Hansard

LEGISLATIVE COUNCIL

60th Parliament

Thursday 5 February 2026

By authority of the Victorian Government Printer

Members of the Legislative Council

60th Parliament

President

Shaun Leane

Deputy President

Wendy Lovell

Leader of the Government in the Legislative Council

Jaclyn Symes

Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

Leader of the Opposition in the Legislative Council

Bev McArthur (from 18 November 2025)
David Davis (from 27 December 2024)
Georgie Crozier (to 27 December 2024)

Deputy Leader of the Opposition in the Legislative Council

Evan Mulholland (from 31 August 2023)
Matthew Bach (to 31 August 2023)

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

[1] Resigned 7 December 2023
[2] IndLib from 28 March 2023 until 27 December 2024
[3] Appointed 14 November 2024
[4] LDP until 26 July 2023
[5] Resigned 8 November 2024
[6] DLP until 25 March 2024
[7] Appointed 7 February 2024

Party abbreviations

AJP – Animal Justice Party; ALP – Australian Labor Party; DLP – Democratic Labour Party;
Greens – Australian Greens; Ind – independent; IndLib – Independent Liberal; LCV – Legalise Cannabis Victoria;
LDP – Liberal Democratic Party; Lib – Liberal Party of Australia; LP – Libertarian Party;
Nat – National Party of Australia; PHON – Pauline Hanson's One Nation; SFFP – Shooters, Fishers and Farmers Party

CONTENTS

CONTENTS

Thursday 5 February 2026

The PRESIDENT (Shaun Leane) took the chair at 9:32 am, read the prayer and made an Acknowledgement of Country.

Committees

Parliamentary committees

Membership

The PRESIDENT (09:34): I advise the house that I have received a letter from John Pesutto, member for Hawthorn, resigning from the Scrutiny of Acts and Regulations Committee effective from 4 February 2026. I advise that I have also received a letter from Roma Britnell, member for South-West Coast, resigning from the Public Accounts and Estimates Committee effective from 4 February 2026.

Petitions

Locksmith scams

Ann-Marie HERMANS (South-Eastern Metropolitan) presented a petition bearing 142 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council a major scam being perpetrated every day across our state by overseas criminals posing as locksmiths, costing unsuspecting Victorians millions of dollars each year. The scam targets people, often lone females and elderly people, who have locked themselves out of their homes, quoting cheap call-out fees then adding fake charges ranging from many hundreds of dollars to more than $2,000.

Furthermore, the criminals often destroy the lock and door, forcing customers to pay even more to have this repaired by a legitimate locksmith. Many victims have also reported threats and standover tactics to pressure them to pay, and they do so out of fear.

These criminal organisations operate in plain sight, setting up legitimate looking websites offering emergency 24/7 locksmith services at low prices. The websites feature fake addresses and often have fake reviews. They spend huge amounts of money on Google Ads to ensure maximum exposure. Victorian authorities are aware of this scam however current legislation makes it impossible for these criminals to be brought to justice. The petitioners seek to provide more power to authorities and end these scams.

The petitioners therefore request that the Legislative Council call on the Government to insert a definition for 'locksmith' into the Private Security Act 2004 which defines a locksmith as a current financial member of a recognised locksmith industry association, where the association can demonstrate minimum entry and ongoing membership requirements, and has the capacity to audit and enforce compliance with the membership requirements.

Colorectal and pelvic reconstruction service

Bev McARTHUR (Western Victoria) presented a petition bearing 10,513 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the need to support the continuation of the Colorectal and Pelvic Reconstruction Service (CPRS) program at The Royal Children's Hospital (RCH). The CPRS at RCH is a unique, world-class, patient-specific surgical, nursing and allied health service that provides essential care to children with complex colorectal conditions, such as anorectal malformations, Hirschsprung disease, and chronic constipation. CPRS is the only service of its kind in Australia. Any reduction in its services, especially its wraparound care, would force families to seek unsatisfactory care elsewhere, burdening emergency departments and general healthcare providers who are ill-equipped to treat these complex conditions.

The number of children requiring support from the CPRS continues to grow and these complex colorectal conditions are not solely resolved by life-saving surgery. This comprehensive care model in Melbourne is world-leading as expressed and supported by Dr Marc Levitt, Chief of the Division of Colorectal and Pelvic Reconstruction at the Children's National Hospital in Washington D.C., United States of America.

The petitioners therefore request that the Legislative Council call on the Government to ensure that the Colorectal and Pelvic Reconstruction Service (CPRS) at The Royal Children's Hospital is maintained in its original form, including the full range of allied health services originally offered, and

to commit to safeguarding the long-term future of CPRS, ensuring that it is not subject to cuts, restructure or closure, so that world-class, patient-centred care continues to be available to vulnerable children and families in need.

Bev McARTHUR: As this is a petition qualifying for debate under standing order 11.03(10), I give notice that I intend to move 'That the petition be taken into consideration' on Wednesday of the next sitting week.

Papers

Papers

Tabled by Clerk:

National Health Practitioner Ombudsman and National Health Privacy Commissioner – Report, 2024–25.

Planning and Environment Act 1987 – Notice of approval of Victoria Planning Provisions – Amendment VC265.

Professional Standards Council of Victoria – Report, 2024–25*.

Sentencing Advisory Council – Attorney-General's report of receipt of 2024–25 Report.

Statutory Rules under the following Acts of Parliament –

Child Wellbeing and Safety Act 2005 – No. 1.

Disability Service Safeguards Act 2018 – No. 4.

Social Services Regulation Act 2021 – No. 2.

Worker Screening Act 2020 – No. 3.

* *together with the Minister's reported date of receipt.*

Production of documents

Hydrogen Energy Supply Chain

The Clerk: I table a letter from the Attorney-General dated 3 February 2026 in response to a resolution of the Council on 22 March 2023 on the motion of Dr Mansfield, and further to the government's initial response on 2 May 2023, relating to the Hydrogen Energy Supply Chain project. The letter states that due to the broad scope of the order the government have focused its response on producing documents which are briefings and consultant reports and that attempting to respond to the full scope of the order would have unreasonably diverted resources and incurred significant costs. The government has identified 103 documents within the scope of the order and makes a claim of executive privilege over 37 documents in part and 30 documents in full. I further table 36 documents in full, 37 documents in part and schedules of the identified documents.

Business of the house

Notices

Notices of motion given.

Adjournment

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (09:48): I move:

That the Council, at its rising, adjourn until Tuesday 17 February 2026.

Motion agreed to.

Members statements

Western Victoria Region schools

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (09:48): Recently I joined the Premier Jacinta Allan, the Minister for Education Ben Carroll, our Labor candidate for South Barwon Rebecca Thistleton, principal Joel Riddle and his fantastic team and many proud parents to welcome the very first students through the gates of Yirrama Primary School. What a special morning it was, a real milestone for our growing Charlemont community. Along with Biyala Primary School in Armstrong Creek, this is one of our 19 new schools opening across Victoria, the most ever in a single year, creating more than 11,000 new enrolment places for Victorian students. These students are part of Labor's commitment to delivering 100 new government schools between 2019 and 2026, a promise now delivered. When communities grow, classrooms, playgrounds and opportunities grow with them. Not only that, the Allan Labor government is helping families save on the cost of school. Through the Camps, Sports and Excursion Fund, more than 190,000 eligible students each year are supported to take part in camps, sports, excursions and graduations. We have reduced the cost of uniforms by stopping the school logos on shorts, pants, skirts and socks and delivering practical supports including school breakfast clubs, glasses for kids, free dental check-ups, free swimming lessons, free public transport and free pads and tampons in government schools. Every family deserves access to a great government school, which is why the first day of the 2026 school year has been such a proud day for so many in Armstrong Creek.

Australia Day

Evan MULHOLLAND (Northern Metropolitan) (09:50): We have all seen on social media, whenever we put up a post about a multicultural event, some xenophobic comments saying, 'Where's your Australia Day celebration?' Well, I put to those kinds of people that Australia Day I think is the most supported amongst our migrant and multicultural communities. I was completely run off my feet with six different events, starting off with a citizenship ceremony in Broadmeadows at Hume City Council. I also attended the KMCC multicultural T10 cricket tournament in Deer Park. Thanks to chairman Shiyas Khalid for the invitation, and congratulations to the Western Tigers on taking out the win. I went to the Filipino Australia Day celebration organised by the Filipino Community Council of Victoria with my great colleague Wayne Farnham in Brooklyn in the western suburbs. Thanks to Roxanne Sarthou for that invitation. I went to the opening and celebration of Australia Day and Indian Republic Day at the new Shree Swaminarayan Temple in Rockbank. Congratulations to the community. I also went to the Assyrian Cup at Seth Raistrick Reserve in Campbellfield with our Assyrian community, and I topped off the day with the Australia Day Somali cultural night. I want to thank Farah Warsame, the president of Somali Community Inc. I also had the opportunity recently to attend with my colleague Trung Luu the Victoria Street Lunar New Year Festival. Thanks to Ha Nguyen and the Victoria Street Business Association.

Australia Day

David LIMBRICK (South-Eastern Metropolitan) (09:51): I also would like to talk about Australia Day. Whilst there are many people who denigrate Australia Day and talk it down, there are many people who have come to Australia who see Australia Day as a very important day. In fact for many of them it was the day that they became citizens of Australia. I went to Frankston, and I was joined by Mr Galea, Mrs Hermans and Ms Payne, where we welcomed people to take the pledge to uphold the rights and liberties of other Australians. On Friday I was honoured to be invited to the Ahmadiyya Muslim Community Australia Day dinner, where they spoke very carefully about how much they care about Australia and how they are very grateful to be here. They escaped persecution mostly in Pakistan, because they are not accepted by many in that country. They had a very young girl who gave a speech on how love for one's country is integral to their beliefs as a religion and how caring for one's country is the same as caring for other people. They demonstrate that in spades. Instead of complaining about Australia and instead of complaining about things, they get out and say, 'What can I do better

in my country?' Right out the front of the building every week they give food to people in Dandenong who are doing it tough, so good on them.

Metro Tunnel

John BERGER (Southern Metropolitan) (09:53): I rise to deliver a members statement on the Metro Tunnel and the big switch. The Allan Labor government has recently finished up one of the largest infrastructure projects in this state, the Metro Tunnel. As of Sunday, the new timetable is now in effect. The big switch saw turn-up-and-go frequencies across the lines travelling through the Metro Tunnel in the heart of my constituency of Southern Metro. This is a game changer for how Victorians move through the CBD and Melbourne's outer suburbs.

Members interjecting.

The PRESIDENT: Order! It is coming from all directions. I apologise to Minister Tierney and Mr Mulholland actually too. Both of them did members statements that I did not think were provocative, and they got yelled at. We all love getting our videos and putting them out when we make statements, so I call on the whole chamber to respect the person on their feet and let them do their members statement without interjection, unless of course they invite it. Reset the clock.

John BERGER: Thank you, President. I rise to deliver a members statement on the Metro Tunnel and big switch. The Allan Labor government has recently finished up one of the largest infrastructure projects in this state, the Metro Tunnel. As of Sunday, the new timetable is now in effect. The big switch saw turn-up-and-go frequencies across the lines travelling through the Metro Tunnel in the heart of my constituency of Southern Metro. This is a game changer for how Victorians move through the CBD and Melbourne's outer suburbs. It brings metro-like frequencies to the city, and commuters will no longer have to check the timetable to board a train, because they can be assured a train will be arriving imminently. I am proud to be part of the Allan Labor government, which has delivered this incredible project, and I look forward to seeing more and more constituents in Southern Metro enjoy the benefits of this new timetable.

Australia Day

Joe McCRACKEN (Western Victoria) (09:55): I was proud to celebrate Australia Day this year with the Moorabool Shire Council in Bacchus Marsh. I wish to extend my congratulations to the award winners, including Peter Shilton, who was awarded Citizen of the Year; the Big Freeze in the Marsh 2025, which raised $58,000; and the Bacchus Marsh Little Athletics Centre, which raised $10,000 for the Royal Children's Hospital Good Friday Appeal. I also want to congratulate the many new Australians who became citizens on that day.

Greg McIntosh and Sue Gull

Joe McCRACKEN (Western Victoria) (09:55): I also want to note the passing of two incredibly important Ballarat identities. Greg McIntosh was an outstanding human being and a tireless community advocate, husband of councillor and former mayor Samantha McIntosh. Greg lived a full life and wanted to be remembered just as a good bloke, and he most certainly was. 'Humble', 'decent', 'kind', 'funny', 'considerate' and 'generous' are all words that describe Greg.

Sue Gull was an amazing woman whose memory lives on through her family. Her husband Stewart, her children Shelley, Alastair and Cameron and their families are a testament to Sue's kindness, love, care and her beautiful nature. Her memory lives on through their words and deeds and actions every single day. Both Sue and Greg are huge losses to the Ballarat community, and they will be greatly missed by all.

Denis Moore

Jeff BOURMAN (Eastern Victoria) (09:56): Today I want to make mention that over the Christmas break we lost Denis Moore to cancer. Denis was a hardcore fisherman and a long-time

member of the Craigieburn Angling Club and the Craigieburn Residents' Association, and he never missed an opportunity to try and further the causes he believed in. Denis was a much-loved volunteer for the Shooters, Fishers and Farmers Party, volunteering from pretty well the start of his association with us. Even when he was sick, he still made the effort to turn up and help, which shows a strength of character that few possess. My heartfelt condolences to Johnny, Simon and Devlin, as well as the rest of Denis's family. Vale, Denis Moore. You will be missed.

Sikh Volunteers Australia

Jeff BOURMAN (Eastern Victoria) (09:57): I would also like to mention the hard work that Sikh Volunteers Australia do. Seemingly every time there is a crisis a small van with volunteers arrives on the scene and starts feeding people for free. The recent bushfire crisis had the Sikh Volunteers Australia team out again, looking after people in their time of need. I would like to thank them for doing such great work during a time when it is most needed.

Lunar New Year

Trung LUU (Western Metropolitan) (09:57): The lunar calendar this year marks the Year of the Horse, symbolising speed, strength, courage, success and progress. For many Australians of South-East Asian heritage, Lunar New Year is a time for celebration and renewal, an opportunity to reflect on the year behind us, to honour, value and share with family and friends and to welcome a new beginning with hope for prosperity and opportunity. Here in Victoria our Asian communities are spread right across the state. From east to west, from north to south, festivals have been lighting up our suburbs every weekend leading up to the new year, which falls on 17 February. It was an absolute pleasure to join and celebrate, beginning with St Albans Lunar New Year, one of the most vibrant and culturally rich events in the western suburbs. This was followed by the magnificent East Meets West Lunar New Year Festival in Footscray, proudly organised by the Footscray Asian Business Association to showcase the diversity, unity and incredible spirit of the community. In the past week I was delighted to attend Melbourne's iconic Victoria Street Lunar New Year festival with my colleague Evan Mulholland, a member for Northern Metropolitan Region, and the Minister for Corrections, Enver Erdogan. It is another highlight that brings together thousands across Victoria. These festivals have become a cherished tradition, not only marking the beginning of a new lunar year but also celebrating everything that makes our community strong. May this Year of the Horse bring you and your family and loved ones health, happiness and success.

Economic policy

Aiv PUGLIELLI (North-Eastern Metropolitan) (09:59): This week people are looking down the barrel of another interest rate rise. For the third of Australians who have a mortgage, their repayments are about to go up. For the third that rent, it is entirely likely this increase will trickle through to them as another rent increase, because for the RBA, if all you have is a hammer, everything looks like a nail. These interest rate hikes are a brutal way to tackle rising inflation, and it is all because governments refuse to tackle inflation themselves. They throw their hands up in the air. They say, 'It's up to the RBA. They're independent from us,' as if it is not our job to fix this when it absolutely is. Governments are the ones that have allowed house prices to continue to go up. They continue to hand tax breaks to wealthy investors. Governments allow the largest corporations to get away with not paying their fair share of taxes, and all the while people are struggling to afford groceries and pay their mortgage and pay their rent. Labor need to get their hands back on the steering wheel, because standing by and leaving inflation up to the RBA is driving us off a cliff.

Government performance

Georgie CROZIER (Southern Metropolitan) (10:00): There is a headline in today's *Australian* that says 'Labor donors land $421m in "rotten" Victorian government contracts'. It goes to the core of how this government operates. It actually demonstrates the favours they have done for Labor mates.

David Davis interjected.

Georgie CROZIER: It is corrupt, Mr Davis, and there is a question around the integrity of the procurement process. I think that is a very valid question to ask when taxpayers money is being continually wasted, when services cannot be delivered. We saw what happened on Christmas Eve, when the Greater Western Water report was released. The government cannot even get the basics right for providing services. It is so financially reckless. It is gross mismanagement. But it is basic services like this that are missing out, and I could go on about other services that are missing out too. And with the government's decision to abolish VicHealth, which provides a preventative health mechanism in cancer screening and in preventing obesity and chronic disease like diabetes and the rising mental health cases that we have got right around the state that are causing so much distress to individuals and their families and communities, this government have got their priorities all wrong. But when they favour their mates over the Victorian taxpayer, you know it is really rotten.

Frankston community awards

Rachel PAYNE (South-Eastern Metropolitan) (10:02): I would like to send my congratulations to all the award winners but also to the nominees in each category of the Frankston City Council community awards. First up, Community Group of the Year was Peninsula Community Legal Centre, headed up by the formidable Jackie Galloway, recognised for their 40-plus years of providing accessible legal services to the south-east community, including innovative preventative projects like This Is Not Who I Want to Be and expanded outreach for family violence, tenancy and social justice. Young Citizen of the Year was awarded to Quinney Brownfield. He is a passionate advocate for youth mental health. Quinney is part of the Frankston Headspace youth advisory council and youth service organisation Rotaract, where he has been involved in community development projects both locally and internationally. 2026 Citizen of the Year was awarded to Peter Talbot for his unwavering commitment to environmental conservation. Since 2017 Peter has headed up 3199 Frankston Beach Patrol, and he does everything from organising the beach clean-ups and school group engagement to advocating for litter reduction initiatives, playing a vital role in protecting Frankston's 11-kilometre coastline. Peter inspires countless volunteers, fostering a strong and passionate network dedicated to sustainability by removing harmful waste and creating lasting positive impacts on the local environment and the community. I really look forward to going and spending a day down at Frankston Beach with Peter to clean up.

