankston, and in all movements as well – the substantive nature of that relationship and that engagement. I come back to that fundamental point, on those organisations that have a hesitation. I have some concerns around some of the narration around impact, because I feel in everything that we do there is a positive and mandatory reporting requirement. In everything related to children, it should be the highest possible standard in protection and care. When we talk about the technical elements of how we might avoid liability, I always worry about that narration, because we need a positive and absolute duty in prevention in the work that we do. We see this across the sector in the prevention of sexual violence and the prevention of gendered and family violence in our communities. If we are to create a safer, more inclusive setting, primary prevention is everything, and it is important for organisations to change culture and outcomes, to see themselves as standard bearers in everything that they do and to have a constant and ever-present focus on their relationships with their people, who are part of their organisations, and particularly children.

As I said, the numbers of people that have a lived experience and the numbers of instances of sexual violence and child sexual violence in our community are horrifying – absolutely horrifying. We see then the trauma and litany of impact that that has into the future; that has an intergenerational impact on Victorians. We need to do everything we can from a prevention frame, and where we have kids that are impacted and adults sharing their experiences ensure that they are believed, that they are validated, that they are supported and that the systems they rely on to support them do not then lead to systems abuse in the future as well.

I think this is a really important moment for our Parliament and it shows how flexible and nimble our legislators can be. It is always important to be on guard where matters that we think have been dealt with might present a legislative challenge that comes from the judiciary or comes through, and that the advocacy to bring that to be is inclusive and supported here. To those who have shared their experiences: thank you. To those who have been part of the advocacy journey: thank you. And to colleagues like the member for Frankston: thank you for your leadership and work in this space.

Tim READ (Brunswick) (11:49): I rise to speak in support of the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. The Greens will support this bill today, and we are glad to see the government has brought this to the Parliament after we raised this issue in correspondence with the then Attorney-General and also after Rachel Payne in the other place brought a similar private members bill, which we also supported earlier this year. This follows extended advocacy, which we have just heard about, from courageous victim-survivors and legal advocates who have led the charge in calling for this necessary legislative change. It is good to see some of those advocates in the gallery today.

This is an important piece of legislation that provides better options for victim-survivors of institutional abuse. It responds, as we have heard, to a 2024 High Court decision in the case of *Bird v DP*, in which the High Court said that a Catholic diocese could not be held responsible for abuse perpetrated against a five-year-old child by one of the diocese's assistant priests because the priest was technically not an employee of the church. This decision had the effect of determining that in Victoria churches and similar institutions are not vicariously liable under common law if the perpetrator was not a formal employee, starkly reducing options for victim-survivors of child abuse to seek justice for what was done to them based on arbitrary distinctions of the nature of an abuser's employment status.

The bill does not change how Victoria defines 'vicarious liability', which holds organisations vicariously liable for historical child abuse when there is an employment relationship between the organisation and the perpetrator and the abuse occurred in connection with the perpetrator's

employment. Instead it expands the scope of how vicarious liability can be applied. And with respect to religious organisations in particular – the special legal loopholes within which they exist in our society, like tax exemptions and a lack of employment contracts as we may know them – resulted in victim-survivors of child abuse having little or no legal recourse. I will note in passing that the special treatment of churches by governments and by legislation gives these institutions with diminishing social relevance extraordinary influence over the lives of so many. This is one of many examples which suggests a full review of the exemptions and privileges enjoyed by churches and other religious organisations is well overdue.

This legislation closes the aforementioned loophole and ensures that vicarious liability will also apply to perpetrators who were ‘akin to an employee’ of a given organisation. This includes not only churches but other organisations that have care, supervision or authority over a child, including schools, scouts, sporting clubs, charities and more. If an organisation chose or accredited an abuser for a role with authority over children, and put them in a position of trust, power or intimacy while the organisation benefited from or had influence over their work, even if their role was that of a volunteer or other person without a formal employment contract, then the organisation can now be held vicariously liable under this legislation. Importantly, the legislation has a retrospective effect, meaning both that it will apply to abuse that occurred before 2018, when the Wrongs Act 1958 was amended to impose a duty of care on agencies and institutions, and that courts can now set aside judgements or settlements reached after *Bird v DP* which were affected by that High Court decision. This latter point means that victim-survivors will have the ability to relitigate or renegotiate past decisions at their own cost.

The Greens do have a number of questions that legal and advocacy stakeholders have raised with us, which we have been bringing to our discussions with the minister’s office for their engagement with us so far. We thank both the minister’s office and the government more broadly for engaging in these discussions. But we are glad to see that the government has finally brought this necessary piece of legislation to the house, and we will support it.

Michaela SETTLE (Eureka) (11:54): I rise to speak on the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. At the outset I would like to say that I am very pleased that the opposition are supporting this bill, and I did want to thank the Shadow Attorney-General, who is in the chamber with us now, for his very thoughtful and considered contribution.

This bill sits very squarely in my patch and also of course, Acting Speaker Addison, yours. I know this is something that you have been very conscious of and very engaged with, and I join you in that support for our community. Sadly, during the royal commission Ballarat was really found to be ground zero for some of the most awful, awful behaviour. I really would like to acknowledge at this point all of the victim-survivors in Ballarat. We absolutely honour your courage and your pain. I know that the Acting Speaker and I will always stand with you.

I have a few other acknowledgements. I do really want to also acknowledge the member for Frankston. He has been tireless and deeply compassionate in this space, and he has certainly made me much more keenly aware of what was at stake with this legislation. So I do want to acknowledge the member for Frankston for his advocacy, and of course, importantly, the Attorney-General for the seriousness, care and urgency with which she has addressed this issue.

The High Court itself said that this rests squarely in the hands of the legislators, and that is us, and that is why we are bringing it now to Parliament. It is necessary of course because of the High Court’s decision in *Bird v DP* in 2024. That decision overturned a Victorian ruling that had held the Catholic Church vicariously liable for the abuse of a five-year-old child in Ballarat in the 1970s. The High Court’s decision, which in effect overturned that previous ruling on legislation, was heartbreaking for many, many people. It is only right and proper that we come now to amend that.

The High Court found that because the offending priest was not technically an employee the church could not be held liable, even though he displayed all the hallmarks of employment. The court did acknowledge that the consequences were ‘harsh’, and it invited the legislature, this Parliament, to fix it, so here we are today to answer that call. The Bird decision left many victim-survivors, particularly those who suffered historically, so decades ago, with no pathway to civil justice. With records lost, witnesses passed away, negligence claims no longer viable, suddenly the status of an abuser determined whether survivors could seek justice, and of course this is unacceptable.

The bill is very targeted. It goes only as far as it must to fix this problem, and that is what we needed to do. The bill reinstates the ability for victim-survivors to bring claims against organisations where the abuser was akin to an employee. Courts will also be able to consider whether the organisation exercised control, whether the person’s activities were integral to the organisation and other relevant matters. It allows survivors to reopen unfairly resolved cases, and I think this is a very important element. Any victim-survivor who was forced to settle or withdraw their matter following the Bird decision will be able to apply to have that judgement or settlement set aside. This covers the period from 13 November 2024 and the commencement of this legislation. I think that is an incredibly important element of it, because nobody should miss out on justice just due to unfortunate timing.

I am very proud that this government has been a national leader in responding to institutional child abuse. Over the last decade we have made some really important moves: removed limitation periods for child abuse claims, imposed a statutory duty on organisations to prevent abuse, removed the Ellis defence and allowed unfair past settlements to be set aside. This bill continues that commitment to the victim-survivors in our communities.

I would like to acknowledge a wonderful organisation that began in Ballarat but now spreads across the world, the Loud Fence movement, and a pretty extraordinary movement it is. Their message was so simple and such a strong, strong message: we will not accept silence anymore. Putting bright-coloured ribbons on the fences of those institutions acknowledged the voice of those survivors. I note that Maureen Hatcher, who commenced the Loud Fence movement, has been nominated for a Ballarat council citizen of the year award for 2026. I do hope that all that she has done will be acknowledged by council. As I say, the movement began in Ballarat but has spread I believe across the world, and I think that speaks to its importance, because what is at the heart of all of this is hearing those voices – voices that were taken away from young children in some of the most horrendous circumstances. To be able to say loudly that we need to be heard is so incredibly important.

I understand that there is some concern from some organisations about the impact that this legislation will have. I stand again with the member for Frankston in saying that the victim-survivors are absolutely the most important voice in this discussion, and it is their voices that I will listen to. It is their voices that need to be heard, and justice needs to, in some way, be done for those people.

Ballarat, as I say, was the centre of one of our darkest chapters, and the royal commission heard more evidence from Ballarat than almost anywhere else. Sadly, we see it still in our community. There are generational impacts from this dark, dark time in our history. The stories of survivors, men and women who were once children, simply trying to live their lives shocked everyone when they were spoken about in the royal commission. Some of those survivors still live amongst us. Some have become advocates, some have carried their trauma quietly and bravely. Tragically some are no longer here to see Parliament take this step. This bill honours their strength, their suffering and their decades-long fight for justice.

This bill is fair. It is necessary. It ensures that survivors are not punished twice. It is incredibly important that they can seek justice, and this bill allows that to happen. I do not believe that any organisation has the right to evade responsibility through technicalities. For Ballarat and for every survivor who has waited far, far too long, this Parliament stands with you. Again, I would like to thank the member for Frankston for his tireless work and the Attorney-General for bringing this bill to us. Most importantly, I want to thank the advocates and the victim-survivors that have shown such

courage and strength to continue to fight, to continue to demand that their voices be heard and that their justice is in some way sought. We will never be able to repay that dreadful, dreadful trauma that they have experienced, so it is incredibly important that we stand with them now in front of the law so that they might seek some justice for those terrible crimes.

Martin CAMERON (Morwell) (12:04): I rise today in a not-opposed position and a supportive position in relation to the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. We sit in this Parliament. Sometimes we are against bills that come through and it is split one side versus the other. But we stand here today as one and united in the Parliament to bring in this justice legislation amendment which has been sought for a very long time. It has been a long row to hoe for victim-survivors, as we have heard in the chamber here today. This is our part in supporting their voice, where they have been so courageous to raise these matters to a point where we are actually changing the law in Victoria, changing our legislation to protect our future children. To those victim-survivors, thank you so much for having that powerful voice, for forcing us as legislators to make these amendments so that we can have better protection and laws here in Victoria.

I would like to also thank the member for Brighton for leading this. It was a very passionate display of I think what we are all feeling and how it does affect every single member in this Parliament. I thank the member for Brighton for that. Then to be followed up by the member for Frankston explaining how this has all come about – I think we are lucky in this chamber that we do get to sit down and hear, as I am sure every MP gets to hear about not only how these issues affect the individual MP that stands on their feet and talks in the chamber but how they affect our own communities. As MPs have said, there are groups that have written to us individually, I am sure, that are unhappy with the legislation that we are bringing in. I am probably not going to be as articulate as the member for Frankston was, but to those groups: bad luck. You have had it too easy for too long, and we need to make sure that we not only make changes to the law that protect the victim-survivors, who have had to deal with this for their entire life – the ones that are still with us, because there are ones that now do not have a voice because they have actually taken their life because of what has happened previously – but also put measures in place to make sure that it does not happen again. I am sure we will be back here at different stages to change things and make it harder, as we should do, for some of these perpetrators. To everybody that is standing up here today and telling their story and the story of their community, I do thank them for being able to do that.

I know that in the Latrobe Valley we are number two in family violence, and I know a lot of those call-outs that our police have to go to involve actions against children. For it to be so high in the Latrobe Valley – and East Gippsland is number one on that family violence list – we need to be seen to be being proactive and doing the right thing, because as has been proven over the years, if we do not make a stand, this will just continue on. It gives people, the perpetrators of years ago, an out – and that is wrong. If we are going to be standing in here, let us make decisions, sensible decisions, which we can all be in agreement on – that we are here, and we are going to protect our children into the future.

As has been spoken about by members on their feet, the bill has two primary purposes. Number one is to amend the Wrongs Act 1958 to create a statutory vicarious liability regime for child abuse, including historical abuse, extending liability to employees and persons akin to employees. That is super important. This is where we are getting emails and being engaged by certain groups because they are not happy with that particular amendment coming in. And as I said before, bad luck. We need to be able to protect our children, and we will do everything in our power to make this come through. And this is not an easy journey. As the member for Wendouree said, these are historical events that happened in her electorate down there. This bill is an outcome of people having the courage and feeling safe to be able to talk about what happened all those years ago so they can protect future generations moving forward. To be able to have that in this bill is a very significant step forward.

The bill amends the Limitation of Actions Act 1958 to allow survivors whose cases were dismissed – those who had the courage to stand up and talk about it and had their case dismissed or settled in the

period between the *Bird v DP* decision and this legislation – to have those judgements or settlements set aside and recommence proceedings. It is positive reinforcement, and I hope that victim-survivors realise that this is their doing. For them to have that voice and then see it come to fruition with all of us standing up in Parliament and making these amendments – it was a powerful act of theirs to initiate it at the start. As I said before, in this place we need to be able to pivot sometimes when issues do pop up. As the member for Frankston said, this needed to be done, it needed to be done quickly, and it needed to be done in a certain way so that we are not leaving loopholes in the legislation and wriggle room for perpetrators to be able to manoeuvre their way through.

I look forward to hearing everybody else who is getting up to talk on this bill. We are so fortunate that the chamber is united as one, as we should be when we are talking about these issues. First and foremost, we need to look after our children. Secondly, we need to make sure that individuals and perpetrators are held to account, whether it is for events that have been going on recently or whether it is for historical issues that have gone on. We need to set laws up in this place, which we are doing today, to make sure the children of today and tomorrow are protected. I am very pleased that I could stand and put my voice and the voice of the people of the Latrobe Valley in place here in the chamber today.

Gary MAAS (Narre Warren South) (12:13): It is with an enormous sense of pride today that I rise to make a contribution in support of the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. In doing so, right at the beginning of my contribution I would like to acknowledge all victim-survivors of child abuse for their very strong and brave storytelling of their lived experience. That very, very strong advocacy has led to this moment in the Parliament of Victoria, so that we can right some wrongs. I also thank the Attorney-General for some really speedy footwork in enabling us to get to this point today.

I would also like to acknowledge the very, very strong advocacy of the member for Frankston within our Labor caucus in ensuring that we were all across the issue, that it was a matter of urgency and that it was a matter that spoke very, very strongly to our Labor values as a caucus to rewrite this wrong and to get it done and get it done now. To the member for Frankston, I say thank you for that.

The member for Frankston's contribution also did something that does not happen too often in this place. We often will speak about the legislature, we speak a lot of the time about the executive and sometimes we stray into speaking of the judiciary and even what the media is up to. It is very, very rare that we stray into the lines of the church, but I guess given the outcome and indeed the subject matter of *Bird v DP* and the High Court decision it is appropriate to go there in this place. To ask the question to those of the Christian faith 'What would Jesus do?' is something very, very powerful. I do not say that as a particularly religious person, but I say that to people who have Christian values and try and live those Christian values each and every single day of their lives, because there is no greater injustice. As the son of someone who lived their Christian values all of their life I know there is nothing worse. My mum used to say there is nothing worse than hiding behind the cloak of God; there is nothing worse than that. You must be able to right a wrong no matter how hard telling that truth sometimes is. That is such an important issue for justice for victim-survivors and their families, and I am so happy that this government has made it clear time and time again that it stands with victim-survivors of child abuse and that it will support them, be that by apologies or be that by legislation that makes it easier to seek justice and compensation.

This bill introduces amendments that will allow victim-survivors of historical child abuse to seek compensation from institutions, whether those who inflicted the abuse were formal employees or functioned as an employee would. This includes organisations that traditionally rely heavily on volunteers to accomplish their work and organisations where those playing key roles may hold office but for whatever reason are not paid. The bill will also protect current and future generations of the children of Victoria.

This landmark legislation has two important components. First, this bill will amend the Wrongs Act 1958 to retrospectively and prospectively expand vicarious liability for child abuse from employment relationships to include relationships that are akin to employment. Relationships that are akin to employment include those relationships where a person carries out activities as an integral part of the activities of an institution and for the benefit of that institution and to the extent to which the institution directs the individual's activities. Importantly, the bill will not exclude volunteers or certain types of organisations, and as a government we certainly will not shy away from state-based institutions being included in the bill. We know from past experience the pain caused when such institutions neglect and abuse. I think back to last year's parliamentary apology to Victorians who experienced historical abuse and neglect as children in institutional care. We know that if we are to do a thorough job of protecting children, then we must allow state-based institutions to come under scrutiny. Legislation such as this bill, designed to protect children in the future and support victim-survivors of historical abuse, must be consistent and applied to all institutions that exercise care, supervision and authority over children.

Second, the bill will also amend the Limitation of Actions Act 1958 to enable a person to apply to the court to set aside a settlement or judgment that occurred between 13 November 2024, which was the date of the *Bird v DP* decision, and the commencement of this bill. The second part of this amendment is designed to assist those who had legal determinations made during that time to pursue justice – people who, due to other difficulties such as the passage of time, the loss of records, the deaths of key witnesses or, crucially, being abused by a non-employee who nonetheless resembled an employee, would face difficulties pursuing justice through other avenues. In short this bill seeks to remove barriers to victim-survivors of historical child abuse in seeking recompense through civil litigation. The government has already made many inroads to remove barriers to civil litigation for victim-survivors of child abuse. We have had many reforms: in 2018 removing the Ellis defence, which had enabled unincorporated organisations to avoid civil liability, and in 2019 allowing courts to set aside unfair settlements in organisational child abuse cases. The bill builds upon that important work, and it helps victim-survivors to seek justice.

In a previous working life I used to listen to those who did face such injustice, and I worked with those who faced injustice. I came to understand just how important it is to those who have been wronged to be heard – to actually be heard – and have their pain validated and to then be able to seek justice and compensation. They found enormous strength in that to be able to continue. What happened to them may have marked them, but justice meant it no longer had to define them that way. It is only fitting that a reform such as this be made right here in Victoria, where this government has already shown such a strong commitment to ensuring that its citizens have the opportunity to seek and obtain justice.

We on this side of the house are committed to making this state the very, very best that it can be. The legislation brings Victoria into line with other jurisdictions such as the UK and Canada, which extended vicarious liability to include relationships that are akin to employment more than 20 years ago. As I said right at the outset, I am proud to be a part of this government, indeed this Parliament, that will extend this same opportunity to the people of Victoria. In closing, I will just say that this is a very good bill. It closes a legislative loophole – a really big one – and it keeps our institutions accountable into the future. To that end, I acknowledge this bill and wish it a very speedy passage through the house.

David SOUTHWICK (Caulfield) (12:23): It is a pleasure to rise and talk on the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. We have heard a number of contributions from both sides of the chamber dealing with this very, very important piece of legislation. We talk always about the importance of putting children first and ensuring children are safe. There is an absolute focus, and there should be a focus, when it comes to child abuse that we need to ensure that children are protected. We know that there are many situations in which children find themselves vulnerable. Whether it be at school, whether it be in community organisations, whether it be in the

home, wherever that may be, we need to ensure that children are safe and protected. It is the duty of this Parliament and all parliaments to provide the laws to be able to do that.

I wanted to particularly put on record the work that this Parliament has done for a long time in changing the laws to ensure that there is the protection leading up to what we are talking about today. I want to go back to when I was first elected in 2010. Our former Premier Ted Baillieu made this one of his key focal points, and he was instrumental in ensuring the Betrayal of Trust inquiry was put forward to look at protecting vulnerable children. Ms Georgie Crozier in the other place was chair of that committee, and they did a huge amount of work. I know that the work that Ted Baillieu has done since has been absolutely key. He is always there when survivors call him. He turns up at events. No matter where, no matter when, former Premier Ted Baillieu is there to lend support and a voice – a very, very important voice. Quite often survivors do not have that voice. Even when survivors have been through courts, been through the system, at that point communities still shun them, do not allow them to express their voice and do not provide the support that they need. Survivors should always be supported. I have made it a key point in my career in Parliament to ensure that we always put survivors first, we always put victims first and we always ensure that they are able to tell their story, provide them with support and ensure that these things do not happen again.

I want to take you through just a bit of a journey of the Malka Leifer case, because I think this was quite instrumental in the electorate of Caulfield, over which I preside, in terms of a lot of changes in the system leading to today. Before 2008 there were systemic vulnerabilities. Key issues were that religious schools, including ultra-Orthodox settings, were largely self-governing, with minimal external child safety oversight. Mandatory reporting requirements were inconsistent and poorly enforced. Governing bodies could dismiss staff members without notifying police. There was limited training for staff and boards on sexual abuse prevention and child safe responses. In 2008 Malka Leifer fled the school that she was principal of literally overnight before police were properly informed and before any of the community were properly notified. This was a failure of governance in a non-government school, but it kind of set up the situation that we are talking about today. It was an early catalyst for later reforms in mandatory reporting and improved school governance requirements. Then between 2012 and 2015 civil findings against Adass Israel School included more than \$1 million awarded to one sister, establishing a benchmark for institutional liability. These outcomes fed into a wave of national advocacy that culminated in the Royal Commission into Institutional Responses to Child Sexual Abuse. From 2013 to 2017 we had a series of royal commissions and we saw and we heard many reports of institutional cover-ups, failures to report abuse and insular communities protecting offenders.

Policy reforms influenced by the climate included, as I said before, stronger mandatory reporting, minimum standards for child safe organisations, tougher penalties for failing to report or protect a child and new offences for institutional concealment. The sisters' – Dassi, Nicole and Elly – advocacy fed into the broader public understanding of all of these gaps. Again I want to put on record the tenacity, the strength, of Dassi Erlich, Nicole Meyer and Elly Sapper, who fought tirelessly to have these changes happen. There has been a recent film documentary made about this, which I would suggest people see. They are amazing women, strong women, and the work that they do each and every day is just amazing. They were recently awarded from the B'nai B'rith a special commendation for what they did leading to all of this. What we saw, which continued, was that there were extradition delays in this particular case. There was involvement of Victoria Police and federal police. There were judicial issues. The Australian government was involved. The Victorian government was involved.

As a result of a lot of this Victoria strengthened school governance standards, including mandatory compliance with child safety standards and greater obligations on school boards to ensure all abuse allegations are reported. Non-government schools face stricter registration and audit requirements from the Victorian Registration and Qualifications Authority. This all happened as a result of this. In 2021 to 2023 we saw the extradition and the trial in Victoria after the Bring Leifer Back campaign, and that showed very much support for survivors and more of a focus on survivors, despite the

difficulties that were faced here. In April 2023 there was a guilty verdict. After the verdict, senior policymakers cited the case when pushing for further tightening of non-government school oversight, cultural competency requirements in schools that operate within insular or religious communities and clearer guidance for boards on dealing with allegations against principals. In August 2023 there was a sentencing aftermath, looking at how Victoria could have extended limitation periods for historical child abuse, and Victoria has since removed limitation periods and strengthened reporting for school leaders and board members.

