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Hansard

LEGISLATIVE COUNCIL

60th Parliament

Tuesday 17 February 2026

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

Condolences

Hon Alan Henry Scanlan

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:03): I move:

> That this house expresses its sincere sorrow at the death, on 22 December 2025, of the Honourable Alan Henry Scanlan, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Assembly for the electoral district of Oakleigh from 1961 to 1979, and as Minister of Special Education from 1976 to 1979 and Minister of Health from 1973 to 1976.

I just want to make a few remarks on behalf of the government. I of course offer my condolences on the passing of Alan Henry Scanlan to his family and all those who knew him. His career started as a teacher – a teacher who focused on assisting children with a disability. It was an early career path that would set him on a pathway to a broader contribution to improve the lives of children with a disability. He was a long-serving member for the Oakleigh district, later serving as cabinet secretary and as Assistant Minister of Education before having carriage of the portfolios of health and, as I said, later special education. The later appointment was noteworthy, as it was the first time in this state that a minister had been appointed specifically to improve the educational support available to children with a disability, which included the beginning of special schools as we know them today. This work is to be commended of course for improving the lives of children who have received an enhanced education in a system that much better caters to their needs and has inclusion at its heart. We thank Mr Scanlan for his contribution to this place and to the state of Victoria and offer our condolences on his passing. I understand there are members of the house that did know him, and I will allow time for them to speak.

Bev McARTHUR (Western Victoria) (12:05): I likewise join with the Leader of the Government to pay tribute to the Honourable Alan Scanlan. It is an honour today to pay tribute to the life and service of the Honourable Alan Scanlan, who served this Parliament and the state of Victoria for so long and with distinction. Alan was born on the 23 June 1931 in Caulfield. He attended Melbourne High School and Melbourne Teachers College and taught in London in the late 1950s. This background in education informed his approach to public service. He joined the Liberal Party in 1952 and was president of the Victorian Young Liberals from 1959 to 1961. In 1961 Alan married Shirley Pope, a fellow teacher, and while I did not know Alan personally, I do know Shirley and can attest to her personal contribution to the Liberal Party and the wider community.

Alan entered the Victorian Legislative Assembly in 1961, representing Oakleigh, and served until 1979. During those 18 years he was appointed Cabinet Secretary in the Bolte government and served in several ministerial positions in the Hamer government: Minister of Health, Minister of Special Education and Assistant Minister of Education. His work in these roles focused on improving Victoria's education and health systems. He brought integrity and diligence to the task, with a clear commitment to expanding opportunity. In August 1961, in his inaugural speech to the Legislative Assembly, Alan spoke about Victoria's prospects. He said:

> We, in Victoria, are most conscious of the fact that 50 per cent. of the capital which has been attracted to our Commonwealth has been drawn to this State, and this has meant the establishment of new industries and the extension of existent ones. Our population is continually increasing –

this is the key part –

> … and Victoria has established itself as the political, cultural and economic leader of the Commonwealth.

We would dearly love to be able to say the same today.

His confidence in Victoria's potential was genuine and shaped his years of public service. After leaving Parliament Alan moved to Trinity Beach, Queensland, where he served on the Mulgrave Shire Council. His commitment to public life continued well beyond his time in this chamber. Alan passed away on 22 December 2025 at the age of 94. He is remembered as a dedicated colleague and a thoughtful contributor to the work of this Parliament. On behalf of this Parliament and the opposition, we extend our condolences to Alan's family and all who knew him. His service here and in the wider community will be remembered.

David DAVIS (Southern Metropolitan) (12:08): I too wish to associate myself with the Leader of the Government's motion of condolence for the Honourable Alan Scanlan. He was a person who made a significant impact in his area in Oakleigh. He was born, as has been said, in Caulfield, but he taught for a long period at Oakleigh Primary School, which I might say recently celebrated its 150th anniversary. He made a big impact there, and I had a long conversation with his wife Shirley, who a number of us, including Ms Crozier, know very well indeed and who is a very strong stalwart of the Liberal Party but also the local community in the Oakleigh area. She is a strong monarchist too, I might add. She told the story of meeting Alan. She met him in London in Earls Court in the late 1950s and came back here and married here. He was shortly after elected to Parliament. She said to me, 'We were in our 20s. We were the youngest people associated with the Parliament in those days.' He was, I think, 30 when he was sworn in, but he was a very effective minister, a Minister of Health, a Minister of Special Education. As the Leader of the Government has pointed out, he was the first minister in the country to have that specific set of responsibilities to assist those who might have a disability. He also was a very strong advocate for his local area. The two of them were a great pair.

Alan moved to Queensland after he left Parliament in 1979. He took up residence at Trinity Beach and participated in a number of activities there, including advocacy on tourism matters and so forth. But I think the important thing was Oakleigh, at that time when he was active, was developing, and he was a very, very fierce advocate for his local area as well as being a respected minister and contributor. For Shirley and family, we certainly happily join in this condolence motion to respect the life of Alan Scanlan.

Motion agreed to in silence, members showing unanimous agreement by standing in their places.

The PRESIDENT: As a further mark of respect, the proceedings will be suspended for 1 hour.

Sitting suspended 12:13 pm until 1:13 pm.

Bills

Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025

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

Planning Amendment (Better Decisions Made Faster) Bill 2025

Royal assent

The PRESIDENT (13:15): I have a message from the Governor, dated 10 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:
>
> **1/2026** Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Act 2026
>
> **2/2026** Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Act 2026

I have another message, dated 17 February:

> The Governor informs the Legislative Council that she has, on this day, given the Royal Assent to the under-mentioned Act of the present Session presented to her by the Clerk of the Parliaments:
>
> **3/2026** Planning Amendment (Better Decisions Made Faster) Act 2026

Committees

Economy and Infrastructure Committee

Reference

The PRESIDENT (13:16): I also advise the house I have received a letter from the chair of the Economy and Infrastructure Committee advising that the committee agreed that there will be insufficient time to undertake the inquiry into the Victorian electrical transmission grid, and therefore the committee will not proceed with this self-referenced inquiry.

Questions without notice and ministers statements

Construction industry

Bev McARTHUR (Western Victoria) (13:16): (1213) My question is to the Treasurer. Last week it was revealed in the Watson report that the CFMEU has cost the Victorian taxpayer at least $15 billion out of a total Big Build spend of $100 billion. Fair Work Commission general manager Murray Furlong also said on oath at a federal hearing last week that of the 15 per cent cost blowout 'that figure is consistent with what I've heard from officials from the Victorian government' and that inflated costs may have gone up to 30 per cent. You have been a minister in this government for seven years, you are a former Attorney-General and you are the current Minister for Industrial Relations and the Treasurer. How did your government's officials know about this level of corruption when you did not?

The PRESIDENT: Before the minister answers, you can only direct your question to one portfolio that the minister currently holds, so is it to the Treasurer?

Bev McARTHUR: The Treasurer.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (13:18): I thank Mrs McArthur for her question – although, Mrs McArthur, the way you have framed your question is confirming facts that have not been confirmed, so I do take issue with the way that you have assessed your question. But in any event, your question contains a claim that is a claim that was removed from the report by the independent administrator, who supported that with a statement that said he was 'not satisfied that they were well founded or properly tested'. Mrs McArthur, it is well known – and I think we have had the conversation in this chamber before – that the cost escalations within the construction industry have very much been driven by things such as increased wages because of labour shortages and indeed increased costs in relation to raw materials. Fortunately, some of that is starting to come off, but –

Georgie Crozier interjected.

Jaclyn SYMES: President, I take issue with the interjections of Ms Crozier, and I would ask her to withdraw.

The PRESIDENT: Ms Crozier, can you withdraw?

Georgie Crozier: I withdraw the fact that I said the Treasurer is corrupt. I withdraw.

Jaclyn SYMES: Thank you. It would be an opportunity to bring some other people's comments in relation to this matter to the chamber. The economist Saul Eslake has said that 'the engineering construction implicit price deflator – a measure of price growth used by Australian Bureau of Statistics – showed costs in Victoria went up by 36.8% between December 2014 and September 2025'. David Hayward, professor of public policy and social economy at RMIT University, said there does not seem to be any reason to believe criminality was as financially significant as the redacted Watson chapters suggest. He said overruns were largely due to increased materials and equipment costs and issues with particular projects, which is exactly how I commenced my answer to Mrs McArthur's question.

Bev McARTHUR (Western Victoria) (13:20): Well, Minister, the redacted section of the Watson report says that:

> There is no doubt the government knew about the rising problem – but it is equally clear that the government did nothing about it.

Minister, the press knew, the public knew, the workers knew, the strippers knew, the drug dealers knew, the bikie gangs knew, Mick Gatto knew, the departmental officials knew, so how can you still look Victorians in the eye and say you did not know?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (13:21): Mrs McArthur, you are conflating issues of criminality, which we take extremely seriously. As I have said in this chamber before, there is zero tolerance for criminal and illegal behaviour on any government worksite, and that is why we have acted in that regard. You are conflating the issue of criminality with the fair wages and conditions of hardworking construction workers who have been delivering the projects that Victorians rely on.

Members interjecting.

The PRESIDENT: Order! Questions get asked, and then the side of the chamber that has asked the question just starts yelling. Seriously, people should listen to the answers.

Jaclyn SYMES: As I was saying, Mrs McArthur, before I could not hear myself answering, any criminality should be reported in the appropriate way. Victoria Police are responsible for responding to corruption. But as you have indicated, this government has taken action – decisive action – to ensure that we have the systems in place to ensure that referrals can be made in the appropriate way.

Water policy

Sarah MANSFIELD (Western Victoria) (13:22): (1214) My question is for the Minister for Water. Your government has thrown enthusiastic support behind the expansion of data centres across Victoria. Data centres are incredibly resource intensive, requiring enormous amounts of water and energy to remove the heat they generate. The volumes of water we are talking about are immense. It is estimated that the Victorian data centres could use up to 19.6 billion litres of water a year. Currently the water that they use is drinking water, which is largely sourced from already-stressed rivers and groundwater systems. Will the government ban the use of potable water for data centres?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (13:23): I thank Dr Mansfield for her question. It is a question that, by and large, I have been asked a number of times in this place. The answer remains the same, and that is that we do have controls in place regarding water usage by large-scale industrial users. The government's policy is that large industrial users of water, like data centres, prioritise the use of non-drinking water, including recycled water and stormwater. To ensure transparency for water usage, any non-residential water user that uses over 100 megalitres a year will be publicly reported by their water corporation and identified if they are participating in water conservation programs. If additional capacity for water is needed, there is a new customer contribution charge that is set by the Essential Services Commission and charged by water corporations to the data centre developer. Before providing approval, water corporations must be satisfied that water security and supply can be met without negatively impacting communities and other users. An expert review is being undertaken by DEECA with VicWater, the industry peak body, to ensure existing water-use policies for large industrial users, including data centres, keep pace with this rapidly emerging sector.

Might I add that even in the brief time that this has become quite a debateable issue within the community, the technology advancements that I have seen and have been informed of have been quite eye-opening, to say the least, in terms of the types of energy and water that may or may not be needed in data centres. For example, instead of water there can be other types of fluids that can be used and that stay within the system; they do not go out. There are a whole range of different factors that are in

play. Of course there is the work that is being done with VicWater, and the department in particular is investigating all the other technological advancements that are being used to secure the energy that is required for data centres that reduce the impact on things like water, let alone recycled water.

Sarah MANSFIELD (Western Victoria) (13:26): I thank the minister for that response. You have indicated that large industrial users of water like data centres are required to prioritise use from non-potable sources like recycled water, but we know that upgrades to that sort of infrastructure are very expensive; we do not have a lot of recycled water infrastructure in Victoria. In New South Wales, the water minister there announced last year that data centres in that state would be required to pay for upgrades to water infrastructure so that households will not have to foot the bill for those upgrades to support data centres. Given the significant cost of infrastructure upgrading to deliver non-potable sources of water like recycled water, will you do the same here and make the data centres pay?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (13:27): Of course there are active investigations and discourse happening as we speak in this whole area, but as I have mentioned, there is a new customer contribution charge that is set by the ESC and charged by water corporations to the data centre developer. I think that is new information that might not have been in previous responses to this issue, but that is definitely the case as we stand today.

Ministers statements: Australia Day awards

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (13:28): I rise today to recognise the 2026 Australia Day honours recipients from corrections and youth justice. These awards honour distinguished service delivered consistently, professionally and often out of the spotlight. At the outset I congratulate Andrea Davidson, who was awarded the Public Service Medal for outstanding service to youth justice in Victoria. As commissioner for youth justice, Andrea strengthened rehabilitation and community confidence across community and custodial operations. She oversaw the opening of Cherry Creek and led the delivery of the first Aboriginal youth justice strategy, *Wirkara Kulpa*. As the interim CEO of Victoria's new violence reduction unit, she is now working tirelessly to prevent crime from occurring in the first place.

I also acknowledge three recipients of the Australian Corrections Medal: Serena Francke, Vicki Ryan and Julie Marchant. Over nine years Serena Francke, a prison supervisor at the Dame Phyllis Frost Centre, has progressed through frontline roles, managed critical incidents and strengthened trauma-informed practice in custody. Vicki Ryan, the general manager of the Metropolitan Remand Centre, has served in corrections for more than 30 years; a remarkable story of service. In this time she has led complex custodial operations and guided high-risk placements with fairness and accountability. Julie Marchant, a specialist case manager in community corrections in Dandenong, has taken on the challenge of supervising serious violent and sexual offenders. For 17 years she has focused on reducing risk through rigorous case management and therapeutic support. I want to take this opportunity on behalf of the government to congratulate Andrea, Serena, Vicki and Julie on this well-deserved recognition. Thank you for your dedication and service to our state.

Construction industry

David DAVIS (Southern Metropolitan) (13:29): (1215) My question is for the Minister for Industrial Relations. As Minister for Industrial Relations, were you shown a copy or part thereof of the Watson report prior to its release by the CFMEU administrator?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (13:30): Mr Davis, my information is that that report came to public attention through informal means. Perhaps a draft report that was not authorised was put out there, is my understanding, just to put that in context. But to specifically answer your question: no.

David DAVIS (Southern Metropolitan) (13:30): I therefore ask: now that you no doubt have a copy, what actions have you already taken to address the concerning findings?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (13:31): I thank Mr Davis for his supplementary question. Mr Davis, we have had many conversations in this place about what we have been doing to stamp out inappropriate and illegal behaviour on worksites. The report, or parts of it, go to some of the matters that we have been addressing. When I came to the role of Minister for Industrial Relations, we had already commissioned the Wilson report, the independent review into these matters, and as minister I have been responsible for the implementation of those recommendations. It was only a couple of sitting weeks ago that we completed those implementations. We have set up the complaints function specifically for concerns around corruption or –

David Davis: On a point of order, President, it was a very specific question about what actions the minister has taken after seeing this report. She is answering about other reports and other matters. That is entirely interesting, but it is actually not a direct response to what she has done after the report.

The PRESIDENT: The minister has been relevant to the question.

David Davis: No, no, she has not, President.

The PRESIDENT: Yes, yes, she has.

Jaclyn SYMES: Well, I am pleased to say that we did not wait for a leaked report that is not a final report. We have been acting since these matters have been brought to our attention. As I indicated to you, the Wilson report has been implemented in full. As I was rudely cut off, I was up to going through – *(Time expired)*

Youth justice system

David ETTERSHANK (Western Metropolitan) (13:32): (1216) My question is to the Minister for Youth Justice. The latest Productivity Commission report on youth justice services reveals that the average daily cost of imprisoning a young person in Victoria is the highest in the nation. At a cost to the Victorian taxpayer of nearly $7500 per day, it is three times that of New South Wales and $2000 more than the second-highest spender, Tasmania. As well as being the most expensive system in the country, it is one of the least effective in reducing reoffending. Nationally Victoria has the third-highest proportion of young people returning to sentence supervision within 12 months of release from detention. So I ask the minister: given the eye-watering cost of incarcerating our youth, why do Victoria's recidivism rates remain so high?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (13:33): I reject the premise of Mr Ettershank's question. I think as a government we have been quite clear that this report is an important report, and I thank the report on government services for this work. What that report says to you is that, as a government, we are proud of the investments we have made in running a modern and effective youth justice system. Running a system with greater investment means more support for young people when they are with us. That means both when they are with us in custodial facilities and when they are out in the community.

Members interjecting.

The PRESIDENT: Order! Mr Ettershank is not yelling. He is the one who asked the question, and he is sitting there trying to hear the answer. The minister to continue, without people yelling.

Enver ERDOGAN: I think when you read the report – and I really do want to thank the Productivity Commission for their report – it is an important point in time because, instead of cherrypicking the statistics, it is important to make sure that we have a more meaningful comparison with other jurisdictions. In fact the overall cost of our system relative to the size of our youth population

is comparable. We are about average, in fact, in terms of cost per young person in our state. What it also shows is that we have a modern system where we have invested in modern infrastructure and in modern programs, which means wraparound support services. And we continue to have the lowest incarceration rate in the nation for young people. As anyone who understands basic economics knows, there are economies of scale at play here. If you have less people in custody, the cost per young person is higher. You should be pleased to hear that, Mr Ettershank. As the number of young people in custody increases, the cost per person will in fact decrease. Year on year the cost per young person has in fact decreased by 9 per cent, and when the next report on government services is out, you will see a further decrease in the cost per young person because our tough new bail laws are working. 'Adult time for violent crime' is working. It means that more young people are being incarcerated; therefore the cost per young person will decrease.

David ETTERSHANK (Western Metropolitan) (13:35): Thank you, Minister, for that economic triumph. Minister, the same report highlights yet again that young First Nations people represent 15 per cent of people in custody, despite making up only 1.5 per cent of Victorians aged 10 to 23 – tenfold. In your submission to the Yoorrook Justice Commission you stated that the aim of the government's youth justice strategy is to prevent Aboriginal children or young people being in custody at all, and that:

> We need to do more … to divert –

them –

> … from the damaging effects of contact with the criminal justice system in the first place.

Can the minister inform the house of the specific measures being taken to reduce the number of First Nations people in youth detention?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (13:36): I thank Mr Ettershank for his supplementary question, and I do thank him, because this is an important issue that I and many across this chamber are very passionate about. You would appreciate that, as the Minister for Youth Justice and as Minister for Corrections, I do not necessarily determine who enters into our system, but I do have an obligation to provide services and support, wraparound support, for young people when they contact our system so they have the best opportunity to turn their lives around. That is what I am committed to doing in terms of when people do enter our system we do have support, and we try to provide a culturally safe environment for young people.

But of course that is balanced with our commitments to keep the community safe. People will be given opportunities to turn their lives around, but whether they take them is ultimately up to them. But as a government we are committed. We have had a longstanding agreement with First Nations people, an Aboriginal justice agreement. The Attorney-General and I are very enthusiastic about AJA 5, to be frank, and about what that entails and what the future looks like. But there is a lot of work that needs to be done in this space, and that is a commitment of not just myself but the whole of government.

Ministers statements: Victorian Open Mosque Day

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (13:37): It was my great pleasure to be invited to and to attend this year's open mosque day, alongside many of my colleagues, to support our wonderful and diverse Muslim community and to push back against harmful narratives and combat hate and division. Open mosque day has become a mainstay of our multicultural event calendar, becoming even more important following the Christchurch mosque terrorist attack in 2019.

This year's open mosque day could not have come at a more important time. In the wake of the horrific antisemitic terrorist attack in Bondi, Muslims in Victoria unequivocally condemned these attacks, yet they are being scapegoated, blamed, abused and attacked for the hateful actions of two individuals,

actions that have no basis in Islam. This scapegoating does not start and end with our Muslim community. Some in this place continue to show that they are prepared to fan these flames, hiding behind parliamentary privilege to peddle divisive rhetoric and cast aspersions.

We are now hearing harmful narratives out of the Liberal Party about good and bad immigrants. These words create harm and hurt, not only to our proudly diverse multicultural community but to our whole society. It is divisive and prejudiced. It pits Australian against Australian, and it ignores our shared history of migration and our proud history in Victoria as a place of sanctuary and acceptance for those fleeing persecution. Victorians, whatever their cultural background, see through this and they reject it. The Labor government will continue to stand with our proud multicultural communities today and every day.

Construction industry

David DAVIS (Southern Metropolitan) (13:39): (1217) My question is to the Treasurer. Treasurer, do you accept the estimates by Geoffrey Watson SC that 15 per cent of payments on Big Build sites are corrupt payments? And if not, what number do you accept?

The PRESIDENT: Treasurer, you can answer one question.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (13:40): Mr Davis's question is very similar to the one that Mrs McArthur asked in relation to the $15 billion claim. As I have indicated in my answer, it is the author who has also indicated that the estimate is, I think he used the term –

Harriet Shing interjected.

Jaclyn SYMES: 'rough and crude' – thank you, Minister Shing. You have also got the comments that I gave to you in relation to cost escalation within the construction industry, driven by labour shortages and wage costs and raw materials. We have got economists on the record that has confirmed that, Mr Davis, so I stand by my answer to Mrs McArthur –

David Davis: On a point of order, President, it was a very specific question about what alternate estimate she accepts.

The PRESIDENT: You asked two questions, and the Treasurer answered your first question. The Treasurer to continue.

Jaclyn SYMES: In relation to the $15 billion, Mr Davis, again, the administrator, who is the person who has the broad-ranging view of what has been going on in the CFMEU, is acting on that. I would point out that there is not one bad actor named in the Watson report that is actually still at the CFMEU, and some of those people have been prosecuted. I support the work of the federally appointed administrator, and as I have indicated, he is not remotely satisfied with the claim. He says they are not well founded or properly tested, and I will take the word of the administrator.

David DAVIS (Southern Metropolitan) (13:42): The Treasurer is desperate not to say another figure. She does not want to accept 15 per cent, and I say: Treasurer, 15 per cent of Big Build site costs is a huge impost on the state budget. Will the government take action to recover this $15 billion that is currently lining the pockets of bikie gangs and criminals?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (13:42): Mr Davis, again – and my comments to Mrs McArthur stand – conflating the fair wages and conditions of hardworking construction workers with the behaviour of –

David Davis interjected.

The PRESIDENT: Mr Davis, that is really loud. You asked a question and I thought you might want to hear the answer.

Jaclyn SYMES: Again, conflating wages and conditions with criminality and putting it in the one bucket in the claim that you have made is very disrespectful to those hardworking men and women who get out of bed every day to ensure that the infrastructure projects of Victoria can be delivered.