Cruise ship workers

Tom McINTOSH (Eastern Victoria) (10:04): The Maritime Union of Australia are fighting for workers on Carnival cruise ships who they believe are being paid as little as $2.50 an hour. I joined the MUA, the Media, Entertainment & Arts Alliance and Victorian workers down at Station Pier to meet a Carnival cruise ship that had docked, to meet the tourists that were coming off and to implore Miami-based Carnival Cruise Line to negotiate in good faith on an International Transport Workers' Federation agreement. Victorians do not want to see our neighbours – Indonesians, Filipinos – being paid low wages and in poor conditions. These ships are massive – we are talking up to a thousand workers in a ship at any time. There are some reports of workers not seeing daylight for days or weeks on end. It was in the *Age* I think about two weeks ago that cruising is becoming increasingly popular with more generations of Victorians and Australians. Ships are being equipped to be zero emissions. This is an industry that has got a big future, but Victorians will not support operators who are going to look to make profits by treating a workforce unfairly. Again I implore Carnival to meet in good faith and negotiate an outcome that sees more and more Victorians going on their cruise ships for years to come and workers that are happy alongside happy tourists.

Katie Allen

Bev McARTHUR (Western Victoria) (10:05): On 23 December last year an exceptional woman left us. Professor Katie Allen contributed to our world beyond her almost 60 years of life. Having studied medicine both in Australia and at Cambridge University, Katie authored more than 400 peer-reviewed publications, leading change for new paediatric allergy-prevention strategies and changing

how allergy is diagnosed. Whether as a physician, scientist, eminent researcher, parliamentarian or community leader, fundamentally she cared. Katie served as member for Higgins from 2019 for one term. Service was always at the forefront of Katie's approach to representing her constituents. During the last federal election campaign it was an honour for my daughter and me to work closely with Katie and Senator Anne Ruston, federal shadow health minister, to develop a funding proposal to continue the vital allied health colorectal and pelvic reconstruction service unit at the Royal Children's Hospital to support children with bowel conditions. Sadly, Labor did not match it and the unit was shut down, but clearly Katie never stopped fighting for those in desperate need. It was an honour to join over a thousand people for Katie's thanksgiving at St Paul's Cathedral, where we heard extraordinary eulogies from her four amazing children and husband, along with the Honourable Greg Hunt, Professor Kathryn North AC representing the medical and research community and Canon Dr Toni Meath on behalf of Melbourne Girls Grammar, where Katie spent so much time. My thoughts go to Malcolm, Monty, Jemima, Arabella and Archie, Vale, Katie Allen.

Electricity infrastructure

David DAVIS (Southern Metropolitan) (10:07): Many in the chamber will not have seen the *Augmentation: Customer-Driven Electrification* CitiPower submission to the Australian Energy Regulator, but they should and I am going to quote from it because it is a salutary lesson for the state government and its botched processes around energy. They looked at their customers – they have very good smart meter material; they actually checked that the same people remained after electrification. They say:

> In addition to the above network-wide analysis, we have identified the difference in the load profiles for a sample of 531 customers who have electrified their households, both pre and post-electrification … we have also confirmed that they are the same customer.
>
> Specifically … on cold days these customers consumed more than four times as much electricity in the morning and evening windows after they had electrified. This is a staggering increase in consumption.
>
> Further, Figure 3 below shows that their average monthly consumption has more than doubled in each month after electrification. Growth in load consumption is particularly pronounced during winter, increasing by over 250 per cent after electrification.

According to CitiPower, this is going to require massive upgrades to the electricity network. Huge costs are going to be loaded onto the community. Nobody is calculating these massive costs into the proposed or forced electrification that is occurring now. Now we know the cat is out of the bag: massive costs after gas is removed.

Thai Pongal

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:09): It is a great honour to co-host the annual parliamentary celebration of Thai Pongal at Victorian Parliament House. Thai Pongal of course is the festival of thanksgiving of nature. It is one of the most important festivals to the Tamil community, and it is a great privilege and honour to celebrate alongside them. There are many Tamils that live in this nation, and they come from very diverse backgrounds. I am very pleased to have so many of them in the South-Eastern Metropolitan region where I live.

Sri Lanka Independence Day

Ann-Marie HERMANS (South-Eastern Metropolitan) (10:09): The Sri Lankan community celebrated the 78th anniversary of independence last night with the consul general – a wonderful event. Evan Mulholland, deputy leader in the Legislative Council, represented the Leader of the Opposition and Leader of the Liberal Party at this event. I am so thrilled to have Sri Lankan heritage, and it was a great honour to celebrate the 78th anniversary of independence with my community. I will say that my family has always spoken so highly of Sri Lanka. I grew up hearing so many stories about it, and I have enjoyed travelling with my family and learning the history of our family throughout Sri Lanka. We lived in many parts of it. Our family intermarried with many different Sri Lankan communities

and cultures, and it is a great privilege to still have family in Sri Lanka, working and living there and loving the nation. It is a beautiful place to live, and I congratulate everyone as they celebrate.

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (10:10): I move:

> That the consideration of notices of motion, government business, 278 to 1239, be postponed until later this day.

Motion agreed to.

Bills

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

Second reading

Debate resumed on motion of Lizzie Blandthorn:

> That the bill be now read a second time.

Renee HEATH (Eastern Victoria) (10:11): I rise today to speak on the Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025. The opposition will not be opposing this legislation, because any improvement will help victims and any improvements are welcome, but I cannot let this moment pass without confronting a profound failure of this government's leadership. This bill is a very partial and selective response that only responds to two of the 45 recommendations of the Victorian Law Reform Commission's (VLRC) report on its inquiry into stalking, yet it is still being presented to the community as a serious response to family violence and stalking in Victoria. It implements only recommendations 26 and 33, which allow interim personal safety orders to be made on the court's own motion and clarify the stalking offence to include a list of different actions or ongoing behaviours, reflecting the broad nature of stalking. This is extremely disheartening because it feels like another disingenuous game of tokenistic politics, which so often diminishes and trivialises the experiences of real victims, including thousands of stalking victims across Victoria.

It has taken years for the government to get to this point. I realise that the government will seek to take cheap shots at the opposition for not being more fulsome in our praise for this bill, but the truth is that it does not deliver what the government promised victims, their families, the public and this Parliament. I would have been so thrilled to see this bill deliver the things that it needed to do in order to help women that I and so many of my colleagues and thousands and thousands of Victorians have been desperately pleading for. Sadly, that did not happen here. I say to the government: if you do not want to listen to me, maybe you will listen to Aggie Di Mauro, the mother of Celeste Manno, who has been in the fight for these changes ever since her daughter was brutally murdered in 2020. As Aggie wrote in her email to me last week:

> Having reviewed the Bill alongside the VLRC's Final Report, I feel compelled to state this plainly: while some limited procedural matters have been addressed, the Government has failed to implement the core, substantive recommendations the Commission identified as necessary to protect stalking victims and prevent escalation to serious violence and homicide.
>
> Most distressing of all, Celeste's name does not appear anywhere in the Bill or its accompanying materials – despite her murder being the catalyst for the inquiry, and despite the VLRC Chair expressly acknowledging this in the report's Preface.

What Aggie has written is exactly why so many Victorians feel let down while this government is patting itself on the back. As I have said a number of times now, one of the most fundamental roles of government is to ensure the safety of its citizens. Why else do we need government? All other freedoms are completely useless if we do not get this one right.

This government makes sweeping statements and claims of being committed to ending gendered violence, but tragically for so many women the hard evidence and lived experience tells a completely different story. So why are we here today debating this piece of legislation? Just over five years ago Celeste Manno was brutally murdered. The chilling details of this case absolutely shook the state, but time tends to lessen the impact of that initial shock as news cycles relentlessly move us towards the next big story. So in memory of Celeste Manno, I am going to retell some of her story – not for its shock value but because we need to remember some of the gruesome realities of that murder that so violently and senselessly stole the life of a beautiful, loved daughter, sister and friend in an act that was in part because the justice system failed her.

What happened to Celeste formed the basis of the VLRC stalking report. Would she still be alive today if her pleas were heard? That we will never know. But what we do know is that this does not excuse the failures of the government. I want to remind this chamber that the cost of this VLRC report was in fact this woman's life, and that life deserved more than implementing two of 45 recommendations, in the process completely omitting her name.

Celeste was an adored 23-year-old daughter of Aggie and Tony. She was the beloved sister of Alessandro. She had a huge group of friends. She had finished her bachelor's degree in psychology and criminology. She had big dreams, a zest for life and an exciting future. She had a good job and was enrolling to start her honours degree. She was bursting with life and joy, and she was the energy and life of the party. One day at her job at the call centre, she was asked to walk a guy who had just got fired to the door to see him out. She felt bad for him, she showed compassion and she wished him well, and that was it. That short exchange was all it took for him to become completely obsessed with her and to start stalking her.

The stalking became so relentless, including online. She asked him to stop – continually she asked him to stop. She would block him, but he would create other accounts and find other ways to contact her, and the cycle would start again. Over 18 months these messages became increasingly vulgar and degrading. Celeste took out an intervention order, which this man broke. He ended up being arrested for breaching it. On the way home from the police station after that saga, he bought a knife. After that he went quiet for about three months. Aggie and Celeste thought that getting this intervention order and the arrest had worked. What they did not know was that he continued to stalk her to the point where he knew where she lived, the whole layout of her house, and sickeningly, this included her bedroom.

One day Celeste posted a photo of herself and her new boyfriend online. Two days later she was brutally murdered by this monster. I am not saying his name, because I know that her family today are watching online, and they hate hearing his name. Her stalker broke into her bedroom window with a hammer, and he stabbed her 23 times as she slept. The cause of death of Celeste Manno was a stab to the heart. He was arrested shortly after and later convicted, with the case sparking renewed debate about stalking laws and women's safety in the state of Victoria.

Following this horrific crime, then Premier Daniel Andrews announced the government had committed to reviewing the stalking laws and promised to honour Celeste's memory by doing exactly what it took to make these changes. These changes were all going to be in memory of Celeste Manno. But five years after the government asked the Victorian Law Reform Commission to look at what could be done to make women in our community safer, this government has delivered a bill that would implement only two of the 45 recommendations from the commission's own stalking report. I have personally raised the issue of implementing the VLRC's stalking report recommendations a dozen times in this Parliament, and I have been absolutely appalled by the government's response. The reason I am appalled is that, like with so many other matters, this is a government that seems to be more interested in PR outcomes than delivering real help for Victorians when they need it. When the former

Attorney-General was asked why the government would not provide a written response to the VLRC's report, she said a formal response was not necessary. She said:

> I prefer to actually produce actions as a response …

Well, Treasurer, here we are, and the actions are sadly lacking. The truth is that this government is more interested in political optics like having photos taken while marching in rallies than delivering real reforms that are needed. This is a feeble and pitiful substitute compared to what is actually needed, and that is: doing something.

I want to briefly touch on the reforms and why they are so significant. Following Celeste's death, the Victorian Law Reform Commission in April 2022 released a comprehensive report into stalking law reform with 45 expert-endorsed recommendations – recommendations informed by broad consultation that saw 115 submissions and 254 online responses. They were designed to modernise our laws, improve police response, strengthen victim protections and create pathways for support. But despite Daniel Andrews and the former AG Jill Hennessy promising to make the necessary changes, for over two years this government did absolutely nothing. I wrote about this last year, and I said:

> Yet almost two years since the Commission's final report was tabled, nothing has happened. Despite candlelight vigils, rallies, media exposure, and repeated pressure in Parliament, not one recommendation has been adopted.

Why am I pressing this point? Because it was the death of Celeste that the VLRC acknowledges drove this inquiry. Here is what the report says:

> A special acknowledgement should be reserved for Aggie Di Mauro.

She is Celeste's mum.

> In the depth of her despair from the death of her daughter Celeste Manno under terrible circumstances, she successfully pressed the Attorney-General to investigate the law relating to stalking to save others the grief which she has suffered … Her relentless pursuit of justice has been an inspiration. She often said that nothing would bring Celeste back, but this report will be a fitting legacy of her lovely daughter.

As Aggie wrote:

> In 2022, I was told by this Government that "*Celeste would be so proud of the legacy she's left behind*" and that all 45 recommendations would be implemented in her name. That has not occurred.

Celeste's death is not the first time a woman's death has prompted government action on violence against women. Following the horrific murders of Jill Meagher in 2012, Masa Vukotic in 2015 and Eurydice Dixon in 2018, various changes were made. Yet despite the VLRC's stalking report acknowledging it is absolutely indebted to Celeste Manno's mother, she goes completely unnoticed by this government. As Aggie wrote to me, most critically Celeste Manno was not even mentioned anywhere in this bill, despite her murder being the catalyst for this inquiry. What is horrifying is not just that Celeste and Aggie have been left out of this bill, I could not help but notice this absence in all the government's carefully curated messaging. Both the current AG's and Lizzie Blandthorn's second-reading speeches mention the VLRC report, but there is no mention of the death of Celeste and the tireless work of her mother Aggie.

When you consider the state of crime in Victoria it is truly baffling why the government does not want to fully commit to facing the problems head-on. It is not like we need more consultation. Right here in front of me are hundreds of pages of it, thousands of pages right here, and countless consultations have been going on for an extremely long time. In April last year I met with Sexual Assault Services Victoria, who prepared a briefing for our interview. For the sake of time, I am going to paraphrase, but Victoria is still without a strategy to prevent and respond to sexual violence despite the government first announcing its development in 2020 and promising delivery by 2022. While consultations began late in 2021, they were brief, with officials explaining the aim was to finish the strategy quickly to inform the budget, yet years later the strategy remains undelivered. Given the time that has passed and the limited nature of earlier consultations, fresh engagement is essential to ensure the strategy reflects

current realities and delivers meaningful change. The more we fiddle around the fringes of true reform, the more the scale of the problem becomes more and more urgent.

Stalking offences right now are at the highest level they have been in more than a decade. Non–family violence stalking cases rose 9.4 per cent in the year to June 2025. There were 1171 cases. Family violence related stalking cases rose 6.9 per cent. This is a massive issue. In 2023 alone Victoria Police responded to 94,170 family violence incidents. That is one every 6 minutes. Nearly three-quarters of those victims were women and girls. This is hardly a minor issue, and the government's response to stall and then to deliver the bare minimum is quite insulting. I think the fact that this is an election year – the public can join the dots there.

What makes this even more troubling is that even as we pass this legislation the government is cutting or delaying critical funding in very important areas. Referring back to the Sexual Assault Services Victoria briefing, and again I will paraphrase, they said that despite countless meetings and promises the sector faces crippling uncertainty. Services often wait until halfway through the year to learn if their funding is renewed, yet they are expected to meet annual targets. The sector has sought answers, but none have come. This simple step would allow services to plan, retain staff and provide continuity of care. Anything less leaves victims waiting and systems failing. Without an appropriate and timely service to back these bill changes, the reality is that this is very similar to trying to fight crime with one hand tied behind your back.

One of the most critical areas of reform in the VLRC recommendations would have been an absolute game changer. It would have meant changes to cyberstalking and modern surveillance. Here is what the VLRC says in an opening paragraph:

> The report recommends that victims should have easier access to financial and practical support, such as technology to prevent cyberstalking.

Better police training, risk assessment protocols and information-sharing mechanisms between agencies are necessary. Unfortunately, my office has been contacted just this week by a woman whose story bears a frightening similarity to what happened to Celeste, and the police and courts have either been unable or unwilling to assist despite personal safety intervention orders existing. Examples like this are why we need the full set of recommendations to be implemented. Aggie said to me that the screening assessment for stalking and harassment, the SASH, which was publicly cited by the government and by Victoria Police as evidence of an appropriate response after Celeste's murder, was never mandated, embedded or consistently applied. It is similar to the need for electronic monitoring, which Aggie has been advocating for since her daughter's death.

The government's failure to make progress in these areas means that police efforts will not be able to catch up with how these crimes are rapidly evolving. The fact is that in Victoria police technology is operating on outdated systems and outdated technology which is decades behind. Andrew Rule's *Life and Crimes* podcast with David Bartlett, a former VicPol detective and Australian Crime Commission investigator, talks about this very issue. Criminals adopt encrypted apps and AI tools virtually overnight, and police are at minimum 10 to 15 years behind. He goes on to explain that nearly half of all reported crimes, the number is 46.3 per cent, go unresolved, not because officers lack commitment – that is not the problem at all – but because they are 'drinking from a fire hose' with outdated tools. The Jill Meagher case in 2012 shows why this matters: it took 85 hours, three full days, for critical CCTV footage to reach investigators. That delay gave the killer time to return, to collect her body and to bury it.

These inefficiencies are a direct result of government policy decisions. This year, the government has rolled out AI-driven licensing systems and committed billions of dollars to smart transport upgrades. Police are still swamped with paperwork, drowning in red tape and stuck in procurement cycles which move extremely slowly. This government also has a laser-like focus on building things like the Suburban Rail Loop, so money and resources are continually diverted away from essential services. There are cuts to Court Services Victoria, which have been ordered to find over $106 million in

savings over four years, including $26.1 million in savings this financial year. The government has cut $77 million from Victorian courts. It has cut family violence delivery and primary prevention funding by $32.5 million. And of course it has weakened bail laws. How can we expect the courts, the police and the support services to effectively implement these limited reforms when they are asked to be doing more and more with less and less? This is the fundamental contradiction that undermines this bill's effectiveness.

If you make laws, you also must ensure that they are properly enforced and resourced. So I need to say this plainly: the government has buried the VLRC report and only pulled it out now, when they need to get some legislation rammed through because of the election. But the reality is this reform abandons those who fall outside the scope of these limited reforms. It abandons those who were experiencing cyberstalking. It abandons those who need better police technology, training and response. So we will not oppose this bill, but we do commit to holding this government accountable because this is, frankly, not good enough. Celeste Manno deserves better, as does her family and the thousands of women and girls that are being stalked and harassed in Victoria. They all deserve better. The VLRC has provided a road map, the community has provided evidence and you have to do more. To quote Aggie, again:

> Victims were promised meaningful change. What has been delivered falls well short of the VLRC's recommendations and the commitments made in Celeste's name.
>
> The devastating and undeniable fact is this:
> This Government has erased Celeste from the very reforms her murder triggered.

Advocates like Aggie Di Mauro have provided incredible moral clarity, and we ought to take heed. What is missing is this government's will to respond to this crisis with a sense of urgency. So far, it has moved at an absolutely glacial pace. Until the government implements the full set of recommendations and takes this issue seriously, seeing any government member, minister or even the Premier participating in a march will ring hollow. All it will do is rub salt in the wounds of victims.