Two things in terms of key policy themes that emerged from this case, leading to the kinds of things that we are talking about now, were mandatory reporting and institutional duty. This case became a major example cited by advocates for stronger criminal penalties for failure to report; reformers seeking clear obligations on school boards, principals and community leaders; those seeking governance oversight of religious schools; and survivors seeking access to justice.

The sisters' experience demonstrated how trauma is compounded by delays. The longer these things take the more traumatic they are for survivors, and that is something we must address. Even with what we are talking about today regarding vicarious liability, it still does not address the timelines and the lag through the courts and the systems that ultimately allow survivors to have their voices heard and how essential survivor-centred procedures are. Everything should be centred around survivors. There is a need for clear and culturally safe pathways to make complaints. What this particular case did was put the issues around survivors on the world map: extradition frameworks, mental health assessments, requiring stronger integrity checks and the need for diplomatic pressure sometimes to be able to make these things happen.

What we have seen here is a model that has led to a lot of the changes that we are talking about today. Again, without the work of survivors, without the voices of Dassi Erlich, Nicole Meyer, Elly Sapper and other survivors, we would not be here today. We must never forget what survivors have gone through and the traumas that they have experienced. Every single day in this Parliament we need to be ensuring that their voices are heard, that we support them in their journeys and that we make sure that their abuse never happens again to other victims going forward. That is our obligation as policymakers and that is our duty.

Ella GEORGE (Lara) (12:33): I rise today to speak on the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. I would like to initially acknowledge my colleagues who have also spoken on this bill today. It is clear from the contributions that have been made today that this is something that we all care deeply about. It is an incredibly important bill that is before the house today. Many were shocked by the *Bird v DP* ruling made by the High Court in 2024, which upheld the Catholic Diocese of Ballarat's assertion that their priest was employed by God and not by the church. The diocese of Ballarat claimed that they were not responsible for the harm perpetrated by their priest and that they could not be sued for vicarious liability. Sadly, the High Court agreed with that argument, and that is why we are here today.

I can only imagine how heartbreaking this decision was for survivors of child sexual abuse. I know that this decision in 2024 has led to a year of uncertainty and unknowns about whether jurisdictions would seek to address this issue through new legislation like the bill before us today. This single decision paused and threw doubt onto many cases where victims of abuse were seeking compensation against institutions. I hope that this legislation can provide hope to survivors and a way forward. Can I thank the survivor community for their steadfast advocacy and their determination to see legal reform in this space. Can I thank them for their patience while this legislation was worked on. I know that it did not come as swiftly as some had hoped for.

This bill is a very important and necessary bill that will ensure that victim-survivors will no longer be denied justice. It will also ensure that victim-survivors who were forced into accepting unfair outcomes following the *Bird v DP* decision are now able to apply to the court to reopen their matter. This bill will broaden the scope of vicarious liability to cover relationships that are similar to employment. In

assessing whether someone qualifies as an employee, the court will examine a few key factors, such as the degree to which an individual's activities are an essential part of the organisation's operations and are performed for its benefit, the level of control the organisation exerts over the individual while they carry out these activities and any other factors the court deems pertinent to the case. An organisation will be held vicariously liable for any abuse perpetrated by an employee or someone similar to an employee if it can show that the employee or individual in question was seemingly performing their designated role within the organisation, creating an opportunity for the abuse to occur, and they exploited that role or situation to commit the abuse.

As I stated earlier, the bill offers a significant opportunity for victim-survivors affected by vicarious liability claims that were settled or resolved following the High Court's decision in *Bird v DP* and before the introduction of these reforms to approach the court to have a previous judgement or settlement annulled, enabling them to initiate a new claim. The *Bird v DP* ruling unfortunately rendered many historical child abuse claims either unviable or substantially diminished, leaving many survivors who have already endured so much without adequate recourse. With this new legislation these victim-survivors will be able to initiate a new claim, and this opportunity can also extend to those whose claims were outrightly dismissed by the court. Upon request the bill empowers the court to set aside previous judgements or orders, including dismissals and any settlements reached during the specified timeframe, provided that such actions are deemed just and reasonable. These reforms build on earlier changes made to legislation through the Children Legislation Amendment Act 2019, which already allow victim-survivors of child abuse who have previously accepted insufficient or unjust compensation to revisit and challenge their past judgements or settlement agreements. This is a vital step forward in ensuring that all survivors have the opportunity to seek fair compensation for their experiences.

As many of my colleagues have reflected over the course of debate today, in our duties as members of Parliament we have all met people who have experienced child sexual abuse. Again, I want to acknowledge the survivors of child sexual abuse who have so bravely spoken up, shared their experiences with us, shaped this legislation and driven change. I truly hope that today offers hope and a way forward. I have the honour of being a patron of the Care Leavers Australasia Network, a remarkable organisation that supports and advocates for people who grew up in orphanages, children's homes, foster care and other institutions around Australia and New Zealand. They have a remarkable museum in Geelong, the Australian Orphanage Museum, and I encourage my colleagues to visit and take a tour through the museum if they have the opportunity to do so. Through CLAN I have met many survivors of abuse. I have learned more about the impact of abuse and the ongoing impacts that people feel many, many, many years after the abuse took place. I have learned about the impact of abuse on victim-survivors and on their families as they try to rebuild their lives and move beyond the traumatic experiences of their childhood. It is these survivors that I think of today when we are debating this bill. I met survivors early this year in Parliament when the member for Frankston arranged for survivors, advocates and lawyers to brief MPs about this important issue and the urgency of legislative reform. Once again I learned more about the devastating impacts of child sexual abuse, the importance of the reforms that we have introduced with this bill today and why they are so urgently needed to give survivors some hope after years of pain and suffering.

As my colleagues have stated in their contributions this morning, there is no place for child abuse in Victoria, and this bill is a clear signal to the community of what the government thinks of people who perpetrate child abuse and the institutions that shield them. In Victoria this government has demonstrated a strong commitment to tackling institutional abuse, taking significant measures to assist survivors of historical sexual abuse in seeking compensation from affiliated organisations. It was a Victorian inquiry and the *Betrayal of Trust* report, that led to the national Royal Commission into Institutional Responses to Child Sexual Abuse.

In 2015 Victoria became the first region in Australia to abolish the statute of limitations for civil claims regarding child abuse, enabling survivors to pursue justice regardless of when the abuse occurred. The

introduction of the Wrongs Amendment (Organisational Child Abuse) Act 2017 established a legal obligation for organisations to take reasonable steps to prevent child abuse, providing survivors with a clear avenue for legal action against organisations responsible for the abuse. The Legal Identity of Defendants (Organisational Child Abuse) Act 2018 was passed to ensure that unincorporated organisations cannot evade civil claims, aligning with key recommendations from the royal commission and other significant inquiries. Changes made in 2019 to the Limitation of Actions Act 1958 allow courts to set aside past deeds of release or judgements related to child abuse. This was a crucial reform, as many survivors previously received inadequate compensation or insufficient legal advice when signing these agreements. Together these reforms aimed to reduce barriers for survivors and ensure they are not left at a disadvantage when they are pursuing justice. The bill that we have before the house today once again affirms our commitment to stamp out child sexual abuse and, when it sadly does occur, to do everything in our power to support survivors.

When making its decision on *Bird v DP*, the High Court noted that it was harsh. The High Court also noted that if this issue was to be addressed, the responsibility rests squarely in the hands of legislatures, just like this Parliament of Victoria. As legislators, today we are introducing reforms that will address this issue and lay it to rest – reforms that will give survivors hope and certainty. Today we are sending a clear message to victim-survivors of child abuse that we recognise your pain and suffering and we stand with you always in your endeavours to seek compensation. I am proud to be a member of the state Labor government that has developed and introduced this legislation, and I am proud to stand here in this place after listening to the contributions of so many this morning, hearing their thoughts on this legislation and standing together in support of this legislation.

I thank the Attorney-General for her work and her ongoing advocacy for a national approach to address this issue. It is not just a Victorian issue; this is a national issue, and I hope to see other jurisdictions follow suit and follow Victoria and the ACT's lead on this. These reforms will reinstate the law as it was intended and as it was between 2021 and 2024. Survivors of child abuse have already endured so much, and we must do everything in our power to support them. That is why I commend this bill and wish it a speedy passage through the house.

Brad ROWSWELL (Sandringham) (12:43): I rise to address the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. In doing so I acknowledge that joining us today in the gallery are advocates of victim-survivors. I thank them for their work, not only on my own behalf but, I am sure, on behalf of every member of this place. I acknowledge and say at the outset that the first priority, in my view, of any government is to do everything that they can to protect and keep safe our most vulnerable. The sad reality of the circumstance that we are faced with, historically and today, is that that has not always been and is currently not the case. I acknowledge the work of the former Shadow Attorney-General Mr O'Brien in this space. I acknowledge the work of the Shadow Attorney-General, the member for Brighton, who has prepared members of the opposition to contribute to this bill today. I thank the government for recognising the opportunity to do better.

Victim-survivors of child abuse within institutions deserve justice for the evils committed against them. These crimes were for too long ignored, covered up and even excused. I think it is right to say that the parliamentary inquiry here in Victoria, launched by the former Liberal and National government and chaired by my colleague in the other place Ms Crozier, was a first and important step in laying bare the scale of this abuse and the difficulty victim-survivors faced in seeking justice. That work and the leadership taken at that time led to the national royal commission that followed. This Parliament, on the back of those inquiries, has legislated several times in response to both the inquiry and the royal commission. Those reforms introduced new offences for failing to protect a child and for failing to disclose abuse and removed barriers to seeking justice, including the statute of limitations and the so-called Ellis defence by which non-incorporated entities could not be sued at common law.

In more recent times in my own community it has come to light that there are victim-survivors who feel – and not just feel but have been in a circumstance where they believe – their voices have not been heard. It has been perhaps the privilege of my contribution in this place to date to assist in some small

way to give those victim-survivors a voice. I acknowledge the historical work of a former member of the other place Mr Grimley and his staff. I acknowledge the support that the National Survivors Foundation has provided. And I say to every member of this place: it is the right thing to do. I acknowledge the contribution that the government has made to this. I especially acknowledge the contribution of the Minister for Education Mr Carroll and his office for their acknowledgement that wrongs have been done in state institutions and in state schools and for his internal government advocacy to right this wrong.

In more recent times, as recently as today, we have heard of circumstances where child abuse continues in our community. As I was walking into the chamber today I was alerted to an article in the *Age* newspaper that says childcare worker Joshua Brown is now accused of abusing children at four day care centres across Melbourne after being hit with 83 new charges. To say that this is just a historical issue is wrong. It is not right; it is factually incorrect. I guess if there is a positive that can be taken from this circumstance, it is a stark reminder to everyone in this place of our obligation to have as our first priority the protection of some of Victoria's most vulnerable. It was recognised by many, including former Attorney-General Martin Pakula in introducing some of the reforms that I have previously mentioned in 2016, that:

The courts have not indicated a clear willingness to establish vicarious liability in circumstances outside of a strict employee-employer relationship ...

This issue has remained since that time unresolved. The High Court in its judgement in the matter of *Bird v DP* in November of last year made clear and articulated that in instances of vicarious liability there should be a matter of policy extended beyond a strict employment relationship and that that was properly a matter for the Parliament. That brings us here today.

The opposition, as my colleagues have indicated, does not oppose the principles at the heart of this reform. Institutions should be subjected to vicarious liability for child abuse for those akin to employees in the same way that they are for employees, and we will, as I said, not oppose this bill. At the same time it is incumbent upon the government to ensure that in pursuing justice for victim-survivors and by taking the somewhat unusual step, as the member for Brighton articulated in his own contribution, of legislating retrospectively, it does not inadvertently deprive the community of vital services provided by so many community-based organisations. The reality of this great evil of child abuse that has occurred in too many institutions for far too long, including state institutions, is that it is not the perpetrators themselves or even the people who have covered these crimes up who end up wearing the cost of compensating victim-survivors. It is ultimately those who have perhaps quietly contributed to the building up of many civic institutions whose generosity covers the costs – or indeed taxpayers, in the circumstance of state institutions. Most community groups have no other money but that which is given to them by their supporters or sometimes by government. In contrast, state institutions like government schools can rely on taxpayer funds to meet these costs of compensating victim-survivors of child abuse. So I think it is important in this debate to be clear where the money for this compensation comes from and what the consequences could be for the community where institutions can no longer meet these costs. In making this contribution I invite the government, as well as delivering justice for victim-survivors of child abuse, to also consider the community implications of these circumstances for sporting clubs, schools, churches, charities and social services often built up by the generations of Victorians who did not commit these evil crimes but who wanted to leave behind something positive for the future.

Front of mind for everyone in this place I believe remains the protection of children, not just in historical circumstances but in our present-day circumstance as well. I am grateful to the government for bringing this bill forward and for enabling the opportunity to have this important conversation. I say to every member of this house that the circumstances of debate on this particular bill should demonstrate to every Victorian this Parliament at its best and, further, do demonstrate to every Victorian the operation of this Parliament at its best. Every member who has contributed has had one

goal in mind, and that is that those evil, evil sins, those evil, evil crimes committed against some of our most vulnerable, should never occur again, and that is our clear intent here today.

Josh BULL (Sunbury) (12:54): I rise to make what will be a relatively short contribution to the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025 and follow on from the previous member to make the observation that through the course of debate on this bill the nature and the references that have been made by members and the contributions that have been made do demonstrate indeed the Parliament working at its best to ensure that those that are the most vulnerable in our community are provided with the protections and the safeguards that they rightfully deserve.

I want to extend a thankyou, an acknowledgement and an appreciation to many, particularly my friend the member for Frankston who has done some considerable work in this space, those that were involved in the parliamentary inquiry that other members have referenced, and the work done at a national level. Most importantly, I want to thank the victim-survivors, those within our community that have taken it upon themselves – through, in so many instances, the most challenging, difficult and traumatic of circumstances – to bring these matters to light. Indeed, in doing so, I recognise the pain and the trauma that has been caused and make the further observation that the obligation and profound sense of responsibility we have in this place to be able to deal with these matters is our most important job.

As has been mentioned, the bill ensures victim-survivors of historical child abuse will no longer be denied justice by the loophole that allows for organisations to evade accountability because their abuser was not formally employed, with a further provision to help victim-survivors who were forced into accepting unfair outcomes following the *Bird v DP* decision. The bill, as has been mentioned, goes to a narrow and specific framework, understanding that those protections that are in place and the matters that have been canvassed by other members through the journey of this bill this morning make sure that these matters are dealt with. That the Parliament is of course taking the appropriate measures through the house through the course of this debate to be able to provide for those provisions is indeed extremely important.

What I have said previously – and other members have touched on this as well – is that we need to constantly ensure that we are working with our agencies, looking to where various loopholes are found to exist and taking the necessary steps, as we are through this piece of legislation today, to ensure that those who are most vulnerable in our community are protected. What is clear is that there are those within our community that wish to cause serious harm and make these decisions, so we need constantly to be vigilant, work with our agencies, as I mentioned, and make sure that we are doing every single thing possible to provide for those protections within our community to keep those that are vulnerable – in particular our young people – safe. As has been mentioned by others and I am sure will be mentioned as the debate continues throughout the journey this afternoon, there is indeed the sense of the profound responsibility that we all have as legislators in this place to do this work and of course make sure that we are constantly and consistently providing for the framework that targets those that want to commit the most horrible of acts, knowing and understanding that those decisions evolve.

There is a contemporary nature to the way that these operations need to take place. Making sure that we are providing for those matters is a very important process and a very important action. This goes to what has been said by many others today: knowing and understanding those that bring these matters to light and the pain, trauma and suffering that this causes is something that we need to always be mindful of and always be respectful of. Most importantly, we need to do our job here in this place, and that is to keep those that are vulnerable in our community safe. We need to do that today and every day. With those comments, I commend the bill to the house.

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

Business interrupted under standing orders.

The SPEAKER: I acknowledge in the gallery the Consul General of Lebanon Rami Hamidi.

*Announcements***Photography in chamber**

The SPEAKER (14:03): There will be photos taken throughout question time today, and the photos will be used on the Parliament's community engagement pages for community engagement purposes.

*Questions without notice and ministers statements***Public sector review**

Jess WILSON (Kew – Leader of the Opposition) (14:04): My question is to the Premier. The Silver review is a \$5 billion admission this government has failed to prioritise spending for Victorians. Can the government guarantee there will not be a reduction of services following its response to the Silver review?

Members interjecting.

The SPEAKER: The member for South-West Coast is warned. The Minister for Finance is warned. The Leader of the Nationals is warned. The member for Nepean is warned.

Jacinta ALLAN (Bendigo East – Premier) (14:04): I can give a guarantee that the Leader of the Liberal Party cannot: that our government will never cut frontline services – will never cut the teachers, the nurses, the healthcare workers –

Members interjecting.

Jacinta ALLAN: Just to repeat: we will not cut those frontline workers, the teachers, the nurses, the healthcare workers, the police officers – all these areas where there are additional workers in these critical frontline services thanks to the investment by our Labor government. The Leader of the Liberal Party cannot make the same claim, because she was out there today saying we have not gone far enough.

Members interjecting.

James Newbury: On a point of order, Speaker, the Premier is debating the question.

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

Jacinta ALLAN: We are doing this work now to ensure that the Victorian public sector, who are responsible for delivering these frontline services, remain laser focused on the frontline services that families and people rely on. We are doing this now as part of our responsible settings around having a strong budget position and having fiscal discipline now. And why are we doing this? It is so we can continue to invest in more frontline services, to build for the future and to invest now in the real cost-of-living help we know working people and families rely on. And I say again, the Liberal Party today have said this is not enough, which can mean only one thing: Liberal cuts.

James Newbury: On a point of order, Speaker, the Premier is defying your ruling.

The SPEAKER: The Premier to come back to the question. The Premier has concluded her answer.

Jess WILSON (Kew – Leader of the Opposition) (14:07): The government sat on the Silver review for five months. Why has the government waited until just before Christmas to sack 1000 Victorians?

Jacinta ALLAN (Bendigo East – Premier) (14:07): Again, I am pleased to have this opportunity to talk about how we are doing the responsible work now, putting in place the fiscal and budget settings so we can continue to invest in those frontline services that people rely on, those frontline services like police officers. Now, if you had an \$11.1 billion black hole, you would need to –

Members interjecting.

James Newbury: On a point of order, Speaker, on relevance, this question was very specifically about the government's Christmas Grinch decision.

The SPEAKER: I do not uphold the point of order.

Jacinta ALLAN: Let us say, for argument's sake, you had an \$11.1 billion black hole hanging over your policy decisions, that would see 4500 police officers, 9000 teachers, 926 firefighters –

Danny O'Brien: On a point of order, Speaker, the standing orders preclude the opposition from asking hypothetical questions. The Premier is now delivering a hypothetical answer.

Ben Carroll: On the point of order, Speaker, the Leader of the Nationals went to the standing orders, and I will draw him to 58(2): the Premier 'will have discretion to determine the content of any answer'. And she was being very relevant.

James Newbury: On the point of order, Speaker, it is outside the standing orders to attack the opposition, even when you do it in some kind of faux, juvenile way.

The SPEAKER: It is not a point of order. I do not uphold the point of order. Has the Premier concluded her answer?

Jacinta ALLAN: No, not at all, Speaker. Indeed, again, the Leader of the Opposition asked a question about the announcements we have made today to ensure the public service has laser-like focus on delivering frontline services. The Leader of the Opposition said it was a drop in the ocean, which reveals she would only cut into frontline services that families rely on.

Ministers statements: youth programs

Ben CARROLL (Niddrie – Minister for Education, Minister for WorkSafe and the TAC) (14:10): Everyone in this chamber has seen the power of education to change lives. We know it is the single most important, powerful investment to tackle disadvantage. You change a life, you change the world. That is why we know school, outside the family home, is the most important protective factor young people have. It is also outside of school that young people are often engaged in crime for the first time, often as victims or perpetrators. That is why, with the Premier and the Attorney-General, we joined the leaders at Melbourne Storm on Tuesday to make a very important announcement: a \$4.9 million investment in quality after-school-hours programs. From Melbourne Storm to Melbourne Victory to the Western Bulldogs to Foundation House in the huddle, we are using sport as a vehicle to drive a sense of belonging, leadership and discipline for young people outside of school hours.

We also know that this builds on the early intervention officers announcement the Premier and I made recently, keeping at-risk youth engaged in education, one-on-one counselling and case management for complex needs. These are evidence-based programs that have been shown to halve absenteeism and make sure that nine out of 10 people know that they have a life of purpose and a life of opportunity to fulfil their goals. This also builds on the \$1.4 million commitment that I announced with the member for Point Cook in July to unlock our school facilities – 40 schools in Melbourne's western suburbs. This has already seen 80 user agreements signed – with Australian Futsal Association, Cricket Australia, Football Australia – making sure we unlock that great opportunity, that \$18.5 billion record investment in infrastructure, to make sure young people get every chance.

Some people might call this a drop in the ocean – \$4.9 million, \$5.6 million, \$1.4 million. These might not be vast sums of money, but this is money that makes sure that young people get that opportunity to live a life of purpose. On education, we see it as the single most important –

Members interjecting.

The SPEAKER: Leader of the Nationals, this is your last warning.

Ben CARROLL: I would have thought they would agree about the importance of education funding for young people.

Members interjecting.

The SPEAKER: The member for Narracan is warned.

Public sector review

Jess WILSON (Kew – Leader of the Opposition) (14:12): My question is to the Premier. Net debt increased by \$7.2 billion in the five months that the Premier sat on the Silver review. Will the Premier admit debt has increased in this time by more than the government's response to the Silver review will ever achieve?

Jacinta ALLAN (Bendigo East – Premier) (14:13): As I was saying earlier, we are making the responsible decisions now as part of our strong budget settings – the fiscal plan that is in place and is working – and the recommendations that the government has accepted in response to the Silver review are part of that fiscal strategy, making those responsible decisions so that the public service remains laser focused on delivering those frontline services. We know the Leader of the Opposition is carrying an \$11.1 billion black hole over her costings.

James Newbury: On a point of order, Speaker, the Premier is debating the question.