In relation to criminality, there is zero tolerance for inappropriate behaviour, and that is why, with full support of Victoria Police and Operation Hawk, there have been around 69 charges, and more than a dozen arrests have been made in relation to that. We very, very much support the work of Victoria Police to stamp out and jump on this behaviour, and as we have seen from the Watson – *(Time expired)*

David DAVIS (Southern Metropolitan) (13:43): It is clear that the minister wants to walk on past all of this. I move:

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

Motion agreed to.

Construction industry

Evan MULHOLLAND (Northern Metropolitan) (13:43): (1218) My question is to the Minister for the Suburban Rail Loop. Complainants to the Fair Work Commission have said that at the SRL stabling yards, one CFMEU-linked individual received ghost wages. When concerns were raised, the employee reported severe bullying, intimidation, threats of violence and interference with employment. Have you been briefed on allegations of bribes, intimidation and threats of violence on SRL sites?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (13:44): Thank you, Mr Mulholland, for the opportunity to talk about improving accountability, transparency and safety on the Suburban Rail Loop. I just want to be very, very clear about the work that we are doing to make sure that where there are any allegations, concerns or complaints of criminal or unlawful behaviour, unsafe behaviour or bullying, those complaints are able to be escalated and are able to be investigated and, where necessary, prosecuted to the full force of the law. Be under no doubt, Mr Mulholland, I have absolutely no time for any matters on worksites that expose workers to unsafe terms and conditions. Now, Mr Mulholland, if you had your way, there would not be any safe systems of work on worksites.

Members interjecting.

Sonja Terpstra: On a point of order, President, I am sitting almost directly behind the minister, and I am struggling to hear her answer with the sheer volume of noise that is coming from the other side of the chamber. I ask that the minister be allowed to continue her answer in silence, and if you deem it appropriate, maybe she should have the clock reset, I do not know.

The PRESIDENT: I uphold the point of order and ask the chamber to come to order.

Harriet SHING: Mr Mulholland, I will never walk away from the importance of making sure that workers have safe workplaces, and if there are any allegations, concerns or complaints of criminal, unlawful or improper behaviour –

Evan Mulholland: On a point of order, on relevance, President, the question was about if the minister had been briefed. That was the question.

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

Harriet SHING: Well, if you are actually interested in listening to the answer, I would be very happy to continue to provide you with information, because, Mr Mulholland, as I have made clear and as we have made clear in this government, we have absolutely no tolerance for any behaviour that threatens, endangers or intimidates or engages with criminal behaviour around the safety of workers in their workplaces in an industry, in a sector, which is inherently dangerous. Mr Mulholland, I receive regular briefings and information about the pathways available to anybody who does have a complaint

or a concern. I have made it very, very clear that I want to see any issue, allegation, concern or complaint escalated to the appropriate pathway, whether that is the construction complaints referral process, whether that is WorkSafe, whether that is the VIDA Stopline or whether that is the AFP or Victoria Police.

Mr Mulholland, you referred in your opening remarks, which you made, to the Fair Work Commission, and again the Fair Work Commission, through the Fair Work Ombudsman, has a process there too. Let us be very, very clear, Mr Mulholland: there is a big distinction between what you would seek to conflate on the one hand, being criminal behaviour – appalling and disgraceful. The one thing that we agree on across this Parliament, the one thing perhaps that we can all agree on, as flagged by everyone from Mr Watson right through to Mr Furlong, Mr Mulholland, is that we have zero tolerance for criminal behaviour and unsafe behaviour. But having said that, to try to say that workers achieving a fair wage and safe conditions is a matter that constitutes what you say is unlawful or improper, is an absolute disgrace and says that if you had your way every Victorian construction worker would get a bill under a Liberal government for the wages that they have earned fairly and lawfully.

Georgie Crozier interjected.

Harriet SHING: On a point of order, President, yet again she said it.

The PRESIDENT: I did not hear it. Well, maybe I will just warn the chamber that if people want to make accusations, they need to do that through a substantive motion. Who are you directing –

Harriet SHING: Ms Crozier, yet again has made another assertion. You point at me, Ms Crozier, and say it. You have said it time and time again. I would ask that you unconditionally withdraw.

Renee Heath: Further to the point of order, President, I think that Minister Shing also made some unsubstantiated claims about Mr Mulholland, so she should withdraw before she calls any points of order on anyone else.

Members interjecting.

The PRESIDENT: Let me commit to the chamber that I will try and listen out in the wall of noise for if anyone says something unparliamentary, which I am guessing Minister Shing believes someone did, and I will be calling on people to withdraw for the remainder of this week.

Harriet SHING: On the point of order, President, I heard it.

The PRESIDENT: Ms Crozier, are you happy to withdraw? I did not hear it.

Georgie Crozier: For you, President, I withdraw.

Evan MULHOLLAND (Northern Metropolitan) (13:49): Minister, another complainant to the Fair Work Commission has stated that it had been subject to illegal CFMEU boycotts on Big Build projects, including the SRL, after refusing demands for bribes. Will you guarantee that these activities have ceased on SRL sites?

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (13:50): Thank you, Mr Mulholland. Again, the sorts of complaints and allegations that have been made – and we have all seen them as they have been reported – are appalling. And again, I would hope that that is something we can all agree on. Mr Mulholland, what I would also say is that material provided to the Fair Work Commission is also within the remit of the Fair Work Commission to investigate, and indeed the setting of terms, conditions and wages as part of lawfully made collective agreements is something which requires the Fair Work Commission to be positively satisfied has been made genuinely and without coercion. That is set out very clearly in the Fair Work Act, Mr Mulholland. But as I have said, we need to make sure that the appropriate pathways are available –

The PRESIDENT: I think the minister was just answering your question. Is that your point of order, Mr Mulholland?

Evan Mulholland: On a point of order, President, on relevance, I asked if these activities have ceased on SRL sites and whether the minister can make a guarantee. If she cannot, she can say no; if she can, she can say yes.

The PRESIDENT: That is not really a point of order.

Harriet SHING: What I would say to you, Mr Mulholland, and indeed to anybody else who has concerns, allegations or complaints about criminal, unlawful or unsafe behaviour on the Suburban Rail Loop sites, on any other site, in any boardroom, on any factory floor, in any workplace, is that they escalate and raise these concerns immediately.

Ministers statements: apprentices and trainees

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (13:51): I rise to acknowledge our hardworking apprentices and trainees. Last week, with the member for Broadmeadows Kathleen Matthews-Ward, I celebrated National Apprenticeship Week at Kangan TAFE in Broadmeadows. Victoria's apprentices and trainees are building our homes, powering our industries and shaping our state's future, and only a Labor government will deliver the support they need. Five years ago Labor established Apprenticeships Victoria. In this time we have supported tens of thousands of Victorians to commence and complete their training. TAFE has now trained more than 70 per cent of Victoria's apprentices, and this deep connection has only improved with the establishment of Apprenticeships Victoria. Labor has restored trade papers, scrapped by the coalition, which recognise achievements and encourage completions. Since 2019 we have issued 50,000 trade papers. We have also established the apprenticeship support officers program, the Apprentice Helpdesk and an apprentice employee assistance program to ensure apprentices receive the guidance and support they need. Our Apprenticeships Taskforce is driving further reforms, with more support to come.

I am pleased to confirm the free TAFE program is now supporting apprentices across the whole TAFE network via the free TAFE literacy, numeracy and digital support course. This new free course is equipping apprentices with the foundation reading, writing, arithmetic and computer skills they need to become fully qualified. This apprenticeship week I thank all of our apprentices, trainees, apprentice employers, trainers, TAFEs and group training organisations for the important role that they play in our economy. Labor will always back apprentices and our high-quality apprenticeship system, and we will always back TAFE and free TAFE, which is why we are legislating free TAFE into law.

Incolink

Richard WELCH (North-Eastern Metropolitan) (13:53): (1219) My question is to the Minister for Industrial Relations. Since 2018 the Victorian government has given Incolink $12 million of taxpayer grants. Incolink in turn paid $9 million to the CFMEU. Is the minister aware that Incolink is still giving money to the CFMEU, even though it is in administration?

The PRESIDENT: That has nothing to do with the minister's responsibility. It is actually a function of an industry.

Members interjecting.

The PRESIDENT: Incolink is a function of the construction industry, which involves stakeholders that include employers as well.

Richard WELCH: On a point of order, President, if I may, it is subject to government grants. It is the accountability for the grant from government that I am concerned with.

Jaclyn Symes: Which grant?

Richard Welch: The $12 million and the other $26 million.

The PRESIDENT: I will let the Treasurer answer as she sees fit.

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (13:55): There are lots of questions that could come to the Minister for Industrial Relations, but this is certainly not one of them, as you picked up before the question had even finished I think, President. Mr Welch, I am more than happy to have a conversation with you – we regularly exchange at the bench down there – but perhaps if you pick something within the remit of my portfolio, we can continue that conversation.

Richard WELCH (North-Eastern Metropolitan) (13:55): I think the Victorian people can clearly see that the nature of that answer completely skirts around the point that is at stake and that this government has no concern for the use of taxpayer money, where it goes or who it goes to. I will ask the minister, if you have any care for these matters, guarantee that no taxpayer money has been funnelled through Incolink to corrupt CFMEU officials to pay for strippers, thugs and criminal operations?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (13:56): I believe it is still to me as Minister for Industrial Relations. But in any event, Mr Welch, we have rigorous governance arrangements in relation to matters such as this. You did not respond to any of the interjections to even indicate which department or minister that you are seeking this information from. I am more than happy to talk to you offline and help you craft the question that perhaps can get you the answer that you want from the relevant minister.

Richard WELCH (North-Eastern Metropolitan) (13:57): I move:

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

Motion agreed to.

Water policy

Aiv PUGLIELLI (North-Eastern Metropolitan) (13:57): (1220) My question is to the Minister for Water. Minister, the government recently committed $5.5 million to develop a sustainable data centre action plan which 'will help determine the most sustainable locations' for future facilities. Minister, will this plan include mandatory requirements regarding water efficiency and sources?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (13:58): I thank the member for the question. This was a question that basically, in some ways, was asked by Dr Mansfield where I talked about what the process currently is in respect to data centres and making applications and what needs to occur and what happens to large industrial organisations, industrial partners et cetera. In terms of the work that is being done, as I mentioned in the response to Dr Mansfield, DEECA and VicWater are working on a range of things, not just in terms of what is happening but also projected forecasts, so that water corporations can be more readily able to access information and to make the required responses. This is work that, as I said in my response to Dr Mansfield, is very active. It is very front of mind. We will have more to say about this in the future.

Aiv Puglielli: On a point of order, President, just to assist the minister, the question was specifically about the sustainable data centre action plan, which has not been mentioned yet in the response, just on relevance.

The PRESIDENT: I believe the minister was relevant, but I will get the minister to return to the question.

Gayle TIERNEY: This is a plan that is obviously important. Of course all sorts of variables need to be taken into account when it comes to data centres but not just data centres – heavy users of resources that are wanting to participate in the Victorian economy.

We will continue to look at all of the issues that come into play when businesses want to come into this state to participate in a whole range of different activities. A lot of work is obviously going on in Minister Pearson's area. Obviously in terms of water we have got the actual water component, but also of course Minister D'Ambrosio has got a significant interest as well as the Minister for Environment and the Minister for Planning. So there are a whole lot of moving parts in this place, and I can assure you that we want the best possible outcomes for Victoria, Victorians and of course the economy.

Aiv PUGLIELLI (North-Eastern Metropolitan) (14:01): Minister, with respect to your portfolio, the use of water in data centres being the topic, can you guarantee for Victorians that the use of water in these data centres will not push up water prices for people in the state?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (14:01): Again, in terms of my response to Dr Mansfield, what I have said is that there is a separate contribution fee that will apply to data centres and heavy industrial users. That is determined by the Essential Services Commission, and it will be determined by a number of factors. We look forward to having further discussions with the community and industry as these new elements of data information are on our doorstep.

Ministers statements: early childhood education and care

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (14:02): I rise to update the house on how the Allan Labor government is supporting families and giving Victorian children the best start in life. Last week I joined the Premier and the member for Laverton Sarah Connolly to celebrate the opening of the new Glengala Kindergarten, one of 24 brand new kindergartens on school sites opening this year. The Glengala Kindergarten is a beautiful facility and a welcome addition for families and the broader community in Sunshine West. With two rooms, the service will be able to offer kindergarten for up to 118 children across the week. Importantly the kindergarten is located right next door to Glengala Primary School. Kindergartens on or near school sites have many benefits for families, while helping children to get the most out of their early learning. Co-located kindergartens help families avoid the double drop-off, and they support a smooth transition to prep for our littlest learners. They also foster a sense of community by creating a central hub for education services, ensuring families can build connections right from the start. That is why, since 2021, every new Victorian primary school has had a kindergarten onsite or next door. This year we have reached an exciting milestone in that since 2019 our government has delivered more than 100 new and expanded kindergartens on school sites. These kindergartens are located right across Victoria, in every corner of our state.

Far from stopping there, we are already adding more services to the pipeline. Next year a further 15 kindergartens on school sites will open, including services in Werribee South, Clyde North, Sunbury, Aintree, Seville, Port Melbourne, Rochester and – the Treasurer will be pleased – Benalla. In 2028 another 10 will open, including six newly announced sites in Ararat, in Mickleham, in Longford, in Neerim South, in Warragul and in Noble Park. This is all part of our nation-leading Best Start, Best Life reforms, which are investing billions to build and expand kindergartens statewide. Through these reforms we are transforming early childhood education and providing 15 hours of three-year-old kindergarten by 2029 and up to 30 hours of pre-prep by 2036. Only the Labor government will continue delivering for children and their families.

Constituency questions

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (14:04): (2127) My constituency question is for the Minister for Roads and Road Safety. Will the minister guarantee that the recently announced safety upgrades to Main Street in Rutherglen will be complete before the Roam Rutherglen winery walkabout in June? Following many years of local advocacy and two major accidents on Main Street in 2024,

one of which tragically claimed the life of a 77-year-old local woman, the state government finally agreed to improve safety on Main Street. The works did not commence until last week, which I welcome, but I note that the Labor government has chosen to do the work during the busiest months of Rutherglen's tourist season. Tastes of Rutherglen will take place in March, and in April tourists will flock to the beautiful town for the Easter long weekend. Ongoing roadworks will be highly disruptive to local businesses and visitor movements during these major events. The work is expected to take 16 weeks to complete, and if there are any delays, it could significantly impact Rutherglen's tourism.

Northern Metropolitan Region

Anasina GRAY-BARBERIO (Northern Metropolitan) (14:05): (2128) My constituency question is to the Minister for Roads and Road Safety. Marianne, an older Northern Metro constituent, recently dropped into my electorate office to raise serious concerns about what she described as an 'ongoing sinkhole' at the corner of Mitchell Street and Sydney Road in Brunswick. The footpath at this intersection sits lower than the road, and despite repeated temporary patch-ups, the hazard continues to persist. These short-term fixes are simply not lasting. Marianne uses a mobility walker, and this hazard makes it difficult and unsafe for her to move through her own neighbourhood. The government's own *Transport Accessibility Strategic Framework* acknowledges the important role enhanced footpaths play in accessibility. As Sydney Road falls under the responsibility of the state, Minister, can you confirm what steps are being taken to permanently repair this intersection and ensure it is safe and accessible for all pedestrians, including my constituent Marianne?

Eastern Victoria Region

Melina BATH (Eastern Victoria) (14:06): (2129) My question is to the Minister for Police. Constituents in my electorate are concerned about the rapid rise of dangerous e-bikes. A Traralgon resident had to take evasive action when a group of young riders swept across both sides of the road – speeding, one-wheeling and unhelmeted – and nearly knocked them into danger. Accidents and near-misses with souped-up, overpowered and unregistered devices are rising. Melbourne University found that the most affected age group for e-bike injuries was 10 to 13. There are no age-based restrictions for e-bikes in Victoria. Sellers do not need to confirm whether motors, throttles or batteries meet Victorian road-use standards, and illegal kits are often implemented after purchase. Minister, will you review and implement age-based restrictions for e-bikes and make the sale of conversion kits illegal, to reverse this escalating and worrying problem in my region?

Western Metropolitan Region

David ETTERSHANK (Western Metropolitan) (14:07): (2130) My question is for the Minister for Public and Active Transport. My constituent is a single mum living in Mount Atkinson. She is grateful that after years of advocacy the government has finally put them on the public transport map after announcing a new 140 bus route from Rockbank to Tarneit via Mount Atkinson in the 2024–25 budget. However, for now, she and her kids remain in an island community with no access to any public transport. She currently spends significant time and money on petrol and rideshares to get her family where they need to go. My constituent asks: can the minister provide a clear commitment and timeline for the 140 bus route, and if the long or uncertain timeline is due to procuring electric buses, why not have a temporary regular bus sooner rather than later?

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (14:08): (2131) My question is for the Minister for Education. This is a letter from a child, who lives in the seat of Nepean, which she wrote to a local high school:

[QUOTE AWAITING VERIFICATION]

Dear –

the name of the school –

> I would really like to move to your school. It has been a dream of mine since prep to go there, and my current high school has not been working out for me. I have been getting bullied since term 3 last year by two girls in my class. Because of them, I missed weeks of school, went to hospital and have had to have therapy. I did end up moving class, but still it has not stopped. I would really like to move to your school for a better education and a fresh start with a new school and new people. I promise you that if you accept me, I will not let you down. I will give every class my full attention, and I will always try my best.

Unfortunately, the school had to deny her request due to zoning. So my question is: Minister, will there be a review of school zoning to empower children in their choice, given the crisis of attendance at schools across the Eastern Victoria Region?

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (14:09): (2132) My question is for the Minister for Outdoor Recreation. The annual state-sanctioned recreational duck slaughter will begin on 18 March and run for a full-length season, despite this government's own parliamentary inquiry calling for an end to this cruel practice. Sadly, my electorate of Northern Victoria will be impacted by this blood sport, with our native wildlife in the firing line and my constituents forced to endure the sounds of gunfire. Advocacy group Regional Victorians Opposed to Duck Shooting has written to the minister's office requesting that 25 wetlands, many of which are in Northern Victoria, be closed due to their proximity to residential areas and recreational walking tracks. These wetlands include Lake Boort, Lake Yando, Richardsons Lagoon and many of the internationally important Ramsar wetlands such as the Barmah forest, Gunbower forest and Kerang Wetlands. Will the government listen to the concerns of my constituents, who feel unsafe, and close these wetlands for the duck-shooting season?

Western Victoria Region

Bev McARTHUR (Western Victoria) (14:10): (2133) My question is to the Minister for Planning. On Sunday I joined around 200 local residents at a community rally at Fort Queenscliff, organised by Senator Sarah Henderson, opposing the Commonwealth government's plan to sell this nationally significant heritage site following an ADF asset review. Fort Queenscliff is part of the history and identity of the Bellarine Peninsula and is covered by Victoria's planning, heritage and coastal management framework. The community is now establishing a taskforce, led by the Borough of Queenscliffe mayor, to lobby for the site to remain in public hands and accessible for cultural, education and tourism use. Will the minister commit to supporting the Queenscliff community's advocacy to the federal government, including by clearly and publicly articulating Victoria's planning, heritage and public interest expectations for Fort Queenscliff and opposing any outcome that risks inappropriate development or loss of public access?

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (14:11): (2134) My question today is to the Minister for Health. A few years ago the local community in and around Ringwood heard of this Labor government's plans to change the Woi-wurrung name of Maroondah Hospital to Queen Elizabeth II Hospital, with this name change being widely condemned by First Nations people, including no less than the First Peoples' Assembly, as well as many, many others from across the community. Things seem to have gone a bit quiet now and I have not seen mention of this new name for quite some time – years in fact. Minister, do you still intend to remove the First Nations name from Maroondah Hospital and replace it with that of a deceased British monarch?

Western Victoria Region

Joe McCRACKEN (Western Victoria) (14:12): (2135) My question is for the Minister for Roads and Road Safety, and it concerns the Western Highway, now widely regarded by my constituents as Victoria's premier off-road driving experience. I have had multiple residents contact me about its deteriorating state. Some sections are so uneven they should come with a warning label and quick access to a chiropractor. Frankly, Minister, the suspension industry is probably the only sector benefiting from the government's road maintenance program in Victoria. Can the minister explain

why this major highway has been allowed to resemble a lunar surface and when regional motorists can expect a road that does not feel more like a mechanical endurance test?

North-Eastern Metropolitan Region

Richard WELCH (North-Eastern Metropolitan) (14:13): (2136) My constituency matter is for the Minister for Planning. Last week the government announced stage 2 plans for the activity centre project in my electorate in Blackburn. Despite overwhelming community feedback already opposing high-rise developments, the plan still proposes up to 16 storeys, casting long shadows across Blackburn and changing the community atmosphere in a way residents never asked for. These excessive heights threaten the community feel and the environment that residents value and have worked hard to protect. We have no less than a street full of six, seven, eight to 10-storey towers the full length of South Parade, and the plan still fails to address the core issue that this is entirely inappropriate overdevelopment that will change the nature of Blackburn for the worse forever. When will the government stop ignoring the clear message from locals that they do not want towers dominating the Blackburn skyline?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (14:14): (2137) My constituency question is for the Premier. With an estimated $15 billion misappropriated from taxpayers battling rising bills, can you guarantee to my constituents that no funds were misused on Big Build projects in my region, particularly the Clyde Road upgrade, the Suburban Rail Loop Heatherton stabling yard and Progress Street level crossing removal? Premier, you referred the CFMEU to IBAC in 2024 knowing that they could not investigate the matter and did nothing once they rejected the referral. Why? Because IBAC does not have the powers needed to investigate the money trail to private subcontractors and expose the true extent of dealings between the government, the CFMEU and the underworld. IBAC is chronically underfunded, relying upon a Treasurer's advance to bridge its resource constraints in 2024–25. Premier, will you stand with hardworking, tax-paying Victorians to expand IBAC's powers and launch a royal commission or will you continue to protect pimps, gangsters and drug dealers?

The PRESIDENT: There was an original question around projects in the area you represent. That will be the question, because there were a lot of questions. That will be the question that goes to the Premier.