In closing, I want to say this – and I know that Aggie is watching; I know her family is watching – the day my whole career took a different turn was the day that I attended Celeste's candlelight vigil. It was that day that I made a decision that I was not just going to turn up here and do speech after speech that meant nothing but I was going to fight for this change. I honestly believe that if I get to the end of my career and those changes are not made, my career will have been a failure. I want to say in closing: if we are not willing to be honest and to face up to the gaps that leave victims at risk, I do not believe any of us are worthy of sitting in these seats, so I challenge the government to do better.

Katherine COPSEY (Southern Metropolitan) (10:35): I rise to speak on the Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025. This bill strengthens protections for victim-survivors affected by family violence, stalking and sexual violence. The Greens support reforms that make the justice system safer, more humane and more effective for victim-survivors. This bill contains a package of long-awaited practical changes that a number of advocates, stakeholder organisations and victim-survivors have pushed for over many years.

Taking a look at what this bill does improve: first, the bill moves to reduce the exhausting back-to-court-again-and-again cycle by establishing a two-year default length for final family violence intervention orders. It also, sensibly, recognises the heightened risk around release from custody by setting the default family violence intervention order length where a respondent is imprisoned for family violence offending as the effective sentence plus an additional 12 months. Secondly, it strengthens service and enforcement so that protections begin sooner. The bill lowers the threshold for substituted service from 'not possible' to 'not practicable' and allows the court to make substituted service orders on its own motion, and it also creates a clearer pathway for service on respondents in prison by deeming service effected in certain circumstances when documents are left with a prison governor. Thirdly, the bill addresses gaps in protection. It ensures that orders can be made even where some or all family violence occurred outside Victoria and the affected family member was outside

Victoria. This is a real issue, particularly for folks in border communities or those who have fled across jurisdictions. The bill also ensures young people listed on a parent's order do not age out at 18 and have to start again – rather, that protections continue. Fourth, it takes meaningful steps to reduce misidentification and systems abuse. The bill adds additional considerations to reduce the risk of misidentifying the predominant aggressor and to better account for children and people with a cognitive impairment. It also modernises the definition of 'family violence' to expressly capture stalking, systems abuse and mistreatment of animals, reflecting what frontline workers and victim-survivors have been saying for years about additional coercive control tactics. This bill also implements elements of the Victorian Law Reform Commission work on stalking, including extending certain witness protections and prerecorded evidence procedures to stalking matters, particularly for children and people with cognitive impairment.

Victoria Legal Aid has welcomed the bill, including the stronger recognition of misidentification and systems abuse, whilst emphasising that clearer pathways to rectify misidentification and better systemwide data do remain necessary beyond what is contained in this bill. The Greens agree – legislation can set better rules for courts, but culture, practice, training and accountability, particularly in first response policing, must all improve as well. Stakeholders have provided us with constructive proposals on the gaps that the bill leaves open, including the need to further clarify and extend how misidentification factors are applied and ensure protections are real in practice not just on paper. They have raised concerns about operational details – for example, how these reforms interact with police-issued notices and court processes – and how to ensure that victim-survivors are not further harmed by systems misuse. So in committee the Greens will be asking about implementation; resourcing and safeguards, including training facilities and technology for recording evidence; support services; interpreters; and intermediary capacity. My colleague Ms Gray-Barberio will also make a contribution on some of the factors, particularly around misidentification, that stakeholders have raised with us.

This bill, however, is an overdue and necessary step forward. It will make it easier to obtain and maintain protection, reduce retraumatisation, modernise the law to reflect coercive control realities like stalking and systems abuse and extend important witness protections. We recognise that passing this bill is just one step of the needed reforms, and the Greens will keep pushing particularly for funding and implementation support to allow the community legal sector to ensure that these changes deliver real safety in women's lives and for those affected by family violence. The Greens will be supporting the bill.

Jacinta ERMACORA (Western Victoria) (10:40): I am particularly proud to speak on this bill this morning. This bill aims to improve the safety and experience of victim-survivors across the family violence and criminal justice systems. Let us be clear here: this is largely about women. It is yet another example of the Allan Labor government's commitment to tackling the insidious and persistent problem of family violence and the systemic intimidation of women in our society. Family violence is the number one law and order issue in Victoria today. I think we have got a long way to go before we restructure our response systems to reflect that, but this bill is another piece in the jigsaw puzzle of reform in this space. I am so proud that the Andrews and Allan Labor governments have worked so hard on family violence and women's safety.

I want to talk briefly about a personal experience as a very tiny little girl in prep at my primary school in Timboon. How we define stalking, for example, is extremely important, because when I reflect on having been followed around by a little boy, not much bigger than myself, from a year level above in the first three months of my school experience – I had to hide in the girls' toilets – I had no idea that this was something wrong, that I could report it, that I could even get relief or that I had a right to be safe in the playground. My very first experience in the playground – I must admit I did make a lifelong best friend in that same playground, so it was not all bad – was being stalked, according to the more appropriate definition of 'stalking' that is in this bill. The main thing that I remember personally was a deep feeling of intimidation; I was incredibly fearful. Everything was new anyway, and my feeling of intimidation was just overwhelming.

This is why it is so important for us to do bills like this. Sometimes it looks like it is just a little tinker around the edges to refine things, but these bills are part of the bigger jigsaw puzzle of reforms, as I said. It is so important to keep talking about this, to make sure that we can measure it and that we can articulate what the appropriate behaviours are and what the appropriate responses are to people experiencing stalking. The only way that is going to happen is if we legislate and make sure that it happens. This is a perfect example of why if we keep thinking the same things and if we keep doing the same things we will get the same outcomes. I cannot say how proud I am and how pleased I am with this, and I hope that plenty of other women perhaps may reframe or reinterpret experiences that they might have had at some point in their life and realise that they were not acceptable although they thought they were at the time. If this gives voice to other women and other victims of stalking – and there are also men who are victims of stalking – then that is a very good thing. The bill does not just address stalking, but I will go on with that. I wanted to share that little story because at my age to remember something that happened in prep, it must have really made a bit of an imprint on me.

The bill will also amend a range of acts to support victim-survivors of family violence and gender-based violence more broadly. It has been developed in consultation with a broad range of stakeholders, and importantly, many of the reforms were suggested by victim-survivors, whose input has been invaluable. If we go on to misidentification of victims, which is an element within this bill, victim-survivors and their advocates have consistently raised concerns about the harm caused by misidentification of victims as perpetrators. This is more likely to occur for Aboriginal people, particularly Aboriginal women; migrant and refugee women; women with disabilities; and LGBTIQA+ people as well. Misidentification can occur in a range of circumstances. This includes where the victim-survivor's presentation and characteristics are misinterpreted or when they have used retaliatory force to protect themselves or another person from family violence. This could be experiencing that last straw of being persecuted for weeks or months or a long period of time, and then suddenly there is an explosion of emotion and this retaliation occurs, and it looks like perpetrator behaviour. It is not simple to unpick, but it is something that, as I said before, we need to describe and define so that we can do our best to identify it.

Misidentification can have devastating consequences. Victims may be excluded from their homes or lose contact with their children, or they may be drawn into the criminal justice system as respondents, with potentially lifelong consequences. I imagine that if you are drawn into the criminal justice system and you are a victim, you do not even know how to respond to defend yourself. In fact I think you would be less armed to defend yourself because you are not even thinking with a perpetrator mindset. This bill, to address this, requires decision-makers to consider a broad range of personal and social characteristics when making family violence orders. These factors include consideration of whether actions may have been undertaken to protect themselves or others, and decision-makers must also take into account the greater risk of misidentification if the party is one of a specified cohort, such as Aboriginal women.

The bill also modernises the definition of 'family violence'. The bill expands the legal definition of 'family violence' by expressly including stalking, systems abuse and harm to animals as forms of family violence. This is not the first time harm to animals has been included in some components of legislation in this chamber. I certainly acknowledge the work that Jaala Pulford, my predecessor, did in this space as well. It recognises the prevalence of stalking in family violence situations. This reflects the lived reality of such behaviours, particularly in today's digital age. Therefore it explicitly enables courts to prohibit the use of electronic tracking devices to stalk family members where there is not consent. I must admit I thought, 'My husband and I, we know where we are all the time,' but that is okay if we both consent. Weaponisation of that technology, that social media, is really what this is about, and this bill will enable the courts to specifically prohibit that. We cannot always expect victims and survivors to list everything that they need to make themselves safe, so this is why we need to enshrine it in the processes of the criminal justice system. The bill also makes certain changes to the criminal law offence of stalking, which is very positive, as I have said.

Systems abuse is also recognised as a form of family violence. Systems abuse refers to actions such as vexatious court applications, false police reports and false reports to child protection, child and family services, immigration or other agencies. I certainly came across a couple of cases at the South Western Centre Against Sexual Assault when I worked there years ago where the perpetrator was clearly reporting the victim in a false scenario. The only mechanism that the police force had was to follow the linear approach; they were completely not equipped to respond to the possibility that it might have been vexatious or a form of systems abuse. That is why it is really important to document this, to articulate it. Harm to animals, such as to a beloved pet or an assistance animal, is also recognised as a form of coercion. The courts will be empowered to make orders relating to animals, including threats to sell or abandon the pet or withholding food or water. I am very sad to say that I have also had a case of a woman whose abuser, her husband, threatened to kill their family pet, and the burden that she carried in that – the life of an animal – was an awful form of abuse.

In extending the family violence intervention orders, the bill introduces a default two-year duration, and this makes a lot of sense, because once that abuse dynamic is established and evidenced or even meets the criteria for an order, it is not going to go away quickly. I think we have heard in our mainstream media enough stories of where that system has fallen down and crimes have occurred as a result, so the two-year default rule for family violence intervention orders is a very good thing. Extending it by 12 months after release from prison is also an absolutely logical result as well. What that means is that when the offender is released from prison they cannot immediately re-establish the abuse dynamic they were imprisoned for in the first place. Aligning family violence intervention orders with custodial sentences, as I said, is also a very positive thing. With young people the intervention orders will continue as they are – they are not necessarily going to be an automatic 18 years of age – but for young adults that may still be living at home or financially dependent who are exposed to ongoing family violence, they can go beyond their 18th birthday. It would be a form of systems abuse from the inside by not extending it beyond their birthday.

This bill also tidies and tightens up some rules around service of intervention orders, particularly in prisons, which is good. If there is a refusal there from an inmate, the governor can be served, which is also a very positive thing. Currently children of any age can be subject to family violence intervention orders, and children who are very young are unlikely to be able to properly understand their obligations and even the potential to incur criminal charges or contravention. The bill will introduce a minimum age of 12 years for family violence intervention orders, consistent with the minimum age of criminal responsibility.

On changes to criminal laws regarding stalking, as I have mentioned, the Victorian Law Reform Commission stalking report recommended a range of changes, basically around two or more incidences or occasions of a particular behaviour – and they do not need to be the same behaviour, they can be different behaviours. Historically the definition of 'stalking' has been very codified and very tight and difficult to prove, so this enables the conduct to be assessed as a pattern of behaviour designed to cause fear and stress or harm. If I go back to the very start of my contribution here this morning, fear, stress and fear of harm were what it was all about for me when I was in prep for those first few months at Timboon primary, and I think it is really important that those characteristics are codified within our criminal justice system so they can be taken into account when the issues come before the courts. Again I just want to say I am very proud of this legislation. I am so proud of what the Allan Labor government is doing. All power to our arm, and I think we really need to continue.

David DAVIS (Southern Metropolitan) (10:55): I am pleased to rise and make a contribution to this bill, the Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025. I thank my colleague Dr Heath, who spoke just ahead of me on this, and I note that the opposition – the Liberals and Nationals – will not oppose this bill. It reforms family violence intervention order processes; expands and updates the offence of stalking; introduces a structured alternative verdict framework; adjusts criminal procedure; and as has been pointed out a number of times already, makes

some useful changes with respect to the recognition of animals and stalking by a family member. These are all important changes, and we do not oppose those changes.

I note that the system is under enormous pressure at the moment. We have seen the number of police fall. Whatever the matter that is needing to be dealt with, our policemen and policewomen face the fact that they have got less staff, a growing population and growing challenges, including these family violence matters. The state government has allowed the number of police to fall very, very significantly and that in my view is a significant concern. It is true that since Jacinta Allan came to power crime is up and police are down. There has been a reduction in operating hours at dozens of police stations and a loss of 367 full-time equivalent officers since Jacinta Allan took the premiership.

I know this applies in local areas. In my own electorate, in Kew the hours have been cut back massively, and that is a concern. I am aware of cases of people having gone to the police station – these can be domestic violence cases, or they can be other cases too – to seek support and help, and the police station is closed. This is completely unacceptable. In Ashburton, for example, the government has over recent years wound back the number of police and closed the station by stealth. That is problematic. We are very aware of what this is doing in the local area from talking to local people, receiving information from them and them responding to surveys.

I note, on the Ashburton police station, that Linda said:

> Nobody feels safe in their homes anymore. There aren't that many police stations open … in my area and given Mt Waverley is allegedly a 'safe' area – despite the rising crime here – I suspect they'll pull the PSO's from the Glen Waverley line to redeploy elsewhere.

Robyn said:

> We live in fear around what is happening and I have been a victim. The station reopening is a necessity!

That was with respect to Ashburton.

Ben said:

> I've witnessed too many times a complete disregard for the law in the area. Youths … know there's no one to catch them making offenses. Raising a small family in the area I'm always on guard around parks and leaving our home at any point. We've now installed multiple cameras around our home. Something a few years ago I wouldn't have thought I'd be doing …

Brooke said:

> Our car was attempted to be broken into right underneath our security cameras. Clear video footage. Had to go to Glen waverley –

from Ashburton –

> … to report it. Crazy

John said:

> Just in the past week my neighbour's car was broken into during daylight hours. My neighbour has not reported it as he believes that it would be a waste of time. Today I shopped in the Ashburton village & noticed the "Mr Burton" cafe & the old "Sergios" pizza shops had broken front door glass. We need police on the beat.

I could go on repeatedly discussing these sorts of examples. There is a lot of this material coming into my electorate office. People believe that there should be proper policing in the local area, in Ashburton, but it is right across the electorate as well, and I think it is true elsewhere around the state. We have got a state government that has lost the plot on these points, that has not understood that we need proper policing and proper resourcing. The state government has really not understood what is important here. It is interesting that in the bureau of statistics figures that came out the other day Boroondara has lost the equivalent of 5.3 full-time equivalent police officers. Monash has lost the equivalent of 6.02 full-time police officers. Stonnington has lost a total of 12.95 full-time equivalent police officers. That is a significant hit on the workforce in that area. Whether they are dealing with

family violence matters, whether they are dealing with theft, whether they are dealing with home invasions – whatever it is – the reduced number of police means people will feel less safe. The community will not have the support that it needs. Glen Eira has lost a total of 3.21 full-time equivalent police officers, so the state government is winding down the amount of police support.

They are doing this at a time when the crime rate is going up in Boroondara – and I quoted Kew there, but it is also true that includes Ashburton. The crime rate is up more than 21 per cent – 21.8 per cent – year on year. In Monash it is up 15 per cent. These are big increases in the amount of crime at the same time as the number of police are falling in our local area and at the same time as the state government is closing or winding back police station hours. So there is the idea of closing a station, as has occurred in Ashburton – and there has not been a word said by Mr Fregon; he has been silent as a church mouse on this. For some reason he does not want to speak about these issues of public safety, community safety, the availability of police officers to protect the community – again, whatever the issue is that needs to be dealt with. It could be domestic violence in this case that we are talking about here, or it could be other matters. We are seeing increasing numbers of home invasions, increasing numbers of car thefts. These are things that make people very, very frightened.

You cannot blame the policemen and policewomen for the lack of resources. It is not their fault that the government is stripping out police resources, winding back the hours of police stations and in some cases, like Ashburton, flat closing, by stealth, the police station. It is completely and utterly unacceptable. We are going to be focusing on this very strongly, and the community needs to understand that we need that proper policing, we need the police numbers increased, we need stations open, we need people able to go to their local police station with safety and security. Again as I say, it could be a whole variety of different conditions, but all of them are impacted when the police men and women are pulled out of the area.

Jacinta Allan has presided over a fall in the number of police. It is disgraceful, and it is time it was called out very strongly, so I will be saying more about this. I will be making the point on this bill that there are some good changes in the bill and that we are not opposing the bill, but the context of policing is a big problem in this state, and it is entirely due to the Labor Party's incompetence and decision to pull police out of stations, to pull police resources out of the police force. You cannot blame the independent police; you cannot blame the police men and women. It is Jacinta Allan's fault in the end.

Anasina GRAY-BARBERIO (Northern Metropolitan) (11:04): I want to firstly acknowledge and honour victim-survivors: women, children and young people and their much-loved pets. As we debate this legislation I want to centre on their resilience and courage in the face of harm that can be torturous, prolonged and at times catastrophic. Family and domestic violence can happen to anyone. It is a national epidemic cutting across income, culture, age, gender, ability, place, profession and migration status. But let us be clear about one thing: family violence must be understood in the context of a society that privileges male identity over female or gender-diverse identity. Structural and gender inequalities produce devastating consequences affecting all women, yet we are supposed to soften our rage and to be patient while frontline workers continue to be stretched thin, supporting victim-survivors on shoestring budgets while demand reaches record highs. I maintain my anger and rage because frontline workers, victim-survivors, experts and communities all say the same thing: deaths at the hands of family violence are preventable. They are preventable, and until we face that reality, we cannot accept half-measures.

That is why this bill before the chamber, the Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025, is needed, and I join the cause of my colleague Ms Copsey and offer my support for this legislation. This bill is needed, but unfortunately it has taken far too long to arrive here. In that time too many women, children and young people and their pets have continued to die or be harmed, stalked, abused or harassed and in a lot of cases misidentified as perpetrators in cases where they were clearly victim-survivors doing everything to stay alive and protect themselves.

Here in Victoria reports increased by 6 per cent between 2023 and 2024 alone and by 30 per cent over the past five years. First Nations women are 45 times more likely to experience family violence than non–First Nations women. One in three migrant and refugee women have experienced family violence, with nine in 10 experiencing controlling behaviour. The risk spikes for women on temporary visas, where migration-related abuse is very common. The RED HEART movement, led by Sherele Moody of Femicide Watch, which tracks every known Australian woman and child killed as a result of murder, manslaughter or neglect, collected some of this data, which I am going to read out, over the last few years.