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

Jacinta ALLAN: As part of this responsible economic and fiscal plan we have in place, we are supporting a growing economy, we are reducing debt as a proportion of the economy and we are also working within an operating surplus. But also we understand that to continue to deliver frontline services, to build for the future and to help families right now with real cost-of-living support, you need to continue to have that laser focus on what matters most to working people and Victorians. We will not cut into those frontline services – the additional teachers, nurses and police that are employed today – because we have made the responsible decisions to manage the budget, a fiscal strategy that is working, evidence of which is that we are the only jurisdiction, the only government on the eastern seaboard, federal or state, to have an operating surplus in place. I appreciate this is an inconvenient truth for the Leader of the Opposition. I know the member for Berwick would have understood this: that when you have an operating surplus, you can provide real cost-of-living support –

Brad Battin interjected.

Jacinta ALLAN: Maybe he does not. I was giving you some additional credit because you did not ask these questions, member for Berwick. You can provide support, like we did in this year's budget. Having an operating surplus means you can invest for the future in productive infrastructure, like we have done with the Metro Tunnel, which opened this week and is delivering those services that people rely on. You can provide real cost-of-living help right now. We can do this because we have made the responsible decisions that have delivered a fiscal strategy that is delivering an operating surplus, and we are going to keep going because it is only Labor that is on the side of working people and families. It is only Labor that stands with frontline services. The Leader of the Opposition has said it is a drop in the ocean, which says she only wants to go deep and hard on Liberal cuts.

James Newbury: On a point of order, Speaker, the Premier is just repeatedly defying your rulings today, and I would ask you to ask –

The SPEAKER: Order! What is your point of order?

James Newbury: Debating the question.

The SPEAKER: The Premier has concluded her answer.

Jess WILSON (Kew – Leader of the Opposition) (14:16): The Silver review states:

The payment of interest on debt ... will continue to impact output capacity over the medium term.

How many more Victorians will the Premier need to sack because of her failure to manage money?

Jacinta ALLAN (Bendigo East – Premier) (14:17): I can appreciate why you may be a little confused at this line of questioning from the Leader of the Opposition. Is it a drop in the ocean? Are we supporting frontline services? The Leader of the Opposition seems to be a little confused. In order to deliver those frontline services, in order to make sure we are building for the future, in order to give families real cost-of-living support right now, we have to have our budget and fiscal and economic settings in place to support a growing economy, to support an operating surplus, to create more jobs so we can provide the cost-of-living support that people need now and the productive infrastructure that the community needs for the future. I would have thought that that was pretty simple economics for the Leader of the Opposition, but clearly it is not. We will continue to be laser focused on delivering the frontline services people rely on. The Liberal Party continue to be all about cuts.

Ministers statements: health services

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Ambulance Services) (14:18): I rise to update the house on Labor's investment in the health of all Victorians. I was so pleased to join the member for Footscray only a couple of days ago at the old Footscray Hospital. We were there to make a very important announcement, and that is that the new Footscray Hospital will see its very first patients on Wednesday 18 February. Once fully operational, this new hospital will have more than 500 beds and will be able to treat an additional 15,000 patients every year while supporting an additional 20,000 presentations to our emergency departments. This state-of-the-art hospital is an investment in the health and wellbeing of people right across Melbourne's west.

But we have been doing so much more. It was great to be with the member for Yan Yean at the new Mernda Community Hospital, delivering important paediatric services to her growing community. The Phillip Island Community Hospital, the Sunbury Community Hospital, the Craigieburn Community Hospital and the Cranbourne Community Hospital were all delivered by an Allan Labor government. These are just a few examples of the investments that our government are making because we are absolutely committed to delivering the world-class healthcare that Victorians deserve. And these are a real boon for our healthcare workforce, meaning that more of our healthcare workers can get good jobs close to where they live as we continue to expand our healthcare service.

This is what Labor does. This is why we are here. The contrast could not be clearer. We will not be cutting healthcare workers' jobs, we will not be closing hospitals and we will not be privatising hospitals. That is what those on the other side will do to fill their \$11.1 billion budget black hole.

Health workforce

Emma KEALY (Lowan) (14:20): My question is to the Minister for Health. Rhonda has been waiting for knee surgery for five years. Why must Rhonda suffer for another day because this arrogant and lazy government has ignored essential public health workers undertaking industrial action today?

Members interjecting.

The SPEAKER: Order! Minister for Finance, this is your last warning. Member for Frankston, your last warning.

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Ambulance Services) (14:21): On this side of the house we have always supported the rights of working people to organise, to unionise and to negotiate enterprise agreements. This is in stark contrast to those on the other side, who have fought tooth and nail to deunionise the workforce here in this state.

James Newbury: On a point of order, Speaker, the minister is debating the question.

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

Mary-Anne THOMAS: The Victorian Hospitals Industrial Association and the Health Workers Union continue to negotiate in good faith, and I encourage them to do so. It is all well and good to go

and get a selfie on the front steps of Parliament House one day of the year; it is another to consistently stand up for the rights of workers.

James Newbury: On a point of order, Speaker, on relevance, this question was about poor Rhonda, who has been waiting for surgery, and the minister has not even referred to this patient who is waiting. Shame.

The SPEAKER: I ask the minister to come back to the question.

Mary-Anne THOMAS: As I have said, on this side of the house we will always stand with working people and we will work to negotiate a fair outcome for the Health Workers Union members in negotiation with the VHIA. With regard to planned surgery in this state, in the last financial year we saw a record number of planned surgeries delivered – 212,000. That is more than has ever been delivered at any time in this state. What is more, we have seen a reduction in the time to treat for all category 2 and all category 3 patients. Of course we continue to deliver all category 1 surgeries within the clinically recommended time.

Emma KEALY (Lowan) (14:23): How many surgeries have been cancelled because of the strike action today?

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Ambulance Services) (14:23): My department has been in touch with health services right across the state. We have worked with the union to ensure that, whilst legal industrial action is being undertaken, there is no impact on critical care being delivered to patients in the state of Victoria.

James Newbury: On a point of order, Speaker, this was a very, very specific question that asked for a number. The number has not been provided.

The SPEAKER: I cannot tell the minister how to answer the question. The minister was being relevant to the question that was asked. The minister has concluded her answer.

Ministers statements: housing

Sonya KILKENNY (Carrum – Attorney-General, Minister for Planning) (14:24): Today I want to make something unmistakeably clear. In this Parliament on housing there are two parties: one that builds and one that blocks. On one side is the Allan Labor government, a government delivering more homes for Victorians, especially young Victorians, who want and deserve a fair shot at owning or renting a place of their own. We have set ambitious targets for every council. We are unlocking well-located homes around train stations and tram stops close to jobs, services and opportunity. We are cutting red tape and making sure that we are not just building homes; we are building communities with the parks, schools, kinders and services that growing communities need. And on the other side is a party that campaigns against homes for millennials, a party that runs petitions and rallies against the very homes Victorians need, a party that just says no.

While Labor rebuilds public housing estates into safe, modern, dignified communities, there are others who run to the front gate with a camera crew, calling these projects overdevelopment and slums before a single brick is laid, attacking the homes and the people who will live in them. Labor is delivering the biggest overhaul of planning rules in decades, cutting delays so good projects move faster and more homes get built sooner. The others hold press conferences demanding less red tape and then come in here and vote against every single streamlining reform, a party of contradictions and coups, never solutions. Under Labor, Victoria is leading the nation in homes approved and homes built, homes with backyards, townhouses and duplexes, low-rise, mid-rise and high-rise – real action, real housing choice. Labor is on the side of every Victorian who wants more homes and more opportunity.

Homelessness

Will FOWLES (Ringwood) (14:26): My question is to the Premier and relates to crisis accommodation services, not housing. The latest national data from the Council to Homeless Persons

shows more than 105,000 Victorians sought homelessness assistance last financial year. Victoria now accounts for 36 per cent of all homelessness presentations nationally. Rough sleeping has risen to more than 10,600 people. Women now make up nearly 60 per cent of all presentations, and family violence has pushed more than 32,000 people into homelessness. Critically, the report shows that crisis services could provide short-term accommodation to 22,000 people, yet another 9766 Victorians who asked for a crisis bed missed out. Premier why were nearly 10,000 Victorians who sought crisis accommodation last year unable to receive it?

Jacinta ALLAN (Bendigo East – Premier) (14:27): I thank the member for Ringwood for his question. He raises one of the very real and challenging consequences of there not being enough homes being built either here in Victoria or indeed around the nation and also some of the real complexities that a number of people in our community are experiencing that lead them to being in the most vulnerable position when they become homeless. It is why we continue to invest in homelessness services directly and why we need to continue to build more homes, particularly through the \$6.3 billion that we have invested in directly building more homes.

In addition to all the work that the planning minister has been leading in terms of working with the industry to get more homes built, the work we are doing directly is targeting people who are the most vulnerable, who need the government building them a roof over their heads. That is why there is targeted provision made for women and children experiencing family violence. It is why there is targeted provision made for women over the age of 55, who are the group that is increasing the quickest in terms of the number of people in our community who are experiencing homelessness. It is also why there is work that happens across government, particularly with people who are experiencing addiction and who also suffer from mental illness, in terms of providing them with both a roof over their head but also wraparound services. It is why the work we do in not only building homes but also working with community housing providers is so critically important. Where we can partner with community housing providers, like we are doing at an increasing rate, they can provide those additional wraparound services –

Will Fowles: Speaker, my point of order is on relevance. The question was not about wraparound services or the provision of housing, it was just about crisis accommodation and the one-third of people who presented without being able to access it.

The SPEAKER: I do not uphold the point of order. The Premier was being relevant to the question.

Jacinta ALLAN: That is why we will continue to build more homes and work with the private sector to get more homes built across the board, because we know that provides more opportunities for everyone in our community, and we will continue to invest too in those people who are the most vulnerable in our community. If I can say, this is why we are doing the work to ensure that we remain laser focused on these frontline services and ensuring that the work of the public service is focused on providing frontline services like these ones to people who need their government focused on them and providing support for those most vulnerable in our community.

Will FOWLES (Ringwood) (14:31): The government's own department says every person deserves a safe home. With one-third of people presenting for crisis accommodation being turned away, what does the government consider an acceptable turn-away rate for crisis accommodation?

Jacinta ALLAN (Bendigo East – Premier) (14:31): I appreciate the member for Ringwood is focused on ensuring that those most vulnerable in our community are supported, but I think it would be wrong to contextualise it that there would be in any way an acceptable rate. I would disagree with the way he has framed the question, because I think it does a great injustice to those in our community who work so hard every single day – the frontline workers who work in crisis accommodation – remembering too that they are working with people who are not just experiencing homelessness or housing vulnerability but often fleeing family violence. They may have mental health or alcohol and

substance abuse challenges. They deserve our support and care, and that is why we will continue to invest in these vital services for vulnerable Victorians.

Ministers statements: manufacturing industry

Colin BROOKS (Bundoora – Minister for Industry and Advanced Manufacturing, Minister for Creative Industries) (14:32): There are some who talk Victoria down, those who hate Victoria's success almost as much as they hate each other. There are those who urge investors to invest ABM, anywhere but Melbourne. On this side of the house we have a different ABM – always back Melbourne – and we will always back Victoria. We will keep investing in TAFE because it gives working people pathways into good jobs, and we will fight the Liberals' \$11.1 billion cuts in TAFE.

James Newbury: On a point of order, Speaker, may I refer you to Speaker Brooks's ruling that a minister should not use his ministers statement to attack the opposition.

Mary-Anne Thomas: On the point of order, Speaker, I would like to refer you to a ruling by Speaker Brooks where he also indicated that a ministers statement could be used to countenance a range of policy positions.

The SPEAKER: Former Speaker and now Minister Brooks knows the rules. The minister to come back to his ministers statement.

Colin BROOKS: TAFE is critical to industry and manufacturing here in Victoria, and we will continue to back the biggest manufacturing workforce in the country right here in Victoria and the 23,000 businesses that employ them. I was shocked that the shadow minister for manufacturing had taken his role literally and set up a dodgy printing manufacturing business in his electorate office.

Members interjecting.

The SPEAKER: Order! I have allowed some leeway today in question time, it being the second-last question time of the year, but enough is enough. The Manager of Opposition Business on a point of order.

James Newbury: I think you have just dealt with it, Speaker.

The SPEAKER: The minister will come back to his ministers statement without attacking the opposition.

Colin BROOKS: Our government will continue to work hard every day to put our industry policy into action, backed with our \$150 million Victorian Investment Fund. A great example: a couple of weeks ago I attended the opening of one of the biggest manufacturing facilities in the country, Walkinshaw Group's new \$114 million plant in Dandenong South, boosting capabilities in Victoria's world-class automotive supply chain and creating more jobs, taking their total workforce to nearly 1000 workers. Can I take the opportunity to congratulate the Walkinshaw Andretti team on taking out the Supercars on Sunday with Chaz Mostert – great win. As Walkinshaw CEO Ryan Walkinshaw said at the opening:

We truly believe in the strength of Australian manufacturing and engineering, especially here in Victoria, and this should show everyone how committed we are for the long term.

We agree. Always back Victoria.

Seymour Health

Annabelle CLEELAND (Euroa) (14:36): My question is to the Minister for Health. I refer to reports that the minister's department has directed Seymour hospital to raid workers' leave entitlements to fund services. Will the minister guarantee that every single dollar of staff entitlements is protected by issuing a directive that workers' leave entitlements cannot be used to fund services?

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Ambulance Services) (14:36): I can happily assure the member for Euroa that the assertion that has been made is false. This government will never compromise the hard-won entitlements of our workforce. In fact, in contrast, our government has invested record funding into our health services, and every health service in the state has received an uplift in funding in the last financial year. We have committed an additional \$11.1 billion to the funding of our health services – not a promise to cut \$11.1 billion, but \$11.1 billion in additional funding. This year alone we are investing \$31 billion to support our health service to deliver world-class health care.

Danny O'Brien: On a point of order on the question of relevance, Speaker, I ask you to bring the minister back to the actual question asked.

The SPEAKER: The minister has answered the question. She has an opportunity now to refer to the question.

Mary-Anne THOMAS: As I was saying, our government is investing in our world-class health service system, including at Seymour Health. I am proud to say that this investment is delivering real results. As I have already had the opportunity to indicate this question time, we have delivered more planned surgeries in the previous financial year than have ever been delivered before. The time to treat for category 2 and category 3 patients continues to reduce. Category 1 surgeries all continue to be seen within the clinically recommended time. I am also really proud of the fact that our ambulance transfer times are reducing. In fact we have seen a 14 per cent improvement.

Danny O'Brien: I renew the point of order on relevance, Speaker. Ambulance response times have got nothing to do with the Seymour hospital and the workers' entitlements.

The SPEAKER: The minister addressed the substantive question at the start of her answer. I cannot tell the minister how to answer the question. She is being relevant.

Mary-Anne THOMAS: The question gives me an opportunity to compare and contrast the position of our government and those on the other side. Country Victorians know that when it comes to their health care they can only trust a Labor government, because it was under the Liberal and National parties that we saw a dozen hospitals in country Victoria close.

James Newbury: On a point of order, Speaker: debating the question.

The SPEAKER: The minister has concluded her answer.

Annabelle CLEELAND (Euroa) (14:39): Can the minister guarantee no services will be cut because of Labor's chronic underfunding of health services?

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Ambulance Services) (14:39): In responding to the substantive question I already addressed this issue, because I took the opportunity to outline the way in which our health services have delivered even more health care to Victorians. Across a range of key measures our health services have shown some significant improvements. Indeed right now, right across particularly rural and regional Victoria, we are focused on delivering more care and more services closer to home.

Annabelle Cleeland: On a point of order, Speaker, the minister has cut maternity services at Benalla Health. You are misleading the house.

The SPEAKER: It is not a point of order. The minister has concluded her answer.

Ministers statements: cost of living

Jacinta ALLAN (Bendigo East – Premier) (14:40): On this side of the house we know from talking to working people and Victorian families in suburbs and communities across the state that families are watching every cent. They are watching it in their weekly shop, in their energy bills, at the pharmacy

counter and also when they send their kids to school. We are a government that stands with these families, helping them to take the pressure off, helping where it matters most.

We are doing this, for example, in making public transport free for all kids under the age of 18, saving families up to \$755 a year per child. We are giving seniors, carers and disability pensioners free travel on weekends right across the state. We are also making it easier to get care at the chemist, being able to get treated for those conditions for free. Whether it is a urinary tract infection or getting a script refilled for your contraceptive pill or shingles, it is helping families get more access to health care, saving time and money and avoiding a trip to the GP. In education we are doubling the funding and support for camps, sports and excursions. We are expanding breakfast clubs to every government school, and of course we are helping with the costs of sport and uniforms as well. We are doubling food relief. We are supporting families under mortgage stress as well, and of course through the power saving bonus we are also helping families with their energy bills.

We are doing this because we are focused on what matters most to Victorian families, to working people, making the responsible decisions so we can invest in their households, supporting their budgets, supporting their kids and of course building for the future, because that is what Labor does.

Constituency questions

Shepparton electorate

Kim O'KEEFFE (Shepparton) (14:43): (1448) My question is to the Minister for Roads and Road Safety, and the information that I seek is: when will works begin on the intersection upgrade of Graham Street and the Goulburn Valley Highway in Shepparton? This is a dangerous intersection on a major road, with more than 23,000 vehicles using this intersection daily, 9 per cent being heavy vehicles. This is also a major intersection for a convoy of school buses. GV Health is located on Graham Street, and this intersection is a main access road to the hospital. This intersection is in desperate need of traffic lights to manage the increasing traffic and congestion and to make the intersection safe. The 2022–23 state budget included funding for this project, and \$2.2 million was funded from the federal government in May last year, but no works have begun. I therefore ask the minister: when will works finally start on upgrading this important intersection of Graham Street and the Goulburn Valley Highway in Shepparton?

Narre Warren South electorate

Gary MAAS (Narre Warren South) (14:44): (1449) My question is for the Minister for Energy and Resources and concerns the latest round of the \$100 power saving bonus. Minister, how many constituents in my electorate of Narre Warren South have taken up the power saving bonus? My office has been delighted to help many members of my community to apply for the recent round of the power saving bonus since it opened in August. For those who are eligible for the program, including pensioners or those with a healthcare card or Veterans Affairs card, \$100 is a real and immediate support to help with the cost of living and to manage energy bills. I would also like to thank the wonderful neighbourhood houses in my electorate, including Hampton Park Community House, Merinda Park Learning and Community Centre and Oakgrove Community Centre, for also delivering in-person support for locals who need a hand to apply. I look forward to sharing the minister's response with my community.

Brighton electorate

James NEWBURY (Brighton) (14:45): (1450) My constituency question is to the Premier, and I ask: when will the state Labor government properly support Royal Brighton Yacht Club to ensure their future certainty? Premier, the Royal Brighton Yacht Club proudly hosted Sail Melbourne, Melbourne's premier regatta and the largest annual off-the-beach regatta in the Southern Hemisphere. This year saw the participation of 270 yachts, 330 sailors and over 100 volunteers from across 15 countries. Despite the event's success the state government has not leaned into supporting the club more broadly. The seabed underpinning the marina has not been re-leased, with the club unable to

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invest the millions of dollars of work needed. The current lease ended two years ago, and Parks Victoria is yet to offer a new 25-year lease. Not only has the seabed issue not been resolved but the marina wall has degraded significantly, with the corner now concerningly at risk of major storm damage. To be clear, the next major storm will risk the structure of the wall and the marina. I call on the government to act.

Point Cook electorate

Mathew HILAKARI (Point Cook) (14:46): (1451) My question is for the Minister for Public and Active Transport, and my question is: how is the Queen Street shared user path bridge that is being built over the Laverton Creek in Altona Meadows progressing? Last year the community told us that they wanted a bridge to be built, and I supported them and this government supported them by putting it in the budget. The new bridge will improve safety by separating pedestrians and bicycle users from vehicles on the existing road and bridge, and they will not need to ride down the road to connect to a bridge closer to the bay. This will connect our community in a meaningful way, and I look forward to the minister's response.

Rowville electorate

Kim WELLS (Rowville) (14:47): (1452) My question is to the Minister for Education. Minister, when will you instruct the Department of Education to urgently undertake a review into the inadequacy of existing school building infrastructure at both state secondary schools in my electorate, Rowville and Scoresby secondary colleges? Secondary students in the electorate of Rowville continue to be failed with grossly inadequate facilities under the government's watch. Rowville Secondary College has been in desperate need for years for new and upgraded facilities to cater for its over 1800 students across its two campuses, eastern and western. A facilities redevelopment project estimated at \$15 million has been sought for a number of years under this government, to no avail, and \$14 million has been sought to undertake a critical facilities renewal project at Scoresby Secondary College. Both these local secondary school building projects are urgently required to address the outdated buildings.

Preston electorate

Nathan LAMBERT (Preston) (14:48): (1453) My constituency question is for the Minister for Environment, and my question is: are there any specific restrictions on exhaust emissions from food trucks, noting that some food truck operators idle their engines continuously while serving customers? I should be very clear that there are many great food trucks in Preston and Reservoir that do not do that, including Chicken HQ up near Dole reserve, where I got a great chicken roll last week, and a shout-out to Ibi, who runs that business. But some food truck operators, particularly ice-cream vans, run their diesel engines continuously while they are serving to power their fridges and other equipment. Diesel engines are not very efficient when they are idling, and there is strong evidence that exposure to spikes in diesel engine pollutants can affect people's health, particularly children who have asthma, so as a government we are strongly supporting the phase-out of diesel engines and an eventual move to electric vehicles. Any information the minister can provide on this issue will be greatly appreciated.

South-West Coast electorate

Roma BRITNELL (South-West Coast) (14:49): (1454) My question is to the Minister for Energy and Resources. Minister, for more than 20 years our farming communities in the south-west have shouldered their fair share of wind turbines across the landscape. Despite raising serious safety concerns, such as fire risk, they have not received reassurance. Now we learn many of these towers contain asbestos, banned under Australian law since 2003, putting farmers, firefighters and the environment at risk when dismantling them or responding to fires. The government has changed laws to fast-track renewable projects, riding roughshod over local communities and overlooking basic safety. The community's concerns have now been proven correct. Minister, what practical measures will the government undertake to assure the community of South-West Coast these turbines are safe?

Broadmeadows electorate

Kathleen MATTHEWS-WARD (Broadmeadows) (14:49): (1455) My question is for the Minister for Police, and I ask: what can be done to curtail dangerous driving and the running of red lights at pedestrian crossings in my electorate? I have personally witnessed many near misses at the crossing on Pascoe Vale Road near the corner of Post Office Place, and I recently saw a ute nearly hit three teenagers at Anselm Grove crossing. Concerns were raised with police at the recent Glenroy safety meeting, and Amy from the Glenroy community activity group has provided data from the Australian road assessment program indicating 36 fatalities and serious injury crashes on Pascoe Vale Road between Jacana and Chapman Avenue between 2019 and 2023. I have previously raised the need for a red-light camera at this location. I acknowledge that a safety assessment of the site has been completed and enforcement has increased, but the reckless driving behaviour seems to be increasing across the electorate. Stefan Merrin has also expressed concerns about dangerous driving on Sydney Road and the need for a red-light camera at the Barry Road pedestrian crossing near Upfield station. I also thank Mary Pope and Andrea Bunting for their continued advocacy on this issue.

