



Hansard

LEGISLATIVE COUNCIL

60th Parliament

Tuesday 4 March 2025

By authority of the Victorian Government Printer

Members of the Legislative Council

60th Parliament

President

Shaun Leane

Deputy President

Wendy Lovell

Leader of the Government in the Legislative Council

Jaclyn Symes

Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

Leader of the Opposition in the Legislative Council

Bev McArthur (from 18 November 2025)

David Davis (from 27 December 2024)

Georgie Crozier (to 27 December 2024)

Deputy Leader of the Opposition in the Legislative Council

Evan Mulholland (from 31 August 2023)

Matthew Bach (to 31 August 2023)

Member	Region	Party	Member	Region	Party
Bach, Matthew ¹	North-Eastern Metropolitan	Lib	Luu, Trung	Western Metropolitan	Lib
Batchelor, Ryan	Southern Metropolitan	ALP	Mansfield, Sarah	Western Victoria	Greens
Bath, Melina	Eastern Victoria	Nat	McArthur, Bev	Western Victoria	Lib
Berger, John	Southern Metropolitan	ALP	McCracken, Joe	Western Victoria	Lib
Blandthorn, Lizzie	Western Metropolitan	ALP	McGowan, Nick	North-Eastern Metropolitan	Lib
Bourman, Jeff	Eastern Victoria	SFFP	McIntosh, Tom	Eastern Victoria	ALP
Broad, Gaelle	Northern Victoria	Nat	Mulholland, Evan	Northern Metropolitan	Lib
Copsey, Katherine	Southern Metropolitan	Greens	Payne, Rachel	South-Eastern Metropolitan	LCV
Crozier, Georgie	Southern Metropolitan	Lib	Puglielli, Aiv	North-Eastern Metropolitan	Greens
Davis, David	Southern Metropolitan	Lib	Purcell, Georgie	Northern Victoria	AJP
Deeming, Moira ²	Western Metropolitan	Lib	Ratnam, Samantha ⁵	Northern Metropolitan	Greens
Erdogan, Enver	Northern Metropolitan	ALP	Shing, Harriet	Eastern Victoria	ALP
Ermacora, Jacinta	Western Victoria	ALP	Somyurek, Adem ⁶	Northern Metropolitan	Ind
Ettershank, David	Western Metropolitan	LCV	Stitt, Ingrid	Western Metropolitan	ALP
Galea, Michael	South-Eastern Metropolitan	ALP	Symes, Jaclyn	Northern Victoria	ALP
Gray-Barberio, Anasina ³	Northern Metropolitan	Greens	Tarlamis, Lee	South-Eastern Metropolitan	ALP
Heath, Renee	Eastern Victoria	Lib	Terpstra, Sonja	North-Eastern Metropolitan	ALP
Hermans, Ann-Marie	South-Eastern Metropolitan	Lib	Tierney, Gayle	Western Victoria	ALP
Leane, Shaun	North-Eastern Metropolitan	ALP	Tyrrell, Rikkie-Lee	Northern Victoria	PHON
Limbrick, David ⁴	South-Eastern Metropolitan	LP	Watt, Sheena	Northern Metropolitan	ALP
Lovell, Wendy	Northern Victoria	Lib	Welch, Richard ⁷	North-Eastern Metropolitan	Lib

¹ Resigned 7 December 2023

² IndLib from 28 March 2023 until 27 December 2024

³ Appointed 14 November 2024

⁴ LDP until 26 July 2023

⁵ Resigned 8 November 2024

⁶ DLP until 25 March 2024

⁷ Appointed 7 February 2024

Party abbreviations

AJP – Animal Justice Party; ALP – Australian Labor Party; DLP – Democratic Labour Party;

Greens – Australian Greens; Ind – independent; IndLib – Independent Liberal; LCV – Legalise Cannabis Victoria;

LDP – Liberal Democratic Party; Lib – Liberal Party of Australia; LP – Libertarian Party;

Nat – National Party of Australia; PHON – Pauline Hanson's One Nation; SFFP – Shooters, Fishers and Farmers Party

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Tuesday 4 March 2025

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

*Announcements***Photography in chamber**

The PRESIDENT (12:04): A professional photographer will be floating around taking action shots for the website and for other publications that the Parliament produces. If anyone wants any of those photos, please let us know and we can send them to you.

*Bills***Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Bill 2024****Justice Legislation Amendment (Committals) Bill 2024***Royal assent*

The PRESIDENT (12:04): I have a message from the Governor, dated 25 February:

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

4/2025 Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Act 2025

5/2025 Justice Legislation Amendment (Committals) Act 2025

*Questions without notice and ministers statements***Energy policy**

David DAVIS (Southern Metropolitan) (12:05): (821) My question is to the Treasurer. Treasurer, I refer to the Aurora modelling attached to the Infrastructure Victoria report released today, which shows that, under that modelling, energy costs on a time-weighted average will increase from less than \$50 per megawatt hour this year to around \$120 per megawatt hour by 2030 – a 140 per cent increase. Treasurer, despite Labor being in power for over 10 years, Victorians face a massive surge in electricity costs that will hurt small businesses and slash family budgets. Treasurer, what will be the impact on the Victorian economy of this huge surge in power costs?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:06): I thank Mr Davis for his question, and I do welcome the Infrastructure Victoria report. It is the 30-year strategy. It covers a range of topics, including energy, including infrastructure, including –

David Davis interjected.

Jaclyn SYMES: It refers to the SRL, it includes some conversations about speed limits and the like. Obviously this is a report that has been released today. It will be subject to consultation and feedback from the community, with a final report due for November.

Mr Davis, you have made a range of claims in your question which do not really stack up in your conclusion, in what you have formulated. In relation to energy policy, that is much better placed for the appropriate minister.

David Davis: On a point of order, President, I asked about the impact of these energy increases on the Victorian economy.

Jaclyn SYMES: That is a hypothetical.

David Davis: No, it is not. There is actually modelling here, done by your government, that says the costs are going up. What will be the impact on the Victorian economy? You must surely have modelled that.

Sonja Terpstra: On a point of order, President, he is debating the point of order. It is not a point of order.

The PRESIDENT: The minister was being relevant as far as her portfolio goes.

David DAVIS (Southern Metropolitan) (12:07): The base case analysed by Aurora states:

The closure of coal plants in Victoria, beginning with Yallourn, is expected to significantly increase prices due to a reduced supply of reliable electricity, forcing a greater reliance on more expensive generation sources ...

My question to the Treasurer is therefore: what steps will you take to protect the Victorian economy, households and businesses from wholesale power price increases of over 120 per cent?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:08): I reject the premise of the question. Mr Davis is doing what he has always done in all of my portfolios: he has tried to link something and say it is because it has got money or because it is in regional development it is in relation to my responsibility. There are a range of variables in relation to energy policy: energy transition, renewable investment the national grid. In relation to the specifics of energy policy, if you want to have a conversation with the energy minister, I am sure she would welcome it.

Members interjecting.

David Davis: On a point of order, President, power prices – electricity costs – are a significant input to the Victorian economy. We are surely able to ask about the impact of power prices on the Victorian economy, which is the Treasurer's responsibility.

The PRESIDENT: Mr Davis, you have the right to ask any question to a minister and the minister has the right to answer it in the way this minister did in terms of where it starts and ends with her responsibilities.

David DAVIS (Southern Metropolitan) (12:09): I move:

That the minister's non-answer be taken into account on the next day of meeting.

The PRESIDENT: I cannot put that question. Do you want to put it in a way that I can?

David DAVIS: I move:

That the minister's answer be taken into account on the next day of meeting.

Motion agreed to.

Pill testing

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:10): (822) My question today is to the Minister for Mental Health, and it relates to the fixed-site pill-testing service that many in the community are eagerly awaiting; this is for the detailed analysis of presented substances year round. This is a service that will save lives. Minister –

Ingrid Stitt: On a point of order, President, I am having a lot of trouble hearing Mr Puglielli, sorry.

The PRESIDENT: Yes, so am I. I am not sure if the mics are okay. Could you start from the start, if that is okay.

Aiv PUGLIELLI: My question is to the Minister for Mental Health. It relates to the fixed-site pill-testing service. As I have indicated, many in the community are eagerly awaiting that service being

operational; this is for detailed analysis of presented substances year round. This is a service that will save lives, so I ask: are you able to inform the chamber if the location for this service has been confirmed and which local government area we can expect it to operate in?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:11): I thank the member for that question, which I did hear the second time. It is an important issue, and the simple answer is no.

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:11): Just taking into account the minister's answer, this is a service that was promised to be open by mid 2025. If we are not able to be updated as to whether a location has been confirmed for said service, Minister, I ask: are we on track to see a fixed-site service open by midyear as promised?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:11): Thank you for your concern about our important program. Pill testing is an incredibly important service right across the community, whether that is at a mobile site at a festival or at the fixed site, which we are in the process of identifying a suitable location for. The reason I gave you a one-word answer – no – is because your question was have we chosen a location, and you asked me what LGA it was in. The answer is no because we are in the process of identifying a suitable location. We have given the broad criteria, and my department is working through what the options are. I will have more to say when we have selected a suitable site, but we are absolutely on track to deliver this important service by midyear.

Ministers statements: drug harm reduction

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:12): On the topic of a statewide drug action plan, I do want to touch on today the important issues around drug harms – how they touch our community regardless of your age, your class, your gender or your background. While some continue to play politics around the question of providing access to health care to those struggling with addiction, on this side of the house we have been getting on with the job of addressing and reducing these harms in our community. In the context of an increasingly volatile and unpredictable drug market, this work has never been more important. That is why I am happy to update the house on the rapid progress that we have made to implement our statewide action plan to reduce drug harms.

Since announcing the plan in April last year, I can confirm that our expanded AOD outreach teams are now working seven days a week, 365 days a year, across the CBD, and outreach services have now begun in Footscray and St Kilda. This is on top of the North Richmond expanded outreach program associated with the medically supervised injecting room. We have appointed our state's first chief addiction medicine adviser. We have a new health and mental health clinic now operating from the Salvation Army site at the top of Bourke Street, helping some of our CBD's most vulnerable residents get connected to the care they need and deserve. We have expanded pharmacotherapy through community health services around the state, and that will be commencing shortly. We have passed legislation to enable the delivery of 20 naloxone vending machines in areas of high need, and design work is well underway for the dedicated community health hub in the CBD, which will host Victoria's first hydromorphone treatment trial. Later this year we will release our alcohol and other drugs strategy, the first of its kind in Victoria. Stigma, judgement and misinformation do not save lives.

Regional Development Australia Grampians

Bev McARTHUR (Western Victoria) (12:14): (823) My question is for the Minister for Regional Development. Two weeks ago 150 of western Victoria's most influential leaders and stakeholders gathered in Ararat to discuss the future of our area. This was not just any meeting but a significant milestone: the first time all 11 local government areas – CEOs, mayors and councillors – had come together, joined by key representatives from the Victorian government, including the DEECA leadership team. At the helm was Stuart Benjamin, the well-regarded and long-serving chair of

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Regional Development Australia Grampians, who has dedicated 13 years to unpaid advocacy for our region. Minister, why did you sack Mr Benjamin?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:15): Thank you, Mrs McArthur. It is great to hear that there was a gathering of regional development leaders in Ararat. I am very pleased to hear any feedback that you might like to bring to my attention in the portfolio of regional development, but the answer to the question that you have put is: I did not.

Bev McARTHUR (Western Victoria) (12:15): Well, Minister, it is notable that there has been no media statement about Mr Benjamin's removal, given that you actually reappointed all other chairs of Regional Development, and no words of thanks for his years of service. In fact the website still lists him as chair of the organisation. If there is nothing remarkable in his departure, why is it being kept secret?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:16): Mrs McArthur, in relation to the body that you refer to, that is a Commonwealth government appointment of the chair, and the decision on the chair is for the federal minister; they appoint them. I understand that Mr Benjamin has many years of service – 13 years of service. Quite regularly that is time for the opportunity for a new leader. It is not to not recognise the significant contribution that an individual has made, but 10 or 13 years is often about the time when people change. I thank Mr Benjamin for his service. I am sure that he will continue to make a contribution to his region, but when you assert that the Minister for Regional Development in Victoria has made an active decision that you have presented, your facts are incorrect.

Housing

Rachel PAYNE (South-Eastern Metropolitan) (12:17): (824) My question is for the Minister for Housing and Building. The federal housing minister Clare O'Neil recently stated that their government does not want to see house prices go down; rather, they want sustainable price growth. Meanwhile, in Victoria finding an affordable home has never been harder. According to Victoria's own housing statement, families on a median income can afford fewer homes than ever before, and since the early 2000s the average time to save for a deposit has almost doubled. So my question is: will the minister commit to making housing prices in Victoria cheaper?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:18): Thank you, Ms Payne for your question, and it is a question that draws on themes which cover a number of portfolios. But what I would like to do is acknowledge at the outset a number of the challenges that are being faced not just in Victoria but all around Australia. Financial pressure and distress is being experienced by people who are home owners with mortgages and by people in private rental. We know that mortgage stress and rental stress are causing an enormous amount of pain for people. The recent decision by the Reserve Bank to cut interest rates by 0.25 per cent has made some difference, but after 13 successive rate rises there is a long way to go before people with mortgages will feel a measure of comfort that enables them to address many of the other expenses that are continuing to mount across the household budget.

Ms Payne, what I would also say is that rental affordability has been one of the significant driving factors of financial stress. Again, when we apply that 30 per cent framework to what it is that people are paying in their rent, we can see that all too often people are having to resort to a range of different approaches to meet the charges associated with rent, whether that is taking on tenants to live under the same roof, families living together or people needing to move rental properties on a semiregular or periodical basis when rent increases are announced for the purpose of their leases. So we can see that that pressure is coming from a range of different places.

There are measures that are geared towards addressing the challenges of affordability across the entire housing spectrum. We know, for example, that private rental assistance program support is a key part of that – more than 10,000 people a year receive assistance through that process and the private rental bond loan scheme – but also the federal government's Help to Buy initiative. That builds on the work that we did with the homebuyers fund, which helped around 11,000 people get into the market and into home ownership. But maintaining a mortgage can be a really, really difficult and stressful thing, particularly when wage rises have not kept pace with inflation.

Bringing additional supply into the market is one way that we can alleviate some of the upward pressure on market prices. We do know that as we continue with the largest volume of building and approvals anywhere in Australia, this work is beginning to have an effect, with downward pressure on prices. There is a really long way to go, though. We are seeing a slowed rate of growth with rental prices. We have also got a range of reforms across Residential Tenancies Act reform, and we are making sure that people have recourse where there is an effort to gouge the market.

A lot of work is being done. We are partnering with the Commonwealth government. It has been great to see that after nine years of inaction the Albanese government has been prepared to partner with us. Peter Dutton will scrap the Housing Australia Future Fund as a part of his pledge, billions of dollars will go wanting.

Rachel PAYNE (South-Eastern Metropolitan) (12:21): I thank the minister for her response. By way of supplementary, some people are now calling for a state of emergency to be declared for people experiencing homelessness. They believe that disaster management powers would provide a powerful tool to engage emergency shelters and address the issue with the urgency it requires. Would the government consider using disaster management powers as a next step in addressing the housing crisis and homelessness emergency?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:21): Thank you, Ms Payne, for that question. When we talk about the impact of natural disasters and emergencies on vulnerable people, we know that they are disproportionately affected, and this is where there is an investment of \$300 million in homelessness and crisis and transitional housing, plus an additional \$197 million to be able to assist people most in need. There are a range of additional measures that are intended to support people. Again, I will go to a very specific experience of people: victim-survivors of family violence are vastly over-represented in the statistics around homelessness and rough sleeping. It is about wraparound support, whether it is refuges and bringing those additional transitional accommodation facilities online or partnering with housing and homelessness organisations for immediate respite. I would be really happy to perhaps look into that a bit further. I am not able to answer the question around emergency services powers and how they might relate to addressing homelessness, but with the objective being to reduce homelessness, we can absolutely talk through that. I would welcome an opportunity to have that conversation.

Ministers statements: wastewater management

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:22): Most Victorians do not think much about where their water goes, but each time you have a shower, flush the toilet or wash the dishes, water flows out of houses and into the sewerage network. With innovative techniques, our public water providers are turning waste into valuable resources, saving Victorians money with cheaper bills and protecting our precious drinking water. Werribee's Western Treatment Plant is a world leader in environmentally friendly wastewater treatment. It was a pleasure to join the brand new member for Werribee John Lister to see the plant firsthand. Generating its own renewable energy, this self-sustaining plant is one way we can keep water services sustainable, reliable and affordable. This innovative facility doubles as a working farm and internationally recognised bird habitat. With more than 300 bird species recorded at the plant, it provides a vital refuge for some of the world's rarest bird and frog species. I also visited the Barwon Water Black Rock facility at

Connewarre to see how water is being recycled to be used instead of our precious drinking water. From firefighting to watering parks, sportsgrounds and crops, recycled water can be used to wash our clothes, wash cars and water our gardens, ensuring drinking water can be saved for just that: drinking. With the leftover waste turned into nutrient-rich fertiliser or even carbon-dense biochar to make batteries, our publicly owned water providers are innovative and are absolutely at the forefront of sustainability. They will keep our water affordable and reliable for Victorians.

Health system

Georgie CROZIER (Southern Metropolitan) (12:24): (825) My question is to the Treasurer. Has Hospitals Victoria provided advice to your department of a model that will see smaller regional hospitals have activity-based funding rather than be provided with block funding?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:25): I thank Ms Crozier for her question in relation to the interaction between the Department of Treasury and Finance and Hospitals Victoria, and I can confirm that there are lots of conversations that are underway on the important work that Hospitals Victoria are undertaking in relation to supporting our hospitals in the state, but I am not at liberty to go into the conversations that those departments are having.

Georgie CROZIER (Southern Metropolitan) (12:25): So, Treasurer, can you guarantee that smaller regional hospitals will be provided with the necessary block funding to support the ongoing operations that they provide to their communities?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:25): Ms Crozier, we had a bit of a conversation last week in relation to the Labor government's commitment to health funding. The total government expenditure forecasting on health is around \$31.8 billion. We have increased health funding each and every year that we have been in government. We support our hospitals, we support our nurses, we support our healthcare workers, and I am confident that all hospitals in servicing their communities will continue to be supported by this government.

Georgie Crozier: On a point of order, it was a very specific question, President. I know the minister wanted to put her point of view to the house, but I would ask you to draw her back to the specifics of my question.

The PRESIDENT: I thought the minister, at the end of her answer, did answer.

Suburban Rail Loop

Evan MULHOLLAND (Northern Metropolitan) (12:26): (826) My question is to the Minister for the Suburban Rail Loop. We know that federal infrastructure minister Catherine King said there were still hurdles Victoria needed to overcome in order to receive additional Commonwealth investment. I refer to the SRL business and investment case, which states that:

... value capture ... is likely to represent a relatively small proportion of overall funding requirements.

How can the government claim one-third of the SRL will be funded by value capture when their own business case states it is likely to represent a relatively small proportion of funding?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:27): Again this is an opportunity for me to talk to the business case, which your colleague Michael Sukkar does not seem to understand exists and was published back on 19 August 2021.

Renee Heath interjected.

Harriet SHING: If you think it is a prop, Dr Heath, then you should read it too.

Renee Heath: On a point of order, President, the minister was told last week. She is once again using props, and I ask you to call her to order.

The PRESIDENT: I uphold the point of order. I have said to the chamber that props should not be used.

Nick McGowan: On a point of order, President, given that a prop has been used and the document has been offered, I ask that the document be tabled.

The PRESIDENT: Is the minister prepared to table that one?

Harriet SHING: Sure. I might save the Clerk some work today, because you were referring to sticky notes. Let me take you to sticky notes that I have got here on the side of this business case published on 19 August 2021. One of them says '*Plan Melbourne* and SRL', because the last week we were here you refused to acknowledge that there was any connection with *Plan Melbourne* and the fact that *Plan Melbourne* actually fully backed in orbital rail for the city as it grows. Matthew Guy and his predecessor, his political ancestor, Jeff Kennett –

Evan Mulholland: On a point of order, on relevance, President, the minister has gone nowhere near the question on value capture. I ask you to bring the minister back to the question.

The PRESIDENT: Order! I call the minister to the question.

Harriet SHING: It is unfortunate that you keep interrupting me when I am giving you answers to precisely the things that you are raising by way of interjection. Former Premier Jeff Kennett thought it was a great idea until somebody across at the Cormack Foundation decided that he should not say that anymore, and Matthew Guy –

David Davis: On a point of order, President, a minister's job in question time is to answer questions, not to attack other figures across the community and the opposition.

The PRESIDENT: There are a lot of precedents about not attacking the opposition in the answering of questions by ministers. There are no precedents about other figures. I will call the minister to the question.

Harriet SHING: Mr Davis, if you think that referring to former Premier Jeff Kennett's support for the Suburban Rail Loop is an attack, then that says more about your political lack of acumen than perhaps anything else. Back to the point that you have raised also, Mr McGowan, in seeking that this business case of 19 August 2021 be tabled, the other sticky note that I have says 'SRL North, East and West'. When you open it up – page 13 by the way for those who are following along at home – it talks to the case for investment, articulating the strategic need for SRL, and identifies the problems and challenges the program will help to address. It begins with –

Evan Mulholland: On a point of order, President, on relevance, I asked about the investment case, talking about the proportion of funding being low, and I asked the minister to speak on the value capture and answer questions with regard to that. It was very specific. The minister is straying far from what I asked.

The PRESIDENT: I sense the minister was about to get to that.

Harriet SHING: Indeed. Thank you very much, President. I will continue, Mr Mulholland. Again, in talking about investment and investment return, we have got a ratio of 1.1 to 1.7, which you would know, because obviously you have read the business case dated 19 August 2021. But if you go to page 85 of the business case, you will see very clearly that the business and investment case talks to the need for SRL East and SRL North, and it also talks to the importance of value capture as part of the way in which we deliver this nation-building project. Now, this is not a unique model, Mr Mulholland, but you would not know because the only major project that you delivered was to close the New Street, Brighton, level crossing.

What I would say is that when we deliver nation-building infrastructure projects which will enable us to manage population growth and to do so in a way that addresses precisely the issues of congestion, of disadvantage and of lack of opportunity, we need to do so in a way that ensures that developers and industry that are receiving a benefit from investment across these growth areas are making a contribution. Check out the draft structure plans that were announced just yesterday, Mr Mulholland, and there is an opportunity for you and indeed anyone else to have your say between 17 March and 22 April in relation to that work – thousands of submissions, hundreds of conversations. The work goes on. You should be part of it.

Evan MULHOLLAND (Northern Metropolitan) (12:32): On the supplementary, the business and investment case also says one of the key challenges of using value capture mechanisms as a capital project funding source is the timing mismatch between when the funding is required – obviously at the construction phase – and when the sources will be received, which is over a much longer period of time. Minister, how much extra money will the state need to borrow to cover this funding gap?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:33): Again, Mr Mulholland, what I will take you to is the business case and the investment case itself and the way in which this details very, very clearly the way in which we are developing and delivering the ‘a third, a third, a third’ model. We will continue as we move towards SRL East in particular – tunnel-boring machines in the ground from next year, trains operating across those six stations, the first part of the orbital rail link in 2035. Mr Mulholland, we will see 70,000 homes being able to be developed and delivered around these areas. It will be 230,000 jobs, Mr Mulholland. It will enable us to address areas of growth. Let us just take an example. Cheltenham, Mr Mulholland, is an area where the size of the population is going to double in the next 15 years. We have an opportunity to ensure that people can live closer to where they grew up. We will do that in partnership with developers and with industry, and we will do that in careful discussion with the community, including in relation to decisions that are changed over time in direct response to community feedback. The work goes on. You should get on board.

Ministers statements: Dhurringile Prison

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:34): I rise today to acknowledge the success of our recent community open day at the former Dhurringile Prison. Dhurringile served as a minimum-security prison for almost 60 years, but its history goes back much further. It served as an internment camp in World War II, and the Dhurringile mansion dates back nearly 150 years to 1877. For the past 60 years all of that history has been kept behind a prison fence, with very few opportunities for the local community to see the site and particularly the mansion for themselves. That is why I am pleased that last month we were able to hold a community open day at the site. Over 400 local community members spent a Saturday having tours of the mansion and the former prison buildings. Volunteers from the Retired Prison Officers Association and the local historical societies were on hand to provide information about the history of the site, and I want to thank them for making this open day the success it was. It is not often that we get to open the doors and let people into a prison facility. This was a unique opportunity and one that was embraced by the community in the Shepparton region.

The decommissioning of the former prison facility is nearly complete. Prison-specific equipment has been repurposed across prisons, and a number of other items have been donated to local community groups. In particular I am pleased to share that Corrections Victoria are supporting the local Murchison Toolamba Football Netball Club with the transfer of some relocatable buildings at the request of the footy club. I know a number of members in this chamber have been passionate about that. It is great to get an outcome, with Corrections Victoria delivering for the broader northern Victoria region. Planning is still underway for the future of the site, but I have no doubt it will continue to play an important role in the life of those communities for many more years to come. Thank you to all the volunteers and Corrections Victoria staff who have given the local community a chance to see the site

for themselves and learn more about the history of the Dhurringile Prison site and its importance to our local community.

Medically supervised injecting facilities

Georgie CROZIER (Southern Metropolitan) (12:36): (827) My question is for the Minister for Mental Health. Minister, the mayor of Yarra says North Richmond is a disaster for locals. There is a ghetto right now, as he describes it, and it is Disneyland for drug users. The Victorian Gambling and Casino Control Commission will be moving their premises from North Richmond to the city because staff are regularly subjected to physical assaults and verbal abuse and do not feel safe to go outside and have a break. Minister, the North Richmond community have been saying for years that since the establishment of the injecting room the amenity and safety of the area have been compromised. Will you now finally admit that there is a problem with the location of the injecting room?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:37): I thank Ms Crozier for her question. Of course this is something that I have been working very closely on since coming into this portfolio. The approach that I have taken is making sure that some of the most vulnerable people in our community get the support, the information and the care that they need, and the MSIR is a very important part of that support. Just by way of background, I think it is important to note that since we established the MSIR there have been more than 10,000 overdoses managed by the amazing staff at that health service – 63 lives saved from potential overdoses. What that means is fewer ambulance call-outs and fewer emergency department presentations at local hospitals in the area.

But I think sometimes the hidden issues, the issues that are not understood well enough, are the important services and wraparound supports that are provided to those very vulnerable clients of the MSIR. There have been over 4000 referrals to external organisations as a result of the wraparound services that are located at the MSIR and 170,000 instances of support provided onsite. That is mental health support, that is housing support, that is wound care – the whole gamut of issues that these very vulnerable members of our community are facing. When it comes to the North Richmond precinct, our government continues to invest in the amenity and safety. We have a number of important forums that bring together all the key agencies and departments, the local community, the MSIR and the community health service there to deal with these issues.

I will leave my comments about the specifics of the issues around the gambling and casino control commission to the relevant minister. But what I will say is that I have met with the mayor and the deputy mayor of Yarra, and whilst we do not agree on everything, what we do agree on is the need to have an ongoing partnership to make sure that the critical supports for these vulnerable people within the North Richmond community are paramount. That is what I am concentrating on. I am not interested in scaremongering or further stigmatising these individuals – that is the easy way out. What I am concentrating on is making sure that our health services and that our statewide AOD supports are there for these very vulnerable people so they can turn their lives around and break the cycle of addiction.

Georgie CROZIER (Southern Metropolitan) (12:40): Minister, I listened to your response. You gave an overview of the support being provided, and I will be following up on certain aspects that you have told the house about today with your data. But the residents and the business owners have for years put up with some very significant issues to which you have completely turned a blind eye, and you continue to do so. Minister, you mentioned that you have met with the mayor and the deputy mayor, so I am going to ask: will you meet with the mayor, and if possible the deputy mayor, as well as residents and business owners to discuss these issues and the concerns that they constantly raise, because they feel they are not being heard or listened to and the issues they describe are only getting worse – more frequent – not better. So the question is: will you meet with them as a collective?

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Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:41): I thank Ms Crozier for her advice to me, but I met with the mayor, the deputy mayor and the CEO of Yarra last sitting week –

Georgie Crozier: On a point of order, President, it was a very simple question, because I acknowledged that she had met with the mayor and deputy mayor. I am asking you to bring her back to the question I asked about meeting with not only them but also the business owners and the residents who have raised these concerns for years, when it is getting worse, not any better.

The PRESIDENT: The minister had only just begun her answer, so I call the minister to continue.

Ingrid STITT: I was about 10 seconds in. I did meet with the mayor and the deputy mayor last sitting week. We had a very fulsome conversation about the City of Yarra and the particular needs of that community. In that meeting there were representatives from the local community with the mayor and the deputy mayor, so I do not need Ms Crozier to tell me who I need to meet with in order to discharge my responsibilities as Minister for Mental Health. I am very responsive to all of the constituent inquiries I receive in my ministerial office and indeed in my electorate office, and I will continue to be so.

Housing

Sarah MANSFIELD (Western Victoria) (12:43): (828) My question is for the minister for housing. Minister, in 2020 your government commissioned a review of the social housing sector and then sat on the report for 2½ years before quietly releasing it just days before Christmas last year. The report highlights that the Victorian Housing Registrar, which regulates community housing providers, is not sufficiently equipped to protect tenants or ensure prudent use of public funds. The report's key recommendation is to establish an independent, fully resourced regulator of public, community and affordable housing. Minister, when do you plan to establish this regulator?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:43): You have outlined the basis on which the social housing regulation review final report was issued last year, and this is something that I have discussed on many occasions with people, whether they be community housing providers, community representatives or people across the system, where again we have a really complex process for the interplay between public and community housing, despite that the Residential Tenancies Act applies to both.

As you would be aware, the work of the review panel was about making sure that we could have a good understanding of the things that the system needs to do to remain responsive but also to be effective and consistent and aligned with the various needs and objectives of residents, whether they be in public or in community housing, as part of meeting our obligations under the system as it operates. Of the 44 recommendations that were made in that report, we support either in full, in part or in principle 40 of those recommendations. Three were not supported, and one recommendation that is being deferred is about the very question on the single regulator and the work that needs to be considered in that space. I have had many conversations and discussions within government about how to align the various parts of the system as they relate to the regulation and oversight of community housing on the one hand and public housing on the other. There is regulation that already exists, but there is a recommendation that specifically suggests reforms that are not actually consistent with the broader spectrum of affordable housing and the overall issues that we are dealing with around a lack of certainty of supply, not just in Victoria but also around Australia. This does not preclude future regulation of government-subsidised affordable housing, but we also want to make sure that we can assist with a clear and uniform approach to regulation. The registrar is one of those areas where I will continue to focus my efforts, but sitting across two portfolios as it does – and this was a change made back, I think, in 2010 – we also need to understand where and how we can make those differences so that in regulation as well as in practice people are getting the uniform outcomes that they want.

Community housing is by no means a perfect system but nor is public housing. What we are doing, however, is making sure that the Residential Tenancies Act as it applies and Dispute Resolution Victoria as it applies are able to assist people, whether through raising maintenance or complaints requests, whether it is about escalating matters for transfer, and also about giving residents opportunities for choice around where and how they want to live and priority areas that they might include as part of an application. There is a long way to go around meeting the needs of communities, particularly as the register continues to grow, but this is where a mix of housing is appropriate. I will continue to work on what that looks like from within government.

Sarah MANSFIELD (Western Victoria) (12:46): I thank the minister for that response. Minister, the report describes mission drift, where instead of social benefits, commercial imperatives become the core focus of affordable housing providers as they compete for government funding and benefits such as tax exemptions and planning incentives. The report recommends that all affordable housing providers receiving government subsidies should have a consistent regulatory framework applied to them outlining minimum terms and conditions for the delivery of affordable housing. Minister, what oversight systems does your government apply to the affordable housing sector to ensure that government subsidies deliver agreed social outcomes?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:47): Thank you, Dr Mansfield, for that supplementary question. It does raise the further scope of affordable housing, which goes beyond social housing, just to be clear. There are a couple of different interfaces around the regulation of social housing and affordable housing. Within social housing obviously there is Commonwealth rent assistance and the remittance of that payment back to the community housing provider. Community housing providers are for-purpose not-for-profit organisations which are bound by the terms of the Residential Tenancies Act, as I have just outlined, and there is recourse to remedy under the act for both community housing residents and for public housing residents. In addition to that, affordable housing, which is one of the areas which is defined in the Planning and Environment Act, is part of understanding what ‘affordable’ actually looks like. I have been in constant discussions with the Commonwealth, particularly given we have got variable definitions of ‘affordable housing’. Where there is subsidy, as opposed to it being set below the market rate – then again, we would expect that – the affordable housing that is being delivered is being delivered in accordance with the Residential Tenancies Act. There is a lot of variation in that. I am very happy to talk further with you if you would like given that my time is up.

Ministers statements: Suburban Rail Loop

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:48): I am really pleased to share that Australia’s largest housing project, the Suburban Rail Loop, has entered the next phase of its development as works power on ahead of the launch and deployment of tunnel-boring machines next year. We have got a really clear and positive vision to deal with growth in Victoria, building world-class public transport and affordable homes closer to where people grew up. This is why the draft structure plans that were released yesterday give a really clear picture of what the suburbs in the transport corridor will look like. They are informed by around 10,000 submissions, countless community conversations and engagement, including through local committees, and a youth panel around what it is that people want to see.

It was a pleasure to join the Premier, along with our really hard working Suburban Rail Loop East members, the members for Bentleigh, Glen Waverley, Burwood and Box Hill – all amazing local members who have advocated stridently for this project in the time that they have been in Parliament – at the future Box Hill SRL station to share the plans for how neighbourhoods around these six stations will thrive. Our colleagues understand what is needed for well-considered growth, and that does not happen by accident. While we are busy doing the work necessary to deliver on nation-building

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outcomes that will outlast your careers – perhaps with the exception of you, Mr Davis – in this place, all you do on the other side of the chamber is block and oppose –

David Davis: On a point of order, President, it is well established that in ministers statements the minister is not able to attack the opposition.

The PRESIDENT: In answering questions it is established, but in statements it is not.

Harriet SHING: Again, Mr Davis, if you were to take my comment about your longevity in this place as an attack, then I do apologise, and I unreservedly withdraw it.