In 2024, 105 women and 21 children were killed; in 2025, 77 women and 26 children were killed; this year, just mere weeks into 2026, already six women and one child killed. These are harrowing numbers that represent real people's lives lost: mothers, grandmothers, sisters, aunties, friends, colleagues. But we also know that the true number of women and children killed by domestic abuse is likely higher, with many deaths not reported and not recognised as being the result of family and gender-based violence. Just yesterday we marked two years since Samantha Murphy, a mum and wife, went out for a run and never came home. Her family is left with the trauma, and her children are left to grow up without a mum. Just recently Aboriginal woman Sophie Isabelle Quinn, her unborn child and her aunty Nerida Quinn were shot dead allegedly by her former partner, who is still on the run.

This is the cost of family violence. It is real for so many. We have heard so many in this chamber talk about their experiences. Going for a run – people do not think about it, but it is political, because when women go out for a run, go out to exercise, they have to think twice about what route they are going to take, what time they should be running. Is it light enough? Is it too dark to go for a run? This is the reality that women face every day – something as simple as exercising is bloody political. So many women out there – young, old, different cultures – always have to constantly think, to look behind their back. As soon as the sun sets, they have to think twice about 'Okay, if I need to get home, I need to stick on the main road to ensure my safety.' This is the scale of the scourge of domestic and family violence that our society has been reduced to at the moment. While we talk about this, let us also take pause and acknowledge the children and young people who are too often overlooked in this conversation and debate. We must remember that they are not passive bystanders in violent environments. The harm they experience does not fade with time. Their experiences and realities often shape their safety, their wellbeing, and their futures.

I want to take a moment in this debate to point out the importance of the difference between equity and equality in the prevention of violence against women. Equality assumes everyone is treated the same regardless of their need and situation. Equity recognises that women are treated differently depending on their need and situation and therefore requires responses tailored to those needs and situations. This distinction matters because women are not a homogenous group. As legislators, we must consider how layered identities create barriers to reporting violence, escaping violence and accessing specialised support. If we are serious about prevention and protection, equity must be at the centre of our policies and responses.

The bill before us takes important steps to address longstanding gaps in our family violence system. It improves family violence intervention orders, including introducing a minimum age of 12 for respondents. It expands the legal definition of 'family violence' to explicitly include stalking, systems abuse and mistreatment of animals. It provides explicit recognition of systems abuse, acknowledging that perpetrators can use institutions such as courts, child protection, migration processes or Centrelink as tools of coercion and control. It ensures young people listed on their parents' order remain protected even after they turn 18 and implements key recommendations from the Victorian Law Reform Commission's 2022 *Stalking: Final Report*. These are good reforms and they are much needed, but they are also well overdue and come after years of tireless waiting by our stretched and hardworking family violence sector.

But this bill does have shortcomings, and it is important to highlight that. It fails to deliver a truly intersectional approach for the prevention of and intervention in domestic and family violence for all

women across Victoria. So we are talking about First Nations women, migrant and refugee women, women with disabilities, trans women, young women, elderly women. Now, I have spoken before in this place about the misidentification of victim-survivors, with Aboriginal women disproportionately affected by this. This bill goes some way to addressing the harm by requiring police and courts to consider factors such as age, race, sex, sexual orientation, gender identity and disability when issuing orders of safety notices. We know that misidentification occurs most commonly when police issue a family violence safety notice. The Greens do have concerns that the current drafting of the bill may not be strong enough to support the bill's intent. The list of factors outlined in section 24(2)(d) need to be more prescriptive and clearly name the characteristics at disproportionate risk, such as women; LGBTQI+; culturally, linguistically and faith diverse; Aboriginal and Torres Strait Islander; living with a physical or cognitive disability and/or mental illness; on a temporary visa; or children and young people. This would allow police to conduct more accurate, trauma-informed assessments. Further, the bill's use of terms like 'respondent' and 'affected family member' pre-empt the very assessment police are meant to make and risk locking in assumptions too early.

The intention of these changes is to guard against premature assumptions and to ensure a neutral and evidence-based assessment of whether a family violence safety notice is required. Description of the parties should be neutral to avoid misidentification. Without clearer language, stronger guidance and an explicit focus on misidentification at every stage, including applications to vary or revoke a family violence intervention order, there is still a real risk that the system will continue to misidentify victims, enable the systems abuse that it is trying to get rid of and undermine women's safety as a result.

If this reform is to work, it must reflect how family violence actually presents, including self-protection, patterns of abuse and the real-world pressures on frontline decision-makers. These changes recognise that family violence is not only interpersonal but structural and that our justice system must actively prevent further harm rather than compound it.

It is crucial that the implementation phase of this legislation carefully considers the equity lens I spoke about earlier in the speech and the layered forms of violence experienced by different women and their children. This Labor government's own anti-racism strategy recognises that government services are culturally unsafe and difficult to navigate for First Nations people. If the Labor government can acknowledge this is a systemic failure, then it must confront the intersectional experiences of women when it comes to systems abuse.

While I spoke earlier about these welcome legislative changes, reforms alone are not enough. The responsibility, for example, cannot fall solely on the Minister for Prevention of Family Violence and her department to solve this epidemic. It must be a whole-of-government approach, with prevention of family violence integrated into the work of the housing, health and justice portfolios, to name a few, to really deliver holistic, equity-focused approaches. Women presenting to specialist services face intersecting crises – housing insecurity, homelessness, poverty, incarceration, substance abuse, natural disasters, age, mental health challenges and disability – all of which compound their vulnerability and make timely support essential.

We saw the consequences of this in the Labor government's most recent budget. Women and children given priority access to social housing because of family violence are expected to wait 17.4 months. That is a year and a half of waiting. That is really shameful. And this comes just months after this Labor government failed to fund the operation of 28 high-security crisis units for women and children fleeing family violence, leaving them empty during a worsening housing and domestic violence crisis. This must be looked at.

The Greens demand an intersectional response to family violence, and while this bill is a step in the right direction, Labor once again simply has not gone far enough. We, the Greens, renew calls for sustained investment in family violence prevention, early intervention and specialist support services and to treat violence against women as the significant and escalating crisis that it is. Reforms must be backed by resources or they risk being symbolic rather than transformative.

All women and gender-diverse people have the right to live free from violence, discrimination and systemic harm. Women, their families, their friends and their communities are tired of attending vigils, rallies, protests honouring their family members whose lives have been stolen by men's violence. The Greens will continue to fight to end gender-based violence and we urge the government to take this seriously. The reforms cannot end here; there is plenty more to do.

Ryan BATCHELOR (Southern Metropolitan) (11:18): I rise to speak in support of the Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025. The government's work to address violence against women and children in Victoria never stops; it cannot stop until the violence ends. It is a topic that we have, as a government, been focused on since we initiated the nation-leading Royal Commission into Family Violence back in early 2015 and responded to and implemented all 227 recommendations of that royal commission. It is something that this Labor government has been absolutely focused on for a decade, and we continue to invest – another $172 million in this year's budget to support victims, improve data systems and bolster services. But we know there is more to do, and until the violence ends, there will be more to do.

This bill strengthens family violence intervention orders. It broadens the definition of 'family violence', recognising that family violence holds many forms. It widens the scope to include protections for those fleeing to Victoria to escape family violence that is perpetrated interstate, and it makes it easier for victims to give evidence against their perpetrators. Our message is very, very clear not just with this bill but with the entire suite of reforms that Labor have championed since we have been in government: violence against women and children will not be tolerated. To the victim-survivors of family violence, this is another extension of our hands to say that we are with you and that your security is a priority.

Before I continue, I just want to respond to some of the claims that Mr Davis made in his contribution, some of the fearmongering that he was trying to get into about policing in this state. This Labor government has invested considerably in bolstering the number of sworn officers and the operational capability of Victoria Police, and to suggest otherwise is a complete misconstruing of the facts and of reality. Mr Davis made claims without sourcing about police numbers here in Victoria, and this is what I can say: according to comparable national data released by the Productivity Commission, Victoria has more police officers than any other state – that is a fact. There are more officers in Victoria Police than in any other state, not just as a proportion compared to population but actual police officers in Victoria. More than New South Wales, more than any other jurisdiction – that is a fact. If you go back, Mr Davis made a claim that police numbers in Victoria are falling. Let us have a look at the last decade. In the last decade – I went and did this just now; it is not that hard to do – you can see that the number of operational sworn officers in Victoria has increased by more than 20 per cent. Not falling – rising over the course of the last decade, over the course of the investments that the Labor government has made in Victoria Police and is making to recruit additional officers. We have made a record $4.5 billion investment, including funding for more than 3600 additional police.

Mr Davis strayed into some territory which could be quite troubling when it comes to how the Liberal Party would approach operational decisions that are the purview of the chief commissioner. Matters around police operations and response, including staffing levels and opening hours of individual police stations, are under the law the responsibility of the Chief Commissioner of Victoria Police, and that is exactly what they should be. I would be worried if senior members of the Liberal Party stood up and purported to direct the chief commissioner in the deployment of Victoria Police resources. I think it is a very dangerous line to tread, and I will be watching Mr Davis and other members of the Liberal Party to see how much they want to interfere with the chief commissioner's exercise of his powers over how Victoria Police are deployed. Victoria Police is resourced to deliver a 24/7 response to crime in Victoria, and we have confidence in the chief commissioner in the deployment of those responsibilities. I am not sure that the same can be said, given those words, of Mr Davis.

This bill seeks to do a range of things, and I want to just briefly touch on what it does with respect to family violence intervention orders, because intervention orders are a critical mechanism by which

victim-survivors of family violence, those who have had family violence perpetrated against them, are able to keep themselves safe from violence. The court orders enforce protection on a person or their children when faced with violence by a family member. Currently most intervention orders are made for a period of 12 months or less. But this bill is going to introduce a default length of at least two years for family violence intervention orders through amendments to the Family Violence Protection Act 2008, and where the perpetrator is serving a custodial sentence of a year or more the default period will be the total effective sentence plus 12 months. This provides family violence victim-survivors with certainty that they will continue to be protected even when perpetrators are released from prison, a period which we know is a heightened risk for a victim. It is also going to streamline some processes for intervention orders, improving the experience for victim-survivors who apply for the orders. It will also enable courts to issue family violence intervention orders even if the offending behaviour occurs outside the state of Victoria.

Through amending the Family Violence Protection Act the bill provides that orders can be made where both the violence that occurred and the family member affected was outside Victoria. The current law allows for one or the other but not both, and it is important that it captures that full suite. We want to make sure that Victoria is a safe place for victim-survivors of family violence wherever it occurs. It also takes some measures to reduce misidentification. We know that is an issue and has been an issue for some time, but issues to do with misidentification are currently not recognised in legislation. The changes in this bill require courts to consider if the respondent to a family violence intervention order has been misidentified. We are also broadening definitions of family violence in this bill to expressly reference stalking within the definition of 'family violence', implementing a recommendation of the Victorian Law Reform Commission's report into stalking, and extending witness protections.

As I said at the start of my speech, this Labor government is committed to ending violence against women and their children. It has been a core focus of this government since we were elected and since we set up the nation-leading family violence royal commission in 2015. Our commitment to ending violence against women and their children has not abated and will not abate. I commend the bill to the house.

Moira DEEMING (Western Metropolitan) (11:26): I too rise to speak on this very, very important bill today. This bill supposedly exists because of a tragedy where a young woman was stalked and murdered – Celeste Manno was killed in her family home in Mernda in November 2020 after a man developed a fixation on her and things escalated. Celeste and her mother did everything right. They were terrified; they were right to be terrified. They recognised that this man was unhinged. They reported him over and over. They could get no help. Then, tragically, Celeste was murdered in the same house that her mother was sleeping in.

For more than a decade and probably time immemorial stalking has been an issue. The main perpetrators have been men and the victims have been women and children. We know that in the last decade this issue has been reported to police over and over again, but police could not respond properly because the laws were unfit. The Victorian Law Reform Commission (VLRC) records more than 25,000 stalking offences reported in the 10 years leading up to the 2020 murder of Celeste Manno. These reports describe persistent pursuit, intimidation, surveillance and fear. They describe patterns that specialists have long recognised as precursors to serious violence and murder. The commission delivered 45 recommendations and the so-called party of women have ignored them all apart from two. Stalking as it unfolds in real life is an escalation process. It is not good enough for this government to change a few things after things have escalated in the court and police section, right at the end, after everything has gone wrong, without doing anything at all to overhaul the system and actually provide preventative measures.

The Victorian government has restructured the stalking offence and aligned the definition used in personal safety intervention orders, improving consistency across legislation and reducing technical disputes, and given courts the power to issue interim personal safety intervention orders. As I said, these are both reactive, not preventative. The recommendations that the government chose to leave

behind addressed how safety is actually delivered in real life. They are about de-escalation, prevention and avoidance of catastrophic outcomes such as murder. They addressed risk identification, police capability, evidence handling, victim support, court prioritisation, breach enforcement, offender management and accountability when cases fall away – all absolutely ignored by this government.

The VLRC recommended that stalking be treated as a pattern-based crime, requiring structured risk assessment, early identification of escalation and trained frontline police. They wanted the police to be able to recognise cumulative danger and react to it rather than treat each incident as a standalone event. At the moment frontline responses vary by location, who is on the desk, how much experience they have got and largely chance. In Celeste's case, escalation outpaced any intervention or help she received, and that family paid the price.

The commission also recommended clear and enforceable standards for responding to breaches of intervention orders, urgent execution of warrants and escalation protocols when risk increases, as well as accountability. Noeline Dalzell was killed by her former partner in Seaford in 2020 in front of her children. The inquest heard that the police held a warrant for the perpetrator's arrest but never executed it, even while he stayed at that victim's home. Why wouldn't you just incorporate those recommendations? The commission also recommended coordinated offender management systems, clear referral pathways, timeframes for engagement, service standards and monitoring of whether perpetrators actually receive intervention after orders are made. In 2022 a woman was killed two days after a family violence intervention order was served. The coroner later found that a referral for the perpetrator to receive behavioural support was never even processed. How could you leave such simple things unaddressed in this bill?

The VLRC also recommended specialised handling of stalking matters within the court system, including safeguards against identity misuse, tighter administrative controls and victim-centred court processes designed to prevent the system itself becoming a vector of harm. In Geelong a convicted stalker allegedly used two identities to obtain and amend an intervention order involving one of his former victims. Angela Jones has been dealing with a horrendous stalker for about a decade, who also hides behind multiple different IDs online. This bill is not going to help her, and God forbid her case escalates.

The VLRC also emphasised that these intervention orders function as safety instruments, and therefore they require operational integrity, precision and clarity at every single step of the way – drafting, printing, service and enforcement. The Magistrates' Court of Victoria has acknowledged that during a period of time some printed family violence intervention orders had omitted whole sections of wording. I would not imagine that this government would make such a mistake when it was billing everybody for the taxes, levies and fees that they charge, but apparently women's safety is not that important.

The VLRC also designed its recommendations around evidence proving that stalking sits on the pathway to lethal violence. In fact the pin-up girl for this commission inquiry was Celeste Manno, who was murdered. It recommended prioritisation, escalation, interruption and systemwide accountability commensurate with that risk, but then it ignored any of the measures that would go towards prevention.

Regarding electronic monitoring directly, the VLRC made two findings: first, that ankle bracelets and monitoring alone fail to stop stalking – I mean, that is obvious – but it also said that stalking prevention requires a strong, coordinated system to interrupt escalation early. I asked about this after the commission's report. The Attorney-General decided that monitoring would not form part of Victoria's response to stalking on the basis that it fails on its own, but then the government failed to assume their responsibility to deliver any of the substitute protections and frameworks that work, such as trained frontline police, consistent enforcement of intervention orders, rapid response to breaches, specialised court handling, practical victim support and systemwide accountability. All of those things sit inside the 43 recommendations that this government ignored.

Then we can talk about money. What little resources being changed here are not being improved with any extra money. Family violence service delivery funding has fallen by $24.2 million, from $811.1 million in 2024–25 to $786.9 million in the 2025–26 budget. Primary prevention of family violence funding has fallen by $8.3 million. Victims of crime financial assistance funding has been going down for years: $74.2 million down to $70 million. Reporting in the media has constantly shown that staffing reductions at the Magistrates' Court, including in family violence related roles, are one of the biggest issues. Yet again funding is reduced, and this cause is not addressed. The legal assistance sector has warned of this underfunding catastrophe.

We are going to support this bill, obviously, because it does some good, but I think it is actually pretty distasteful that the recommendations that have been ignored concern the exact issues that led to the murder of the victim whose case tragically led to this inquiry in the first place.

Jeff BOURMAN (Eastern Victoria) (11:36): I rise to speak on the Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025. For those that were here back when I started, my inaugural speech included a thing about family violence. My first experience with that was in the police force. I grew up in a fairly good family; there were no problems with anything like that. And lo and behold I found out that everyone else's world was not as good as mine. I formed a view about family violence during my time there. And then I left and I have gone on through life, and as you live you experience, and hopefully you learn, and I have picked up some little bits and pieces here. In the days gone by I could never understand why women just allowed themselves to be assaulted or harassed, whatever it might be – why didn't they just go? – which was extremely naive of me. As time has gone on, I have met people, I have learned things, and it is not nearly as simple as it may seem. It is not even close to being that simple.

There are two parts of this legislation that I particularly like because there is something I have learned. There is going to be a lot of doubletalk and roundabout talk and things like that because I have got to be careful about what I say. Misidentification – never in my life did I think misidentification could occur. How could the system misidentify the offender as the victim? Well, as it turns out, it is very easy. It is very easy because a lot of the time it is who gets in first, who tells a better story, and I have got to say, sometimes it is who presents themselves to the police. What I mean by that is that they may or may not be from an emergency management service, and as a policeman there is an inherent bias, for want of a better term, towards other emergency services. So when one of them rocks up and tells you a story, you tend to believe them, and the course that follows that is – I would not say it is tainted, but it is not right. And what happens is that before you know it, the victim is fighting a battle; the victim is the one being interviewed, and the victim is the one that gets a record.

This kind of segues into system abuse, because the victim also may or may not have access to funding or better access to funding. Let us say the victim may have what would normally be sufficient funding, but the offender has more, so what you have is assault by better funding. You have someone getting a better lawyer who just hammers the person, forcing them to spend money. I see that in a lot of family law stuff – that is not new – where I am watching someone just trying to drain someone else dry, and that is obvious. It is almost unavoidable, but it is an issue. Justice should be justice, not justice by bank account. There is the old adage 'The best form of defence is offence.' What is the best thing you can do when someone is coming for you? You go for them, and you go for them harder so they are fighting that and they are not coming for you.