Prahran electorate

Rachel WESTAWAY (Prahran) (14:50): (1456) My question is to the Minister for Multicultural Affairs in the other place. What measures is the Victorian government taking to support local councils to appropriately recognise different faiths and promote understanding and tolerance in our community? The electorate of Prahran is home to people of many faiths, and diversity is one of our greatest strengths. However, just last week the City of Stonnington deferred a decision on installing a Jewish menorah at Malvern town hall for the eight days of the Hanukkah festival, which starts in just under two weeks. The debate became divisive and was marked by concerning claims of antisemitism. This comes against a backdrop of rising antisemitic attacks in Melbourne since 7 October. This was distressing for many of our community, particularly our Jewish residents, who have every right to see their faith and culture acknowledged. Other councils, including Glen Eira, Melbourne and Kingston, have successfully integrated recognition of diverse religious and cultural celebrations without such controversy. Our councils need practical resources to navigate these matters with sensitivity.

Yan Yean electorate

Lauren KATHAGE (Yan Yean) (14:51): (1457) My question is for the Minister for Education, and I ask about the disability inclusion program, which is fully rolled out now across the state. I am really proud to say that there are many state schools in my electorate who have a really impressive reputation when it comes to ensuring that kids with disability get the very best education. More than that, I believe that all students benefit when there are kids with disabilities included at school. I ask the minister: are we disaggregating NAPLAN results so that we can carefully track and encourage progress for students with disability in state schools?

Rulings from the Chair**Constituency questions**

The SPEAKER (14:52): I would like to point out a number of outstanding unanswered questions that are now over 30 days: the Treasurer has 19; the housing and building minister, 11; government services minister, six; emergency services minister, five; environment, public and active transport and consumer affairs, four; police and Premier, three; education, mental health and prevention of family violence, two; and disability, regional development, corrections, health infrastructure, children and health, one. I ask the ministers to respond to the questions.

*Bills***Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025***Second reading***Debate resumed.**

Will FOWLES (Ringwood) (14:53): I rise to make a contribution on the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. The need for the bill arises, as members have canvassed, out of a peculiar High Court decision in *Bird v DP*, which was a 5–2 majority decision and one that would cause most people, I suspect, to at a minimum scratch their heads and perhaps at a maximum go, ‘What on earth is going on up there in Canberra?’ There are elements of this decision that on the face of it seem absurd. In this particular decision there was a lengthy consideration of whether a particular priest – a particular criminal priest – was considered to be an employee of the diocese of Ballarat. The relevant passage states that:

Coffey’s livelihood was provided for by the Diocese. He had no other vocation and the Diocese provided him with accommodation.

In this case the diocese provided the relevant criminal priest with accommodation; provided him with a livelihood; provided him with clerical garb and vestments; was the one who appointed him to Port Fairy where the crimes occurred; had ultimate control over the duration, location and duties of his posting; could remove or reassign him at will; provided his livelihood, accommodation and clerical garb, as I have foreshadowed; and exercised authority over him through canon law. How that does not form an employment relationship is a matter for their honourable justices and not for me, but boy oh boy, on the face of it, it seems absurd. And on the face of that absurdity of course government needs to act. Of course government needs to provide a statutory remedy to a very deeply flawed piece of common law. But it staggered me to discover that, notwithstanding the absurdity of the decision and most particularly the unfairness of the outcome of that decision, there have been some people in our community who nonetheless do not want to see any retroactivity of this bill, any retrospective effect.

I include in that analysis brothers Darren Burge and Gerard Brady, who have sent me a letter marked confidential – oh, well – which says, amongst other things:

... we ... openly acknowledge that some in our institutions have committed shameful criminal acts against children in our care.

Correct.

We accept that and have been working for many decades to respond to the damage ...

Perhaps correct.

However, we believe the current bill goes too far and we endorse the Royal Commission’s view ... that such legislation should not be introduced.

That amounts to a tacit endorsement of this farcical decision which said that a priest that was posted by the diocese of Ballarat to Port Fairy, that was fed, housed and clothed, and they had a relationship of effective control or were able to exercise authority over him, that that somehow was not an employment relationship. And most disturbingly from brothers Burge and Brady was this:

There is a general presumption against legislation being introduced with retrospective effect as it offends the rule of law.

That bit is correct. But they go on to say:

The retrospective effect of the Bill –

this bill before the chamber –

puts into doubt hundreds of matters that have been genuinely resolved in good faith since the High Court’s decision.

Rubbish.

The single consequence is that there will be a rush of plaintiff law firms reopening matters on the expectation of earning fees twice for the same piece of work. And of course, the impact of retraumatising individuals as a consequence of relitigating these matters, is obvious.

That is the most shameful distortion of the intent of this bill, I think, imaginable. I cannot believe that men who purport to be of faith can say with even a hint of truthfulness that that analysis holds. That is just an absurdity – this notion that it would suddenly result in relitigating matters or a rush of plaintiff law firms reopening matters on the expectation of ‘earning fees twice for the same piece of work’ is just obscene. It exposes a stark ideological bias, which is not the role of these organisations, against the fine work of many plaintiff law firms around the place. And it just does not hold up to plain, simple logical analysis, because it is not about relitigating; it is about making sure that those plaintiffs like DP are able to in fact access the very compensation they are entitled to. Because clearly Father Coffey, that criminal, was engaged in criminal activity whilst an appointee of the diocese, whilst being paid by the diocese, whilst being accommodated by the diocese, whilst even being clothed by the diocese. That is exactly the sort of relationship that Parliament ought to ensure as a matter of policy is treated as a relationship of employment.

There are lots of other ways that statutes from this Parliament go to characterise employment relationships, and I think, frankly, these circumstances are consistent with almost every definition of ‘employment relationship’ I have read in the seven years I have been in this place, so it should come as a surprise to no-one what the government is seeking to do with this bill. But it comes as a surprise and a profound disappointment to me that brothers Burge and Brady would seek to mischaracterise this legislation in such a profound way and would seek to undermine its intent by pretending it is going to create a raft of relitigation and ‘retraumatising’ of individuals – an absolutely shameful suggestion from those men and clearly a suggestion that runs to the protection of their respective patches inside the Catholic Church and has nothing whatsoever to do with the rights of victims. I say that is just absolutely shameful, and I cannot believe that they have been so bold as to write to me in those terms.

In contemplating this piece of legislation I cast my mind back to visiting the Vatican a number of years ago, not in any official capacity. I was walking down one of the corridors in the Vatican on the way to two of the museum rooms. At the end of the corridor you chuck a left and there is the Sistine Chapel. I know that many members in this place will be familiar with that layout. I turned to the guide – we had already been in one of the museum rooms – and I said that was amazing, and then we were off to the next museum room. The focus was on those museum areas, not on the corridor itself. Down the corridor there were a number of Roman statues amongst other antiquities and artworks and paintings, but no real attention was being paid to them; they were sort of the corridor decoration. I turned to the guide and said there was a lot of other stuff out there and could he tell us a bit about it, and I got a bit of a precis of it. I asked what a Roman statue was worth, and he said it was very hard to value because they do not really go to the open market very often, but it was probably between \$100 million and \$200 million. That is a pretty big number. I asked if it was similar for all the other ones down the rest of the corridor and was told that was about right. There was \$2.5 billion worth of artwork in just that one corridor – not in the museum itself, not in the display cases, just corridor decoration.

It speaks to the outrageous obscenity and concentration of wealth that has been the pattern of the Catholic Church over the last two millennia – all about glorification not of God but of themselves, all about pomp and circumstance and not about the poor, all about their own gratification, and perhaps sexual gratification, and not about serving the needs of the communities that they in fact purport to serve. So, yes, I am offended. I am offended by the gross wealth, the obscene wealth of the Vatican. I am offended by Brothers Burge and Brady writing to me and saying that this bill will retraumatise victims when in fact all it will do is hold open the door for those victims who would otherwise be excluded by a pretty seriously strange bit of jurisprudence from the High Court.

It is extraordinary that we have to make this intervention, but I commend the government for doing it. I commend the work of the Attorney-General, and I commend all the preceding work of a great many members of the Labor government, going back to some of the early institutional instances of child sex

abuse work that was done by committees in the first term of the Labor government through until work more recently. This has been very, very important work. I commend Rachel Payne in the other place, who has added her voice to the very urgent need to make sure that the door is not closed to victims by what can only be described as thoroughly arbitrary legal technicalities.

There has been criticism, and perhaps some of it is valid, of elements of the bill and the way in which it operates, the consistency of the language and how it deals with structural accountability. These are all matters I think that, while they might have some validity, can be dealt with in time. But what I would say to victims and what I say to the chamber is that we always, always, always will do every single thing we can – and we ought to do every single thing we can – to protect those who have been victims of these outrageous and disgusting crimes.

Sarah CONNOLLY (Laverton) (15:03): I rise to speak on the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. There have been some pretty powerful contributions on this bill here today, and I do have to commend the member for Wendouree for making a very special contribution on behalf of people living in her electorate and the trauma and the suffering that they have experienced at the hands of what can only be described as monsters.

The purpose of this bill is to ensure that victim-survivors of historical child abuse – some of the worst things to imagine to happen to children – will have the justice they are rightly entitled to and close what can only be described as a loophole that has enabled organisations to evade accountability. Most members in this place will know that the High Court recently overturned some of the operations of Victoria's civil remedy scheme that we established for victim-survivors of this historical child abuse to seek this remediation. In this case, *Bird v DP* made it clear that legislative changes are needed in order to give the legislation the intended effect that people who are not formally employed by an organisation but who operate in such a way that they are akin to an employee or resemble an employment structure can be covered by this legislation so that those organisations they are part of can remain liable for their actions.

Whilst this bill is quite narrow, it is incredibly necessary, and I am so pleased that it is before the house today. I am proud to be part of a government that has a really strong record of addressing historical institutional abuse. We have been a leader in implementing some of the reforms from the Royal Commission into Institutional Responses to Child Sexual Abuse. We lifted the limitation period for civil claims found on child abuse way back in 2015, in 2017 we introduced a statutory duty of care on organised organisations to take all reasonable steps to prevent child abuse, in 2018 we followed this up by removing the Ellis defence and in 2019 we passed legislation here that allowed for unfair settlements to be set aside. That was really important, as at the time it restricted survivors from seeking real justice, the justice they deserved.

I remember being in the chamber when we debated this legislation. The same legislation also removed barriers that exempted religious ministers from being mandatory reporters of child sex abuse, including for confessions. I quite clearly remember that debate, and I remember at the time how we had some of those opposite calling these changes virtue signalling, of all things. But I am very pleased to say that the person who made those comments, at long last, is no longer a member of Parliament here today, but these are all steps that we should be so proud of championing.

We will always stand up for victims of child abuse, whether it is historical or current, and ensure that, where possible, those who perpetrate it or the organisations that failed to stop it – and unfortunately there were many – are held accountable. I think that everyone here in this place would like to think that they do stand with victim-survivors. The trauma and the suffering that children have suffered at the hands of some of these people is truly, truly appalling. I am not going to go into the types of details that others have in relation to this kind of suffering, but the decision of the High Court case that has prevented victim-survivors of these horrendous abuses from pursuing their claims against these organisations, and the way our legislation has intended for them to do so, is what we are here to change today. That decision held that vicarious liability cannot be found beyond a strict employment

relationship, which meant that those grey employment areas were excluded from having actions brought against them, quite unfairly. However, what the courts did tell us is that we need to tighten these laws to be more specific. That is exactly what this bill is doing here today.

What this bill does is actually restore the law to what it was before this decision, can you believe it, by allowing victim-survivors to retrospectively pursue claims of vicarious liability where the person that abused them was in a relationship with the organisation that is akin to employment. This means that where a person who belongs to an organisation – like, yes, even a church – but is not technically an employee, where they might not have all the features that make up an employment relationship like a contract, remuneration and regular duties but the actual service and duties carried out very closely resemble a job or employment, that organisation may be found vicariously liable in instances of abuse.

To help clarify these relationships the bill has made a simple codification of the existing common-law test, and that is found in *Prince Alfred College Incorporated v ADC*, which looked at a number of different factors to determine whether a person is an employee for the purposes of civil suits, including whether the individual in question carries out activities that are an integral part of the organisation or done for its benefit. Other factors include the extent of the organisation's control over the individual in carrying out these activities and any other relevant factors. As a result, an organisation will be vicariously liable for the abuse of a child if the individual takes advantage of or uses an occasion where the institution supplies that occasion to carry out the abuse of a child. What this actually means is that an employment-type relationship – like we are all thinking, priests – can and will be captured by this test, like any employment-related test.

This approach is very similar to what other jurisdictions are doing, such as the ACT, which also passed similar legislation to ours, and of course WA, which has created a specialist test targeting religious practitioners and whether they are determined to be employees. The outcome is essentially the same: retrospective access to these civil remedy schemes. What we know is that having retrospectivity is just so important, because this decision impacts victim-survivors of abuse, which in many cases – many cases – go back decades. These clauses will mean that those instances are covered by this legislation. Finally, they can seek just a piece of the justice they so very much deserve. This also works with the reverse onus test we have had in place since 2017 – it puts it back on the organisation to prove they had taken reasonable steps to protect children in their care. For abuse that has occurred since then, it allows victims an easier pathway to take action and seek justice.

In addition to this, what we are going to do for those victim-survivors who have had judgements made in line with the High Court decision in the past year, from 13 November 2024 to the commencement of this legislation, is enable them to apply to the court to have their judgement or their settlement set aside and commence another action – and that is really important. It is not the fault of these applicants that this decision disrupted how this scheme was intended to operate, and these charges will mean that they get the full benefit of this legislation.

This bill makes a very simple but incredibly necessary change to ensure that victim-survivors of historical and even recent child abuse can seek the claims that they are entitled to against the individuals and organisations that, let us face it, failed to protect them from that abuse. Victorians know that when it comes to seeking justice for historical child abuse and ensuring that organisations that have witnessed this carried out by those in their service, even with a quasi-employment relationship, we will hold them accountable. Our government has their back. This will remedy the changes brought on by that High Court ruling, allow the legislation that we passed to function as intended and create more opportunities for those who have been impacted by these decisions to have those judgements set aside and recommence their actions as intended. The result here is a much simpler pathway to justice for those victim-survivors, which is just so incredibly important to do. I very much commend the minister for bringing this legislation before the house. It is so incredibly important, and it makes a change to ensure that legislation we enacted is actually working the way we intended it to. That is why I very much commend this bill to the house.

Annabelle CLEELAND (Euroa) (15:13): I also rise to speak on the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. Before I turn to the legal framework, I do want to begin, like so many before me today, where this Parliament rightly should, and that is with survivors. This bill is here today because survivors refused to stay silent, because they stood up again and again, often at enormous personal cost, to tell their stories and to tell the stories of their loved ones, to challenge institutions and to push a system that too often preferred comfort over accountability. Many of them have carried their trauma for decades. Some have fought the legal system for years and generations, and this reform is the result of the extraordinary courage, persistence and strength that survivors have shown, many of whom joined that fight but did not survive the battle. Today we acknowledge that contribution with enormous respect.

I want to acknowledge the compassionate and sensitive work of our Shadow Attorney-General and member for Brighton. His contribution earlier today to this debate consistently reflected the gravity of what survivors have endured and the responsibility this Parliament carries today. It matters; it deserves to be placed on the record. The Parliament has a moral responsibility to ensure that survivors of child abuse are not locked out of justice by technical legal manoeuvres, shifting definitions or institutional structures designed to shield and prevent accountability. No survivor should ever hear the words, 'You were abused, but no-one is legally responsible.' That is not justice. That is betrayal layered upon trauma.

The bill arises today from the High Court's decision in *Bird v DP*, which overturned decades of Victorian legal understanding by ruling that institutions could not be held vicariously liable for abuse committed by people who were not technically employees, even where they exercised power, authority and trust over children. Put simply, the ruling stripped away responsibility from institutions that placed perpetrators in positions over children simply because paperwork said those perpetrators were not employees. The consequences have been so deeply distressing. Survivors have been told their cases might collapse. Some were pushed into accepting materially lower settlements out of fear of adverse cost orders, and others saw their claims dismissed entirely. This Parliament could not and should not look away from such injustice.

This bill does two fundamentally important things. It restores accountability by creating a statutory vicarious liability regime that captures both employees and those who are akin to employees. It also allows survivors who were caught in the short legal window created by *Bird* to seek to reopen their cases where it is just and reasonable to do so. The second reform matters enormously. If Parliament accepts the legal rug was pulled out from under survivors through no fault of their own, then Parliament must also accept responsibility for repairing that damage, and the bill does that. It says to survivors that if the law changed in a way that unfairly extinguished your rights, you deserve the chance to be heard.

In my electorate of Euroa I have met survivors who have waited decades to speak up – not years; decades – people who carried shame that was never theirs, people who were dismissed, disbelieved or silenced by authority figures who should have protected them. Many did not seek wealth; they just wanted the truth. They sought just acknowledgement, they sought accountability and above all they just wanted safety for the next generation, and this bill aims to do that – not money, not politics and not institutional reputation. This is about whether power over children comes with a responsibility that can never be contracted away.

The new statutory test rightly focuses on whether the institution placed a person in a role that supplied the occasion for abuse and whether the perpetrator took advantage of that role. Authority, power, trust, control and the ability to achieve intimacy: these are conditions that have enabled abuse, and these are the realities the law must recognise. If an institution placed a person in a role where they could abuse, then that institution must wear responsibility for what followed. They should not be able to hide. They cannot hide behind contracting arrangements, and they cannot hide behind legal technicalities. The bill ensures that the state itself can be held directly accountable where government bodies are involved. Governments and institutions must never sit above the law when it comes to child safety.

The Liberals and Nationals throughout today have made it very, very clear we support the core intent of this bill, we support restoring justice to survivors, and we absolutely support closing the gap that was created by Bird. We support ensuring institutions cannot structure their way out of accountability. We owe it to the community to speak honestly about the legal weight of what we are doing here. The bill operates retrospectively. It allows settled cases to be reopened, and it allows judgements to be set aside. As a general principle, retrospective legislation raises serious rule-of-law concerns. However, child abuse is not ordinary, and the Bird decision did not just clarify the law, it upended it overnight, to the detriment of so many survivors. Survivors did not fail the legal system; the legal system failed them. And when the law itself inflicts harm through an abrupt reinterpretation, Parliament has both the authority and the obligation to intervene. The coalition ultimately supports this reform because the injustice of doing nothing is far greater. This bill expressly excludes independent contractors, and that raises a question about whether future arguments may arise around roles that operate in grey contractual space. Institutions must never be allowed to restructure their workforce to avoid responsibility, and this is something that will need to be monitored.

I want to address concerns raised by some stakeholders about the bill placing an unfair burden on organisations. This burden was created at the moment the abuse occurred, not by the Parliament. The heaviest burden has always been carried by the survivor – we cannot ever question that. If an institution benefited from placing someone in a position of authority over a child, then it must also accept the responsibility that flows from that decision. That is not punishment, that is accountability. In communities like mine, trust is everything. We rely on schools, churches, sporting clubs, youth groups and community organisations to keep our children safe. When trust is broken, the damage does not end with one victim; it ripples throughout our communities, families and friendships for generations. This bill strengthens trust again. It sends a message that responsibility for child safety cannot be outsourced, contracted away or buried in legal fine print.

I hope that the survivors who may be watching the debate today feel seen today, tomorrow and every day into the future. We believe you. We will not allow the law to be used as a shield against the truth of what you endured. I think there have been times that we have tried to raise different sides of the argument, as uncomfortable as it seems today, and there are elements that I think might not be perfect about the bill, but no legislation ever is. But its purpose and its motivation is sound. It does restore justice where it was wrongly stripped away. It restores accountability where it was wrongly denied. It restores a principle this Parliament should never need reminding of: that the safety of children will always matter more than the legal comfort of institutions. For those reasons, the coalition supports this bill and I commend it to the house.

Alison MARCHANT (Bellarine) (15:23): I rise to speak today in strong support of the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025, a narrow but vital step and a measure to protect and to right justice for victim-survivors of historical child abuse. I will start by acknowledging the victim-survivors. I want to take a moment to acknowledge the courage of all victim-survivors of child abuse. Through your voices, your stories and your resilience you have brought to light some of the darkest chapters of our history and reminded us of the urgent need for justice, accountability and systematic reforms. We honour your experience, and it is because of your bravery we are able to take meaningful steps to ensure that no child suffers in silence again.

I would like to acknowledge the work that the minister and the Attorney-General have done to come to this point and the thoughtful contributions that I have heard today in this place, particularly the member for Frankston for his very clear contribution on this bill. We all have shared and acknowledged the devastating impacts of child abuse and that lifelong trauma that it leaves, the loss of opportunities and that deep betrayal of trust.

Over the past decade, even though I have not been in this place for that amount of time, I have seen and want to at least acknowledge that Victoria has taken steps in this space in the way of supporting survivors, including the removal of barriers preventing victims from pursuing civil claims no matter how long ago the abuse occurred and reforms that have been inspired by and come from both the

Victorian Betrayal of Trust inquiry and also the federal Royal Commission into Institutional Responses to Child Sexual Abuse. It has given survivors a path to justice where previously there was none. Yet in 2024 we did see the High Court's decision in *Bird v DP* expose a gap – a loophole that left victims vulnerable once again. The case involved historical sexual abuse by a priest seen as, I suppose, a 'volunteer' but not officially employed by the church. The Supreme Court of Victoria and the Court of Appeal had found the church vicariously liable, recognising the abuser was akin to an employee, but the High Court overturned that, holding that vicarious liability could only be found in strict employment relationships. That decision has devastated the survivor community around Australia and thrown into doubt hundreds of cases against institutions by victims of abuse. The court at the time acknowledged that the consequences of its decision were harsh and explicitly stated that it sat 'squarely in the hands of the legislatures'. That is where this bill today comes in.