All that the opposition does is block. While we build, they block. While we deliver housing, they oppose it. While we get on with major projects that are going to confer long-term benefit to our kids and to their kids so that they have somewhere to live closer to where they grew up, they create uncertainty, they create division and they ignore the fact that we are in a position to do something real about the problems now. Get on board – you will not be sorry.

David Davis: On a point of order, President, following Mrs McArthur's question, the minister – as I heard – indicated that she was not responsible for the appointment of the chair of the relevant regional development zone. I am informed that the Regional Development Australia website says:

The Minister for Regional Development, Local Government and Territories –
the federal one –

appoints Chairs in all states, except Victoria and South Australia. In Victoria all Chairs are appointed jointly by the Commonwealth Minister ... and the Victorian minister for regional development.

My point of order is that it appears that the minister has misled the house, whether inadvertently I do not know, but certainly she indicated that she was not involved in that appointment.

The PRESIDENT: It is not my role to determine the argument around what has or has not been answered. You have a recourse, Mr Davis, and so does Mrs McArthur, as far as a substantive motion goes if you want to point something like this out.

Bev McArthur: Further to the point of order, President, the minister claimed that my facts were wrong. I am alleging that she misrepresented me, because her facts were wrong. Could she review her answer?

The PRESIDENT: This is a debate; it is not a point of order. If a member wants to move a substantive motion regarding an answer of a minister to take it into account on the next day of meeting, that is the best –

Bev McArthur: I would like to move that the minister's response be taken into account on the next day of sitting.

The PRESIDENT: That question needs to be put after the minister's answer. But you have recourse for a substantive motion tomorrow if you would like.

Harriet Shing: On a point of order, President, I do have a request that is possibly a point of order or a request under the procedures of the house. I am just wondering, given this business case that was tabled on 19 August, whether I need to table all of the appendices or just the two volumes that I have here that I brought in.

Nick McGowan interjected.

The PRESIDENT: I can help here. I think Mr McGowan was pointing at one particular document at the time. Minister, you agreed to the one that –

Harriet Shing: Just the one?

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Nick McGowan interjected.

The PRESIDENT: I do not think anyone needs my guidance at this point.

Written responses

The PRESIDENT (12:55): I advise the house that I have received a response to a letter from Ms Purcell in relation to question without notice 816, which she asked of the Minister for Agriculture via Minister Tierney – and I appreciate Minister Tierney got the response. This was on 20 February 2025. Having reviewed the written response, it is my opinion the minister did not answer the substantive question. I therefore order a further written response under standing order 8.07(3) be provided to Ms Purcell's substantive question. As it is from a minister in the other place, we require that response in two days.

Constituency questions

Southern Metropolitan Region

Ryan BATCHELOR (Southern Metropolitan) (12:56): (1409) My question is to the Minister for Carers and Volunteers, and I ask: which organisations in Southern Metropolitan Region are receiving support under the community food relief program? We know that many in the community are doing it tough with cost-of-living pressures. The \$4.5 million community food relief program from the Allan Labor government is providing community organisations and their volunteers with support to provide those in the community with that cost-of-living relief. I recently had the pleasure of visiting Chevra Hatzolah, a community first-responder organisation in Caulfield North, which has received a grant to provide food vouchers as part of their emergency response to members of the local community. Traditionally they provide a first aid type response, but obviously what they are seeing in the community is the need to provide a broader range of community responses, and the Allan Labor government is providing funding to support them in that endeavour. We know right across our community that families and individuals are doing it tough, and the Allan Labor government is providing support to help them when they need it.

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:57): (1410) My question is for the Minister for Health. When will the minister release the documents regarding the Albury Wodonga Health redevelopment that were ordered by the Legislative Council on 6 March 2024 to be tabled by 27 March 2024? This Thursday is the one-year anniversary of this house unanimously passing my motion requiring the government to produce documents related to the Albury Wodonga Health hospital redevelopment. The motion gave the government three weeks to comply, but it has been 12 months and the Parliament has still not received what was ordered to be produced. This was a contentious development from the very start, and there were immediate questions about the decision to build in Albury and whether the development could meet future needs. The refusal to provide what should be public documents tells me that this decision could not be justified and that the case to redevelop Albury is seriously flawed. Why is the Allan Labor government hiding the truth from the people of Wodonga and Albury? The 300,000 Victorians – *(Time expired)*

Northern Metropolitan Region

Anasina GRAY-BARBERIO (Northern Metropolitan) (12:58): (1411) My question is for the Minister for Housing and Building. I hear from my constituents, residents of the public housing towers slated for demolition, they have been pressured to accept unsuitable and unstable housing. A single mother of eight was pressured to accept two separate apartments, splitting her family and leaving her struggling to pay rent for both. She was not informed of other options or rental concessions. After a violent break-in, she continues to see her attacker daily. Residents who reject two unsuitable offers risk being placed on the register of interest and facing homelessness. This is not a choice; it is coercion. The Greens are deeply concerned. Vulnerable families, including those escaping violence, should

never be forced into precarious and unsuitable living conditions. Minister, how do you guarantee that every affected resident is placed in safe, stable and appropriate housing without coercion?

Eastern Victoria Region

Melina BATH (Eastern Victoria) (12:59): (1412) My question is to the Minister for Police. It relates to the alarming rise in antisocial, dangerous behaviour fuelled by alcohol and drug dependence and mental health issues in the Latrobe Valley. Many constituents do not feel safe walking to the shops. Last week I spoke with frustrated business owners after an alleged stabbing in the Morwell CBD, where streets were cordoned off, shops were shut and shoppers were left highly distressed, while in Warragul two men were airlifted to Melbourne hospitals after two separate stabbings. Aggravated burglaries have increased by 200 per cent in the last decade under Labor in the Gippsland and Cardinia region. The backbone of our towns, our local traders, highlight that more police are required along with more PSOs in Central Gippsland and more supports for addiction and poor mental health. Minister, I ask: will you combat the increasing crime, including knifings, in Central Gippsland and in my Eastern Victoria electorate?

South-Eastern Metropolitan Region

David LIMBRICK (South-Eastern Metropolitan) (13:00): (1413) My question is for the Minister for Transport Infrastructure. The citybound on-ramp at Thompsons Road–Mornington Peninsula Freeway is the perfect trap for gridlocking traffic during peak hour. On the eastern side of this turnpike is a roundabout which directs traffic with no issues, but the western side's unique design only allows a slip lane with no traffic lights. Oncoming traffic from Lakeview shopping centre can cause so few breaks in the traffic that the queue to get onto the freeway extends over the freeway bridge and halfway to EastLink. Being stuck at the back of that line on a particularly hot day right next to Melbourne Water treatment plants is not an experience I would wish upon my worst enemy. Will the government assess the current suitability of the Thompsons Road–Mornington Peninsula Freeway citybound on-ramp intersection and commit to improving the design for better traffic flow?

Western Metropolitan Region

Moira DEEMING (Western Metropolitan) (13:01): (1414) My question is for the Minister for Transport Infrastructure or the minister representing them. My residents in the Western Metropolitan Region receive \$60 million per annum less than the rest of Victoria in bus funding. If families want to use the overcrowded trains, they need a car, but when they drive to the train stations the car parks are full by 6:30 am, and even the muddy, bumpy, unsafe empty fields used beside those car parks are often full by the same time. This often means that families are forced to get a loan for another car just to manage, with an average of 4 precious hours worth of petrol lost each day idling away in traffic jams just to get work. The fastest, surest, cheapest stopgap to all of this madness is to adopt John Stone's *Better Buses for Melbourne's West* proposal. Minister, why are the safe Labor seats in the Western Metro Region treated worse than the rest of Victoria and short-changed \$60 million each and every year on bus funding? Why does the west get less?

Western Metropolitan Region

David ETTERSHANK (Western Metropolitan) (13:02): (1415) My question is for the Minister for Roads and Road Safety. A constituent of mine lives in Manor Lakes and spends up to 40 minutes of their daily commute trying to get to the freeway via Ballan, Bolton and Heaths roads. This stretch is one lane in each direction and cannot handle the existing traffic, let alone accommodate the area's expected growth. The Werribee growth corridor is one of the fastest growing in the country, and the population of Manor Lakes alone is set to double in the next 20 years. As the minister is aware, the west is desperate to be heard and actioned. So my constituent asks: can the minister provide any updates on plans to widen the Ballan, Bolton and Heaths roads corridor between Manor Lakes and Tarneit Road?

Western Victoria Region

Joe McCACKEN (Western Victoria) (13:03): (1416) My constituency question is for the Minister for Police, but it also may interest the Attorney-General. Last Wednesday around 7:40 pm a teenager was arrested, accused of smashing 81 windows at Canadian Lead Primary School in Ballarat East. Due to the glass smashing inwards, the clean-up has cost thousands of dollars, with shards of glass found in homeroom tubs, where young people keep their belongings, and across desks, carpet floors and hallways. The students are obviously disturbed, and parents and carers and teachers are quite worried as well. Reports indicate that the arrested teen was released just 2 hours after committing the incident, with one parent contacting me concerned that it will just happen again. So my question to the minister is: what certainty can you give my constituents regarding improved community safety and preventing these senseless acts of vandalism amidst a youth crime crisis in Victoria?

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (13:04): (1417) My question today is to the Minister for the Suburban Rail Loop, and it relates to non-disclosure agreements that your government is engaging in with people in relation to this mega transport project. Last time I raised a similar matter with regard to the North East Link; this time it is about businesses, charities and schools around the SRL construction. I understand almost \$3 million in SRL grants have been distributed, with contract conditions that force recipients not to criticise the Suburban Rail Loop or the Victorian government. Residents and businesses in Box Hill and all along SRL East are facing huge disruptions to their roads, their fenced-off parks, and the list goes on. These communities need to be able to voice their concerns in relation to the project or the government. Minister, how can organisations who have received this grant funding raise legitimate concerns that they have with the project without fear that their funding will be withdrawn?

Southern Metropolitan Region

Georgie CROZIER (Southern Metropolitan) (13:05): (1418) My question is to the Minister for Planning, and it is in relation to the government's plans around their activity centres. I note that these activity centres that they are imposing on Melbourne were never taken to the last state election and the community is very much in the dark around what is happening. Last week the government announced more locations for the new planning controls for activity centres, including around Willison and Riversdale stations in Camberwell in my electorate. Effie, a concerned constituent, rang my office yesterday worried about the planning changes and what they will mean to the quiet residential area that includes parkland in Frog Hollow Reserve and Willison Park, which are both enjoyed by the local community. My question to the minister is: how much parkland will these local residents lose to make way for the high-density development that will be imposed on this area by the government?

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (13:06): (1419) I want to ask a question of the Minister for the Suburban Rail Loop in this important point of constituency questions. The maps that have been released in recent days are horrifying to many in the community. They show ugly, dense development, massive towers 80 metres tall – and I do not think that is the end of it for many of these either – windswept and desolate areas, inadequate parkland in these areas –

A member interjected.

David DAVIS: Well, we know you love Hong Kong. You pointed to Hong Kong being –

Sonja Terpstra: On a point of order, President, Mr Davis is aggressively pointing, and I would ask that he not aggressively point when he is asking his question.

David DAVIS: On the point of order, President, I should not have been pointing, but I was responding to a fractious interjection.

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The PRESIDENT: Let me rule on this. I uphold the point of order. Pointing across the chamber is not appropriate in the house.

Nick McGowan: On the same point of order, President, having just raised that point of order, the member opposite then proceeded to point at member Crozier in a similar fashion – in exactly the same fashion as the member is saying that member Davis did.

The PRESIDENT: I think we can all agree that no-one should be pointing in the chamber. It is a precedent that has been set.

David DAVIS: My question for the minister is: will she go back to the drawing board and reform these shocking documents and make sure that there is proper parkland in there? And picking up the interjection earlier from the member opposite, she actually advocated for Hong Kong as a model.

Sonja Terpstra interjected.

David DAVIS: You did so in this chamber, and the transcript shows that. And that is what is being delivered. We are getting dense, ugly outcomes.

The PRESIDENT: Mr Davis, your time has expired.

Michael Galea: On a point of order, President, Mr Davis is misrepresenting remarks that Ms Terpstra made, and she at no point referenced Hong Kong.

Members interjecting.

Sonja Terpstra: You're a liar.

David Davis: No, I'm not.

Renee Heath: Further to the point of order, Ms Terpstra is reflecting on the character of an individual member, which is outside –

Members interjecting.

The PRESIDENT: It is going to be endless.

Nick McGowan: On the point of order, President, it is a long-held custom in this place that members do not call one another liars. The member opposite has repeatedly called Mr Davis such. I am not going to repeat it. I would ask the member to withdraw.

Wendy Lovell interjected.

The PRESIDENT: Taking up the Deputy President's contribution from where she sits, I think that we went to a point where it was all a bit unparliamentary. I think Mr Davis is finished, and we can move on.

Western Metropolitan Region

Trung LUU (Western Metropolitan) (13:09): (1420) My constituency question is for the Minister for Transport Infrastructure, and it concerns the recent announcement made by the Prime Minister for the western suburbs of Melbourne. The question I ask of the minister is: can she update my constituents on what representation she or the department made to ensure funding is spent on the electrification of the Melton railway line? I received correspondence from Melton residents regarding the state Labor government's pre-2022 election commitments for the electrification of the Melton railway line after the Prime Minister announced a suite of measures for the western suburbs of Melbourne. The federal government has to step in and provide the Allan government with an initial commitment to fund the project for the west. Unfortunately, neither the state nor federal government have confirmed funding for the critical Melton electrification project. Residents of Melton and the outer west are patiently

waiting for the state government to deliver their 2022 election promise regarding the electrification of the Melton railway line.

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (13:10): (1421) My question is to the Minister for Education, and I ask: Minister, why are you doing nothing to help Frankston High School year 11 students who in the first four weeks of this term missed up to 10 teacher-led classes due to absent staff, with students instructed to fend for themselves as they completed assignment work on their own? One year 11 student has reportedly had no English teacher for eight sessions over three weeks. Students have enough stress on them, particularly at the VCE level of schooling, without being burdened by a lack of teaching staff. With figures showing that there are currently 490 teaching positions advertised on the department's internal website, the government's account that 'all is well in education' is simply not true. As for English teachers, I also want to add, as a former teacher myself, that they are not properly rewarded for their skills and the additional hours of marking they work. In my experience English teachers work longer hours than many teachers in other faculties. As they offer the only compulsory secondary school subject, they should be rewarded accordingly.

North-Eastern Metropolitan Region

Richard WELCH (North-Eastern Metropolitan) (13:11): (1422) My question is for the Minister for the Suburban Rail Loop. As part of the SRL works, the citybound lanes of Burwood Highway outside Deakin University in my electorate have become a bottleneck, leaving locals stuck in major traffic jams. Parents dropping off their kids at school, students heading to Deakin and commuters travelling to work or to the shops are now forced into a single lane instead of three due to poor planning and communication by the SRL. They are making traffic worse. What I ask the minister is: how long will Burwood Highway remain reduced to one lane outside Deakin, and were any traffic management surveys completed before this decision was made?

Western Victoria Region

Bev McARTHUR (Western Victoria) (13:12): (1423) My question for the Treasurer concerns the Emergency Services and Volunteers Fund levy. We now know this will double the bills in my electorate: \$10.9 million will be cut from Moyne's economy, \$8.9 million from Corangamite, \$7.8 million from Southern Grampians, \$7.7 million from Glenelg and \$6.8 million from Warrnambool. That is \$42 million, nearly twice this year's levy. I raised previously the anger expressed by councils forced to be unpaid tax collectors for the state government despite the fact there is no guarantee the money will come back to their areas. The state government failed to respond to the Warrnambool *Standard*'s questions on this issue, so on behalf of the Gazette CFA, which has three fire trucks that are more than 30 years old, I ask the minister: how much of the doubled tax, the \$42 million taken from the south-west's economy, will be returned in desperately needed new equipment for volunteer brigades?

Petitions

Silverleaves Beach, Cowes

Melina BATH (Eastern Victoria) presented a petition bearing 37 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the concerns of the Silverleaves community at the lack of State Government funding for emergency coastal erosion mitigation works to prevent homes, public infrastructure and public land from being undermined and lost.

The petitioners therefore request that the Legislative Council call on the Government to urgently fund and implement the Department of Energy, Environment and Climate Action's proposed geotextile revetment to protect homes, public infrastructure and public land in the short term, and work collaboratively with the Silverleaves community to plan and fund long-term solutions to mitigate and manage coastal erosion.

PETITIONS

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Legislative Council

Tuesday 4 March 2025

Melina BATH: I move:

That the petition be taken into consideration on the next day of meeting.

Motion agreed to.

Residential planning zones

David DAVIS (Southern Metropolitan) presented a petition bearing 325 signatures:

We, the undersigned citizens of Victoria, respectfully urge the Legislative Council to note:

- the Allan Labor government has announced 10 high-rise high-density zones in the municipalities of Bayside, Boroondara, Brighton, Darebin, Frankston, Glen Eira, Hume, Kingston, Monash, Moonee Valley, Stonnington, Whitehorse and Whittlesea where planning rights will be stripped from councils and communities, high rise development will occur as of right and planning control will be exercised undemocratically by the state government;
- that, in addition to a central activity district with as of right 12 storey development, these zones contain enormous “catchment areas” where planning protections will be removed, where 3 and 6 storey development can occur as of right, where municipal heritage overlays and designations will be overridden resulting in the destruction of thousands of irreplaceable heritage properties and where canopy tree protections will be overridden resulting in the loss of neighbourhood amenity and the exacerbation of heat island effects; and
- these plans are not accompanied by proper health or education service plans or plans for additional open space despite proposed massively increased local populations.

We therefore call on the state government to desist and recommence proper discussions and consultation with local communities and councils and heritage peak bodies in all 10 affected zones prior to taking any further planning actions to implement the announced high-rise high-density zones.

David DAVIS: I move:

That the petition be taken into consideration on the next day of meeting.

Motion agreed to.

Residential planning zones

Evan MULHOLLAND (Northern Metropolitan) presented a petition bearing 46 signatures:

We, the undersigned citizens of Victoria, respectfully urge the Legislative Council to note:

- the Allan Labor government has announced 10 high-rise high-density zones in the municipalities of Bayside, Boroondara, Brighton, Darebin, Frankston, Glen Eira, Hume, Kingston, Monash, Moonee Valley, Stonnington, Whitehorse and Whittlesea where planning rights will be stripped from councils and communities, high rise development will occur as of right and planning control will be exercised undemocratically by the state government;
- that, in addition to a central activity district with as of right 12 storey development, these zones contain enormous “catchment areas” where planning protections will be removed, where 3 and 6 storey development can occur as of right, where municipal heritage overlays and designations will be overridden resulting in the destruction of thousands of irreplaceable heritage properties and where canopy tree protections will be overridden resulting in the loss of neighbourhood amenity and the exacerbation of heat island effects; and
- these plans are not accompanied by proper health or education service plans or plans for additional open space despite proposed massively increased local populations.

We therefore call on the state government to desist and recommence proper discussions and consultation with local communities and councils and heritage peak bodies in all 10 affected zones prior to taking any further planning actions to implement the announced high-rise high-density zones.

Evan MULHOLLAND: I move:

That the petition be taken into consideration on the next day of meeting.

Motion agreed to.

COMMITTEES

Tuesday 4 March 2025

Legislative Council

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Committees

Scrutiny of Acts and Regulations Committee

Alert Digest No. 3

Sonja TERPSTRA (North-Eastern Metropolitan) (13:15): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table *Alert Digest* No. 3 of 2025, including appendices, from the Scrutiny of Acts and Regulations Committee. I note that the Parliament of Victoria social media team actually tweeted that it was tabled at 1:05 pm but note that it has not been tabled until now. Maybe they might wait 10 minutes until I actually table it. Nevertheless, I move:

That the report be published.

Motion agreed to.

Papers

Papers

Tabled by Clerk:

Crown Land (Reserves) Act 1978 – Order of 4 February 2025 giving approval to the granting of a lease and a licence at the Daylesford Court House and Residence Reserve.

Interpretation of Legislation Act 1984 – Notice under section 32(3)(a)(iii) in relation to Statutory Rule No. 81/2024 (*Gazette S78, 27 February 2025*).

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

Boroondara Planning Scheme – Amendment C414.

Cardinia Planning Scheme – Amendment C274.

Knox Planning Scheme – Amendment C191.

Victoria Planning Provisions – Amendments VC257, VC266 and VC274.

Subordinate Legislation Act 1994 – Legislative instrument and related documents under section 16B in respect of Ministerial Order No. 1472 – Order Amending Structured Workplace Learning and Work Experience Arrangements Ministerial Orders (Ministerial Order No. 1412 and Ministerial Order No. 1413) under the Education and Training Reform Act 2006.

Petitions

Responses

The Clerk: I have received the following papers for presentation to the house pursuant to standing orders: the Minister for Environment's responses to petitions titled 'Save Silverleaves from coastal erosion', 'Save the Inverloch Surf Life Saving Club and Surf Beach from coastal erosion' and 'Abandon lethal management of brumbies'; and the Minister for Housing and Building's response to a petition titled 'Stop wholesale destruction and privatisation of public housing'.

Papers

Department of the Legislative Council

Overdue government responses to standing committee reports

The Clerk: I have received the President's report on overdue government responses to standing committee reports as at 28 February 2025.

Business of the house

Notices

Notices of motion given.

General business

David DAVIS (Southern Metropolitan) (13:34): I move, by leave:

That the following general business take precedence on Wednesday 5 March 2025:

- (1) order of the day 4, second reading of the Voluntary Assisted Dying Amendment (Equity and Access) Bill 2024;
- (2) notice of motion given this day by me on amending the sessional orders relating to short-form production of documents motions;
- (3) notice of motion given this day by me on the building electrification regulatory impact statement;
- (4) notice of motion given this day by Sarah Mansfield on the production of documents relating to the review of the Wildlife Act 1975;
- (5) notice of motion given this day by Georgie Crozier on sentinel events; and
- (6) notice of motion 817 standing in my name on the Victorian debt ceiling.

Motion agreed to.

Petitions qualifying for debate

David DAVIS (Southern Metropolitan) (13:34): I move, by leave:

That this house authorises:

- (1) the petition currently listed on the notice paper under petitions (qualifying for debate) titled 'Desist high-rise, high-density zone planning' to be debated concurrently with any petitions of the same name tabled by me, Georgie Crozier and Evan Mulholland that are listed for consideration on the notice paper under orders of the day, general business, at the time the petition debate under standing order 11.03(10) occurs; and
- (2) the Chair to put a single question, 'That the petitions be taken into consideration', at the conclusion of the debate.

Motion agreed to.

Members statements

Timber industry

Jacinta ERMACORA (Western Victoria) (13:35): The timber industry is innovating and planning for the future in south-west Victoria. I had the opportunity to celebrate the launch of the Green Triangle Timber Industry Awards last week in Portland. The evening was even more of a celebration due to the Minister for Regional Development Jaclyn Symes announcing \$500,000 in funding from the Portland Diversification Fund, which she had a role in establishing, to enable the future fibre – hardwood timber manufacturing hub feasibility study; I defy you to say that again. The study will investigate whether structural glue-laminated timber and laminated veneer timber can be produced domestically at scale. These innovative timbers are produced by Warrnambool timber industries and already used widely, including in the construction of the beautiful Melton library. The study will investigate new advanced manufacturing capability in the south-west of Victoria and will facilitate further investment. It is terrific to see the timber industry and the Portland region and community working hard for the future of their community.

Planning policy

Richard WELCH (North-Eastern Metropolitan) (13:36): It is not just a backyard; it is a clothesline, vegetable bed, flowerbed, kicking the footy, a work shed, a pottery shed, learning to ride, friends over for a barbecue, gardening while listening to the footy, climbing a tree, a cubby hut, lemons from the tree, backyard cricket, family gatherings, working on your motorbike, a sandpit, a swing, playing for 10 minutes before dinner, the pool, hide-and-seek, learning to plant, a quiet minute after a stressful day, your own piece of sky, playing in the sprinkler, taking speccies, a tennis ball against the wall, watching the seasons, back step conversations, a chook shed, Mum's herb patch, watching birds,

sitting around a table, preparing the salami, siblings playing unattended, having school friends over and hanging out, the basketball hoop, backyard gymnastics, a big 18th birthday bash, re-enacting the Olympics, learning to use a saw, a trampoline, the first walk in fresh air after an illness, backyard camping, learning how to find the Southern Cross, learning how not to be afraid of the dark – the list goes on for another 5 minutes. It is not just a backyard; it is the most effective health, educational, self-esteem, social equity, family, ecological technology ever created. The Labor housing plan excludes them all. We will desperately regret it. Save our backyards.

Energy policy

Katherine COPSEY (Southern Metropolitan) (13:38): I was appalled but not surprised to see in recent media reports that fossil fuel industry lobbyists have used a common playbook to try and prolong the use of fossil gas in people's homes. UK-based think tank InfluenceMap have reviewed the way that these groups attempt to manipulate the public into staying hooked on their expensive, polluting product so they can keep making huge profits. In Victoria they have been running ads trying to whip up fears about costs, blackouts and energy security. They are desperately trying to distract from what we should really be afraid of: the health impacts of continuing to burn contaminating fossil gas inside our homes and the climate-supercharged weather events that carbon emissions are already bringing. Our media is full of stories warning of future gas shortages, quoting gas industry representatives at length, but rarely pointing out that just 20 per cent of Australia's gas is used for domestic purposes. We export far more gas than we would ever need for ourselves, yet Labor governments are determined to extract more polluting gas, with the state government approving new extraction near the Twelve Apostles last year and ConocoPhillips receiving federal approval for new gas wells in the Otway Basin just a few days ago. The solutions, though, are clear: we do not need more gas. We need to support households to electrify as quickly as possible, slashing power bills, slashing emissions and giving us healthier air to breathe.

Planning policy

John BERGER (Southern Metropolitan) (13:39): I have three matters to touch on today, starting last week with the Premier, the Minister for Planning and Mr Batchelor at Lido Cinemas in my community of Glenferrie, where the government announced the next phase of the activity centre redevelopment program. This government is not going to let the blockers get in our way. If councils are not going to do the work, we will. That will mean our kids, our families, can live closer by, in the communities they grew up in, closer to the small businesses, shops and footy clubs they grew up around. It is a good thing, and I am proud to support it.

Growing Victoria's Botanic Gardens

John BERGER (Southern Metropolitan) (13:40): On a second matter, I had the opportunity to join my friend the Minister for Environment Mr Dimopoulos to celebrate the impact of the Growing Victoria's Botanic Gardens grant program. We planted a tree and got to see some of the great work that is being done, including opening two new gardens, planting 40,000 new plants and adding 112 rare and threatened species to living collections.

Monash Labor Unity Club

John BERGER (Southern Metropolitan) (13:40): Finally, I had the opportunity to visit Monash Labor Unity Club at Monash University O week. Thank you to Josh, Julian, Vritika and the team at Monash Labor Unity for the invitation. It was great to see the next generation of kids kicking along.

Colorectal and pelvic reconstruction service

Bev McARTHUR (Western Victoria) (13:40): Today I offer a heartfelt apology to the families impacted by the effective closure of the colorectal and pelvic reconstruction service at the Royal Children's Hospital. The birth of a child should be a time of joy, but for some it is overshadowed by the discovery of a serious medical condition. The Robinson family, as reported in the Warrnambool

Standard today, experienced this firsthand. Their son Sidney was born seemingly healthy, only to be diagnosed with Hirschsprung disease, a fatal condition without urgent intervention. He was eventually rushed to the Royal Children's Hospital by emergency helicopter. He was triaged into the care of the CPRS team within hours of death. The CPRS wraparound care is life changing for patients and families. The dismantling of the CPRS means that newly diagnosed babies such as Sidney are no longer receiving crucial and expert pre- and postsurgery medical care. Bowel washout training from CPRS clinical nurses is no longer available. One child's surgery review was lost, delaying critical surgery by six months beyond the recommended date. Stomal therapy appointments have been cancelled, and families no longer have access to vital dietitians and psychologists. Local emergency departments and doctors lack the expertise to handle such complex conditions, putting children's lives at risk. The CPRS offers this irreplaceable service. It is illogical and indefensible for it to be dismantled. State and federal governments and the Royal Children's Hospital management have failed you.

Sporting Shooters' Association of Australia

Rikkie-Lee TYRRELL (Northern Victoria) (13:42): It gives me great pleasure to rise and speak about attending the 2025 Parliamentarians Range Day hosted by the Victorian division of the Sporting Shooters' Association of Australia. It was a pleasure to attend along with my staff at SSAA Victoria's Eagle Park Range, set at the foot of the beautiful You Yangs mountain peak on the outskirts of Little River. I was joined by my colleagues Ms Bath, Mr Bourman and Ms Watt outside the confines of this place to learn more about the work SSAA Victoria does in promoting shooting as a recreational sport and advocating on behalf of its over 40,000 members. SSAA Victoria is the largest shooting body representing Victoria's licensed firearm owners and is dedicated to promoting all aspects of responsible gun ownership as well as ethical hunting practices and game and fauna conservation. After a thorough safety briefing we were divided into small groups, where we had the opportunity to shoot shotguns, rifles and pistols, all under the instruction and supervision of highly qualified firearm instructors. With very little experience handling guns of any type, I must admit my favourite was the shotgun, and I managed to hit a few clay targets. I would like to thank SSAA Victoria's Barry Howlett and his team for the invitation and kind hospitality. I am looking forward to returning next year.

In a Heartbeat

Georgie CROZIER (Southern Metropolitan) (13:44): I would like to acknowledge the work of Rachel Cassidy, who has written the book *In a Heartbeat*. I attended the launch of the book at the heart hospital – and what an apt venue to be able to launch such a book. In attendance at the launch was a line-up of medical experts, including cardiologists, surgeons, researchers, dentists, paramedics and nurses, together with some well-known faces who have suffered a heart attack or heart condition telling of their own experiences. Rachel shared her story and her own experience after having a heart attack, how she was going about her normal routine and started to feel very unwell. She described how lucky she was that her son just happened to be in the area. For her it was an eye-opening experience and was the catalyst for her to write her story, and in doing so she contacted others so that they too could share their own stories and experiences – all very different but potentially catastrophic. Rachel considered herself to be fit and well, not overweight, and she exercised daily, but after her heart attack she realised just how little she knew about heart health. Through her own experience and that of others she gained considerable knowledge about heart health issues and the need for further public awareness. That was her aim: to provide information and education on heart health. The book shares the inspiring stories of heart attack survivors and provides information for survivors and their families to be able to access the support and resources required to help in maintaining a fulfilling life. The detailed and comprehensive approach that Rachel has taken to share not only her experiences but those of others and to provide the information and education in such a meaningful way is to be commended. I would like to congratulate Rachel on writing the book so that others can be informed on the issues around heart health and know of the considerable support that is available.

Corio Bay gas import terminal

Sarah MANSFIELD (Western Victoria) (13:45): Last week I stood shoulder to shoulder with hundreds of Geelong residents who said a clear and unequivocal no to Viva's proposed floating gas terminal in Corio Bay. Right now the decision to approve or reject this dangerous proposal sits with the Victorian Minister for Planning, and the strong show of community opposition sent a clear message to Victorian Labor that fossil fuels should not and cannot be part of Victoria's future. Experts speaking at the event shared concerns, including about Corio Bay's 30-kilometre shipping channel being unfit for LNG tankers and needing extra dredging, which would affect over a thousand species of marine life in a site that has more diversity in fish species than any other in Port Phillip Bay, and about air quality worsening for local residents, just to name a few. Geelong's future is clean, green and renewable. We must prioritise the health of our ecosystems, community and climate and end our reliance on filthy, polluting, climate change inducing gas. Sunday's event made me feel hopeful for our future and inspired by and proud of the Geelong community and their passion for protecting people and the planet, but it is now on Victorian Labor to do justice to their passion and their call for a cleaner future.

Crime

Trung LUU (Western Metropolitan) (13:47): Last week I visited Werribee Central Woolworths and met with representatives of the retail industry who are advocating for change to stamp out the surging rise in organised retail crime. Retail theft in Victoria is on the rise, with organised crime presenting as a major challenge for all businesses big and small, not just players like Woolworths and Coles. Costing some \$900 billion annually, ultimately Victorians are paying the price. Victoria currently has the unattractive position of being a hotspot for organised retail crime, with the problem significantly worse here than in any other state. An organised crime syndicate is responsible for 70 per cent of all theft currently in retail. Retail organised crime has risen by more than 10 per cent in the last 12 months alone, and this number continues to rise. These individuals are brazen, trained, calculated and dangerous. Staff and customers are being forced to fend off violent offenders wielding machetes, screwdrivers, knives and other weapons designed to inflict fear and serious injuries. While the retail industries are upskilling their workforce and spending hundreds of millions of dollars on additional security cameras and equipment, this is not enough. They need a coordinated approach from government, industries, unions and the community to work together to get the message out: you will get caught, the penalties are severe and there are consequences for your actions.

International Women's Day

Ann-Marie HERMANS (South-Eastern Metropolitan) (13:48): This week we celebrate International Women's Day on 8 March. The theme this year is 'Accelerate action', with an emphasis on the importance of taking positive, clear direction across the globe to achieve gender equality. I am proud to continue the legacy left by my mother and my grandmother to address the biases and barriers women face in their personal and professional lives. Purple is of course the official colour of International Women's Day.

Ramadan

Ann-Marie HERMANS (South-Eastern Metropolitan) (13:49): It was a pleasure to meet and sit next to Serap at the 19th annual Victorian state Parliament iftar dinner at the State Library Victoria, with the president of the Australian Human Rights Commission Hugh de Kretser as keynote speaker, and I thank the Australian Intercultural Society for hosting it.

Hong Kong Club

Ann-Marie HERMANS (South-Eastern Metropolitan) (13:49): I congratulate the president, committee, founding members and members of the wonderful Hong Kong Club for their 60th anniversary celebrated in the south-east on Sunday 2 March.

BAPS Swaminarayan Sanstha

Ann-Marie HERMANS (South-Eastern Metropolitan) (13:49): Congratulations to the BAPS Swaminarayan Sanstha and the broader Hindu and Indian community for their celebration of faith and service with His Holiness Mahant Swami Maharaj to promote unity and cultural harmony. I thank my friend Deepali Patel, all of the women at BAPS and everybody there for their warm welcome. I congratulate the community for their hard work creating exhibitions and recreating the temple at the Cranbourne Racecourse.