It is sometimes the case that the offender wins and sometimes the case the offender does not. I am fairly black and white on who is the offender. Sometimes it gets a little murky, but the thing I am thinking of is fairly clear. What I am watching is the issue where someone who just wants to get on with their life is constantly going to court, constantly engaging a lawyer, constantly doing this and constantly doing that because the offender, who is an esteemed member of society, is not an esteemed member of society. One day I truly hope that it all comes out publicly. It is not me, before anyone asks. In the course of watching this go down, there are a lot of other things I have noticed. It is not just the police and judiciary that need to pay attention to the details that would give you the hint that it is not

all it seems – that the offender may not be the offender, there is more to it. This is not a go at lawyers, but the lawyers will make a recommendation. They will give advice in the context of the information they have and the situation they see. The advice that they give at the time may well be good, legit advice. But when you unpick it and you unpack it and you open that box and that big thing of whoop-arse comes out, you go, 'Well, that may not have been a great idea,' because now you cannot have diversions if you have already accepted one. A diversion is not much of a record, but it is a record. As I said, I am not blaming the lawyers, but there needs to be training. Someone comes in and says something: 'A situation has arisen, I need help' – 'Ah, just take a diversion; it's all good.' Normally, even with regard to a shooters licence, I would never say that anyway, because that can just lead to all sorts of problems. But it also may not be right. I feel that this legislation is actually going somewhere towards doing some good. It is not just platitudes. Is it perfect? I do not know. Is it going to work? I do not know; I do not have a crystal ball. If I had a crystal ball, I would be very rich and I would not be standing here. I see an actual try – a good go.

Mr Davis was on about police resourcing. That is a huge problem. It is a massive problem, because for all this to happen there needs to be resourcing. The courts need more resourcing. The time it takes to get these matters to court – the victim-survivor or victim, whatever you want to call them, is under immense amounts of stress and worry, whether it is personal safety or whether it is financial or whatever. I know we are in a financial crisis as a state, as a country, but I feel that police resourcing is not necessarily about money, it is about getting people there and keeping them, retaining them. That is another story for another day. When they opened the Moorabbin courts I thought, 'Well, that's a bit full-on. That'll hardly get used.' Well, Moorabbin court is now full. I cannot believe I am saying this: we need more magistrates and we need more courts if we are going to have these systems. Was it 'Justice delayed is justice denied'? Stuff just takes too long. I also feel that we need a review of how the judiciary works in respect to how long things take. Do we need to do it this way? I know the amount of conferences you have before a contested hearing. In a lot of cases I have noticed that from the get-go it was going to be contested, so why have all these other conferences? Just get into it. It saves everyone time.

I have said pretty well all I have got to say. I support this bill. I want to see it work. There is always room for improvement, and we will get to that. But as I said, one day I hope I will be able to fill in the details on the other stuff.

Michael GALEA (South-Eastern Metropolitan) (11:44): I rise to speak on the Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025. This is a bill that delivers important reforms to strengthen protections for victim-survivors of family violence, stalking and sexual offences. It modernises our justice system to better reflect lived experience, improve frontline responses and ensure victim-survivors are treated with dignity and respect. The reforms that are in this bill build on reforms which have already been enacted by this government to work towards our justice system continuing to improve its response to the needs of victim-survivors of family violence, stalking and sexual offences. I wish to acknowledge the extensive work that the Attorney-General and her team have put into the formulation of the bill that is before us today and the real, tangible benefits it will bring but also acknowledge all the contributions from members across this chamber that I have had the privilege to listen to in the room or from afar today.

The amendments in this bill will strengthen family violence protections through various changes to the FVIOs, the family violence intervention orders, including introducing a presumption of a new minimum length for family violence intervention orders; requiring decision-makers to consider certain factors, before making or issuing a family violence safety notice, an FVSN, or making an FVIO, to reduce the risk of misidentification of the predominant aggressor; expanding the definition of 'family violence' to capture stalking, systems abuse and mistreatment of animals, as well as making clear that the court can make conditions relating to animals and stalking behaviours; ensuring that courts can make orders regardless of where the alleged violence occurred; and ensuring that a person listed as a protected person on their parent's order continues to be protected once they turn 18. There are also

important reforms that will allow courts to issue interim personal safety intervention orders, PSIOs, in bail and criminal proceedings and that will amend the Criminal Procedure Act 2009 to strengthen protections for victims of witnesses in stalking cases by extending specific witness protections to them.

I would also like to note that whilst the legislation that we have before us today is a very important step forward, it is not the only nor the sole part of the government's response or actions in this space. Noting the Victorian Law Reform Commission's report, which has been discussed extensively in the chamber already this morning, I note that not all of the recommendations in that report go specifically to the heart of legislative change. There are a number of other areas, such as with the screening assessment for stalking and harassment tool, otherwise known as the SASH tool, which are already being implemented side by side with this piece of legislative reform. For example, in that scenario Victoria Police has undertaken a pilot to trial the SASH tool. This is an evidence-based screening tool to identify relevant risk factors that should be addressed through ongoing case management, coupled with additional training and support for responding police. Following the independent evaluation of the pilot by Swinburne University of Technology just last year, in 2025, VicPol has now commenced the statewide rollout of the stalking response enhancement and has also committed to strengthening the capacity it has to identify and respond to stalking behaviour. This is focusing on the front line but also on the deeper investigative responses to the issue. Victoria Police is in the process of engaging authorised trainers to support the very critical training that is required for the statewide rollout of this program, with dedicated training forecast to be completed within the next 12 months. That is also work that is, though not part of this bill, another consequence of the VLRC's recommendations that is currently being implemented.

The issue at heart is obviously a very, very serious issue. Family violence remains Victoria's most serious law and order issue. In 2023 alone our state's police responded to more than 94,000 family violence incidents; that is around one every 6 minutes, with nearly three-quarters of victims being women and girls. Behind each of those statistics is a person navigating fear, uncertainty and trauma. It is a shocking statistic and it is one that is certainly not unique to our state or our nation, but it is one that we are committed to and determined to address in every way that we can. This bill plays an important role in that.

I note that recently I had the opportunity to attend a crime forum in the City of Casey, which was held by the local police unit there, and it was very good to have some really good and constructive feedback from the police. Amongst some of the more perhaps visible concerns that we all had a good discussion about, the police were also very quick to remind everyone that this is one of the biggest issues that they deal with. Family violence is not seen in the same way as other forms of offending are, but that just goes to some of the insidious nature of it, because it is not seen. That is what makes it so important that we do everything that we can to address this issue, and that is why I am very pleased to see this bill before us today as one further step towards that. This bill will modernise the definition of 'family violence' to recognise that abuse is often coercive, ongoing and cumulative and not just a discrete physical incident. It explicitly includes stalking, systems abuse and mistreatment of animals, acknowledging how perpetrators will often use multiple forms of control to harm and intimidate their victim-survivors.

We are aware of how systems abuse can occur. Touching upon Mr Bourman's comments in the speech prior to mine, perpetrators can in many cases very successfully misuse and abuse courts and government services, such as through false reports or vexatious applications, to continue exerting power over their victim-survivors. To address this form of abuse and the harm that it can cause, the bill introduces default two-year family violence intervention orders, providing longer protection and reducing retraumatising repeat court appearances. Longer FVIOs give victim-survivors greater stability and greater certainty, allowing them to rebuild their lives without having that constant looming deadline of returning to court again and again on such a frequent basis.

Where a perpetrator is in custody, FVIOs can now extend beyond release, recognising that the period immediately following release is perhaps the most heightened risk time. Young people who are listed

on a parent's FVIO will remain protected after turning 18, which closes a critical gap that previously forced them back into the court system at a particularly vulnerable moment. Victorian courts will also be able to issue FVIOs even where violence occurred interstate, a gap that is not covered in the existing legislation, ensuring protection is not limited by geography. And the bill improves the service of intervention orders, so protection starts sooner, including for respondents who attempt to avoid service.

I would like to touch on one specific component of these reforms, which regards animals being used to perpetrate family violence. It was probably about a year ago, maybe even a bit longer, that we had a debate in this chamber that was put to us by Ms Purcell raising this very issue. Many of us spoke on the deeply traumatic way in which people's pets, people's loved ones, loved pets can be used as a weapon against them when it comes to family violence, and what a shocking, shocking and disgusting thing that is to be done. Considerable work has been done since that time. I was very pleased to see the house, I believe, unanimously support that motion for this to be an issue looked at most seriously, and most seriously it has been looked at. This is now addressed in the reforms today, and I am very proud that the contributions that we made in this chamber some time ago have led towards this particular part of the bill now specifically addressing animal cruelty and abuse of animals as a tool for family and domestic violence.

This will do that by broadening the definition of 'family violence' to capture some of the common ways that animals may be used to perpetuate this violence. These circumstances include where a perpetrator uses an animal to punish or control a victim-survivor by withholding the pet's food, water or medication, or threatening harm to the animal. It makes clear that the court can make FVIO conditions in relation to pets. Perpetrators often will target the animal with which the victim-survivor has the greatest emotional connection. This goes to the cruelty of what this violence can look like. I think I will leave it at that as to why this is such an important part of the reform that I am very, very glad to see in this bill today.

As has already been discussed extensively, this bill will also seek to go to the heart of concerns around misidentification, where victim-survivors are identified as the perpetrators, which can disproportionately affect a number of groups, including people from migrant backgrounds, people with disabilities and indeed even people from the LGBTIQA+ communities. We know that the consequences can be devastating, and this bill now requires police and courts to actively consider misidentification and the possibility of it before issuing safety notices or FVIOs. This is a response to the lived experience that we have listened to, and it represents an important step towards a more trauma-informed justice system. It also clarifies the stalking offence to make it easier to understand and to apply. It explicitly recognises threats of harm, and it will see that victims and witnesses in stalking matters will receive stronger court protections, reducing retraumatisation and repeated evidence giving. It will also implement some changes to the court processes themselves in order that victim-survivors do not have to repeatedly relive traumatic experiences, as well as restore the option of alternative verdicts in sexual offence trials, which also will help to ensure that cases do not collapse unnecessarily.

This bill, as I said, is one very important part of a broader package of reform work that is underway, and I am very pleased to be speaking in favour of its passing. It will make a real and tangible difference to the lives of many thousands of vulnerable Victorians, and I very much commend it to the house.

Rachel PAYNE (South-Eastern Metropolitan) (11:56): I rise to speak on the Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025 on behalf of Legalise Cannabis Victoria. The scale of the family violence epidemic in our state is hard to comprehend. In the last financial year there were 106,403 family violence incidents – that is hundreds of incidents every day. To address a devastating problem of this kind we need a whole-of-system response that is victim-centred and informed by those working on the ground. That is what this bill before us today is. I would like to begin by acknowledging the work of the Victorian government in responding to family violence and working with stakeholders on crafting this bill. It includes so many important reforms that will allow us to better address and understand family violence, improving the lives of victim-survivors.

In relation to family violence intervention orders, it will introduce a new default length of two years for an order and ensure that a protected person on their parent's order who turns 18 can remain protected for the duration of that order. Although courts can currently issue an order for any duration against adults, they are usually made for 12 months. These changes recognise that 12 months can be too short a time to appropriately manage risk and for the person subject to the order to address underlying risk factors. It also recognises the unnecessary harm caused by requiring victim-survivors to go back to court to apply for an extension and justify why an order is still needed. The silence of existing laws on the issue of young people ageing out of these orders once they turn 18 has created inconsistent approaches and unnecessary stress. These changes will better protect those who are often already experiencing so much trauma in their young lives.

I would like to turn now to the parts of this bill that respond to the risk of misidentification. This issue has been routinely raised with me during my time in Parliament by both the legal sector and victim-survivors. In the family violence context misidentification relates to who is determined to be the predominant aggressor. This can occur when a victim-survivor's behaviour and presentation is misunderstood or they use retaliatory force to protect themselves and other members of their family. Unsurprisingly, certain groups who have long been misunderstood and discriminated against in our justice system are at much higher risk of being misidentified. These include Aboriginal people, particularly Aboriginal women; migrant and refugee women; women with disabilities; and LGBTIQ+ people. Victim-survivors that have been misidentified often then go on to experience a range of other barriers when trying to access services. They may face civil and criminal consequences, including loss of housing and the involvement of child protection. This can create a perverse situation where a victim-survivor of family violence has wrongly been identified as the predominant aggressor and is left homeless as a result – this should never be the case. The Family Violence Protection Act 2008 does not explicitly address the issue of misidentification. It is silent on its existence, prevalence, consequences and risk factors. This bill will require police and courts to consider if the respondent has been misidentified when they are applying for and issuing a family violence intervention order or a family violence safety notice.

Business interrupted pursuant to standing orders.

Members

Minister for Children

Absence

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:00): For the chamber's information, I wish to advise that for the purposes of question time today I will be answering questions on behalf of Minister Blandthorn.

Questions without notice and ministers statements

Economic policy

David DAVIS (Southern Metropolitan) (12:00): (1205) My question is to the Treasurer. Treasurer, on Tuesday you indicated you had personally signed a number of letters of comfort. I therefore ask: how many letters of comfort have you signed in relation to annual reports for the 2024–25 financial year?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:00): I thank Mr Davis for his question. I do not need to repeat my answer from Tuesday that gave the –

David Davis interjected.

Jaclyn SYMES: Your question is narrow; that is why I am respecting the narrowness of your question. But without revisiting the explanation and completely justified reason that the government

issues letters of comfort because it is financially responsible to do so, Mr Davis, let me get the exact number for you and I will come back to you with that advice.

David DAVIS (Southern Metropolitan) (12:01): Thank you, Treasurer. Treasurer, I also ask: how many letters of comfort for the 2024–25 financial year were signed by departmental officials or other ministers and not you?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:01): Mr Davis, certainly there will be instances of other ministers signing letters of support or comfort. That has been custom and practice over many, many years and is also practised in other jurisdictions. Again, this is prudent. This is responsible financial management. In relation to your supplementary question, again, you have asked for a specific number. I do not have that at hand. I will endeavour to provide that to you in accordance with the standing orders.

Corrections system

Renee HEATH (Eastern Victoria) (12:02): (1206) My question is to the Minister for Corrections. Can the minister advise the house whether any prisoners in Victoria were granted emergency management days as a result of the custodial disruptions from the state of emergency declared for the recent bushfires?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:02): I thank Dr Heath for that question and her interest in these matters. You would understand that the powers to grant emergency management days lie with our commissioner. As of this date I do not have a record of any additional emergency management days that have been granted as yet, but they are not uncommon when there are emergencies and they would be applicable. But that is up to the commissioner to decide. As you can understand, there is a level of detail – every prisoner placement and every emergency management stated. What I will say is I am happy to take that on notice and ask the commissioner to see if any have been granted recently. But you understand there are 7000 people in our corrections system, and these are detailed operational questions. If you were to write to me or email me, I would be happy to share that information with you, Dr Heath.

Renee HEATH (Eastern Victoria) (12:03): I thank the minister for his response, and I guess given that he does not know, here is another one that he can take on notice: can the minister now advise the house of the number of emergency management days granted to violent and high-risk offenders due to the state of emergency?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:03): I thank Dr Heath for her question and her interest in our corrections system. In terms of placements and the granting of emergency management days, these are highly operational matters. We do provide guidelines to our commissioners and governors in our prisons, or general managers, to make sure they apply them appropriately. But in relation to the details of that question, it is a highly operational one. I am happy to take it on notice and respond in accordance with the standing orders.

The PRESIDENT: I appreciate the minister's offer and also the Treasurer's offer on the last two questions. There have been a number of rulings around the expectation of level of detail to a minister in a question without notice. I am going from rulings from all sorts of other great presidents. Do not just rely on me. My concern is that we could set a precedent into the future where there is this expectation. I appreciate the minister's offer, but I will not be demanding it be within the standing orders. I think that he is genuine in his offer to get the detail to the member as soon as possible.

Ministers statements: 16 Yards

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:05): Two weeks ago I had the pleasure of

attending the graduation of the first cohort to complete the 16 Yards mentoring program at Parkville youth justice centre. This cohort chose to engage with a program that asks young people to show up, reflect honestly and take responsibility for their choices. That it is not easy work, especially in custody, and it deserves to be acknowledged. Lived experience is the cornerstone of this program. This is a cutting-edge approach that is proven to change lives. It pairs young people with mentors who understand the justice system because they have lived it themselves. These shared experiences bring credibility and trust and break down barriers. These mentors do not talk at young people; they work with them and show by example that a difficult past does not prevent a positive future.

I want to acknowledge the leadership of 16 Yards co-founders Dr Stephane Shepherd and Shayne Hood as well as the mentors who delivered the program on the ground, particularly Jesse and Moses. Their work is practical, consistent and grounded in respect, and it reflects best practices for supporting young people to make better choices. I also want to thank the hardworking youth justice team for their commitment to supporting partnerships with community organisations that deliver meaningful programs like this inside our custodial facilities.

As Minister for Youth Justice I am proud to be delivering programs like 16 Yards as part of the comprehensive work that we do to keep the community safe. As the Premier said last year, serious consequences but also early interventions and prevention. To the young people who made this first graduating cohort, completing this program was not automatic. You earned it through engagement and effort. You should be proud of what you achieved, and I encourage you to keep building on it as you move forward. Congratulations to all.

The PRESIDENT: Before I call the next question, I acknowledge in the gallery former member of Parliament and minister Heidi Victoria.

Illicit tobacco

David LIMBRICK (South-Eastern Metropolitan) (12:07): (1207) My question is for the Minister for Casino, Gaming and Liquor Regulation. The Libertarians have been correct in predicting the criminal consequences of the economic incentives set up by our tobacco policy in Australia, so it gives me no pleasure at all to ask this next question. With the very high financial penalties in our new tobacco licensing scheme, it is now the case that the cost of paying these fines is an order of magnitude higher than the cost for organised crime to take out a hit – that is, it is cheaper for organised crime to silence people through murder than it is to pay these fines. What is the department doing to prevent this happening?

The PRESIDENT: I think that would be across a number of portfolios, but I will let the minister have a go.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:08): I thank Mr Limbrick for his question and his longstanding interest in these matters. Mr Limbrick, I feel that some of these questions are probably better directed to the Minister for Police, being about law enforcement, but I will say in relation to my portfolio area we make no apologies for putting tough new penalties in place. There are criminal networks involved, that you have acknowledged in this place before, that are beyond Victoria's borders. There are national and international syndicates behind this criminal network, and we need the toughest penalties in place to act as deterrents, because for too long they have been undercutting legitimate businesses doing the right thing, so we make no apologies. These tough new penalties are in place, and I am not foreshadowing – if we need to do more, we will.