Why then do we need this bill? Well, we must ensure that victim-survivors of historical abuse are no longer denied justice by a technicality. It allows survivors who were forced to accept an unfair outcome after the case of *Bird v DP* to have their matter reopened, and importantly, it restores the law to what it was before the High Court's decision, recognising that people who act in a role akin to employment can, in the eyes of the law, attract vicarious liability for their organisation. This bill is deliberately narrow and focused on addressing the problem identified in the High Court without creating those other unnecessary, new obligations. It allows the court to examine the specifics of each matter and determine whether an abuser's relationship with the organisation is sufficiently similar to an employment relationship. It does not automatically deem volunteers, carers or coaches as employees. It simply restores the ability of courts to consider a common-law test of akin to employment in a context, and it provides a path for those survivors who were forced to settle their claims after the High Court decision to reopen their matters. So why now? Well, we cannot allow survivors to be denied justice just because of this technicality. Institutions must be held accountable for the people that they put in positions of power over children. This is about fairness. This is about ensuring that anyone who suffers abuse at the hands of someone acting on behalf of an organisation, whether formerly employed or not, has the opportunity to pursue a civil remedy.

I just want to take a moment and the opportunity to acknowledge and also to share and thank the Care Leavers Australia Network – CLAN, as they are affectionately known – and acknowledge the work that they do in our Geelong region. We have the Australian Orphanage Museum in Geelong, and Leonie Sheedy, who is a Clannie, has had an immeasurable impact on me. I admit that I did not know of the atrocities that happened in my own town of Geelong until recently. After meeting Leonie and many other Clannies and visiting the museum, I have learned a lot about our dark history in Geelong. I learned that Geelong was home to more orphanages than any other city outside of a capital. The museum in Geelong – it is open, and I would like to encourage people to go there; it is confronting and it is emotional, but it is an opportunity to learn and listen – is dedicated to documenting and exhibiting authentic social histories about the experience of growing up in an orphanage, in a children's home or maybe in a mission or other institution. The museum has been created and established by care leavers for care leavers so that this history is visible to all Australians. The collection contains hundreds of items from Australian children's homes, and every object there has a story to tell. In summarising I would just like to acknowledge and thank Leonie for educating me and helping me understand why reforms like this are so important. Our Deputy Prime Minister Richard Marles once said that Leonie Sheedy was a national treasure, and I could not agree more.

At the time of calling the national Royal Commission into Institutional Responses to Child Sexual Abuse the Prime Minister at the time Julia Gillard stated that:

These are insidious, evil acts to which no child should be subject.

...

... Australians know ... that too many children have suffered child abuse.

They have also seen other adults let them down.

They've not only had their trust betrayed by the abuser, but other adults that could have acted to assist them have failed to do so.

There have been too many revelations of adults who have averted their eyes from this evil.

In terms of the bill today, the Attorney-General also stated in her second-reading speech that the reason for drafting this bill is that:

We have heard from victim-survivors, members of the public, advocacy groups and peak legal bodies of the damaging impacts of the High Court decision on this group, who have called for legislative reform. It takes great courage for victim-survivors to report abuse, often at great personal expense, and some cannot now seek to hold organisations to account through the courts.

That is why we must do this bill and have this bill go through this house and the other house today and be enacted.

At the heart of this bill is a simple truth: adults hold a profound responsibility to protect children, and when that responsibility is betrayed the consequences are lifelong. When those who are entrusted with care, guidance and authority instead use that power to harm, that betrayal is one of the deepest wounds a child can suffer. Our laws must recognise the gravity of that failure and ensure that institutions and individuals who enable or ignore such abuse are held to account. No child should ever have to bear the burden of an adult's abuse of power, and no survivor should ever be denied justice because of the actions or inactions of those who were meant to keep them safe.

This is about restoring fairness and giving victim-survivors the opportunity to seek that justice which was denied by a technical loophole. It ensures that no survivor is left without recourse simply because a law failed to recognise the reality of their experience. By passing this bill we are sending a very clear message that survivors' voices matter and the pursuit of justice cannot be denied. This is the right thing to do, and I commend the bill to the house.

Jade BENHAM (Mildura) (15:33): Almost every time I am on my feet in this place I bring in notes, expecting to stick to the script and never do, but today I plan to because this is a very important bill: the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. It is important and necessary in restoring justice and certainty for survivors of child abuse in Victoria, and at the heart of this bill lies a simple truth: that no child should ever be abused and no institution should ever escape accountability because of a legal technicality.

When abuse occurs within the authority, power or trust placed in an adult by an institution, that institution must be answerable morally and legally. This bill exists because the High Court's decision, as we have heard from many members in this place today, in *Bird v DP* last year fundamentally disrupted what had been up until then an accepted approach to institutional liability for child abuse. *Bird v DP* held that a Catholic diocese was not vicariously liable for the criminal acts of an assistant priest because he was not technically an employee, and I think I have heard just about every member who has spoken on this bill talk about that case today. The High Court rejected the 'akin to employment' doctrine previously applied by Victorian courts and stated very clearly that any reform to this area must come from the legislature, and here we are. That moment, in practical terms, closed the doors of justice to many survivors. Many matters stalled and many are ongoing. I was talking to someone yesterday who has been involved in a case that has been caught up in the High Court for six years now. Others have been settled prematurely for far less than was fair, out of fear that their claims would be dismissed with costs. Institutions that until then operated on the understanding that they were accountable suddenly found themselves sheltered by a very narrow technical interpretation of employment status.

This Parliament should not and cannot allow accountability for child abuse to turn on whether a person was an employee or an office-holder or a contractor or a subbie. Survivors deserve better than that. They deserve consistency, fairness and a pathway to justice that cannot be derailed by organisational structures designed decades ago.

This bill does two things. It amends the Wrongs Act 1958 to create a clear statutory framework for vicarious liability for child abuse, which it applies to all child abuse past and future, and it ensures that liability extends not only to employees but also to people who are akin to employees. This reflects the reality of how many institutions operate, particularly religious organisations, community groups and schools where authority, trust and control are not limited to those within the formal employment contracts. Second, it amends the Limitation of Actions Act 1958 to allow survivors impacted by the Bird window, which is that period between the High Court's decision in November of last year and the commencement of this legislation, to have their settlements reopened or judgements set aside. This gives survivors whose cases were unfairly weakened a chance to come back, start again and seek proper redress. In doing so the bill restores the legal position that most survivors reasonably believed existed prior to Bird. Frankly it restores faith – faith that the Parliament will not stand by while a sudden change deprives survivors of the justice that they have fought for for years, if not decades.

There were some areas of concern, though, throughout stakeholder engagement with this bill. One of those was the retrospective aspect of the bill. As the member for Euroa said, the bill does contain retrospective elements. In most circumstances retrospective legislation probably is not most desirable as it offends the rule of law, but these are not your ordinary retrospective elements. This Parliament has for many years recognised that child abuse is an exceptional class of wrongdoing, and it absolutely is. There have already been moves to remove limitation periods. There have been past settlements that have been reopened where injustice was evident, and this is because of the nature of the abuse and the trauma that it inflicts. It demands that we centre justice for survivors above administrative convenience. As I said yesterday in this place, some things just transcend politics, and this is one of them. The retrospective element here is narrow, it is time limited and necessary.

There were concerns about the 'akin to employment' test. It is true this area has been difficult and evolving, but that is precisely why statutory guidance is required. This bill gives courts a framework that preserves their discretion, so it does not freeze the law – it offers guidance and it reflects the lived reality of institutional abuse, quite frankly, where perpetrators often operate with authority, with trust as I said earlier and with access regardless of what their contract says. Independent contractors were another area that raised some red flags and also concerns from religious or community organisations. As I heard the member for Euroa speak about earlier, some have suggested that this bill is going to create unreasonable burdens on churches and charities. As my good friend and colleague the member for Euroa stated, the real burden here is on survivors. It is a lifelong burden and it is one they live with every day, so please do not come at this with concerns over burdensome admin. What an absolute joke. Accountability is not an attack on faith or community. It is an affirmation or reaffirmation of our shared moral responsibility, especially in this place, as legislators to protect children. So we are not opposed to this bill. The Liberals and Nationals have supported reforms that empower survivors and ensure institutions cannot evade responsibility, so this bill will restore justice disrupted by Bird. It codifies an area of law marked by uncertainty and the ability of the role to create situations of intimacy or vulnerability.

There are obviously a number of aspects to this bill, but as I have said and as I have heard many people talk about in very considered contributions on this bill today, this has come about because of a really unfortunate legal loophole that has been found and has traumatised survivors of institutional child abuse, and that is not fair. We have an obligation to consider this at its core. It is not a partisan issue, it is a moral one. Children were abused, we know that; institutions failed them, we know that. And when the law creates that loophole, then it is our responsibility to close that gap, and this bill will do exactly that.

Survivors of child sexual abuse show extraordinary strength. Despite the challenges, many spend decades trying to come forward. Many stay silent because talking about that trauma is too hard. Oftentimes talking about trauma is just too hard. I get it. When they finally seek justice, the last thing they should encounter is that legal loophole that tells them their abuser was technically not an employee, so the institution cannot be held responsible. Can you imagine? Every member in this place

knows, or at least should know, how deeply wrong that would be. Institutions hold great power, and with great power comes great responsibility. And when institutions enable environments where abuse can occur, or place adults in positions of trust, intimacy or authority over children, they must be answerable for that.

The High Court made it clear that it is now up to us, and we are doing that today. This legislation is what will decide what accountability looks like, and the bill articulates that responsibility clearly, consistently and justly. It is necessary and it is justified, and most importantly, it will help to restore fairness to those who have already suffered far too much. Ultimately, this is about delivering justice – real justice – for those who deserved it decades ago.

Nina TAYLOR (Albert Park) (15:43): I certainly will echo the fundamental principle of the reforms that are being brought before the Parliament today, and that is the pursuit of justice. We know that these reforms cannot undo the abuse that has been committed. They cannot erase the traumatic memories and experiences, but nevertheless they can deliver a much fairer outcome that is certainly richly deserved. One might say, arguably, the law is always seeking the pursuit of justice. But in order to achieve that, that requires us to continually review and improve the law as best we can. Certainly this is, I think, what has driven in part the decisions that are before us today because of the result of the wicked betrayal of trust of so many children and young people who have been put through what can only be described as torture – I can only imagine the extreme disappointment, to say the least; I do not want to be overly descriptive because I was not there personally to experience those horrific experiences – that nevertheless go some way to reflect the seriousness with which those matters are being addressed, certainly experiences that were not in any way deserved by any of the victims, and it is indeed almost impossible to rationalise the cruelty. I do not think that we can. Nevertheless I do want to pay respect to the trauma of so many – too many. One is too many in our state. I also want to do a little shout-out to David ‘Macca’ McCarthy from JOY Media – he has been a very strong local advocate – and to all victim-survivors and also to reflect on those who have not survived to be able to see these changes. I also acknowledge the work of the Attorney-General and the member for Frankston, and I know that the Parliament here today is certainly united in seeing these changes through.

We know fundamentally what the reforms will do. They will restore the law to what it was before the High Court decision in *Bird v DP* by retrospectively allowing victim-survivors of historical child abuse to pursue claims of vicarious liability where their abuser is ‘akin to employment’. The bill will allow the court to examine the specifics of each matter to determine whether the abuser’s relationship with an organisation is sufficiently similar to an employment relationship so as to potentially attract vicarious liability. Importantly, it will also allow any victim-survivors who were forced to accept unfair resolutions to their matters following the High Court decision to apply to the court to have their matter reopened. This makes sure that anyone who was pushed into settling or withdrawing their matters due to the High Court decision will not be missing out, hence the important thread today in the pursuit of justice.

The bill, it is also very important to note, does not exclude volunteers, carers or coaches. In each case it will be for the courts applying the well-established common-law ‘akin to employment’ test to the facts to determine whether it is appropriate for vicarious liability to attach in each given matter. I note that, yes, there is complexity whenever the element of retrospectivity is applied, but when we are talking about the safety of children and we are talking about the critical nature of the matters before us it is hence determined that retrospectivity is appropriate to be applied within the specific limbs of the tests and so forth that frame the reforms that we are bringing today. I should say, when we are talking about that frame – because it is important to be precise, and no-one is suggesting otherwise – to determine if an individual is an employee, the court is able to consider whether the individual carries out activities as an integral part of the activities carried out by the organisation and does so for the benefit of the organisation, the extent of the organisation’s control over the individual in the carrying-out of their activities, and anything else the court considers relevant.

An important caveat, though: independent contractors are excluded from the test and cannot be considered akin to an employee. An example might be an electrical contractor who comes in to rewire a particular building and therefore is not fitting within the realm of the tests that are in front of the court that the court has to consider. I think that is certainly a practical caveat when it comes to the very delicate nature of the matters being considered. An organisation will be vicariously liable for the abuse of a child by an employee or an individual akin to an employee if the apparent performance by the employee or individual akin to an employee of a role in which the institution has placed that employee or individual supplies the occasion for the abuse of the child by that employee or individual and the employee or individual akin to an employee takes advantage of or uses that occasion to abuse the child. You can see the necessary precision around the framing of this reform, but I think that makes sense and is appropriate within the terms of this bill.

Further, at the risk of slight repetition, I want to say the bill will allow affected victim-survivors whose vicarious liability claims were resolved in the period between 13 November 2024 – the High Court’s decision on the act – and the commencement of these reforms to apply to the court to have a judgement or settlement set aside and commence another action. The Bird decision rendered some vicarious liability claims for historical child abuse unviable or significantly weakened, so this will ensure that these victim-survivors may benefit from the reforms, including plaintiffs whose claims were dismissed by the court. Seeking to in some way walk in the shoes of those victim-survivors, on the one hand to be desperately let down by a betrayal of trust in the early years of their life and for that to be followed up with a further injustice in terms of a loophole that prevented them from seeking justice before the courts, we can only imagine how that must have impacted up until this day in fact those victim-survivors and the advocates who have worked hard on their behalf. These are certainly extremely emotional matters, very personal matters and I would have to say extremely difficult to talk about. It has been already discussed in the chamber about having to speak to such personal matters; I could only imagine how difficult it must be. But nevertheless they had that courage, that resilience and that inner knowing that the wrongs have to be righted, not only for their benefit but also into the future.

I think the other matter when we are talking about the purpose of legislative reform is it is also sending a very strong signal that what the community expects is that those in a position of authority – and I am not going to revisit the particular limb of the tests of this bill, but bearing in mind the frame and the context within which we are discussing this bill – must treat children with respect. This is also about curbing decades and decades of abuse. I think there are many positive outcomes that can result from the passing of this reform. It is a very strong statement on the one hand, yes, about justice, but also to say how we expect all human beings to be treated at each and every point of their lives, not least when they are young and vulnerable, and so I hope that through the Parliament in a truly united way we can make a difference. I thank again all the victim-survivors who have so courageously pursued these reforms. We could never have been where we are today without you. Now I am getting emotional, so I just want to thank them for their courage, because I cannot imagine doing it myself. I am sorry I have got emotional. I commend the bill to the house.

Katie HALL (Footscray) (15:53): There have been many powerful contributions today, and we just heard one. I would like to echo the sentiments of the member for Albert Park, who very powerfully articulated the courage of victim-survivors to advocate when the burden that they carry must be so overwhelming. I believe that, although it is frustrating that this reform has had to take place to restore some semblance of justice to victims, today has shown Parliament at its best. From Ballarat to Frankston – the member has just stepped out – to my community of Footscray and across Victoria, we have seen how the horrific trauma of these unspeakable crimes has reverberated through time. It breaks my heart that victims would ever feel an emotion like shame, when the shame is truly on the organisations that were entrusted with their care.

From the outset of this contribution I say to victim-survivors of child sexual abuse: I hope that today, after being failed by the justice system, you feel seen at the very least. I hope that you feel that justice is being restored, in part, in response to the unspeakable crimes of which you have been victims. Any

organisation, any institution that is entrusted with the care of a child ever must be accountable and held to account. They must not hide behind a protection racket, a faith or a legal loophole, because the burden carried by the victim should be held by those institutions and the criminals within and with them only.

Today we restore some fairness to victims, although nothing will ever be fair for victims. We restore some space for justice, but for the victims nothing will ever be just. We cannot undo the horrendous crimes, but we can look them in the eye, and we must always. As many of my colleagues around the chamber have noted today, this bill is necessary to address the impacts of the court case *Bird v DP*. I had not heard about the impacts of this loophole until the member for Frankston spoke to me about it. It is really such a shameful situation that we as a community, as Victorians, predominantly would not be aware of this shameful situation.

This bill will ensure that victim-survivors of historical child abuse will no longer be denied justice by a loophole allowing organisations to evade accountability because their abuser was not formally employed. There has been a high-profile case in my electorate, which resonated very deeply with me, involving our much-loved local football club. When I was reading about this situation, I thought about the victim in that case and the horrific crimes that victim was subjected to by a volunteer. This bill will help victim-survivors who were forced into accepting unfair outcomes. The bill is narrow, and a number of people have spoken to that. It only goes so far as it needs to in order to address the situation identified by the High Court.

The bill will restore effectively into law what it was prior to the High Court decision. Victim-survivors will once again be able to pursue civil remedies against organisations for abuse suffered at the hands of a person who might not be formally employed but who is akin to an employee. It will also allow any victim-survivor whose matter was resolved following the *Bird v DP* case but prior to the commencement of this legislation to apply to the court to reopen their matter.

The member for Albert Park spoke about the courage of these victims. I am so sad that these victims might be retraumatised by pursuing another civil matter. I am so sorry that this circumstance ever occurred. I would like to acknowledge the people in the gallery, the people who have been advocates and the people who have spoken up for victims who can no longer speak for themselves. Your work is incredibly powerful – what you have done for people who could not speak for themselves, to speak out and to speak up against institutions that are extremely powerful restores some sense of justice. How lucky we are to have people like you in our great state.

I know that these reforms will be welcomed by many in this community, and I know that the majority of legal stakeholders as well would never have wanted this unintended loophole to occur. I do not really want to reflect on some of the religious organisations that are opposed to the reforms. I do not want to elevate those opinions at all. But the member for Narre Warren South spoke very powerfully about his mother's faith and how, as a woman of God, she would never hide behind her faith. I thought that was really powerful. It is unspeakable – indefensible, in my opinion – that anyone would ever oppose reforms to avoid their financial liability for historical child abuse. It is unspeakable. Community organisations, such as the Scouts, that we entrust our children to, who are, by and large, good volunteer organisations, I know have also raised some concerns about the application of these reforms. But there is nothing more important. There is no responsibility more important than being entrusted with the care of a child, and that is something that we should look in the eye always – always.

I would like to conclude by thanking and acknowledging the victim-survivors, the ones who have shown such courage and such strength. I wish them all the very best, and I hope that this restores some much-needed justice in their lives. I commend the bill to the house.

Martha HAYLETT (Ripon) (16:03): I rise today to speak in support of the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. I really thank every other member in this house who has spoken about this bill today, especially the very moving contributions from the member

for Wendouree, the member for Frankston and the member for Brighton. This is a very emotive topic. It is so heartening to see support from both sides of the chamber for these critical changes here today.

This bill is about justice. It is about accountability and compassion. It makes sure that our laws reflect the lived reality of victims-survivors of child abuse and that institutions cannot hide behind technicalities to avoid responsibility. At the heart of this bill is the principle of vicarious liability. As we have heard from many other members today, vicarious liability is a form of strict liability whereby a defendant organisation can be held liable for the wrongful acts or omissions of another person, even when the organisation itself was not directly at fault. In Victoria, claims for child abuse under vicarious liability are currently brought under the common law. Importantly, the common law applies retrospectively, meaning that organisations can be held liable for historical child abuse perpetrated by their employees. This principle recognises that institutions benefit from the roles and the authority that they give to individuals and therefore must bear responsibility when those roles are abused to harm children.

The need for this bill arises directly from the High Court's decision in *Bird v DP* in 2024. In that case we saw the High Court overturn a decision of the Victorian Supreme Court, upheld by the Court of Appeal, that had extended liability to relationships akin to employment. The High Court's ruling narrowed the scope of liability, leaving victim-survivors who were abused by individuals in positions of trust but not technically employees without a clear path to justice. The High Court itself acknowledged the impacts of this decision as harsh and noted that addressing it sits squarely in the hands of legislators, inviting us as legislators to make the changes needed to address that harshness. This is exactly what this bill does today. It legislates both retrospectively and prospectively that vicarious liability for child abuse extends to relationships akin to employment. No child should ever be abused and no perpetrator should get away with it just because they were not employed by an institution and not taking a pay cheque at the time of the abuse. This is deeply unfair and has meant that some victim-survivors of child abuse have seen justice if their perpetrator was employed and others who were abused by volunteers have not seen that same justice.

This bill makes two critical reforms. It amends the Wrongs Act 1958 to expand vicarious liability for child abuse to include relationships akin to employment, ensuring institutions are liable where they placed individuals in roles of authority, trust or intimacy with children. It amends the Limitations of Actions Act 1958 to allow victim-survivors who received a settlement or civil judgement between the *Bird v DP* decision on 13 November 2024 and the commencement of this bill to apply to the court to set aside that settlement or judgement and commence new proceedings. This makes sure that those directly affected by the High Court's decision are not denied the benefit of these reforms. This bill ensures that claims can be brought regardless of when the abuse occurred. We know that it can take over 20 years for victim-survivors to disclose their abuse. In my own community of Creswick and the broader Ballarat region there are devastatingly high numbers of child abuse victim-survivors, many of whom have taken decades to disclose their trauma, if they have at all. The retrospective operation of the bill recognises the lifelong effects of child abuse and it gives, hopefully, some comfort to many victim-survivors that they will finally receive some justice.

The Royal Commission into Institutional Responses to Child Sexual Abuse found that survivors have faced substantial barriers to accessing justice, including the imbalance of power and resources between survivors and organisations and complex legal procedures. This bill helps dismantle those barriers and is carefully confined. It applies only to child abuse and only to organisations exercising care and authority over children and it only extends existing vicarious liability to relationships akin to employment. This limited expansion is required to alleviate the impacts of *Bird v DP* on victim-survivors of historical child abuse.

The ACT government has now passed retrospective legislation which operates very similarly to this bill. We have seen the Western Australian government introduce retrospective legislation which takes a different approach, deeming religious practitioners as employees, but that achieves a similar outcome. Even older examples exist in Canada and the UK, where the approach that we are proposing

has been the status quo for over 20 years. This bill will put us in line with other states, territories and countries who have progressed their laws to better support victim-survivors and right the wrongs of the past. Where religious, community and volunteer organisations continue to operate, it does not stop them from operating – that is a very important point – but it makes sure that they are better and that there will, hopefully, be much more accountability going forward if there is ever abuse experienced in those settings.

I acknowledge that some religious and community organisations, as the member for Footscray outlined, have expressed some concern about financial impacts, but the financial interests of institutions cannot outweigh the rights of victim-survivors to seek justice. This bill is not about punishing faith communities or charities, it is about ensuring accountability where children were harmed under their care. This bill restores faith in our justice system. It says to survivors that we hear you, we believe you and we stand with you. It complements the government's past efforts to remove barriers to civil litigation for victim-survivors of historical child abuse, and it delivers on our ongoing commitment to supporting victim-survivors.