David Jones

Wendy LOVELL (Northern Victoria) (13:50): I wish to pay my respect to the life of a truly great Victorian, David Jones AO OBE Knight of St John. I have often said that I was blessed to have wonderful parents but even more blessed that they chose to surround my brother, sister and me with truly great people whose examples in life inspired us. David Jones was one of those people. David was a managing trustee of Tattersall's and one of Victoria's great visionaries and philanthropists. David was president of the Melbourne Cricket Club from 2003 to 2007 and led the club through a transformational period that included the club's 150th anniversary; the construction of the new northern stand, including the new members reserve; and the appointment of the club's first female committee member. During his time as managing trustee of Tattersall's, he was caring and compassionate. He knew all the agents by name, and Tattersall's was very much a family. His role as managing trustee also enabled him to support many great charitable and community projects, including major support for hospitals, the Very Special Kids pink pig fundraiser and the Melbourne 1996 Olympic bid, but the project that I will remember him for most is the parade of champions outside the MCG. Every time I visit the G and pass by the 16 statues of great Victorian sporting identities like Betty Cuthbert, Shirley Strickland, Shirley Strickland, Shane Warne, Dennis Lillee, Kevin Bartlett and Ron Barassi, I will think of the great Victorian who made this possible, a man who I was fortunate to know and call a friend. I extend my deepest condolences to David's children Richard, Vicki and Peter, their families and David's extended family and friends. Vale, David Jones.

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (13:52): I move:

That the consideration of notices of motion, government business, 278 to 824, be postponed until later this day.

Motion agreed to.

Bills

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

Second reading

Debate resumed on motion of Enver Erdogan:

That the bill be now read a second time.

Evan MULHOLLAND (Northern Metropolitan) (13:52): I rise to speak on the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. It is a piece of legislation that attempts to address an urgent issue in Victorian civic life. Sadly, we are witnessing an unprecedented rise in prejudice-fuelled hatred, violence and assaults on our streets. It is deeply shameful that Victorians of certain faiths feel unsafe visiting the CBD, attending places of worship or even visiting local shopping centres. Recent incidents, such as the firebombing of the Jewish synagogue in Ripponlea, underscore the urgency of this matter. I thank the member for Malvern and Shadow Attorney-General Michael O'Brien for the work that he has done on this bill, particularly for the extensive stakeholder consultation he has done.

While the principles behind strengthening Victoria's anti-vilification laws and promoting social cohesion are commendable, legislation must be scrutinised on its practical impact. Unfortunately this bill has flaws that risk undermining social cohesion rather than improving it, and for that reason the Liberals and Nationals cannot support it in its current form. There are, however, aspects of this bill that we do support. We welcome the provision allowing Victoria Police to bring charges for prejudice-motivated crimes without requiring the approval of the DPP. Since its introduction in 2001, the Racial and Religious Tolerance Act 2001 has resulted in only four convictions, despite a far higher incidence of prejudice-fuelled crime. Victoria Police have sought to lay charges under this act only to be blocked by the DPP. Removing this barrier, except obviously for cases involving minors, where oversight remains appropriate, is a positive step. The bill also expands the list of protected attributes beyond race and religious belief to include disability, gender identity, sex, sex characteristics, sexual orientation and personal association with individuals possessing these attributes. The Liberals and Nationals fully support this expansion. These communities are some of the most vulnerable in our society and deserve legal protection from vilification and hate.

Turning to the bill's criminal provisions, the legislation introduces two distinct criminal offences. Under the current Racial and Religious Tolerance Act 2001 the serious vilification offence requires proof that a person has both incited hatred and threatened physical harm or property damage on the basis of race, religious belief or activity. The government is amending these provisions to separate these elements into two standalone offences, one for incitement and another for threats. Notably, private prosecutions will not be allowed for these offences, a decision I believe is appropriate. There is a risk that these legal changes could be exploited by activists engaging in lawfare, using the legal system to pursue political disputes rather than fostering social cohesion. The government has taken the right approach in preventing such a misuse. Both offences are indictable, carrying serious penalties – three years imprisonment for incitement and five years for threats – though they may be tried summarily in the Magistrates' Court.

Regarding the incitement offence, the bill incorporates it into the Crimes Act 1958, covering incitement based on a protected attribute. It also repeals the Racial and Religious Tolerance Act 2001, consolidating the criminal provisions within the Crimes Act. We in the opposition in the Liberals and Nationals have no objection to this change, as it makes sense to integrate these provisions into a broader criminal law rather than maintaining them in a separate statute. The elements of the incitement offence are that:

A person commits an offence if –

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

As the member for Malvern said in the other place, this is a lower threshold than currently operates. Whether the conduct is likely to incite hatred et cetera is to be determined objectively. It is a lower threshold than the current serious vilification offences, which require proof that the accused knew their conduct would incite hatred and threaten physical harm et cetera. It sort of gets to the crux of the dispute, the slight disagreement, we are having with the government.

The government says the offence is not intended to capture mere contempt, distaste or ridicule or seriously unkind conduct or bad thoughts. The government argues that the offence has a high threshold, and rightly so. Given that the conviction could result in a three-year prison sentence, it is

essential that the bar remains appropriately high. However, how the court interprets a law is beyond the control of both the government and the legislature. The threshold has in fact been lowered from previous standards; now it is sufficient for the accused to either have intended their conduct to have the prohibited effect or have been reckless as to whether it would. The offence applies to both public and private conduct, meaning it is no defence to claim, 'I only said that in my own home.' The law applies universally, regardless of location. Additionally, there is a significant increase in the maximum penalty, from the current six months imprisonment to a new maximum of three years. There is room for debate on whether lowering the threshold is appropriate. Many in the community, particularly vulnerable groups, feel that existing laws have not been effectively enforced and that too much harmful conduct has gone unpunished. Others argue that lowering the bar could have unintended consequences, and a lot of that we will be attempting to hash out in the committee stage of these deliberations.

We argue that the government has made serious errors from the start with this bill. The bill was introduced in the Legislative Assembly. As it was introduced in the Legislative Assembly, it included a defence for those who engage in conduct if they do so for a genuine political purpose. The new defence was never recommended by the parliamentary committee that originally examined Victoria's anti-vilification and discrimination laws. The Legislative Assembly Legal and Social Issues Committee, tasked with this review in 2019, made several recommendations in the 2021 report, some of which – such as a ban on Nazi swastika displays – have been implemented with bipartisan support. But at no point did the committee ever recommend adding a defence for genuine political purpose. This concept was not an initial discussion or in any consultation papers. It only emerged in a later government consultation paper late last year, seemingly out of nowhere. No-one knows where it came from or who pushed it. We argued against it, and I am very glad that the government has removed it. Of course we cannot rule out the possibility that the Trades Hall Council had some involvement in it, given that would allow them to engage in vilification under the guise of genuine political expression. So we are glad that the government has removed this.

Under the previous version of this bill you could scream truly terrible things at Jewish Victorians but as long as you threw in the occasional 'Zionist', then it was protected speech. At a time when we are seeing terrible violence on our streets, with Jewish families and children feeling unsafe in their homes, schools and synagogues, why would now be the time for the government to give a green light to this sort of hatred? We believe the bill as it stands makes Victoria a less cohesive place. This would make things worse, not better, and we would not vote for a bill that makes things worse.

It is not just Jewish leaders or Muslim leaders lately who have called out the problems of this bill. The Catholic Archbishop of Melbourne Peter Comensoli has urged the government to clarify this bill on the basis that it is highly subjective and ambiguous. I will note that the Victorian Council of Churches have clarified they have no position on the bill, despite what some in the Premier's office have repeated to stakeholders. They have no position on this bill; they are not fully in favour of it or supporting it. So I think the Premier's office might have over-egged the stakeholders there. I want to thank my colleague Michael O'Brien. It has been good to do a lot of the stakeholder work alongside him – meeting with Jewish community leaders, Catholic leaders, Christian leaders and representatives from the Islamic Council of Victoria as well.

This bill introduces a new offence related to threatening physical harm or property damage based on a protected attribute. The offence encompasses both intentional conduct where the accused intends for the person being threatened to believe the threat will be carried out and reckless conduct where the accused believes the person will likely perceive that the threat is genuine. Ironically, it does not require a person to actually believe the threat. The government has proposed a five-year penalty for offences involving property damage or physical harm, which is appropriate. It is only fitting that these more serious offences should carry a greater penalty than incitement.

Turning to the civil provisions in the bill, the government addresses public conduct, which is where these provisions apply. Public conduct is broadly defined, covering any form of communication to the

public, including on social media. Given how toxic social media can be, I do not really have any objections to including this in the scope, despite the problems with the civil provisions in the bill. Importantly, conduct can be considered public even if it occurs in a private property or in spaces not typically open to the general public, such as a school or workplace. Currently the law provides protection against incitement based on race or religion, safeguarding individuals or groups with a protected attribute from public conduct that incites hatred, serious contempt, revulsion or severe ridicule. Under the proposed civil provisions, the threshold for protection is lowered; instead of conduct that incites, it now covers public conduct that is likely to incite. This change reduces the standard required for legal protection, as the member for Malvern so eloquently put:

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

He said:

The bill proposes a new harm-based civil protection that would restrict people from saying or doing things in public that harm others. The provision is:

A person must not engage in public conduct –

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

This provision is a dangerous one. Legal tests must be objective. The concept of the ‘reasonable person’ means they must be objective, but the government moves away from the reasonable person in this new harm-based civil protection, and now the reasonable person is with the protected attribute. This puts a completely subjective, not objective, provision into the law. How on earth can you try to predict what a reasonable person of faith thinks about criticism of said faith?

In my maiden speech in this place, about these particular laws I said:

In terms of cancel culture, subjective laws on speech will lead us to a point of no return.

And I was right. Let me put this in another way: if you are driving 110 kilometres an hour in an 80-kilometre-an hour zone, you know you are breaking the law. If you are the person driving, you objectively know you are committing a crime. But under these laws, no-one will know if they themselves are committing a crime. How is one meant to know, when it is subjectively tested by the person with that particular attribute?

I will give another example: if you are in the northern suburbs and you are giving a talk after a Bible studies class that happens to be live streamed and someone takes offence, you have absolutely no idea if what you are saying is breaking the law, and even with the religious defence, the purpose defence, adding in proselytising and preaching, it does not stop you being dragged through the courts or to the Victorian Equal Opportunity and Human Rights Commission. It does not stop you getting dragged through that process, because someone has subjectively taken offence and because the reasonable person test is based on what a person with that protected attribute thinks. Again, if you are breaking the speed limit, you absolutely know you are breaking the law, but under these laws you do not know if you are breaking the law. It is like the government has removed all speed limit signs from all roads in Victoria and then decides to give someone a ticket for driving at 50 kilometres an hour in a school zone that does not exist. That is what is going to happen under these laws. That is why I said in my maiden speech, in terms of cancel culture, these subjective laws will lead us to a point of no return, because you will have people with a protected attribute judging the offence of others that did not mean

to cause offence and might not have meant to cause severe ridicule, but because the test is not of a 'reasonable person' they will not even know if they are breaking the law. This law is completely subjective, and subjective laws are bad laws.

The government seems to be intent on causing sectarian issues. The member for Malvern has been told by the government that it is simply not of broad faith – whether it be Christian, Muslim, Jewish or others – and that it can go deeper into Anglican, Catholic, Presbyterian, Shia, Sunni or Orthodox to judge what the person with the protected attribute might find offensive. The opposition are seeking to have the bill amended to remove the words 'with a protected attribute' from this section. Our laws should be a shield, not a sword, and what this does is turn these laws into a shield rather than the way they are currently drafted as a sword. I believe that amendment is currently being drafted by parliamentary counsel; I am not sure if the clerks have received it yet. One of my colleagues who will speak on this bill later will circulate those amendments.

Analysis by the Institute of Public Affairs has found that:

... there is no way for a Victorian expressing a genuinely held political, religious or personal belief to know what a potential complainant could consider to be "hateful".

My colleagues the Liberal leader Brad Battin, Nationals leader Danny O'Brien, Shadow Attorney-General Michael O'Brien and Shadow Minister for Police and Corrections David Southwick wrote to the Premier offering the government support for the passage of this bill if her government would agree to our changes, in a letter dated 19 February 2025 which points out concerns with this part of the bill. The letter says:

Such a law will foment dispute and discord, not social cohesion ...

...

While we have some concerns with other aspects of the Bill, we can confirm that in the interests of improving legal protections for vulnerable Victorians, your agreement to such an amendment will facilitate the prompt passage of the Bill with the support of the Opposition.

Let us not forget that we are arguing about a part of the civil provisions that is not due to come into force until September 2027. If the government wants this bill to fail, it is on them. We can pass the criminal provisions now if that is the government's intention, if the government wants to act on this as a matter of urgency. If, as they say, it is urgent to pass this bill, they would agree to the opposition's amendments and pass this bill, but I do not think they want to do that. They want to weaponise this bill. They will seek to cause division out of something they claim is going to create social cohesion, which shows what a contemptible government this is.

The Premier says the opposition are discovering new reasons to oppose the bill, a point which will no doubt be repeated slavishly by every government speaker opposite. In anticipation I point out our media release on 4 February, our media release on 19 October 2024 and our comments in the bill briefing earlier this year. Basically, every single communication with the government that we have had on this bill has expressed concerns about the subjectivity of the criminal provisions, yet the Premier says we are finding new reasons to oppose the bill. They are about something specific that we have had objections to every single step of the way. You have got to wonder if the government started out this process hoping that the bill would fail. You have got to wonder about the government's genuineness in wanting to pass these laws when all it is doing is creating division.

We all agree with the criminal provisions of this bill. We could have bipartisanship, respond to growing antisemitism and hate within our community and pass this today if not for the Premier petulantly clinging on to four words in this bill. So I do plan on moving two amendments on behalf of the Liberals and Nationals. One amendment deletes the four words 'with the protection attribute' from the reasonable person test and the other carves out the civil provisions of the bill. Given they do not begin until September 2027, I think these are reasonable amendments. We now have the opportunity

for the Parliament to pass these laws in a bipartisan way. The only person in this entire Parliament preventing this from happening is the Premier.

Another major concern the opposition had was the omission of the word ‘proselytising’ from this bill. The Racial and Religious Tolerance Act provides for a religious purpose which is not limited to proselytising. This would have set a dangerous precedent as it would have removed protection for people of faith, particularly faith leaders, to communicate their faith, and it would have made ministering through sermons a very dangerous exercise. This was just another attempt by this government to engage in an attack on faith and the role of faith in our society, and even the Victorian Equal Opportunity and Human Rights Commission stated that the government’s changes were a narrowing. This is something that we raised consistently with the government, and we are glad that the government has moved to add proselytising and preaching back into the religious purpose defence.

But let us not pretend that the Victorian Labor Party is free of bigotry when it comes to conducting debates like this. I particularly want to talk about the disgraceful attacks by the Victorian Labor Party on our Liberal candidate for Werribee Steve Murphy, which were authorised by Labor Party state secretary Steve Staikos. They attacked Mr Murphy for being a devout Catholic and for being a member of the reputable charitable Catholic ministry organisation the Knights of the Southern Cross. They attacked him for his views, which are deeply connected to his faith.

The Labor Party is the king of spin and narrowcasting, saying one thing to one community while pretending they are for faith communities elsewhere. I will not let you get away with this. You come in here and you talk about social cohesion while simultaneously attacking individuals for their faith. It was a disgusting and contemptible attack to sow division in the community. Do not think I just sit on attacks like this that you – the Victorian Labor Party – make public and do nothing with them. I have spoken to countless faith leaders about these attacks, the same faith leaders Labor MPs grovel to for votes, grovel to with taxpayers money for grants, grovel to and invite to taxpayer-funded multicultural events run by the Premier’s department to celebrate Christian leaders while they are continuing to attack Christians in our community. Bob Santamaria would be rolling in his grave the way the Labor Party acts and the way the Labor Party has engaged in bigotry for political gain. You come here and talk about social cohesion while you are out there making political attacks based on people’s faith. You hold this bill up as a reason to create social cohesion in our community, against disgusting attacks on people for their faith, while your party organisation is attacking people for their faith. It is outrageous and contemptible.

The Victorian Labor Party should apologise. The Premier should apologise on behalf of the Victorian Labor Party for attacking people for their faith while claiming to promote social cohesion – I mean, seriously. The Labor Party like to say they are for multicultural communities, but we have to remember faith is intrinsically linked to multiculturalism in this state. I will stand up in this place every day defending people of faith and faith communities from hateful bigotry like that we saw from the Victorian Labor Party. This is the same Labor Party that signed up dead people in my electorate to Labor Party branches for a branch-stacking operation.

You have got to ask: does the government – and I know the Minister for Multicultural Affairs did not answer my questions in the Parliament on this – disassociate itself from the attacks we saw on a person of faith, using their faith to make political attacks? I still have not heard that yet. Does the member for Greenvale, where 80 per cent of people profess a faith – double the state average – agree with the Victorian Labor Party’s attacks on people of faith, on people for simply being Christian? I have not heard that yet. It was a disgusting attack. The government speakers that follow should disassociate themselves from it, and the Labor Party and the Premier should apologise.

If the government were serious about making our streets safe, they would reform our bail laws, they would reintroduce the move-on laws that they themselves ripped up on the behest of their union mates and they would work with us on real reforms. Other reforms we are yet to see; they are still stuck in the Minister for Police’s bottom drawer. They should not continue their attacks on Victorians of faith,

and unless the government agrees to our changes and removes four words in this bill, the Liberals and Nationals will be opposing this bill. We could have bipartisan support. If the government is prepared to let this bill die because of harm-based civil provisions that do not apply until September 2027, that is on them. If the Victorian government want to see this bill fail, that is completely on them.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (14:22): I rise to speak in support of the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. I am very proud to do so in my capacity as the Minister for Multicultural Affairs in Victoria, and I hope that my contribution is grounded in what this means for our diverse and multicultural communities here in Victoria, rather than some of the other performances that we are likely to see today.

When I commenced in this portfolio it was a time of deep distress and grief for many people in our multicultural communities. It was only a matter of weeks before the events of 7 October in southern Israel and the subsequent war in Palestine and Lebanon. These events have certainly shocked the world, and for many people here in Victoria there is still deep anger, grief and fear associated with this conflict. I know that many people hold differing views about this conflict. Difference of opinion is part of our society – it is part of our democracy indeed. But there is no denying that the last 16 months have led to division within our community. Division is always exploited by those who hate, and we continue to see that happen. Just a few weeks ago we saw Nazis unfurling hateful antisemitic banners on the steps of this Parliament, and when the Muslim community were generously opening their doors to the Victorian community, local mosques were targeted with hundreds of comments spewing virulent abuse online. That is exactly what this bill targets: it targets hate.

This bill reiterates the Allan Labor government's commitment that hate has no place in Victoria, and for multicultural communities it is a significant and powerful step. Regardless of your cultural background or your religion, you belong and you should not have to suffer. There is no reason that someone should be fearful of wearing a kippah, a hijab, a turban or a cassock in public. We know that, sadly, many Victorians are fearful. The 2024 *Understanding Reporting Barriers and Support Needs for Those Experiencing Racism in Victoria* report recorded that 76 per cent of people surveyed stated that they or someone in their care had experienced racism in Australia. The 2023 *Victorian Antisemitism Report* recorded that there had been a 228 per cent increase in antisemitic incidents – incidents that we have seen reported time and again. And since 7 October 2023 the Islamophobia Register Australia has seen an over 600 per cent increase in reported incidents. Just two weeks ago two young, visibly Muslim women, one of whom is pregnant, were targeted in a shameful broad daylight attack. It is incumbent upon government and everyone in this place to act against these insidious incidents.

On this side of the chamber we have acted consistently. This government was the first in the nation to outlaw the public display of the Nazi symbol. This was followed by the 2023 ban of the Nazi salute and other symbols and gestures used by the Nazi party. These are nation-leading reforms that have since been adopted by other jurisdictions. And last year we were the first state to release an anti-racism strategy, which demonstrates our commitment to dismantling racism at every level. The strategy addresses how we can tackle racism at a structural level, ensuring our laws, policies and workplaces are safe, accessible and non-discriminatory. All of these have been important steps on the road to an equal and safe society for every single Victorian.

This bill is another important part of that reform journey. It is a legacy of support not just for our multicultural and multifaith communities but for so many other Victorians, whether they are gay, queer, trans, a person with a disability, First Nations or women. It is a carefully constructed and extensively consulted-on piece of legislation. Vilification has such serious impacts on many Victorian communities. Not only does it cause serious and long-term psychological harm to individuals but it silences whole communities and prohibits them from fully participating in public life. Vilification ultimately serves to undermine social cohesion and the benefits that diversity and inclusivity bring to Victoria.

If I can take a few minutes to talk about a few aspects of the bill, the bill creates a legal and criminal framework to better protect all Victorians from the impacts of vilification and hate. It expands anti-vilification protections from race and religion to also protect the attributes of disability, gender identity, sex, sex characteristics, sexual orientation and personal association with a person who has a protected attribute. The bill repeals the Racial and Religious Tolerance Act 2021 (RRTA) and moves criminal anti-vilification offences to the Crimes Act 1958 and civil anti-vilification protections to the Equal Opportunity Act 2010. I must say, in my very many conversations with multicultural and faith leaders in Victoria, this consistently comes up: that we need legislation that actually has teeth, because under the current framework very few prosecutions ever occur.

The bill retains the key features of the RRTA, including protections from racial and religious vilification, and improves how serious vilification offences operate, including by introducing new serious vilification offences. The bill improves how civil protections operate, including by modifying the civil incitement-based protection, introducing a new harm-based protection and retaining the civil exceptions with minor amendments. The bill makes a technical amendment to the Bail Act 1977 to ensure that bail decision makers can remand a person who is charged with intentionally performing a Nazi gesture.

There is an aspect of the civil protections part of this legislation that I would just like to touch on for a moment. The bill enables a representative body to bring an anonymous complaint to the Victorian Equal Opportunity and Human Rights Commission. This representative body could be a religious or community organisation, and they can bring that complaint without naming the person they are representing. That is actually a pretty important aspect of this bill. It is a major win for many in our diverse communities who may have been deterred from making a complaint due to the potential for negative recourse in the past. If we want to talk about the practical nature of the legislation before the chamber, I cannot think of a better example than that in the bill, because it actually empowers organisations and representative bodies to be able to act in this way for the first time.

I do want to take issue with some of the assertions that are being made about this bill, because the truth is that the process to get to where we are today has been a very long process and it has involved significant consultation. The bill will give effect – this is important context and history – to 15 recommendations, and I want to stress this, from a bipartisan 2021 Victorian parliamentary inquiry into anti-vilification protections. I want to thank the chair of that inquiry the member for St Albans, my good friend Minister Suleyman, and remind the chamber that there were a number of members involved in that important work and that bipartisan report that was tabled, including the member for Caulfield, the member for Brighton and the member for Lowan, who were on this committee and made these recommendations, alongside the very excellent members for Geelong, Buninyong and Clarinda. I think that that seems to be a bit lost on some of those opposite, that everyone was singing from the same song sheet when it came to the need to protect people in our community from vilification and hate. This report found that the current protections in place are absolutely inadequate and no longer fit for purpose. The inquiry held extensive hearings and heard firsthand evidence from people about their experiences of vilification. It also heard that vilification was common for many Victorians, including First Nations, Muslim and Jewish people, women, LGBTIQA+ communities and people with disabilities.

Of course I recognise the toll it can take to participate in these sorts of processes, and I want to thank everybody who contributed to that important inquiry which has led to the bill before us today. The value of these contributions has ultimately led to the reforms that we are seeing in the house. Add to that the years of work the bill has undergone since, the consultation that has occurred under the former Attorney-General for nearly two years and the most recent round of consultation which generated more than 2500 submissions. That has got to be up there as one of the biggest responses. More than 200 peak bodies and stakeholder groups have been part of this process. I know that particularly in my role as Minister for Multicultural Affairs I have had countless engagements and conversations with community leaders about the importance of these reforms, and I have received many letters of support

from community members about why these reforms are so important to them. It is why when we announced that these reforms would be hitting Parliament last year we stood hand in hand with leaders from the Jewish, Muslim, Sikh and Hindu communities, because this reform is for them as Victorians who deserve to live without fear of vilification and harm. The community has been part of this process since the journey of these reforms began. I am very proud that we are delivering them here today. Hate has no place in Victoria. It is really that simple. I want to extend my thanks to the Attorney-General Sonya Kilkenny and the former Attorney-General and now Treasurer Jaclyn Symes for their hard work in bringing the bill to this place. We have got a chance today to send a clear message to our diverse, vibrant and proud multicultural communities that you matter. We will not stand for hatred or vilification of any kind. You deserve to outwardly practise your culture and your faith and to be respected by every Victorian.

I do take issue with some of the comments made by Mr Mulholland because, frankly, trying to work out the opposition's objections to this bill has been like trying to catch smoke. The goalposts have been constantly shifting. It is really very simple: if you profess to stand with our multicultural communities, with our diverse Victorian community, then you must support this bill. We do not want to give the green light to hatred. We do not want to signal to anyone here in Victoria that you do not belong. The government is bringing the legislation forward because we want to change that. We want to make sure that Muslim women, for example, can walk down our streets and not be the subject of violence and hatred. We want to make sure that young Jewish kids can catch a public bus to school without being abused. These are the real stories of what is going on out there in the community. I am very proud to be supporting this bill today, and I urge everyone in the house to do the same.

Richard WELCH (North-Eastern Metropolitan) (14:37): I rise to speak on this bill. It is a very serious matter at all levels and in all domains, because we are talking about hate in our community and we are talking about the iron fist of law inserting itself into human interactions and the necessity we find ourselves needing to do so.

How did we get here? There once was, I guess, a bit of a social contract in Australia that we did not bring ancient hatreds to the country, that we left them behind, that we believed adamantly in the notion of a fair go, we believed in the equality of all Australians. That social contract was a buffer, a preventer of excesses in our contact and engagement with each other. I do not mean to trivialise it, but in a small way it is like there is no law about getting out of the way of ambulances. There is no law because there is a sense that it is the right thing to do. You get out of the way of an ambulance; you do not need to write a law for that. The day we need to write a law for that, we have really diminished ourselves in a deep way. In the Roman Forum, the only thing holding the public back from the Senate were red ribbons. They did not put guards there because they knew the guards would not stop the people. It was the sense of what is right and what is wrong in a constructive society, a well-run and functioning society. But we find ourselves at a juncture where none of those things protect us anymore, none of those things are adequate anymore. In this conversation we should reflect how far we have fallen as a society where we are going to have to legislate to get people out of the way of ambulances. We are going to have to legislate about hate speech, of all things, because we cannot seem to manage that ourselves under our own free will, under our own morality, any longer. It is a very sad moment.

How did we get here? It is a bit of a cliché to talk about slippery slopes, and people get demonised for those words. But the fact is we did not enforce the laws that existed and we created an environment where things that should not be tolerated became tolerated. We have seen over the last two and a bit years examples of where laws were selectively enforced or selectively not enforced, where things that should have been stamped out the instant they occurred were not stamped out, where people equivocated in their language around the issue and then we indulged it. I will not name the university, but I was at a university where some of the senior administrators literally had glee on their faces that they were having a pro-Palestine encampment, without any care about what doors they were opening. I can tell you I have had students from that university speak in depth about the discrimination that that opened the doors to. If they got into a lift, people were getting out of the lift because they were Jewish.

As we go down there, I think the abuse has become more and more common, but we let this stable door open a long time ago. It is now completely commonplace for people of faith to be demonised and for their faiths to be demonised on TV shows, on podcasts, on talk shows. People conspicuously demean, and we have allowed it and tolerated it – in fact there has been a great audience of people laughing on as we did it. But I think, for all that, the depth and the ardour of antisemitism in Australia that has emerged over the last two years has shocked me. I never imagined Australia could be like this. Nothing in my upbringing, nothing in my life experience, prepared me for how quickly it emerged, how the slightest indulgence led to more and more and more. There did not seem to be grown-ups in the room who had the perspective or the world view to get in front of it and shield those vulnerable communities. We have ended up with firebombings of a synagogue in Australia, car bombings, people attempting to blow up synagogues, primary schools where kids have racist graffiti at the entrance. How did it happen?

Laws are laws, and laws are fine, but everyone knows the law is an ass. We can pass whatever laws we want in here, but there is something much deeper and much worse at work when we have stooped to this, when we need to even pass laws about it. The law is a very, very blunt instrument. We are going to see that there are several good things about the bill, but we know it is a blunt instrument. There is no question it will have unintended consequences – foreseeable but unintended. A couple of the foreseeable ones – it will of course have an impact on freedom of speech. It will have an impact on it because people will now be more consciously self-censoring, not wanting to go too near the line. It will have an impact because of course people will weaponise it, because when you write a law, like when you write a contract, you are writing it for the worst-case scenario, not the best. Hope is not a plan. You hope people are going to use the law right, but you know you need to anticipate the worst. And the worst is there are activists on all sides, on the side of angels and the side of devils, who will weaponise this law. They will weaponise it for cruel and stupid purposes that will take us further down the drain. There are good intentions, but the road to hell is paved with good intentions.

We must as a Parliament be incredibly careful how we word this bill and what we put in place. The amendments that we are putting forward are part of that process and certainly very, very necessary. If, as written, the bill allows people to consider a hateful crime on the subjective experience of somebody else, there is no end to where the offence will lie. The offence will go far beyond your ability to anticipate it, far beyond anyone's ability to predict it and be completely drawn out of the mind of the individual who wants to have the complaint. And, yes, of course naturally large chunks will be legitimate ones that we want to stop – the blunt instrument. But that is not the worst case. The worst case is going to be much, much worse than that, where social discourse in Victoria will grind to a halt if we are not more careful with the wording. It is those four words in the amendment that we want to address that would enable us all to pass this with bipartisan support. As for the civil elements, I think as Mr Mulholland mentioned earlier, these do not come into law until 2027, and then I do not see why they form part of the legislation. It is pointless. And it is even more dangerous on that ground.

We have an issue here and now. I am quite willing to accept the limitations of the law as it is written here and now to address the issue that is here and now. I am not willing to wager on an 'if' and 'might be', on something that has not been fully thought through as to the consequences and where they have not put the belt and braces on to that law. Ultimately what we are doing here is using the reasonable person test and using the 'reasonable person with that attribute' test. We are abdicating our responsibility to make law, and we are passing that law to the courts. We are encouraging activism within the court system where a judge will have to subjectively decide whether somewhere somehow someone, no matter if it is a minority of one, has decided something is hateful if it is reasonably so, however unreasonably that might be to the rest of society. That could put someone in jail for three years. That is how the law is written. It is a bad law. It should not be in this bill.

I really do support the amendment. If we can have the amendment, we at least put some belt and braces around this law. We can at least act now for those people who are most in pain, people who we have failed to protect. Both we as a state in our civil conversation and we as every Victorian as individuals

have failed because we have lowered our standards so far. Our communities expect better, and we should do better.

David LIMBRICK (South-Eastern Metropolitan) (14:48): We often hear people say, 'I support free speech, but I do not support hate speech.' The question always arises: who interprets what is hate speech and what is not hate speech? This is sort of what this bill is trying to address. It is saying, well, in these certain situations for certain people with certain characteristics if we incite our severe ridicule, contempt, revulsion et cetera, then this should be something that is punishable by the law. However, one of the reasons that Western civilisation supports free speech is because we acknowledge that it is not there for discussing the nice things; it is there for discussing the things that are hard, the things that are really difficult to discuss and the things that go against what the consensus is.

I will bring you to a historical example of what at the time would have been probably incitement of severe ridicule. It was back in the 16th century by a man called Galileo. Galileo picked up on the idea by Copernicus that maybe the Earth was not the centre of the solar system, maybe the Sun was. He was investigated by the Roman Inquisition in 1615. Maybe the inquisitors these days might be called the Victorian Equal Opportunity and Human Rights Commission. But in 1615 they inquired into his beliefs around this strange idea that went against everything that modern science and religion believed at the time, and they concluded that his opinions were heretical. Nevertheless, he believed he was right. He was right, of course. As we know today, the Earth does rotate around the Sun. He wrote another book in 1632 called *Dialogue Concerning the Two Chief World Systems*. In this book he ridiculed Pope Urban VIII for his belief that the Earth was the centre of the solar system. Galileo incited severe ridicule based on a protected characteristic. He ridiculed the Pope because of his religious beliefs. For this, Galileo was forced to recant his heresy, and he spent the rest of his life under house arrest. Effectively, he was punished for ancient forms of the sort of law that we are debating today.

I will bring you to another interesting example of why free speech is very important, and I will acknowledge that the protected characteristic in this case does not apply to this law, although I am sure that if public health officials had a say in this law they would consider their views and their beliefs as protected characteristics. Let us go to public health. Back in the early 19th century there was a man named Ignaz Semmelweis. He was a physician and scientist, and he worked in Austria. He was very concerned about a condition at the time. Many women unfortunately passed away very soon after giving birth to children, and they used to call it childbed fever. In the hospital that he worked in the mortality rate was somewhere in the order of 18 per cent – absolutely shocking by today's standards. Giving birth in the early 19th century was indeed a very, very risky thing to do. Consider that this was before science had any idea of germ theory. We did not know what germ theory was at the time. He was a man with an inquiring mind, and he made an observation, or had a theory that he wanted to test, in the maternity ward, and so he tested this theory. He asked doctors, nurses and people working in the wards to wash their hands. He asked them to wash their hands before dealing with the soon-to-be mothers that were about to give birth. The mortality rate in the hospital reduced from 18 per cent to 2 per cent – outstanding results. But of course germ theory had not been discovered yet. He had just randomly figured this out through empirical observation. He had figured this out. He was vilified by the scientific community. In fact they considered him an outcast. He conflicted with the scientific establishment. They said, 'There is no basis for your beliefs. This is quackery; this is pseudoscience.' In fact he ended up getting committed to an asylum, where ironically, he died from an infection after he was beaten by the guards in the asylum. He died from gangrene.

Many years later Louis Pasteur in fact did discover the scientific basis of germ theory and discovered that, actually, Semmelweis was very correct in getting doctors to wash their hands. It seems ridiculous these days, but back then it was a public health heresy to suggest that these esteemed doctors should have to do something as undignified as wash their hands before they help a mother giving birth. Like Galileo, Semmelweis was incarcerated for speaking heresy against the medical establishment at this time. This is a very important reason why we must always allow free speech. We must not condemn everything.