David LIMBRICK (South-Eastern Metropolitan) (12:09): I thank the minister for his answer. I would say that it is highly relevant to this portfolio, though, because the chain of events that might end in that unfortunate outcome would start with the inspections by authorised officers. But my next question is: how will you judge the success of this licensing scheme over the next six months?

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (12:09): Our goal is to stamp out this illicit trade. In the coming months or years – because we understand that these are international networks and there is not a quick solution – what I would like to see is a number of stores where our inspectors go in and seize products, and these will be reported in the usual way. We have seen success with other regulators where they go in and seize products and there are these fines and there are legal actions on foot. But I want to also remind people that there has been a lot of activity in this space. 150 arrests – that is quite significant. Almost $40 million worth of illicit products have already been seized. I would like to see that number go up. Not $40 million worth of goods seized – a lot more than that. As the capabilities develop with our new licensing scheme, that is what I want to see happen.

Greater Western Water

Melina BATH (Eastern Victoria) (12:10): (1208) My question is to the Minister for Water. Greater Western Water's annual report confirms its new billing and payment system 'did not work', causing widespread failures and impacting customers' service delivery and privacy. After Greater Western Water was forced to fund a $130 million remediation package, how many of its customers are still waiting to receive compensation or remediation payments?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:11): I thank Ms Bath for her interest in terms of GWW. There has been a renewed focus in terms of customer focus at GWW, and I wish to inform the house there is also a new head for GWW. The new managing director is Cameron FitzGerald, who is a very well known person in the water sector. He comes from Southern Rural and before that other water corporations as well. I have had an opportunity to meet with him and reaffirm the fact that customer satisfaction and customer focus are my main priority in terms of making sure that the issues that GWW have been dealing with for some time are their focus. That is why extra staff have been put on. There have been walk-in arrangements at various GWW offices.

You are quite correct, Ms Bath; I have informed the house already that there is a $130 million concession arrangement for customers that was offered to the independent regulator, the Essential Services Commission. My understanding is that progress is being made in relation to the billing. In terms of the actual finer details that you are asking about, again, they are very operational, but I am more than happy to provide that information to you. I can say that roughly four in five residential customer accounts are already up to date, and the return-to-service plan has clear timetables for returning all customers to normal billing cycles.

Melina BATH (Eastern Victoria) (12:13): The same annual report notes that the Essential Services Commission has issued an enforceable undertaking requiring Greater Western Water to fix faults in the billing system, with the improvements expected over three years. Minister, why will it take three years to restore reliable billing and service standards for customers, and what will you do to expedite the process?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:13): There are a number of things that we have done to expedite the process. First of all, we made sure that there was the commissioning of the review, and the Noone review went about its business and provided the return-to-service plan. We have made sure that there has been a change of personnel in respect to a whole range of things. We have also made sure, as I have said, that there are more face-to-face service arrangements. We have also of course made sure that there is a very clear process for handling complaints. But also a number of people have been employed to manually look at the issues around the billing process, not just reliant in terms of the IT system as such. In terms of the return-to-service plan the objective is to have a number of issues sorted out around about June, July this year. That is what they are working towards. We are wanting the return-to-service plan adhered to, and that will be absolutely sorted way before the predicted three years.

Ministers statements: economy

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:15): I wish to use my ministers statement today to update the house about how Victoria of course is a great place to find a job or open a business.

Members interjecting.

Jaclyn SYMES: Listen to the stats, if you want to listen. Over the last year 59,000 jobs were created in Victoria, with over 3.8 million Victorians now in employment. The January figures confirmed a near historically high participation rate of 67.7 per cent. That is almost 13 times more than New South Wales, who only created 4500 jobs, with a participation rate of 65.5 per cent. Statistically, if Victoria had the same participation rate as New South Wales, our unemployment rate would be around 1 per cent. Wages are growing too. Over the past year Victorian wages grew by 3.3 per cent, well above the average over the decade. Why is the labour market so strong? It is because businesses recognise that Victoria is a wonderful place to invest and grow. It is certainly not just me saying this; it is the numbers. If you just listen to what people say, then you might have a false view of what is actually going on. But if you look at the stats, the business investment in the September quarter was up 3.6 per cent, the fastest quarterly growth in over two years. Victorian business investment has risen 39 per cent since 2020, compared to 30 per cent for the rest of Australia. In that time we have also created more than 123,000 new businesses in net terms, an increase of over 20 per cent and the most of any state or territory. No wonder the NAB has named us Australia's most entrepreneurial neighbourhood, with six of the top 10 fastest growing postcodes for new businesses located in Melbourne and a 12 per cent increase in the number of business accounts opening. Businesses are flocking to Victoria because the fundamentals for business are strong here. We have a thriving economy, lower land prices and cheaper electricity than other states and our competitors.

ADHD services

Georgie CROZIER (Southern Metropolitan) (12:17): (1209) My question is to the Minister for Mental Health. Minister, yesterday during a ministers statement regarding ADHD medications being accessed through the Victorian Virtual Emergency Department, you said:

> It does not replace the critical role treating GPs and psychiatrists play …

So I ask: what consultation did the government undertake on this measure with peak health bodies such as the RACGP, the college of emergency medicine, the AMA and the college of physicians?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (12:18): I thank Ms Crozier for her question. It gives me an opportunity to again highlight how important it is to break down the barriers of access to ADHD, both in terms of diagnosis and the prescription drugs that are required in many cases. We know that far too many Victorians have been locked out of a diagnosis opportunity with a specialist. There are long wait times, and there are also really high costs associated with being diagnosed. As part of the changes that our government has announced, we are commencing targeted consultation with our key stakeholders. That is about looking at the regulations that are in place at the moment to allow GPs to be able to prescribe ADHD medication. That should be up and running around September. In order to support that work, we will be providing support through the colleges of $750,000, and that will enable about 150 doctors to be trained up in prescribing and diagnosis by September. This is all about making life easier for Victorian families. In particular it is important that young children with ADHD get diagnosed and get treated as early as possible so they can really achieve their potential as young people.

In terms of the announcements yesterday about the further access that we are providing through the Victorian Virtual Emergency Department, this is a fantastic initiative here in Victoria. It is the busiest emergency department in the state. It sees over 900 people daily, and in turn it takes that pressure off our other busy emergency departments where people present in person. What has been going on at the

VVED is that there has been some proof-of-concept work being undertaken by the clinicians that work at the VVED. It is a world-class –

Georgie Crozier: On a point of order, President, I have been listening to the minister's answer. She was responding to the announcement on Tuesday and then again yesterday, but my question was very narrow around the consultation that the government has undertaken with those peak bodies, so I would ask you to draw her back to the specifics of the question I asked.

The PRESIDENT: I believe the minister has been relevant to the question and has touched on targeted consultation with stakeholders.

Ingrid STITT: I was about to go on to talk about how the proof-of-concept program has been operating. It has had a really strong focus on clinical governance, patient safety and an alignment with the existing prescribing requirements. The Department of Health will continue to work very closely with the VVED and with other stakeholders to build on this pilot, but I do want to make it very clear that it was credentialled paediatricians and psychiatrists within the VVED that were involved in this proof of concept. They are people who are currently authorised under the regulations to prescribe for ADHD.

Georgie CROZIER (Southern Metropolitan) (12:21): It was very clear from the minister's answer that there was no consultation undertaken. Minister, the president of the AMA has said this announcement 'seems like a step too far without adequate consultation', the RACGP says it was 'totally blindsided' by the decision and the chair of the Royal Australian and New Zealand College of Psychiatrists said 'the government has announced another significant policy change without consulting medical colleges or ADHD experts'. The Premier's reaction yesterday on social media admitted the government is 'breaking … conventions', so I ask: why is the government breaking conventions around health care without proper consultation with medical professionals?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (12:22): I do not accept the way in which you have characterised these matters, Ms Crozier. What we have been up-front about is that we are making changes to make it easier for Victorians, both adults and children, to receive the excellent clinical care that they need. We have been very clear in the announcements around the VVED that this will be prescriptions for one-off emergencies. There will still be strong linkages in with their practising clinicians through SafeScript, another really important reform of our government to make sure that GPs and specialists have a clear line of sight of what scripts patients are receiving. I will be working really closely with all of the colleges. I have nothing but respect –

Georgie Crozier: You haven't so far; that's the problem.

Ingrid STITT: We already have, Ms Crozier. You are wrong. I have nothing but respect for them and the professionals that they represent, and we will continue to work closely with them on these important reforms.

Georgie CROZIER (Southern Metropolitan) (12:23): I move:

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

Motion agreed to.

Disability services

Jeff BOURMAN (Eastern Victoria) (12:23): (1210) My question is for Minister Blandthorn, who I believe is not here today, so to the Treasurer. My electorate has around 30 disability houses with around 7500 workers who are facing imminent reductions in pay and removal of protections. My question to the minister is: is she aware that the Health and Community Services Union repeatedly warned the government that ending the supported independent living subsidy would force providers to terminate the disability services enterprise agreement Victoria and that those warnings were ignored,

resulting in a rumour that one of the transferred providers selected to take over state-run group homes is now applying to the Fair Work Commission to strip thousands of disability workers of wages, training, staff ratios and safety protections for participants?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:24): I appreciate your question and your interest in this matter. The minister obviously shares concerns in relation to some of the issues that you have raised and I am sure will be very happy to provide you with an update on where things are up to from the state perspective.

Jeff BOURMAN (Eastern Victoria) (12:25): I thank the minister. The supplementary question is: will the minister admit that the Labor government has broken Daniel Andrews's promise to Victorian families, participants, workers and the union that nothing would change the conditions, wages and stability of the transferred group homes and also explain why it is abandoning 580 group homes, 7500 disability workers and Victoria's most vulnerable participants and families?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:25): I am sure the minister will be happy to have a conversation with you in terms of the response to your question and potentially in person. There is a lot happening in this space.

Ministers statements: youth crime prevention

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (12:25): Last week, alongside the Minister for Youth, Minister Suleyman, I announced a $33 million investment to keep young people connected to their families, schools, communities and services and away from the justice system. We know that most young people who engage in offending have complex and intersecting needs, and preventing crime often starts well before a young person's first offence. It is why $26.7 million of investment will expand the community forensic youth mental health service, which supports some of Victoria's most vulnerable and at-risk youth. This means more clinical assessments, treatments and assertive outreach to young people at high risk of offending so they can get the targeted early intervention mental health care that they need.

We are investing $280,000 to embed a culturally appropriate youth outreach clinician in the Melton and Wyndham community support groups to deliver integrated mental health and alcohol and other drug care tailored for multicultural and multifaith youth. We are also investing $300,000 over two years to establish a youth mental health collaborative in the western and north-western suburbs of Melbourne, bringing together a range of mental health and wellbeing services to strengthen referral pathways and access to health and AOD care for young people, particularly those at risk of offending. We will also invest a further $400,000 to expand the important work of Project Sunrise, a fantastic, culturally tailored AOD support group for young people.

These investments will give young people earlier access to the right supports, from specialist mental health care to culturally informed family assistance and early intervention, helping to keep kids on track and have a bright future. I cannot tell you how wonderful it was to meet some of these young people and to see the difference that these programs are making.

Apprentices and trainees

Richard WELCH (North-Eastern Metropolitan) (12:27): (1211) My question is for the minister for training and skills. Minister, why were there 14,715 fewer government-funded students in vocational education and training between January and September 2025 compared to the same period the year before?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:28): I thank the member for the question and for his interest in terms of students and government-funded positions. TAFEs increased their share of government-funded enrolments from 53 per cent to 59 per

cent over the reported period of January to September 2025. TAFEs had a 5 per cent increase in program enrolments as of September 2025 compared to the same period in 2024, while private providers had a 24 per cent decline. Data shows that Victorians are increasingly choosing to enrol at TAFE for the very best in vocational education and training; that is from the National Centre for Vocational Education Research report. A further quote from the NCVER report shows government funding of courses is helping to close the gap for First Peoples in Victoria. The latest data shows a significant increase in First Peoples students enrolling in vocational training.

The other point that needs to be made, which those opposite continue not to acknowledge, is that with the realignment of delivery to those areas that are government priority areas, there has been a marked increase in those areas that are needed and are required by individuals, by industry and by the economy, whether it be in terms of blue-collar areas, in terms of construction or indeed –

Richard Welch: On a point of order, President, the question was asking for an explanation why there are 14,000 less people. The minister has gone nowhere near addressing that question, and I would like to know the explanation as to why there are 14,000 less.

The PRESIDENT: I think the minister heard your question. I believe she was being relevant.

Gayle TIERNEY: I have answered the question. The fact is that we are seeing more students starting and completing TAFE, more women starting and completing, more First Nations students starting and completing and more students choosing TAFE, and close to 70 per cent of apprentices and traineeships are delivered at TAFE. Over 60 per cent of students re-skilling are women. We are making the TAFE system, the vocational education and training system in this state, fit for purpose so that it is agile and dealing with what is needed in terms of the economy and what the shortages are, and we are making sure that TAFE and the VET system are not a lolly shop, which was the case under your government.

Richard WELCH (North-Eastern Metropolitan) (12:31): Thank you, Minister, for that answer, but that is just typical Labor – using percentages to dance around the subject when there are, in absolute terms, 14,000 less. That is an extraordinary figure in an economy that is desperate for skills. Why is the Allan Labor government drastically cutting funding to vocational training when we are in a critical skills shortage in Victoria?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Water) (12:31): We are not. We are making sure that we are investing in vocational education and training in this state. That was what you did: you cut over a billion dollars out of the skills and training system. You shut 22 campuses, and you had TAFE institutions on their knees. The only thing left was to flick the switch and turn the electricity off.

David Davis: On a point of order, President, question time is not an opportunity to attack the opposition, it is a chance to answer questions.

The PRESIDENT: I uphold the point of order.

Bushfire recovery

Katherine COPSEY (Southern Metropolitan) (12:32): (1212) My question is to the Treasurer. Treasurer, right now regional communities across the state are facing the enormous cost of rebuilding after apocalyptic bushfires and devastating floods. For them the climate crisis is now the cost-of-living crisis, yet in its response to the parliamentary inquiry into climate resilience the government has rejected a recommendation for a dedicated resilient homes fund in Victoria. New South Wales and Queensland have already signed on to the Commonwealth government's $1.6 billion fund to help devastated households raze, demolish, rebuild and relocate their homes. Treasurer, why has Labor rejected the Commonwealth's offer to create a joint resilient homes fund for Victoria?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:33): I thank Ms Copsey for her question. It is probably not something that I would direct specifically to the Treasurer, because it is more about policy decisions in relation to recovery. But obviously after these devastating bushfires we have announced a number of initiatives, and we work hand in glove with the federal government in relation to that under the DRFA framework. A lot of that is in relation to immediate support, medium-term support and obviously long-term support. In particular you have identified rebuilding housing, obviously wanting to make sure – particularly in the areas where there is high expectation of things happening in the future, which unfortunately is most of regional Victoria – that those are built back to a standard that is more resilient in the future. These are policies that are obviously often a feature of discussions of helping communities recover, and they will continue to be so.

Your specific question about the buyback discussion with the federal government is not best placed to the Treasurer. It would be best placed to the Minister for Emergency Services in the way that you have framed your question. I am more than happy to take you through a range of the initiatives that we have announced. There will be further announcements in relation to recovery, as was a feature of nearly everybody's contribution on Tuesday as we acknowledged the impact of the fires. Everyone acknowledged, I think in this room, that recovery has a long tail, and there is a commitment of this government to continue to work with communities and to work with the federal government on the best initiatives to ensure that that recovery is as quick and as secure for the long term as possible.

Katherine COPSEY (Southern Metropolitan) (12:35): Treasurer, the inquiry also heard calls for a dedicated new climate adaptation fund for high-risk communities, as you have suggested is needed, to proactively adapt to the climate crisis and fund local resilience projects like new nature corridors, drought proofing and community education and awareness. Groups like Doctors for the Environment Australia have said this should be funded by big polluters and it could be raised at the state level by revoking fossil fuel subsidies and instituting a tax on polluting coal and gas companies. Labor's response only said:

> There is a range of Victorian Government funding programs to local government, often with specific or dedicated purposes and criteria aligned with respective portfolios.
>
> There is provision to include funding toward climate resilience adaptation activities for infrastructure where appropriate.

Treasurer, the climate disaster is already costing Victoria more than $2.7 billion annually. Why is Labor rejecting calls to properly invest in climate adaptation infrastructure and make the big polluters pay?

Jaclyn SYMES (Northern Victoria – Treasurer, Minister for Industrial Relations, Minister for Regional Development) (12:36): Ms Copsey, there are broad-ranging topics you have pointed to in your supplementary question. I think that you have quoted the government's response, which is indeed certainly not closing our mind to some of the ideas that have been put on the table. We obviously have a strong climate change agenda in our government. We are investing in renewables. We are talking about communities and about climate adaptation. These are conversations that I had in previous portfolios, whether it be the agricultural portfolio in particular. Government is always working in partnership with a range of stakeholders on these important issues, including your political party.

Ministers statements: housing

Harriet SHING (Eastern Victoria – Minister for the Suburban Rail Loop, Minister for Housing and Building, Minister for Development Victoria and Precincts) (12:37): Victoria remains the leading state for building homes. Over the year to the end of September 2025, we built more than 54,000 homes. That is about 10,000 more than New South Wales and about 20,000 more than Queensland. On top of this, Victoria approved the construction –

Wendy Lovell interjected.

Harriet SHING: Ms Lovell, it was better when you were asleep. Victoria approved –

Members interjecting.

Harriet SHING: President, I cannot hear. Can I go from the top? It is really, really hard to listen to myself or to hear what I am saying.

Members interjecting.

The PRESIDENT: I am happy to grant that. Could we reset the clock. Minister, without any help from anywhere.

Harriet SHING: Victoria remains the leading state for building homes. Over the year to the end of September 2025, we built more than 54,000 homes. That is about 10,000 more than New South Wales and about 20,000 more than Queensland. On top of this, Victoria approved the construction of more than 54,000 new homes. Again, that is more than Queensland and New South Wales. Between September 2021 and March 2025 Victoria built around 220,000 new homes. Once again, that is more than Queensland and more than New South Wales. All of this reflects the strong action we are taking to build more homes that Victorians can afford in the places where they want to live – homes that are within walking distance of jobs, services and public transport links and close to family and friends.