I commend the Attorney-General for bringing this legislation forward. I commend all of the work of the member for Frankston, and I thank him so wholeheartedly for doing so much hard work with this legislation. Thank you so much, Paul. I thank all of those who were involved in the journey to get here, including plaintiff and defendant law firms; legal professional associations, including the Victorian Bar Association, the Criminal Bar Association and the Australian Lawyers Alliance; Sexual Assault Services Victoria; and religious organisations, including the Catholic Diocese of Ballarat, Christian Brothers and Anglicare Victoria. I really want to thank so many members of the community in Ballarat especially. As a representative of the outskirts of Ballarat and many of the surrounding communities, I know how hard fought so many community members in Ballarat have been with this legislation and to get us to today, so I sincerely thank every single person involved within the Ballarat region.

These reforms have been informed by an independent committee as well, chaired by the Department of Justice and Community Safety, with members from other departments. I thank every person and every public servant who was a part of the committee and a part of drafting this important bill. It will help so many victim-survivors who were forced into accepting unfair outcomes following the *Bird v DP* decision, and it will ensure victim-survivors of child abuse will no longer be denied justice by a loophole allowing organisations to evade accountability because their abuser was not formally employed.

I am so proud to speak on this bill and to see it become law. This is truly an example of the best of Parliament, when we come together and unify over such important reform and important legislation in this place. Thank you again to every person who has been involved in this chamber and outside of it, and I commend the bill to the house.

Mathew HILAKARI (Point Cook) (16:12): I rise to support and speak on the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. I start by thanking the Premier and the Attorney-General and her team for all their efforts to bring this bill to this Parliament. In particular I want to thank my colleague Paul Edbrooke, the member for Frankston. He has provided enormous leadership in this space across the Parliament, and I quote him on his thanks to victim-survivors, when he rightly said 'they have turned their pain into purpose'. I will come to that in a moment. I want to say thank you to the caucus colleagues who have stood up for victim-survivors and thank you to the victim-survivors, their advocates and their lawyers and to Trades Hall for keeping up the fight on this matter. For those who shared their story in Parliament and stated the case to bring the law back to where it had been, I was deeply moved. I thank you, member for Frankston, for arranging it. For everybody who was there and shared their story in such an open and vulnerable way, it was really appreciated. It brought to us, as the member for Mordialloc said, the real urgency in getting this done. I am so pleased that it is in this chamber this year.

This legislation is important because it sets things right, to the way they were prior to the intervention of the High Court of Australia in *Bird v DP*, and we take up the question here posed to us by the High Court. Importantly it allows any victim-survivor whose matter was resolved following *Bird v DP* but prior to the commencement of this legislation, should it be approved by these houses, to apply to the court to reopen their matter. It is important to put these things right – to as they were – not because this will provide justice for victim-survivors but it will give them a semblance of justice and some hope, because justice simply cannot be achieved for people who have been abused in such a horrific way.

This legislation is equally important to me because it says to all organisations across this state that this is the priority that we have, that this Parliament has: the protection of children going forward, because this is the just and the right thing to do. Organisations should naturally know this. They should know that the prioritisation of the protection of children is of paramount importance. But if they do not, and if they are unable to do that and unable to expand their minds to that, then the people who lead their organisations know that their organisations are at risk if they do not protect children.

I want to acknowledge also, just on this day, that there is a lot of community hurt and suffering in the community that I represent, with further charges being laid in relation to child care. I just want to acknowledge that hurt and suffering and say there is support available; there is information online for that, for people in the community that I represent.

Today I am going to talk about an organisation that did not support the children under its care. My family were parishioners at the Our Lady Help of Christians Catholic Church in Eltham. I say ‘There but for the grace of God go I’, because Father Baker was at that church at that time, a priest that was a paedophile and abuser. He was imprisoned – not for long enough, by the way. There but for the grace go I, because I was not abused, but others around me were. He was a priest until 2012. Criminal complaints were raised about him from 1978 onwards, well before he was at Eltham. Mr Baker was a Catholic priest. He was a case study in the Royal Commission into Institutional Responses to Child Sexual Abuse. He was at Gladstone Park and was moved from there after abuse acknowledged by the church at that time. He was shifted to Eltham because of the abuse at Gladstone Park, and he abused there. He was shifted to Dandenong. He was shifted to North Richmond in 1992, to another parish with a school, in the knowledge he was a criminal abuser – the church knew this.

In 1997, after more allegations, he was placed on administrative leave. In 1999 he was sentenced – the day before his trial he pleaded guilty. It was another 13 years before the church removed his status as a priest. By the time of the royal commission 21 people had made either claims or substantiated complaints of child sexual abuse against Mr Baker. The incidents alleged occurred in the period between 1960 and 1985, and that was at the time of the royal commission. I do acknowledge the important words of the member for Ripon in explaining just how long it takes for people who have been abused – victim-survivors – to come forward. Three civil claims had been resolved by that point in time: \$158,000 compensation on average was received. Eighteen complainants went through the Melbourne Response and received an average of \$31,000 as a result of their complaints.

I want to describe some of the reasons we have got a bill like this in this Parliament. Mr BTO – a pseudonym – gave evidence at the royal commission. His parents were devoted Catholics. He said:

... I was raised to believe that the Parish Priest was next to God, and therefore was to be respected.

...

My family attended the Good Shepherd Catholic Church in Gladstone Park ... The Parish Priest at the time was Father Bill Baker ...

At the age of 12, the abuse started at Maryborough, in Mr Baker’s parents’ house. The abuse happened there repeatedly.

There were ... occasions when I was lucky enough to go to bed early before Father Baker. If I pretended to be asleep when he came into the room, he left me alone.

Eventually BTO told his mother of the abuse and then his dad. He said:

I did not want to tell my dad because he was a man's man, a tough man, and I was too ashamed and embarrassed to tell him. However, after I disclosed to mum, she of course told dad. Dad was good about it and he didn't react negatively or blame me ...

Imagine that. The abuse was disclosed to another priest at the parish and Archbishop Little at the time. Father Baker was moved out of Gladstone Park parish. BTO said:

I struggled to concentrate at school. I just wanted to be one of the boys, to play football, be normal, and feel like I fit in. The abuse definitely affected my education and continues to affect me today.

He said later in life:

... I disclosed the abuse to my wife. We were talking about having children and I felt I needed to tell her ... Before this I never discussed it with anyone.

Around 1998 BTO was contacted by police to assist with prosecutions as a result of other victims coming forward. Initially Father Baker pleaded not guilty, but on the day of the trial he changed his plea to guilty. BTO regretted not being able to tell his story. BTO went through the Melbourne Response and was offered \$35,000 by the church.

I discussed the offer with my lawyer. He gave me some options but inferred that if I didn't take the offer the church would fight hard against any legal action I took. I decided to accept the compensation. I was also required to sign a Deed of Release.

The money certainly helped my wife and I at the time, but it just made me feel dirty, like I was a prostitute and being bought off. It felt like hush money.

He was provided counselling services, but not the ones that he felt would support him. He was provided with medication until the church stopped paying. BTO says he struggles as a parent. He finds he has massive self-doubt. He finds it very difficult to trust people – fair enough too. BTO has a supportive wife, and he finished his statement by saying:

If I can stop one other child from being abused, then it is worth it.

After 40 years someone asked BTO for the first time what he wanted. He just wanted people who are fair and just to make decisions for people that could not make decisions for themselves. I hope we can be those people. BTO said:

My job, that I don't want other people to know, is a job that saves people. I couldn't save myself, I couldn't save the people that, if I'd said something after me, it might have stopped; so I'm asking you, please, please save me and please save all the other people that have been abused. Thank you.

BTO, you are an extraordinary person. You have done good things by the evidence you gave. I commend this bill to the house because it is important. I commend this bill to the house.

Steve McGHIE (Melton) (16:21): I rise to contribute to the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. I just want to acknowledge and commend the member for Point Cook's contribution. There have been many great contributions today from all sides of the chamber, and I think that is a credit to what Parliament is all about. There should be no politics played on legislation like this, so I commend every member that has spoken on this bill and the others that wanted to speak on the bill but have not been able to.

Survivors deserve more than just recognition; they deserve justice, protection and a system that truly listens and learns from their experiences. That is exactly what this bill is delivering for them. I want to acknowledge all the victim-survivors for all of their courage and for their persistence in making sure we get this bill up – it is amazing. All the support from all the agencies that have supported and pushed this particular issue has been amazing. Being involved in the meeting that we had in the party room only a few months ago, as other members have said, really brought it home. That is why it is important that we carry this bill.

It is rare in this place that we get such a literal description of what we are doing, but today we are righting some wrongs, specifically the Wrongs Act 1958. I want to thank the Attorney-General and all of her team for doing amazing hard work to ensure that no Victorian falls through what I personally think is an egregious loophole. I am incredibly pleased just to stand up here and be able to contribute to close that loophole by passing this bill. I also want to acknowledge the member for Frankston and his great efforts. I know many members have acknowledged the member for Frankston, but his tireless efforts and work on this has been absolutely amazing and his leadership on it has been just incredible. It just goes to show what a special person he is. Well done to the member for Frankston, so thank you. I also want to acknowledge the member for Brighton and his contribution – his passionate and emotional contribution. I think it was fantastic. It certainly led the way from the opposition. All of the opposition contributions have been very good and everyone that has contributed has been excellent.

It was just over a year ago that we saw the High Court of Australia in its ruling in *Bird v DP* removing vicarious liability from responsible institutions. In doing this they provided the opportunity for institutions and organisations to avoid responsibility to claimants seeking to hold accountable offending volunteers or contractors. Vicarious liability is a concept that we see deployed in our daily lives. If a volunteer injures themselves while volunteering for an organisation, they are rightly covered by that organisation's duty of care to seek compensation for an associated injury or damages. If you fall over and break your leg, you will be covered, and rightly so. But it stands to reason that if a volunteer injures or does harm to someone else while undertaking those same responsibilities, that organisation has a duty of care to compensate for that harm under their auspice. Clearly the Catholic Church in the diocese did not see this.

Organisations have a vicarious liability to ensure that a person working on behalf of that organisation is of sufficient character to safely do so and does not present a risk or danger to those that they interact with. Again, clearly the Archdiocese of Ballarat did not view it that way. I would certainly like to note that in *Bird v DP* and the chain of events as it played out in the Victorian courts, DP, a pseudonym, commenced civil proceedings in the Supreme Court of Victoria against the current bishop of the Roman Catholic Diocese of Ballarat Paul Bird. Bishop Bird was the nominated defendant pursuant to the Legal Identity of Defendants (Organisational Child Abuse) Act 2018. In 1971 at the age of five, DP was sexually abused at his parents' home in Port Fairy on two separate occasions by Father Bryan Coffey – he is now deceased – an assistant priest from St Patrick's local parish church. In December 2021 the Supreme Court found the diocese vicariously liable for the sexual abuse perpetrated by Father Coffey, notwithstanding a finding that Coffey was not an employee of the diocese. As Coffey was akin to an employee, this was held to be sufficient to establish limb 1 of vicarious liability. Then in 2023, on appeal, the Victorian Court of Appeal upheld the Supreme Court's decision that found the diocese vicariously liable for the sexual abuse of DP by an assistant priest. That decision was later appealed by the diocese and overturned by the High Court in November 2024. That just looks like an institution so desperate not to accept responsibility for the crimes committed by their volunteers and litigious enough to pursue victim-survivors through every level of justice, to deny them justice.

Institutions such as these have the privilege of thinking in the linear and waiting it out – and that is what they do. They go to every level to pursue what they might believe are their rights and their innocence in regard to the actions that have been caused. Of course there are the devastating effects of organisations enabling and hiding perpetrators – they just hid them; they just moved them around knowing that they were perpetrators. As I said, when they are caught, they take it through every level of the judicial process. It is okay to have deep pockets. An agency like the Ballarat diocese did have deep pockets, and they just wore people down. It is just disgraceful. We have heard some of those examples, and we heard the example from the member for Point Cook in regard to the victim-survivor that he spoke about.

Importantly, in making their ruling, the High Court clearly carved out a position for the states and territories to urgently legislate a remedy for the gap identified with their interpretation, essentially inviting each jurisdiction in Australia to do just that. Survivors need governments across Australia to

step up and legislate vicarious responsibility laws for sexual abuse committed and to assign responsibility to the organisation that housed the offender. That is exactly what our Attorney-General is doing here today, by bringing this legislation forward and by everyone contributing today. Victoria continues to lead the states in survivor protections, and this amendment resolves the issue identified by the High Court and ensures that the loophole that we have already seen exploited around the country is slammed shut. That is a great thing, because the ACT recently passed retrospective legislation which operates very similarly to how this bill will. This legislation ensures that the responsible institutions – not the taxpayer – are ultimately responsible for compensating survivors.

Of course there are people on the public record suggesting that this sort of legislation would put too great a burden on local clubs, schools and the like. This is an entirely disingenuous argument, and it ignores the fact that organisations have a basic responsibility to ensure that the people partaking in their services are safe from the individuals employed by the organisation, its volunteers or otherwise, who carry out these services. If a community or clerical organisation cannot responsibly guarantee safe services for our children in regard to the volunteers/contractors they oversee, they have absolutely no business providing those services. But they did and they continued to hide it and continued to move them around.

Last week we saw an *ABC News* article in which the Anglican Diocese of Ballarat outlined its financial challenges and the need to sell properties due to abuse-related civil and redress claims. I say to the Anglican Diocese of Ballarat: go right ahead, sell your properties, but do justice to the victim-survivors. This is the problem that the diocese has put up for many, many years. Again, they just hide it. They have deep pockets, they wear people down, they throw a lot of money at legal cases that should never, ever have happened, and they will go to every avenue to cause trauma and torment to victim-survivors. So I say: sell all your properties in Ballarat. I live in Ballarat. Sell your properties – we do not need them – but look after victim-survivors. This is an amazing bill. I commend the Attorney-General. I am so pleased to be talking about this bill, and I commend it to the house.

Chris COUZENS (Geelong) (16:31): I am pleased to rise to contribute to the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. I do want to begin by acknowledging the victim-survivors who have shared their experience, the harm that has been caused and the impact of *Bird v DP*. I thank them for their bravery. I said I did not need tissues, but hang on. I want to thank them for their bravery and their contribution to this bill. I also thank my parliamentary colleagues from both sides of the house for their emotional and heartfelt support for this bill and in particular the member for Frankston, who has just provided me with some tissues. I thank him for his hard work and contribution to getting this bill in this place today. I commend the work that you have done, member for Frankston. I also want to thank the Attorney-General for her hard work and all of those that have been involved in getting where we are today.

These perpetrators were in a position of trust. The harm they have caused is a life sentence for victim-survivors. They have a right to be heard and to be treated with the respect that they deserve. I have had the privilege of hearing from many victim-survivors about the unimaginable abuse that they have suffered, including many in the Aboriginal community, who are still waiting for justice. I listened to the harrowing stories of abuse and the significant impact of this abuse. It is unacceptable that victim-survivors have had to endure this additional burden of the *Bird v DP* decision.

Geelong has one of the highest numbers of orphanages run by religious organisations and is now home to the Australian Orphanage Museum, thanks to the Care Leavers Australasia Network, headed up by Leonie Sheedy. I want to acknowledge and thank Leonie and CLAN for the important work that they do and the strong advocacy role they have played to achieve some level of justice but also for being there for the many victim-survivors. To hear many of those stories has been harrowing for those of us that have been hearing them, but I can only imagine what it must be like for those victim-survivors, and then to have that decision made that so severely impacted them was just another level of trauma that they should not have had to experience.

This bill is necessary to address the impacts of *Bird v DP*. The bill ensures victim-survivors of historical child abuse will no longer be denied justice by loophole, allowing organisations to evade accountability because their abuser was not formally employed. It will also help victim-survivors who were forced into accepting unfair outcomes following the *Bird v DP* decision. This bill is why many of us stand in this place today, to right the wrongs and to ensure justice in this state. I very much support the member for Melton's comments about selling off assets to look after those people, the victim-survivors that have had to endure so much. For them, this is not just about the money, it is about justice. It is about being believed and having their stories heard by people like us standing in this place today. The Victorian government has always had a strong record in addressing institutional abuse head-on. We have seen that through the CLAN group that we did the apology to and the establishment of the redress scheme here in Victoria.

There obviously is a lot more work to be done in this space, but I think as a government the Allan Labor government has taken on board righting the wrongs that happen in this state, particularly for these historical abuse victim-survivors who have had to endure so much. To get to a point where they thought they were going to be heard and to have that decision made, the *Bird v DP* decision, has almost tipped some people over the edge. I know that because I have spoken to many people in my community, and as I said, in Geelong we have many victim-survivors living in our community or who regularly visit to go to CLAN or the orphanage museum. Hearing those stories makes you feel like you need to be working on their side every single day, which is why we are all standing here debating this bill today.

We have taken significant steps to support victim-survivors of historical sexual abuse to seek compensation from organisations associated with the abuse. Victoria has been the leader in implementing reforms from the Royal Commission into Institutional Responses to Child Sexual Abuse. Victoria has lifted limitation periods, introduced a statutory duty of care, removed the Ellis defence and allowed unfair settlement agreements to be set aside. The Victorian Attorney-General has been leading discussions with her colleagues in all Australian jurisdictions at the Standing Council of Attorneys-General, known as SCAG, about how to address the impacts of *Bird v DP*. Just last month the Attorney presented reform options to SCAG for consideration and she will be continuing to advocate for a nationally harmonised approach to these important reforms. I do commend the Attorney-General for the work that she has done, particularly through SCAG but also in helping get this bill where it is today.

The bill is very narrow and goes only as far as it needs to in order to address the situation identified by the High Court in *Bird v DP*. The bill will effectively restore the law to what it was prior to the High Court decision – victim-survivors will once again be able to pursue civil remedies against organisations for abuse suffered at the hands of a person who might not have been formally employed but who was akin to an employee. It will also allow any victim-survivor whose matter was resolved following *Bird v DP* but prior to the commencement of this legislation to apply to the court to reopen their matter.

The reforms are very strongly supported by victim-survivors as well as advocates and organisations representing them. The reforms are comprehensive and substantially meet all the requests made by victim-survivors. The majority of legal stakeholders support the reforms, including the Victorian Bar, the Criminal Bar Association, the Australian Lawyers Alliance, Sexual Assault Services Victoria and the plaintiff lawyers. Some religious organisations, particularly Catholic organisations and the Australian Christian Lobby, are opposed to the reforms due to potential increases in their financial liability for historical child abuse. Other than the Catholic Church, most religious organisations formally employ their religious personnel, in which case these reforms will not impact them. Community organisations such as Scouts and Anglicare have raised concerns about the potential application of the reforms to volunteers and carers. Just going back to the member for Melton's comments about them having to sell up assets, I think we should all be saying we will do that. You owe those people that justice, and if you need to sell your assets, then do it. I also read that article about

them complaining about how they are going to run out of money, and they are going to have to sell assets. Well, there are not many people using their assets anymore anyway, from what I can see. A lot of them are just sitting there empty or a handful of people are going in there on a Sunday morning. I think they can afford to lose those assets and use those funds to compensate victim-survivors, who deserve to be treated with the greatest amount of respect. I commend this bill to the house.

Meng Heang TAK (Clarinda) (16:41): I am grateful to have the opportunity to contribute on the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025 and even more grateful to follow the member for Geelong on this bill. I had many opportunities with the member for Geelong, as part of the Legal and Social Issues Committee, to understand the history of our state and the history of our country. I came to greatly appreciate the deep commitment by the member for Geelong, as a member of this place but also as a committee member who understands the effects on the stolen generations, which we heard were the First Nations people of this country. So I came to appreciate the work of the committee, and here today is another very important bill – one that will address the impact of the High Court of Australia’s decision in *Bird v DP* last year. For someone who came from across the sea, who did not have much understanding of the deep history of this country and who has had the opportunity and the honour to represent our multicultural community, I really appreciate this opportunity. I commend the efforts of the member for Frankston and all those involved, and also the Attorney-General, for making it possible for the bill to find its way here today.

Child abuse has a lifelong and devastating impact on the life of survivors, as well as families and the wider community. It is a devastating breach of the trust that children place in adults. For many victim-survivors of child abuse that occurs in organisational settings, it is essential to have the option to pursue civil litigation. However, we have heard from many wonderful contributors from all sides of this chamber about the extent of vicarious liability in relationships that are akin to employment. The decision in *Bird v DP* has had a significant impact on victim-survivors of historical child abuse who do not have viable negligence claims – for example, due to the passage of time, the loss of records or the death of key witnesses – and who were abused by a non-employee who nevertheless resembled an employee. The decision essentially reaffirmed a legal barrier to civil litigation for victim-survivors of historical child abuse. It is unacceptable. It is unacceptable that we have a framework that is leading to inequitable outcomes for victim-survivors with vicarious liability claims based on an abuser’s employment status. It is unacceptable that it can enable organisations that have not traditionally employed their personnel to evade accountability for historical child abuse, even though their relationships with these personnel in essence possess the same fundamental qualities as a formal employment relationship. It leaves Victoria and Australia at odds with other common-law jurisdictions such as the United Kingdom and Canada, which extended vicarious liability to include relationships that are akin to employment over 20 years ago. That was over 20 years ago.

Further, we even had the situation where some victim-survivors who had vicarious liability claims on foot at the time of the High Court’s decision could have their claims significantly weakened or struck out and could find themselves at risk of a court order without any possible avenue for civil litigation. This is unacceptable. We cannot have a framework that denies access to justice for these victim-survivors, one that enables some organisations to evade accountability for historical child abuse, leading to inequitable outcomes for victim-survivors based on abusers’ employment status, or as I mentioned, having pending and future cases being weakened or struck out, putting some victim-survivors at risk of cost awards. That is why it is important that we bring forward this reform to overcome the impact of the *Bird v DP* decision for some victim-survivors of historical child abuse.

Those who were abused by a non-employee who resembled an employee do not have a viable negligence claim. I take this opportunity to apologise in my contribution here by way of using the words ‘victim-survivors of historical child abuse’, because these people were not supposed to have this abuse. I recall as part of the Legal and Social Issues Committee how difficult it was for the survivors to come out, to be witnesses, to tell their stories again and again and again and again. It was difficult for the survivors, but it was also immeasurably difficult for the committee members and the

staff at the time. For me, I find it very difficult to comprehend that this occurred in a country such as Australia, that country of all countries, which looks for human rights protections and all the protections that we all ought to have as part of the human rights aspect.