I do not for a moment deny that there have been awful, awful things happen in Victoria. People have been vilified for their religious beliefs; there have been awful attacks – many of the things spoken about today. People have spoken about arson attacks and threats and these sorts of things. The good news is that arson is already illegal, and people should be prosecuted for arson. Property crime is already illegal, and people should be prosecuted for property crime, like drawing awful things on property. Making threats against people is already a crime. The police cannot keep up, especially with arson in this state, with the crimes that are already happening. What we are proposing here is to add an entirely new branch of crimes, which presumably the police will not be able to keep up with either – unless they have got a new division or something; I am not sure how that is going to work or how much that is going to cost – and as has been pointed out by others, none of this has actually been tested yet, so it would be a very interesting situation.

I will point out this: there are many instances where bad things have happened and the government has responded. Let us look at the track record of the government trying to legislate away hate in this state, because it is absolutely abysmal. Let us look at one incident. I have spoken about it before here and publicly. Back in 2023 there were some Nazis that invaded or ambushed or hijacked, whatever you want to call it, a protest that was happening in Melbourne. I was there. I saw it. I did not actually know they were Nazis at the time; I just saw a bunch of dudes in black. I had no idea who they were; they were all wearing masks. They unfurled a banner, and they performed the Nazi salute, the Roman salute. In a knee-jerk response the government said, ‘We’re going to legislate away hate. We’re going to ban the Nazi salute and ban Nazi symbols. That will help get rid of hate in this state. That will help suppress these people.’

During my questioning in the committee stage of that bill I asked the Attorney-General, ‘How will you judge success of this legislation? How will you judge whether you have actually succeeded?’ I do not want to misquote her, so I will paraphrase. Her response was something along the lines of, ‘It will succeed if it’s not used. It’s a deterrent. We don’t want people doing these things, because they are offensive to other people. It’s offensive when someone does the Nazi salute. People find it offensive. It will be successful, hopefully, if it deters people and those people do not do the things that we are legislating against. That’s a successful thing.’ I had a very different view. My view was that the very people that they were trying to suppress would almost immediately take advantage of this to become martyrs, to use it to recruit and point out that actually the government does not support freedom and to claim their much-treasured status as victims – trying to put themselves as victims. That is what I predicted would happen, and of course I was right. Within hours of those laws coming into effect we had someone charged – he was convicted – and they used it for recruitment. This did not help remove or combat right-wing extremism in Victoria in any way. In fact it has backfired in the most spectacular fashion.

Indeed the same people that were watching that law and took advantage of it are watching this very law go through Parliament today. They want this to pass. If anyone here thinks that neo-Nazis or Islamic extremists are scared or worried about going to prison or being charged with these crimes, you need to think again. They see laws like this as a way of pointing out the hypocrisy of the state – and the state is hypocritical because it is going against the traditions of Western liberalism by not supporting freedom of speech, by trying to legislate away hate. We are in a situation now where they are waiting to take advantage of this and make themselves martyrs to get a platform to spew their abhorrent views to the rest of the state. This is so utterly irresponsible and dangerous.

Anyone that thinks that the government is serious about this only needs to look at what happened during the pandemic or what happened later after that Let Women Speak rally where the government, which apparently takes right-wing extremism very, very seriously, smeared anyone and everyone as Nazis – one of the most outrageous and hideous things to accuse someone of, unless it is actually true. They were smearing all sorts of people as Nazis. I cannot take them seriously when they have done that sort of thing.

Even more recently they were trying to smear the Liberal Party as being somehow associated with Nazis, and I will tell you this: it did not work. No-one is buying it. I notice the government has stopped doing that now, because it is not working. No-one is buying it. The average Victorian just does not buy it. In fact the government had been smearing people as Nazis for so long – everyone who disagreed with them – but no-one knew what an actual Nazi looks like. They are not very nice people, I can tell you. They are not very nice people. I am one of the few people that has been pushing back against them on social media. Racism is an abhorrent ideology. It is one of the lowest forms of collectivism that you can imagine.

The government now thinks that they can legislate away hate, and we have this potential now to give all these awful people a platform both in the courts and potentially with High Court challenges. I note that there was a letter from the Scrutiny of Acts and Regulations Committee wondering whether this bill might infringe on the federal constitution. I am sure there would be many bad-faith actors very happy to take this right to the High Court, and you know, they might win. How awful for this state – awful for the government but awful for this state as well – if we did end up with a situation like that, where they did win. I note the government always seem very confident in the constitutional validity of the laws that they pass here, but they have lost a few of them – the electric car tax was one more recently. They seemed very confident of that at the time and then lost it. This could be the same. This is a very high-risk proposition that the government is making here.

I do not think that anyone should be supporting this. What we should be doing is standing firm on the principles that our civilization was founded on. We already have a mechanism for maintaining social cohesion, and that is defending individual rights: freedom of movement, freedom of speech, freedom of religion, freedom of belief and freedom of association. We must stand proud and affirm these commitments to these freedoms, because the people that incite racism, that incite hatred, that attack these people – they hate these freedoms. They love it when governments collapse, when they turn their backs on those freedoms that our civilization has protected for so long, because they can call us hypocrites and they can attack us and move us towards authoritarianism, which is what we do not want. Our state and our country must stand firm in defence of freedom, and the Libertarian Party will never back down from that.

Jacinta ERMACORA (Western Victoria) (15:03): I speak in support of the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. We have seen a concerning rise in antisemitic and Islamophobic attacks on our fellow Victorians in recent times. The shocking arson attack on the Adass Israel Synagogue on 6 December last year was a terrible example. In the week following that attack Premier Jacinta Allan met with leaders and members of the Jewish community. She heard how the Jewish community increasingly feel that the promise of modern, multicultural Victoria is being eroded. She reiterated the one, simple principle that lies behind this bill: whoever you are, whoever you pray to, you are safe and welcome here in this state.

I want to focus on the word ‘safe’. Peaceful protests are protected in this state – this bill will not change that – but we must not allow hate and antisemitism to thrive under the cloak of legitimate protest. Harmful, extreme and dangerous protests should not and will not be protected. We have seen too many of these protests recently, and let us make it clear: what is on the line is this bill delivers tougher new laws to crack down on people who want to whip up racism and hate against their fellow Victorians just because of who they are. This bill’s genesis was an Islamophobic act at a mosque, and it was debated shortly after the Muslim community was rocked by an act of violence against two women at Epping plaza.

This government is proud to stand with a wide range of community groups that developed and are still backing this bill, including Victoria’s Jewish community, who have asked for some additional tools to fight the scourge of antisemitism. All Victorians should feel safe in their neighbourhoods and in the communities that they live in. I never expected that this legislation would be so urgently needed in our wonderful multicultural state of Victoria. Political discourse over the last 12 to 18 months from some leaders has not supported harmony in this state but has exacerbated intolerance, anger and emotion.

We have seen neo-Nazis being given a platform. We have seen violence in other parts of the world being justified in local discourse here in Victoria. Here in this chamber we have heard arguments implying support for one group or another in the context of a violent conflict when we all know that violence and intimidation is not a legitimate way to resolve a conflict. Violence is not acceptable in the prep classroom, nor is it acceptable on our playing fields, and nor is it acceptable in South Sudan, Ukraine, the Democratic Republic of Congo, Palestine, Israel or Myanmar.

What our leaders say and do influences how safe Victorians feel. Inciting hatred or vilification intimidates members of our community. It instils fear and provides momentum for those who are hateful towards others. Feeling passionate about injustice is not and should never be a justification for violence or intimidation or criminal behaviour. The bill provides a clear message from the leaders of this state, whether they are political, sporting, faith or any other leader, that everyone in Victoria deserves to be safe and feel safe, no matter how unique they are, no matter what their heritage.

I want to say to those in this chamber who might want to exploit extremists for their own political ends: do not do it. You legitimise hatred and anger, you make people feel like they are justified in targeting their fellow Victorians and you dismantle trust. As a number of my colleagues have said, the parliamentary inquiry that led to the creation of this bill was a bipartisan effort. It is right and fitting that we should take a bipartisan approach to addressing vilification and violence. We can debate the details and the practicalities by all means, but to oppose the enactment of measures based on the inquiry's recommendations along party lines gives fuel to those who would like to continue to intimidate and vilify.

Let us be clear: what is on the line is that this bill delivers new laws to crack down on people who want to whip up racism and hate against fellow Victorians. The government is proud to stand with a wide range of community groups that have developed this bill together in consultation. I say to everybody in this chamber: there is a choice here in the Legislative Council. We can stand against antisemitism, Islamophobia, racism and hate, pass these tough new laws and help protect all Victorians, or they can side with the hard right and allow that crusade to continue.

Thresholds for the criminal offences in this bill are high. The offences are about inciting hatred, serious contempt, revulsion or severe ridicule or threatening a person or property because of who that person is, because they are gay or Jewish or Muslim, because they use a wheelchair et cetera. This is not about merely offensive behaviour or something that makes people feel uncomfortable. This is about seriously vilifying conduct. This bill will expand the protections currently provided for race and religion to disability, gender identity, sex, sex characteristics and sexual orientation and also to those Victorians with a personal association to a person who has a protected attribute, such as the mother of a trans child or the partner of a person with a disability. The bill introduces new serious vilification offences, which will be crimes rather than civil offences. Inciting hatred against people with a protected attribute will become a crime punishable by up to three years imprisonment. Threatening harm or property damage will also become a crime, with a minimum penalty of five years imprisonment.

These changes are being introduced following very extensive consultation. We have consulted with human rights, justice, legal, multicultural, advocacy and faith-based groups, and we have continued these conversations with the community and MPs as the bill has made its way through the Parliament. Those conversations have continued to shape this bill, and I want to say thank you to those who have engaged in those conversations. In particular I want to thank those with lived experience of vilification and their advocates for engaging in the reform process. It is not an easy thing to have to talk about these traumatic experiences. I want you to know that you have been heard and that your courage and resilience in sharing your stories is helping to build better laws for us all and a better state for us all. It has not been possible to adopt or reconcile all views, and it is clear that Victorians have diverse opinions about these reforms. All advice and feedback have been carefully considered and balanced in developing this bill.

This bill is supported by a broad range of community and religious groups, as I have mentioned. Quoted in the *Guardian* article cited above was Rabbi Gabi Kaltmann, who I think expressed best the purpose of the bill:

“Doesn’t matter whether you wear a kippa or a hijab, if someone vilifies you, if someone wants to go after you, your faith, your background, your belief, your sexuality, the chances are that they will be charged and go to jail or heavily fined,” he said. “We all become safer.”

I commend this bill to the house.

Ann-Marie HERMANS (South-Eastern Metropolitan) (15:13): I also rise to speak on the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. As has been stated, the purpose of the bill is said to be to strengthen and reform anti-vilification law to amend the Crimes Act 1958 to include serious vilification offences, to amend the Equal Opportunity Act 2010 to include civil anti-vilification protections, to amend the Bail Act 1977 in relation to the offence of performing a Nazi gesture, to extend the exceptions to prohibition on refusing bail in the Bail Act, to amend the ‘public display of Nazi symbols’ to ‘public display or performance of Nazi symbols or gestures’, to repeal the Racial and Religious Tolerance Act 2001 and to make consequential amendments to other acts. As has also been stated in this place, the attributes to be protected from the vilification, under what we currently have, are race, religious belief or activity. But the bill also seeks to expand the list of attributes which are protected from vilification to include race, religious belief or activity, disability, gender identity, sex, sex characteristics, sexual orientation and the like.

I have listened to debate in the house so far, and I want to make it clear that, since it was first legislated, we have never had such far-reaching changes to Victoria’s anti-vilification laws as what this bill proposes. Having said that, I tend to feel very strongly too that we have had a lot of things happen in recent times that, as my colleague Mr Welch mentioned, we would never have imagined would happen in my lifetime in my city. I am a person who went to school with a number of Jewish people, and they were my friends. They still are my friends. To see the prejudice and the prejudice-fuelled hatred, the violence, the assaults that have been taking place in our streets – it does not feel like Melbourne to me, and it does really upset me.

I am very thankful to David Southwick in the other place, our colleague, who sent a number of things that have happened to the Jewish community, with related death threats. Of course we had what happened on 7 October, and that caused a wave of antisemitic behaviour here in the Victorian community. We had the Caulfield riots on 10 November 2023, where rocks and other projectiles were thrown towards Jews outside the synagogue, forcing the evacuation of Central Synagogue during Friday night prayers. We had someone drive a motor vehicle on the footpath towards a group of Jewish people in Caulfield. There has been the targeting of visiting families of hostages and survivors of the 7 October massacre at the Crowne Plaza in Melbourne. We have had death threats to Jewish people, graffiti attacks on Jewish homes and institutions and even day school Mount Scopus, which had dreadful words written on it about wanting Jewish people to die.

I am a person who as a teacher taught about the Holocaust, about antisemitic behaviour and about hatred. It is just so distressing for me to find in our city of Melbourne that we can see such appalling behaviour. However, it also concerns me to see the way the government puts these bills together. I want to see what is best to protect the Jewish people, but establishing what is best to protect the Jewish people and the Jewish community does not mean that you then open up a floodgate of opportunity to allow opportunists to take advantage of legislation, and that is what this will do, because it is an overreach.

In the beginning, when it first came into the other place, it included things like preaching and proselytising in the government’s definition of ‘religious purpose’. I mean, it really had not been thought through. I represent the south-east, which is a place where more than 70 per cent of the community are affiliated with or are directly committed to religious practices, or have family who are, so it is really important to me that we are protecting the people of our communities so they are able to

go about their lives in everyday Australia. I want to quote from the Australian Liberal Party's beliefs; I believe it is relevant to this debate:

We Believe:

...

In those most basic freedoms of parliamentary democracy – the freedom of thought, worship, speech and association.

In a just and humane society in which the importance of the family and the role of law and justice is maintained.

In equal opportunity for all Australians ...

What concerns me is that this is a bill which, again, has not had the work done on it, and again, we have had to, as a coalition, go backwards and forwards trying to make amendments in order to adjust things that could be extremely harmful for Victorians. We find ourselves still concerned about the bill in its current form.

I have to say that like, I am sure, many of you, I have received emails from people who are genuinely concerned about the significant risk to their fundamental rights and freedoms – the threat to freedom of speech, the threat to freedom of religion, the threat to freedom of expression by broadening the definition of vilification to include subjective interpretations. Faith groups are really concerned that they will be facing legal consequences for expressing legitimate opinions or engaging in public discourse. There is, as has been mentioned by my colleagues already, the potential for abuse and misuse if there are others around who have different views in religious, political and social contexts. It creates an environment of fear, and it can discourage open and respectful discussion. The impact on religious freedom means that schools and religious practices need the protection of the law so that their own teachings and beliefs are not deemed to be offensive under legislation.

We need to allow our faith communities to have the opportunity to teach their perspectives on marriage, on morality and other core beliefs without fear of prosecution, and that includes faith schools. I am not going to go on for a long time because I am not particularly well – you could probably hear that in my voice – but there are great concerns that the harm-based provision is subjective, that the religious implications of this are going to potentially allow individuals to define what is harmful, making it easier to silence religious or moral views simply because someone feels offended. This is a huge red flag for us as Liberals, because we do not want to prevent people from having that freedom of speech and freedom of religion. We want to make sure that that is a discourse and a dialogue that is allowed to continue. We see this as an overreach; there is a potential threat here to the freedom of speech and freedom of religion, which of course goes against the grain of who we are as a political party.

Legitimate religious activities should never be lumped as hateful conduct. I attended an iftar dinner last night, and some of the interpretation of the call to prayer was put up on the screen. It occurred to me that sometimes people do not take the time to understand what other people believe and that this vilification amendment could be so harmful to so many religions that I represent in the south-east and so many different people and communities that are represented there. I really urge the government to consider further amendments or just let us throw out the bill.

Rikkie-Lee TYRRELL (Northern Victoria) (15:23): I rise today to speak in opposition to the government's Justice Legislation Amendment (Anti-vilification and Social Cohesion Bill) 2025. As a member for Northern Victoria, it is both my privilege and my duty to represent the voices of the communities I serve. In doing so I take seriously the responsibility of standing up for the rights and freedoms of Victorians, especially when it comes to legislation that could potentially impact the very freedoms that make our society thrive.

Today I stand before you to express my firm opposition to the proposed anti-vilification laws in their current form. I strongly believe that as written these laws pose a grave threat to the fundamental right of free speech in our state and could deeply undermine the unity of our society. Let me be clear: I

understand the intention behind these laws. The aim is to protect individuals from hate and discrimination, and that is a goal we all share. The provisions in this bill are far too broad and too subjective to achieve the intended protections without significant risks. The vague definition of vilification opens the door for potential misuse. This creates a situation where malicious legal actions could be initiated, allowing activists or individuals with agendas to target others simply for expressing legitimate opinions or beliefs.

We must ask ourselves: what is the cost of such a law? We risk creating an environment in which open debate and critical discussion of sensitive issues are stifled. Instead of fostering meaningful discussion, we will find ourselves in a society where the fear of legal repercussions silences those with differing views. This is not just a concern; it is a fundamental threat to the democratic principles we hold dear. In a democracy like ours not only should the right to express differing opinions be protected, it should be encouraged. These laws, however, could be weaponised by political opponents, used to silence dissent and used to prevent the free exchange of ideas. This is not the kind of society I believe we want to foster in Victoria. Moreover, the low threshold for vilification outlined in this bill presents a real danger to everyday Victorians, particularly those of faith or those who hold traditional values. People who express their deeply held opinions could find themselves falsely accused of vilification not for any malice but simply for speaking their truth. The result would be a chilling effect on public discourse, where individuals and communities are discouraged from engaging in the conversation altogether. Rather than uniting us, these laws risk further dividing us. That is why I call on my fellow members of this Parliament and the government to reconsider this bill. Rather than fostering an environment of fear and self-censorship, we should strive to create a society where differing opinions can be expressed respectfully, where dialogue can take place in good faith and where legal threats do not hang over the heads of those simply exercising their right to speak. Let us not sacrifice the freedom of expression and the open exchange of ideas in the name of protection. Instead, let us find ways to address discrimination and hate that do not infringe upon the very rights that define us as a free and democratic people. I will not be supporting this bill at this time in its current form.

Ryan BATCHELOR (Southern Metropolitan) (15:27): I am very pleased to rise to speak in support of the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, which is before us today. It is an incredibly comprehensive and important piece of legislation that goes to some of the most distressing and disturbing ways that members of our community can be vilified through hateful action and seeks to create a new and improved legislative framework to help protect those individuals who are subject to that vilification. It is not, as some of the speakers opposite in the course of the debate would have you believe, about creating crimes or creating civil penalties in circumstances where people take offence at things. That is a diminishment of the seriousness of these issues and a diminishment of the seriousness of the experiences of members of the community who are subject to the sorts of racially motivated vilification that we are seeking to prevent through these laws, because the provisions in the bill are very, very clear. Some of the conduct that we are seeking to target are those things which, for example, are considered by a reasonable person with a protected attribute to be hateful, seriously contemptuous of, reviling or severely ridiculing the person or groups of persons. This is far beyond someone taking mere offence.

I want to spend a bit of time at the beginning of this speech on a couple of probably slightly unexpected tangents about the impact that hate speech has, the toxicity that hate speech has and its potential to pervade our society and therefore why we need legislation such as this, which puts some pretty clear markers in the sand about why that speech is unacceptable to our community and in our community. We know that at its very basic level hate speech is designed to ‘other’ members of our community – that is, through victimisation, discrimination and vilification create fear-stoked hatred, all on the basis that someone is different to us. They are the ‘them’ or the ‘they’. It is something which those who are making those utterances and saying those words are seeking to particularise. That othering is exceptionally toxic to a range of people in the community. At a very human level, exposure to this form of hate speech clearly turns people against each other. It is clearly something that seeds conflict, that creates prejudice. But also, as certain studies have shown, for the individuals participating it erodes

empathy and erodes the personal perspectives of the people who are exposed to and perpetuating that sort of speech and leads to a sort of general emotional numbing that can have quite clearly deleterious consequences.

I was reminded to look at some of this based on some of the speech that Hugh de Kretser, the president of the Australian Human Rights Commission, gave at the Australian Intercultural Society's Parliament iftar dinner last night. Mr de Kretser, in a very powerful contribution, reflected on some comments that the Director-General of Security at the Australian Security Intelligence Organisation Mike Burgess made in his annual threat assessment, which was delivered in a declassified speech given in February this year, which gave us all a very stark warning about the consequences of politically motivated violence in our community and what he described as activities that are directed to incite violence between different groups in Australia so as to endanger the peace, order and good government of the Commonwealth. Mr Burgess spoke with quite a degree of alarm about the rise of politically motivated violence raising the temperature of the security environment. He said:

We expect nationalist and racist violent extremists to continue their efforts to 'mainstream' and expand their movement. They will undertake provocative, offensive and increasingly high-profile acts to generate publicity and recruit. While these activities will test legal boundaries, the greatest threat of violence comes from individuals on the periphery of these organised groups.

Mr Burgess went on to say:

I remain concerned about young Australians being caught up in webs of hate, both religiously and ideologically motivated ...

In the polarised, grievance-rich environment I'm describing, social cohesion will remain strained and we can expect spikes in communal violence ...

So Mr Burgess, the head of ASIO, is warning about the evolving threat environment that is challenging our community to stamp out these forms of racially vilifying speech. But he also said – and I think this is one of the more interesting things – that this evolving threat environment is challenging traditional definitions, categories and assumptions about what motivations are and that it is not the left-right analysis that you might have expected 40 years ago. He went on to say:

Individuals are cherry-picking seemingly antithetical ideologies to create new, hybrid beliefs. In one case last year, we found an individual apparently motivated by Islamic State propaganda and neo-Nazi propaganda. In another, an individual allegedly described himself as a left-wing environmentalist aligned with Adolf Hitler. Yet another apparently considered himself to be 'a radical communist anarchist' while allegedly embracing nationalist and racist violent extremism.

I make this point to say that, yes, the issues that we are confronting here are ones that affect individuals and ones that affect affected groups in the community themselves, but they also indicate, as our security agencies are telling us loudly and clearly, that the rise of extremism and the use of racially motivated words is affecting our community and point to the security risks that affect our community more broadly. The director-general of ASIO was very, very clear that we all need to take this very seriously and it is an incredibly salient part of our current threat environment. These are not minor matters with which we can have a little quibble; they are serious issues that we need to confront. What this bill is doing is making it absolutely clear that in Victoria vilification is not acceptable, that the sort of race-based, religious-based vilification that some seek to normalise in our community is not acceptable, because yes, it does seriously affect those communities at which it is targeted, but it affects us all because it makes us all less safe. I think that is a stark reminder of why these sorts of issues are ones we need to take exceptionally seriously.

I do want to spend a moment talking as a member for the Southern Metropolitan Region, home to a large part of Melbourne's Jewish community. We have spent a lot of time, particularly since 7 October but also more broadly, engaging with the community about the worrying rise of antisemitism and hateful speech and hateful conduct that members of the Jewish community are witnessing. I do not need to tell members here just how important and how significant the richness with which Melbourne's Jewish community has contributed to the fabric of our society is and how it has made its mark on our

wonderful multicultural community, but the community has been subject to some exceptionally abhorrent attacks in recent times. I have sat down and I have spoken with representatives and members of Melbourne's Jewish community, and I have seen the real harm that this sort of hate speech is having on them. We saw it as one of our colleagues, the federal member for Macnamara Josh Burns, had his office targeted in an antisemitic attack last year where the windows of his office were doused in antisemitic trope. I was there in the morning on the streets of Ripponlea with the members of the congregation from the Adass Israel congregation as their synagogue was a smouldering ruin, talking with them about the impact that this had. Later I toured the charred remains of the synagogue with Minister Stitt and one of the local councillors, and I do not think any of us will forget the acrid stench of hate that we experienced walking around those walls – to see the burnt and twisted metal lying on the ground, the holy books that were charred, acts that we do not want to see again in our community, acts that we know have had profound effects across Melbourne's Jewish community.

We know these effects are real. Just last week I was at Chevra Hatzolah talking with the community first responders there. One of the things that we were talking about was the effect on their community, the increase in psychological trauma that they are responding to in call-outs from members of the community. Historically they would have just dealt with things like first aid and emergency CPR. But now, particularly in the last 15 or 16 months, the serious toll the clear rise in and threat of antisemitic activity and behaviour is having on Melbourne's Jewish community is absolutely real. It should not be understated, it cannot be understated, and we all must take a stand against it. That is what I think has been pretty clear, particularly in the joint statement that we have seen recently from the Executive Council of Australian Jewry, the Jewish Community Council of Victoria, Zionism Victoria and the Zionist Federation of Australia, which says quite clearly:

The Victorian Jewish community unites to support the hate laws that are being proposed by the Victorian Government.

They go on to say:

That is because we are facing a crisis of hate speech. There has been an explosion of hatred in our communities in recent years. Hatred is fuelled by hate speech – that is why the most extreme forms of incitement must be outlawed.

...

... Victorians will have a once-in-a-generation opportunity to fix our hate speech laws.

...

And it will send an important message – that inciting hatred or revulsion of another person on the basis of who they are has no place in Victoria.

There is no time to waste.

Those words are pretty powerful. It is very clear that members of the Jewish community here in Melbourne want these laws to be passed. Other members of different communities here in Melbourne want these laws to be passed. As Rabbi Gabi Kaltmann said in the *Age* on 22 February:

... those involved cannot afford to play politics with laws that impact real lives ... Passing the legislation in its current form makes all Victorians safer.

I want to echo the rabbi's words there, that passing these laws will make all Victorians safer.

Obviously it is not just the Jewish community who will stand to benefit. We know that other communities who are targeted by hate speech will also benefit from the protections contained in this bill – the gay and lesbian community, for example, and the transgender community as well. They are best placed to understand what homophobia is or transphobia is and what it means to them. That is what is embodied in the strengthened civil anti-vilification provisions contained in the bill and the introduction of the new harm-based protection, making it unlawful to engage in public conduct that is hateful, seriously contemptuous of, reviling or severely ridiculing another person because of who they are. The test of such harm, being an objective standard of the reasonable person from the relevant

group, is a test that the courts and tribunals are familiar with and already use, and the reform is consistent with satisfying recommendation 9 from the previous term of Parliament's inquiry into anti-vilification. The bill also modifies the incitement-based civil protection provisions. It will be unlawful for a person to engage in public conduct that is likely to incite hatred against, serious contempt for, revulsion towards or severe ridicule of another person or group based on their protected attribute.

All members of our community deserve to feel safe. In particular members of our Jewish community deserve to feel safe. They have spoken out very clearly and very strongly that passing those laws will help do that. We have taken repeated action to protect members of our community from obscene and vile acts. The laws outlawing the Nazi gesture and the Hakenkreuz are further examples of the commitment that this government is making. We need to pass this bill. We need to come together as parliamentarians once more to take action to protect some of the most vulnerable in our community. It is what our communities expect us to do, and I commend the bill to the house.

Georgie CROZIER (Southern Metropolitan) (15:42): I rise to speak to Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. This is an important debate we are having in the house today – an extremely important debate. We often bring legislation into this house and we debate it. All legislation of course is important. However, there is legislation that really does impact the community, and this piece of legislation I think is one of those areas that will have significant impacts on our community. That is why I say it is a very important bill.

The bill, as we have heard, makes significant changes to the anti-vilification laws in Victoria, aimed at strengthening the existing protections contained in the Racial and Religious Tolerance Act 2001 and the Equal Opportunity Act 2010. It will expand the list of protected attributes which cannot be discriminated against. Currently under the Racial and Religious Tolerance Act only race and religious belief or activity are protected. The bill now extends those protections to include, as defined by the Equal Opportunity Act, race, religious belief or activity, disability, gender identity, sex, sex characteristics, sexual orientation, and personal association with a person who is identified by reference to any of the above attributes.

The bill introduces two new offences. I am not going to go through all of this; it has been outlined by my colleague Mr Mulholland very thoroughly. I do want to make a couple of points, though, given the areas where the bill seeks to include both the criminal provisions and the civil provisions. The criminal provisions will come into effect on or before 20 September of this year – 2025 – and the civil provisions will come into effect on or before 18 September 2027. That is 2½ years away – well after the next state election. I just put that on the record because I think that is an important aspect of this bill that has been swept over.

I want to go to some of these points around the concerns that the opposition have raised. I want to commend my colleague Michael O'Brien for his very considered and intelligent argument around the concerns. He has been explaining to the Victorian community, in a very thorough way, the coalition's concerns about the government's proposed bill that they presented to this Parliament last year. Since then the government has come some way; it has not come all the way. I want to return to that because I think it is very disingenuous that the Premier herself, who does not make a considered or intellectual argument on the basis of this important legislation, has attacked the opposition by basically saying it is discovering new reasons to oppose the bill. This was after a letter was sent to the Premier from the opposition leader in conjunction with the Shadow Attorney-General Michael O'Brien, the Leader of the Nationals and the Shadow Minister for Police and Corrections David Southwick on 19 February 2025. I want to read in some of this letter because it is important for those that are watching and viewing or who will read this debate to understand exactly what was in that letter. It states:

Dear Premier,

**JUSTICE LEGISLATION AMENDMENT (ANTI-VILIFICATION AND SOCIAL COHESION)
BILL 2024**

We write regarding the above Bill and the opportunity for your government to secure bipartisan support for its passage with one simple amendment.

While your government introduced the Bill in a form that would worsen social cohesion in our community by providing a green light for bigotry under the guise of a '*genuine political purpose*', we note that you have reversed your position and deleted this proposed defence.

We also welcome your reversal on the definition of '*religious practice*' that previously excluded proselytising but now includes this term.

However, there remains a serious flaw in the Bill.

The proposed harm-based civil provision upends Victorian law by removing an objective standard and replacing it with a subjective standard –

and there lies the point –

The test for unlawful vilification under the proposed s. 102D(1)(b) would not be that of a reasonable person – an objective standard under the law.

Instead, the test is to be that of a reasonable person with the protected attribute.

This subjective aspect will mean that the law will treat Victorians differently, and provide them with different legal protections, depending on a variety of factors that the reasonable Victorian person could not be expected to be able to know.

For example, some religious sub-groups may find the depiction of a prophet of their faith to be '*seriously contemptuous*', while others may not.

As the Attorney-General's office has confirmed in writing to the Shadow Attorney-General, "*in cases where the conduct is directed at a particular sub-group of people with a protected attribute (i.e. a member of a particular religious sect) it may be appropriate that the assessment be considered from the perspective of a hypothetical reasonable person that is a member of that sub-group of that protected attribute*" –

it is quite extraordinary –

If a Victorian cannot be expected to know how their conduct might be perceived by a member of a sub-group of a group with a protected attribute, the law will be uncertain, unclear and therefore unfair.

That letter spells out the flaws in this bill. It is, as I said, incredibly disingenuous of the Premier to come in and say the opposition just wants to oppose this bill when the Shadow Attorney has put out media release after media release for months on end – in October and again this year – and has been speaking to the public through the media about our concerns with the government's bill. Unfortunately, the government has not taken on board what the opposition has tried to amend. They took on some things and amended some things, which was a good move, but not all, as I have highlighted in that letter.

I have been listening to various members of the government in relation to their argument as to why this bill is needed, and I was listening to Mr Batchelor and he was talking about the Jewish community. We represent the same area. I live in an area which has a relatively large Jewish community, and I know what they feel and how they are feeling. The government, since 7 October, has failed on so many fronts in this area. I want to just go through what the Jewish community has had to experience since the dreadful terrorist attacks of 7 October: on 10 November 2023, the Caulfield riots, where rocks and other projectiles were thrown towards Jews outside the synagogue, forcing the evacuation of Central Synagogue during Friday night prayers; the driving of a motor vehicle on a footpath towards a group of Jews in Caulfield; the targeting of visiting hostage families and survivors of the 7 October massacre at Crowne Plaza in the Melbourne CBD; the doxxing of 600 Jewish creatives and related death threats; graffiti attacks on Jewish homes and institutions; the targeting of Jews who gathered in Melbourne's CBD at the Never Again Is Now rally against antisemitism; the blatant display of jihadist terrorist flags and chanting of slogans; vile antisemitism being preached by some imams in some mosques calling for a final solution in Jews; the surrounding of an elderly Jewish disabled lady in a wheelchair, stealing her Israeli flag and then setting it on fire; university encampments, including at Melbourne University, Monash University, Deakin University, La Trobe University and RMIT; 72 weeks of violent protests targeting Jews in the Melbourne CBD, where members of our Jewish

community just did not feel safe to even come into the CBD; Jewish businesses being targeted with boycott stickers; the terrorist attack on the Adass Israel Synagogue, which was absolutely shocking – a terrorist attack in our city; and of course we have seen, as I have spoken about in recent weeks, the antisemitism in our health system.

The government has done nothing about this for all that time. They have done nothing. There has been such weak leadership from the Premier and from the Minister for Multicultural Affairs. I make note of the multicultural dinner that was held in Geelong last year that I and others attended. I have to say I was horrified with the Premier's speech on that night. On a night when it should bring the communities together in a bipartisan way, her speech was a disgrace. The Premier has failed in every sense in leadership on the issue around protecting the Jewish community, so it is a bit rich for members of the government to come in here now and say that they are supporting and looking at this. This bill of course is important, but the government could have done so much more, like support move-on laws and support our police officers in what they are doing. They are hampered by the restrictions that they have got. Mr Batchelor talked of ASIO and the evolving threats of terrorism. Well, yes, ASIO came and actually gave us a briefing, but we still had those protesters on the steps of the Parliament. Nothing was done for the Parliament – nothing. This Parliament did nothing. This government did nothing. So do not come in here and say you are now fixing the problem when you have had close to 18 months to be looking at what has been going on. This government will use an opportunity, and they have failed to actually address the concerns on so many areas. I have been calling on the Minister for Health. Well, she has called out the antisemitism in our health system, but how is she going to enforce it? I am still waiting for that answer. These are serious questions that need to be answered, and our Jewish community is concerned.