While there is much more to do, it is clear that whether you want to buy or rent in Victoria, the data shows that what we are doing is working. According to the latest *Domain* rental report, the weekly asking rent for a house in Melbourne is the most affordable in Australia. In addition to that, we have banned rental bidding and no-fault evictions, and with the introduction of a portable bond scheme, we have got a number of initiatives that are helping people to make a better entry into rental accommodation and long-term housing as a result. We also want to make sure that rents for units in Melbourne continue to remain affordable, and indeed they are more affordable than Sydney, Brisbane and Perth.

Let us be really clear: this flies in the face of what certain commentators have to say about our housing market here in Victoria. They have consistently opposed and blocked the reforms that improve housing affordability in Victoria. They opposed Victoria's short-stay levy, which is about delivering more long-term housing for people who need it, and they opposed Victoria's vacant residential land tax that is all about an incentive to use land rather than let it stand idle. The latest Leader of the Opposition claims that she cares about home ownership. Well, her deputy leader, who is also the Shadow Minister for Housing and Building and Shadow Minister for Planning, certainly does – at last count he had an interest in 16 properties. But so far the only homes the Liberals have supported are Airbnb beach houses. They are not on Victorians' side. We are going to keep building.

Written responses

The PRESIDENT (12:40): Minister Symes to respond to Mr Bourman on disability and to Mr Davis as well. They will be followed up.

Constituency questions

Southern Metropolitan Region

Ryan BATCHELOR (Southern Metropolitan) (12:41): (2112) My constituency question is to the Minister for Emergency Services. How is the Labor government supporting lifesaving clubs in the Southern Metropolitan Region? The volunteer lifesaving clubs, as with all of our emergency services, do an incredible job, and this summer has been particularly hot and particularly challenging. On hot days Melburnians flock to the beaches to cool off, and there are a lot of great beaches in the Southern Metropolitan Region. In December I visited the Black Rock Life Saving Club, which through the government's volunteer emergency services equipment program received a new inflatable rescue boat, a patrol trailer and a beach trailer, among other crucial equipment, to help keep people safe through the summer and beyond. They are not alone. Mentone, Half Moon Bay, Sandringham, Elwood, Hampton and Brighton lifesaving clubs also received brand new equipment thanks to the funding

provided by the Emergency Services and Volunteers Fund. The VESEP funding is being doubled over the next four years – but not if the Liberals get elected. They are going to cut that funding, and these lifesaving clubs are going to be worse off.

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:42): (2113) My constituency question today is for the Minister for Local Government, and the question that I have is: what are you doing to look into the matter regarding Minister Staikos and the $75,000 that was granted to a multicultural community that is connected to one of the councillors in Kingston? This situation has been going on for a long time now with monitors that are in the City of Kingston. We are aware that there was $75,000 that was granted to a particular multicultural group that actually had their event in a completely different council to the City of Kingston. What is the minister doing to resolve this situation – to take away the monitors, who seem to have come in as a result of threats to the mayor and other councillors?

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (12:43): (2114) My constituency question is for the Minister for Emergency Services. We are both proud of and grateful for the amazing work of our local CFA volunteers, who bravely protected our communities from the horrific fires. But in the wake of the fires I have received information of several instances where CFA crews were ordered by their commanding officers to stand down from a particular fire, leaving residents to battle the flames alone. In one instance a family were battling fire on their property outside of Yarck when a CFA tanker arrived, drove into the property and immediately left, the crew ordered to return to the command centre, where they sat unused. The family saved their home but, sadly, not their herd. Similar experiences occurred in Koetong in the far north-east of my electorate and also in Mount Teneriffe, near Locksley. Will the minister inquire into these concerning decisions made by commanding officers that left CFA tankers and forest fire management trucks idle and my constituents alone to fight their own bushfires?

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:44): (2115) The state seat of Nepean does not have a local lower house member after Sam Groth could no longer tolerate the toxic culture of the Liberal Party. And while the Liberals may be focused on fighting each other, the state Labor government is focused on working hard for locals every single day on the southern peninsula. We have made massive upgrades to the kinders at Dromana and Tootgarook, to the primary schools in Dromana, Rye, Eastbourne and Rosebud and to the Rosebud and Dromana secondary colleges. My question is to the Minister for Education: what other upgrades are we making on the southern peninsula?

Western Metropolitan Region

Moira DEEMING (Western Metropolitan) (12:45): (2116) My constituency question is for the Minister for Transport Infrastructure. In August 2024 almost 5000 Mount Atkinson residents formally petitioned this Parliament for a clear timeline on delivery of their long-promised station. They have been ignored. These families rely on V/Line services that are so overcrowded they cannot even board them during peak hour. Government modelling shows that the evolving commitment to upgrading the Melton line will not even help because it will reach capacity almost immediately, all because of the rapid population growth this government has recklessly encouraged. The land has been set aside. Families have bought homes in good faith, relying on government promises that this essential transport infrastructure would follow. Will the minister stop ignoring the west and answer the Mount Atkinson residents?

South-Eastern Metropolitan Region

Rachel PAYNE (South-Eastern Metropolitan) (12:46): (2117) My constituency question is for the Minister for Planning. My constituent is a resident of Dingley Village. He has been at the forefront of

a community campaign to prevent the development of Kingswood golf course into 941 dwellings. Despite more than 8000 written submissions from my constituents, the government approved the site rezoning. An overwhelming concern raised in these submissions is flooding. Developers have not mitigated this risk. While the need for affordable housing is clear, it must be sustainable and insurable. My constituent asks: what will the minister do to ensure that flood risk for this site is managed effectively?

Western Victoria Region

Joe McCRACKEN (Western Victoria) (12:46): (2118) My constituency question is for the Minister for Planning. It concerns the Ballarat North precinct structure plan. The City of Ballarat have raised a number of significant concerns around the PSP, including the credibility of some of the technical assessments undertaken. The Victorian Planning Authority engaged consultants on a number of matters, including biodiversity, but none of these matters are actually being addressed in the PSP. Transport is a key concern, with no recommendation for a third crossing over the Western Highway and a lack of planning for active transport options. Many roads are projected to be over capacity; however, they remain unaddressed in the PSP. The developer contribution plan prepared by the VPA has many gaps. Some projects should be included but are not, and many other projects are also not included. The current cost of infrastructure is meant to be $180 million, and the current developer infrastructure levy is over $672,000 per developable hectare. Minister, will you intervene to make sure growth is managed properly in a responsible manner, because at the moment it is almost unaffordable?

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:48): (2119) My constituency question is for the Minister for Emergency Services. This summer we have seen fires and floods impact areas of high tourism visitation, including along the ever-popular Great Ocean Road. We know how important it is for our emergency services to be able to communicate with one another and provide updates efficiently and effectively. I am advised by SES members on the ground in Port Campbell that the influx of visitors has put such a strain on telecommunications that essential apps such as the supplementary alerting service app and even WhatsApp were unable to be utilised during the peak of the emergencies. The ability to communicate during an emergency is obviously of utmost importance. As such my constituents would like to know what you are doing to ensure telecommunication systems are reliable during disasters in places like Port Campbell.

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:48): (2120) I want to draw the chamber's attention to the vandalism that occurred at La Trobe's cottage in my electorate just a few days ago. This is a very important cottage of our first Governor – a superintendent before he was Governor – a house that was bought and assembled here in Victoria in the very early days of Victoria's settlement by British people. The shocking damage that has been done to monuments across the land is completely and utterly unacceptable, and the defacement that occurred with La Trobe's cottage in recent days is also completely unacceptable. But it appears the government is sitting on its hands. It appears that there has been no response that is satisfactory by the police. Why are these people not being chased down and fined and held? I am asking: please make a statement, Minister for Police, and make sure that you act on this matter.

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (12:50): (2121) My question is for the Minister for Environment. The Wildlife Emergency Support Network, or WESN, is a state government coordinated network of trained and accredited vets, wildlife carers and rescuers designed to be deployed during bushfires and extreme heat emergencies to assess, treat and support injured wildlife. The fires that recently tore through Northern Victoria included a 44-kilometre front that devastated Harcourt. It destroyed more than 40 homes and saw wildlife left disorientated, smoke-affected and dehydrated and

with severe burns, suffering around burnt-out properties. Despite two trained WESN members living in the Mount Alexander shire area being available to assist, they were neither called nor deployed. Given the scale of environmental destruction and animal suffering in my electorate, what justification can the minister provide for WESN not being adequately activated during this disaster?

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (12:51): (2122) My question is for the Minister for Roads and Road Safety. Residents and visitors have raised serious safety concerns about the dangerous stretch of road near Belgrave in the Dandenong Ranges, particularly along the Burwood Highway corridor approaching Belgrave. Here motorists face sharp bends, poor visibility and slippery conditions when it rains, causing locals to fear serious crashes. During wet weather, locals say, crashes are common and near misses occur all the time. Many tourists, who are unfamiliar with the road, are particularly vulnerable. Emergency services and residents fear a serious fatal accident is inevitable. Despite repeated complaints, locals report no meaningful safety upgrades. Signage, road surface conditions and hazard warnings remain inadequate. So my question is: what specific upgrades are planned to reduce crash risks for both locals and tourists?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:52): (2123) My constituency question is for the Minister for Public and Active Transport. Will the minister review the bus service in Gisborne and consider using smaller buses more suited to the town? I was recently contacted by a constituent in Gisborne who expressed concerns, shared by many others, that the buses in the Gisborne area are not fit for purpose. Gisborne used to have minibuses that were suitable for the volume of patronage and narrower streets in the town, but last year they were changed to much larger buses, which have lower floors for improved accessibility but face new problems. When larger buses make stops they visibly block the street, and they often struggle to keep within the lanes in narrow streets. At the Aitken Street and Willowbank Road roundabout the buses cannot go around the roundabout so they drive over the top of it, forcing other vehicles to stop and wait. The minister must review the use of larger buses in Gisborne and consider replacing them with the smaller buses used on FlexiRide routes in Melton and other western suburbs.

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:53): (2124) My constituency question is for the Minister for Environment, and it asks: Minister, why are you forcing Warrnambool ratepayers to foot a $200,000 per annum bill for the collection of waste and recycling from 165 waste management bins on state-owned Crown land? Last month the Minister for Local Government's good practice guidelines were updated to stipulate that councils should not use revenue from service rates and charges to fund services other than those relating to waste, recycling and resource recovery. The guidelines also state that the revenue raised from these rates and charges should not exceed the costs associated with these services. While I support initiatives to constrain council spending on secondary issues like advocacy and events, a double standard certainly exists, with the Allan Labor government expecting councils – *(Time expired)*

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (12:54): (2125) My question is for the Minister for Roads and Road Safety, and it is to raise concerns from Woodend residents about the Black Forest Drive upgrade. This project was allocated $6 million in the 2021–22 Victorian budget to deliver safety improvements to a 12-kilometre stretch of road between Woodend and Macedon. The works were due to commence in 2023 and were scheduled for completion in mid-2024, weather permitting. I recently received a letter that states:

> We in Woodend would appreciate it if you could look into the debacle of road works going on; in particular Black Forest Road.

> BFR used to be 2 lanes each way and the speed was 90. Perfectly fine and nothing wrong with it.
>
> The community were asked if they'd approve changes. Changes to include single lanes with a bike path on both sides. The community said NO.
>
> Roadworks commenced and went on for a long time. Finally finished with frequent upgrades for the safety of cyclists.
>
> In 2 years have rarely seen a cyclist.
>
> Last week we had the first hot day for years over 30 degrees. BFR buckled and melted with tar coming up and getting stuck on car tyres. Hence most avoided using the road.

Can the minister explain why resident feedback was ignored. How much has been spent on the changes to date and what assessment has been done on the road's performance?

Eastern Victoria Region

Melina BATH (Eastern Victoria) (12:55): (2126) My question is to the Minister for Environment. This is a statewide issue, but I am going to focus on the very important farmers in my electorate. Farmers in the Dargo region in north-east Gippsland have been very much affected by the bushfires, and one of the things that has occurred is that the separating fences, the wild dog exclusion fences, have been burnt. What that means is the wild dogs are penetrating into farms and they are ripping apart calves, sheep and lambs. This is devastating on top of the bushfires that have already occurred. What has happened as past protocol is that governments have funded 50 per cent of the upgrade, because they are the neighbour of the farmers. The Victorian Farmers Federation has been calling for equipment, including posts and wires and all of that, as an urgent priority. So I ask: will the minister fast-track funding and coordination of replacement of the predator fencing and also make sure that predator management is there while this takes place?

Sitting suspended 12:56 pm until 2:01 pm.

Bills

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

Second reading

Debate resumed.

Rachel PAYNE (South-Eastern Metropolitan) (14:01): Just to reiterate, the scale of the family violence epidemic in our state is hard to comprehend – in the last financial year there were 106,430 family violence incidents. This bill will require police and courts to consider if the respondent has been misidentified when they are applying for and issuing a family violence intervention order or a family violence safety notice. Importantly, the relevant factors in this consideration include the context of the relationship history and whether any actions may have been taken for the protection of self and others. Decision-makers are also directed to consider whether any parties may be at increased risk of being misidentified – legislative changes that are just one step in the right direction. An issue like misidentification requires cultural changes to shape better understanding of the complexities of family violence and shift harmful narratives of who deserves help and what the perfect victim-survivor looks like.

The complexities of family violence are also reflected in the way the bill expands and modifies the definition of 'family violence' in the Family Violence Protection Act 2008. The definition will be expanded to explicitly include stalking, systems abuse and where animals are used to perpetrate family violence. These changes make clear that courts may include conditions in family violence intervention orders to prohibit a respondent from locating or attempting to locate an affected family member. In relation to systems abuse, like vexatious court applications and false police reports, the expanded definition will help guide the interpretation of the legislation by the judiciary and highlight the prevalence of the issue. It will also make clear that the court can make family violence intervention order conditions in relation to animals. Disturbingly, animals are often targeted by perpetrators to hurt

and control victim-survivors. Family violence intervention order conditions under these new laws could, for example, result in a direction that a specific animal that belongs to a protected person be returned. Other welcome reforms in this bill include consideration of impairment and age when a family violence intervention order is being considered, streamlining the processes, ensuring orders extend to conduct and people outside of Victoria and protecting victim-survivors from being cross-examined by perpetrators.

While this bill will improve processes relating to family violence intervention orders in many ways, we remain concerned that the increasingly high prevalence of people repeatedly breaching these orders is something to be reflected on. Data from the Crime Statistics Agency shows that between July 2023 and June 2024, 2010 people alleged to have breached a family violence intervention order had previously been arrested for a breach. Even more alarmingly, of these alleged offenders, 873 had breached a family violence intervention order within the previous 30 days. Comparing that to the data from July 2017 to June 2018, in the last six years there has been a 64 per cent increase in people repeatedly breaching family violence intervention orders. It is one thing to improve the operation of laws relating to these orders and expanding their use, but these laws need to actually protect victim-survivors. The rate of breaches is unacceptable. I encourage the government to consider what else can be done to ensure the family violence intervention orders serve those who are meant to be protected.

While I am on the topic of where there are opportunities to better respond to family violence, I would again like to mention Jessica Geddes, who was just 27 years old when she was murdered by her abusive partner. Jessica would sometimes beg multiple times a day for food, cigarettes and money, telling neighbours that her partner at the time Robert would beat her up if she did not return with what he wanted. Police received 36 public order responses relating to Jessica from May 2019 through to the time of her death in November 2020, mostly in relation to begging. In the uncommon instances police got there before she left, they advised her not to return. This was despite reports of suspected family violence and concerns for Jessica's welfare. State Coroner John Cain's report on Jessica's death recommended the Victorian government work with Victoria Police to develop a welfare-oriented response to people who beg, rather than a criminal one.

This takes me to where I would like to see this government make further justice reforms to protect our most vulnerable. It should not be a crime to ask for help, but shamefully, begging in Victoria is an offence punishable by up to 12 months imprisonment. I understand the Attorney-General has directed her department to investigate decriminalising begging following my raising of the issue in Parliament late last year. I look forward to learning more about the progress of this investigation during the committee stage of the bill. Legalise Cannabis Victoria is proud to support this bill. It will make tangible improvements to how we understand and respond to family violence within the legal system.

Trung LUU (Western Metropolitan) (14:07): I rise to contribute to the Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025. This bill aims to change the handling of family violence orders and improve the court process by strengthening the family violence response. It also marks the beginning of a long-needed reform of stalking laws. In 2023 Victoria Police responded to over 94,000 family violence incidents, highlighting both the urgency of this bill and the need for continuous reform. On this side of the chamber we want to see a safer Victoria. We support any change that helps deliver a better, safer community. We will not oppose this bill. However, it is very disappointing that the government has missed a significant opportunity to properly address the core of the problem.

In my time as a police officer, over three decades, I witnessed, assisted with and attended far too many family violence incident reports, interventions and restraining orders. Family violence is a community-wide problem, and this Labor government has not fully grasped the opportunity that this bill has provided to address the root cause. The issue does not lie with the victims or the survivors. The driver lies with the acceptance of certain social behaviours of the instigator, the perpetrator. While this bill makes mild improvements to support victim-survivors, what the government should also be addressing is the cause of the problem, preventing these incidents from happening in the first place

through real early intervention and meaningful actions. If we are serious about reducing family violence, we must not only strengthen the response after the harm has been caused but we must tackle the behaviours, the systems and the attitudes that allow it to occur in the first place.

We are here debating this bill because in 2022, following the tragic incident involving the death of Celeste Manno, an incident my colleague Dr Renee Heath described forcefully and in detail earlier today, the urgent need for reform became undeniable. In response to this case, and I am sure in recognition of many other incidents of a similar nature, the Victorian Law Reform Commission (VLRC) released its final report on stalking. The report contained 45 recommendations aimed at transforming the justice system's response to non–family violence stalking and strengthening protections for victim-survivors. The reform focused on shifting the burden from victim-survivors to predators and improving legal clarity. That is what this government failed to implement in this bill.

I just want to outline some of the key recommendations that the Victorian Law Reform Commission has made. First was clarifying the stalking offence and second was victim support and advocacy. The thing is, the police response needs to improve. I will highlight some of the items regarding this: mandating specialised training for frontline police; requiring police to be the primary agency responsible for initiating a personal safety intervention order, thus reducing the burden on victim-survivors, who are often already traumatised by the incidents; improving court protections; strengthening perpetrator interventions, with a focus on early intervention to address the root causes of stalking behaviour and reduce reoffending; and developing alternative pathways for children and young people who engage in stalking behaviour, preventing early and unnecessary contact with the criminal justice system.