So here we act again today on this reform to address the impact of the decision, and it will also complement this government's previous reforms to remove barriers to civil litigation for victim-survivors of child abuse. The bill includes an amendment to the Wrongs Act 1958 to retrospectively expand vicarious liability for child abuse to include relationships that are akin to employment by inserting a new part, 'Statutory vicarious liability for child abuse'.

I have more to say, but I would like to join previous speakers on this side and the other side in saying that this important change will remove the barrier to civil litigation for victim-survivors for child abuse, a change that I am proud to support here today. I would like to conclude by saying that the bill will include amendments to the Limitations of Actions Act 1958 to enable victim-survivors affected by the decision to apply to the court to have their settlement or judgement that occurred between 13 November 2024 and the commencement of this legislation set aside so that they benefit from this reform. I commend the bill to the house.

Eden FOSTER (Mulgrave) (16:50): I am pleased to rise today in support of the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025, and I thank the Attorney-General for her tireless work in bringing this legislation to the Parliament and to the brink of becoming Victorian law. I also thank the member for Frankston for his strong and passionate advocacy in this area. Much of my working life has revolved around the welfare and safety of children. As a trained psychologist I know what it looks like for a child to be safe and to be loved and protected and what they can achieve and become, especially in this country and in this state when they are protected and loved. However, I also know all too well, unfortunately, what the opposite looks like. I have seen it and I have supported people through it. It is stress, withdrawal, social anxiety, avoidance, the inability to communicate feelings and fears and, crucially, an inability to say what is happening to them or by whose hands it is occurring. In the worst-case scenario it is life threatening.

Child abuse is a horrific crime which constitutes one of the most critical violations of the social contract possible, which inflicts profound and enduring harm not only on those who experience it directly but also on their families, their support networks and the broader community. It represents a fundamental betrayal of the trust children place in adults and the institutions meant to protect them. For many people who suffered abuse in institutional environments, the ability to pursue civil action is not just a legal avenue but an essential part of recognition, accountability and healing. As a Catholic myself, it pains me that the faith that I belong to has for far too long not only committed these atrocities but covered them up and continues to avoid accountability even to this day.

Victoria has long been a national leader in ensuring that these avenues exist. Over the past two decades our Parliament has systematically reviewed barriers preventing victim-survivors from seeking justice. In 2015 we abolished limitation periods for actions arising from child abuse. In 2017 we introduced a statutory duty of care requiring organisations to take reasonable steps to prevent child abuse. In 2018 we closed the longstanding loophole that had allowed unincorporated organisations to avoid liability, and then in 2019 we enabled courts to set aside unjust historical settlements that had been forced upon survivors. Each of these reforms has strengthened the path to justice. But the High Court's 2024 decision in *Bird v DP* has undone part of that progress and now demands a clear legislative response.

As the Attorney-General explained to this house, the Bird case centred on whether a Catholic diocese could be held vicariously liable for the actions of an assistant priest who sexually abused a five-year-old child in 1971. The Supreme Court of Victoria, followed by the Court of Appeal, had previously found that the diocese was liable despite the absence of a formal employment relationship, because the priest functioned in a role that in practice was akin to employment. The High Court rejected this reasoning. It held that unless a relationship is one of strict employment, vicarious liability cannot apply, even if all practical features of employment were present. In doing so, the court overturned the

Victorian rulings. Without impugning the sovereignty and fair judgement of our independent judiciary, I think it is fair to say that this decision simply did not meet the pub test. Despite being correct as an application of the law of the land, the average Victorian and many in this place would likely say that if it looks, moves and quacks like a duck, then it is a duck. But that is not what the court decided.

Vicarious liability is a strict liability doctrine that allows an organisation to be held responsible for the wrongful act of someone under its control, even if the organisation itself was not at fault. It differs from negligence, which requires proving the organisation failed to take reasonable care to prevent abuse. A crucial feature of vicarious liability is that because it arises under common law, it applies retrospectively. This makes it essential for survivor claims relating to historical abuse where evidence needed for negligence may no longer exist.

The High Court's reasoning in *Bird v DP* shrinks vicarious liability to a narrow test. Only formal employment relationships now qualify. This has left a cohort of survivors whose abusers held positions identical in substance to employment but not in contractual form. Without a viable legal pathway, this disproportionately affects survivors abused in environments such as religious institutions where personnel were not technically employees. Their claims, often already fragile due to the age of the incidents, have been further weakened or in far too many cases rendered completely hopeless. Many now face the possibility of adverse costs despite having pursued their claims in good faith under previously accepted legal principles.

Importantly, the High Court itself acknowledged the harsh nature of this outcome and expressively signalled that reform in this area belongs to the legislatures – us here. We have heard this call echoed by survivors, legal advocates, community members and support groups. They report that people who bravely came forward, sometimes after decades of silent suffering, now feel retraumatised by being told the law offers them no remedy purely because of the technical employment structure of their abuser. Two survivors of equally egregious abuse now face starkly different legal prospects based solely on whether their abuser had an employment contract. How does this further the cause of justice in our state? Why should decades-old contract language define a victim's pursuit of long-delayed vindication?

Unreformed, the status quo sets us decades behind other common-law jurisdictions. The United Kingdom and Canada expanded vicarious liability to include 'akin to employment' relationships more than two decades ago. Our laws should not lag behind international standards, particularly where justice for children and the vulnerable is at stake. Under the proposed amendments the first limb of vicarious liability, requiring a relationship capable of attracting such liability, will explicitly include relationships akin to employment. Courts will be guided by factors such as the extent to which the individual performed tasks integral to the organisation's functions, whether those tasks were performed for the organisation's benefit and the degree of control exercised by the organisation. This ensures that priests, religious leaders and others functioning in roles virtually indistinguishable from employment can no longer be shielded behind these technicalities.

The bill also preserves the existing common-law principles for the second limb of vicarious liability. The wrongdoing must have occurred in the course or scope of the assigned role. The bill clarifies that liability arises when the organisation placed the individual in a position that supplied the occasion for abuse and the individual exploited that position of trust, authority or access to commit the abuse. This reflects long-established legal doctrine and distinguishes between a mere opportunity and an occasion created by the role itself. In short, this bill restores justice where a narrow legal interpretation took it away.

This reaffirms our state's commitment to standing with survivors, ensuring accountability for organisations regardless of the formalities of employment structures and bringing Victoria back into line with international best practice and, really, what is right. It is both a principled and compassionate response, one that honours the courage of survivors and ensures that technicalities cannot again override the pursuit of truth and accountability. This might not be much for those that have passed on,

but this is a lot for those that still survive and push through every day with trauma, and I commend this bill to the house.

The SPEAKER: The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

The SPEAKER: The bill will now be sent to the Legislative Council and their agreement requested.

Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025

Second reading

Debate resumed on motion of Lily D'Ambrosio:

That this bill be now read a second time.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

The SPEAKER: The bill will now be sent to the Legislative Council and their agreement requested.

Business interrupted under sessional orders.

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Ambulance Services) (17:01): I move:

That the sitting be continued.

James NEWBURY (Brighton) (17:01): Three minutes ago the Leader of the House sent a text message to say that the house would not be adjourning at the usual time. There has been no reasoning given to the house. A number of members from the other side said to me on their way into the chamber that they did not know we were extending either. We are currently considering again a shambles of this chamber. What is the reason? The Leader of the House had an opportunity to stand up and say we are extending because we are going to deal with – well, we do not know, because the Leader of the House did not do it. It would be only reasonable for the Leader of the House to explain –

Mary-Anne Thomas interjected.

James NEWBURY: Leader of the House, I do not think you ever have to wonder who goes to bed later at night.

The SPEAKER: Member for Brighton, you will direct your comments through the Chair.

James NEWBURY: It is only reasonable. If you are managing a chamber with any semblance of cohesion, any semblance of capacity, you would explain to the chamber. As I look around the chamber I do not think I can see anybody who knows what the Leader of the House is doing. It appears to me that even the government members do not know what the Leader of the House is doing. What is the

government doing? We do not know. We do not know, so I would say to the house that it is not unreasonable to ask why. We have seen week after week the government put extra days into the sitting pattern. I love an extra sitting day; don't you worry. I love an extra sitting day. I love every extra sitting minute, but if you organised a chamber with any semblance of organisation, you would explain why. You would explain why, wouldn't you, Deputy Speaker? Do you know, Deputy Speaker?

Members interjecting.

James NEWBURY: You knew. Okay, two people –

The SPEAKER: Member for Brighton, I will warn you one more time that your comments must be directed through the Chair, not across the table.

James NEWBURY: I appreciate that, but it was a two-way conversation.

The SPEAKER: Order! Member for Brighton, it is not appropriate to contradict what I say. I ask you to make your comments through the Chair.

James NEWBURY: I understand from the government that there are two people who understand why the house is continuing. It is only reasonable I think and frankly courteous for the government, after I have spoken, to stand up and explain why the house is continuing. What are we sitting for?

A member interjected.

James NEWBURY: Announced where? Announced where, I ask. Where? Where, I ask.

The SPEAKER: Before I return to what I need to say, this has come to my attention just now from the Clerk:

After an interruption, continue with the sitting of the house. Before a motion for the adjournment is proposed by the Speaker, a minister may move that the sitting be continued. That motion must be put immediately, without amendment or debate. If it is agreed to, the house will resume debate at the point at which it had been interrupted.

My apologies, member for Brighton. Unfortunately, I was given incorrect advice.

James Newbury: On a point of order, Speaker, I understand the advice that you have just read to the house, but my recollection of the events as they occurred was it was done backwards – that is, you interrupted for the adjournment and then the minister –

The SPEAKER: Member for Brighton, I did not call the adjournment. That was standing order 32(3)(a).

Motion agreed to.

Motions

Working from home

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Ambulance Services) (17:06): I move:

That this house condemns the opposition leader for failing to:

- (a) stop the Shadow Treasurer's reckless campaign for mandatory five-day office return;
- (b) condemn the Shadow Treasurer for spreading misinformation on working from home; and
- (c) commit to Labor's plan to legislate working from home as a right for Victorians.

It is quite clear to those that sit on this side of the house that working from home has absolutely transformed the way in which families are able to get more time for doing what matters – that is, spending time with their families, with their friends and with their children. Indeed what happened or what became the norm as a consequence of necessity during COVID has now become an essential

part of life. As a former union organiser with the Finance Sector Union in particular, I was very committed during that time to implementing more family-friendly policies for members of that union, and that of course included the right to work from home when that was possible. Reflecting on that time, there are a lot of functions that were undertaken at the time that I was organising that could not be done at home. But now, through the many gifts of technology, it has been made much simpler and easier for more work, more white-collar work – recognising the realities here – to be undertaken in the home.

As a person who has spent many years actually working to support working people and working families, unlike some people here on the other side that like to cosplay being workers' friends, people on this side of the house have longstanding and genuine commitments to improving the lot of working people. I could not even begin to count the number of years that the people on this side of the house have collectively worked to advance the interests of working people, to make life simpler, easier and better and to ensure that people are able to work with dignity across a whole range of occupations. But not only that, we have collectively for many, many years been focused on protecting the rights of working people against, for instance, the ideologues of the Business Council of Australia and the various employer groups, who the people on that side represent. Indeed for the current Leader of the Opposition, almost the entirety of her work experience has been with an organisation that over many, many years has sought to deunionise the workforce wherever possible and strip working people of their rights. Indeed that is why this motion is so important, because we know that working from home, as I said – something that gained a lot of traction through necessity during the time of COVID – has been embraced by working people and businesses alike.

But there is only one party in this chamber that is working to ensure that we protect the right to work at home, and that is the Labor Party, the Allan Labor government. We know that those on the other side will do what they have always done when it comes to the rights and the interests of working people. They will work to strip them away. They will implement the agenda of the employer groups, for which many of them have worked. They will work to implement the agenda of the right-wing think tank, which seems to be the other key employer of people from that side of the house, the ones with the supposed real-world work experience.

This motion is really important, though I do need to correct the record, because of course August was not that long ago, but as they say, a week can be a long time in politics. We know we have had three leaders of the Liberal opposition in the last 12 months, so that in fact when this motion was written back in August, we were condemning the Leader of the Opposition, who is no longer the opposition leader, to stop the Shadow Treasurer, who is no longer the Shadow Treasurer. Just to be clear and so that everyone understands: this motion, as I said, was written back in August, but really it is directed at the member for Kew, who now holds the positions of both Leader of the Opposition and Shadow Treasurer. Let us hope that she will do a little bit better than the Shadow Treasurer before her.

Brad Rowswell: My point of order, Speaker, is on relevance, and may I briefly explain why. The minister, who has failed to explain why the sitting of the house has actually been extended, is in fact admitting in her contribution that the motion which she has called upon for debate in fact is relevant not to the member for Kew but to the member for Berwick, the former Leader of the Opposition. On that basis, how can the minister raise this as a point of topic if she is in fact also admitting that the motion which she has raised is not relevant to the person currently holding the title?

The SPEAKER: I do not uphold the point of order.

Mary-Anne THOMAS: Nice try, member for Sandringham. You will have your opportunity to get up on your feet in this place and explain to the working people of Victoria whether or not you will stand with us in working to legislate the right to work from home. It is a simple question, and it does not matter which portfolio you hold as a shadow minister or shadow assistant minister – more made-up job titles on the other side. It does not matter which portfolio you hold. It is a simple proposition. Will you stand with the government in supporting working people? We know of course that working

from home, as I have earlier said, is all about the time that is saved, and there is nothing more precious to working parents in particular than time, because everyone knows that time that is spent on a commute could be better spent at home with your family.

We also know that for women in particular, the opportunity to work from home enables them to balance a whole range of competing responsibilities. I know that some people like to pursue this kind of mythology that somehow working from home is not real work or that people that work from home are slacking off and are not focused on their job. As a person who has actually had substantial experience in a whole range of jobs, including managing large numbers of people, I would say this: it is the responsibility of all managers and leaders in the workplace to make sure that they have set out for their employees clear expectations about the work that is to be delivered – like, the deliverables. That is not only the best way to lead people in order to get the best from them, but it is also the way in which you assure accountability. And quite frankly there are so many jobs where in fact you need to be quite explicit about what it is that you are seeking in order to contribute to the goal or strategy of the organisation. Then you let employees get on with delivering that, and you will get the best from your employees.

I think it is probably fair to say that we all have a bit of a love-hate relationship with Teams or Zoom, but there is absolutely no doubt that the opportunity to have remote meetings has transformed the way in which we all do our work. This is the case for those of us in this place. I really enjoy the opportunity now to meet with so many of my stakeholders – people that I know very well, because I do always like to establish relationships with people – and the opportunity now to meet with stakeholders via Teams has made a significant difference, and it saves people travelling perhaps from rural Victoria to come and meet with me or vice versa. It gives us this great opportunity to come together, and quite frankly I have no interest in where the people that I am meeting with are situated, whether they are at home or whether they are in their workplace. Indeed I just had a meeting – I am going to embarrass her now – with one of my deputy secretaries, and a small person ran past. And, do you know what, that filled me with delight. I thought that was great. There is absolutely no reason why so many people cannot –

A member interjected.

Mary-Anne THOMAS: Yes, exactly. As I said, children in the workplace are to be celebrated. There should be no shame attached to little ones running by in a Teams meeting that one might be having when one is working from home.

But we know that when it comes to advancing – well, forget advancing, let us just talk about protecting – when it comes to protecting the rights of working people one only has to look at the record of the two parties, Labor and the opposition. You only have to look at the record of both in government, and you will see quite clearly that Labor governments since time immemorial have existed to protect the rights of working people from the worst excesses of capitalism, which of course has a long history of seeking to exploit labour in the interests of the few accumulating a lot of wealth. Every advantage that has been secured for working people in this state or in this nation has been done through struggle. This is just a fact: nothing that working people have achieved has been given to them; they have had to fight for it. When we think about things like annual leave, access to public holidays, working hours, maternity leave, family leave, sick leave, occupational health and safety, the right again to organise – any of these – they have all had to be fought for. And it has only been by people on this side of the chamber, members of the Labor Party, who by the way are so much more than just members of the Labor Party; we are proud members of the labour movement, and we stand always with our brothers and sisters from the union movement in common cause to protect and advance the interests of working people. Who have we had to protect them from? Well, quite frankly, it has been from the Liberal Party, because the Liberal Party in government have done everything that they can, every time, to try to strip away the protections that workers have gained for themselves.

MOTIONS

5518

Legislative Assembly

Thursday 4 December 2025

So this is a very important motion that I have brought to the house. And as I have said previously, it does not matter who is holding the office. I mean, the Leader of the Opposition this week may be here in 2026, they may not be. Three leaders in 12 months – anything is possible. But it does not matter which one it is –

Brad Rowswell: On a point of order, Speaker, I have two points to raise, actually. Firstly –

The SPEAKER: Just one at a time, member for Sandringham. Be concise in your point of order.

Brad Rowswell: I draw your attention to the state of the house.

Quorum formed.

Brad Rowswell: On a further point of order, Speaker: relevance.

The SPEAKER: I do not uphold the point of order.

Mary-Anne THOMAS: I was making the point that it does not matter who holds which shadow portfolio on the other side, they are united in common cause against the interests of working people. The proof has always been in the pudding. There is an anecdote that I want to share for this proof point. It goes to Mr Davis in the other place and when he was the health minister in the previous government. Let me tell you a little bit about that. At the time there was an industrial dispute between the ambulance union led by the member for Melton – oh, he is not here – and the Liberal government. Mr Davis was so frustrated by the ambulance –

James Newbury: On a point of order, Speaker, on relevance, this is not a grievance debate.

The SPEAKER: No, it is not a grievance debate. Leader of the House, is this coming back to the motion?

Mary-Anne THOMAS: Yes, it is, Speaker, thank you. The point of the story that I was telling to the house was the fact that in power, Liberal governments will always do everything that they can to attack the rights of working people. That is why they will not support this motion. This is a motion that is designed to improve the lot of working Victorians and to make sure that we are giving people back more time to spend with their friends, families and loved ones. The opportunity exists for those on the other side to back this in – to lead the nation by making the right to work from home a right that is legislated. Why wouldn't we legislate it? Over time we have continued to introduce laws that seek to protect workers' entitlements and rights – this is absolutely no different. This is a very important motion. It is one that I know that members on this side of the house could talk about all night long, and they may well be doing that. I commend the motion to the house. I am going to cede the space to other members who I know are looking forward to making a contribution on this matter.

Will FOWLES (Ringwood) (17:24): It is absolutely farcical that the Leader of the House could stand up in here and spend so much time talking about the importance of people being at home with their kids, the importance of people spending time with their families, when she came to this chamber just minutes ago, before this particularly unedifying speech, and extended the working days of many of the young parents in this place without any notice whatsoever, and not just no notice – no notice and no explanation. Without notice and without explanation this purported champion of the rights of working people, this purported champion of people spending time at home with their families, has frustrated all of those people who had one foot out the door and were expecting right about now, at 5:25, to be going home and spending time with their families. What outrageous hypocrisy from the Leader of the House to be pretending to be on the side of people spending time with their families. She was speaking out of both sides of her mouth, pretending that is a concern of hers, when in fact she came in with no notice and with no explanation and extended the sitting of the house for who knows how long – absolutely no explanation whatsoever, no context, nothing, just treating this chamber as her personal plaything. That is absolutely shameful conduct, and she ought to hang her head in shame for treating this chamber with such gross contempt – contempt for every single person who may very

well have had things planned with their children, with their families, right about now. It is absolutely outrageous conduct to pretend on one hand that she is in favour of people working from home in order that they can spend more time with their families and kids and yet in the very same breath be denying members of this place time with their families and kids. Which is it to be?

The question needs to be asked just what the motivation is. It is absolutely farcical that, of all the motions on the notice paper to select to start running the clock while other matters are dealt with upstairs, the Leader of the House picked the one that shows her up for this outrageous hypocrisy. It is easy to get behind a motion that says we should protect working-from-home rights. I am not sure that we need to legislate it, because I think it is actually happening already, by and large. I am not sure that legislative protection is required. I think that sounds a bit like politics du jour. We have had a lot of that this week, as we have had various bills rammed through the joint not in service of good policy – there has not been a great deal of that – but just in service of the politics of the day. It is all about playing the political games, wedging the opposition on this or that and maximising the government's chances of re-election and nothing to do with good policy – certainly not anything to do with evidence-based policy. We have seen that no more particularly than the very bill we now wait for the return of from the other place. The bill we are waiting for to come back from the other place is a classic example of a triumph of politics over anything like decent policy.

Here we are at 5:30, with no end in sight, no context, no rationale, no notice – just contempt from the Leader of the House for everyone who is not in the leadership group of the government. That is just shameful conduct. It is grossly disrespectful to the 35 of us or whatever it is who do not sit on the government benches and just a complete misuse of the resources of this place, a complete misuse of everyone's time and a complete misuse of the resources of the clerks of the Parliament as we just faff around meeting a political end, not a policy end. The reality is that if amendments come back from the other place they can be dealt with on Tuesday – of course they could be – so there is no substantive reason for us to be here, simply none whatsoever. It is just politics, just base politics, and more and more as we have come to the end of this legislative year we have seen the government engaging in just that – politics triumphing over policy at every single turn. The Leader of the House's contempt that she is showing for non-government members is just shameful, and as I say, she ought to hang her head in shame. The motion dates back to August, hilariously again underscoring that this is just about politics. It condemns the Leader of the Opposition – that has changed – and the Shadow Treasurer – that has changed – so the motion is out of date.

Mary-Anne Thomas interjected.

Will FOWLES: Shoosh now.

The SPEAKER: Order! Member for Ringwood, through the Chair. It is not appropriate to respond to interjections. The Leader of the House will not interject.

Will FOWLES: Speaker, on a point of order, can you please ask the Leader of the House to stop interjecting.

The SPEAKER: I just did.

Mary-Anne Thomas: On a point of order, Speaker, the member on his feet made a disparaging comment to me. He told me to shoosh. He is trying to silence women in this place. I ask that you ask him to withdraw.

The SPEAKER: The member for Ringwood to withdraw.

Will FOWLES: I withdraw. Special – it is special. The contempt that the Leader of the House has shown for this place is no more evident than in that exchange, as she is busily bossing away at me across the chamber and then takes great umbrage at being called into line.

The SPEAKER: Member for Ringwood, I ask you to come back to the motion before the house.