I speak to them all the time. All the time I speak to members of the community who have suffered a huge amount, but they must never forget what they have contributed to this community as well – the extraordinary leadership that the Jewish community has provided in so many areas, whether it is defence, science, politics, medicine, the arts and business. The leaders in this state that come from our Jewish community are extraordinary. The philanthropy – it does not go unnoticed. Their plight does not go unnoticed with what has been occurring in our state. I have been horrified by the extent of it; I think most people have, as I have said, as the Shadow Attorney-General has pointed out and as the Leader of the Opposition has pointed out in that letter to the Premier, which has been dismissed. The Premier, if she was reasonable and really wanted a solution to this, could have sat down and provided that so that those issues around everyday Victorians will be protected and that a perception of a subgroup with a protected attribute where the law will be uncertain, unclear and therefore unfair, does not arise. For those reasons, the coalition will not be supporting the bill.

John BERGER (Southern Metropolitan) (15:55): I rise today in support of the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. This is an important bill and one I feel is particularly pressing in our current climate. Hate has no place in our community. It undermines not only social cohesion but also the benefits that diversity and multiculturalism bring to our community. The purpose of the bill before us is to strengthen and expand anti-vilification laws to provide better protection for individuals and our communities from vilification and promote the right of all Victorians to participate equally in a democratic and inclusive society. Currently in Victoria, only hate speech and conduct that meets the legal definition of vilification is against the law, but vilification is not just hate speech – it is much more than that. Vilification is an act that encourages hatred, serious contempt, revulsion and severe ridicule towards a person or group of people. It can include threats of physical violence.

The Racial and Religious Tolerance Act 2001 protects people from vilification that arises due to their race or religion. Some examples of this include posting a racist comment online that could make other people hate someone because of their race, instances of saying something at a public meeting that could encourage contempt of people because of their race or religion and writing graffiti that encourages hatred of people because of their race or religion. This was and largely still is a

comprehensive and clear law which covers a wide range of circumstances which rightly should be outlawed. However, the fact is this law, however comprehensive, is nearly a quarter of a century old. The world has changed a lot since then. Social media and other forms of mass communication have come a long way since then, which has integrated our world more than ever. But with that comes a whole new challenge. It is easier than ever for vilification and hate to spread online, and more of our most vulnerable Victorians are exposed to hate.

People who are vilified for other reasons are not yet being protected by our current anti-vilification laws and they need to be protected too. The 2021 Victorian parliamentary inquiry into anti-vilification protections examined the operation and effectiveness of the Racial and Religious Tolerance Act. The inquiry found that many Victorians commonly experienced the harmful effects of vilification, whether that be online or in person. This includes First Nations, Muslim and Jewish people, women, LGBTIQA+ communities and people with disability.

The *2023 Victorian Antisemitism Report*, which examines the current themes and trends of antisemitism in Victoria from that same year, found that Victorian Jewish communities were subject to a dramatic and unprecedented increase in vilification, hatred and racism. 364 antisemitic incidents were reported in Victoria in 2023 – the highest number ever recorded in a single calendar year. A 2024 research report on racism in Victoria led by Victoria University professors found 76 per cent of survey respondents or someone in their care had experienced racism in Australia, with two-thirds of them having experienced racism in the past 12 months. The *2023 Fuelling Hate* report by the Trans Justice Project and the Victorian Pride Lobby reported anti-trans hate is escalating in Australia, with 49 per cent of the trans participants surveyed having experienced online anti-trans abuse, harassment or vilification and 47 per cent having experienced that behaviour in person.

This shows that despite current legislation and protections in the Racial and Religious Tolerance Act, prejudice and hate still happens in Victoria. These statistics are just too high. Nobody should be a victim of or experience vilification in this state. So with that in mind, it becomes clear that our laws surrounding anti-vilification need to be updated and updated. Clearly, as the world has changed in the past quarter century, the tactics by which extremists spread their hateful ideology has changed. This is why the Allan Labor government is now moving towards a change to better protect our community from hate and to modernise anti-vilification laws. The inquiry I mentioned recommended extending anti-vilification laws to protect more Victorians and strengthening how the laws operate. Already this government has implemented the first of the inquiry's recommendations by banning the Nazi symbol in 2022 and further by banning the Nazi salute and other symbols and gestures used by the Nazi party in 2023. These laws are already being put to use, cracking down on white supremacist rallies and neo-Nazis in Victoria. But more must be done, and that is what this bill seeks to achieve.

The reforms contained in the bill have been informed by extensive community and stakeholder consultation over several years. The proposed new laws have been carefully crafted to balance the rights to freedom of expression, equality and freedom of religion and belief. An outline of the proposed changes is as follows. First off, with the bill we will be bringing into effect 15 more of the inquiry's recommendations. This will be done by way of strengthening Victoria's anti-vilification laws by improving the operation of the laws in place. Improving the operation of these laws will go a long way in responding appropriately and effectively to the most serious cases of vilification in Victoria. These are all part of a balanced suite of measures to address conduct of increasing seriousness with regard to vilification and hatred in Victoria. Together these measures will further clamp down on extremist neo-Nazi activity in Victoria and stamp out hate wherever we can find it. It modernises our approach to anti-vilification so that it is fit for the 2020s and going forward. Such reforms are just one part of the Allan Labor government's wider initiatives to address and prevent vilification, hate crimes and violence, because prevention is just as important as changing the law. We need to starve the root cause. We need to look at why people, ordinary people, can become so hateful as to revel in the vilification of minorities and vulnerable communities. That is why this government is also working on complementary prevention-based strategies and initiatives to reduce and eliminate vilification. In

layman's terms, it is to basically find the root cause of these movements and events and find out what we can do to help prevent them from happening again. These include initiatives to better understand and tackle vilification, such as community- and school-based awareness and education programs and improved support networks for those who are impacted by hate.

As I said, extensive public and stakeholder consultation has benefited the development of this bill. In addition to the consultation conduct of the inquiry, the government has also held three submission processes supported by consultation papers and surveys on Engage Victoria and consultation with key stakeholders. Victorians have had the opportunity to provide their views on extending the attributes protected by anti-vilification laws, expanding criminal offences and strengthening the operation of civil protections. Engage Victoria published the findings of this consultation process in May 2024. Further, in September 2024 the government published an overview paper detailing proposed changes to the law and provided yet another opportunity for Victorians to have their say on the proposed reforms. Consultation with human rights, justice, legal, multicultural advocacy and faith-based groups has also been carried out. This amendment bill and the law surrounding anti-vilification are fundamental to shaping a more inclusive, tolerant and cohesive society. That is why, as you can see, no stone has been left unturned.

I would like to thank the Victorian community and the stakeholders for their input into these reforms over a number of years. Social cohesion is fundamental to a tolerant, democratic society, and it is our job as representatives to work to sew communities closer together, rather than divide them. It requires a complex, ever-changing, dynamic approach to the challenges facing Victoria on any given day. We cannot have a tolerant and cohesive Victoria if we do not act to stamp out intolerance now. I want to thank those who have lived experience of vilification and their advocates for engaging in reform processes and helping by continuing to contribute to better laws for all. I know the road has not been easy, but it is one we are willing to take to ensure a better outcome for all. The feedback collected over these years of consultation has cited strong support for changes that would reduce the harm caused by vilification, protect more people, reflect the seriousness of hateful conduct and ensure that those experiencing vilification can seek help. Of course it is not always possible to adopt or reconcile all views. It is evident that Victorians have diverse opinions about these reforms. However, the advice and feedback have been carefully considered and balanced in developing this bill.

It is the intention of this government to enact laws for the people of Victoria that respect the inherent dignity of all and promote equal participation in public life, because the Allan Labor government cares about Victorian communities. That is what we have proven time and time again, and that is what this bill will do. This bill is another example of the Allan Labor government putting Victorians first, ensuring all Victorians, regardless of race, religion, abilities, sexual orientation or preference, are welcome, safe and respected and that everyone can contribute to our great state equally. It is crucial that we continue to build this state to be more welcoming, tolerant and prosperous.

The important protections under the Racial and Religious Tolerance Act will be retained and further strengthened by improving how the law operates. Individuals and groups will continue to be protected from vilification based on their race, including their ancestry, nationality, ethnicity and ethnic origin – the existing provisions which prevent prejudicial discrimination and attacks against minority and vulnerable communities – but we are now taking this further. They will continue to be protected from vilification based on their religion, which includes their lawful religious beliefs and views and religious activities, and this bill will include those with personal associations with a person with a protected attribute.

Importantly, the bill introduces new serious vilification offences that will apply to the expanded protected attributes and will make it easier to prosecute serious examples of hateful conduct. It will be an offence to, on the grounds of a protected attribute, incite hatred, serious contempt for or revulsion towards a person or a group. As I mentioned previously, vilification can include threats of violence, which is the threat of physical harm towards another person or group, and threatening to damage property falls under this scope. At present it is not an offence to incite hatred unless a threat is also

made. The bill modifies this to prohibit public conduct that is likely to incite hatred or serious contempt for a protected group based on a protected attribute. Amending the protection to capture conduct that is likely to incite reflects how the courts already interpret this protection and provides further clarity in the legislation, but what it also does is provide a broader scope to tackle these cases of vilification so as to leave no room for doubt and ensure bad actors cannot worm their way around.

The bill will also ensure that intentional and reckless incitement of hatred or threat is sufficient for criminal sanctions. As such, the bill will increase the maximum penalties from six months or a fine to three years imprisonment for the incitement offence and five years for the threat offence. This reflects the seriousness of vilification. A range of sentencing options that fall below the maximum will also be available for appropriate cases, including fines, community-based orders and restorative justice options. This amendment allows enough flexibility to oversee and address the severity, intent and impact of the criminal behaviour. It should spell out clear as day that Victoria has a zero-tolerance policy on bigotry, hatred and vilification. You cannot attack our most vulnerable Victorians and get away with a slap on the wrist. It is a serious criminal offence. These amendments ensure Victoria will take the necessary measures to keep this behaviour off the streets and out of our community.

Crucially, and in line with recommendation 9 of the inquiry, the bill introduces a new harm-based civil protection which ensures that the harm caused by vilifying conduct is considered from the perspective of the targeted person or group. This means public conduct that would in all of the circumstances be reasonably likely to be considered by a reasonable person with the relevant attribute to be hateful. By incorporating the provisions that consider the targeted group and broader society, this bill accounts for social, cultural, historical and other relevant factors in defining behaviour as vilification.

A person will be able to bring a complaint to the Victorian Equal Opportunity and Human Rights Commission or the Victorian Civil and Administrative Tribunal for a breach of the harm-based protection if the person had a relevant protected attribute and was part of the audience of the conduct. This ensures that only people directly affected or targeted by the conduct, not a third party, can bring the complaint. The bill will also enable a representative body, such as a religious or community organisation, to bring vilifications without naming the persons that they are representing. That is why we are pushing ahead with these changes, so that the community leaders in Victoria can voice their concerns without fear. With that, I commend the bill to the house.

Joe McCACKEN (Western Victoria) (16:10): It is an interesting debate, this one, and one that can often be fuelled with a lot of emotion, and understandably so too, given the subject matter. I am going to try and keep my comments very much focused on the legislation itself and try and be as objective as I possibly can be in the way that I go about this, particularly noting that the bill makes changes to the Crimes Act 1958, the Equal Opportunity Act 2010 and the Bail Act 1977. It repeals the Racial and Religious Tolerance Act 2001 and makes changes to a number of other acts as well.

The first aspect of this bill that I want to touch on is the amendment to the Crimes Act, in particular the expansion of powers regarding the protected attributes, which include disability, gender identity, race, religious belief or activity, sex, sex characteristics, sexual orientation and personal association, with references to those previous attributes as well. One of the additional criminal elements that is included by this bill under new section 195N is:

A person commits an offence if –

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

- (ii) believes that conduct will probably incite hatred against, serious contempt for, revulsion towards or severe ridicule of, the other person or the group.

One of the concerns I have is with the subjective nature of those particular terms. What is the difference between inciting hatred and inciting disapproval or disliking? What is the difference between inciting serious contempt as opposed to moderate contempt or minor contempt? What is the difference between revulsion and disgust? What is the difference between inciting severe ridicule as opposed to mild ridicule or even criticism? These are subjective terms and by their nature are subject to interpretation, so will it be the courts that end up being the arbiter in this? Clarity on that point would be appreciated, because I think a lot of those subjective terms tend to be very, very close to each other, and having the courts decide on those matters – we have an opportunity to circumnavigate that if we can. Hopefully we might be able to clear up some of those questions in committee as well.

However, there are a number of potential instances where these changes could have serious unintended consequences. For example, what if there was a women's rights rally in Victoria with those who were fighting for safe spaces for women? There might be terms or expressions used that can be interpreted as causing hate, revulsion and ridicule to trans people. What happens if there are counter-protesters, trans people or trans supporters who might use terms that might be interpreted as inciting ridicule or revulsion or causing hate? What happens to protesters and counter-protesters who hold rallies regarding the conflict in the Middle East in Gaza? If you talk about a protected attribute like race or religion, you would likely be found guilty of these provisions regardless of which opinion you actually have. Whichever side of the public debate you fall on, even with these two particular issues, you could be accused of being in breach of these laws. I need to make it very clear that we should be protecting everyone in our community from harm, regardless of any identity factor, including race or religion. There is no question that protecting our community has to be the highest priority.

The second aspect of this bill is the civil provisions which seek to bring about substantial changes to the Equal Opportunity Act, which may again cause serious unintended consequences. Section 102D of the legislation talks about vilification and states that:

- (1) A person must not engage in public conduct –
 - (a) that is engaged in because of a protected attribute of another person or a group of persons; and
 - (b) that would, in all the circumstances, be reasonably likely to be considered by a reasonable person with the protected attribute to be hateful or seriously contemptuous of, or reviling or severely ridiculing, the other person or group of persons.

This seems to be particularly problematic because essentially we have got the reasonable person test but from the perspective of somebody with the protected attribute, whatever that attribute might be. There is a very clear difference between what a reasonable person is as a fairly broad representative term of a reasonable person across our broad society, compared to a reasonable person with the protected attribute, which is less representative of the broader community and could be quite small or narrow depending on that particular grouping of people covered by that particular protective attribute that you talk about. For example, what happens if a human rights campaigner says in a very public manner that they support the campaign against the practice of female genital mutilation as part of a religious practice? The test in this legislation is not broad – the reasonable person test with the person who has a protective attribute. In this case we would have to ask the person or religious grouping with whoever practises the female genital mutilation if they considered the comments to be contemptuous or ridiculing. From their perspective it is highly likely that that would be the case. If a human rights campaigner raises the legitimate matter for public debate and these laws stipulate that serious contempt, severe ridiculing or reviling are to be determined from a narrow perspective, that is the same perspective that we are asking to determine if there has been a breach or not. That is the same perspective that is also the subject of the criticism or the scrutiny.

What it boils down to is that if a reasonable person with a protected attribute finds any public comment likely to be hateful, seriously contemptuous, reviling or seriously ridiculing, you are basically subject to anti-vilification laws. The onus is on the person that it is said about. There is no broader context in

society to weigh up whether a comment is actually vilification or not. That is quite a dangerous situation to be in I think, and it carries a lot of risk. I do not deny that it is a grey area, and this area is where the bill is operating. I do not think any reasonable person would support any move to somehow enable widespread hate across Victoria based on any particular attribute that a person may hold. I do not think that they are out there saying, ‘Yeah, we want to hate on people.’ That is just not the case. However, the way this legislation, written as it is in front of us, attempts to deal with these challenges I do not think appropriately responds in a way that really teases out the nuanced approaches that are very different in very different aspects of our society.

In closing, I urge members them to think about this very carefully, because the intent of it, as I understand it, is that no-one wants to support hate in our state, but the unintended consequences of this might actually end up backfiring on the people that you least expect.

Tom McINTOSH (Eastern Victoria) (16:19): I am proud to stand and speak on this bill today, the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. The government is proud to deliver on its commitment to expand and strengthen Victoria’s anti-vilification laws. The bill will give effect to 15 recommendations of the 2021 Victorian parliamentary inquiry into anti-vilification protections. As the inquiry found, vilification is commonplace for many Victorians, and its harmful impacts are real and pervasive. Recently we have seen an increase in reports of hate speech and conduct.

The inquiry found existing laws were ineffective and inaccessible and recommended extending anti-vilification laws to protect more Victorians and strengthening how the laws operate. That is exactly what we are doing. We have taken time to carefully craft this bill, respecting the feedback and findings from the inquiry and government’s extensive consultations on the reforms. Of course there are diverse views on aspects of these reforms, but we have very carefully sought to balance these. The bill is a collective effort in shaping a safer Victoria for all Victorians.

The bill will repeal the Racial and Religious Tolerance Act 2001, known as the RRTA, and move new serious vilification offences to the Crimes Act 1958 and civil anti-vilification protections to the Equal Opportunity Act 2010. In line with recommendation 1 of the inquiry, anti-vilification laws will be expanded beyond race and religious belief or activity to also protect the attributes of disability, including mental illness, HIV or AIDS status, gender identity, sex, sex characteristics, sexual orientation and personal association with a group or group with a protected attribute. The bill only extends the attributes to the extent identified as necessary by the inquiry to protect the individuals and communities most at risk of vilification. The existing definitions under the Equal Opportunity Act apply to the expanded protected attributes.

The bill introduces two new serious vilification offences into the Crimes Act, an incitement offence and a threat offence. The incitement offence will apply to conduct that is objectively likely to incite hatred against, serious contempt for, revulsion towards or severe ridicule of another person or a group of persons on the grounds of a protected attribute. The offence is intended to capture only extremely serious conduct that urges or promotes the strongest forms of dislike towards a person or groups of persons. It is not intended to capture merely offensive or unkind conduct. This offence is punishable by up to three years of imprisonment. The threat offence only applies if a person threatens physical harm towards another person or group or damage to the property of or otherwise related to a person or group and does so on the grounds of a protected attribute. This offence is punishable by up to five years imprisonment. I think in any democratic society we do not accept threats of physical harm or property damage. Both offences capture intentional and reckless conduct, and the current offences will continue to apply to both public and private conduct, including online conduct. Existing general statutory and common-law defences such as self-defence, duress and the defence of mental impairment apply to the offences, and this is consistent with the current law.

The government has moved an amendment to remove the genuine political purpose defence. We acknowledge the concerns expressed by community and faith leaders that the provision could have

been misused or potentially legitimised vilification under the guise of political communication. As further safeguards, the bill provides that only Victoria Police and the Director of Public Prosecutions will be able to commence prosecutions to ensure a level of experience, prosecutorial oversight and avoidance of risks of vexatious private prosecutions. The bill also requires the DPP's consent to charge an accused who is under 18 years of age, recognising the unique vulnerabilities of under-18s. We know that there is the potential for under-18s in particular to be more easily influenced or led astray.

The bill also introduces two civil and anti-vilification protections to the Equal Opportunity Act. These protections will capture public conduct, including online, that is hateful or incites hate. New harm-based protections will make it unlawful to engage in public conduct that is hateful, seriously contemptuous of, reviling or severely ridiculing of another person or group because of who they are. The test of harm is an objective standard of a reasonable person from the relevant group who understands the impact of that harm. This is a test that courts and tribunals are very familiar with and already use. The characterisation of the test is harmful and wrong. It diminishes the lived experience of those who are being vilified and those who need protection.

There will be modified incitement-based protections, so it will be unlawful for a person to engage in public conduct that is likely to incite hatred against, serious contempt for, revulsion towards or severe ridicule of another person or group based on a protected attribute. The current civil exceptions have been retained with minor amendments. Exceptions balance charter rights and ensure legitimate activities are not against the law. The 'genuine religious purpose' exception had minor amendments to make the language consistent with other legislation protecting worship, observance, practice and teaching. We heard concerns that the revised language could have had the effect of narrowing the exception, which was not the intention. An amendment to the words 'proselytising' and 'preaching' will make the intentions of the bill crystal clear. The exception balances rights and ensures legitimate activities are not against the law and ensures that those who wish to genuinely practise their religions are able to do so. The Victorian Equal Opportunity and Human Rights Commission's existing powers under the Equal Opportunity Act will be extended to vilification matters.

The bill will also make minor technical amendments to the bail act so that bail decision makers can, if appropriate, remand a person who is charged with intentionally performing a Nazi gesture, as is already the case for the offence of publicly displaying a Nazi symbol. The anti-vilification reforms will commence in two stages: the criminal reforms on 20 September 2025 and the civil reforms on 18 September 2027 or earlier by proclamation. This will allow more time for preventative efforts and implementation for the civil reforms while ensuring that the criminal reforms are in place first to address the most egregious conduct.

The government is proud to stand with a wide range of community groups that developed and are backing this bill, including Victoria's Jewish community, who have asked for new tools to fight antisemitism. The government will not water down this bill to the point it becomes useless or toothless.

The parliamentary inquiry held extensive hearings and heard firsthand evidence from people about their experiences of vilification. It heard that vilification was common for many Victorians, including First Nations, Muslim and Jewish people, women, LGBTIQA+ communities and people with a disability. We recognise the toll it can take to participate in such processes and the value of these contributions which have ultimately led to the reforms we have before the house today.

In my first speech in this place I talked about what I think has been good progress in our society in the reduction of homophobia, racism and sexism. While some of those opposite might find some of that humorous, I do not – I am sure they are not laughing at that particular point – but it is a point that I am quite serious about. What traditionally has been broadly accepted to be humorous or knockabout or basically okay for us to use in general language, to be grotesquely sexist, homophobic or racist, I think we can all stand up and say belongs in a bygone era. Falling back on that sort of language, whether it is casual or meant with real intent and determined nastiness, we can all agree is something that does not need to be in our society. I think we have plenty of things we can get on with in our lives without

needing to demean people, without needing to go after people who probably have enough challenges themselves without other people piling onto them. I am really proud to be part of a government that is addressing historical inequalities that exist across a wide range of areas and that is making life better and getting more equal outcomes for so many in our communities.

With the government having heard the feedback and recommendations from the inquiry, in 2023 the government held three submission processes supported by consultation papers and surveys on Engage Victoria in consultation with key stakeholders. Victorians had the opportunity to provide their views on extending the attributes protected by anti-vilification laws, expanding criminal offences and strengthening the operation of civil protections. A report back on the feedback received during these consultation processes was published by Engage Victoria in May 2024. Further, in September 2024 the government published an overview paper detailing proposed changes to the law and provided another opportunity for Victorians to have their say on the proposed reforms. There has also been consultation with human rights, justice, legal, multicultural, advocacy and faith-based groups. The bill was introduced last year to ensure the community and MPs could take time to consider it in detail. The government has continued its conversations and will continue throughout implementation.

I think that process of engaging community, consulting on this and bringing that sense of input but also sense of understanding has been really important. Thanks was given in the second-reading speech to the Victorian community and stakeholders for their input into these reforms over a number of years, and I reiterate that myself, particularly thanking those with lived experience of vilification and their advocates for engaging in the reform process and helping to contribute to better laws for all, hopefully laws that will see Victorians live happier, healthier, more confident, safer lives. It has not been possible to adopt or reconcile all views. Victorians, as with any legislation, any regulation, have diverse opinions about reforms. However, the advice and feedback has been carefully considered and balanced in developing this bill.

The Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill will deliver reforms to expand and strengthen Victoria's anti-vilification laws and better protect Victorians from the serious harms of vilification and hate conduct. It includes implementing 15 of the legislative recommendations of the 2021 Victorian parliamentary inquiry into anti-vilification protections, including expanding anti-vilification protections from race and religion to also protect the attributes of disability, gender identity, sex, sex characteristics, sexual orientation and personal association with a person who has a projected attribute, and repealing the Racial and Religious Tolerance Act and moving criminal anti-vilification offences to the Crimes Act and civil anti-vilification protections to the Equal Opportunity Act. It will improve how serious vilification offences operate, including by introducing new serious vilification offences, and how civil protections operate.

Jeff BOURMAN (Eastern Victoria) (16:34): I want to make a short contribution here. My main problem with this whole bill is the subjective part of it. When it comes to subjectivity, and now it is going to be the subjectivity of the person with a projected attribute, the mythical reasonable person is the person you would find on the Bondi tram or that sort of thing. We have now narrowed it down to the mythical reasonable person with a protected attribute. The problem with that will be when, let us say, I tell two gay men a tasteless gay joke. One is highly offended and the other laughs. Which one is reasonable? We cannot expect this sort of legislation to be able to separate that. If we are going to have a reasonable person, it needs to be from the wider part of society. When it comes to the time where this starts getting enforced, the consequences I foresee may be unintended but they are surely not unforeseen. There will be problems with this. They will have to be sorted out. I think just taking it from subjective to objective would have sorted out a lot of the problems and a whole lot of the opposition to this.

Melina BATH (Eastern Victoria) (16:36): Voltaire in the 1700s said – and it is often quoted in this place – 'I may not agree with what you say, but I will defend to the death your right to say it.' When you research freedom of speech in any context you see presidents and prime ministers over the centuries and poets and philosophers making similar claims about the importance of free speech. In

making free speech a tenet of a civilised society, there is a right of free speech and there is a subsequent responsibility that goes along with that free speech. Freedom of speech, freedom of religion and freedom to associate are highly, highly important rights. Balancing those rights is a weighty task that governments have grappled with over decades and centuries.

There is certainly a difference between freedom of speech and speech which actually incites hatred and coordinates, dictates and stimulates hateful acts on humanity. In many ways we have seen this. The act of hate speech which incites hatred and threatens physical harm or property damage on the grounds of a race or religion is currently covered in the Racial and Religious Tolerance Act 2001, which we have heard mentioned today quite a bit.

Sometimes in a small space of time you flick the television on on a Saturday afternoon when you get home from your duties. I did so recently, and there was a shocking, brutal, tender and poignant reminder 80 years after the emancipation and the liberation of the German Nazi concentration camp Auschwitz. There was one Jew who put himself into the camp. He chose to go into that camp. In fact I could not watch it all; I am probably a bit weak on that one. The subhuman actions that humans were able to perpetrate during that time should never be forgotten. We should watch those types of shows, and we should rally against, rail against and commit to never repeating that sort of harm, degradation and base subhuman treatment. I think it is important with all of those sorts of issues to remember, and we must not forget.

We have been speaking about the Assembly's Legal and Social Issues Committee. It looked at anti-vilification back in 2019, and it did look at discrimination. One of the recommendations in actual fact related to the prohibition of flying the Nazi swastika, and that received bipartisan support, or support from the Liberals and Nationals as well. It defies sanity that we could do such things to people, and yet we did. That era is not out on its own. Humans have been horrendous and cruel to other humans since humans drew breath. How do we in a modern and civilised society get that balance right? As I said, it is a conundrum that needs to be investigated and should be investigated, and we should have laws to protect vulnerable people. Indeed, this is the debate today.

We also have in 2025 the right to protest. No-one in this house, I would think, would claim that we should not be able to protest, to action our freedom of speech in a physical manifestation by camping on the steps of this state Parliament or by walking up Bourke Street. I am sure many of us in here have been party to various forms of protest – peaceful protests, protests where we have used our voice to deliberate and convince, but we do not use inciting language that creates the intention, the threat to harm and, further, to provoke physical harm.

We have seen recently, and it has come in recent times, post 7 October 2023, terrible, brutish things and prejudice-fuelled hatred. These are not acceptable in our state. These are not working. In fact they often are counterproductive. I know Ms Crozier spoke about the various issues, the inflictions that have been perpetrated against the Jewish community. We are in a modern society; we are in a wonderful country. This is still the best country in the world, undoubtedly. Yet we see graffiti that says 'Kill Jews', 'Jews live here' and 'Crush Zionism', and as we have heard and we can discuss further, the use of Zionism would be a get-out-of-jail card if the 'genuine political purpose' defence was used. I am pleased to see that that has been taken out of the bill by this government. But these are horrendous things, and we should not accept them.

In relation to what this government has done, I came in in 2015, almost 10 years ago to the month, and what the government and Premier Andrews at the time did was remove the move-on laws – one of those things that the Baillieu-Ryan government introduced. In doing that they prevented Victoria Police from being able to break up dangerous protests, to manage those deliberately disruptive protests and those individuals who would cause harm and who are there for their own warped purpose. They are not there to stifle peaceful debate and peaceful protests. This government did that and opened the box to subsequent manifestations of more and more trouble. We have often argued that if this

government was really serious about providing that protection, (a) it would not have repealed our move-on laws and (b) it would bring them back in. We have consistently made that commentary about that.

In relation to this Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, it does seek to categorise protected attributes from the Racial and Religious Tolerance Act. It lowers the threshold of civil anti-vilification protections and amends the Equal Opportunity Act 2010. However, these changes will not come into effect until 2027. Why? If the government was really serious, it would be doing something – and I am not saying I agree with them – prior to that. This is a con, and it effectively occurs after the next state election. This bill also lowers the threshold for criminal anti-vilification protections. It transfers provisions from the RRTA to the Crimes Act 1958 and repeals the RRTA, and these changes will come in in September.

In addition to race and religion, it extends protected attributes to disability, gender identity, sex, sexual characteristics, sexual orientation and a person associated with a person who is identified as having one of those particular protected attributes. These are already protected under the Equal Opportunity Act in certain fields. Within the Liberals and Nationals I know Mr O'Brien, our Shadow Attorney-General, has done a power of work in this space on the bill, and with clarity debated it clause by clause. We do not have a problem with expanding those attributes; however, we certainly have a problem in relation to a great part of this bill. We also support in this bill the ability of Victoria Police to bring changes in relation to prejudice-motivated crimes without having to go through the Director of Public Prosecutions. The DPP has got a bit of a bad track record, in my opinion, on this one. You only need to go to the Lawyer X scandal and the amount of work that was done to present the DPP a compelling case on that, only to have it thrown out by some strange quirk of imagination.

In terms of the criminal provisions, the Racial and Religious Tolerance Act has twofold protections. To be considered to be a criminal provision, a criminal offence, somebody has to incite hatred and threaten physical harm or property damage on the grounds of race and religion. But this bill looks to produce two new criminal offences – to incite or threaten. Again, we have heard this before, but I want to put it on record: this incitement offence has a lower threshold for conduct that is likely to – it is highly subjective – incite hatred, severe ridicule, contempt of or revulsion towards one of those protected attributes. One has to wonder: these sorts of highly subjective cases, highly subjective tests, lower the thresholds, but they certainly create headaches in the legal system.

We have seen that the government has been listening to Michael O'Brien, the compelling case from him, on one of these conditions. The Jewish Community Council of Victoria and the Islamic Council of Victoria also raised concerns about this 'genuine political purpose' defence, which was just absolutely flawed from the start. We see, as I have said, that it was literally a get-out-of-jail card, opening up the floor to those people who would seek to hide behind heinous and hateful actions.

In relation to the civil provisions, again these are highly subjective. This bill looks to produce a test for civil vilification, assessing whether – and this is the part that we are going to move some amendments to – a reasonable person with the protected attribute would find the conduct hateful or ridiculing. Again, this is inconsistent. It is open to interpretation, and really all I can see is it is going to be legal central and an open slather in terms of the courts. Our courts are already clogged enough.

I will just pause very briefly. Mr Mulholland, our lead speaker on this, has asked me to circulate his amendments, and I am happy to do so. There are two sets of amendments. The first one is to remove the term 'with the protected attribute', so to redefine what a reasonable person is, tighten it and make it far more objective. Then the second one is to wipe out or omit all of the civil sections within this bill before the house.

Amendments circulated pursuant to standing orders.

Melina BATH: As they are being circulated I just want to make some brief and final comments. This bill risks undermining our social cohesion rather than strengthening it. This is not acceptable. These amendments are important. As we have heard today, this is an important debate. People do need

to respect the rights of others. People do need to be able to feel safe as they go about and be who they are. It is very old-fashioned, but one of my grandmother's mantras was, 'Live and let live.' I know that has gone out of vogue, but I quite like trying to live by it. The other one that has also gone out of vogue is, 'Do unto others as you would have them do unto you.' This is a flawed bill, and I ask the house to accept these amendments to be debated in the committee of the whole.

Sheena WATT (Northern Metropolitan) (16:51): It is a privilege to rise today in support of the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, a bill that takes a critical step forward in protecting our communities from the devastating harm of hate-fuelled discrimination and vilification. This bill is not just about law reform, it is about reinforcing the values we hold as a community and the principles of respect and inclusion that define us as Victorians. It is about ensuring that every single person in this state, regardless of race, faith, gender identity, disability or sexuality, can live free from the poisonous reach of hatred and discrimination. I would like to join my colleagues in reinforcing that hate has no place in Victoria. It is absolutely shameful that those opposite are so entrenched in division they do not even understand what it means to stand for the betterment of all Victorians. They are a group who would rather stoke the flames of hatred and fear than work with us to build a safer, more inclusive Victoria.

There is no doubt that these protections are long overdue. In a world where racism, misogyny, ableism, homophobia, transphobia and discrimination continue to rear their ugly heads, it is our duty as lawmakers to respond with strength, with conviction and with laws that protect rather than leave out our most vulnerable communities and expose them to harm. As the co-chair of Victoria's Anti-Racism Taskforce and as an Aboriginal woman, I tell you firsthand the damage that vilification does. I know the pain that comes when communities – our communities – are targeted by those who seek to spread hate and division. I have seen the devastating impact that racism has on people's lives – the mental toll, the fear, the anxiety. It is the second-guessing of yourself, it is the masking of your voice, it is the anglicising of your name, it is conforming to being a model minority and it is being hypervigilant to who you are. And I have just got to tell you: that is not okay. The Anti-Racism Taskforce was not built on assumptions; it was built on the voices of Victorians who shared their life experiences and shared their horror at racism and discrimination. Why? Because they know that racism and discrimination are not just individual acts of hatred; they ripple through communities. And when racism and bigotry go unchallenged, they grow. That is why the Allan Labor government has made tireless efforts to support Victoria's first ever anti-racism strategy, a strategy that is about more than just words. It is about actions and valuing what makes our state so beautiful: our diversity.

This bill supports the work of the taskforce and its strategy because it believes that in a modern Victoria no-one should have to endure hate, discrimination or vilification simply because of who they are, and that is why I and my colleagues on this side of the chamber are so supportive of this bill. It is a statement that Victoria is a place where no-one is silenced by fear, where diversity is our strength and where justice stands firm against hate. So I say to those that oppose this bill, particularly those in the Liberal Party opposite, who have so shamefully and predictably taken the side of racists and hatemongers, that their opposition is nothing short of a disgrace. They have once again shown their true colours, standing not with the people of Victoria and not with those who seek safety and justice but with those who believe they have the right to spew hatred without consequences. I am not going to stand for it.