Southern Metropolitan Region

Georgie CROZIER (Southern Metropolitan) (14:16): (2138) My question is for the Minister for Planning. The issue relates to an activity centre being forced upon the community in Bentleigh. My constituent wrote to me about how he found out about the government's intentions. On Wednesday 14 January they found a small, double-sided flyer in their letterbox. The flyer measures 14.5 centimetres by 10.5 centimetres – about the same size as a piece of toilet paper. He goes on to say that the flyer had a QR code leading to a survey to give their feedback, a survey that opened on 20 October 2025 and closed on 30 November 2025, which is six weeks before they received any information from the government. They did not even have an opportunity to provide feedback. You cannot make this stuff up. Off the back of the CFMEU scandal, what on earth is next. My constituent believes this is underhanded and undemocratic. Minister, why was the Bentleigh community given outdated information and not consulted?

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (14:17): (2139) My question is to the Premier. Many residents of Bendigo East electorate have raised concerns that under your watch taxpayer funds were used to fund organised crime through state government projects. The *Rotting from the Top* report, presented to the Queensland Commission of Inquiry into the CFMEU and Misconduct in the Construction Industry, provided evidence that in Victoria corruption led to over $15 billion of taxpayer money being directed to organised crime due to the government's inaction. Criminal figures were handed top

salaries and the use of government cars, with ghost shifts, double payments and jobs for mates. Supervisors provided drugs to workers, and strippers were hired to do shows onsite. We need transparency and accountability on government projects and the use of taxpayer funds. The Fair Work Commission has called for an independent inquiry and stated that accountability is needed and Victorians have a right to know. Given the scale of this corruption and the potential ongoing risks, will you, as leader and the minister responsible, commit to a full and proper independent investigation and a royal commission to uncover the full scale of this corruption in Victoria and recover these funds?

The PRESIDENT: I missed the start of it. Mrs Hermans spoke about projects in her electorate that she represents. Mrs Broad, did you refer to any in your question?

Gaelle BROAD: I have had emails and letters.

The PRESIDENT: It does not count. It has got to be something within the electorate you represent.

Georgie Crozier interjected.

The PRESIDENT: Okay. We can do it as an adjournment tonight. That is fine. Good suggestion.

Western Metropolitan Region

Trung LUU (Western Metropolitan) (14:18): (2140) My constituency question is for the Minister for Police regarding the reduced hours and potential closure of the watch house reception at Keilor Downs police station. I have been contacted by several residents who are concerned about reports of the potential closure of Keilor Downs police station and are seeking answers. Can the minister please provide an update for constituents specifically on whether there is any plan to close the watch house's reception at Keilor Downs police station? Police visibility, response times and wait times are crucial issues for constituents, especially as the community is already struggling with an increase in youth crime. Any plan to close a vital police station in the west, where crime rates are rising, would severely alarm my residents.

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (14:19): (2141) My constituency question is to the Minister for Transport Infrastructure, who I understand is quite busy trying to stop CFMEU activities on construction sites. It is about the ongoing delays to projects in my electorate. Despite the Labor government promising planning works to be complete by the end of 2025 for the desperately needed upgrades relating to the Donnybrook Road and Camerons Lane interchange, it remains unclear on what progress, if any, has been made. Both projects remain listed as 'in planning' on Victoria's Big Build projects website, offering little reassurance to local residents. Time and time again Labor tell the Victorian people their projects are on time and on budget, but out in Melbourne's north it is hard to see that these critical infrastructure projects that are still stuck in planning can be either. I therefore ask the minister: will the minister provide an update to my community on these projects, because it is quite clear that the projects have been delayed due to CFMEU bikie influences elsewhere?

Committees

Scrutiny of Acts and Regulations Committee

Alert Digest No. 2

Sonja TERPSTRA (North-Eastern Metropolitan) (14:20): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table *Alert Digest* No. 2 of 2026, including appendices, from the Scrutiny of Acts and Regulations Committee. I move:

That the report be published.

Motion agreed to.

Papers

Papers

Tabled by Clerk:

Crown Land (Reserves) Act 1978 – Orders of 10 February 2026 giving approval to the granting of two leases at Albert Park.

Interpretation of Legislation Act 1984 – Notice under section 32(3)(a)(iii) in relation to Statutory Rule No. 146/2025 *(Gazette S74, 12 February 2026).*

Maryborough District Health Service – Report, 2024–25 *(replacement for copy tabled on Thursday, 30 October 2025)*.

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

Alpine Planning Scheme – Amendment C56.

Hobsons Bay Planning Scheme – Amendment C133.

Monash Planning Scheme – Amendment C173.

Victoria Planning Provisions – Amendments VC245 and VC271.

Statutory Rules under the following Acts of Parliament –

Australian Grands Prix Act 1994 – No. 7.

Residential Tenancies Act 1997 – Nos. 5 and 6.

Subordinate Legislation Act 1994 – Documents under section 15 in relation to Statutory Rule Nos. 146/2025, 1/2026, 2/2026, 3/2026, 4/2026 and 6/2026.

Proclamation of the Governor in Council fixing operative dates for the following act:

Social Services Regulation Amendment (Child Safety, Complaints and Worker Regulation) Act 2025 – sections 75, 83(1), 115 and 125, Division 10 of Part 3.2, Part 3.3 (other than section 131), Part 4.5 and Schedule 2 – 9 February 2026 – Part 3.1, section 131 and Schedule 1 – 23 February 2026 *(Gazette S50, 3 February 2026)*.

Petitions

Responses

The Clerk: I have received the following papers for presentation to the house pursuant to standing orders: Minister for Energy and Resources response to a petition titled 'Allow electricity smart meter communication capabilities to be disabled' and Minister for Skills and TAFE response to a petition titled 'Funding for the "Tools for the Trade" program'.

Business of the house

Notices

Notices of motion given.

General business

Aiv PUGLIELLI (North-Eastern Metropolitan) (14:36): I move, by leave:

That the following general business take precedence on Wednesday 18 February 2026:

(1) notice of motion 1199 standing in my name referring matters relating to the scale and scope of anti-LGBTQIA+ hate crimes occurring in Victoria to the Legal and Social Issues Committee;

(2) notice of motion given this day by David Limbrick referring matters relating to claims made through the Transport Accident Commission to the Legal and Social Issues Committee; and

(3) notice of motion given this day by David Davis on corruption on Victorian government Big Build sites.

Committees

Economy and Infrastructure Committee

Reporting dates

Georgie PURCELL (Northern Victoria) (14:37): I move, by leave:

That:

(1) the reporting date for the Economy and Infrastructure Committee's inquiry into electricity supply for electric vehicles be extended to 31 May 2026; and

(2) the reporting date for the Economy and Infrastructure Committee's inquiry into Transurban's categorisation and tolling of private use of utility vehicles be extended to 30 September 2026.

Motion agreed to.

Members statements

Lunar New Year

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (14:38): I want to send my very best wishes to everyone celebrating the Lunar New Year. This is a deeply significant celebration in our vibrant multicultural calendar. It is a symbolic reflection of our extraordinary diversity. It reflects the many cultures, languages and stories that enrich our state and strengthen our communities. Last night, on new year's eve, I had the pleasure of counting down to midnight at Quang Minh Temple with the Premier and many of my westie parliamentary colleagues. It was an incredible festival with a wonderful atmosphere. I must say it is one of the best festivals out there. I want to particularly thank the Venerable Thich Phuoc Tan OAM and the organising committee on another successful and vibrant event and wish them a prosperous year ahead. Celebrations will continue across the state over the coming weeks, and I am looking forward to joining many of our communities to mark the new year. This year is the Year of the Fire Horse, a symbol of momentum and purpose at a time when unity matters more than ever. The Year of the Horse invites us to keep pace with one another with shared intent, moving forward together guided by unity, mutual respect and a common vision for our future. Chúc mừng năm mới. Gōng xǐ fā cái. Happy new year to everyone.

Denis Moore

Evan MULHOLLAND (Northern Metropolitan) (14:39): It is my privilege to speak in honour of Denis Moore, a stalwart and, I would say, a legend of Craigieburn. Denis passed away on 6 January 2026, but his legacy will long endure in Craigieburn. Denis dedicated decades to strengthening the community he loved. In 1978 he joined the Apex Club of Craigieburn, contributing to numerous local projects and playing an instrumental role in helping the Craigieburn Scouts secure their log cabin Scout hall. In the 1980s he helped establish the Craigieburn junior cricket club and supported many youth and community initiatives, including the Craigieburn Progress Association. He was also a 30-year longstanding member and chair of the Calwell branch of the Liberal Party. From 2003 Denis was a founding member of the Craigieburn Residents' Association, serving at various times as president, secretary and treasurer. He was a passionate and dedicated advocate who attended many public meetings, supported neighbourhood initiatives and spoke firmly against anything he believed would harm his community. It was a privilege as a local MP to support the residents association and the work of Denis. As many local politicians know, you were not doing your work in the community unless you were answering at least one call a fortnight from Denis. Denis gave generously his time, energy and conviction. He was a larger-than-life personality and an absolute gentleman. His commitment to community service leaves a lasting mark around Craigieburn, and he will be deeply missed. Vale, Denis Moore.

Oil and gas exploration

Katherine COPSEY (Southern Metropolitan) (14:41): It was a huge win for people power when the National Offshore Petroleum Safety and Environmental Management Authority, the federal regulator for offshore fossil fuel drilling, rejected CGG Services's proposal for seismic blasting off the Victorian coast last week. This rare rejection follows huge amounts of work from people like Yaraan Bundle and Southern Ocean Protection Embassy Collective, Ben Druitt and Fight for the Bight Port Fairy, Australian Marine Conservation Society, Otway Coastal Environment Action Network and Surfrider Foundation, who organised rallies and paddle-outs and more. Coastal communities turned out not only to attend these events but to make nearly 15,000 submissions, making sure NOPSEMA knew how destructive this project would be and how much the community opposed it. Unfortunately, the fight is not over yet. These communities are being forced to play whack-a-mole with every new proposal that comes forward, because the Labor Party still supports these destructive new gas projects. In December last year federal Labor opened up five new areas for offshore gas exploration, while Victorian Labor approved two new gas projects. This risks seismic blasting that deafens whales and destroys sea life – all to drill for gas that will destroy our climate if it is burnt. As we celebrate this win for coastal communities and as these communities face ongoing impacts from disasters supercharged by climate change, we call again on Labor to stop new coal and gas projects to protect our climate and our pristine oceans.

Bushfire recovery

Jacinta ERMACORA (Western Victoria) (14:42): Last week I made a return visit to Natimuk to check on recovery progress. At Natimuk gymnastics club, president Lynette Morrow is working very hard to keep more than 300 students and members engaged while the damaged equipment is being replaced. Natimuk CFA brigade shared their expert climbers to work together with experienced farmers to keep locals and visitors safe. An element of the conversation included a bit of a debrief as well of what happened on the day. I also called in on BlazeAid base camp at Natimuk to say hello to the incredible volunteers there who are working six days a week to replace burnt fencing and provide an ear to farmers. I had the chance to drop into the Natimuk pub and have a chat with Bill Lovell, who has some real insights into the strengths and the challenges that are faced locally, and he does make a rather lovely steak sandwich. I want to thank everyone who I spoke with, particularly for sharing their experiences in such an open and constructive way, and I look forward to keeping those communication lines open.

Kingston City Council

David DAVIS (Southern Metropolitan) (14:44): Today I want to talk about Kingston council in my electorate, which overlaps into South-East Metro as well. The government has repeatedly put monitors in place there, but it is the influence of the two Staikos brothers that is much questioned here, with the Minister for Local Government Nick Staikos's attempts to throw his weight around at meetings with local councillors. Also the current head of the Labor Party, state secretary Staikos, is also very closely connected with Kingston on all of these matters. There is the question of grants which have been made outside the Kingston area. There are questions about how that is operating, and –

The PRESIDENT: Mr Davis, you cannot make accusations against a sitting member unless it is in a substantive motion.

David DAVIS: I am not sure that I have made terrible allegations.

The PRESIDENT: Well, no, I think you have, so I would caution you to stop doing that. I will let you continue.

David DAVIS: The councillors there – and this is across all backgrounds, Labor, independent and others – are all very much pushing back on Labor's behaviour in the City of Kingston, including the Staikos brothers, but especially the duo – I will call them the duo instead. The fact is that there are

those who are on the council who are sick of the interventions, are sick of the pressure and wish to get on and work for the local community and the council. It is time that – *(Time expired)*

Geelong Rainbow Festival

Sarah MANSFIELD (Western Victoria) (14:46): Last week on a lovely sunny Saturday I had the pleasure of taking part in the annual Geelong Rainbow Pride march and festival. We were joined by LGBTQIA+ leaders and advocates, including Geelong's own Goldie and commissioner for LGBTQIA+ communities Joe Ball. We were also entertained by amazing local talent like Teddy Testosterone. It was a day of celebration honouring progress and recognising the value of diversity and inclusion in our community in Geelong. But many hard-fought gains for the LGBTQIA+ community and others who have long faced discrimination and persecution do not necessarily look as secure as they once did, with increasingly flagrant homophobia and transphobia on our streets and in public discourse. Laws alone are not enough to deal with this. All of us, in every sphere of our lives, must guard against hate going unchecked or, worse, becoming normalised. That is why events like Geelong Rainbow are so important, where members of the LGBTQIA+ community and allies come together to promote the values of respect and inclusion. We know that feeling safe and included in society is a key driver of good health and wellbeing for everyone. We cannot be safe until we are all safe. Well done to Audrey Stringer and the whole team at Geelong Rainbow on a terrific day.

Construction industry

Georgie CROZIER (Southern Metropolitan) (14:47): As we have been discussing today, the stench around the CFMEU scandal just gets stronger by the day, if not by the hour. With the Premier and what she is trying to do – the cover-ups, the excuses, the blame game around this scandal – it is something that I think has horrified and shocked Victorians. Her excuses Victorians are not believing. This is extraordinary. While you have got ghost shifts, fake invoices, sexual exploitation, drug trafficking, intimidation, bashings and all of these issues that have gone on, meanwhile the poor old taxpayer has been slugged at least $15 billion to line the pockets of bikies and criminals. They have infiltrated these Big Build sites. The Premier was the Minister for Major Projects. She is now the Premier. For her to come out and say she knew nothing about this – no-one believes her. Even Robert Redlich today on radio said about IBAC – you know, he does not say things willy-nilly; he is a very experienced individual. He made some excellent points around what the Premier should have known and why she should have known it. No-one is swallowing the line about how her referral to IBAC – which she was informed of – did not meet the requirements. This Premier – *(Time expired)*

Shepparton Athletics Club

Rikkie-Lee TYRRELL (Northern Victoria) (14:49): My members statement is dedicated to highlighting the Shepparton Athletics Club. Last week I attended and participated in their Friday night meet. I have seen members aged in their 80s all the way down to juniors participating in this family-friendly athletics club, where they encourage and support one another to achieve personal bests and technique refinement and compete throughout the region. I always enjoy experiencing hands-on activities with my community groups and constituents, and the Shepparton Athletics Club did not fail to deliver. They allowed me to join them in the hammer throw, discus and 100-metre sprint, although I graciously opted out of the triple jump and 1500-metre run, choosing to leave those classes up to the professionals instead. The Shepparton Athletics Club would be an ideal group to join on a weekly basis to help anyone improve on their fitness and enjoy healthy competition.

Black Forest Drive

Wendy LOVELL (Northern Victoria) (14:50): In late December a constituent contacted me about the poor condition of Black Forest Drive near Woodend. During hot weather last year, the road surface melted and in response contractors dumped large amounts of blue metal aggregate. When trucks turned their wheels on the aggregate it would tear up the soft asphalt leaving the road surface badly damaged. I forwarded this complaint on to the Minister for Roads and Road Safety, who responded to say that

spreading aggregate was a short-term treatment until permanent repair or resurfacing could be carried out and that the road speed would be reduced in the meantime. The minister anticipated that permanent road surface repairs would be carried out in early 2026 at which point the normal speed conditions would be reinstated. When I checked in with the constituent, he said that a sweeper had removed excess aggregate but that the speed was still reduced, and it does not appear that permanent repairs have been done yet. The minister must inform local residents who use Black Forest Drive exactly when permanent road repairs will be carried out. The minister has already annoyed local residents by ignoring their feedback into the redevelopment of Black Forest Drive, so she should now at least respond to their concerns about the road surface and speed limit.

Construction industry

Melina BATH (Eastern Victoria) (14:51): Geoffrey Watson's *Rotting from the Top* report exposed a shocking truth: the hierarchy of the Victorian CFMEU did not just lose its way, it has become a corrupt organisation with gangsters, bikies and criminal networks. Under Jacinta Allan's watch, Labor has allowed this union to turn into a 'violent' and 'greedy rabble'. Warnings were ignored, corruption spread and Victorians paid the price. Corruption has helped drive $15 billion worth of project blowouts, $15 billion that should have gone to hospitals, schools and community services – all gone, lost, wasted and flowing on to bikies, organised crime and even strippers on worksites. This is a total failure of leadership. The waste should have gone to community. It should have gone to families, not criminals. A Liberal and Nationals government will create laws that chase down every single cent. The Allan government has the hallmark of being mired in deceit. The government knew it. The Premier failed to act. The government has failed this population, this state. Victorians deserve accountability and trust. The Liberals and Nationals will restore accountability and will stand up and stamp out corruption, and we will clean up this state.

Carers Victoria

Bev McARTHUR (Western Victoria) (14:52): Recently I had the pleasure of meeting with Susan Alberti AC, the Chair of Carers Victoria, and CEO Judith Abbott to discuss the 1 million Victorians who are in caring roles. The support that carers provide is vitally important to Victorian families and contributes the equivalent of over $18 billion to our state every single year in unpaid work. It is an outstanding contribution, but it often comes at significant financial and personal cost to these carers. It can be unrelenting, and many carers feel invisible. Carers Victoria aim to ensure these carers are seen and supported through counselling, respite connections and educational workshops. They help ensure caregivers have the tools they need to balance their caring role with their own wellbeing. We all have a part to play in making sure that carers feel recognised and can access a helping hand such as those offered through Carers Victoria when they need it. I look forward to working with Sue and Carers Victoria to change the future for Victoria's carers.

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (14:54): I move:

> That the consideration of notices of motion, government business, 278 to 1250, be postponed until later this day.

Motion agreed to.

Bills

Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025

Second reading

Debate resumed on motion of Harriet Shing:

That the bill be now read a second time.

Renee HEATH (Eastern Victoria) (14:54): I rise to speak on the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. The coalition will not be opposing this bill. I want to be clear about why we are taking that position, and I want to be equally clear about the serious concerns that we hold.

I will start with what matters most, and that is the victims. Child abuse is one of the most devastating crimes that can ever be committed. The Royal Commission into Institutional Responses to Child Sexual Abuse heard from 7981 survivors in private sessions. These are not outliers; these are patterns. The survivors of institutional child abuse have waited, often for decades, for justice and accountability. Some have fought through courts only to have their claims weakened by a technical legal argument about employment contracts. This is not justice, and it is certainly not right.

The High Court's decision in *Bird v DP* last November exposed the real problem: a Catholic diocese was able to avoid vicarious liability for abuse by an assistant priest simply because the priest was not formally employed. The court said that this needed to be changed, and this is what the government has responded to. We support that response, because survivors matter more than technical loopholes. Institutions that place people in positions of trust and authority should be accountable when those placed in these positions abuse that trust and abuse children. This is a principle that the coalition believes in deeply.

So in straightforward terms, this bill creates a new legal test. It says an institution can be held responsible for child abuse by somebody who is either a formal employee or somebody who is akin to an employee, meaning that their work looks and functions like employment, even if the contracts do not say so. This will cause the court to look at these practical factors. Was their work integral to what the institution does? Was it done for the institution's benefit, and how much control did the institution have over them? These are sensible and fact-based questions.

The bill also says there is a second step: the person's role had to have created an opportunity for this abuse. So we are not holding institutions liable for abuses that have nothing to do with their operations, the connection between the role and the abuse has to be real. There is an important safeguard too: the bill says independent contractors are explicitly not akin to employees. This is significant, and I will come back to this soon. The people whose cases were settled or dismissed between November last year, after the Bird ruling, and when this bill starts and comes into effect can go back to court and ask to have those settlements set aside, but only if the Supreme Court thinks that it is just and reasonable. The High Court decisions, however, cannot be reopened.

I am going to talk briefly on some concerns that we have, because good lawmaking means thinking carefully about the consequences and not just the intentions. Changing the law so it applies to things that happened decades ago or allowing cases that were already settled to be reopened – these things matter to the rule of law. People need to know that a legal outcome is final. They need confidence in our courts. But here is the thing: this is a case where retrospectivity is justified. We are talking about child abuse, about lives completely shattered and set on a path of destruction and about institutions that may have deliberately structured their arrangements to avoid accountability, and we are talking about survivors who were failed by the legal system, not through their own fault. In those circumstances, this Parliament has a responsibility to act. The safeguard that the Supreme Court has to approve any reopening on a just and reasonable basis also matters; it not just a free-for-all.

The second concern is more technical, but it is still important. Vicarious liability is what lawyers and legal experts often call an unstable area of law; the outcome depends heavily on the specific facts. By putting a legal test into legislation, we are locking something in that courts have traditionally kept flexible. My concern is that this may create unintended consequences down the track, and if it does, it is something that we are going to have to revisit. I also note that this bill uses non-exhaustive factors, so it is not a rigid checklist. The courts can still consider other relevant matters, so there is some flexibility built in.

Here is where I want to be very direct. This bill explicitly excludes independent contractors from the definition of 'akin to employee'. I understand completely why the government has done this; they did not want to go too far beyond what is needed to fix the Bird problem. But I am concerned – and I am not alone in this – that institutions, particularly some organisations and of course state organisations who employ a ton of contractors, might now argue that key contractors are not employees. If this happens, we may have created a new technical loophole instead of closing one. We need to be very clear as a Parliament that we do not tolerate institutions using contract labels to shield themselves from accountability. We will all be watching how the courts are going to interpret this law. If this becomes a problem, we have to, at the earliest possible opportunity, bring it back and begin to close those loopholes.

Added to this, some legal experts have raised concerns around language. The bill uses 'akin to employee', but other parts of the Wrongs Act 1958 use broader language like 'associated with'. This matters because inconsistent terminology across child abuse laws can create confusion. It can lead to arguments about words rather than arguments about accountability. This bill does allow court flexibility to consider other factors, but we need to keep an eye on whether the courts struggle with that terminology. If they do, we might need to raise that and then harmonise the language across different areas of legislation in order to keep young people safe.