Will FOWLES: I am glad to, Speaker. This motion in the name of the Leader of the House is out of date. It was out of date when the changes happened, and it further underscores that this is a triumph of politics over policy. There is no substantive grunt to this motion, because the thing is out of date. It refers to an opposition leader who is no longer the opposition leader. It refers to a Shadow Treasurer who is no longer the Shadow Treasurer. I find it risible that the Leader of the House would pick a motion that is so absurd, made even more absurd for her assertions about protecting the rights of people to spend time with their families – the very right she was trampling over just minutes before putting this motion. Members of this Parliament of course are expected to do the work, but at a minimum they ought to be told when that is going to happen. It is just a shameful piece of two-faced political theatre for the Leader of the House to pretend she is all for people being able to plan their lives and spend time with their families in the very same part of the day where she is trampling on people's ability to do exactly that. I think –

Mathew Hilakari: On a point of order, Speaker, on relevance, the member for Ringwood might not usually be in this house at this time – most of us are – so I take his concerns as being completely irrelevant.

The SPEAKER: There is no point of order.

Will FOWLES: On a point of order, Speaker, I take offence at the comment made by the member for Point Cook, and I ask that he withdraw.

The SPEAKER: It was a point of order.

Will FOWLES: It does not matter. I have taken offence, and he should withdraw.

The SPEAKER: Member for Point Cook, I am not sure what you said, but can you withdraw?

Mathew Hilakari: Neither am I, but I withdraw.

Will FOWLES: On a point of order, Speaker, withdrawals are to happen without caveat.

The SPEAKER: Did you withdraw, member for Point Cook?

Mathew Hilakari: I withdraw.

Will FOWLES: I am pleased we got there eventually. Notwithstanding the outrageously dishonest assertions from the member for Point Cook, here I am, as many members of Parliament are, now having had orderly plans for spending time with our families upset by the Leader of the House –

Mary-Anne Thomas interjected.

Will FOWLES: who may very well scream 'half past 5' –

Kathleen Matthews-Ward: On a point of order, Speaker, I would like to raise relevance. This motion is about giving workers the opportunity to work from home.

The SPEAKER: I ask the member for Ringwood to come back to the motion before the house.

Will FOWLES: On the point of order, Speaker, the Leader of the House made very clear that her motion was about people spending time with their families, and I am speaking directly to that matter.

The SPEAKER: I ask you to speak to the motion before the house.

Will FOWLES: Here we have a motion that is about working from home. It is a motion that is out of date, because it was raised in August and the people who are the subject of the motion no longer fill the roles that are referred to in the motion. It is risible that this is coming about in the way that it is, it is risible that this house is being treated with the contempt that it is and the government ought to, at a minimum, take your advice, Speaker, and communicate with other members of the chamber. You as Speaker have previously advised this house that you encourage the Leader of the House to have

conversations with members of the chamber about the operation of the chamber. Yet again the Leader of the House is defying your advice and is doing so for petty political reasons that stand to her shame.

Vicki WARD (Eltham – Minister for Emergency Services, Minister for Natural Disaster Recovery, Minister for Equality) (17:34): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until later this day.

Business of the house

Postponement

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Ambulance Services) (17:34): I move:

That the consideration of remaining business be postponed.

Motion agreed to.

Adjournment

The SPEAKER: The question is:

That the house now adjourns.

Felicitations

The SPEAKER (17:35): Members, before I adjourn the house, just to keep you all here for a short time longer, I would like to, given this is the last full sitting week of the year, sincerely thank you all for your contributions to this house over the last year. To our staff in the Parliament and in our electorates, my thanks to you for everything you do to support us as members. To our clerks Bridget, Vaughn and Paul, and to all those that advise and support us at the table, thank you for keeping this house running smoothly. To the table and papers office, your calm and tireless work is appreciated by all of us every day. To the Department of Parliamentary Services, especially secretary Trish Burrows and her leadership team of Matt, Paul, Lisa, Adam, Catherine and Tina, we are grateful to you all for the work you do to support us as members of Parliament. To the Serjeant-at-Arms and his office, even though he is home sick, thank you for supporting the thousands of guests that come through our Parliament every year. Your efforts in opening the Parliament to the public are always appreciated.

To Carolyn and the library team, thank you for the research and technical support you provide to us every day. The education of staff, MPs and members of the public is a vital asset and one we are fortunate to enjoy. To James and the Hansard team, your broadcasting and record keeping are so crucial to maintaining the history of this place. Thank you for the late nights and hard work over the last 12 months, and as always, you look fabulous in your bow ties and I hope you will wear them again next week. To John and the building and grounds team, we are privileged to work in such a beautiful and historic building. Thank you for your custodianship of the Parliament and for maintaining such an important place for Victorians. To Paul and the catering team, we are very fortunate to enjoy your incredible hospitality. You are always so cheerful and create such a happy space for members, guests and the public to enjoy, and we are appreciative of the endless coffees. To the IT team, we would all be lost without you. Thank you for keeping us connected, especially when we leave Parliament and return to our homes.

To my acting speakers – the members for Clarinda, Yan Yean, Hastings, Glen Waverley, Frankston, Bellarine, Wendouree, Shepparton, Greenvale, Box Hill, Narracan, Monbulk and Preston – the work that you have done is incredibly important to the functioning of this house, and I am very pleased that all of you have taken on this role and continue to execute it with such professionalism. I especially

want to acknowledge the Deputy Speaker. Thank you in particular for the time you spent this year as our Acting Speaker. Your dedication to your position is a testament to your incredible courage. Thank you, thank you. I would also like to thank the tours and customer service unit team. To Audrey, Mark, Bronwyn, Glen, Grace, Vicki, Justin, James, Karl, Meghann and Harry: you are the face of this Parliament in the community and our much-valued assistants here in the chamber. Thank you for supporting us every day. I would also like to thank the President of the Council, the Honourable Shaun Leane, for his work in the Council chambers and his staff this year as well.

Last but not least, to Tom in the Speaker's office –

Members interjecting.

The SPEAKER: Please do not encourage him. Thank you for your dedication to your role, for your wise but not always followed counsel and for being a good friend and listener to all. And to my electorate office staff – Sam, Pam, Lela, Marty and Lynda – thank you. We cannot do what we do as local members without you. Members, to you and your families: I wish you a very happy Christmas and new year, and I look forward to seeing you all for the final year of the term. However, we do have one more sitting day next week, and we will all be back then. Thank you, members.

Guide Dogs Victoria

Jess WILSON (Kew – Leader of the Opposition) (17:39): (1469) My adjournment is for the Minister for Transport Infrastructure, and the action I am seeking is for the minister to visit Guide Dogs Victoria to hear firsthand their concerns about the impacts of the North East Link on their important work. Late last month Guide Dogs Victoria shared with me their formal submission to the urban design and landscape plan consultation process. This submission outlines in detail the challenges which the current proposal poses to Guide Dogs operations, as well as the wellbeing of their clients and guide dogs in training. The Guide Dogs site is located directly south of the Eastern Freeway and the Chandler Highway interchange. The site has recently undergone a \$33 million redevelopment and is only now beginning to realise the full benefits of that investment. However, for the proper operation of Guide Dogs it is critical that the final design maintains the highest possible standard of amenity for the site, particularly in relation to noise and vibration impacts.

Guide Dogs has had a number of concerns regarding the construction and the design of the North East Link works. First, Guide Dogs is concerned about the immediate impact which the construction of the North East Link will have on their operation. Construction activity within the Chandler Highway interchange area has the potential to generate short-term noise and vibration impacts that will be harmful to their operations. That is why Guide Dogs is requesting appropriate timing, monitoring and communication protocols to avoid disruption during training hours.

In addition, Guide Dogs has a number of concerns relating to the final design of the project. As it currently stands, the noise wall treatment appears to terminate before the frontage of Guide Dogs, leaving only a vegetated border and an elevation change as separation. However, the training and the welfare of the guide dogs themselves rely on calm, predictable and low-distraction environments. Unpredictable or sustained noise elevates stress levels, triggers anxiety behaviours and interferes with their learning. As a result, Guide Dogs is concerned that a lack of noise walls means their site will directly be exposed to increased noise vibrations and movement from the freeway, significantly interfering with their operations and ability to train the dogs.

Guide Dogs is also concerned that it is yet to be confirmed whether directional shielding will be used to prevent light from leaking into the facilities. Because guide dog training activities frequently occur during low-light periods, excess or misdirected light may disrupt animal behaviour and compromise the calm environment needed for guide dog conditioning. Guide Dogs' submission includes 10 recommendations which will assist the urban design and landscape plan to protect and maintain the guide dog facilities.

Minister, Guide Dogs provides vital support for Victorians with low vision or blindness. It empowers people to achieve their unique goals with whatever mobility aids or training is necessary. This important work will be put at risk if the North East Link construction fails to accommodate the needs of the specialised nature of the training of the dogs. That is why I am asking the minister to visit Guide Dogs Victoria to discuss the impacts of the North East Link and work with them to ensure that the construction and the design do not interfere with the training of guide dogs.

Thomastown electorate housing

Bronwyn HALFPENNY (Thomastown) (17:42): (1470) Speaker, best wishes for Christmas and the new year to you.

I wish to raise a matter for the Minister for Planning, and the action I seek is an update on the recent planning reforms to ensure infrastructure in new housing developments is built when it is needed and not years too late and how this will affect residents in the Thomastown electorate. Residents of Thomastown electorate in the outer suburbs of Epping North and Wollert are frustrated about the length of time it takes to build infrastructure after homes have been built. It could be roads, lights at intersections or shopping centres that have all been promised by council and developers but have not been delivered. A good example in the area is the time it has taken to complete Edgars Road – and the dire lack of sport and recreational facilities in Wollert.

Before land is released for subdivision, the state provides a master plan for the area called a precinct structure plan. In the case of a large lot of land in an established area, there is a greenfield plan. It sets out the zoning of land to ensure land is available for all activities necessary, whether it is roads, education or industrial and residential zones. But in the past there has been very little interest in ensuring the necessary infrastructure was also built when it was needed. This has been a frustration for those living in the new estates because they have no facilities and also for residents in established areas because new residents are forced to use existing facilities, putting those facilities under pressure as the demand increases. Residents are very interested in the approval of the Beveridge North West PSP and how this will guide development further north as well as how it will affect the Epping activity centre.

Social Housing Growth Fund

Will FOWLES (Ringwood) (17:43): (1471) My adjournment matter is for the Treasurer, and the action I seek is that the Treasurer review the current settings of the Social Housing Growth Fund and ensure that its capital is being used in the most effective way to meet the state's housing needs. Victoria is facing a serious housing crisis. More than 66,000 households remain on the social housing waiting list, rents continue to rise across the state and demand for homelessness services is increasing. Recent data shows Melbourne rents rising by around 7.7 per cent over the past year and regional rents by nearly 9 per cent. Vacancy rates remain extremely tight, which continues to push more people into rental stress. At the same time, the Social Housing Growth Fund, which began with a billion-dollar contribution in 2017, has now grown to \$2.9 billion. The Victorian Auditor-General has observed that a number of government trust funds have grown because money has remained unspent for years, and the Social Housing Growth Fund is one of the most significant examples. While the need for social housing grows, the balance of the fund grows faster.

The fund was designed to operate as an endowment, with only investment returns used for housing. That may have made some sense eight years ago, but it is increasingly difficult to justify sitting on almost \$3 billion when we have record numbers of Victorians waiting for housing and experiencing rental stress or at risk of homelessness. Indeed the building of housing creates an asset that is more productive than any that might be contained within an investment fund. At a time when thousands of people cannot secure a home, it is vital that all available funding is used to deliver housing outcomes. Victorians need homes. It is important that money intended for housing is used to deliver housing, not left passively accumulating in a trust.

Suburban Rail Loop

Tim RICHARDSON (Mordialloc) (17:45): (1472) I rise to raise an adjournment for the Minister for Transport Infrastructure, and the action I seek is for the minister to outline for my community the progress of construction works on the Suburban Rail Loop and how they will be benefiting the Mordialloc electorate. Can I firstly, though, Speaker, thank you for your leadership and work in this Parliament. Too often you thank everyone else and you take a massive load on behalf of us and we love you to bits and the whole chamber does. And so for the year that you have had, we just send our best – and you are a superstar.

We saw on the weekend the most extraordinary event. I admit that I have not been out to Sunbury too often – it might surprise you that I have not been out that far – but I went out there in amazement at just how many people turned out for an intergenerational infrastructure project to open up. There are not many opportunities where you can see the best parts of how governments see projects through and get things done, and get to see the Melbourne Metro rail tunnel, first talked about decades ago, and to really realise that project and to see its completion, where we saw 70,000-plus Victorians gather to recognise this significant project and the benefits this will have in our city, which will be outstanding.

Like the Elizabeth line that took pressure off the tube, we see the city loop unscrambled, and for the Frankston train line to go back into the city loop on 1 February 2026 will be a massive contribution for our community. Increased services, turn up and go – that has only been possible with the removal of substantial amounts of level crossings – will make the Frankston train line level crossing free by 2029. The Melbourne Metro rail tunnel allows more services to run, but we know the housing and the transport outcomes that are so critical for Victorians are on projects like the Suburban Rail Loop. So it is as much a transport project as it is a housing project, because we want the kids of tomorrow, the millennials and the Gen Zs, that those opposite are opposed to building more houses for, get priced into the market, not priced out.

If you are living in the City of Kingston or the City of Greater Dandenong, we want you to be priced into your communities and be able to stay in the municipality that you have grown up in and loved and have thrived in. So this is all about what these intergenerational projects are – getting you home safer and sooner, building the housing that we need tomorrow and delivering really important outcomes for our city and our state. I cannot wait for the minister to write back to me and outline the benefits of the Suburban Rail Loop and the project construction to date.

St John's Kindergarten, Croydon

David HODGETT (Croydon) (17:48): (1473) My adjournment today is for the Minister for Children, and the action I seek is for the minister to visit Croydon Primary School to discuss relocating St John's Kindergarten to the school site, which has already been assessed as eligible to host a kindergarten. With the introduction of new early childhood education reforms, one-room sessional kindergartens like St John's face significantly reduced enrolments due to the structural changes brought by these reforms. This places the future of St John's at risk. However, relocating to Croydon Primary School, where there is a suitable space and eligibility already approved, offers a practical solution to secure the kindergarten's future. This move would ensure St John's remains operational, accessible and sustainable for the Croydon community for many years to come. St John's has a proud 60-year history of delivering high-quality sessional kindergarten for both three- and four-year-old children. It is deeply valued by local families. Relocating to the primary school not only makes sense but also supports a smooth transition from kindergarten to school, whilst easing the daily drop-off challenge that many families face. This is an opportunity to protect a much-loved service and strengthen early education pathways for our community. The school and kindergarten would welcome your visit to discuss this sensible and practical solution. So again, I seek for the minister to visit Croydon Primary School to discuss relocating St John's Kindergarten to the school site, which has already been assessed as eligible to host a kindergarten.

Southbank library

Nina TAYLOR (Albert Park) (17:49): (1474) I would also like to thank you, Speaker, for your tireless patience and endurance in keeping us on track and tidy in the chamber and beyond. Thank you so much.

My adjournment is for the Minister for Local Government, and the action I seek is for him to visit my electorate upon the completion of the upgrades to the Southbank library. The Victorian government is investing \$550,000 in this vital facility, modernising equipment, expanding existing infrastructure and providing better access to programs and library services. The needs of our youth have been a priority in the Southbank library development, enlarging the children's section and providing additional spaces for programs that young people can engage with. Libraries are at the heart of every community, and this new investment will provide safe spaces along with essential learning resources for Southbank residents.

As one of the fastest growing suburbs in the city, this extension of Boyd Village will help to bring together our community with tangible benefits and library services. The refit of the new library will allow the space it formerly occupied to be efficiently repurposed in order to provide additional community services. This is just one of 176 libraries that the Allan Labor government has invested \$57.6 million in since 2014, with the infrastructure projects worth more than \$522 million in total. Consistent with the great progress being made in libraries across the state, I look forward to having the minister join me to support the progression of this important development within the Boyd community hub and that whole area in recognition of the importance of the libraries infrastructure program across Victoria. I do want to thank Hunter and Finley from Albert Park College, work experience students who have assisted with this adjournment today.

Southeast Business Developments

Brad BATTIN (Berwick) (17:51): (1475) My adjournment is to the Minister for Water, and the action I seek is for the minister to intervene as a matter of urgency in a planning delay costing millions of dollars and, more importantly, costing jobs. Southeast Business Developments stage 2 consists of 59 commercial lots with a gross land mass of 28.12 hectares and a cost to purchase and construct of \$55.82 million. The business park subdivision has certain requirements to modify or alter some of the existing infrastructure on the outer boundaries of the first stage to complete, including widening and asphaltting McGregor Road; Greenhills Road was widened and asphalted; an extensive 1650-millimetre diameter drainage culvert is to be installed through the development by the organisation or the developers; and a 2400-by-900 wide box concrete culvert was to be installed, branching off the new drainage system installed by the developers in Greenhills Road for future downstream developments and others.

During 2011 South East Water had previously installed a rising sewer main and recycled water main along Greenhills Road. Notwithstanding that South East Water had access to future development requirements to ensure these assets could be installed at the correct depth and offset the building lines, unfortunately in about 2018 South East Water failed to install the correct locations and depths and failed to correctly record the data as to the constructed work of the utilities. Since that time, over a period of five years, South East Water has committed but failed to deliver on five proposed mobilisation dates to lower the utilities to make way for the completion of the estate drainage system. This land now becomes landlocked due to South East Water's inability to deliver their program.

While South East Water continues to delay the lowering of these utilities, there is over \$600,000 worth of fees being held by local authorities, which will not be refunded until the project is completed. Further, State Revenue Office land tax costs are a minimum of \$255,000 per year. Southeast Business Developments is unable to complete further stages whilst they are having to suffer significant holding costs. Additionally, there are up to 3000 missed employment opportunities for the Cardinia area as the land has not been sold and council is not able to generate any future opportunities or funding opportunities. As frustrating as it is that they have had multiple failed attempts with South East Water,

who are failing to respond to any communication requests, confirmation of the rescheduling of the date needs to be done. We ask the minister to act on this, to intervene and stop the delays. It is costing jobs and increasing costs and highlights the very reason developers do not want to invest in Victoria.

Frankston Hospital

Paul EDBROOKE (Frankston) (17:54): (1476) I would like to take this opportunity to thank you for all the work you have done this year, Speaker, and all the learning opportunities you have afforded me throughout this year as well. I have had plenty of time to adjust my behaviour, and next year I guarantee I will put more thought into things sometimes.

My adjournment is for the Minister for Health, and the action I seek is for the minister to take a tour of the Frankston Hospital – or as it will be called when it is opened to the public, the Peninsula University Hospital – to see the progress. It is amazing. I went for a limited community tour last week with some youth from Frankston Primary School and McClelland College and other people in our community, and to say people were stunned would be an absolute understatement. This hospital is amazing. We are taking tours from Sunday 14 December from 9 to 4 as well for 500 lucky Frankston residents. But I would really like to invite the minister to come down and see what is the cutting edge of health delivery for communities down at Frankston Hospital.

Boort District P–12 School

Peter WALSH (Murray Plains) (17:55): (1477) My matter is for the Minister for Education. Please reinstate the \$118,000 of P–12 complexity allowance and tutor learning initiatives you are cutting from Boort P–12 starting next year. In 2026 you will slash \$640 in funding for every student in the school. Within three years those cuts will have blown out to more than \$900 per student. Minister, are these cuts for a small remote regional P–12 what your government means when it says:

Victoria's vision for the Education State is to deliver excellence in every classroom, in every corner of the state.

Losing the P–12 complexity allowance and the tutor learning initiative will plunge this little school into an educational crisis. Already so remote, it sits in a lower socio-educational advantage area, and now your Labor government plans to push it down even further. Sixty-five per cent of Boort P–12 students are classified in the bottom half of socio-educational advantage. These kids and this school need care and kindness, not more cuts. The school council tells me these cuts also guarantee a decrease in one-on-one and small group intervention support. STEM is today's key to education and employment, yet Boort secondary's science, technology and maths budget will lose an immediate \$40,000. NAPLAN shows Boort well below the national average for maths in years 7 and 9. Cutting more money from this budget can only make that worse. Minister, the numbers just do not add up. Why aren't Boort P–12 students, staff and families receiving the support and the funding they so urgently need?

Broadmeadows electorate ministerial visit

Kathleen MATTHEWS-WARD (Broadmeadows) (17:57): (1478) My adjournment matter is for the Minister for Police, and the action that I seek is for the minister to join me in a visit to my electorate. I am really lucky to have two wonderful police stations full of some of the most hardworking and dedicated officers in the state, and I am so grateful for the commitment they show every day keeping our community safe and helping people in their toughest times. We know that the trauma they witness every day takes its toll and places a huge burden on them and their families, and we know of the heartbreak they continue to feel for those who have lost their lives or been injured in the line of duty.

I take this opportunity to thank Superintendent Andrew Markakis APM. I wish him well in his new role and express my appreciation for his collaboration and support of the local community, along with Superintendent Wayne Cheeseman and Acting Inspector Raj Tillekeratne. I look forward to working with Inspector Tim Jacobs as the new Merri-bek local area commander, and I send a belated thankyou

to Superintendent Dean Clinton for his wonderful collaboration and commitment to Hume. I have also loved working closely with Senior Sergeant Shayne Kerley. We worked together on many issues and projects. We would bounce ideas, I could ring him any time and he was a great advocate for his staff and the community, including the car park issues in Broadmeadows. I thank Hume council for their collaboration on this matter. He and Senior Sergeant Ayse Mehmet would be at every community meeting doing their very best for Hume. He is currently working at the mounted branch and dog squad, just up the road in the member for Greenvale's electorate. We would both love the minister to join us on a visit there too.

Speaker, I also want to say thank you so much for everything you do for us. You are truly amazing – an inspiration – and we do love you and pass on our appreciation for everything you have done this year in the toughest of years for you.

Responses

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (17:59): With the member for Kew's adjournment, I refer that to the Minister for Transport Infrastructure. The member for Thomastown has raised a matter for the Minister for Planning. The member for Ringwood has raised a matter for the Treasurer. The member for Mordialloc has raised a matter for the Minister for Transport Infrastructure. The member for Croydon and the member for Murray Plains have both raised matters for the Minister for Education. The member for Albert Park has raised a matter for the Minister for Local Government. The member for Berwick has raised a matter for the Minister for Water. The member for Frankston has raised a matter for the Minister for Health, and of course the member for Broadmeadows has raised a matter for the Minister for Police. All of those will be referred to them for responses.

The SPEAKER: Can I just clarify that the member for Croydon raised a matter for the Minister for Children.

Lily D'AMBROSIO: Oh, my apologies, Speaker.

The SPEAKER: Members, thank you. Thank you, clerks. The house now stands adjourned.

House adjourned 6:00 pm.