This bill is critical for so many communities. One of the main aspects of this bill is the expansion of anti-vilification protections to protect the attributes of disability, gender identity, sex, sex characteristics, sexual orientation and personal association with a person who has a protected attribute. I embrace these changes with open arms, changes that will finally reflect the true reality of who is targeted by hate in our state.

I would like to take a moment to note the importance of the parliamentary inquiry into anti-vilification protections in the creation of this bill. This inquiry handed down a bipartisan report and was a real eye-opener for many of us. It exposed just how far we have to go in addressing the scale of vilification and

hate in our society. The parliamentary inquiry into anti-vilification protections highlighted how current legislation, such as the Racial and Religious Tolerance Act 2001, whilst having some protections, is inadequate to address the full scope of vilification that many Victorians face every day. This inquiry was a critical step in understanding how the legal framework has failed to protect those most vulnerable to hate and discrimination, those whose lived experience of vilification often goes unseen and unheard.

What the inquiry made abundantly clear is that while the Racial and Religious Tolerance Act 2001 provides some measure of protection for racial and religious vilification, it falls short in other key areas. It excludes many groups facing vilification, such as people with disabilities, gender-diverse individuals, people living with HIV or AIDS and those facing hate simply because of their sexual orientation or mental health status. Simply put, the law is not as inclusive as it needs to be, and it does not reflect the full spectrum of hate and harm being directed at vulnerable groups. The bill before us gives effect to 15 legislative recommendations that came from that inquiry and makes sure that our anti-vilification protections are better suited to keep pace with the changing nature of hate and bigotry in our society.

Consultation has been at the heart of these reforms. The process of shaping this legislation has been guided by the voices of those who know firsthand the devastating impacts of vilification. The voices of First Nations people, multicultural and multifaith communities, people with disabilities, LGBTIQA+ advocates, legal experts and frontline services have all shaped these reforms. Since July 2023 thousands of Victorians have made submissions, with the most recent round of consultation generating 2500 submissions alone. This bill is not an isolated initiative. It is part of a broader comprehensive approach to tackling hate, fostering social harmony and ensuring that Victoria remains a place where diversity is celebrated, not vilified. It complements our ongoing work in Victoria's first-ever anti-racism strategy. It builds upon the 2021 parliamentary inquiry into anti-vilification protections. It responds to the input of and consultation with those thousands of Victorians, to whom I pay my respects for their resilience and courage in sharing their experiences.

This bill is a call to action that we must honour. We must not simply tinker at the edges. We are making a commitment to real substantive change, and yet there are those who seek to stand in the way of progress. The Greens political party talk a big game on social justice but fail to understand the details involved in these reforms, details such as this bill having some really clear safeguards and high thresholds. We are not talking about persecuting behaviour that may make people uncomfortable, we are really tackling serious, serious vilification and hateful conduct.

More grave, I must say, is the position of those opposite. The opposition have shown their opposition to this bill, which to me is not only deeply disappointing but is also dangerous. Time and time again they have failed to stand up against the forces of division and hatred. They have chosen to ignore the cries of those in our community that have suffered under the weight of discrimination for far too long. I am going to call it for what it is: a failure of leadership, a failure of courage, a failure to uphold the basic principles of fairness, equality and human dignity and a failure to protect Victorians.

The Allan Labor government, on the other hand, has never wavered for a single second in our commitment to social cohesion, to inclusion and to justice. We were the first in the nation to ban the display of the Nazi symbol. It is this government that banned the Nazi salute and Nazi symbols. This bill goes further by ensuring that bail decision makers can remand a person who is charged with intentionally performing a Nazi salute. I am enormously proud to stand with a government that is not just talking about tackling hate but is taking real legislative action to address it with this bill before us. Let me be clear, words matter, laws matter, and the message that this bill sends is undeniable. Hate has no place in our state. We will not allow those that peddle division to go unchecked. We will not allow discrimination to fester in our communities, and we will not allow those who spread vilification and harm to undermine and fray our precious social cohesion.

Let me say to the communities who have fought tirelessly for those protections, to those advocates, to the legal experts, to the grassroots organisations but most importantly, absolutely most importantly, to the people with lived experience who have shared their pain and demanded action: this is for you. Your voices have been heard. Your struggles have not been in vain. Today we are taking another step forward in making Victoria a place where everyone, no matter their background, can feel safe, respected and valued. This bill is about justice. This bill is about safety. This bill is about ensuring that every single Victorian is protected under the law. That is why I stand here today with immense pride to support it. I commend this bill to the house.

Moira DEEMING (Western Metropolitan) (17:01): I rise today to speak against the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. Before I begin I would just like to say how very, very relieved and glad I am to hear that we are all here against hate. We do not want hate in our state, and we all oppose vilification and support the right to protest. I am glad to hear that, because I have to say it has not been my lived experience that that is the case. Having been subjected to vilification, I feel like I have had a bit of an education in this topic. I am glad that you all value lived experience so much. In my case, where I was defamed and vilified, in total the judge dedicated 25 paragraphs discussing the various vilifying, disparaging material about me, and I was awarded significant damages. I was also targeted with violence. Even though I am against this bill, please do not imagine that I do not take it seriously. I feel extremely sympathetic to all people who are vilified, and unlike this bill I do not pick and choose my favourites.

I could not help but notice that this bill makes rules for thee but not for me. We have parliamentary privilege, but we do not lead by example, I do not think. I could not help but notice also that the consequences of the insane civil provisions in this bill will not even kick in until after the next election, and I think that is because it will be an absolute clown show of people registering complaints about each other and that they will be impossible to resolve. Everyone will be deeply offended. Everyone will feel deeply reviled, deeply humiliated by other people's opinions. This is just terrible legislation for a good cause.

Vilification is a public act that incites hatred, ridicule or contempt towards a person or a group. Like I said, it picks its favourites. We have added in, with race and religious belief or activity, disability, gender identity, sex, sex characteristics, sexual orientation and personal association with people with those attributes. But what about when you are vilified on the basis of jealousy? What about if you are vilified on the basis of someone else's insecurity? What about if you are vilified for someone else's career progression prospects? What about if you are vilified because the other person is just a really garbage person? What about if you are vilified in order to win an election? What about if you are vilified for your atheist beliefs? The problem with this is that it is just the same old identity politics and the hierarchy of rights that Labor and socialism and communism are also famous for. We have all mentioned antisemitism today, because it is that benchmark of evil in history: the Nazis. I just need to say that I am so glad that my uncle who was a Holocaust survivor died before he saw how that particular topic was exploited indefensibly in the pursuit of vilifying somebody else.

What we are going to get from this bill is victim blaming. It gives the impression that these people with these attributes, somehow because they have these attributes, have attracted all this hate. That is victim blaming. That is ridiculous. To vilify others is a character failure. It is a moral failure on behalf of the perpetrator. It is got nothing to do with anybody's attributes – they are the victims. You do not put it on their shoulders or act like they are a magnet when it was nothing to do with them. We are going to have victim denial: people who did not make that list, did not make the cut. Their experiences of vilification are not even going to be acknowledged. Then you are going to have the crybullies. You are going to have people who abuse and misuse this law. That is what I find most offensive. It is going to waste resources, and it will be like the boy who cried wolf. Anyone who tries to speak up about being vilified is not going to be taken seriously because it will just lose all meaning.

The other problem with this is that putting identity politics into the law is very divisive. There are many well-known cases which can help illustrate how identity politics and selective law enforcement

based on them can create systemic injustice and have led to failures in protecting vulnerable people, inconsistencies in sentencing and misplaced law enforcement priorities. For example, if we go to the UK, you have got the Rotherham and the Telford grooming gangs. Authorities in the UK failed to take action against particular grooming gangs due to fears of being labelled racist. Despite evidence from victims, social workers and police officers, these cases were ignored, and this allowed thousands of young girls, mainly from working-class white backgrounds, to be systematically abused.

There is Scotland's hate crime war police prioritisation. The Hate Crime and Public Order (Scotland) Act 2021, implemented in 2024, criminalises certain speech offences based on protected characteristics, not unlike ours. Critics, including JK Rowling, argued that police resources were being diverted from serious crimes, such as sexual violence and grooming gangs, to investigate social media posts and perceived hate speech. There is a well-known woman who was investigated for being 'untoward toward paedophiles'.

Kirralie Smith had an AVO taken out on her for refusing to lie by saying that she believes a man called Riley Dennis is a woman – that was considered violent. Lesbians in Victoria have been told by the Victorian Equal Opportunity and Human Rights Commission that holding a lesbian event which only allows same-sex-attracted females to participate, rather than including opposite-sex-attracted males who identify as females, is discriminatory. Lesbians have been accused of hate speech and hate conduct simply for asserting their own identity as same-sex-attracted females. What about the feelings they have about feeling humiliated by having their sexual orientation usurped by somebody's gender identity? I mean, this law is internally incoherent.

Let us be honest, what we are going to get with this law is coerced speech, coerced silence. It is just classic Labor: we are going to have inquisitions instead of investigations. This bill criminalises civil disagreement. There is no protected attribute of a genuine or reasonable belief, just ordinary disagreement. In the UK they have a protected attribute of a belief or a philosophical belief. You can be an atheist and hold genuine beliefs that have protections when you express them. In the UK they have five qualities:

- (i) The belief must be genuinely held.
- (ii) It must be a belief and not ... an opinion or viewpoint based on the present state of information available.
- (iii) It must be a belief as to a weighty and substantial aspect of human life and behaviour.
- (iv) It must attain a certain level of cogency, seriousness, cohesion and importance.
- (v) It must be worthy of respect in a democratic society, be not incompatible with human dignity and not conflict with the fundamental rights of others

This part of their law honours and protects the fact that, like them, we should live in a democracy free to discuss, assert and debate our genuine beliefs, even if we are not religious, without being punished by the state just because some people find those beliefs seriously offensive or ridiculing or they decide they feel hated by them – they take offence when none was intended and suddenly your accuser is also your judge. This provision in the UK law is the section of law which has protected women over there from being unjustly smeared and defamed as bigots. It protected Maya Forstater when she was discriminated against and defamed by her employer due to her belief that biological sex is immutable. The judge stressed that while gender-critical views might be profoundly offensive and distressing to many others, they are beliefs that are and must be tolerated in a pluralist society. The fact that in this bill there are no such protections for ordinary differences of belief, for ordinary agnostic or atheist people or just everybody, that that kind of a defence is totally absent from this bill, tells me all I need to know about this bill and this government.

In terms of making the people who accuse, or someone who accuses on behalf of those people, the accuser and the judge, I would like to know where they get the idea that they are hated and who has been spreading all this hate. Obviously you have got your genuine actors, your ridiculous, horrible Nazis and all kinds of other people, but they do not have to have a label either. Anybody can do it. It is a character failure, as I said. But why is it that so many of these groups that you have listed here feel

so hated? I have got my own opinions, and I will tell you one of them. One of the worst offenders is this government. This government seems to me to love nothing more than to tell groups of people and children that they are deeply hated and that they should expect to be discriminated against if they exhibit those attributes. I think that is outrageous. Of course they feel hated. Stop telling them that everybody hates them. I reckon they get told that they are hated by regulations, curriculums and policies from this government nine out of the 10 times that they actually are interacted with on the basis of those attributes. This government needs to have a really long hard look at itself and work out how it actually is being counterproductive to its so-called goals.

We already have Brodie's law when it comes to bullying. We already have anti-discrimination laws. We already have laws about harassment. We already have defamation laws. We already have laws about assault and incitement to violence. This is a government which has such delusions of grandeur that it believes that it can stop hurt feelings by criminalising and punishing hateful feelings, neither of which it has been able to properly define. The law simply does not have the power to control or regulate emotions, feelings or even opinions. This is absurd. This is not the correct tool for combating hateful antisocial behaviour. The best tool for combating that is civil society. It is all of us leading by example, not being hypocrites, not abusing parliamentary privilege and not attacking each other and vilifying each other here in front of everybody, often with students in the gallery, often to be used in articles in English classrooms across the state. I will take this government seriously about wanting to stop hate when they actually stop exhibiting vilifying behaviours themselves.

Georgie PURCELL (Northern Victoria) (17:13): Vilification is devastating. The harm it causes can have a long-lasting impact on a person's wellbeing, their physical health and mental health. Vilification isolates and it kills. It divides and damages communities, and it erodes equality. One thing is clear: our laws, first written before developments such as social media, are no longer fit for purpose. Since the start of this term, I and many other members of the crossbench, including my colleagues from Legalise Cannabis Victoria and from the Victorian Greens, have been asking the government to update Victoria's anti-vilification laws to protect members of communities receiving some of the worst forms of mistreatment and hate speech.

It would be remiss of me to commence my speech on these long-awaited laws and not talk about my good friend Fiona Patten. She has been a steadfast advocate for strong anti-vilification laws and continues to be to this day, because it is important, vital in fact, that all vulnerable and marginalised Victorians are protected from hate speech. That is not the case when the existing laws only protect discrimination on the basis of race and religion. In September 2019, Fiona Patten introduced her own private members bill designed to enhance our state's anti-vilification laws and to add new protected attributes on top of race and religion. This resulted in a parliamentary inquiry held by the Legislative Assembly's Legal and Social Issues Committee, with recommendations in the final report guiding many of the proposals in the bill before us today.

The bill before us today has some critically important changes to our existing laws in it. It expands the list of protected attributes to include sex, sex characteristics, sexual orientation, disability and personal association. There are of course many more that could have been included, such as hepatitis status and homelessness. I am hopeful that in future we can expand our laws again.

Lowering the threshold for civil litigation is also another important feature of this bill. For those who want to access a remedy for hate speech, it should be accessible. The fact that there have only been a few successful civil cases under existing laws shows the need for this change. I understand that Ms Payne will be bringing an amendment for the commencement of the civil protections to be brought forward, which I am supportive of. The current commencement date of 2027 puts these important changes at risk in the event of a change of government at the 2026 election, and having these protections in place before then will help to safeguard any attempt to remove them.

While these changes to civil litigation are welcome, they will only operate at their best if those who can access them are supported. As we already know, the most vilified and marginalised people in this

state are also the ones who are the least likely to have the ability to seek justice in a court. I support the calls to strengthen the Victorian Equal Opportunity and Human Rights Commission's powers alongside this bill. Laws are only as strong as their ability to be enforced, and the commissioner must be able to investigate systemic vilification and compel information from online platforms. This can only be achieved through increasing the commission's funding. This will mean that the new system does not rely solely on people who are already victims of vilification to do the labour of seeking justice on top of the harm that the vilification has caused. Importantly, while the work to punish anti-vilification is important, it is even more important to implement measures to prevent it happening in the first place. I am disappointed that this bill does not include a positive duty to actively prevent vilification, as we have seen other states do in their legislation.

As well as lowering the threshold for civil litigation, this bill also proposes changes to criminal provisions for anti-vilification. Part of this includes expanding police powers. While hate speech should be treated as a serious crime, we know that the communities this change is designed to protect have also been historically over-policed and have suffered from police violence. Their trust in police is rightfully and understandably low or non-existent. This is exactly why it is essential that the notes be inserted for decision-makers to consider the context and power imbalances when prosecuting for criminal offences and contraventions, because we know police officers are not turning their mind to systemic injustices or the social, historical and political context in which they do operate. The unintentional consequence of these provisions could be that these enhanced criminal protections could be weaponised against the very communities they are designed to protect.

The last Victorian Pride Lobby survey found that three in four do not think the police can be trusted to use their powers reasonably, two in three think police treat LGBTQIA+ people unfairly, and 80 per cent think police abuse their powers and harass groups without cause. Instead of listening to these communities, the government did initially decide to work with the coalition behind many of us on the crossbench and expand the religious exemption for hate speech, allowing for preaching to be exempt from prosecution. I understand that there could potentially be an amendment to remove this change in the lower house, of which I would be in full support.

The questioning of expanding police powers is rightfully done when we have examples in recent years of police refusing to act under our already existing laws, two of which happened on the steps of this very building – in 2023, when neo-Nazis held up a violent anti-trans sign and performed a Nazi salute, and only a few months ago, when again neo-Nazis held up an antisemitic sign on the steps of Parliament. To this day, to our understanding, nobody has been arrested or punished for these actions. Meanwhile, serious reports about police conduct were raised at the same time in response to demonstrations at the Land Forces weapons expo, including of the use of excessive force and weapons by police. This leads me to the concern from community legal centres that criminal provisions and expanded powers could also be used to silence legitimate public protest. I need to say that these concerns were absolutely not eased when the Premier chose to reactively announce anti-vilification changes in response to plans for a pro-Palestinian assembly at the Myer Christmas windows, despite the government and Attorney-General making it clear that they had been working proactively with stakeholders for many, many years before this to create them. These laws do not and should not have anything to do with public protest. I do not blame legal experts and advocates for being concerned. It has left us having to do the job of the government and explain what or who these laws are really for, but the Premier has made us all consider how she intends for them to be applied, whether that stacks up in a court or not.

As the leaders of this state, the Premier's and the government's language surrounding this bill matters, and while there has been a rise in antisemitism in Victoria, which I am acutely aware of, at the same time there has also been a rise in Islamophobia and anti-trans hate, discrimination against people with a disability and ongoing relentless sexism and misogyny towards women. To announce these laws as a knee-jerk reaction regarding only one part of the community in response to a protest did come across as disingenuous and has frustrated many of us who have chosen to have a stake in making these laws

as good as they can be to protect the communities we are either a part of or care for deeply. Many groups have been advocating tirelessly for these anti-vilification laws to not be exploited for political posturing and to focus on protecting the communities they are supposed to. They have given their time to meet with our office and have been fearsome advocates. They are the reason that this bill will possibly have important amendments proposed to it, and I will support those in whole.

The answer to hate and vilification is not introducing criminal offences, which we know will do nothing to change an individual's views but rather can be more likely to further radicalise their harmful beliefs and turn them to a life of ongoing crime. What the government should be doing instead to combat racism and bigotry is leading by example, making structural changes, improving the education curriculum and focusing on community engagement to change societal attitudes.

To ensure that these vulnerable communities are able to seek redress under civil provisions and have representation it is vital that the government commits to further funding of our critically important community legal centres. I want to particularly thank the Victorian Aboriginal Legal Service, the Federation of Community Legal Centres, the Human Rights Law Centre, the Fitzroy Legal Service, the Jewish Council of Australia, Equality Australia, commissioner Ro Allen, Melbourne Activist Legal Support, Rainbow Local Government and the many other organisations and advocates for all taking the time to speak to either me or staff members from my office about this important legislation. While there was a diversity of views at different times, we were all on a unity ticket that these laws, for the most part, are necessary to protect Victorians from hate.

This bill cannot be the end of addressing hate speech and vilification; it is only the beginning. While this bill is not exactly what I and others would have chosen for it to be, in the spirit of not letting the perfect be the enemy of the good I do commend it to the house.

Michael GALEA (South-Eastern Metropolitan) (17:23): I rise to also speak to the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. In doing so I briefly acknowledge the immense work that has gone into this bill, including by both current and former attorneys-general, their offices and indeed many other people as well.

This is a bill which is of great interest to many in the community, which makes it so appropriate that the consultation process has been as robust as it has been. I want to also take this chance to acknowledge the feedback I have received from many people – from organisations and from constituents on both sides of this debate. I have valued each of those contributions.

I have also, through my role chairing a working group in the queer space on behalf of the Minister for Equality Minister Ward, had the opportunity to meet with very experienced members of Victoria's queer community as it has related to some of the provisions in this bill. I appreciate all of them and the immense wealth of experience that they have brought to those considerations as well and the valuable input they have provided. I would quickly run out of my time if I were to start naming every person, but I will make one quick shout-out to Jamie Gardiner, who has been an exceptionally strong advocate in this space, in particular since the Racial and Religious Tolerance Act (RRTA) came in in 2001 and for many decades before and after in the broader equality space as well. I think it is important to acknowledge Mr Gardiner's contribution.

The genesis of this bill today is the Legislative Assembly's inquiry into anti-vilification protections. The committee report, which is from March 2021, laid the groundwork for identifying where the issues are in this space, what the limitations are of the RRTA, and it has led to many of the provisions in this bill. Given that we do have some opposition to this bill today, I note that those opposition members who were on that inquiry did not see fit to put a minority report in at the time.

This bill is in response to that inquiry, and it will strengthen various provisions of the Racial and Religious Tolerance Act. It will strengthen some of those civil and criminal penalties, but it will also expand those protected attributes to cover not only race and religion but also the attributes of disability, gender, identity, sex and sex characteristics, sexual orientation and personal association with a person

who has one of those protected attributes. It will also improve how civil protections operate, including by modifying the civil incitement-based protection, introducing a new harm-based protection and retaining the civil exceptions. We have retained the spirit that drove the initial RRTA all those years ago, preserving those protections that are in place and indeed strengthening them as they relate to racial and religious vilification.

We are all very proud to live in a state as wonderful as that of Victoria and to enjoy the many opportunities, whatever –

Bev McArthur interjected.

Michael GALEA: The word I used was ‘state’, Mrs McArthur. If you do wish to interject, feel free to actually listen to what I am saying. Our state is a bastion of multiculturalism, of religious diversity, and from all corners of the world we have people that have come to make Victoria home. Whether it is those festivities of pride or of charitable work, you do not have to look far to see the impact that people from all different backgrounds have on this state. It does indeed come to this bill, the very heart of what is the paradox of tolerance. We should tolerate – in fact we should embrace – everybody, all of them, except of course those who are intolerant, because those who are intolerant will undermine and ultimately destroy the rest of a society if they are given the chance to do so. This is a bill that goes directly to the heart of that concept.

This bill has had a journey through the lower house to get here, and we did see some interesting discussions and debates in that chamber. Notably we saw Liberal Party members in that chamber repeatedly bring up various objections, which the government responded to through amendments to the bill in the Assembly. Then the Liberals turned around and said, ‘No, we’re going to oppose it anyway,’ which is disappointing. But I guess when you are taking your talking points from the ideological purity of the Institute of Public Affairs with no regard to what happens in the real world – some groups of people do experience vilification and discrimination more than others – when you are blinded to that by the dizzying lights of those IPA dogmatic ideals, you are probably not going to be alive to that. That is certainly what we are seeing based on some of the contributions by members opposite today. But in the real world people do experience different challenges, and this is again something that this bill goes to the heart of. Some people might believe in the right to be a bigot, but for me personally, I do not.

The opposition has brought forward more amendments again today, more and more changes – ‘Oh, that’s fixed now, but what about this?’ Today they have said something else. They have said that they do support the principle of reform in this space, of vilification reform, never mind the fact that their most recent leader was found by a federal judge to have repeatedly defamed and humiliated one of his colleagues, so perhaps that explains their reticence to support this bill today. Whilst the Liberals opposed the legislation in the Assembly, the Greens did not even show up. They are happy to ally themselves with and make themselves the voice of many in our community. They did have an opportunity just two weeks ago to have their actions match their words, and they failed to seize that opportunity. It is regrettable and shameful that we find ourselves in a situation where the Liberals refuse to stand by vulnerable communities and the Greens refuse to take a stand at all. I certainly hope we will see both of those parties rise to the occasion today in the Legislative Council and over the course of this week as this bill progresses, which vulnerable Victorians are relying on us to pass.

As politicians we can visit places of worship, march at Pride, attend cultural festivals and offer words of encouragement and support, but if you do not back your words with meaningful action on things that matter, you are merely virtue signalling. This bill is one of those things that matters, and it underscores that we as Labor members and as a Labor government speak to communities of faith, our multicultural and ethnically diverse communities and our queer community. We are not just paying them lip-service, we are here and we are listening to them. More importantly, we are then taking genuine action. This is a bill that does that. I commend the bill to the house.

David DAVIS (Southern Metropolitan) (17:31): I am pleased to rise and make a contribution to the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. I note the claimed antecedents of the bill in the Legal and Social Issues Committee of the Legislative Assembly, and I note the need to protect people from civil and criminal vilification steps. But that does need to be balanced with the need to support free speech, and it does need to be balanced with the need to ensure that these offences are not misused and used to target individuals and used as tools or approaches in themselves for nefarious purposes. I understand the purposes of the bill to reform the anti-vilification law, to amend the Crimes Act 1958, to amend the Equal Opportunity Act 2010, to amend the Bail Act 1977 to extend the exceptions of prohibition of refusal of bail in the Bail Act to the public display of Nazi symbols, to repeal the Racial and Religious Tolerance Act 2001 and to make a number of consequential amendments.

The bill provides criminal provisions which come into effect on 20 September and civil provisions which come into effect on 18 September 2027. I note that it does appear there may be some deal or arrangement that has been struck with some of the other parties and the government to bring those civil provisions forward earlier. The government has stated the difference in timing is because there is a need for preparation time, but it does appear that that preparation time may now not be needed.

The effect of the civil provisions could be extreme. It could enable this bill to be used – to be weaponised, if I can put it in that way. In no sense do I indicate that there is not a need to ensure that vilification is properly outlawed. One of the points I do want to make before starting on a more detailed discussion of points is that the government has not been good in using the provisions that are already in the law, whether they are within parts of the criminal law or in the current Racial and Religious Tolerance Act. We see that very often the government and indeed the police – and I have the highest regard for many of the individual men and women in the police force – have not been sufficiently robust in using the current provisions of the criminal law.

I note it is important to state that the Jewish community – and I particularly note this because of my electorate and my strong and longstanding support for the Jewish community in Australia. Ms Crozier and I represent an electorate that has the majority of the Jewish community, as do other Labor members as well and even a Green indeed. The Jewish community is indeed largely clustered in Southern Metropolitan Region. We have strong links with that community, we are concerned at the antisemitism surge in Victoria and we are concerned about Labor's fundamental lack of action.

I think it is worth putting on record a list, an important list, of what the Victorian Jewish community has suffered under the weight of antisemitism since 7 October. I should say that I visited Israel last year in June and saw firsthand the damage that had been done by Hamas, the damage that had been done in terms of the physical damage but also the immense fear, the immense bloodthirsty and completely unacceptable approach that the Hamas terrorists undertook and promulgated through particularly the southern part of Israel. And at a number of the kibbutzim that I visited in the south I saw firsthand some of the terrible damage and fearful approach of Hamas.

But I want to put on record the Caulfield riots on 10 November 2023, where rocks and other projectiles were thrown towards Jews outside synagogues; the driving of a motor vehicle on a footpath towards Jews in Caulfield; the targeting of visiting hostage families and survivors of the 7 October massacre at Crowne Plaza in Melbourne – and a number of those hostage families visited this Parliament, and I met some of those families and I could not be more horrified that in fact that threatening behaviour occurred; the doxxing of the 600 Jewish creatives and related death threats; graffiti attacks on Jewish homes and institutions, including on the Jewish day school at Mount Scopus with the words 'Jew die' written on the school fence; the targeting of Jews who gathered in Melbourne's CBD at the Never Again Is Now rally against antisemitism; the blatant display of jihadist terrorist flags and the chanting of slogans, including 'Khaybar, Khaybar, ya Yahud' and 'There is only one solution: intifada revolution'; vile antisemitism being preached by certain imams in some mosques, calling for a final solution for Jews; the surrounding of an elderly Jewish, disabled lady in a wheelchair, stealing her

Israeli flag and then setting it on fire; and the university encampments, including at Melbourne University, Monash, Deakin, Latrobe and RMIT.

Can I just say – and I see the minister in the house here – I have been disappointed with the minister’s response when I have asked questions about what the government is doing about the campus violence, the campus threats against Jewish students. I do not think what this government has done is enough. We know that the minister and the government have powers through these state acts of Parliament that established the universities, and they have chosen not to exercise those powers. They have chosen to fundamentally look the other way, and I think that that is disgraceful and I want that on the record. There were the 72 weeks of violent protests targeting Jews in Melbourne’s CBD; the Jewish businesses targeted with boycott stickers and/or acts of vandalism; and the terrorist attack of course on the Adass Israel Synagogue.

I am reliant on some of these figures coming from David Southwick; he has compiled a number of these points. For the 12 months from 1 October 2023 to 30 September 2024 the Executive Council of Australian Jewry tallied 905 anti-Jewish incidents in Victoria alone. This was a 420 per cent increase over the preceding year, including 42 incidents of physical assault, which is approximately double the total of all other Australian states combined. Again, the Allan and Albanese Labor governments have not done enough. Let us be clear: local crime – and this is crime that I am talking about here – is fundamentally the responsibility of the state government. We have called for the introduction of stronger move-on laws during this time, and this has been rejected by the current government.

The Jewish community supports some of the bill’s proposals to criminalise incitement to hatred and to introduce stronger penalties for those who are found guilty of incitement. It also welcomes that this bill seeks to address vilification in online formats, given in fact how much of the problem is now online. But there is a genuine issue here about why the government has been so weak, so reluctant to act. Where is the outcome in terms of the Adass matter? I am, as many are, worried that there seems to be a lack of action on some of these points, and it is not clear. Is it the resources that are not there? Is that what is going on? Is it the fact that the government has itself not got the commitment? Is it that there is some signal that there should not be a very clear position on this? The government wants the symbolic changes in this bill, but it has failed to enforce many of the basic provisions that it could have enforced at a much earlier point under the current arrangements.

A number of changes have been made in the bill in the lower house, and we should acknowledge that and acknowledge the engagement of the opposition in achieving those changes. The words that are in our amendment, ‘with the protected attribute’, if they are removed, will make the bill more of an objective test and not a matter of a subjective test that is driven by the particular microgroup that people may be part of. I see that that is an important change in the bill, and it is disappointing that the Premier has failed or has been unprepared to negotiate on that point. As I understand it, the Premier has indicated that she wants those words to remain, and that means that the bill has a subjective test in effect in it. It means that the reasonable person – reasonable man, reasonable woman – tests that you would expect to see in a bill of this nature –

Bev McArthur interjected.

David DAVIS: I am not entering that; I am just looking at the reasonable person point on this matter, Mrs McArthur. That is a legitimate but different point that I think I am making here. What I would say about a lot of this is the high-handed response that comes from some on the other side is disappointing. They do not seem to understand that people can be strongly against vilification and strongly against the demeaning of people on the basis of their characteristics but also be cautious about erecting structures and arrangements that can be put in place that can be misused. This is a bill where that balance is at its foundation. If that is not carefully attended to, if the arrangements in place are such that it can be misused, it most certainly will be. I can see that this bill can be used to target a whole range of different groups – smaller and more vulnerable groups. The bill may also have the ability to attack or to allow through civil procedures the launch of lawfare and legal proceedings which

will exhaust and run down any normal citizen. Organised groups may well use those provisions for the wrong purposes however well-intentioned the matters in the bill are.

This is a matter of balance to be struck, and I am cautious on these matters. The opposition has suggested a number of amendments beyond the matters that have already been agreed to by the government, and we have indicated that that is a useful set of steps that the government has taken. But essentially there are two matters that we say need to be dealt with now. One of those is those four words, and the other is if those four words are not removed, we want to see the civil provisions removed from the bill. They would be useful changes.

I am conscious of the short period of time that is remaining. I am, particularly in my electorate, aware of the sensitivity and the fear in the Jewish community. I was at a birthday party on Saturday night with some very close friends, and one of those friends is a Jewish man. He was relating his great concern and great fears over this recent period. He was very clearly saying he does not understand why the criminal law has not been properly enforced, but he does note that there is a real fear. He has, in his background, family members and earlier generations that are Holocaust survivors, so he has a particular and legitimate sensitivity, and I know that that is a very sincere concern. So I am looking at this bill in a way that says, 'We've got to strike the right balance.' I am concerned the government has not used the current law in the way it could have, to prevent a whole series of criminal activities. Yet the government is now wanting more powers and the government is not listening to the concerns that many have that those powers be exercised responsibly.

Bev McARTHUR (Western Victoria) (17:46): I rise to speak on the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024, and I want to start by commenting on some of Ms Stitt's arguments. She said today in this debate that hate has no place in Victoria and that we must tell our diverse communities they deserve their place here. She went on to say:

... if you profess to stand with our multicultural communities ... you must support this bill.

I reject that approach: it is moral blackmail. It is outrageous to imply that the only way to support our multicultural communities is to support this bill. She said: 'We don't want to signal to anyone here in Victoria that you don't belong. We want to make sure that Muslim women can walk down the street without getting abused' – as if that was ever in question. And as if the only way to achieve that is by engendering and endangering free speech. If government is not capable of ensuring public safety without endangering free speech, it is not capable of governing at all.

At present, I might point out, Ms Stitt, your government cannot keep anyone in this state safe, whether it is in their homes, on their streets, in their businesses – they are even on the steps of this place. You have done away with the move-on laws, and you have weakened the bail laws to render them virtually irrelevant, so do not come in here and pontificate about keeping people safe. You have failed dismally as a government to keep people safe. You should have been able to keep everybody safe, no matter what their background or religion or anything else, but you have failed. Now you come in here and tell us you have to have this legislation, which is a total abuse of free speech.

The truth is you cannot legislate for everything. There is no way to capture the complexity of life, the competing priorities in legislation. This bill is pretending that we can do that. It is saying that we can fix the ills of society and that some easy judgement can be made. In truth, it is subcontracting our role in this place to the courts. In the same way that this government offshores carbon emissions and environmental damage by increasing energy prices and banning native timber, we are offshoring difficult decisions from this Parliament to the courts at vast expense, I might add, and with the consequence that individuals will be 'caught up' – excuse the pun – in the court process. Real lives will be deeply damaged, as individuals are forced to clear their names in test case decisions. If we had some real backbone here, all that could be avoided. The government might pretend these laws will only impact extremists: unpleasant people, the sort of people we should be marginalising. That might be a popular idea. It might sound good in the media or in the speeches here, but it is not the reality.

As Mr Limbrick said earlier, the test of our commitment to free speech is when it gets hard, when it gets difficult. It is when it involves things we might not want to hear. Silencing it, criminalising it, just does not work; in fact it is frequently counterproductive. Any student of the Weimar Republic will show you that the Nazis did not just endure legal crackdowns, they turned them into political weapons. Despite a professed commitment to free speech, Weimar Germany had many subjectively applied anti-incitement laws, and these were weaponised by the people they were supposed to be silencing. Hitler and his fellow colleagues did not see sedition bans or treason trials as setbacks. They portrayed themselves as martyrs for free speech. The greater the silencing, the more effective their complaints that the corrupt system was trying to suppress them. Of course the system was trying to suppress them, but the unintended consequence was that it fostered ever-growing support.