I want to address something that does not get talked about enough in these debates, and I think it is genuinely important. Justice for survivors is right, but the cost of that justice does not fall on the perpetrator often – it falls on today's organisations. A government school can draw on taxpayer funds to pay compensation, but a community sporting club, a local charity or a church-run service – these organisations often have no money except what their supporters give them and what the government provides. That should never stop us from pursuing justice. I just wanted to put that on record because it is a fact. But we have a responsibility to think about what happens to these services that communities depend on. We need to make sure that in delivering justice for survivors, which is the right thing to do, we do not inadvertently deprive communities of vital services. The government needs to think carefully about support for organisations that will face these costs. That is a conversation that we do need to have, especially as the government continues to provide less funding to philanthropic organisations that centre on preventative services while continuing to expand government organisations and bureaucracies.

The royal commission data was stark. Government institutions account for nearly one-third of all institutional child sexual abuse. But in many of these settings – government schools, youth detention centres, residential care facilities and government health services – the people in positions of trust and authority are increasingly employing temporary contractors, not permanent employees. If we think about this, schools employ contracted counsellors, psychologists, support staff, mentors and sporting coaches. The royal commission heard from 2521 survivors of abuse in schools. How many of those perpetrators were contractors? Youth detention centres employ contracted educators, activity coordinators and counsellors. The royal commission heard from 639 survivors of abuse in youth detention. Will the government now argue these contractors fall outside the new test? These are questions that we do need to ask and we do need to find answers to.

Residential care facilities employ contracted care workers. The royal commission heard that 13.5 per cent of survivors were abused by residential care workers. If those workers are classified as contractors, are they now protected from vicarious liability? Government health services employ

contracted medical practitioners, nurses and allied health workers. The royal commission heard from people that had been abused in each of these settings. Will the contractor exclusion shield the government from liability? That is actually a huge question, considering that one-third of child abuse in these settings happened under the government's watch. This is very concerning and frankly alarming, especially in light of the horrific abuse that was detailed last year in child care and state care.

Some organisations have raised concerns about consultation. Some had said that they would prefer a national approach rather than Victoria going down this road alone. I think that that is definitely worth noting, not as a reason at all to block this bill but as a reason to think about whether we can work together with other states to create consistency.

So why, with all these concerns, is the coalition not opposing this bill? It is because every single concern that I have outlined is outweighed by one simple fact, and that is the right for abuse victims to receive justice. The simple fact is that child abuse survivors have been failed by the legal system. Technical loopholes have prevented accountability, and the Parliament has the power to fix that. The bill addresses legal uncertainty that is affecting survivors. It provides a pathway for justice, including for people who settled their cases in that window when the law was unclear. The safeguards are real. The Supreme Court has to approve any reopening of cases after the Bird case, but the test still requires a genuine connection between the role and the abuse. The court still has flexibility for that. And fundamentally we believe that institutions that place people in positions of trust and authority should be and need to be accountable when those people abuse that trust, especially when that abuse is perpetrated against a child. This should not depend on employment contract technicalities.

I want to end with this: the fact that we are not opposing this bill should not be read as saying that we take those concerns that I have outlined lightly. Retrospectivity matters, the rule of law matters and clarity in legislation matters. The impact on community organisations matters. My message to the government is this: pass the bill and deliver justice for survivors in every instance, not selectively. That means that for one-third of victims the government will be liable. But also watch how the government interprets the independent contractor exclusion and be ready to act if that becomes a loophole. We need to think about supporting organisations that will face significant costs. We need to consider working with other states on consistent language across child abuse laws and keep the Parliament regularly informed about how this will be working in practice. Justice and responsible lawmaking should go hand in hand. They absolutely should go together, and it is our role in this place to ensure that they do. We will be watching to make sure that this legislation works as intended.

Katherine COPSEY (Southern Metropolitan) (15:09): I rise on behalf of the Victorian Greens to support and speak in support of the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. I want to begin my contribution by acknowledging victim-survivors of institutional child sexual abuse, those who have fought for decades to be heard, to be believed and to access justice in systems that too often retraumatise rather than repair. Many victim-survivors have had to carry not just the trauma of the abuse itself but the additional burden of institutions denying responsibility, lawyers and insurers exploiting technical defences and legal rules that can feel like they were designed to protect powerful organisations rather than to protect children.

This bill that the government has brought before us today matters, because it responds to the High Court's decision in *Bird v DP*, a decision that turned on a technicality about employment status and, in doing so, gave clarity as to the responsibility of our legislatures if we are to reduce the barriers to justice for victim-survivors of institutional sexual abuse. It is simply wrong that a survivor's access to civil redress should depend on whether the perpetrator was a formal employee on paper, in a situation where the institution was one that selected, authorised, benefited from and elevated that person into a position of power, trust and intimacy with children. The Greens have long supported action on this issue, and we have advocated for reforms, because we want victim-survivors to be able to access justice and responsible institutions to be held to account.

This bill expands the scope of vicarious liability so that it applies to perpetrators who were akin to an employee, closing a loophole that has disproportionately benefited institutions, especially those that have structures that avoid employment relationships, and we have seen that this has included religious organisations, as well as a range of sporting and community organisations and schools. The bill will overcome the harsh situation demonstrated by the finding in *Bird v DP*, which made it impossible for victim-survivors to pursue vicarious liability claims against organisations that do not formally employ their personnel.

The Greens support this bill, and we thank the Attorney-General and her predecessor for their work to bring it forward. We support legislating a statutory vicarious liability regime for child abuse perpetuated by those holding relationships akin to employment. We support, in this case, the retrospective elements of the bill, because vicarious liability at common law is retrospective and because survivors should not be locked out of justice by the timing of the abuse or by the timing of a court decision. We support allowing survivors, who were pressured into unfair settlements or judgement in the narrow window between the *Bird v DP* decision on 13 November 2024 and the commencement of this legislation, to apply to set those outcomes aside. The Greens do have one amendment to this bill, and it is in my name. I ask that it be circulated now, please.

The function of this amendment is that this bill exists because institutions have sometimes been able to dodge accountability by effectively saying, 'That person wasn't our employee.' The point of this bill is to stop that dodge, and yet as drafted, the bill contains an explicit carve-out for independent contractors as a threshold test. That is proposed in section 93C(3) of the bill, as Dr Heath has pointed out. On its face, that carve-out creates a risk that the gap we are trying to close in this bill could persist in some form. Both the Australian Lawyers Alliance and a number of practising barristers who are working with victim-survivors on a daily basis have explained and assisted my office to understand that an unqualified carve-out could invite defendants to run threshold litigation and technical arguments, the kind of arguments that can exhaust survivors and drain resources. They have suggested that a possible solution to this is a simple and sensible step to either remove the carve-out entirely and allow the common law, and the court's judgement, to do its job; or, at a minimum, to clarify that a person is not excluded merely because they are labelled an independent contractor when the relationship is in reality akin to employment.

The Greens proposed amendment to this bill is simple: it deletes the carve-out by deleting section 93C(3). It is a targeted and aligned amendment that adds to the central purpose of this bill. We put this forward in the belief that courts are capable of distinguishing genuine, independent contracting from relationships that are, in substance, employment-like. That is what the bill's 'akin to employment' factors are for. The better approach, we believe, is to avoid exclusions that invite a continuation of the loophole we are trying to close and instead to empower courts to look at the substance of the employment relationship as a whole. It will not have the function of making every organisation liable for every act by every contractor. That is not what vicarious liability is, and it is not what the bill's tests allow. Liability would still depend on the court being satisfied on the fact that the relationship is sufficiently employment-like and that the role supplied the occasion for the abuse. What the amendment would do is make sure that institutions cannot defeat the threshold question by pointing to a label of someone as an independent contractor. Instead, they must turn their attention to the real question of the true nature of the relationship, the power conferred and the access created. The Greens believe that this is the right approach for survivor-centred justice.

I will speak to a number of issues in the committee stage that I would like to have discussion with the minister about to understand and clarify the government's intent. In particular, we are interested to understand historical claims and the pre-1977 age of majority and how we avoid accidental injustice in relation to this. There is a technical point in this bill around the definition of a child: the bill draws on the Wrongs Act 1958 definition of 'under 18'. That is straightforward for modern claims, but for older, pre-1977 claims, at that time, Victoria's age of majority was 21. I will be seeking clarification on the definition here, as we would like to understand whether survivors of abuse that occurred in

those earlier periods could face avoidable disputes about whether they are captured by the scheme. I will be asking the minister to clarify whether cohorts of survivors are not accidentally excluded because of that historical definitional mismatch.

In relation to the topic of the occasion provided by an organisation or institution and offsite abuse, I have questions around the bill's occasion test on whether the organisation placed a person in a role that supplied the occasion for the abuse and whether the person took advantage of that occasion. Some stakeholders have raised queries with my office as to whether 'occasion' could be construed narrowly by reference to location, the person's formal duty or location of work, thereby potentially excluding abuse that occurred offsite, even in a situation where access, authority and trust derive from the organisational role. Abuse, as we know, happens in contexts like pastoral care, mentoring, tutoring, home visits, transport, camps and excursions, not just on defined premises during rostered hours. I will be exploring with the minister whether that test of occasion includes opportunities created or materially increased by the role, regardless of location.

The other topic I would like to explore is around the extent of an institution's control. We have questions about the bill's provision for the extent of an institution's control. Many perpetrators have had access to children because an institution gave them trust, authority and proximity, even if the institution did not manage their day-to-day work like a traditional employer. There is a fear from some stakeholders that if control is read too narrowly, institutions could then argue they were not responsible simply because the person was not closely supervised on paper. That said, these are issues I would like to canvass with the minister and seek clarity on for the benefit of stakeholders and for victim-survivors and those affected who may wish to access justice under the reforms that we are discussing today.

But we are strongly supportive of the bill overall and recognise the significant amount of work that has been done to progress this fix to the situation created by the decision in *Bird v DP*. As I close my contribution, on behalf of the Greens I want to acknowledge again the victim-survivors of institutional sexual abuse: your courage, your persistence and your determination to be heard have driven reforms like this, and it must never be forgotten that every legal change happening here in this place is built on the truth that you have fought to bring into the light. I also acknowledge the work of the Attorney-General, her predecessor and the department for progressing this response diligently and with some speed in the wake of *Bird v DP* and for engaging with stakeholders and the crossbench to discuss this bill and to strengthen, ultimately, survivor pathways to accessing justice. The Greens support this bill because it is necessary to close loopholes that have denied accountability for too long. While we do have an amendment based on stakeholder feedback, we strongly support this bill and look forward to it delivering real, practical and, in many cases, long overdue justice for victim-survivors across Victoria.

Jacinta ERMACORA (Western Victoria) (15:20): I am very pleased as a Labor government member of Parliament to speak on the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. Media coverage of this topic will be distressing for thousands of survivors of sexual abuse, and in particular, survivors of the Catholic system's abuse. I thank all survivors for their strength. You deserved to be safe and kept safe in your family and church community, and you were let down not just by the abuse happening but further as a result of the Catholic Church's refusal to take responsibility. I want to also thank those victim-survivors who were able to speak out about this and to advocate on this particular bill and indeed other reforms over the years. As a former South Western Centre Against Sexual Assault counsellor advocate and as a person raised as a Catholic in the Ballarat diocese, I feel that I must absolutely call out the Catholic Church for their response in this space. I know that child abuse spreads quite evenly across all institutions, not just the Catholic Church, but it is the Catholic Church's response that has been very disappointing, very resistant and hurtful to so many people.

This bill will close the loophole caused by the High Court's decision in *Bird v DP* – this is a confidential form of that person's name. 'Bird' refers to Bishop Bird from Ballarat. I do remember my father berating Bishop Bird about the lack of women in the church – he is gone now – even though he

continued to be a practising Catholic. The bill ensures that victim-survivors of historical child abuse will no longer be denied justice simply because the church or any other organisation is able to argue that the abuser was not formally employed, and it will also help victim-survivors who were forced into accepting unfair outcomes following the High Court decision.

I want to start by talking about the reality of the specific instance of child abuse that occurred in this case. The abuse happened in Port Fairy, in my electorate and in the Catholic diocese that I was raised in. Father Bryan Coffey was appointed assistant parish priest at Port Fairy in 1966 by the bishop representing the diocese of Ballarat. His position was governed by canon law, and the bishop exercised substantial authority over his appointment duties and could remove him. Coffey was seen as a representative of the church and a figure of trust and authority. His duties included pastoral visits to parishioners' homes, which involved close and often unsupervised contact with families and children. I do remember that my grandmother had deep respect for Father Coffey. I remember her saying to me that it never occurred to her to question his authority or integrity. His power was overwhelming to people of my grandmother's generation – you did not question. We now know that Coffey used his position of trust to abuse young children from the very start of his tenure in Port Fairy. One of those children was DP.

DP grew up in a devout Catholic family in Port Fairy. He attended the parish church and school, and Coffey regularly visited his home. During two such visits Coffey sexually assaulted him, first after putting him to bed during a social visit and later on the pretext of showing him a tent he had received for Christmas. DP was one of at least a dozen children abused by Coffey, and Coffey was one of the multiple Catholic priests who abused children in the Ballarat diocese, including Father Gerald Ridsdale. I just want to take a moment to lodge my appreciation for the work done by the Warrnambool criminal investigation branch, which has a different name now, in achieving Father Ridsdale's conviction. It was a huge challenge at that time in the 1990s.

In my time as a social worker with the South Western Centre Against Sexual Assault I worked with multiple survivors of abuse by Catholic priests and brothers. The impacts on them were devastating and often lifelong, and their right to redress should not be at risk because of a legal technicality. The Royal Commission into Institutional Responses to Child Sexual Abuse, which ran from 2012 to 2017 and was initiated by Prime Minister Julia Gillard if my memory is correct, heard from 2489 victim-survivors of abuse within Catholic institutions from across Australia. The church itself reported it had received allegations from 4444 people alleging sexual abuse between 1980 and 2015.

From the same data provided by the Catholic Church, it also emerged that approximately 7 per cent of Catholic priests who served between 1950 and 2010 were accused of child sexual abuse. The diocese of Ballarat, my own diocese and that of much of my constituency, was one of the worst: 17 priests, or 8.7 per cent of the priests who ministered during this period, have been the subject of allegations of abuse. I want to acknowledge the thousands of Catholics in our community who have been let down by the leadership of the Catholic Church on this issue. I know my parents, as practising Catholics, struggled to reconcile their faith and joy in belonging with a Catholic community at the local level while observing their defensive and litigious approaches through the courts – often a David and Goliath scenario. Many Catholics had a terrible choice: disbelieve victims, continue practising but not agree with the leadership on their response or leave the church entirely. I am sure for many individuals it was more complicated than this. But there is no doubt that this was a failure of leadership, and I wish we did not have to do this here today.

The Catholic Church is unfortunately not an outlier. The statistics for many other organisations are equally confronting. What does distinguish the Catholic Church, however, is its response. In the case of *Bird v DP*, DP had sought damages for the psychological injuries he suffered as a result of his abuse. As with so many other cases, the church fought those proceedings every step of the way. Eventually they appealed to the High Court and won on a technical issue. This is their modus operandi. They know that the harm was done, and they know the severity of the harm. They know they will cause more harm defending their cases in the ways that they have, but they are still, as the royal commission

found 10 years ago, 'more focused on protecting the institution than on responding to the needs of survivors', or in my way of putting it, they are more intent on defending the assets they own than on caring for the members of their flock.

This government will not let them get away with it. The High Court's decision has prevented some victim-survivors of child abuse from pursuing civil remedies against an organisation when an abuser, despite displaying all the hallmarks of employment, is not technically an employee. The High Court itself acknowledged the impacts of this decision as 'harsh' and noted that addressing it sits squarely in the hands of legislators, inviting us as legislators to make the changes needed to address that harshness. This is exactly what this bill does. This bill restores the law to what it was before the High Court decision by retrospectively allowing victim-survivors of historic child abuse to pursue claims of vicarious liability where their abuser was in a relationship akin to employment. In cases of historic child abuse the authority of local priests and clergy went way beyond an employee relationship. Priests gave advice consistent with Catholic doctrine from above. Families received advice on relationships. Priests heard the confessions of family members and gave directives on birth control and what school their children should attend. There was no more categorical representative or employee of the Catholic Church than the parish priest.

The bill will allow the court to examine the specifics of each matter to determine whether the abuser's relationship with an organisation is sufficiently similar to an employment relationship so as to potentially attract vicarious liability. It will also allow any victim-survivors who were forced to accept unfair resolutions to their matters following the High Court decision to apply to the court to have their matters reopened. This makes sure that anyone who was pushed into settling or who withdrew their matters due to the High Court decision will not be missing out.

The bill does not exclude volunteers, carers or coaches. In each case it will be for the courts – applying the well-established common-law 'akin to employment' test to the facts – to determine whether it is appropriate for vicarious liability to be attached in any given matter.

The victim-survivor known as DP should never have been put through this trauma – not in the first place and not as part of seeking redress for his initial abuse. I salute him and the many other victims who have spoken up. I close by returning to survivors, their families and their friends, particularly those present who have been directly involved in advocating for this bill. I say thank you for the work that you have done, thank you for the effort that you have put in and thank you on behalf of all those survivors who are not able and not in a position to speak up. Well done.

Evan MULHOLLAND (Northern Metropolitan) (15:32): I too rise to speak on the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. I rise and say from the outset and make it clear that the Liberals and Nationals will not be opposing this bill. Most importantly, this is a significant day for victims. It is a day for those who have waited many years for clarity in an area of law that has long been uncertain and difficult and for whom justice has been too often delayed or denied. In essence the bill amends the Wrongs Act 1958 to establish a statutory regime for vicarious liability that applies to employees and to those relationships akin to employment. It also amends the Limitation of Actions Act 1958 to allow survivors to bring claims retrospectively, including in relation to matters settled since a recent High Court decision, as well as historical claims.

Retrospectivity is something the rule of law approaches with caution, and rightly so, but there are circumstances where retrospectivity is justified. This is one of those circumstances, where the law has failed victims of the most serious wrongdoing and it is appropriate for the legislature to act. The need for legislation in this space arises from real human experience. The bill follows a High Court case involving a respondent who was sexually abused by an assistant priest, and the court found that, because the perpetrator was not an employee in the strict legal sense, the institution could not be held vicariously liable. The result was that the victim was left without legal redress. The law exists to provide justice. It is not always perfect, but that must always be its aim. And in this case justice was not delivered. This bill provides a clear statutory framework so that victims, including those affected

by that decision, are not left without recourse. It replaces uncertainty with clarity and provides justice where previously there was none.

Vicarious liability, in broad terms, is a form of liability where responsibility for wrongdoing is attributed to another person or entity because of the relationship between them, and it is a form of strict liability. The defendant may be held liable for actions of another, even when the defendant is not personally at fault. That has always been a challenging legal concept, particularly where the wrongdoing is grave and the person held liable did not directly commit the act. Historically the common law has been strict: it has required a recognised employment relationship and has generally required that the wrongful act occur within the course of employment. Courts have been cautious about extending liability beyond those parameters. That caution is understandable, but it has also meant that in some circumstances individuals who have exercised authority, trust or control over children could commit serious wrongdoing, while the institution that enabled that relationship avoided liability because of technical features of their employment that have been absent from that situation. Courts in Australia and elsewhere have wrestled with this problem.

The law has developed unevenly, and the High Court has acknowledged the difficulty of establishing a coherent rationale for vicarious liability. It has been described as an unstable principle with a complex and sometimes uncertain foundation. Yet over time, courts have recognised that strict adherence to formal employment relationships can produce unjust outcomes, particularly in cases involving child abuse. Some lower courts have attempted to address this by recognising relationships akin to employment. A notable example involved proceedings connected with Prince Alfred College where the court adopted policy considerations grounded in fairness. These included the capacity of institutions to compensate victims, the fact that wrongful acts may arise from activities undertaken on behalf of that institution and the reality that organisations often create or control the conditions in which that abuse actually occurs.

Similar reasoning was evident in cases involving organisations such as the Christian Brothers, where courts examined authority, trust, control and the opportunity for intimacy as relevant features of institutional relationships with perpetrators. However, the High Court ultimately rejected that expansion. In the decision that sits at the centre of this legislation, the High Court of Australia held that abandoning the requirement of an employment relationship did not fit with established legal principles. Importantly, the court made clear that reform in this area was a matter for the legislature, not the courts. It said plainly that reformulation of vicarious liability is properly the province of the Parliament and parliaments across the country, and that is precisely what this bill does. The development of this legislation has involved consultation with a wide range of organisations. Many support the legislative action. Groups such as the Australian Lawyers Alliance and the Federation of Community Legal Centres have emphasised the need for statutory clarity and the importance of ensuring victims have access to justice.

I want to also thank my colleague in the other place Shadow Attorney-General James Newbury for the consultation that he has done. Others have raised concerns. Some religious organisations have expressed unease about retrospectivity and the extent of legislative intervention that has traditionally been an area of common law development, and some legal commentators have questioned whether Parliament should be shaping doctrine in this way. These are serious concerns and deserve consideration, but the High Court has already said that legislative reform is appropriate.

One organisation which has voiced strong objections in this space is the Australian Christian Lobby. It argues that retrospective liability undermines fundamental legal principles, creates uncertainty and may generate a large volume of claims. I have consulted with the ACL, and respectfully, holding institutions accountable for child abuse is not a departure from justice, but it is an affirmation to it. If there are many claims that reflect the scale of harm suffered, each claim represents a child whose rights were violated. That reality is precisely why Parliament must act.

Some institutions have described potential claims as 'unimaginable' or 'numerous', but when we hear those words, we should remember what they represent – they represent people who have lived for years without justice. Some have endured lifelong trauma; some have lost their lives. The existence of many claims does not argue against reform, it demonstrates the necessity of it. What this bill does is establish clear statutory rules. It allows courts to examine each case on its merits, it provides a framework for determining when a relationship is sufficiently akin to employment to justify liability, it removes a loophole that has allowed organisations to avoid responsibility simply because a perpetrator was not formally paid or technically employed, despite exercising authority and acting within institutional structures.

This is a significant moment, because the legislation addresses an area of law that has long been unsettled. It ensures that institutions cannot avoid responsibility through technical distinction when the substance of the relationship created risk and enabled abuse, and it provides clarity where uncertainty has prevailed and justice where injustice has endured.

I note Ms Ermacora's contribution as well, and her discussing how her and her family, as Catholics, grappled with this issue, as people several decades ago did as well, and were left with a distinct choice: is disagreeing with the authority of the church going against your strongly held beliefs? As a practising Catholic myself, I believe it does not, and it is important to note that this was a significant dilemma in so many households. I am glad that the Catholic Church, as they have in past decades, have moved away from viewing abuse as a lapse in morality to a fundamental flaw.

I will quote the late Pope Francis in his 2019 address at the Protection of Minors in the Church summit. He used some of the church's strongest language that we have seen:

[QUOTE AWAITING VERIFICATION]

> Consecrated persons, chosen by God to guide souls to salvation, let themselves be dominated by their human frailty or sickness and thus become tools of Satan. In abuse, we see the hand of the evil that does not spare even the innocence of children.

Every case of abuse is a sacrilegious cult because it violates the body of the child, which is a temple of the Holy Spirit.

For the reasons that I have outlined today, the Liberals and Nationals will not oppose this legislation. This is a very significant day and rightly so.

Ryan BATCHELOR (Southern Metropolitan) (15:44): I am very pleased to rise to speak in support of and actively support this Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. Child abuse leaves indelible suffering on those who are the innocent victims of it: vulnerable, defenceless. The sexual abuse of children, often by those who are entrusted to care for them, is a harrowing crime, and the impacts of that crime can be life-changing for many victim-survivors. It is only right, it is only just, that action is taken to ensure not only that the stories are told and that recognition is provided but that compensation is available and justice prevails. For those who were abused who, in the light of the High Court's decision in *Bird v DP*, were denied the ability to use rightful and proper legal doctrine to extract rightful compensation from the hands of those who should have known and did nothing, this legislation hopefully provides those victim-survivors with hope that there is justice and that there is remedy, because it does take great bravery for those who were victim-survivors of abuse to come forward and, in whatever form but particularly in legal proceedings, to detail some of the most traumatic experiences that anyone can ever imagine in their lives. That bravery is something that we should acknowledge and celebrate – the bravery to be able to tell those stories and seek that justice. Many have held onto that for decades. I want to acknowledge everyone, all the victim-survivors, all of those who have suffered at the hands of abusers – those who are with us today but also those who are no longer with us but who suffered as well. The action that we need to take we take for them, and we do so, at least on my part and the part of the government, absolutely resolutely.

Obviously the circumstances that brought us here today with this legislation arose because of the decision of the High Court in *Bird v DP*, holding that, contrary to the decision of the Supreme Court and the Court of Appeal in the state of Victoria, the Catholic Church could not be held vicariously liable for the historic abuse committed by a priest. We know that the doctrine of vicarious liability was an important one and an important avenue to seek compensation for past wrongs because of the difficulties associated with the use of other legal mechanisms, such as negligence, which have different tests, particularly the challenges associated with the establishment of evidentiary burdens over time that elapsed since the crime was committed. And particularly when institutions engaged in systematic destruction and denial of evidence, that vicarious liability as a remedy was an exceptionally important part of ensuring that that justice was able to be done. The High Court's decision in *Bird v DP* was a devastating blow, and the High Court itself – and colleagues have mentioned this – acknowledged that its decision was harsh and said that addressing it sits squarely in the hands of legislators. These hands are here today to help this bill get through this Parliament and to help deliver the justice that should come. I think, just to be really clear about what the bill is and is not doing, because there has been a bit of consternation from some of the contributors, it is effectively putting the law in the position that it was prior to the High Court's decision.

It does not fundamentally shift the liabilities of those institutions who had people working for them who abused children in the past; it merely corrects a harsh decision of an appellate court to make sure that justice can continue to be done. The claims of those who seek to convince the legislature that this is not an appropriate course of action, I think, are based on falsehoods and stand against justice. We do not support that, and we do not support them.

The progress of achieving compensation for these past wrongs has been long and hard and difficult for many, and we hope that through passing these laws here today we can remove a barrier that has sprung up. We cannot, through these laws here today, fix all of the issues that arise through legal proceedings. Cases will still need to be brought; the great work of so many will need to continue. We understand we are not solving all of the problems, but we are removing one of the barriers and fixing an injustice, and that is in our hands to do.

We obviously have had occasion in the past to talk about these issues. We had a private members bill brought by Ms Payne, last year I think it was, and I spoke on that bill. I will not go over all the remarks I made then, but I will echo those sentiments and the analysis. I want to, as we arrive here today, pay tribute to Ms Payne for the work that she had done; to my colleague in the other place, Mr Edbrooke, the member for Frankston, who did a lot of work behind the scenes, I think it is fair to say; and to others – I note the member for Wendouree is in the chamber. There are a lot of people who have worked really hard behind the scenes to make sure we got here today, and many of them are sitting in the gallery. Many of the faces that we see in the gallery today are a testament to the dedication, the tenacity and the bravery of so many who have carried forward these issues despite setbacks and who have persevered despite all that has been done to prevent progress. In our vote today we can vindicate their efforts, we can vindicate them and their experiences and we can show them that the Parliament stands with them against institutions that have not only abused them but also perpetuated that abuse through their conduct over decades. If through the passage of these laws we can strengthen their ability to seek the justice that they so absolutely deserve, then we will have done our jobs, and I will be proud to have been a part of the Parliament and to have been one of those legislators that the High Court said needed to do something about it.

I think that it is moments like this, when we have the ability as legislators to legislate for good, that demonstrate the best of what our politics can be, what our democracy can be and what our community can be. I know that today's bill, when it becomes law, will not solve all the problems of everyone who suffered abuse as a child. It will not fix all the issues for those who are living and for those who have passed. But it is one more thing we can do and we should do it. As long as I stand here and have the opportunity to be in this place, I say to those who are watching and listening that we will continue to stand with you, and we will continue to ensure that justice is available to you.

Ann-Marie HERMANS (South-Eastern Metropolitan) (15:54): I too rise to make a very small contribution today on the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. I think it has been very clear in this chamber today that both I and the Liberals and Nationals stand with survivors of child abuse in our state schools, in our religious institutions, within religious communities, in sporting clubs and in any other setting where children have been placed in harm's way. Child abuse affects the whole person. It is something that they have to live with and work through throughout their lives. It is not something that can be turned away from. It is not something that can be easily overcome. We recognise the devastating, lifelong impact abuse causes. As Liberals and Nationals, we acknowledge the extraordinary courage it takes for survivors to seek justice, often decades after the harm occurred.

The Royal Commission into Institutional Responses to Child Sexual Abuse ran for five years, with 57 public hearings and thousands of survivor accounts. It is simply heartbreaking to realise the extent of the abuse that has taken place, where children in this state have been failed. It shows systemic failures across multiple sectors. Survivors were failed not just by individuals but unfortunately by institutions that protected their reputations over the children in their care. We cannot undo that harm, but we can ensure the justice system does not compound it.

In *Bird v DP* the High Court held that a Catholic diocese could not be vicariously liable for abuse committed by an assistant priest because the priest was not an employee. In this case the High Court noted that it was ultimately the purview of the legislative branch to reformulate vicarious liability law. This bill is a response to the High Court's decision in two main ways. Firstly, it amends the Wrongs Act 1958 to create a statutory vicarious liability regime for child abuse that extends liability to employees and persons akin to employees; and secondly, the bill amends the Limitation of Actions Act 1958, allowing survivors whose cases were dismissed or settled between the Bird decision and royal assent to have those outcomes set aside where it is just and reasonable. Of course it will be up to the courts to decide what is just and reasonable, but we believe that survivors deserve clear legal pathways, reduced procedural barriers and institutions that cannot hide behind technical distinctions.

We know that common law has been very strict, wanting to prevent legal consequences for those who are not responsible in the facilitation of any act, but responsible lawmaking still matters; supporting survivors does not mean abandoning scrutiny. Legislation of this magnitude must be legally precise, clear for courts to apply, fair in operation and also workable for organisations. The bill's new part 13A regime introduces an 'akin to an employee' test based on integration, benefit and institutional control. While we understand why this flexibility is included – to preserve judicial discretion in complex institutional relationships – it is also true that this area of the law is unstable and evolving. We must ensure that liability attaches where institutions truly exercise authority and not where there is only a loose association. I can see and foresee possible consequences in areas where there may be complete innocence from what is being accused of in the future, but today this is about supporting those who have survived and are survivors of child abuse, and sexual abuse at that.

Recognising concerns of faith and community organisations is still important. There are church institutions and other community organisations which have raised concerns with me about the bill's retrospectivity. They have warned that the clause could reopen matters that might have been resolved in good faith and create legal liabilities for charities providing essential services. Legal experts have also cautioned that retrospective legislation can offend the rule-of-law principles.

These concerns are very real and deserve real consideration. Our goal should not be punishment for institutions which have been acting in good faith. But the view of the Liberal–Nationals is that the bill, for the time being, has appropriate safeguards. It targets a specific and narrow window: the period between the Bird decision and the bill's royal assent, when survivors may have accepted lower settlements due to legal uncertainty. Allowing courts to reopen those matters only where it is just and reasonable provides an important safeguard against vexatious claims. With regard to protecting community organisations while enforcing standards, Victoria is home to thousands of volunteer-run

organisations, faith groups and charities. We do not want to discourage volunteerism or impose unclear obligations that create confusion rather than safety.

I acknowledge that I too have been contacted by some very large institutional bodies and religious bodies and have also read the concerns of the Australian Christian Lobby. We recognise that child safety is not optional. I do, however, want to note one of ACL's concerns regarding the volume and scope of claims. A broad retrospective window could generate an unimaginable number of claims. If that is what there is, that is what there is, but there is a real risk that current leaders and institutions may become and be held responsible for actions that they had no knowledge of and no ability to prevent. These are all things that will need to be considered moving forward as this legislation plays out in the real world.

Governments need to work with insurers, charities and religious institutions. They need to make sure that reforms are workable. Organisations that place adults in positions of authority over children must meet modern safeguarding standards. I believe that that is something that most community organisations and certainly volunteer organisations, churches and charities have been working very, very hard on – to make sure that people are now being trained and understand what child safety is and how to go about that. That is huge progress – huge – but it does not help those people who have already been damaged and hurt.

In conclusion, the Liberals and Nationals will not oppose this bill, because the intent is right and its reforms align with our commitment to a just and humane society, where law and justice are maintained and upheld. I want to say, and I want to say quite categorically, that child abuse is simply not okay. Child sexual abuse is simply not okay, and abusers need to be brought to justice. We support making this area of law clearer for abuse victims and providing them with more avenues to pursue justice that has previously been denied to them. But at the same time, as we progress through the committee stage of the bill, I and my colleagues will be here scrutinising the details carefully and also watching how this legislation protects both survivors and the integrity of Victoria's legal system. We want to make sure that we live in a fair and just society.

Rachel PAYNE (South-Eastern Metropolitan) (16:03): I rise to speak on the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025 on behalf of Legalise Cannabis Victoria. I rise to speak on this issue for a range of reasons. It is personal to me. Like a lot of us, I have many people near and dear to me who are survivors. I know the pain and deep suffering that abuse by trusted adults causes victim-survivors. It should not solely be on them to fight the battle for both recognition and compensation. They deserve nothing less than for those of us in positions of power to stand with them and shoulder some of that burden. I think it is quite comforting that every member of Parliament who has made a contribution today has reassured survivors that they are standing with them and that this legislation will pass because it is the right thing to do. I want to acknowledge everyone's contribution today, because some things are just above politics. I appreciate everyone's commitment to seeing the passage of this bill.

I say to survivors that I see you and I stand with you, and I am sorry that this fight has often been so lonely and so hard. I also have a number of constituents in the south-east who are victim-survivors of institutional abuse. As your local member I will always be a voice for you in Parliament. Legalise Cannabis Victoria is a party of law reform, but underneath that is a bedrock of social justice. We are a party of compassion, and we believe in doing what is right. To this end, early last year I stood in this place and I second read a private members bill, the Wrongs Amendment (Vicarious Liability) Bill 2025, to make certain organisations vicariously liable for the abuse of children by persons akin to employees of those organisations, to effectively close that absurd loophole. This was in response to the 2024 decision in the case of *Bird v DP*, where the High Court held that the Roman Catholic Diocese of Ballarat could not be held vicariously liable for known historical child sexual abuse because the perpetrator, Father Coffey, was not an employee. Because of the High Court's reluctance to establish vicarious liability outside of the strict employee–employer relationship, this created a second class of

victim-survivors who will struggle to access justice, including those abused by non-employees, like volunteers.

The common-sense and just approach is as follows: where there is comparable authority, control and power given to a perpetrator because of their position in an organisation and that perpetrator takes advantage of that position to perpetrate abuse of a child, it should not matter if they have the title of employee. It is arbitrary and unjust that existing laws allow some but not other victim-survivors to have the opportunity to pursue relief through vicarious liability. The High Court itself said law reform in this area was the responsibility of the government and of us as a Parliament. With the bill before us today I am glad to see that the government has accepted the High Court's invitation to reformulate the laws of vicarious liability and address the harsh outcomes from the *Bird v DP* case.

Victoria has never been afraid to lead the way when it comes to responding to institutional child abuse. Proudly, Victoria was the first jurisdiction in Australia to remove civil limitations and create a fault-based legal duty to prevent child abuse. While it took some time from when I introduced essentially the same bill last year, the government has thankfully now introduced legislation to right this wrong. This brings me to the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. This bill specifies the circumstances in which an organisation will be considered vicariously liable for abuse of a child by an employee of the organisation and provides when an individual will be akin to an employee of a relevant organisation. I am glad to see that the government's bill will also give courts the flexibility to respond to the circumstances of each case and will apply to all organisations that exercise care, supervision or authority over children, drawing no distinction between the kinds of organisations in which abuse may occur.

While we are so pleased with the bill before us today – this is spiffing legislation – there are, however, opportunities for minor improvements and clarifications to improve its operation for victim-survivors. On that note, we will be moving an amendment to this bill, and I ask that the amendment now be circulated. Section 93C of this bill provides that, in determining whether an individual is akin to an employee, a court may consider whether the individual carries out activities as an integral part of the activities carried on by the institution. We heard from a range of stakeholders with concerns about the use of the word 'integral' in this bill. In fact when drafting the private members bill last year I received similar feedback and chose to adjust the language accordingly. That is why we are moving this amendment today to change the language from 'integral' to 'ordinary activities' in order to close any further loopholes. This change brings us in line with the laws passed in the ACT and ensures we do not create an unnecessarily high burden of proof. It should be enough that someone is part of the ordinary activities of an organisation; they do not need to be integral. We have also heard from stakeholders with a range of queries about how certain parts of the legislation are intended to operate, and we will be canvassing these in the committee of the whole stage.

I would like to take a moment now to thank the many stakeholders whose tireless advocacy helped secure the bill before us today. I will not have time to name everyone, but I especially want to thank Dr Judy Courtin from Courtin Legal, Susan Accary from the Victorian branch of the Australian Lawyers Alliance, National Survivors Foundation and Sexual Assault Services Victoria. Thank you for all the support and information you have provided to me.

While it is disappointing that the government did not support our bill last year to change these laws in essentially the same way, we are pleased to see that they have accounted for this delay and it will be retrospective. This bill will enable a person to apply to the court to set aside a settlement or judgement that occurred between the 13 November 2024, which is the date of the *Bird v DP* decision, and the commencement of this bill before us today. This ensures that no victim-survivor with a claim impacted by *Bird v DP* is left materially worse off because of any delay.

That is not to say that all is well. While we waited on the government to make these changes, victim-survivors have been left in limbo. Cases were adjourned and settlements delayed in the hope that changes to the law would occur on time. A schoolboy at a religious boarding school, a youth volunteer

at a railway organisation, an attendee at a church Sunday school and a youth member of the Guides association – all young people who were victims of child abuse at these organisations and were denied access to justice, simply because their perpetrator was not technically an employee, and impacted by *Bird v DP*. This delay had both practical impact and a huge mental health impact on the community.

On that note, in supporting this bill I want to acknowledge the many thousands of victim-survivors across Victoria and Australia. I particularly want to thank every single survivor who has reached out to me, who has engaged with me and who has at times encouraged me as well, because your engagement and encouragement have got us to where we are today. I thank you for your commitment to the outcome we are seeing today. We hope this bill makes the all-too-difficult fight to access justice that little bit easier, and today and every day we stand with you on that road to justice.

I also want to thank the Attorney-General for her commitment and engagement, and I particularly want to thank the Attorney's team, who have been an amazing group to deal with. I think that there is so much work that has happened behind the scenes here. It is important to acknowledge that everyone was committed and provided a lot of clarity along the way so that we could come to this positive outcome. On that note, though, we do hope that the passage of this bill will mean that the Attorney-General will continue their work at the Standing Council of Attorneys-General to encourage other jurisdictions to make similar changes. On behalf of Legalise Cannabis Victoria I commend this bill to the house

Georgie PURCELL (Northern Victoria) (16:13): I rise to make a brief contribution on the Justice Legislation Amendment (Vicarious Liability for Child Abuse) Bill 2025. This is a bill that will finally make right something that was incredibly wrong. I want to begin by acknowledging all of the survivors who are with us in the gallery today and all of those watching through the live stream online. Their strength and their resilience over so many years is inspiring – and it really is so many years. Although I do not need to tell survivors about the long road to justice, I do think it is worth noting the finding from the Royal Commission into Institutional Responses to Child Sexual Abuse that on average it takes a survivor almost 24 years just to tell someone of the abuse that they suffered and to disclose that. In noting that, I would also like to pay tribute to the survivors of institutional child sexual abuse who are no longer with us and those who never saw justice. I also want to recognise the work of my friend and colleague Rachel Payne, who first brought this issue to this place through a private member's bill almost a year ago, which I spoke in support of at the time.

This bill seeks to close the loophole that emerged in a High Court decision from November 2024 which found that organisations and institutions are not vicariously liable for the actions taken by those akin to employees but not technically employees, such as priests. Time and time again the church and other organisations have hidden behind loopholes and legal technicalities in order to not be held responsible for the abuse that occurred under their watch, and it has been survivors that have paid the price. To be clear, although this first emerged from a case against the church, it is important to note that the loophole and this bill also include any organisation with volunteers or individuals who are not technically employees. Sports clubs, scouts and other volunteer groups in particular have people in positions of authority working with young people and yet somehow were not liable for abuse. The passage of this bill will ensure the law reflects how institutions and organisations actually operate in practice. It will also bring Victoria's liability laws further in line with countries who share similar common law legal systems, such as Canada, the United Kingdom, Ireland and New Zealand.

I will be supporting Ms Payne's amendment to change the wording from 'integral' to 'ordinary', bringing Victoria in line with the ACT and ensuring that organisations are liable for the actions taken by all those who are akin to employees, not just those doing integral work. Similarly, I will be supporting the Greens amendment to remove new section 93C(3) from the bill, which provides an automatic carve-out for independent contractors.

Victoria will join the ACT in being the only Australian jurisdiction to have fixed vicarious liability, and I hope that the rest of the country will quickly join and follow us. Victim-survivors of institutional

child sexual abuse are entitled to redress and justice, no matter where they live and no matter the employment status of their abuser. On that note, I would like to credit the government and the Attorney-General for taking action on this. I hope it brings comfort and healing to so many after such a long wait, and I commend the bill to the house.

Tom McINTOSH (Eastern Victoria) (16:17): I am going to make a bit of a shorter contribution than I normally would because I am just battling a little bit of a migraine, but I do want to get up and speak on this. I grew up in Ballarat. I grew up with an uncle who was a priest, and so from back in the 1990s he has been outspoken on a lot of what has happened. I have lost mates, and I have lost work colleagues. To everyone here today – there is a big crowd here in the gallery, for anyone watching, that you will not be able to see – I think everyone in this chamber stands here, acknowledges you and hears you.

Through the community I grew up in and through the people I have known over many decades, although I have not experienced that trauma, I have definitely understood the very long battles that have been endured in subsequent decades. I really want to acknowledge that. I am incredibly proud that this loophole is being closed, because this is about people and this is about community. Sadly, there have been communities of many people for many decades where families and communities came together and where trust was betrayed, people's lives were turned upside down and communities were turned upside down.

We are ensuring this loophole is closed so that suffering does not have to continue and so wrongs can be done right. Again, as Ms Purcell said, I acknowledge the Attorney-General and those that have done work on this but particularly those that advocated to ensure that this work has been brought forward in as timely a manner as possible to minimise suffering of people who have suffered enough and to get just outcomes. I will leave my contribution there.

Aiv PUGLIELLI (North-Eastern Metropolitan) (16:19): I rise today also to add my strong support to the passage of this important vicarious liability for child abuse bill. These reforms are long overdue, as has been said, and absolutely welcome. I want to acknowledge the tireless efforts of so many victim-survivors who have fought for so long for justice. You are courageous, and you should be so proud today of your efforts to see these laws finally come through the Parliament. As my colleague from the Greens Ms Copsey has already covered in detail, this bill expands the scope of how vicarious liability can be applied in child sexual abuse cases. This is vitally important as it confirms that Victorian churches and similar institutions are held vicariously liable for abuse committed by their employees and ensures that it covers employment relationships akin to employment. This not only covers religious organisations but also applies to schools, to sports clubs, to charities and to other organisations who are entrusted with the care of and supervision of children.

Importantly, this legislation can be applied retrospectively, providing victim-survivors of institutional child sexual abuse a recourse for justice. The abuse that has been committed by churches and other institutions who were tasked with protecting and caring for children is beyond heinous. I commend the efforts and bravery of victim-survivors in continuing to fight for justice and for change. These laws will go a long way to making sure that these institutions cannot shirk away from their responsibilities and can be held liable for abuse. It is a long and difficult pathway to justice and redress for victim-survivors of institutional child sexual abuse, and I am pleased to be here alongside Greens colleagues in ensuring that there is one less barrier that they have to face when seeking justice. More power to you, and I commend this bill to the house.

John BERGER (Southern Metropolitan) (16:21): I rise to lend my voice to support the bill before the chamber today. This bill addresses the legal and practical consequences of the High Court's decision in *Bird v DP* and ensures that victim-survivors of child abuse retain meaningful access to civil justice. This bill responds to specific gaps identified in the legislation; it is limited and targeted. It restores accountability in circumstances where a decision by the High Court has narrowed the scope of availability of vicarious liability claims in cases of historic child abuse. The legislation seeks to

ensure that organisations that exercise authority or supervision over children cannot avoid responsibility solely because the perpetrator was not formally classified as an employee. The bill is designed to maintain consistency with policy objectives in Victoria, ensuring legitimate claims are upheld and avoiding procedural barriers for victims-survivors.