Progressives often back hate speech legislation, yet they seldom reflect on how valuable speech restrictions can be to an authoritarian ruler. They appear to assume that the government will perpetually remain kind hearted, especially toward their own interests; however, even a brief glance at history quickly dismantles that naive belief. But it is not just the principle of this legislation I object to. I will go on to a couple of specific points.

We have already seen the government forced to drop the political purpose defence from this legislation, but its second amendment in the Legislative Assembly highlights another problem. Drafted in response to lobbying from religious groups, it expands the religious purpose exemption to include proselytising and preaching. That is all very well, but trying to fix up a bill clause by clause, adding bits here and removing bits there just to make it acceptable to everyone who is awake to its effects, is no way to create legislation. If the bill needs this much fixing up, doesn't it occur to you it is a bad idea? Doesn't it occur to you it is not legislation you should be meddling with? Yes, you have in part satisfied the religious lobby group for this amendment, or one especially religious lobby group, but what about other non-religious groups? In the same way that using specific clauses of legislation to apply different protections to different identity groups discriminates, so too does selectively crafting amendments for opponents of your bill. When the whole principle is rotten, all the amendments in the world are not going to fix it.

On to another specific point, this time in the legislation as it has been drafted. Incitement to severe ridicule is shockingly subjective. This is the critical flaw in this bill which threatens free speech, and it does so especially for, close to my heart, gender-critical feminists – because have no doubt, they will be the losers from this bill, not the Nazis or fascists whose behaviour was already illegal and could better be dealt with under existing laws if there were sufficient resources for the police and the courts and sufficient government will. No, they will positively thrive on the notoriety, but gender-critical feminists will be targeted by those who disagree with them, by those who see the whole trans argument as a war and by those who will try any technique to silence those they disagree with rather than argue or debate with them. This bill, in ditching all objectivity in this area of the law, will be weaponised against opponents. It could be those who oppose religion, or it could be those who believe in binary biological sex.

In law we have long relied on the reasonable person test, an objective standard. It asks what a typical rational Victorian would think, not swayed by personal sensitivities or group biases. It is fair and consistent and protects open debate. But this bill's new section 102D throws that out the window. It says conduct is illegal if 'a reasonable person with the protected attribute' – say, a transgender person – finds it 'hateful', 'contemptuous' or 'severely ridiculing'. That is not objective. It is a hybrid test, tilting towards the feelings of one group over the broader public.

Now, think about gender-critical feminists, women who argue biological sex matters and that trans women in female spaces can undermine women's rights. Their work often upsets transgender advocates, to put it mildly. The hatred and anger in the debate is sickening. A gender-critical feminist might say trans women are not women or critique gender ideology as illogical. To a neutral, reasonable person that could be provocative; it may even be offensive. But it is just an argument; it is certainly nothing illegal. Yet under this bill, a reasonable transgender person or group of persons could decide

it is ‘seriously contemptuous’ or ‘severely ridiculing’. Suddenly a feminist’s speech, meant to defend women’s rights, lands her in court, facing three years in jail.

The government claims merely offensive speech is safe, but this test says otherwise, when a group’s perception trumps everyone else’s. This is not balance; it is a trap. Gender-critical feminists are not out to vilify. They are raising policy questions, legitimate questions, but by ditching an objective standard this bill risks punishing them for upsetting the wrong people. A strict reasonable person test would protect their right to speak even if it offends. Instead we have got a law that could silence them, all because Labor favours one side of the debate. They are endangering the priceless principle of free speech to pander to identity-based activists, their political allies.

This new, hybrid, non-objective test is shocking. It ditches the objectivity of the reasonable person test of the ordinary Victorian. Instead it veers dangerously towards the subjective by interpreting things through the lens of ‘a reasonable person with the protected attribute’. It still contains the qualification ‘reasonable’, which is something, but it is not enough. The whole point of it is to introduce a different standard – not what the ordinary Victorian thinks is an objective test but the ordinary view of a subsection of the population. Logic tells us this must be changing the standard required. If it were not, then why include it in this new law at all? The test could simply be what a reasonable person judges. The inclusion of a protected attribute only makes any sense if it changes the standard required. It is entirely pointless otherwise. I utterly reject this and the consequences it may have.

I was also alarmed to hear Ms Stitt’s praise for the introduction of the anonymity of complaints. She suggested it was a good thing that organisations and representative bodies could be allowed to bring these cases to represent the group of persons with the protected attribute. This is seriously alarming, for by any objective measure these people are not reasonable. They are the crème de la crème of professional activists. Their ideologies, their funding model, their continued existence, relies on mobilising outrage. This new bill and the court cases it will engender is manna from heaven for them. It is the victims on either side I feel sorry for, those who by the standards of ordinary Victorians were not doing anything offensive but will now be captured by this law, considered by identity politics warriors as offensive or seriously ridiculing.

Ms Stitt also spoke about those who appeared before the committee that made these recommendations. She said she recognises the toll it can take to take part in these sorts of processes. I do not disagree, and her empathy does her credit. But what about the toll on someone unfairly accused of incitement and criminalised by a professional activist organisation, who has to suspend their life and potentially lose their job and business defending themselves and proving that they have done nothing wrong? I urge the house to reject this bill. It is wrong in principle, and the government has failed to fix it to anything like the required degree. I sincerely hope we can do the job for them and send it back to the drawing board.

I would also like to add, in closing, that I reject totally what Ms Watt said. She said we on this side of the house spewed hatred. That is totally offensive. She said this bill is critical for so many communities. Well, it is, but what about women, so sorely discriminated against here in so many ways – women who want to play sport against adult human females, not men; women who want to have meetings without men; women who want to have a meeting app without men pretending to be women; parents who want single-sex toilets for their daughters, daughters who are stopping using the toilets for fear of what happens to them in a unisex toilet at primary school level. Yes, some of these things may make people feel uncomfortable, but I tell you who is feeling uncomfortable: I am sorry to say it is women, who have now had to stand up on the streets and on the steps of this place to defend their rights. It is appalling that we have come to this situation.

Rachel PAYNE (South-Eastern Metropolitan) (18:01): I rise to speak on the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024 on behalf of Legalise Cannabis Victoria. This bill seeks to expand anti-vilification protections beyond race and religion to include the

attributes of disability, sex, sex characteristics, sexual orientation, gender identity and personal association with a person with a protected attribute.

This bill will create new serious criminal vilification offences where someone intentionally or recklessly, on the grounds of a protected attribute, incites hatred against, serious contempt for, revulsion towards or severe ridicule of a person or group, threatens physical harm towards another person or group or threatens damage to property. This bill will also introduce a harm-based civil protection to restrict hateful, seriously contemptuous, reviling or severely ridiculing public conduct that is directed at a person or group because of their protected attribute. There will continue to be exceptions to protect legitimate conduct engaged in reasonably and in good faith – things like genuine artistic, academic and religious activities. Importantly, this bill incorporates a five-year statutory review. This will allow us to understand how the changes in this bill operate in practice and whether it is operating as intended. This will be particularly necessary given the limited case law that exists for the current protected attributes.

There seems to be a lot of confusion about this bill. Some think that it is a new-age attack on free speech. This is simply not the case. For over two decades now the Racial and Religious Tolerance Act 2001 has prohibited vilification – that is, public behaviour that incites or encourages hatred, serious contempt, revulsion or severe ridicule against another person or group of people because of their race or their religion. It is not a prohibition of critique of ideas; rather, as is the case with the bill before us today, it is a prohibition of the vilest of hatreds. That prohibition should not be restricted to race and religion; it should be for all innate characteristics. Whether you are a part of the LGBTIQA+ communities, are living with a disability or are a woman, you should feel protected. This is what this bill before us today will do. It acts on many of the recommendations of the Victorian Parliament's inquiry into anti-vilification protections, extending classes of protected attributes and addressing the under-utilisation of the existing act. This inquiry made clear the need to do better to prevent and respond to vilification.

Here I would like to acknowledge the trailblazing work of Fiona Patten, who in 2019 introduced similar anti-vilification legislation that ultimately led to this inquiry. While many long years have now passed since Fiona's original bill, today we finally have the opportunity to debate and pass these laws. Although it did take some time, I would like to congratulate the work of the current and former Attorney-General and the Minister for Equality for getting us to where we are today. I would also like to recognise the work of countless stakeholders who helped shape this bill. Though there are too many to name, I appreciate your dedication to working through this legislation. Thank you for your generosity in donating your time and your resources to make these laws all that they can be. While this bill may not be perfect, you should be proud of your efforts to bring about this important change. I would also like to thank my adviser Tabitha for her diligence and steadfast advice.

Anti-vilification legislation recognises that we cannot allow hatred to be spread. As we have already seen, inaction allows hate to fester and our most vulnerable communities suffer the brunt of the harm. Your innate characteristics, things like who you are and who you love, should not give people a licence to hate and to divide. If we accept that it is not okay to physically harm another person, we must also accept that it is not okay to mentally harm another person. Vilification harms deeply. Victims are likely to experience a myriad of mental health impacts. It undermines self-worth, increases feelings of social isolation, discourages reporting and encourages vulnerability. As lawmakers we set the standard for what society accepts, and I am proud to stand before you all today and affirm my stance that there is no place for this kind of hatred and vilification in all its forms must be stamped out, not just because of the very real mental health harm that vilification causes but also for the very real physical harm that it leads to.

The relationship between vilifying language and violence is without question. Routinely the targets are our most vulnerable and marginalised. This is something that the trans community knows well. In 2023 the Trans Justice Project and Victorian Pride Lobby co-published the *Fuelling Hate* report, showing that anti-trans hate is escalating in Australia in part because of the discourse encouraged by

anti-trans lobbyists. They found that one in two participants surveyed reported having experienced online anti-trans abuse, harassment or vilification, and almost the same amount experienced that behaviour in person. We have seen time and time again how vilifying remarks from public figures directly lead to acts of violence against these groups. Hate has no place in Victoria, but preventing and responding to hate requires more than just feel-good remarks. It requires legislative action.

I have watched many of my trans and gender-diverse friends become increasingly fearful over the last few years. They are feeling the escalation of vilification and hatred directed towards their communities, which results in them becoming isolated and not participating in everyday life fully, including in employment. Not only are these reforms necessary, but they are also well overdue. We have waited a long time for laws to combat this hate, and we hope to wait no longer. On that note, I will be moving amendments on this bill, and I ask that they now be circulated.

Amendments circulated pursuant to standing orders.

Rachel PAYNE: These amendments will bring forward the latest commencement date of the bill from 18 September 2027 to 30 June 2026. It is our hope that by bringing forward the latest commencement date of this legislation we can avoid an overlap with the next state election and ensure that these issues are not relitigated or politicised.

I have had many meetings and put forward many questions to the Attorney-General on anti-vilification laws, and at every juncture I have emphasised the need for the timeliness of these reforms. I am sure the former Attorney-General can attest to these and how she maybe regrets giving me the 18-month timeframe. While I understand that meaningful stakeholder consultation and careful consideration do take time, I have seen in my community the very real harm caused by the politicisation of these laws as they relate to the LGBTIQA+ communities.

The most recent victim is the rainbow libraries toolkit, because how terrible are inclusive and respectful spaces for LGBTIQA+ Victorians? In my own electorate of the South-East council-endorsed family and community group drag story time events have been targeted. Bigots stoked fear and successfully got many of these events shut down. I am sick of seeing people in my community being made to feel unsafe and vilified because of who they are. We in the LGBTIQA+ community need to be protected, not pushed out of public life. I know these amendments will not stop the toxic politicisation of this legislation, but it is my hope that they will go some of the way to reducing opportunities for future harm.

With a bill of this kind we welcome careful consideration of its implications. That is why this bill is backed by an inquiry, a private members bill and many years of careful consideration and stakeholder engagement, and today it will also be backed by what I hope to be a productive and well-intentioned debate that will ensure that the intention of the bill is clarified and improvements are made. We understand that there are concerns about the removal of the political defence from the bill and the absence of a public interest defence. We do not want to see this legislation weaponised against already marginalised communities and infringe on the democratic right to protest and assembly. This bill has the potential to provide essential protection from vilification to marginalised communities. We will ensure it has sufficient checks and balances to address these concerns. We remain assured that this government has negotiated in good faith and will address our concerns in the committee-of-the-whole process.

Moving now to the opposition's newest problem with the bill, they take issue with the bill proposing that harm caused by vilifying conduct is considered from the perspective of a reasonable person with a protected attribute instead of a reasonable person without a protected attribute. They argue that this contravenes equal treatment before the law and that they are concerned that courts will need to assess how sensitive people are. I do not believe these concerns are in good faith. These excuses are to avoid having to address the elephant in the room: they do not want to see anti-vilification protections for LGBTIQA+ communities, but they just will not say it.

The reality is that there is nothing about this test that will require a judge to determine anything other than a reasonable person's perspective. Just because that reasonable person has the protected attribute does not mean that the integrity of the test is undermined. Rather, it means that the conduct in question is considered alongside the rich sociocultural and historic context of the vilification. This context is deeply interwoven with a person's identity and speaks directly to what a person or group will consider vilifying; thus, it is a necessary part of the legislation and consistent with its intent.

One of the greatest pleasures of being a member of Parliament is serving our community – representing the communities that we are part of and elevating those voices and sharing those experiences, particularly of those who are most marginalised. It is also important that there is diverse representation in Parliament that is reflective of our everyday lives. I am proud to stand before you today as a queer person and see the passage of this important reform. It will definitely go some of the way to ensuring that our most marginalised in our communities feel supported. With this bill today we send a clear message that hate has no place in Victoria. We will not accept the horrendous vilification of our most vulnerable and marginalised communities. This is a message that I hope is heard loud and wide.

Gaelle BROAD (Northern Victoria) (18:13): I rise to speak on the Justice Legislation Amendment (Anti-vilification and Social Cohesion) Bill 2024. I do want to acknowledge and thank members of this house from all different political parties who have contributed to debate on this bill. It is an issue that is worth debating, a bill that is worth debating, because this bill seeks to expand anti-vilification protections, and these are the most far-reaching changes to Victoria's anti-vilification laws since they were first introduced.

The government's proposed changes are a significant extension to current provisions, and according to the government's own report, in short, the legal test for proving incitement-based vilification would change from public conduct that incites to public conduct that is likely to incite. It introduces a new definition of 'public conduct', which includes emails, newsletters, online content or saying things at a public gathering, and conduct might be considered public even if it occurs on private property or at a place not open to the general public. This might include public conduct that occurs in a school or workplace.

It introduces a new harm provision, where hate speech or conduct would amount to vilification if it is reasonably likely to be considered harmful from the perspective of a person or a member of a group with that attribute. Unfortunately, this bill has flaws that risk undermining social cohesion rather than improving it, and for that reason the Liberals and Nationals cannot support it in its current form. A major concern highlighted by the opposition was the omission of the word 'proselytising' from the bill. As Mr Mulholland noted, this would have set a dangerous precedent as it would remove protection for people of faith, in particular faith leaders, to communicate that faith. We are pleased that the government has moved to add 'proselytising' and 'preaching' back into the religious purpose defence.

With any legislation our role in this chamber is to think about the long-term impacts of bills and to ensure that bills that pass are improvements rather than making things worse. I refer to Danny O'Brien's contribution on this bill in the lower house. He raised concerns about the broader bill with regard to the anti-vilification protections. One of those is that currently the criminal offence has an obligation to prove that a person's actions both incited hatred and threatened physical harm or property damage, and under this bill that would change to either of those, not necessarily both. Particularly it introduces the word 'likely', so if someone's actions or words are likely to incite hatred rather than actually doing so – it certainly is a lower threshold.

The other aspect that is of concern to us goes to the question of what becomes a highly subjective element, and that is to change the test of what vilification is from what a reasonable person would think. In this case we are talking about what a reasonable person would find to be hateful or would incite hatred against that person. The test in this case in the bill would be what a person with the same protected attribute would be reasonably likely to find hateful. That is of concern because it makes it a far narrower test as to what might be considered vilification. What might be considered vilification by

you or me or someone else on the street is perhaps very different to what someone in a minority group or in a very minor sect of a religion would think, so it is not necessarily what a reasonable person finds. As Mr O'Brien pointed out, this is a very, very narrow definition, and it therefore opens the prospect that people may take offence and feel vilified when the person saying those things would have no idea what was offensive to that particular group. The Nationals do strongly condemn any vilification, particularly based on race or religion, but we do not think that the government has got this legislation right, and it is important that we get it right, otherwise there may be unintended consequences. We will be wading through very murky waters if this bill in its current form passes.

We note that the intent of this bill is to deal with issues that are likely to incite hatred or similar emotions, but what incites, as I have said, is a very subjective space. There is certainly a lot more grey than black and white. This bill is not just a lawyers' picnic; it may turn people against each other in trying to prove a point. Mr Mulholland spoke to our concerns about this lowering of the bar, which will lead to a waste of public resources and a dramatic increase in lawfare, as it is called, and a lack of social cohesion. Mr Welch spoke about this bill being a blunt instrument of the law, the impact that it will have on freedom of speech and the unintended consequences.

It is important that any bill that will impact freedom of speech is carefully considered. I do draw the chamber's attention to the Scrutiny of Acts and Regulations Committee report that was tabled today. It talks to some of the challenges and issues with the bill in its current form. I note that Mr Limbrick also referred to the issue of whether or not the legislation adheres to Commonwealth laws. He highlighted the importance of upholding our freedoms, including freedom of speech and freedom of religion. I know my colleague Ms Bath also highlighted the importance of those freedoms. The SARC report also refers to other jurisdictions. I acknowledge that it is hard to compare this bill to those of other jurisdictions because it goes further than that in other jurisdictions in Australia.

I am not an expert when it comes to precedence and legalese, but I do enjoy comedy, and I have always enjoyed Mr Bean, played by the British actor and comedian Rowan Atkinson. When the UK sought reforms to introduce an insults law, he spoke about it and said:

My starting point when it comes to the consideration of any issue relating to free speech is my passionate belief that the second most precious thing in life is the right to express yourself freely. The most precious thing in life I think is food in your mouth and the third most precious is a roof over your head, but a fixture in the Number 2 slot for me is free expression, just below the need to sustain life itself. That is because I have enjoyed free expression in this country all my professional life and expect to continue to do so ...

But evidently freedom of expression is not absolute. If we pass laws like the one we are debating today, which infringe upon those rights, they should be very carefully scrutinised and considered. We cannot afford a rushed bill or a bill that seeks to score short-term political points. Legislation is long term and should be made with the best interests of our community in mind. I acknowledge that there are issues that need to be addressed, like the antisemitic behaviour that we have seen in this state. This legislation is being put forward by the government like a one size fits all, but in its current form it is not the right fit for anyone.

Last month the *Herald Sun* reported that Victoria Police is facing an IBAC probe over allegations it has allowed the dangerous rise of antisemitism in the state. The complaint refers to systematic failures of Victoria Police to crack down on antisemitism. The 11-page IBAC complaint, lodged with the agency last month by Jewish community member and campaigner Menachem Vorchheimer and seen by the *Herald Sun*, alleges Victoria Police's failure to utilise existing laws has resulted in the normalisation of antisemitism in Victoria.

The relentless attacks on our Jewish community are atrocious. We have heard about some of them, and I know Mr Davis referred to them today. For example, the driving of a motor vehicle on a footpath towards a group of Jews in Caulfield occurred in our state. There have been graffiti attacks on Jewish homes and institutions. There was a case where an elderly Jewish woman, a disabled lady in a wheelchair, was surrounded – they stole her Israeli flag and set it on fire. We have seen over 72 weeks

of violent protests targeting Jews in Melbourne's CBD, and we have also seen the terrorist attack on the Adass Israel Synagogue. These are appalling situations. Our side of the house has spoken on the need to enforce current laws and reform bail laws and the need for police to have move-on powers. We also acknowledge that there are over a thousand vacancies in our police force.

I was sickened to read news reports today of an absolutely atrocious gang-bashing at the Bendigo Marketplace, in the centre of Bendigo, where nine teens viciously attacked a security guard yesterday afternoon. We have seen repeated incidents and skyrocketing crime happening in Bendigo – this is the Premier's own electorate – and that is why we want to see action. We absolutely want to see action. We have been calling for it for a very long time.

I understand that the government has made some big promises when it comes to this bill. They have made a string of media releases and consulted on the bill, which they closed down pretty quickly – but when you consult, it pays to listen. This bill is very subjective. It writes a blank cheque and it leaves it to our courts to decide what is hateful and what is not.

I know Ms Bath spoke to the amendments that we have put forward. It is important to remember as we consider this bill that the freedom to speak, to think, to write and to worship is fundamental to our rights in a democratic society and no-one should be subject to vilification based solely on who they are. But this bill will only make things worse, not better, and that is why we oppose it.

Renee HEATH (Eastern Victoria) (18:24): I rise today to address a deeply concerning piece of legislation, one that claims to protect social cohesion when in reality it threatens free speech, undermines religious freedoms and could create an environment where vexatious activist-based litigation will thrive. There were some very interesting comments from those on the other side which I think just really sum up our concerns with this bill. Ms Watt accused this side of spewing hate. Why? Because she did not like and did not agree with the stance we were taking. I think it highlights and perfectly demonstrates exactly why we have a problem with this sort of bill, when the tolerance brigade once again are calling us bigots purely because they fail to see a different point of view. Legislation that shuts down free speech and debate leads to an erosion of our democracy, and an erosion of democracy always leads to an erosion of human rights. That is why we must think very clearly and deeply about this bill.

This bill was introduced by Minister Carbines and expands on Victoria's anti-vilification laws in response to repeated criticisms that the current laws are too narrow and ineffective. The government claims that increased hate crimes, particularly antisemitism and Islamophobia, necessitate this change. During his second-reading speech, the minister said:

Vilification has no place in our community. It is contrary to our democratic values and undermines social cohesion and the benefits that inclusion, multiculturalism and diversity brings to our community.

But this bill, if it is not truly about protecting all Victorians, could selectively enforce protections of certain groups while marginalising others, and that is something that we have to really take into consideration. Initially this bill was framed as a response to rising Islamophobia. The *Herald Sun* reported that its primary motivation was concern over incidents where Muslim women were being harassed in public. However, the bill has since expanded to cover antisemitism, LGBTQA+ communities and people with disabilities. Following the attack on the Adass Israel Synagogue, the Premier used this tragedy to justify the need for stronger vilification laws, saying it was to restore social cohesion. However, critics argued that if antisemitism was truly the primary concern, the government would have already enforced existing laws against the numerous hate-filled rallies that have shut down different parts of Melbourne and created fear for the Jewish communities.

I also ask – and it has been raised many times in this debate – why hasn't the government brought back move-on laws? Why has it weakened bail? I think we are actually bearing the fruit, the consequences, of decisions that this government has made. In reality this bill did not originate as a response to the sudden rise in antisemitism or Islamophobia; its foundation can be tracked back to the

2019 private members bill introduced by former upper house member Fiona Patten. It was called the Racial and Religious Tolerance Amendment Bill 2019. It was met with widespread community pushback, including from the Andrews government, whose concerns Ms Patten called – and I cannot say it in here because it is unparliamentary – BS. Patten’s legislation laid the groundwork for today’s bill, but the 2024 bill that we are discussing today goes much further than its predecessor.

I am going to go through a few of those things. In terms of legal thresholds, it goes further. The 2019 bill only required incitement; this one broadens it to include incitement and explicit threats of harm. On civil versus criminal enforcement, the 2019 bill relied on civil enforcement; this bill introduces criminal penalties, including potential jail time. In terms of defences and free speech exceptions, the 2024 bill adds explicit defences for religious duties, satire, journalism and academic debate. But these remain subjective and open to legal interpretation, and that is something that many people are extremely worried about. There are online and interstate applications, where this bill criminalises online hate speech and extends the jurisdiction to interstate offenders. One which I am particularly worried about is the third-party complaints aspect. The 2019 bill required the alleged victim to file the complaint, while this bill goes even further and allows third-party organisations to file complaints anonymously. That is really problematic.

One of the most troubling aspects of this bill is its subjectivity. Under its provisions speech will be judged not by an objective standard but by whether it is perceived as offensive by somebody within the affected community. This is really terrifyingly broad. This means that objective truth and intent no longer matter.

Business interrupted pursuant to standing orders.

Gayle TIERNEY: I move:

That the meal break scheduled for this day, pursuant to standing order 4.01(3), be suspended.

Motion agreed to.

Renee HEATH: The *Western Australian Jurist* further warns in its 2023 paper called ‘Vilification Laws: Tools for Tyranny’ that:

Vilification laws do not respect truth claims and encourage people to fearfully censor their own speech. If these tools continue to be used to shut down public debate the health and effectiveness of Australia’s democracy will only be eroded.

Legal experts, such as Susan Reye, warn that using vague terms like ‘hateful’ without a clear definition undermines legal certainty. It opens the door for arbitrary judicial decisions and means that no proof of actual harm is required. It is enough that somebody’s actions are harmful and are likely to be viewed from a member of the aggrieved person’s community as hateful – extremely broad, non-specific and very legally dangerous. Third parties can file complaints anonymously, turning it into a tool for ideological warfare, and we have certainly seen the damage of that. Activist lawfare has already cost Australians \$17.4 billion in economic losses. Vilification laws will become the next battleground for ideological censorship.

This bill does not seek to protect individuals from genuine harm. It seeks to control speech, criminalise dissent and expand government powers over public discourse. This legislation will open the floodgates for vexatious litigation. We have already seen the consequences of green lawfare, where environmental activists block projects using legal loopholes. Between 2022 and 2024 activists’ litigation cost the Australian economy over \$17 billion and almost 30,000 jobs. The same modelling is now being applied to vilification laws, turning the justice system into a weapon of ideological control. This bypasses even the DPP, and this bill grants new powers to police, allowing them to bring charges without needing the DPP’s approval. It raises serious concerns about politicised law enforcement, where police resources could be used to prosecute individuals based on ideological grievances rather than actual harm.

I also want to point out that there seem to be double standards here and political timing that is interesting. Last year the Victorian government introduced the State Civil Liability (Police Informants) Act 2024 – the Lawyer X bill. It shielded itself from lawsuits relating to the Lawyer X scandal, yet this new vilification bill invites litigation against ordinary citizens. During the 2023 Voice referendum, advocates claimed that they had been victims of hate speech. Had this law been in place, legitimate political criticism of the Voice may have been criminalised. I think that is very sad when we are talking about public debate. Furthermore, this bill's most punitive measures are delayed until after the next state election, raising serious concerns about the political timing and suppression of dissent.

In concluding, this bill does not serve Victorians; it serves an activist agenda. It places highly subjective interpretations of harm above legal objectivity. It erodes religious freedoms and freedoms in general. It creates a legal minefield where dissent can be punished. There are a few things that I want to, in closing, just point out. I believe that the lowering of legal standards of what constitutes unlawful speech is dangerous. Freedom of speech is a fundamental human right, not a gift that is bestowed upon people by bureaucrats. The law should not be dictated by subjective emotions; it should be held to a much higher standard. And harm must be demonstrated, not theoretical or speculative. I urge the house to reject this bill, because I think that there is a danger of erosion of democracy.

Nick McGOWAN (North-Eastern Metropolitan) (18:35): As has been well canvassed in this place today, and has been said by my colleague, what this bill proposes to do is to erode religious freedoms. Perhaps what has occurred in this chamber today but has not been spoken about speaks loudest. Every day in this chamber since I have come to this Parliament a number of members of Parliament have actively chosen to boycott the Lord's Prayer – every single day. Those opposite have stood in this place today and lectured this side with respect to hate and vilification and any manner of other accusations they have chosen to throw this way today in the full knowledge that those on their own benches choose every single day that we sit to boycott the Lord's Prayer.

There should be no doubt that I support the strengthening of anti-vilification laws and social cohesion in Victoria. It is a notion that I would hope every member of this Parliament would comfortably support. But we are not voting purely on notions; we are voting on legislation. Specifically, we are voting on specific laws and, sadly, this bill will make social cohesion worse, not better, and it is for that reason that I cannot support this bill as it stands. There are some aspects of this bill that my party and I find laudable and that I and we do support. I back the ability of Victoria Police to bring charges in relation to prejudice-motivated crimes without having to go through the Director of Public Prosecutions. The bill also increases the list of protected attributes. At the moment there are only two protected attributes – race and religious belief or activity. This bill seeks to expand the list of attributes which are protected from vilification to include, among others, disability. Let me speak plainly. Both I and my party do support this. Some of these people are very vulnerable and, sadly, they are very vulnerable to prejudicial conduct, to hateful conduct, and they deserve the protection of the law. I support that wholeheartedly. But there are aspects of this bill which have been well and truly – and eloquently, I must say – articulated by my colleague in the other place Mr O'Brien. I and we cannot support this bill because it will make social cohesion worse, not better. Make no mistake, if this bill is made into law, it will encourage parties to sue each other and not speak to each other. We will see more vilifying and more hateful conduct, not less.

I will conclude on this important, if not critical, point. The fact that this government's bill will not enact the harm-based civil provisions until 2027 tells Victorians everything they need to know about the proposed new law. In other words, if it is so important, why kick the can of protection down the road for years? This aspect undermines the government's position in every way possible, and those opposite know it. What those opposite propose to unleash in Victoria is lawfare on the Victorian people that will neither reduce hate nor vilification but rather fuel conflict between communities.

ADJOURNMENT

Tuesday 4 March 2025

Legislative Council

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Lee TARLAMIS (South-Eastern Metropolitan) (18:39): I move:

That debate on this bill be adjourned until the next day of meeting.

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

Adjournment

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (18:39): I move:

That the house do now adjourn.

Community sport

Jacinta ERMACORA (Western Victoria) (18:40): (1454) My adjournment is for the Minister for Community Sport Ros Spence. Minister, the Allan Labor government is committed to achieving gender equality in sport and recreation in Australia. The government is focusing on increasing opportunities to participate, enabling more women to take on leadership roles in sport and improving the visibility of women across the sector. Since 2018 the Labor government has invested more than \$2.9 million in funding to 580 community sport and recreation hubs as part of the \$18.8 million investment in the Office for Women in Sport and Recreation Change Our Game initiative. Recently I had the pleasure of opening two upgraded facilities that stand as testament to the government's commitment.

The Great Western Recreation Reserve has a new sporting pavilion which includes four female-friendly change rooms thanks to the \$1.5 million contribution from the Victorian government and significant contributions from the club and the council. And at the Brierly Recreation Reserve in Warrnambool the existing oval has been transformed into two full-sized soccer pitches with 200-lux LED lighting, improved drainage and subsurface irrigation and a new synthetic cricket pitch located between the pitches and fencing. It looks absolutely marvellous. This provides pitches for both women's and men's cricket and soccer teams to practice and compete. You cannot underestimate the impact of LED lighting on clubs like these. It extends training time and makes that pitch able to be used after hours for that much longer and in itself therefore is an inclusive strategy.

The 2024–25 round of the Change Our Game Community Activation Grants program was recently opened for applications. It delivers grants of up to \$10,000 to community sport and recreation clubs to help inspire women and girls to take part. Now in its eighth year, the Change Our Game Community Activation Grants program has provided more than \$2.9 million towards 580 grants to sport and active recreation clubs and organisations across the state. My request for the minister is: Minister, can you please provide more details about how the Victorian government is supporting more women and girls to get involved in sport in western Victoria?

Remembrance Parks Central Victoria

Wendy LOVELL (Northern Victoria) (18:42): (1455) My adjournment is for the Minister for Health, and it is regarding the failure of the minister to table annual reports of Remembrance Parks Central Victoria (RPCV), a class A cemetery trust, and the reappointment of the chair Margaret Lewis for a further three years, from 1 March 2025 to 29 February 2028, despite the trust failing to meet annual reporting deadlines for the past two financial years and many other governance failures under her watch. The action that I seek is for the minister to immediately table the 2022–23 and 2023–24 annual reports for Remembrance Parks Central Victoria and for the minister to give a full explanation as to why she has reappointed the chair under whose watch the trust has failed to meet legislative reporting timelines for the past two consecutive years. Despite a statutory obligation to table financial and operational reports and hold annual general meetings every year, the board of Remembrance Parks Central Victoria has failed to do so for the last two years.

Under the Financial Management Act 1994, when reports are submitted late section 46(3)(b) requires the responsible minister to cause the reports to be laid before each house of Parliament as soon as practicable after they have been received. RPCV claim it is not their fault that the reports have not been tabled. They have been clear in statements to the media that they have submitted both reports to the Department of Health and have further stated that they are unable to meet their legislative requirement to hold an annual general meeting until the minister tables the report, so they have dropped the minister right in it. If the department has the reports, why hasn't the minister tabled them? Is this because the chair Margaret Lewis, who is a former Labor MP and cousin of the current Speaker of the Assembly, was up for reappointment and the minister did not want the true state of the trust's finances and actions to be scrutinised prior to reappointing a Labor mate to a plum position that is handsomely remunerated? This raises serious suspicions of a cover-up to protect and reward a Labor insider.

Under this chair the failure to meet legislated reporting timelines and hold annual meetings is not the only failure or scandal; under this chair the trust has gone through three CEOs and presided over scandal after scandal, including in 2022 attempting to implement an exorbitant increase in the cost of burials. In 2023 came the adornments scandal, when cherished family mementoes were removed from graves without permission. Then later in 2023 came the scandalous change to the style of headstones at the Pine Lodge Cemetery. 2024 started with two controversial incidents in which graves were recklessly disturbed. There is no doubt – *(Time expired)*

Housing

Sarah MANSFIELD (Western Victoria) (18:46): (1456) My adjournment is for the Minister for Housing and Building, and the action I am seeking is a commitment to building 5898 new homes to meet the needs of people currently on the social housing waiting list experiencing homelessness or rental stress and living in transitional housing in the G21 region. Transitional housing provides a roof over the heads of those that need it the most and can be a refuge for people experiencing homelessness or fleeing family violence – a safe place, though temporary, for community members to access services, receive support and look for more stable housing arrangements. But with the housing market as it is now and with rental prices skyrocketing among other cost-of-living pressures, low-income earners and particularly those in transitional housing will be the ones who miss out.

We recently heard from a constituent in Colac who has been experiencing homelessness and is now being moved from transitional housing, even though they have been actively looking for private rentals with support from their dedicated social worker. During their time using this service they have been able to spend what little money they have on some furniture, kitchen items, clothing and other household goods that you and I would take for granted. As a low-income earner this constituent simply cannot afford to enter the private rental market. They are one of thousands of Victorians on the social housing register. When they are removed from transitional housing they will have nowhere to go.