Victoria has, for more than a decade, undertaken significant reform to improve pathways to justice for victim-survivors of child abuse. These reforms have included removing limitation periods for child abuse claims, establishing statutory duties of care on institutions, closing legal loopholes that previously prevented certain organisations from being sued and empowering courts to set aside unfair settlements in historic abuse cases. The court's decision in *Bird v DP* altered the common-law position on vicarious liability in a way that can have real, direct consequences for some victim-survivors. The court confirmed that under common-law principles vicarious liability generally requires a formal employment relationship; as a result, some individuals abused by persons who were not technically employees despite functioning in roles that closely resemble employment may no longer have been able to rely on vicarious liability claims. The outcome of this has highlighted a disparity for the victim-survivor purely based on the technical legal status of the perpetrator's relationship with the organisation. In effect, survivors of abuse by employees may retain a cause of action while survivors of abuse from individuals performing substantially similar roles without formal employee status may not, highlighting the disparity of simple terminology that separates who can be held accountable.

This bill amends the Wrongs Act 1958 to introduce a statutory framework for vicarious liability for child abuse. It expands the definition of relationships capable of attracting vicarious liability beyond formal employment to include relationships that are akin to employment. This expansion is not unlimited; it is carefully confined to child abuse claims and to organisations that extend care, supervision and authority over children. These reforms do not create an open-ended liability; instead they implement a structured test for courts to determine when an individual should be treated as being sufficiently similar to an employee for the purposes of vicarious liability. This bill also preserves the requirement that if the abuse occurred in the course of the scope of the individual's role the liability remains tied to organisational responsibility rather than personal wrongdoing alone.

The practical reality is that many institutions historically relied on individuals who were not fully employed but nonetheless performed functions equivalent to employees. This has included religious personnel, volunteer contractors in supervisory roles and other individuals placed in positions of authority over children within organisations. This could leave gaps in responsibility oversight where roles mimicked the trust delivered to employees. In many cases these individuals wore organisational uniforms, acted under institutional direction, represented organisations publicly and were entrusted with care and supervision roles. From the perspective of a child, the distinction between employees and non-employees in such roles is not meaningful, which only shows that this legislation is necessary. What matters is whether the organisation created the environment, conferred authority, enabled access and benefitted from the individual's role. This change recognises that liability should reflect the substance of the relationship over the legal label. This ensures that institutions cannot avoid accountability by structuring relationships in a way that distances them from formal employment while still delivering functional control and benefit.

The bill sets the criteria to assist courts in determining whether a relationship is akin to employment. That includes considerations such as whether the individual's activities formed an integral part of the organisation's operation, whether the activities were conducted for the organisation's benefit, the degree of control the organisation exercised over the individual, whether the organisation placed the individual in a position of power, authority or trust over children and whether the organisation created or enhanced the risk of abuse by assigning the individual to the relevant role. The test preserves judicial discretion and allows courts to consider the unique facts of each case. It does not mandate outcomes; rather it restores the capacity of the courts to evaluate responsibility in a principled and contextual manner.

The bill retains the established requirement that the wrongful conduct must have occurred in the course or scope of the individual's role. This ensures liability remains linked to the organisation's responsibility for risk creation or facilitation for the abuse to occur. The legislation also enacts the principle that it is not enough that the role merely created an opportunity for abuse. Instead the organisation must have placed the individual in a position that provided the occasion for wrongdoing. This maintains alignment with established vicarious liability principles and prevents an overly broad extension of responsibility.

The bill applies retrospectively, consistent with the operation of common-law vicarious liability. This is a necessary feature of reform. Without retrospective application, victim-survivors whose claims were weakened or rendered non-viable following *Bird v DP* would be left without remedy. The retrospective nature of this bill is not punitive. It does not criminalise past conduct or impose penalties; it restores civil legal pathways that existed prior to the High Court's clarification. The legislation also ensures that affected survivors can seek to set aside judgements made or settlements reached during that period.

The bill reflects the Allan Labor government's consistent commitment to removing barriers faced by victim-survivors. It continues to work to build measured and responsible changes. Where gaps in the law emerge that prevent victim-survivors from seeking justice, those gaps must be addressed. This bill is about maintaining the legal framework so it is fit for purpose to recognise lived experiences, ensuring that technicalities do not stand in the way of legitimate claims. For victims-survivors, access to civil litigation opens avenues of recognition and accountability and having their experiences acknowledged. When legal pathways are narrowed or removed through interpretation, the impact can be significant. By introducing a clear statutory framework for vicarious liability in cases of child abuse, the Allan Labor government is reinforcing its commitment to fairness and accountability, ensuring that organisations that exercised real authority and control over children cannot avoid responsibility simply because of the way roles were formerly classified, recognising the reality of how institutions operate and the importance of substance over them. With those words, I commend the bill to the house.

Jeff BOURMAN (Eastern Victoria) (16:29): I rise to speak in support of this, because who could not? This bill is one of those bills I feel should never have happened, and if the church had have got their act together, we would not have needed it. It should not have gone to the High Court. The High Court should never have found the way they did, because the church should have taken responsibility for what happened under their care and control. But in this place, we sometimes do bills that are seemingly innocuous, and every once in a while we come across something that is not. I know there is a gallery behind me full of people that are hurting, and this will never change the past, but it will help them. Any issues with retrospectivity I think are completely wiped out by the fact that they had to go to the High Court, it had to be shot down and it had to be brought here to fix. I wholeheartedly support this bill, and I wish it a speedy passage.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (16:30): I rise to thank members of this chamber and the other place for their important contributions in relation to the bill before us. It is a bill that clearly has touched so many people out in our communities. As a member for Northern Metropolitan, a number of constituents reached out to me after this devastating High Court decision. But it is appropriate also that this chamber has accepted the invitation of the High Court to make changes as appropriate. Having the support across the chamber is important – that unity matters. It sends a clear message to victim-survivors that this Parliament has heard them.

This bill responds directly to the High Court's decision in *Bird v DP*. That decision prevented victim-survivors of child abuse from pursuing civil remedies where an organisation claimed that an abuser, despite performing all the hallmarks of employment, was not technically an employee. The High Court itself described the outcome as harsh, and it said that any correction to that position sits squarely with legislatures. That is why we are here today, and that is precisely what we are doing.

This bill restores the law to what it was understood to be before that decision. Victim-survivors will once again be able to pursue civil remedies against organisations for abuse suffered at the hands of a person who might not be formally employed but who is akin to an employee. Courts may consider whether the individual carried out activities as an integral part of the organisation's work, whether they acted for its benefit and the extent of control exercised over them. The test for when vicarious liability attaches reflects the existing common-law principles set out in *Prince Alfred College Incorporated v ADC*.

The bill also operates retrospectively – that is critical. We know the impact of Bird fell most heavily on victim-survivors of historic child abuse. Some were forced to settle, withdraw or accept diminished outcomes during the period between the High Court's decision and now – a situation that is unacceptable. This bill allows those victim-survivors to apply to the courts to have judgements or settlements set aside where it is just and reasonable to do so. In each case it will be for the courts applying the well-established common-law 'akin to employment' test to the facts to determine whether it is appropriate for vicarious liability to be attached.

These reforms are strongly supported by victim-survivors and organisations that represent them. The majority of legal stakeholders support them as well. The bill applies neutral legal principles across the board. Between 2021 and 2024 the law in Victoria operated substantially the way we are restoring it to now. Comparable approaches have operated for decades in other common-law jurisdictions.

In relation to the amendments – I do understand that they do come from a good place, and I do want to thank Ms Payne and also Ms Copsey for articulating the position of Legalise Cannabis and the Greens – I do want to inform the chamber that the government will not be supporting those amendments at a high level, because the purpose of this bill is to codify the existing common law that operated in terms of vicarious liability as it relates to child abuse and the extent to which it is necessary to alleviate the impacts of the decision in *Bird v DP*. That is the goal, and we believe extending it beyond that goes well beyond what is necessary to respond to that case and also the invitation of the High Court. Therefore we will not be supporting those amendments, but I do understand both of you will have a number of questions in committee. I look forward to that discussion and answering some of your questions.

Our government has a strong record when it comes to addressing institutional child abuse. We have lifted limitation periods, we have introduced a statutory duty to prevent child abuse, we have removed the Ellis defence and we have allowed unjust settlements to be set aside. This bill continues that work. At its core, this is about accountability. Where an organisation places a person in a role, gives them authority and that role supplies the occasion for abuse, it is appropriate that a court be able to examine whether responsibility should attach. This is about ensuring that victim-survivors are not denied justice because of technical characterisations of employment status. Today this chamber acts in a focused and proportionate way. We are restoring the balance the High Court indicated only we could restore, and we are reaffirming the simple principle that the law must not close its doors on those who have already carried the weight of abuse for far too long.

Before I commend the bill to the house, I want to acknowledge the Attorney-General's office and her team for the work that they have done to bring this before the chamber. I know they have worked very collegiately with a number of members in this chamber, across the chamber, which is not always the case in matters of justice reform, but that is a credit to her and her team in being able to do that work. On that note, I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

The DEPUTY PRESIDENT: I remind the gallery that, although this is something that is significantly important to you, there is no participation. It can result in people being removed from the gallery. Thank you for your cooperation. For the gallery's information, the bill is not finished yet. This does not mean the bill has passed. We are now going to consider it in the committee of the whole. It could be altered in this stage. The bill will not be passed until we get to the third reading.

Clause 1 (16:37)

Rachel PAYNE: I might just run through some of the stakeholder concerns and then ask questions in relation to clause 1. Stakeholders have raised deep concerns with us regarding the use of the term 'integral' in new section 93C(2)(a) of this bill. This section provides what the court may consider in determining whether an individual is akin to an employee, including:

> whether the individual –
>
> carries out activities as an integral part of the activities carried on by the institution …

Concerns include that there is no clear definition of this term and a potential to create a high threshold of proof that could exclude groups of people like volunteers. Similar newly passed laws in the ACT use the words 'ordinary activities' in their equivalent provision. Stakeholders believe, as do we, that the ACT's wording is more appropriate. It recognises that institutions that benefit from volunteer work which may not be integral should still carry responsibility for the harms if they are part of the institution's ordinary activities. Can the minister clarify the intended meaning of the word 'integral' in this new section?

Enver ERDOGAN: Ms Payne's question is quite a technical one, but I can understand how words, especially when they are open to interpretation, can have a significant impact on all the parties involved. In terms of the interpretation of the word 'integral' in this context, it is up to courts to interpret that language. The word 'integral' is used in the bill as it reflects the Victorian Supreme Court. I know the member referred to the ACT jurisdiction, but it reflects our Supreme Court's 2023 decision in *Bird v DP*. It is an approach that is used in New South Wales and South Australia, although they have prospective, not retrospective, vicarious liability provisions, so they are not as expansive as ours. I think it is about providing that consistency, but it also reflects the language that has been utilised in our court system. That will be up to the courts to determine. I know you gave a reference of volunteers as an example, but I think who is or who is not akin to an employer will be up to the courts, and they will be able to interpret that legislation as they see fit and decide each case based on its unique facts.

Rachel PAYNE: Was the use of the term 'ordinary' activities instead of 'integral' considered in the drafting of this bill, and if so, why was it decided against?

Enver ERDOGAN: I think the goal was to provide consistency and 'integral' was the word used in the 2023 Supreme Court decision in Victoria. It is also the approach consistent with what we see in New South Wales and South Australia. The goal was to provide that level of consistency, which reflects the Victorian Supreme Court decision of 2023 and to return to that basis, as is the intention of this bill.

Rachel PAYNE: Minister, thank you for clarifying. Is the term 'integral' intended to also apply to volunteers?

Enver ERDOGAN: I think that is a really good question, because some of the stakeholders did come out with concern about limiting its application to people and not covering volunteers. But I think whether a volunteer is akin to an employee, so to speak, will be for the courts, and they will have to look at the facts. They are difficult. There is no blanket rule against volunteers being covered, but it would be the unique circumstances that the court will need to interpret in relation to integral with an interpretation that they see fit in the circumstances of each unique case.

Rachel PAYNE: Concerns have been raised with me regarding new section 93C(2)(b) of this bill and the section that encourages judges to place weight on the extent of the institution's control over the employee or person akin to an employee. They believe this may cause irrelevant considerations, like what a coaching system might entail, and believe if an institution has appointed a person to perform a particular role and the abuse has occurred within the context of that role the level of control should not be a relevant factor. I have got two parts to this question. Is the intention of this consideration to exclude volunteers or lower groups over whom the institution may have a lower level of control?

Enver ERDOGAN: I might start by responding to the second part of your question. Whether a court determines an individual to be akin to an employee will depend on how it applies the provisions to the unique facts of a case. They are difficult, because these are historical, and the way organisations operated in the past will need to be considered in light of these cases. But the inclusion of the extent of the organisation's control over the individual in the carrying out of the activities in new section 93C(2)(b) has been included as one of the factors a court may consider. The factors in proposed new section 93C(2) represent a non-exhaustive list, and the court may also have regard to any other relevant factors. I think that is important, again, knowing that these are historical and the way that organisations have operated historically to how they operate now has changed dramatically. So I think the court will need to consider the individual case and the facts around that in making that determination. But I think the courts have that discretion and will be able to apply that discretion as needed.

Rachel PAYNE: How is this consideration of the extent of the institution's control over the employee or person akin to an employee intended to operate?

Enver ERDOGAN: The factors in the proposed new section 93C of the Wrongs Act 1958 are discretionary and non-exhaustive. The court may have regard to any other matters it considers relevant when determining whether an individual is akin to an employee. So I think any other matters it considers are relevant, it should consider.

Rachel PAYNE: This bill does not contain a provision to the effect that the provisions do not affect and are in addition to the common law in relation to vicarious liability. So, Minister, can you confirm how the legislation will apply with respect to the common law on vicarious liability?

Enver ERDOGAN: This bill is intended to affect the common-law doctrine of vicarious liability as it relates to child abuse, so it is limited just to child abuse. And if it is passed today, the amendments to the Wrongs Act would codify the existing common-law vicarious liability as it relates to child abuse but extend it beyond employment relationships to include relationships akin to employment in order to address the impact of the Bird decision. This would have the effect of replacing the common-law vicarious liability as it relates to child abuse, so it would be limited and only for children. The bill does not otherwise affect the common-law doctrine of vicarious liability for other types of claims, and it does not prevent the court from considering other common-law principles.

Rachel PAYNE: There have been calls by some to change the language of the bill to capture those associated with the relevant institution. These calls reflect concerns about church structures and responses to abuse that appear to have been deliberately opaque. Can you advise why the decision was made not to include those associated with the relevant institution in this bill?

Enver ERDOGAN: In terms of this bill, this provision – and when I am saying 'this provision', I am referring to section 93C in the Wrongs Act – clarifies that an independent contractor is not akin to an employee. This provision has been included to align with the common law, where an organisation cannot be held vicariously liable for the acts or omissions of independent contractors. Genuine independent contractors are in no way akin to employees. Extending vicarious liability for child abuse to independent contractors would go well beyond what is required to remedy the effect of the High

Court Bird decision and also aligns with the prospective laws we are seeing in New South Wales, Tasmania, South Australia and the Northern Territory.

Rachel PAYNE: Minister, you did touch on this, but I might just reiterate what you talked about there around independent contractors. This bill excludes independent contractors. Concerns have been raised with us about this exclusion and the potential for institutions like the church to try and use this to carve this out as a loophole to avoid liability. Can you advise why the decision was made to exclude independent contractors?

Enver ERDOGAN: I think that is a really good question. That is always the concern, I guess. I was a personal injury lawyer in the past and I know there are a few employment lawyers in this building that would tell you that these are concerns about people sham-contracting arrangements, but I think the courts are very well aware of these issues. Some defendant organisations may attempt to defend themselves by arguing the alleged perpetrator was an independent contractor, but the court will be able to apply the existing principles to determine whether someone is a genuine independent contractor, whether they are an employee or whether they are akin to an employee. I think the courts are well trained in that distinction because they are well tested. Unfortunately there are people doing the wrong thing, so it is a really good question in light of that.

Rachel PAYNE: This is my last question. Minister, you did also just touch on this around liabilities. How will it be ensured that this does not create another legal loophole institutions can exploit to escape liability?

Enver ERDOGAN: That is right. Unfortunately, we know with a lot of laws there will be people that will try to take advantage of it. But I think we need to look at the employee employment relationship, and obviously we are, for victims of child abuse, introducing 'akin to employee'. I think the courts are well designed and well trained to look at these circumstances because they look at them in a range of contractual situations outside the child abuse space. There is a lot of established law that they can rely on to work out whether someone is a genuine independent contractor or they fit into an employee situation and therefore would be held liable.

Katherine COPSEY: If it suits the chamber, I will ask all of my questions at clause 1 as well. Minister, in proposed section 93D, this is where the bill refers to supplying the occasion for abuse. What does the government mean by 'supplies the occasion'? Does this capture the opportunity that is created by a person's role, or is it tied to a time and place and formal duties of the person?

Enver ERDOGAN: At a high level, no, I would say it is not tied strictly to a time or place. In determining whether an organisation placed the employee or individual akin to an employee in a role that supplies the occasion for child abuse, the bill provides some non-exhaustive criteria that a court may consider: whether the organisation placed a person in a position or role in which they had authority, power or control over the child, the trust of the child or the ability to achieve intimacy with the child. This is a common-law principle that was stated by the High Court in *Prince Alfred College Incorporated v ADC* in 2016. Additionally, there is other case law that has held that an organisation would only be vicariously liable where the role provided the very occasion for the wrongful conduct. Therefore it is not sufficient that the role merely provided an opportunity for the conduct to take place. I do not believe it is so exhaustive that it is tied to a time and place – it is a broader test that the court would need to consider on the facts.

Katherine COPSEY: Can the minister confirm that this occasion requirement could still be met for abuse occurring off institutional premises – for example, at a child's home, in a car, online, on a camp or excursion – in circumstances where the court could be satisfied about the other factors around authority, trust, power and intimacy?

Enver ERDOGAN: Yes. There is nothing in the bill that requires that the abuse occurred at an institution's premises or any other specific location. Each case should be assessed on its unique facts. The intention here is to codify the current common-law vicarious liability Limb 2 test, which is that

the relevant act took place in the course or scope of the role. Under common law the role needs to have provided the wrongdoer with the occasion for the abuse, therefore it is not tied to a specific location.

Katherine COPSEY: So an occasion could include abuse facilitated by online contact like messages, social media or video calls where that relationship arose through an institutional role and the other factors were present?

Enver ERDOGAN: I think yes. There is nothing in the bill that would prevent abuse facilitated by online contact that occurred during the course or scope of the perpetrator's role within the institution from being considered for the purpose of proposed section 93C(1). This is a really important question because a lot of service delivery these days is online and communication is often online and remote. Therefore if it was in the scope or course of the perpetrator's role with the institution, then, depending on the facts of course, they could be covered. There is nothing preventing them from being covered.

Katherine COPSEY: I want to turn now to issues of technicality around the pre-1977 age of majority that I referred to in my second-reading contribution. As I said, this bill adopts a 'child' definition of 'people under 18' for abuse that occurred before 1 January 1977, when the age of majority in Victoria was 21. Is it the government's intention that the scheme only applies to under 18s, or is it the government's intention that the scheme will apply to people who were legally minors at the time?

Enver ERDOGAN: The bill uses the existing definition of 'child' under section 88 of the Wrongs Act 1958, which is a person under the age of 18. That is who it applies to. This is the definition that applies to the act's organisational duty to prevent child abuse and the definition of child abuse more broadly across the statute book. But I do take on board your point about the legal age at the time, especially for abuse that occurred before January 1977.

Katherine COPSEY: Can the minister clarify how courts should treat claims, or what the government's intention is, where the claimant was 18 to 20 years old during pre-1977 abuse?

Enver ERDOGAN: As the bill relies on the definition of 'child' under section 88 of the Wrongs Act, as it stands today it would only deal with vicarious liability for child abuse in those circumstances. So the definition of child abuse would exclude victim-survivors who were aged 18 to 20 at the time of the abuse. These victim-survivors may, however, have other avenues for civil compensation, including, for example, claims in negligence or breach of non-delegable duty of care, depending on the facts of the case, but they would not have access via this realm.

Katherine COPSEY: Thank you, Minister, for the confirmation. In relation to the royal commission cohort of victim-survivors, has the government assessed whether this definition could exclude any survivors within the cohort of institutional abuse matters that are commonly litigated, including very historical matters?

Enver ERDOGAN: As the Wrongs Act stands, under section 88 those victim-survivors who were aged 18 to 20 at the time of the abuse would be excluded from this avenue. Such victim-survivors may have other avenues for compensation, but they would not be covered under this act.

Katherine COPSEY: Minister, just going to section 93C(2)(b), the bill's description of the extent of the institution's control, we have had some feedback from stakeholders that this factor is not comparable with interstate schemes, so what specific problem in Victoria is section 93C(2)(b), regarding the extent of the institution's control, intended to solve that those jurisdictions did not need to address?

Enver ERDOGAN: I think this is codifying some of the considerations that were relevant in the Court of Appeal case in Bird, but the extent of an organisation's control over the individual in the carrying out of their activities was included as one of the discretionary factors a court may consider, as it was a relevant consideration in the Court of Appeal case of Bird, where the court held that the diocese had general control over Coffey's appointment, his role and duties at the parish. In that case, I also remind the committee, Justice Gleeson, dissenting in the High Court case, was of the view that

a sufficient level of control is relevant in determining whether a relationship can attract vicarious liability, and it also aligns with the UK common-law approach to vicarious liability. So what we have tried to do is just codify some of the case law relevant to these matters.

Katherine COPSEY: Just to that level of control that you just spoke to, practically, what sort of factors does the government intend the court to take into account here? Is it control over how the work is performed, control over the role and the access that the institution grants, something else, or all the above?

Enver ERDOGAN: Ms Copsey, a lot of this is up to the courts in interpreting the legislation, including some of the specific wording or phrases, and to develop common law, as we know, as they see fit. But in the Victorian Court of Appeal in Bird, which upheld the Supreme Court decision finding that diocese vicariously liable for sexual abuse by an assistant priest, the court found that the diocese had general control over the assistant priest's appointment, role and duties. That is what they found, so it is important that control will have more of its common-law meaning, but there is case law on these principles.

Katherine COPSEY: So you can confirm that control is not overly limited to a formal supervision arrangement – it could include structural control, things like appointment, accreditation, rostering, assignment to children, setting codes of conduct, permissions to enter premises and representing the person as part of an institution, for example.

Enver ERDOGAN: In short, yes, I think it is up to the court to determine and interpret the legislation, but they are not limited in the words or specific phrases they consider. I will not pre-empt the courts in terms of how they apply the tests, as they are very well across these matters. But I think they are not excluded, and it will be up to the courts to interpret legislation, including specific wording or phrases and what they will or will not hold.

Katherine COPSEY: Just turning now to the matter that is the subject of our Greens amendment around independent contractors – and I acknowledge you have answered some of Ms Payne's questions in relation to this already, so apologies if I go over similar ground. What is the government's response to stakeholder concerns that including the independent contractor carve-out risks recreating or embedding a gap that the bill is meant to close, especially where contractors are used regularly, embedded and seen to be part of an institution.

Enver ERDOGAN: I know you well understand that vicarious liability was never designed to cover independent contractors in any sphere of the law, including in this space. The purpose of this legislation was to return to the settings that were existing before the High Court decision. Therefore to extend vicarious liability for child abuse to include individuals akin to employees was the extent that we wanted to ensure this legislation addresses. But the common law as it relates to genuine independent contractors has never been covered. Some defendant organisations may attempt to defend themselves by arguing the alleged abuser was an independent contractor, but as I answered in a similar question from Ms Payne, I think the courts are well versed their ability to look at sham-contracting arrangements, but in particular look at that relationship and whether there is a genuine employee–employer relationship or whether they are independent contractors. The exclusion of independent contractors in the proposed new section 93C of the Wrongs Act aligns with the common law, where an organisation cannot be held vicariously liable for the acts or omissions of independent contractors, and it also aligns with the prospective vicarious liability provisions that New South Wales, Tasmania, South Australia and the Northern Territory have introduced, which all exclude independent contractors.

Katherine COPSEY: You have spoken about the fact that the courts will be interpreting this to assess whether someone is akin to an employee. Why isn't the multifactor test that you have set out – this codification – sufficient? Why would the government add an extra threshold or include this threshold that may prevent courts from weighing those factors?

Enver ERDOGAN: We would say that the proposed new section 93C(3) does not fetter the court's discretion. The court will consider the facts of the case to determine if a person is a genuine independent contractor. If not, the court will then consider the factors set out in the bill to determine if the person is akin to an employee. The bill's approach to independent contractors aligns with the common-law doctrine of vicarious liability – where an organisation cannot be held vicariously liable for the acts or omissions of an independent contractor – and with the prospective vicarious liability provisions in other states, as I have outlined before, such as New South Wales, Tasmania, South Australia and the Northern Territory, which all exclude independent contractors from their 'akin to an employee' test. We do not believe that new section 93C(3) fetters the court's discretion. If the court think there is something else that is relevant, they are open to consider that based on the circumstances of the case.

Katherine COPSEY: I think you touched on this earlier, but to my knowledge the bill does not define 'independent contractor', and it is not elsewhere. I think you have stated for the purpose of new section 93C that you are building on existing case law. How does the government intend to define independent contractor? Is it the common-law test, is it just a contract label or is it factors such as having an ABN status or similar factors?

Enver ERDOGAN: You are right, Ms Copsey, the bill does not define 'independent contractor'. That is a matter where it will be up to the courts to apply existing principles to determine if someone is an independent contractor and, as I have stated earlier, they are well versed in these matters.

Katherine COPSEY: Can you confirm that simply having an ABN or issuing invoices or being paid through a third party – it is not the government's intention that those sorts of factors would be determinative of someone being an independent contractor?

Enver ERDOGAN: Put simply, it will be up to the courts to consider, based on existing principles, to determine whether or not someone is a genuine independent contractor.

Katherine COPSEY: Just turning to a practical matter here: someone who is operating, for example, at arm's length with an ABN, were they to successfully argue that they were an independent contractor, there is no requirement, is there, for a person in that situation to hold adequate insurance to meet claims of this nature necessarily? Can you acknowledge that in some of those cases that may leave victims with little avenue for remedy?

Enver ERDOGAN: I think this is a question that I feel is, in terms of the impact and the level of coverage that independent contractors have, a really relevant one. I remember many years ago I worked in public liability claims, and you are right – some private contractors might not have appropriate coverage or insurance, which can be to the detriment of victims, not only of child abuse, which is very, very serious, but in other matters as well. It will be up to the courts to apply existing principles to determine whether someone is an independent contractor. There are cases more broadly in society where the contractor might not necessarily have the relevant insurance protection, but there are other civil avenues for victim-survivors to seek compensation from organisations which are not affected by this bill, including claims of negligence, breach of non-delegable duty of care or, for those abused after 1 July 2017, breach of the organisational duty to prevent child abuse under part 13 of the Wrongs Amendment (Organisational Child Abuse) Act 2017. There are maybe other avenues, but we do not change the current position that exists about the level of insurance or coverage an independent contractor is required to take.

Katherine COPSEY: Minister, did the government consider any alternative drafting approach in relation to this issue, for example, along the lines that a person is not excluded merely because they are an independent contractor if that relationship is in substance akin to employment? Why have you taken the path you have, instead of considering something like that?

Enver ERDOGAN: I think the purpose of this bill, and I know I am speaking on behalf of the Attorney-General, is to bring the position back to where we were before the High Court case in

Victoria. We know the law had existed and had operated for a number of years, and we had seen how that was operating. Therefore this purpose was limited to just restoring the law to what it was before the High Court case and where we believed was appropriate. I can understand the concerns about 'was there an opportunity to go further' but I think the purpose of this was to restore the law to what we believed was the usual practice in Victoria and had been operating for a number of years. Therefore the bill was intended to strictly address the impact of the Bird decision and extend vicarious liability for child abuse to include relationships akin to employment only.

Katherine COPSEY: As we have spoken about through this debate, there are many institutions that do outsource a large number of child-facing services, for example, sports coaching, tutoring, chaplaincy, camps, transport and sometimes disability supports. Under section 93C(3) if a perpetrator is engaged through a contractor model, do you accept that this could leave open or create a new loophole with this approach?

Enver ERDOGAN: The bill is designed to strictly address the impact of the Bird decision. The Bird decision did not impact the common law, as it relates to independent contractors who are not employees or individuals akin to an employee. So under the common law, organisations cannot be held vicariously liable for the acts or omissions of independent contractors. The bill does not change that framework that existed before the High Court case.

Katherine COPSEY: I understand the government's approach in relation to this, and I understand you will not be supporting the amendment today that the Greens are putting to remove this exclusion. Could you help clarify for the chamber and for future reference that 'independent contractor' is to be construed narrowly and to have reference to all the facts in a case and that embedded child-facing contractor roles could still be captured via other causes of action or be found by the courts in relation to this scheme to still constitute a relationship akin to employment? I can give an example. If a school engages a coach through a services contract and gives them a uniform, a title and access to students and places them in a position of authority, do you think that in that situation the person could still be considered by a court to be factually an independent contractor, or not?

Enver ERDOGAN: I think it is important to point out that it will be up to the courts to apply existing principles to determine whether or not someone is a genuine independent contractor for the purpose of vicarious liability. But also there is the fact that – this is not in this bill – for those abused after 1 July 2017, there is the breach of an organisation's duty to prevent child abuse under part XIII of the Wrongs Act. So there are other avenues that victim-survivors may take to seek compensation from organisations, and we do not change those arrangements in this bill. This bill is really targeted to the 'akin to employment' changes after the High Court decision.

Clause agreed to; clause 2 agreed to.

Clause 3 (17:12)

Rachel PAYNE: I move:

1. Clause 3, page 4, line 22, omit "integral" and insert "ordinary".

I have ventilated the issue that has been raised with me by stakeholders around the term 'integral', and I propose that the term 'ordinary' replace it in new section 93C(2)(a)(i).

Katherine COPSEY: The Greens are pleased to support Ms Payne's amendment today. In our view, this amendment improves the bill's clarity and makes sure that the bill's survivor-centred purpose is not undermined by an unnecessarily high or uncertain threshold. As drafted in the bill, new section 93C(2)(a)(i) allows a court to consider whether a person carries out activities as an integral part of the activities carried out by the institution. We also have heard from stakeholders concerned that that phrase 'integral' is undefined. It could invite technical argument, and it could be read as setting a bar too high, potentially excluding cohorts like volunteers, whose work might be routine and institutionally endorsed but is argued by an institution not to be integral in some narrow sense. I note

that Ms Payne's amendment replaces 'integral' with 'ordinary' and in doing so aligns this test with the approach that has been taken in the ACT's recent reforms and in Ms Payne's private members bill that she brought to this place. In the Greens' view, this better reflects how institutions operate in practice – that is, if an institution is routinely relying on people who are paid or unpaid to deliver its ordinary activities and it benefits from that work, it should not be able to escape responsibility for harm inflicted by those people by arguing that those activities were not integral enough. We are pleased to support Ms Payne's amendment today. I will take the opportunity while I am on my feet to thank Ms Payne for her advocacy on this topic and her contribution to bringing survivors' voices to this place and to progressing this issue to this place where we are discussing these reforms today.

Enver ERDOGAN: I too want to thank Ms Payne for her strong advocacy and the broad intention of this amendment that she has brought to the house today. The government will not be supporting this change because we believe that the word 'integral' used in the bill is akin to 'employed' because it is what was intended to prevent organisations being held vicariously liable for child abuse perpetrated by individuals who were only tangentially involved with an organisation.

It also, more importantly, reflects the Victorian Supreme Court's decision in Bird that the centrality of Coffey's work as an assistant priest to the work of the diocese was an important factor in determining that Coffey was akin to an employee of the diocese. I know that there is an ACT example that both Ms Payne and Ms Copsey have referred to, but I believe that our provisions will better align with New South Wales, South Australia, Tasmania and Northern Territory, so it brings us into line with most jurisdictions across the country. Therefore I would say that this would go beyond what is required to remedy the effects of the Bird decision in the High Court. Obviously the purpose today is to remedy that and take up the invitation of the High Court. I am unable to support the amendment before the house.

Evan MULHOLLAND: I would like to thank Ms Payne for bringing forward this amendment. Like Mr Erdogan, we recognise that it is with good intent, but the Liberals and Nationals will not be supporting this amendment. As the minister said, there is alignment of the word 'integral' with the Supreme Court decision but also with other states in their definitions of 'akin to employment'. I understand the ACT went beyond that, but I think alignment with other states in comparison to alignment with one territory would be a good place for Victoria to stay.

The DEPUTY PRESIDENT: With the gallery, as I explained before, there is to be no participation. There are also no photographs to be taken, please. There are still a couple of steps we have before this bill becomes law. It needs to be passed by this house, it needs to return to the lower house, it needs to be sent to the Governor and it needs to get royal assent. While I appreciate, for all of you, how important this is, even passing this house does not guarantee it will become law. It would be very unusual if it did not, but there are a few more steps.

Council divided on amendment:

Ayes (8): Jeff Bourman, Katherine Copsey, David Ettershank, Anasina Gray-Barberio, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Noes (31): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Amendment negatived.

Katherine COPSEY: I move:

1. Clause 3, page 4, lines 30 to 32, omit all words and expressions on these lines.

This is the Greens amendment, which removes the automatic carve-out for independent contractors contained in the government bill.

Enver ERDOGAN: Just very briefly, as I stated on the other amendment similarly, we believe that extending vicarious liability for child abuse to independent contractors would go well beyond what is required to remedy the effects of the Bird High Court decision. The purpose of this bill is to expand vicarious liability for child abuse only to the extent needed to address the effects of the Bird High Court decision. Therefore the government will not be supporting this amendment.

Evan MULHOLLAND: For similar reasons that Minister Erdogan has stated, the Liberals and Nationals will not be supporting this amendment.

Council divided on amendment:

Ayes (7): Katherine Copsey, David Ettershank, Anasina Gray-Barberio, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Noes (32): Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Amendment negatived.

Clause agreed to; clauses 4 to 10 agreed to.

Reported to house without amendment.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (17:29): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (17:29): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

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

Adjournment

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (17:29): I move:

That the house do now adjourn.

Housing

Jacinta ERMACORA (Western Victoria) (17:30): (2298) My adjournment matter this evening is for the Minister for Planning Sonya Kilkenny. Australian Bureau of Statistics data shows that Victoria is building thousands more homes than any other state. The action I seek is an update on how planning reforms are increasing housing supply and improving affordability for young Victorians.

Cardinia Road train station

Renee HEATH (Eastern Victoria) (17:30): (2299) A constituent from Pakenham has contacted me expressing serious concern about the deteriorating condition of the Cardinia Road railway station. They described it as a pigsty, with graffiti covering the adjacent bridge and concrete surfaces, rubbish strewn across the station, abandoned vehicles nearby and gardens overgrown across pedestrian paths. They told me that these conditions create unsafe and intimidating environments, particularly for night-time travellers. Recent reports confirm these concerns. Cardinia Road station has become a hotspot for youth crime: intimidation, car break-ins and violent assaults are occurring there. Crime in Pakenham is rising rapidly. There were 3782 incidents in the year ending March 2025; the year before there were less than 3000. My adjournment is for the Minister for Public and Active Transport. The action I seek is for the minister to outline what action is being taken to restore cleanliness, safety and proper maintenance at this station and what the timeline is.

Public transport

David ETTERSHANK (Western Metropolitan) (17:32): (2300) My question is to the Minister for Public and Active Transport. It has certainly been a bumper summer for Melbourne's gunzels – public transport enthusiasts – and I count myself as one of them. I finally got to ride on the Metro, the new Metro Tunnel, which opened last year to much fanfare and no doubt some tossing of hard hats into the air. Then we got the big switch in February, integrating the Sunbury, Cranbourne and Pakenham lines. I must say the new stations do look great and the new timetables have made some long-awaited improvements to some established train lines. People who use the Sunbury line will no doubt be delighted by the announcement of around 198 new weekday services, 136 extra services on a Saturday and 128 on a Sunday, equating to 1254 extra services weekly. However, they may also wonder why many of these services stop just shy of Sunbury and terminate instead at the much less frequented Watergardens station. Regardless, there has been a great improvement in train frequency, with a train arriving every 20 minutes from Sunbury and every 10 minutes from Watergardens.

However, there is still no joy for people living in the outer west. They continue to endure the most awful public transport, with scant integration between buses and train services. It seems that once again the west – Labor's so-called heartland – is left underserviced and out in the cold. I have raised this so many times. The outer west is the fastest growing region in Australia, but the Victorian government has no integrated transport plan for the region. While it continues to pour money into the Suburban Rail Loop, the people of the west must contend with this government's piecemeal approach to adding a couple of extra bus services here and there or announcing a new station, which is unlikely to be a reality any time in the next decade if at all. Where is the plan to improve public transport in the west? The north and west Melbourne bus plan went to cabinet in 2023 but was rejected. It needs to be either revisited or rethought, because the government cannot just write off vast areas of Melbourne as public transport deserts. The action I seek is for the minister to present a coordinated western and northern metro reform plan for integrating buses and trains to deliver better transport options for the people of the outer west and the northern suburbs.

ADHD services

Michael GALEA (South-Eastern Metropolitan) (17:34): (2301) My adjournment is for the Minister for Mental Health, and the action I am seeking is that the minister update me on how the government is supporting Victorians to more easily and appropriately access diagnosis for ADHD. We already know that thanks to the PBS individuals with diagnosed ADHD can receive low-cost

prescriptions for these conditions. However, for years diagnosis has been a major barrier for many Victorians, including young Victorians, due to the high cost of specialist diagnosis, with on average over $2000 required to pay for it, as well as substantial wait times of more than six months. The Premier has announced major reforms from this government that will enable GPs under specialist training to diagnose patients with these conditions. This will be a major removal of an access barrier for people seeking this treatment and will also present significant cost savings for them and their families as well. The action that I am seeking is that the minister update me on this very important policy development.

Planning policy

David DAVIS (Southern Metropolitan) (17:35): (2302) My adjournment tonight is for the Minister for Planning, and what I seek is for the minister to join me and perhaps Ms Crozier in a walk around Ashburton to see the boundaries of where she is proposing to intensely increase density and height. Eight-storey heights are massive increases in suburban Ashburton. Really, there are only two-storey properties there now, and the state government is actively proposing under its plans eight-storey developments. Even the area that is not the central hub, the catchment zone around, will be four storeys, in many cases even up to six storeys, so that is a very intense development. There will be thousands, likely tens of thousands, of extra people put into this area under the state government's proposals. There is no plan for additional police. The police station has been closed. There is no plan for additional parkland. There is no plan for additional school capacity. There is no plan for the additional transport that will be required. So I say the minister has got this very wrong. The minister needs to come to Ashburton. She needs to see this for herself.

I know Mr Fregon may have communicated with her, but he is weak on this – not prepared to stand up for the local community. He has not been prepared to actively advocate for his area. I think he said with the high-rise stuff that not everyone wants to live among the gum trees. That is what he said in Parliament about these dense, high-rise developments. He said not everyone wants to live among the gum trees. Well, let me just tell you, many in this part of the City of Boroondara, in this particular part of the Ashwood electorate, actually do want to live on large properties with trees and proper canopy around them. They do not want to live in eight-storey dense developments, and they do not want to live in eight-storey dense developments where this is forced on them without consultation with the community or consultation with the council.

The council would be very happy to work with the government to actually get a better outcome in this area, but there is no sign that the government is prepared to work with the council or community. We will be convening forums in the area over the coming period. But my request today of the Minister for Planning is to come and meet with me in Ashburton, do a walk around and actually see the challenges that are required here and why her policy of forced high-rise development will lead to a poor outcome in the way she has presented it. It is not satisfactory; it is arrogant. It is a government overriding local communities, and it is time she came and actually saw the community – *(Time expired)*

WorkCover

Aiv PUGLIELLI (North-Eastern Metropolitan) (17:39): (2303) My adjournment matter is to the Minister for WorkSafe and the TAC, and the action I seek is that WorkCover agents be held accountable for their actions when it comes to duty of care. I am again before the chamber sharing words of an injured worker who has engaged with my office. The person wishes to remain anonymous, but the following words are theirs that they have asked me to share:

[QUOTE AWAITING VERIFICATION]

> I was born with one hand. In 2023 I suffered an injury to my only functioning hand at work. I filed a claim with WorkSafe. My employer abandoned me. WorkSafe provided me with a claim number but failed to pass the claim onto the agent for 33 days. From the start Gallagher Bassett treated me with contempt. They sent me to an independent medical examiner, who stated the employer told him I liked to play games and claimed he was not told of my disability. They weaponised falsehoods to deny me help. They stalled accepting my

claim for 75 days, far past the legal limit. After acceptance, Gallagher Bassett withheld my payments for an extra 58 days, claiming my file was transferring to Allianz. This was a lie.

The agent and WorkSafe later confirmed no such transfer ever existed. They fabricated a narrative to starve a disabled worker of his income. In September 2024 I required surgery on my only hand. Total dependency was guaranteed, yet the claims manager refused to organise an ADL until after my surgery, ignoring medical advice. He admitted he delayed care approvals until 18 days post surgery simply so he could bundle the paperwork. My ability to use a toilet was less important than his administrative convenience. I was left in squalor. I was forced to lie in my own urine and excrement. I could not feed myself. I was left to eat like a dog from a bowl, because I could not hold a utensil.

And following a second surgery in late 2025, knowing I would again have no functioning hands, they did it again. Gallagher Bassett approved a handheld hygiene device physically impossible for a man with no hands to use. My trust that WorkSafe and its agents are capable of meeting their statutory obligations has been completely eroded. They looked at me losing my independence and treated me with suspicion, derision and utter neglect. This is cruelty funded by the Victorian public.

Melbourne Holocaust Museum

Ryan BATCHELOR (Southern Metropolitan) (17:41): (2304) My adjournment matter tonight is for the Minister for Children, and I ask, Minister, if you will join me on a visit to the Melbourne Holocaust Museum to visit their new *Hidden* exhibition. The Melbourne Holocaust Museum, in Selwyn Street, Elsternwick, is an incredibly important part of our community, an incredibly important asset and an enduring reminder of the tragedies inflicted upon the Jewish people by the Nazis, the memories of which continue to touch so many. The *Hidden: Seven Children Saved* exhibition is about children and designed for children to help tell them the story about how seven children survived the Holocaust in hiding – stories of bravery, kindness and perseverance as people risked their own lives to save the lives of others. It is an award-winning, immersive exhibit. I think it is an incredibly important part of the Holocaust remembrance story and education for the broader community, and I would appreciate the minister accompanying me to have a look at it.

Independent Broad-based Anti-corruption Commission

Moira DEEMING (Western Metropolitan) (17:42): (2305) My question is for the Premier, and the action I seek is that the government support our proposal for follow-the-money powers for IBAC as well as properly fund it. If there is one burning question all Victorians have, it is surely: where did all of our money go? This government love to cut ribbons and make announcements, but let us be honest. I think the only certificate they have ever got that they did not award to themselves is a downgrade in our credit rating because of their ridiculous addiction to spending other people's money. The truth is that people in Victoria can no longer distinguish between where the druggy, stripper, extortionist thug-bikie gangs end and the Labor government begins. We have been living under this government run by those who call themselves the party of workers rights for the better part of 20 years, and what have we got for it? Our taxes were taken in the red shirts rort and then just put back, and the investigation done by people like Emma Lobb, that whistleblower, was just shut down and everyone got away with it. And then you have got victims, you have got the cover-ups like that poor Ryan Meuleman who was knocked off his bike. They tell us they are revolutionising this state, doing what matters. Doing what matters – that is clearly just covering things up. Under this government clearly they have arranged things so that the system is rigged to reward corruption and punish whistleblowers like Emma Lobb and victims like Ryan Meuleman. We need justice, and it is going to take follow-the-money laws to do it.

Economic policy

Anasina GRAY-BARBERIO (Northern Metropolitan) (17:44): (2306) My adjournment matter this evening is for the Treasurer, and the action I seek is the introduction of a levy on the big banks to help everyday Victorians. Last week the Reserve Bank of Australia increased its official cash rate again. This means increased mortgage repayments, rent increases and, for many, difficulty managing debt. In Northern Metropolitan around 40 per cent of residents rent, 13 per cent higher than the Victorian average, and just 52.5 per cent own their home, below the state average of 65 per cent. My

constituents in Northern Metro are paying more than $2000 monthly on their mortgage, and renters are paying over $400 weekly. Rents have increased twice as much as wages, food prices are out of control, energy bills keep climbing and more than 75,000 Victorians are waiting for social housing. Meanwhile the big banks continue to post massive profits. They pass on rate rises quickly and quietly to borrowers. This is not inevitable; it is Labor's political choice. A levy on the big banks would ensure that those who are profiting most from economic instability contribute to easing the burden on everyone else. That revenue could fund real cost-of-living relief, investment in public housing, caps on rent increases, fixing the housing market and support for households under pressure.