In the G21 Colac Otway Shire housing plan for 2021 to 2024 Colac was identified as having the highest proportion of the very low income band; it is an area of great concern, among others in the region. Despite this the area was not given a guaranteed minimum spend for housing in the Victorian government's Big Housing Build. Homes Victoria's latest figures show that there were more than 63,803 applications waiting for public and community housing at the end of September. In regional and rural communities with less access to already strained services, the waitlists remain far too long.

Housing stress over time directly affects the health and wellbeing of household members through any combination of poor diet, limited social connections, anxiety and depression and reduced access to services, including health services. In what can only be deemed a profound injustice, for many women and children the inability to afford stable housing can mean remaining in or returning to domestic violence. For some, housing is a matter of life or death. We urgently need the government to commit to seeking and developing opportunities to close the gap between current levels of public and community housing and the demand to house those people who are homeless in addition to those people in severe rental stress and those in transitional housing.

Early childhood education and care

Sonja TERPSTRA (North-Eastern Metropolitan) (18:48): (1457) My adjournment matter this evening is for the Minister for Children and relates to the Allan Labor government's commitment to early childhood education through its kinder kits initiative. Education starts in the earliest years, formally in kindergarten but also in the home. That is why the Allan Labor government's kinder kits are back in 2025 for every eligible child enrolled in a funded three-year-old kindergarten. Each kit is packed with books, educational toys and activities designed specifically for three-year-olds to enjoy at home, ensuring all children have access to vital early learning tools. Last week I had the pleasure of visiting two outstanding kindergarten facilities in Croydon: St John's Kindergarten, which has been serving our littlest learners in Croydon for over 60 years; and Pinjarra Kindergarten, which fosters confidence and education through play-based learning and is nestled along the Tarralla Creek trail. While Croydon has significantly changed over the years, the dedication of the kindergartens to providing high-quality early education and meeting future opportunity remains steadfast. I particularly want to acknowledge the hard work and dedication of the early years educators who educate our littlest learners through play-based learning each and every day. Given the vital role kindergartens play in shaping a child's learning journey, I ask the minister to outline how the kinder kits initiative will directly benefit kindergartens in the North-Eastern Metropolitan Region, including St John's Kindergarten and Pinjarra Kindergarten. I also ask: how will these kindergartens be supported in integrating the lessons learned from the kinder kits into their early learning journeys? Further, as engaging parents and carers is key to maximising the benefits of early education, I also ask: what additional measures is the government taking to ensure that families fully utilise these kits at home and in the community?

Kangaroo control

Bev McARTHUR (Western Victoria) (18:50): (1458) My question for the Minister for Environment concerns the Department of Energy, Environment and Climate Action's (DEECA) annual kangaroo harvesting quota. Peter Riddle has been a professional kangaroo harvester for 10 years, working eight properties across my electorate. It is a full-time job, yet for the first quarter of 2025 he was allocated just 50 tags – that is one and a half night's work, then no income for more than two months. Yet those same farms are this year overrun by thousands of kangaroos. Peter believes the estimate you rely on, Minister, to calculate the quota – 261,000 kangaroos in Barwon South West – is completely inaccurate. The methodology of counting 3 hours before sunrise or after sunset is simply wrong, according to Peter, who in the last decade has probably spent more time studying these animals than anyone else in Victoria. He says they hide in the bush all day and come out after dark. How can dawn or dusk counts catch that? He suggests the night-time use of thermal equipment would give a completely different result. He also points out none of his eight property owners has seen a surveyor. Peter thinks your transects have missed localised booms. Farms he works have up to 1500 kangaroos, which would extrapolate way beyond the area estimate you claim. Nor does your survey's decline in numbers since 2022 accord with the experience of these farmers, who claim numbers have doubled.

When pressed on the devastating impact of increased kangaroo numbers, DEECA suggest authority to control wildlife permits for farmers are the solution. This is absurd. Instead of professional, humane and sustainable shooting, farmers would likely be forced to shoot kangaroos themselves and leave them to rot or as food for foxes, wild dogs and cats. The damage is real. One farmer explained the impact of Peter's work, especially in drought conditions. He said:

... we are experiencing the toughest season in 50 years our pasture and water supply, bank account and ourselves are under extreme pressure. Without the harvesting of kangaroos our 140 year old business is under threat ... we are investing in exclusion fencing but wearing 100% of the cost at \$25,000 a km ... it's going to take some time. Extremely disappointed and angry, this sort of thing makes me feel like giving up.

Minister, the action I seek is for you to improve your survey methodology and to increase quota levels for professional harvesters, ditching the crazy solution of requiring farmers to negotiate bureaucratic

wildlife control permits and then having to go out and undertake the seriously skilled, professional, specialist task of shooting kangaroos.

Target Zero

David ETTERSHANK (Western Metropolitan) (18:53): (1459) My adjournment is to the Minister for Youth Justice and relates to an innovative program that is aimed at tackling youth disadvantage and keeping kids in school in the west. Every second day we are told that we are in the midst of a youth crime wave, that our once safe suburbs are crime epicentres. We are being held to ransom by lawless young offenders running rampant, and nothing is being done about it. The only thing that will keep us safe is to go hard, toughen up on bail laws and lock up more children. Everyone has a right to feel safe, but we know that these policies do not work.

The ‘go hard’ approach simply kicks the problem down the road and our youth into the justice system. We know that young people who end up in the criminal justice system are overwhelmingly more likely to experience greater levels of poverty, social and economic exclusion, racism, family violence and housing insecurity. Kneejerk policies that funnel more children into the youth justice system do nothing to make our streets safer and do nothing to address the underlying causes that put young people on the path to criminalisation. In my electorate a child is more likely to be the victim of domestic violence than to have committed a crime. If you are not safe at home and you are not engaged at school, you really do not have much choice but to be out on the streets, and the cost to the taxpayer is astonishing. It costs \$7500 a day to keep a child in detention, compared to \$6000 a year to educate them.

Rather than write off our young people, communities in the west are standing up for them. Tired of waiting for government action, a coalition of concerned stakeholders, including Westjustice, Victoria Legal Aid and the Centre for Multicultural Youth have established an ambitious program titled Target Zero, which aims to reduce the number of young people in our criminal justice system to zero, alongside project 100, with a target of 100 per cent year 12 completion. Target Zero seeks to end the criminalisation and over-representation in the justice system of First Nations and multicultural young people and young people in residential care in Brimbank, Melton and Wyndham by supporting kids to stay in school and to be active and engaged in their community.

Wyndham community college is the site of the pilot project, and we certainly commend them for taking it on. This program has continuing community consultation and input. It is a true partnership and testament to how the people of the west look after their own. So I ask the Minister for Youth Justice to tour Wyndham community college with Westjustice so that he can meet with the Target Zero team and view this exciting program firsthand.

Public transport safety

Melina BATH (Eastern Victoria) (18:56): (1460) My adjournment debate is for the Minister for Police, and the action I seek is for the minister to prioritise passenger safety on our regional trains and commit to increasing protective services officers on the Gippsland rail line. My Traralgon constituent boarded a morning train at Southern Cross station on Sunday 9 February. Sitting quietly, Naomi was first apologetic, then shocked and terrified when an aggressive traveller demanded she remove her handbag and allegedly physically assaulted her before sitting next to her. A different passenger called the conductor and reported the woman as being verbally and physically abusive. The train approached Yarragon station. The woman allegedly physically assaulted Naomi a second time. As the scuffle ensued Naomi attempted to protect herself. The assailant pushed and twisted her chest and dislodged Naomi’s implantable cardioverter defibrillator, ICD, causing a life-threatening episode. The alleged attacker was able to disembark at Yarragon station. In considerable distress and with a malfunctioning ICD, Naomi suffered a myocardial infarction, a heart attack. She suffered a heart attack as a result of this incident. She subsequently spent a week in Melbourne’s heart hospital after receiving emergency treatment from paramedics. On the train her attacker had previously been involved in an aggressive act towards another passenger before targeting Naomi.

Gippsland's public transport services have a mere two PSOs on roster at any given time in Traralgon, and there are 12 stations from Pakenham to Traralgon. It is woefully inadequate given there is rising crime and antisocial behaviour happening on our train lines. Regional commuters need a greater presence of PSOs to act as a deterrent, remove aggressive passengers and stop issues before they occur.

Highly traumatised by this terrible event, Naomi has related to me that she will never catch public transport again. She is struggling to leave the house and feels passengers on the Gippsland service are second-class citizens. She is not receiving the same protections that city commuters can and do. Once called 'plastic policemen' by the former Labor government, PSOs add a vital layer of safety in metropolitan Melbourne, and Naomi says: why can't we have them? Minister, the assault on Naomi could have been fatal. The action I seek is the immediate installation of more PSOs on our Gippsland rail services, as regional communities deserve to feel safe and arrive home safely.

Public sector review

Aiv PUGLIELLI (North-Eastern Metropolitan) (18:59): (1461) My adjournment matter tonight is for the Premier. The action I seek is that you abandon your plans to cut thousands of public sector jobs. Up to 3000 public sector jobs cut – what on earth are you thinking? You are supposed to be the Labor Party. You were founded by and historically backed by our workers, our trade unions. Instead these cuts sound like they are coming straight out of Elon Musk's DOGE, the Department of Government Efficiency. The CPSU is rightly appalled by these cuts, and unions from across this state have banded together to voice their opposition. These cuts risk compromising the services that Victorians rely on. It is essential that our public services are properly resourced to ensure they are operating as effectively and efficiently as possible. Let us think for a moment about who our public sector workers are. They are teachers, they are nurses, they are rangers, they are fisheries officers, they are community service workers. Around one in 10 in the Victorian labour force is employed in our public sector. Imagine the fear and uncertainty that this announcement has caused for thousands of workers and their families. I understand you are trying to repair the budget and that more can be done to raise public money, so how about this – tax the banks. You want to raise over \$16.5 billion in 10 years? Great – a 0.075 per cent quarterly bank levy will do just that. It would be a drop in the ocean for these massive corporations with the trillions of dollars in assets held by Australia's largest banks. Meanwhile, wealth inequality is still growing and people are still struggling. People rely on our public service. We should be protecting and expanding it, not attacking it. It is shameful that this Labor government is compromising our state, putting the crucial jobs of 3000 Victorians on the chopping block. If you truly cannot see, Labor, why this is a betrayal of your values, maybe it is time to reassess whether your party name suits.

Health system

Georgie CROZIER (Southern Metropolitan) (19:01): (1462) My adjournment matter this evening is for the attention of the Minister for Health, and it is in relation to the direction from government to gag Liberal and National Party MPs from speaking to health CEOs. The government has been lauding the *Health Services Plan*. They made a big announcement on 10 January talking about how the networks will be lumping together hospitals and health services in their geographic regions and claiming that patients will be able to get care closer to home and be looked after in their own communities. They said in that media release that:

Local workforces and communities will ... be consulted in 2025 to gain their views as well as to address each individual community's health needs.

That is what the government has said. That is what the minister's press release said, yet when I and my colleagues want to speak with CEOs about how it will impact their hospitals or health services and their workforce, the responses that come back include:

We have received advice from the Victorian Department of Health to refer you to the Victorian Health Minister as the matters raised in your email relate to the Victorian Health Services Plan ...

Effectively, Liberal and National Party members are being gagged. Certainly I am having difficulty being able to see CEOs in my electorate. They are saying, 'You need to get permission.' I have never asked for permission from the minister or the health department before. We are being gagged from being able to access and meet with CEOs around the biggest reform that this government is undertaking in relation to these very controversial health network plans. I think it is a disgrace that the CEOs are being gagged from speaking to us. We have every right. If you are putting out media releases, then you should go out and correct it, Minister, and say, 'Actually, we'll consult with the communities, but not the local MPs.' It is a damn disgrace.

The action I am seeking is that the minister correct this immediately – not in a month's time when I get a response from her. I want this corrected immediately so I and my colleagues can meet with CEOs, discuss these health network plans and consult with all of our local communities on this very important matter.

Kids Under Cover

Georgie PURCELL (Northern Victoria) (19:04): (1463) My adjournment matter is for the Minister for Children, and the action I seek is for the minister and her department to personally meet with Kids Under Cover as part of the government's 2025–26 budget deliberations. Each night in Victoria almost 12,000 children and young people are homeless, with about 36 per cent of them being First Nations young people – a crisis that has actually worsened under the Allan Labor government. It is alarming to know that half of rough sleepers in inner Melbourne first faced homelessness as children, and they remain trapped in a cycle of poverty into adulthood. In major local government areas, such as Shepparton and Bendigo in my own electorate, young people make up over 30 per cent of those experiencing homelessness on any given night.

Kids Under Cover is doing remarkable work housing nearly 1000 young people at risk of homelessness each night. Their mission, Target450, aims to house an additional 450 young people each night. Through their Village 21 project's studios and mobile pods, they are not only housing vulnerable young people but preventing homelessness before it begins, breaking the cycle for those who need it the most. To reach their goal, Kids Under Cover is seeking \$26.4 million in the upcoming 2025–26 state budget to rapidly deliver 200 studios housing 300 at-risk Aboriginal and Torres Strait Islander young people each night in partnership with the Victorian Aboriginal Child and Community Agency and deliver 100 one- and two-bedroom studios with wraparound care for 150 young people in contact with the out-of-home care system over the next two years.

This investment will mean Kids Under Cover studios will reduce youth homelessness across the state by 17 per cent – a critical step in addressing this crisis. It is not just the right thing to do, it also makes economic sense, because Kids Under Cover's interventions have proven returns on investment that surpass even major infrastructure projects. In fact eradicating youth homelessness in Victoria would save the state \$432 million over the next 30 years. Evidence clearly shows that providing secure housing to vulnerable young people at risk of homelessness saves money, reduces youth crime and reduces burdens on health and mental health systems. Kids Under Cover are ready with solutions to end youth homelessness. This in turn will also reduce downstream adult homelessness. I urge the minister and her department to meet with Kids Under Cover and discuss their vital work and the funding they require to make a real difference in the lives of vulnerable young Victorians as part of the government's upcoming budget deliberations.

Manufacturing sector

Michael GALEA (South-Eastern Metropolitan) (19:07): (1464) From time to time in this place, members can sometimes get a bit tetchy with each other. I know you will find that very hard to believe, Mr McGowan, but sometimes when we are on our feet all day, what you really need is the quick, energising sustenance of a muesli bar. When people reach for that muesli bar – whether they are members or staff in this place, whether they are working or in schools across the nation – there is a very good chance that muesli bar has been made in the South-Eastern Metropolitan Region.

I recently had the great privilege of attending the official opening of Good Food Partners brand new manufacturing site in Rowville. GFP are the producers of many of our iconic muesli bar brands, including Carman's, Sam's and many home brand lines. They are also a part of that iconic company the Arnott's Group. I will just say, sadly, they are not at the site at which Tim Tams and Mint Slices are made – that is still interstate. We still have some work to do to bring them back to their rightful home in Victoria. But along with the Minister for Industry and Advanced Manufacturing Colin Brooks, Mr Tarlamis, the member for Rowville in the other place and the federal member for Aston –

Ann-Marie Hermans interjected.

Michael GALEA: Well, Mrs Hermans, the member for Rowville was there. I am not sure why he did not want to invite you, but he was certainly there so he could have invited you. He was there, the member for Aston was there – it was wonderful to get a tour of this brand new site and see just how they fill Australia's insatiable demand for all kinds of muesli bars and similar products right out of their Rowville site.

I would like to particularly thank Arnott's CEO George El Zoghbi; GFP managing director Chris Diver; Honi Cervi, GM of innovation and growth, who in particular gave my little group a tour of the site; and all of the staff for making us feel so welcome. It was also great to connect with industry stakeholders, including the founder of Eat Up Australia, Lyndon Galea – no relation – and his team. Eat Up run a phenomenally impressive lunch program at disadvantaged schools across Australia. In fact those of us on the Legal and Social Issues Committee got to meet with Lyndon and his team at a recent inquiry hearing just last year.

Good Food Partners have been solid backers of Eat Up for a long time, and as they have grown, they have continuously given back to the Australian community. Chris Diver started this company – a small food manufacturer in the east of Melbourne – 22 years ago. From humble beginnings they have grown into a major success story and now employ around 200 people at their new, modern Rowville site. Scaling up to such a large and complex facility does not come without its challenges and throughout the process the company was assisted by this government to help it meet and work through those regulatory obstacles. So my question therefore is for Minister Brooks. Can the minister update the house on how the government is assisting manufacturing businesses in the south-east to succeed?

Cyclist safety

Katherine COPSEY (Southern Metropolitan) (19:10): (1465) My adjournment this evening is to the Minister for Public and Active Transport, and the action I seek is for greater investment in safe bike infrastructure. On Sunday 2 March hundreds of Melburnians put on their helmets and took off everything else for the 20th annual World Naked Bike Ride day. As well as promoting positivity around body image, this event is a fun way to promote the bicycle as a sustainable and environmentally friendly mode of transport and to highlight just how vulnerable people on bikes are to people in cars. Too many cyclists are familiar with the phrase 'Sorry, didn't see you there' from a driver after a collision or a near miss. Well, this crowd certainly is eye-catching. But what vulnerable road users need most of all is not just awareness, it is safe separated infrastructure that protects them from cars. The UN recommends that governments spend 20 per cent of their transport budgets on walking and cycling infrastructure, but on average Victoria only spends about 2 per cent. Minister, I am not suggesting you nude up like these cheeky riders, but I will ask you to front up more government funding for safe separated bike infrastructure.

Gender services

Joe McCACKEN (Western Victoria) (19:11): (1466) My adjournment matter is for the Minister for Equality. Minister, last week I had constituents visit me to discuss their concerns regarding the impacts of gender-affirming care used to treat gender dysphoria which results in gender transition. In particular their concerns relate to vulnerable young people with autism, ADHD and other mental health concerns. My constituents' child, whilst healthy and intelligent, is a vulnerable young person

who has experienced rapid onset gender dysphoria on the backdrop of level 2 ASD combined with ADHD, anxiety and depression. This was only made worse during the lockdowns. My constituents are not anti-trans, and they have tried to support their child as best as they can. When asking questions about transition, knowing there was a clear medical evidence base to do so, they were told they were only allowed to gender affirm and that doing anything else was transphobic. My constituents' daughter has since cut ties with her parents, and they are absolutely distraught.

Gender-affirming care, which is mandated, affirms the self-identified perception of gender incongruence. It leads straight to social, medical and legal transition to change natal sex. The medicalised component involves the use of cross-sex hormones and surgical removal of reproductive organs combined with cosmetic procedures to achieve the desired appearance. Many studies have identified the lack of credible evidence regarding the effectiveness of gender-affirming care. Several countries have ceased its implementation while others are actively reviewing the practice. Mounting evidence demonstrates the unethical nature of care, lack of follow-up for patients and failures in supporting those that detransition. There is a distinct gap in clinical guidance for this vulnerable group of people who identify as trans within the autism spectrum where there are reduced clinical, scientific and ethical safeguards, placing them at substantial health risk.

My constituents love their daughter. Their family have cried countless times fearing for their daughter and what gender transition might actually do, particularly gender-affirming care, all whilst having to bear with the assertion that gender-affirming care will improve mental health as long as there is no contact with the parents, my constituents. The action I seek from the minister is to urgently work with other responsible ministers to stop gender-affirming care and protect vulnerable young people, offering them realistic and accessible alternatives, especially those with mental health concerns who might be on the autism spectrum and suffering from gender dysphoria.

Renewable energy infrastructure

Gaelle BROAD (Northern Victoria) (19:14): (1467) My adjournment this evening is for the Minister for Energy and Resources. In light of the rapid expansion of renewable energy developments across Northern Victoria, my job is to listen to people and raise their concerns. In the government's pursuit of 95 per cent renewable energy by 2035, and with a growing population, it is evident that the number of large-scale projects in our region will only increase. I attended a community forum with my Nationals colleague Dr Anne Webster in Birchip last weekend, and we heard that there are plans for 600 to 700 wind turbines within close proximity to the town. They are up to 280 metres high. I know that in close proximity to Bendigo there are proposals for very large solar farms. There is the Goornong solar farm, the Fosterville solar farm and the Axedale solar farm, which includes 70 to 80 forty-foot containers with batteries. There is the Muskerry solar power station, about half a million solar panels across a thousand acres, and also the Colbinabbin solar farm, another 700,000 solar panels. Local residents and the Campaspe Shire Council said:

... the development would cover prime agricultural land with eight-metre-high solar panels.

I have spoken with a farmer who has been approached by 13 different companies seeking to utilise his farmland, and I know many other farmers who have grown very tired of having to get across all the information. Many have raised legitimate questions that deserve answers. The action I seek is for the government to produce an easy-to-understand guide that provides answers to these frequently asked questions to address their concerns.

Last week I met with Andrew Woodhams on his farm in Axedale. He inadvertently found out about a massive solar farm planned for the property next door. He developed a solar neighbourhood agreement. They decided to relocate their home on the property to avoid it overlooking the panels. The company agreed to plant trees and change the colour of the fence and work around their home. But unfortunately the company was sold to another international company and their previous neighbourhood agreement has been thrown out. Much to their frustration, their beautiful newly constructed home will now be located right opposite the solar farm.

Concerns have been raised about some solar developments. I know we had the solar farm at Cohuna, which has been closed for the past 12 months following a fire. Also just recently we had another solar farm catch alight in Raywood. The local town was warned about the toxic smoke, and it took hours for the CFA to put it out. There are a number of questions that need to be addressed: the fire risk, the burden on CFA volunteers, what happens to wind and solar farms at the end of their life, what rights residents have to ensure neighbourhood agreements are honoured, the insurance requirements for neighbours and what happens if they are found liable for damage to a neighbouring solar farm, how local communities and neighbours will be compensated, what research has been done to consider the heat impact of large-scale solar panels on surrounding properties and what opportunities exist for recycling the solar panels. There have also been concerns about wind turbine blades shedding on stock, the health of stock and the impact on classification of wool, and abattoirs putting restrictions on stock that have been grazed under solar panels. I ask the minister to produce a guide to address these concerns.

Manufacturing sector

Richard WELCH (North-Eastern Metropolitan) (19:17): (1468) My adjournment matter is for the Minister for Industry and Advanced Manufacturing. Victorian manufacturing is struggling, as shown by the collapse of Oceania Glass, our state's only architectural glass manufacturer. This is more than just a failure of a business; it is a stark warning about the challenges faced by domestic manufacturers due to rising costs and cheap imports. Oceania Glass has a proud history dating back to 1856, and it has contributed to many of Victoria's and Australia's most iconic buildings, including the federal Parliament House. Yet despite its expertise, the company has entered administration, threatening 260 jobs and vital domestic supply chains and sovereign capability. The causes of the collapse are rising operational costs, a big land tax, aggressive foreign competition and regulatory delays that have left Victorian manufacturers generally exposed. Without targeted assistance, foreign manufacturers with oversupplied markets and government subsidises of their own have been able to undercut local production, making it impossible for Victorian companies to compete.

The case highlights the broader crisis in Victorian manufacturing. High fixed costs, rising wages and supply chain disruptions have placed immense pressures on businesses. Combined with an inconsistent regulatory response, many industries struggle to survive. Oceania Glass is one of many manufacturing insolvencies this financial year, while the construction sector, heavily reliant on Victorian-made glass, has seen a marked increase in business failures also. This is unsustainable. The Victorian government must act urgently by providing targeted support for local manufacturers, ensuring fair competition through stronger state procurement policies favouring Victorian-made products and investing in domestic manufacturing capability and resilience. We must assess industry vulnerabilities and develop a long-term plan to secure jobs and boost domestic manufacturing. If strategic industries like glass – particularly, in the case of Oceania, structural glass manufacturing – continue to fall, Victoria risks increased dependence on imports, threatening jobs and supply chain security and further erosion of sovereign capability. The action I seek is a comprehensive strategy to strengthen Victoria's manufacturing sector, including targeted support measures such as incentives for local production and state procurement policies that prioritise Victorian-made goods.

Christian community

Evan MULHOLLAND (Northern Metropolitan) (19:20): (1469) I direct this adjournment towards the Minister for Multicultural Affairs, and the action I seek of the minister is to explain what the government is doing to defend and protect Christian communities. Today we have seen a pretty shocking display that I think has relevance for people in Victoria, and that was a display that occurred at the Sydney Mardi Gras. It was a display that was celebrated and laughed at – a depiction of Jesus Christ on the cross being speared. This is a blasphemous depiction of Christ's suffering, at the start of Lent, of all times. It is a heart-wrenching mockery that has shaken my community to the core. My phone has lit up with people offended and shocked at the mockery of Jesus Christ – again, at Lent, of all times, to do something like this.

As we battle conflicting rights, it appears there is an imbalance in this country where attacks on some groups are tolerated or even celebrated and laughed at. It is okay when it is an attack on Christians and their faiths, but if it is an attack on other groups, that is hate speech, we cannot possibly do that. But when it is an attack on something as sacred as Jesus Christ on the cross, where people are laughing at it, it is perfectly okay. I do think we have a problem in this country with tolerance, but tolerance goes both ways of the street. We really need to take a good look at ourselves in this country if we walk by this display and say that is okay and they will just cop it on the chin. We still have a majority of this country being people of faith; we still have a large number in this country that practise the Christian faith. Have we lost our morality? Really, to see a display like that occur at the beginning of Lent is just absolutely shocking, heart-wrenching and completely offensive, but unfortunately some people laugh at a brutal mockery of Jesus Christ and walk past it and accept it. I am here to say that we on this side of the house will not accept it.

Consumer scams

Ann-Marie HERMANS (South-Eastern Metropolitan) (19:23): (1470) My adjournment matter is for the Minister for Consumer Affairs. The action I seek is for the minister to meet with me and the president of the Master Locksmiths Association of Australasia to hear the association's concerns regarding scams being undertaken by fake locksmiths and to assist the association to develop a strategy to protect Victorians from these scams. The prevalence of fake locksmith scams is increasing and costing many Victorians dearly, both financially and also emotionally. The peak body representing Australia's locksmith industry, the master locksmiths association, has issued a warning about this major scam being perpetrated in Victoria by overseas criminals posing as locksmiths. The fake locksmiths target people who have locked themselves out of their home or car. They quote small fees, usually less than \$100, and when they turn up they charge the victim hundreds of dollars and in some cases up to thousands of dollars. In many cases the scammers will damage the door in question, and the victim will be forced to pay a legitimate locksmith to repair it, costing them even more money.

There has been a huge surge in complaints to the master locksmiths association regarding this scam, which is being perpetrated by overseas criminals posing as locksmiths, and it is costing unsuspecting customers millions of dollars every year. The scammers often use standover tactics and threaten and intimidate customers, who are often females or vulnerable people living alone. The fact that these overseas-based criminals are paying more than \$150,000 per month for their website to appear at the top of searches gives a good indication of how much money they are making. Given this criminal behaviour is impacting countless Victorians, including my constituents in the South-Eastern Metropolitan Region, it is incumbent on the Victorian government to step up and protect vulnerable Victorians. All Victorians know crime is running rampant through the state, especially in the South-Eastern Metropolitan Region, so the government must do all it can to protect Victorians. The locksmith profession is one that is built on having a good reputation, of having good character, and so to have people targeting Victorians with fake locksmiths is really concerning.

In my electorate alone – I have talked about this before – it is important to reiterate again how crime is increasing at a terrifying rate. In Carrum Downs crime against the person increased by 20 per cent in 12 months, in Cranbourne burglaries increased 700 per cent in 12 months, in Frankston South burglaries increased 82 per cent in 12 months, in Mordialloc theft from a motor vehicle increased by 48 per cent in 12 months and in Narre Warren South burglaries increased by 77 per cent in 12 months. I look forward to receiving a response from the minister advising me that he will meet with me and the master locksmiths association – *(Time expired)*

Wastewater management

David DAVIS (Southern Metropolitan) (19:26): (1471) My matter for the adjournment tonight is for the Minister for Water, and it concerns 11 Barbara Avenue in the Ashwood electorate, in Glen Iris

specifically, and it relates to the sewage spills that occurred there on 25 November in 2024. I quote from one my constituents:

... raw sewerage spilling out of a drain inspection point at the side of the house on 11 Barbara Ave, Glen Iris. The sewerage ran alongside the house, partly under the house, onto the front lawn and then onto Barbara Ave and downhill along the whole street towards Beryls St.

Then it falls away steeply to the west towards Beryl Street. So the liquids ran along the whole length of the street. The sewage spillage had nothing to do with the family in question. The sewage continued to spill until the afternoon of 28 November. There was no attempt by Yarra Valley Water to clean up the spillage, and there was a second spillage between 6 and 7 December 2024. It says in the notes that I have been provided that a second raw sewage spillage occurred, and again, there was no immediate attempt to clear this up. Then a third raw sewage spill occurred on 15 December.

I mean, this is a Third World status approach. This is actually something that should not be occurring in this way. Yarra Valley Water, the family say, failed to provide sewerage services to residents on three occasions lasting almost two days and nights and then almost 24 hours on the second time and several hours on the third occasion. The first spillage continued for quite some time and was apparently caused by a construction blockage of a sewer on Toorak Road. The second and third occurred because Yarra Valley Water failed to implement effective measures to prevent the spillage reoccurring. There appears to be a faulty sewerage plant. I might add this is the sort of area where we are going to see six storeys and other massive growth in these areas with the planning changes. There is clearly a public health danger, and Bojan Pajic and Gary Sayer are the family in question. What I seek from the minister is an investigation into why Melbourne Water has so comprehensively failed to deal with this issue, and there is clearly a public health issue. Our sewers are often old and not able to cope, and yet the government wants to put thousands of new houses in these areas without any upgraded facilities.

Youth justice system

Nick McGOWAN (North-Eastern Metropolitan) (19:29): (1472) You know what they say – a week is a long time in politics. Well, a day for the Minister for Education Mr Carroll is a very long time. I am glad Minister Erdogan is here tonight to hear this, because obviously being from the same faction perhaps you can help remediate the situation for us, Minister, so please take as many notes as you can. But poor Mr Carroll. He cannot put a foot right at the moment. Do I have sympathy for him? No, I really do not, but nonetheless –

Members interjecting.

Nick McGOWAN: But where to start with Minister Carroll? Let me just suggest that Minister Carroll perhaps more regularly speak with the Premier, because clearly one does not know what the other is doing.

Credit also has to go to an FM station, to Fifi Box. If you listen to the FM stations, as I regularly do – I am a big fan of Fox and I am a big fan of the Austereo network in fact, and a big shout-out to them and well done for the work they do. If you were listening to them recently, they actually shouted out the fact that there was this plan, this secret plan by this government to actually put in the order of 50 young offenders in schools. Being the Minister for Corrections, I hope they briefed you on this. This could have been a question to you, Minister, but no, this is –

Enver Erdogan: You missed your chance.

Nick McGOWAN: Well, there is such confusion and chaos in your government right now. There is such confusion and chaos I do not know where to begin. I do not know where the policy starts, the bureaucrat finishes and the politician actually gets involved. But what we do know is this: in front of the cameras today Minister Carroll was at pains to point out that he had no idea. The first he knew was when he read it in the *Herald Sun* – the *Herald Sun*. It is not like he got the memo from the office. No,

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he got the *Herald Sun* – he woke up and, wow, there is what his department is doing. But in question time today the Premier had to correct the record. Apparently, the program is proceeding.

Minister, we are very confused about this. I am very confused about this. No-one in Victoria knows what is going on. Obviously, you are the minister. On the very same day, guess what else happened in the Department of Education? That is right, I heard you say that, Minister. That is correct. There were 65 exams we know last year were leaked online – 65. One of the worst, in fact the worst leak of exams in this state's history.

David Davis: And that's after the failure the year before.

Nick McGOWAN: Multiple failures in multiple years and multiple reports warning of the failures, and still they did nothing about it. But today we learned an extra four exams had errors, and in one exam there were actually three errors. I mean, the litany of mistakes by this education minister is just gargantuan.

David Davis interjected.

Nick McGOWAN: It is horribly unfair to our children. There is no two ways about that, Mr Davis. But in addition to that, what is horribly unfair to the children who are trying to seek the education they deserve is now they have been told they have 50 young offenders sitting next to them. And these are the offenders who are prone to not observing their bail, which is even worse. The action I seek from Minister Carroll, in addition to obviously speaking with his cabinet colleagues and the Premier before he announces things publicly or perhaps reads his brief rather than reading it in the *Herald Sun*, whichever he wishes to do, is that the minister provide a list of the schools targeted by this government to actually insert these young offenders into their schools.

Responses

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (19:32): There were 19 matters today. I might first address the matter raised by Mr Ettershank, because he invited me along to the Wyndham community college to see the work that they are doing with the Target Zero partnership with Westjustice. I might actually take that up that invitation, Mr Ettershank. I will speak to my team and arrange a time to get out to Wyndham, out to the west, with the good, new local member out there. We can all visit together. So I will take that on board, and I hope I have been able to address your question in relation to my visit to Wyndham community college.

In relation to the other matters, there was Ms Ermacora to the Minister for Community Sport, Ms Lovell to the Minister for Health, Dr Mansfield to the Minister for Housing and Building, Ms Terpstra to the Minister for Children, Mrs McArthur to the Minister for Environment, Ms Bath to the Minister for Police, Mr Puglielli to the Premier, Ms Crozier to the Minister for Health, Mr Purcell to the Minister for Children, Mr Galea to the Minister for Industry and Advanced Manufacturing, Ms Copsey to the Minister for Public and Active Transport, Mr McCracken to the Minister for Equality, Mrs Broad to the Minister for Energy and Resources, Mr Welch to the Minister for Industry and Advanced Manufacturing, Mr Mulholland to the Minister for Multicultural Affairs, Mrs Hermans to the Minister for Consumer Affairs, Mr Davis to the Minister for Water and Mr McGowan, finally, to the Minister for Education. I am sure he will be happy to respond to your question. For clarity's sake, I think it is important to underline that in terms of our commitment to rolling out the electronic monitoring, that work and the consultation work is being done and that will happen this year.

I will make sure all those matters are referred to the relevant ministers for an appropriate response.

The PRESIDENT: The house stands adjourned.

House adjourned 7:34 pm.