Southern Metropolitan Region housing

John BERGER (Southern Metropolitan) (17:45): (2307) My adjournment matter is for the Minister for Planning in the other place. As we all know, the Allan Labor government is taking the challenge of housing affordability more seriously than any other state or territory government in the country. Here in Victoria, more homes have been approved and built than in any other state. This did not happen by accident; this happened because of responsible decisions made by this government to increase housing supply and build the necessary infrastructure to support the growing population. We are doing so by making the best use of public sector, private sector and not-for-profit sector resources to do so. One of the policies which is particularly benefiting my constituency is the introduction of the new train and tram zone activity centres, which will better facilitate the construction of new housing in established suburbs. This will help young people who grew up in council areas such as Stonnington, Boroondara, Glen Eira and Bayside to be able to afford to rent or buy a house close to where they grew up. Other responsible policies such as build to rent, tax concessions and the development facilitation program are further encouraging new development in places which need more homes. The action that I seek is for the minister to provide me an update on how many homes have been approved for construction in the Southern Metropolitan Region in the last 12 months.

Prisoner safety

Trung LUU (Western Metropolitan) (17:46): (2308) My adjournment matter is for Minister for Corrections regarding the safety of female inmates in Victorian female-only correctional facilities. Recent reports have surfaced about the Allan Labor government's secret payout to a female prisoner who was sexually assaulted by a transgender inmate incarcerated for murder. This situation is horrific and raises questions about how individuals are classified and deemed suitable by authorities for placement in female-only prisons. The action I seek from the minister is to recognise this troubling situation and implement a blanket ban on biological males who have transitioned to being women from being transferred to female-only correctional facilities. The minister must take into account the alarming evidence of what can occur when transgender prisoners are moved to female correctional facilities. The safety of prisoners must be the top priority. It is particularly concerning that this inmate is reported to be one of at least seven biological males who have been transferred from a male prison to either Dame Phyllis Frost Centre or the minimum security Tarrengower Prison after transition while incarcerated. So I urge the minister to follow the Leader of the Opposition, the member for Kew Jess Wilson, in committing to banning biological males who have transitioned from being housed in female-only prisons. This approach simply makes sense.

The PRESIDENT: So people are not inconvenienced: there are enough adjournment matters left for Dr Mansfield, Ms Purcell, Ms Terpstra, Mr Mulholland, Mrs Broad, Ms Crozier, Mrs Hermans, Ms Lovell and Mr Welch. If people do not want to hang around, this might save you some time.

Water policy

Sarah MANSFIELD (Western Victoria) (17:49): (2309) My adjournment matter is for the Premier, and the action I seek is for a moratorium to be placed on new data centres in Victoria until mandatory standards are developed to ensure they do not negatively impact our waterways or drive

up water bills for Victorian households. Last week, while speaking about this government's plan to entice AI tech giants to build data centres in Victoria, Minister Pearson was quoted as saying:

> You put AI on a leash and you let it run.

It is unclear what that leash is, as this government continues to roll out the red carpet and roll back regulations for the resource-intensive centres. Victoria is already experiencing rapid growth in data centre development, with 58 centres currently in operation and many more large-scale facilities in the pipeline. Data centres are promoted as vital infrastructure for the digital age and the bringers of widespread economic prosperity. What is too often overlooked is that these centres use an enormous amount of water for their evaporative cooling systems; depending on the size of the facility, this method can use millions of litres of potable water a day.

Evaporative cooling is the preferred method in Victoria, largely due to its lower energy cost, the low cost of water and the permissive regulatory environment that exists in this state. Many of the new large centres this government is hoping to attract to Victoria will rely on evaporative cooling systems. Evaporative systems are constantly losing water to the atmosphere, meaning they need frequent replenishment. Closed loop systems exist but they are in the minority, and while they use 50 to 75 per cent less water – a significantly lower amount – it is still a very large amount of water. With more data centres coming online, the load on Victoria's already strained waterways will become increasingly unsustainable.

Water in Victoria remains relatively inexpensive, and regulations are much more permissive compared with other jurisdictions. For example, in Europe and even in the US facilities are often required to use recycled water before potable water, and dry cooling is mandated in areas with scarce water supply. Closer to home, in New South Wales, the government there has introduced tighter water efficiency standards. Victoria's complete lack of water, energy and development regulation for data centres will create an environment where resource-heavy developments go completely unchecked. In effect we are providing access to a scarce resource at low cost, with little to no oversight. Increased water demand would place extreme stress on a state already grappling with climate change. We have less rainfall and increased evaporation out of our water systems, meaning a declining water store for many of our rivers and catchments. It is dangerously irresponsible, knowing the state that water systems are in, and this green light to this highly water-intensive industry would be like letting a rabid dog off a leash. So I call on the Premier to implement a moratorium on new data centres until mandatory standards are in place. They must prioritise non-potable and recycled water use, protect environmental flows and ensure that households are not subsidising corporate profit.

Level crossing removals

Sonja TERPSTRA (North-Eastern Metropolitan) (17:52): (2310) My adjournment matter this evening is for the minister for transport in the other place, and the action I seek is for the minister to provide an update on how the community can have their say and help shape the designs for the Ruthven Street, Macleod level crossing removal project. The Allan Labor government has already removed 88 dangerous and congested level crossings across Melbourne, and we are well on track to reach our commitment of removing 110 level crossings by 2030. This program is one of the largest rail infrastructure undertakings in Victoria's history. It is delivering safer and more reliable journeys and is supporting more than 6000 jobs at the peak of construction, with more than 104 million hours of work completed so far. The work is not only transforming our transport network; it is making it safer. We know that, because that is what the data tells us: removing dangerous and congested level crossings is preventing 110 level crossing accidents and near misses every single year. That is an extraordinary outcome and a clear demonstration of why this project matters for all Victorians. Removing the Ruthven Street, Macleod level crossing will also bring significant benefits to the Macleod community. Getting rid of this well-known bottleneck will ease congestion and improve safety on local roads. Right now, boom gates are down for around 30 minutes during the morning

peak, and removing the crossing will give that time back to residents and commuters and make travel smoother, safer and more predictable.

Waste and recycling management

Evan MULHOLLAND (Northern Metropolitan) (17:53): (2311) Well, there are a few battles going on at the moment, both inside and outside of these corridors: Batchelor v Berger, Tierney v Watt, McIntosh v Shing and Erdogan v Watt. But I am more interested in the battles between locals and the criminal underworld, so my adjournment is to the Minister for Environment, and it concerns the dangerous and concerning practice of illegal waste incineration in the northern suburbs. Recently I visited the Wollert CFA with the Leader of the Opposition Jess Wilson, who I am very pleased to say, like she is everywhere, was very warmly received by the brigade and the local community. She is someone that can openly attend CFA brigades without running away. We publicly signed the CFA volunteers pledge, which we were happy to do. But while we were there, the CFA volunteers told us about two properties – one on Summerhill Road and the other on Donnybrook Road – where criminal gangs are running under-the-table open-air black-market waste incineration for domestic builders, who are more than happy to pay, unfortunately, the cut price of $500, compared to the $1400 they would have to pay for this to be done legally. This is leading to open-air burning of domestic building waste, including asbestos. I was shocked to learn of this occurring and that it has even taken place during total fire bans, risking devastating consequences for local communities. These operators are violent criminals or are criminals, and CFA volunteers require a police escort to be able to get onto these properties to assess the sites and get the fires under control. It is a huge drain on the CFA and a huge drain on police resources.

I am aware that EPA is already aware of this. They have even posted on social media about it. But I want to know what the government is doing, because it appears there can be nothing done about it. Any attempt to enforce laws is going by the wayside, and this open-air incineration of domestic building waste, including asbestos, keeps happening. These properties are right near Donnybrook Road, which, as I have spoken about many times before, is a one way in, one way out road. If there is a fast-moving grassfire on a hot day like today, there will be issues. I therefore seek the action of the minister to urgently work with their department and the appropriate authorities to shut down these illegal waste incineration sites in the north.

Jumps racing

Georgie PURCELL (Northern Victoria) (17:56): (2312) My adjournment matter is for the Minister for Racing, and the action that I seek is for the government to hold Racing Victoria to account on their commitment to review jumps racing. Shamefully, Racing Victoria has quietly announced they will not conduct a full review of the 2027 season as promised. A review into this blood sport was called at the end of the 2024 jumps racing season after 10 horses died, including three on the final day of the season at Ballarat. Following that review, Racing Victoria ignored mounting pressure for a ban despite every other state having already outlawed jumps racing. That Racing Victoria has backtracked on one of its commitments to conduct a broader review of jumps racing after three years is unforgivable. It is time that the racing minister intervenes and holds this grubby industry to account, because it is not the job of the racing minister to be a friend of the industry purely to cop an invite to race days and flashy corporate box events. It is his job to ensure they are held to account and operating efficiently. Sadly, that is not the case here in Victoria, because this Labor government loves to have an inappropriate relationship with our animal racing industries to the point that animal welfare is suffering.

As reported in the *Age* today, a Parliamentary Budget Office report prepared before the last year's budget update found that jumps racing is running at a loss despite what this government would try and spin and tell the public. The truth of the matter is that in 2024–25 jumps racing cost taxpayers $1.8 million more than it generated in gambling revenue. The data shows government spending increased from $1.1 million in 2023–2024 to $2.8 million in 2024–25. At a time when our state has

such serious financial troubles that our government is seeking to cut vital services such as VicHealth it makes absolutely no sense that we are blatantly wasting money on propping up a flailing industry.

Jumps racing is not only bad for the budget; it is bad for horses that are forced to jump obstacles at breakneck speed carrying heavier weights than horses in a flat race. While the industry will spruik that they have made safety improvements over the last few decades, fatality, fall and injury rates have not differed at all. During the 2024 Victorian season we know that one in every 24 horses died in a jumps race and one in every 10 horses that started resulted in some kind of injury. Let me make it clear to the racing minister: these are not great odds.

Given the government clearly is not willing to show the same courage as their South Australian counterparts, I urge the minister to at the very least hold this insidious industry to account and force a review at the end of next year's season, just as the industry promised that they would do – or better yet, just step in, do the job and end it.

Construction industry

Gaelle BROAD (Northern Victoria) (17:59): (2313) My adjournment is to the Premier. Residents, including residents from the Bendigo East electorate, have raised concerns that under the Premier's watch taxpayer funds were used to fund organised crime through state government projects. The *Rotting from the Top* report presented to the Queensland royal commission into the CFMEU provided evidence that in Victoria corruption led to over $15 billion of taxpayer money being directed to organised crime due to the government's inaction. Criminal figures were given top salaries, the use of government cars, ghost shifts, double payments and jobs for mates. Supervisors provided drugs to workers and strippers were hired to do shows onsite. We need transparency and accountability on government projects and the use of taxpayer funds. The Fair Work Commission has called for an independent inquiry and stated that accountability is needed and Victorians have a right to know. Given the scale of this corruption and the potential ongoing risks, the action I seek is for the Allan Labor government to commit to a full and proper independent investigation and a royal commission to uncover the full scale of this corruption in Victoria and recover the funds.

Construction industry

Georgie CROZIER (Southern Metropolitan) (18:01): (2314) My adjournment matter is for the attention of the Premier. The Premier has been under enormous pressure over the last few days because I think every Victorian can see that she is not telling the truth. In fact she is covering up and she is really not being up-front with the Victorian public around this appalling $15 billion CFMEU scandal. Today when she was asked whether it should be investigated, she refused to say, 'Yes, it should.' It is amazing and quite appalling that the Premier of this state does not seem to think that this is wrong. It is so wrong on so many levels.

Given her very strong ties to the socialist left, she has got form in this, along with her predecessor Daniel Andrews. They set the CFMEU up to be the power play. It is all about power and politics and to dominate and to really look at how they have got the members in this place like they have. I think anyone in the Labor Party movement knows this, and it is becoming very clear to the Victorian public what has gone on here. Nevertheless, I am concerned about the $15 billion CFMEU scandal because corruption matters. It matters because it costs Victorians. It is lining the pockets of bikies and criminals and therefore that money is lost to essential services like health, education, our police or fixing roads.

Because it matters, I want to raise the next issue. The *Australian* has exposed allegations of toxic interference by the Minister for Local Government and member for Bentleigh over a $75,000 grant to the Druze community. The bully-boy tactics are straight out of the CFMEU playbook. An article from 4 February states:

> Kingston councillor and Victorian ALP member Hadi Saab is the director of the Druze group and the $75,000 grant to bankroll cultural festivals was opposed by some of the councillors in 2024, including the now mayor Georgina Oxley.

On 5 February another article by the same media outlet, the *Australian*, stated:

> … Nick Staikos is alleged to have warned council chiefs that unless they stopped a 'witch hunt' against an ALP-aligned councillor over a controversial $75,000 grant he would call in government monitors to oversee the council's operation.

And he did put in monitors.

The PRESIDENT: Ms Crozier, I think you are making an allegation against a sitting member.

Georgie CROZIER: No, I am just quoting from the –

The PRESIDENT: You can quote from anything. You know the standing orders better than me. You cannot make an allegation against a sitting member like that. Maybe just get to your action.

Georgie CROZIER: I am getting to the action, thank you, President. I appreciate that guidance. The point is he did put in monitors, and just before Christmas he extended them for a further six months. Premier, these standover tactics are far too prevalent amongst members of the Labor Party,. The action I seek is for you, Premier, to explain what you have done to stamp out the egregious behaviour of the members of your own executive in abusing their privilege.

Illicit tobacco

Ann-Marie HERMANS (South-Eastern Metropolitan) (18:04): (2315) My adjournment matter is for the Minister for Casino, Gaming and Liquor Regulation, and the action I seek is that the minister join me in meeting with local traders who have been affected by the illegal tobacco trade. I met with the small business owners in Frankston who featured on *A Current Affair* last year and are living in fear after an illegal tobacco store moved in next door. After much advocacy I am delighted to inform the chamber that this store has finally moved out of their quiet suburban shopping strip in a little cul-de-sac residential area, and this community is now safer and has returned to normal trading. However, not far from my office in Dandenong, near the very popular Justice Cafe, is the site of the Kabana Shisha Lounge on Clow Street, which was rammed, engulfed in fuel and bombed by criminal elements. These very different examples are emblematic of a broader issue across communities like Dandenong, Springvale, Noble Park, Keysborough and Cranbourne, which have long been hotspots for illicit tobacco activity, increasing crime and community safety concerns. Residents and small businesses in these areas and surrounding areas have been raising concerns for years about unlicensed operators, 24-hour vape and tobacco shops and the violent crime associated with illicit tobacco and drug cartels. Communities have endured firebombings, extortion and the intimidation that comes with organised crime infiltrating local shopping strips.

The tobacco scheme that was supposed to crack down on the illicit tobacco trade has instead exposed alarming weaknesses in enforcement – weaknesses that are being felt acutely in communities across Victoria and in my electorate in the South-Eastern Metropolitan Region. On the very first day of the new regime the *Age* reported that illicit cigarettes are being sold openly less than 100 metres from the headquarters of Tobacco Licensing Victoria and just 200 metres from this Parliament. Now, if the government cannot enforce its own laws on its own doorstep, what hope is there for suburbs across the south-east, where illicit tobacco activity is already entrenched?

The government have not given authorities the power to shut down stores, and they have deployed just 14 inspectors, or seven teams, to police an estimated 8000 retailers, including more than 1300 illicit operators. Victoria Police has also reportedly refused to provide regular escorts due to safety concerns. Queensland's Liberal–National government gave Queensland Health powers to shut down illegal stores, which has seen them close 200 shops since November 2025. According to the Australian Association of Convenience Stores CEO, Queensland's approach is the best in the nation. The minister absurdly claims that 14 inspectors are 'a good start' and that he is considering his own closure laws. But every day the minister delays strengthening the scheme he puts more people's lives

at risk, and given that the current Labor government has direct associations with the CFMEU and now the CFMEU has direct association – *(Time expired)*

Kialla West Primary School traffic management

Wendy LOVELL (Northern Victoria) (18:07): (2316) My adjournment matter is for the Minister for Roads and Road Safety, and the action I seek is for the minister to expedite the start of construction of an upgraded and signalised intersection at the Kialla West Primary School. For over seven years I have been repeatedly calling for the government to take action to make significant road safety upgrades at the pedestrian crossing and intersection outside Kialla West Primary School. My advocacy on this issue began in 2018, when a car picking up children from school was hit by a truck at the school crossing, leaving a mother and three young students seriously injured. One of those students still suffers from the consequences of that accident today. Since then I have raised this matter in Parliament several times every year, and yet still the Allan Labor government has failed to take any action.

When the government announced it would build a co-located early learning centre at the primary school to open in term 1 2026, I immediately warned the government that it would have to urgently upgrade the road infrastructure at the school in order to safely accommodate the increase in traffic. Then due to Labor's inability to manage projects, construction on the early learning centre was delayed. This provided a perfect window to fix the road issues before the construction vehicles were in the area and before the early learning centre creates even more traffic, but yet again Labor ignored my call and took no action to fix the road safety issues.

Sadly I now have to report that just last week there was another vehicle collision outside Kialla West Primary School. At 3:40 pm, during the busy afternoon pick-up time, a parent of a school student was pulling out from the Cemetery Lane side road and due to a number of factors had limited visibility of a ute travelling south on the highway, which collided with their vehicle. Thankfully no-one was injured, but this accident could have had horrific consequences. The parent involved in the collision contacted me afterwards, pleading for safety upgrades to the intersection and saying that it should not take a serious injury or fatality for decisive action to happen.

I completely agree, and I urge the minister to take note of the recent traffic accident and respond appropriately by expediting the start of works to upgrade the crossing and the intersection. The safety of students and parents at Kialla West Primary School cannot wait any longer. There is a high traffic flow around the school in the morning and afternoons, and though there are reduced speed limits, they are not always followed or enforced. Even cautious drivers can find themselves in a risky situation when pulling out from the side road or pick-up area because of speed, congestion and multiple points of entry and exit. Safety upgrades to the pedestrian crossing, pick-up points and the intersection with the side road are all desperately needed, but Labor is totally failing to show any urgency to solve this problem.

Suburban Rail Loop

Richard WELCH (North-Eastern Metropolitan) (18:10): (2317) In a week where we are speaking a lot on corruption, my adjournment matter is on a matter that I consider to be, if not overt corruption, certainly an area of grey corruption that the state should be concerned about. My action is for the Minister for the Suburban Rail Loop, and it relates to the SRL community grants program. About 18 months ago I raised in this house the concern that that program was being administered in a corrupt way, that it did not pertain specifically to matters of the SRL development, that it was used to effectively pork barrel electorates, that it imposed upon the recipients of the grants a requirement for them to sign an NDA and that it imposed a requirement that they not disparage the SRL and that members of the government must come along and attend the openings and be given special privileges.

The latest round of SRL grants was just recently opened, and in my view, it was opened in perfect timing so that the announcement of the grants after assessment would be at the start of this year's election campaign. Those grants will be branded SRL grants. Those grants will no doubt have the

same NDA requirements and no doubt have government people coming and doing the announcement. Now, to me, this is corrupt. This is absolutely wrong and inappropriate.

The action I seek from the minister is not to deny my community the grants. I think my community needs these grants, but it should be the local member who delivers these grants if they are justified. The action I want is for the whole community grant program run under the SRL to be moved to an independent body and to be unbranded and uninhibited by the de facto requirement to endorse the SRL by doing so, so that it is not in itself compromised and so that the people receiving these grants do not have their hands tied in expressing their honest opinions about a keynote government policy.

As it is, we have a fund of $300 million that is focused to go into electorates within my greater electorate. It is not right. It is clearly grey corruption. It is clearly open for abuse. The actual process by which they approved these grants last time took 30 minutes, which means it took less than a minute per grant to approve them. So the process is not there either. The action I seek is that the entire SRL community grants program be moved to an independent, unbranded body that has full accountability and transparency.

Responses

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:13): Ms Ermacora raised a matter for the Minister for Planning, Dr Heath raised a matter for the Minister for Public and Active Transport, Mr Ettershank also raised a matter for the Minister for Public and Active Transport, Mr Galea raised a matter for the Minister for Mental Health, Mr Davis raised a matter for the Minister for Planning, Mr Puglielli raised a matter for the Minister for WorkSafe and the TAC, Mrs Deeming raised a matter for the Premier, Ms Gray-Barberio raised a matter for the Treasurer, Mr Berger raised a matter for the Minister for Planning, Mr Luu raised a matter for the Minister for Corrections, Dr Mansfield raised a matter for the Premier, Ms Terpstra raised a matter for the Minister for Public and Active Transport, Mr Mulholland raised a matter for the Minister for Environment, Ms Purcell raised a matter for the Minister for Racing, Mrs Broad and Ms Crozier raised matters for the Premier, Mrs Hermans raised a matter for the Minister for Casino, Gaming and Liquor Regulation, Ms Lovell raised a matter for the Minister for Roads and Road Safety and Mr Welch raised a matter for the Minister for the Suburban Rail Loop.

Mr Batchelor raised a matter for me as Minister for Children and asked that I visit the Holocaust museum. I would be very pleased to accompany Mr Batchelor on a visit to the Holocaust museum and specifically to visit the children's exhibition. This is a very important exhibition for children to learn about the horrific realities of the Holocaust, both in terms of what they meant at the time and what they have meant and the implications for generations since. The absolute tragedies of the Holocaust can never be forgotten, and we must never let them be repeated. I think this is a really important exhibition in terms of teaching children exactly about that time in history but also in relation to recent events that have sadly occurred here and overseas. I did not have the opportunity to contribute to the motion in the previous sitting week, and I was overseas at the time of the Bondi tragedy. But for the record, I do take this opportunity to express my absolute condolence for the Jewish community in Sydney, in Melbourne, around Australia and around the world and say that I stand in solidarity with the Jewish community both here at home and indeed around the country and around the world. I absolutely stand for the fundamental protections of rights and freedoms, including those of identity, security and the right to practice one's religion here and around the world. I was certainly pleased to represent the government and thank President Herzog for his visit and the comfort that it brought the Victorian and Australian Jewish community. I would be most pleased to accompany Mr Batchelor on a visit – a subsequent visit; I have visited previously – to the Holocaust museum, specifically in relation to this exhibition for children. I will refer all of those other matters accordingly.

The PRESIDENT: The house stands adjourned.

House adjourned 6:16 pm.