These last few points are particularly important, as they highlight the role of community attitudes, social norms and our acceptance of certain behaviours that often escalate into stalking or violence. I have seen it too many times over my career. Early intervention must go hand in hand with community awareness, because preventing stalking begins long before a person enters the justice system. It begins with identifying harmful behaviours, challenging harmful attitudes and educating our community about respectful relationships and boundaries – what we accept in Australia.

This justice legislation amendment bill addresses key items like clarifying the stalking offence and banning cross-examinations, but the problem lies in that it only directly addresses two of the 45 recommendations, with 34 recommendations calling on the government for action. We have two addressed in this bill.

In line with the Victorian Law Reform Commission's recommendations, I believe we need a systemwide shift in prevention, one that moves away from expecting victims to simply unplug or change their behaviour and instead focuses on early, proactive intervention for both victim-survivors and perpetrators. Community education and awareness are key to identifying stalking and countering victim blaming by reinforcing that victim-survivors are not responsible for the behaviour of predators and should not be told to ignore it, block them or just stay off social media. These remarks should not be used when we talk to victims. Raising awareness of support services is important. So is early intervention for perpetrators and – I will keep emphasising this – addressing the root cause of the issues.

The central aim of reform is to stop stalking behaviour from escalating into serious harm. This includes therapeutic treatments providing accessible, evidence-based programs such as interpersonal skill building and cognitive behavioural therapy to address the underlying causes of stalking and reduce reoffending. It also includes court-ordered treatment. The VLRC recommended that if future research supports its effectiveness, the government should introduce mandatory therapeutic orders within the civil personal safety intervention order system. And it includes keeping perpetrators in view and ensuring perpetrators are referred to services, helping prevent isolation and enabling the coordination of interagency monitoring.

The next key point is specialised pathways for children and young people. It is important to raise awareness in the community about what social behaviours are. That is where we need to address and stop incidents from happening in the first place. To avoid unnecessary criminalisation and set young people on a safe trajectory, we need to address this and raise awareness at a young age.

As a systemwide reform, we need to have a better system of data collection. The whole-story framework mandates that Victoria Police adopt a specialist investigative approach. Closing data gaps is important as we raise awareness in relation to social behaviour acceptance in our communities.

On this side of the chamber we will use every means to make a safer community and a better community. We will continue to support a better community and a safer community. We do not oppose this bill, but we do like to emphasise accountabilities for people in this chamber and alike. We are making legislation. We do not just wipe it off and do ad hoc legislation. We have got to make sure we address the root of the problem.

In closing, I say that when the government makes legislation, it must be accountable for ensuring it is truly delivering safety and protection for our community. The VLRC has provided a clear road map in relation to the matter through its recommendations. What is needed now is the political will to implement them fully. Victorians deserve to be safe, to feel safe and to be protected from predators. Stalking and other antisocial behaviours are community-wide issues. We must address the core of the problem, not just the symptoms. With early intervention and early protection we can stop these incidents before they occur rather than simply responding to the aftermath. What this bill does is address the support, and we do encourage that afterwards, but we must also look into what caused the issue. That is where the meaningful change happens. We must continue reforming stalking laws until every Victorian feels safe, is safe and is protected.

John BERGER (Southern Metropolitan) (14:18): I rise to make a contribution on the Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025. Family violence can take several forms and has a profound impact on victims and survivors, families and communities. Before speaking on the changes in this bill, I want to start by acknowledging the services that are available in the state of Victoria, recognising the extraordinary work of our services and frontline workers who respond to people's calls of distress every single day. Safe Steps is Victoria's 24/7 family violence response centre, where people can access crisis support, information and accommodation in case of escaping family violence. Their commitment to their work and the safety of the community saves lives. I also want to acknowledge the critical role of Victoria Police, who are often the first responders when someone is in danger. Their work in enforcing intervention orders and supporting victim-survivors can be challenging, yet every day members of our police force step into these situations with compassion and professionalism. Together these services form the backbone of Victoria's family violence support network, ensuring that people have somewhere to go to help them through these really difficult times.

This bill follows on from the Allan Labor government's commitment to stamping out family violence and making sure victim-survivors are safe and the perpetrators are held accountable. Following a number of deaths from family violence in Victoria, the Royal Commission into Family Violence was completed in 2015 to further improve our statewide response to family violence. It held over 25 days of public hearings and community conversations with over 800 Victorians and received thousands of written submissions. The then Andrews Labor government committed to implementing all 227 recommendations made within the report, delivered in March 2016, including recommendations based on reducing the frequency and the impact of violence, preventing violence through early intervention, supporting victim-survivors, holding perpetrators to account for their actions and coordinating community and government services. The Andrews Labor government pledged to implement each and every one of the recommendations made within the report, alongside investing over $3.86 million into protecting women, children and families from family violence.

This bill is a continuation of the work done to prevent family violence over countless years, and its aims are as follows: it will amend the Family Violence Protection Act 2008 to provide for the service of family violence intervention orders and other documents and in relation to the duration of final orders; it will provide for consideration of misidentification, age and cognitive impairment in making family violence intervention orders and, in case of a misidentification, the issuing of family violence safety notices; it will ensure family violence interventions cannot be made against a child under the age of 12 years; and it will make amendments in relation to legal representation in contested family violence intervention order applications and remove limitations on the making of family violence intervention orders where the family violence occurred outside Victoria. The bill will further clarify behaviours constituting family violence and make amendments in relation to conditions of family violence intervention orders and family violence safety notices, including conditions relating to animals, and it will ensure the continuing protection of family violence intervention orders made to protect children.

I was saddened to note that, as the Attorney-General said in her speech regarding this bill in the other place, Victoria Police responded to over 94,000 family violence incidents in 2023 – one every 6 minutes – with almost three-quarters of these being committed against women and girls, and these are only the numbers that have resulted in 000 calls.

This bill builds upon the monumental work done by the Victorian government to implement all recommendations of the royal commission, including increased investment into services providing support for those impacted by family violence and targeted responses to family and sexual violence. These legislative changes focus on strengthening judicial processes in responding to family violence, sexual violence and stalking offences and ensuring that the safety and support of victim-survivors is centred in this process. Key contributors to the development of this bill include the Federation of Community Legal Centres, the Victorian Aboriginal Legal Service, the Victorian Aboriginal Justice Caucus, the Law Institute of Victoria, the victims of crime commissioner, the Victims of Crime Consultative Committee, the Victim Survivors' Advisory Council and the LGBTIQA+ justice working group. These groups were critical in supporting the Allan Labor government's goal to ensure that a broad, diverse range of voices shaped this bill in a way which can respond effectively to all cases.

Family violence intervention orders will, through the legislative changes proposed in this bill, have a new final default length of two years. Currently the majority of FVIOs against adults are made for a period of 12 months or less, although they can be set for any duration. By setting this default length of two years, victim-survivors will be protected for longer and will face less risk of retraumatisation through repeat court appearances. This is in line with consultation with the community and key stakeholders, who have told our government that a longer period of protection is required to manage the risk and to address any mental health impacts or concerns. It also aligns our legislation with that of other jurisdictions in New South Wales, Western Australia and the Australian Capital Territory. The courts will maintain the ability to amend this duration for either a longer or shorter period of time at their discretion, in line with the Family Violence Protection Act 2008, and a maximum FVIO length of 12 months will remain applicable to those orders against a child. Finally, for the FVIO's implementation against an individual serving a custodial sentence for family violence, a default period will be set as the total effective sentence, in addition to 12 months post sentence where the said sentence is 12 months or more, inclusive of both parole and non-parole periods This legislative change is an important one. It will ensure that victim-survivors continue to have protection in place once an offender is released.

In consideration of the heightened risk period following custodial release, another important legislative change made through the implementation of this bill will be to respond to the risks of misidentification. When a victim-survivor is misidentified as the perpetrator, whether that be because of presentation and characteristics or the use of retaliatory force against the perpetrator, they do not get the protection or support they need from the processes and systems that they should, and marginalised demographics are more at risk of harm due to misidentification, especially Aboriginal and Torres Strait Islander

communities, particularly Aboriginal and Torres Strait Islander women, migrant and refugee women, women with disabilities and LGBTQIA+ people. The act in its current form does not explicitly recognise the risk of misidentification or ways in which to prevent it, despite the serious, long-lasting ramifications that this can have on victims. In the case of Aboriginal and Torres Strait Islander women and families, for example, it can contribute to excessive criminalisation, loss of housing and the removal of children from their families and increase distrust in police in their communities, making them less likely to seek help and putting them further at risk of harm from family violence. These consequences can be seen in many marginalised communities impacted by family violence, and more broadly, consultation with communities and stakeholders has told us that the potential of misidentification is not often considered until a case is taken to a contested hearing. This can take time to reach and puts victim-survivors at further risk of harm, and it can lead victim-survivors to consent to orders without admission to avoid court contact with perpetrators.

Legislative changes made through the implementation of this bill to address this will include requiring police and courts to actively consider the potential of misidentification when responding to family violence incidents, taking into account the nature of the incident, including the relationship history, the dynamics and the possibility of the action being taken for the purposes of self-defence or protection of another and whether the individual is at risk of being misidentified as a perpetrator by nature of their cohort or demographic. These changes are in line with the family violence multi-agency risk assessment and the management framework which informs and supports services responding to family violence.

This bill seeks to explicitly legislate that a child listed as a protected person under their parent's FVIO will maintain that protection after turning 18 for the duration of the order. The act does not currently clarify this, leading to inconsistent application of protection and creating uncertainty for vulnerable young people. Through these amendments young people will not need to return to the court and apply for their own order, maintaining their status as a protected person under the FVIO. This is another change that prevents the risk of retraumatisation for victim-survivors and increases their protection from family violence. This bill will effect this by setting the minimum age for a respondent of an FVIO to 12 years of age. As younger children are unlikely to understand the restrictions or obligations of FVIOs, their behaviour would be better managed through therapeutic approaches, and more critically, the consequences of violating FVIOs are a criminal matter, which would be contradictory to a case involving a child under 12 who cannot be held criminally responsible.

This bill also legislates provisions regarding children or people with cognitive impairment to allow the court to act with discretion if they believe the respondent is unable to understand and comply with an FVIO, and it will ensure that protections afforded by FVIOs are implemented as soon as possible through the streamlining of service provisions. Currently an FVIO is only enforceable once served on and explained to a respondent, including all relevant documentation under the act, and it is generally personally served by a member of Victoria Police. This bill seeks to ensure that the respondent cannot deliberately avoid service of an FVIO, by empowering the court to order alternative or substitute service when appropriate to do so, by providing a list of factors to be put into consideration to support courts in decision-making and police in service provisions, by changing terminology regarding personal service provisions from 'not possible' to 'not practicable' and by allowing for further scope for discretion of the court to make an order or substitute service without requiring a family member or police officer to submit an application to do so, ultimately speeding up the process for service provisions in cases where a respondent may be intentionally avoiding the matter.

Similarly, this bill will address the service of FVIOs to respondents in incarceration, allowing for documents to be left with the prison's governor if personal service through the police officer's visit arrangement has been unsuccessful in the first instance, with the failed personal service instance requiring having sought confirmation that the respondent was incarcerated at the facility and that the respondent was aware of the purpose for the arranged visit. In this substitutive arrangement, the governor is responsible for serving these documents to the respondent as soon as reasonably

practicable. In line with these provisions the bill sets out a framework in which prescribed classes of persons other than the police can serve an FVIO to a respondent with a reduced burden on the process involving affidavits, further ensuring that these documents are served and required proceedings are completed as swiftly as possible to protect victim-survivors. The bill also extends the timeframe for respondents to be served counselling orders from the current 10 days to 15 as recommended by key stakeholders.

This bill will increase compliance from respondents through a less onerous timeframe in which to engage with counselling intended to encourage responsibility for behaviour and improve outcomes. Importantly, this bill also addresses gaps in the coverage of the act to enforce FVIOs regardless of whether a family violence incident has occurred within or outside Victoria. This is critically pertinent to victim-survivors who have moved from Victoria after fleeing family violence and to those who live interstate in border towns where the closest court is within the Victorian border.

This bill will make legislative changes to further prevent the risk of retraumatisation in cross-examination. The act currently provides for Victoria Legal Aid to engage in cross-examination proceedings on behalf of self-represented respondents, but it does not state provisions for self-represented victim-survivors, leading to a potential of a victim-survivor engaging in cross-examination of the respondent directly. To ensure that this part of the act is in line with other protections to prevent direct contact between victim-survivor and respondent, this bill will require the court to provide legal representation for victim-survivors as well.

Another key issue this bill tackles is in the matter of stalking cases, allowing children and individuals with cognitive impairment acting as either complainant or witness to prerecord testimonies when deemed appropriate. The courts will also have the power to order alternative arrangements for witnesses providing evidence in stalking cases, such as remote arrangements or allowing a support person to attend with the witness. These legislative changes intend to reduce the risk of retraumatisation and not force victim-survivors to continuously repeat their stories and experiences.

This bill will centre victim-survivors in the legislation, ensuring that their protection is a priority, building on the last decade of reform in this area. It demonstrates successive Labor governments' commitment to ensure our justice system is more responsive, more victim-centred and better equipped to prevent violence before it can occur. These amendments will reflect evidence from lived experiences of victim-survivors and advice from frontline workers who recognise the gaps in our system every day. This bill enhances tools available to protect those at risk and to hold perpetrators accountable. In concluding my contribution, I would like to reiterate that this is a comprehensive bill aimed at tackling the critical issues of family violence and protecting those most in need.

Georgie PURCELL (Northern Victoria) (14:33): I rise to speak in favour of the Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025. This bill does several things to help combat family and gender-based violence in our state. It will recognise misidentification in making family violence intervention orders, ensure family violence intervention orders cannot be made against a child under 12 years and strengthen the offence of stalking. Importantly, and after a lot of advocacy, this bill also acknowledges the link between animal abuse and family violence. It recognises the abuse of animals as a specific family violence offence, and changes will be made to reunite survivors with their animals, ensuring that families can stay together.

For almost a decade the Animal Justice Party has been committed to bringing about changes that would help survivors and their pets, often one of their only sources of comfort, stay together. We made some great strides, including securing funding in budgets for pet-friendly crisis accommodation, but we knew that we still had a long way to go to ensure that there are no barriers for those who flee violent situations with their animals, and we knew that it required legislative reform. That is why protecting animals and acknowledging them as victims of family violence was one of the very first things that we set out to do when I was first elected. Some may recall that I moved a motion in this place for this

very change back in October 2023, and as a result the government committed to working with my office on implementing such important changes to our state's family violence protection laws.

Some of these changes are what we see in this bill before us today. While I am proud to have played a small part, it is important to note there has been a long history in getting the government to acknowledge this link and act on it. In 2021 the government supported a motion put forward by Animal Justice Party MP Andy Meddick. The 2016 final report of the Royal Commission into Family Violence included several accounts of linked family violence and animal abuse. Australian research into this link between people and their pets first emerged in 2014 from Dr Lydia Tong. Dr Tong's research showed us that around 70 per cent of women escaping violent homes also reported abuse of their pets. As the rates of animal ownership increase, so does the potential for abuse. In fact, according to the most recent pet census, more than 70 per cent of Australian households live with one or more animals, and for most of us, they are seen as more than just a pet. They are seen as our family. Perpetrators of domestic and family violence know this all too well, and they seek to weaponise it.

In a submission to the 2024 federal inquiry into family violence orders Women's Legal Services Australia stated that:

> Clients of Women's Legal Services frequently report intentional animal abuse as a form of sexual, domestic, and family violence, whereby abusers exploit the close emotional bond shared by them, their children, and their animals, to inflict significant harm upon our clients. Clients have disclosed various abuse, torture and death of their animals at the hands of their abusers.

One of these stories I shared in 2023:

> In my recent marriage, there was a history of domestic violence, and we had two dogs … who meant a lot to both me and my young daughter. However, my husband was cruel and neglectful towards the dogs. He seemed to view them as an extension of his ego rather than as beloved pets …
>
> As I planned to leave due to ongoing abuse, I had to come to terms with the possibility of leaving the dogs behind if I sought shelter or a rental for myself and my child. When my husband found out I left, he threatening to dump the dogs, claiming he couldn't handle them on his own. I tried to arrange temporary housing for the dogs while I looked for a pet-friendly rental, but he changed his stance and then denied me access to them. He used every negotiation as a tool to manipulate me into returning and instil fear and urgency in me.

I have heard stories like this far too many times, and from the moment that I first raised this issue in Parliament I have been contacted by people who have shared their own personal experience with family and domestic violence and how their defenceless companion animals were also abused and used against them in acts of coercive control.

Animal abuse is a major warning sign for further domestic violence. Research has shown clear links between animal cruelty and the increased likelihood of violence against humans. Although animal abuse was already listed as an example of family violence in the Family Violence Protection Act 2008, this bill will substantially expand it to better reflect the different ways the abuse of animals or the control of animals is used to abuse and control people. In New South Wales, where laws recognising the link passed years ago, 86 per cent of domestic and family violence and community workers said their clients expressed concern for their animals or disclosed that their animals had also experienced violence. Forty-eight per cent said their clients delayed leaving a perpetrator by more than a year due to the fear or threat of their animal being harmed. Early intervention is key in protecting people from family and domestic violence, but according to the RSPCA one in three women delay leaving violent situations due to concerns about leaving their pets behind. This is exactly why the changes in this bill are so critical. The inclusion of returning animals and any items required for their care as possible conditions of an intervention order will mean fewer people will be forced to make the painful decision between their personal safety and their beloved companion animal. By better protecting animals in our family violence laws, we are better protecting people too.

However, despite our deep connection with them, companion animals are still considered property under our law, with this law being no exception. An animal can only be returned to the protected

person if the court is satisfied it is their personal property. This continues to raise potential problems. Ownership of an animal is frequently incredibly complicated, and I am concerned that if ownership is even slightly unclear, a court will not include the condition in an intervention order. If the pet is registered in one partner's name and the other pays for vet bills and cares for it, who does it belong to? I have been engaging with the Attorney-General's office on these issues, and I hope to be able to address them further in the future. During committee of the whole I will also be seeking clarity on how ownership will be proven as well as what happens in cases where ownership is contested. The government have often responded to ownership concerns by directing people to the family courts, but the time required for that flies directly in the face of the actual goal of this bill. These situations are exactly why I would encourage all those who share a pet with their partner to keep good records proving their connection. Practitioners working across sectors who may interact with those affected by domestic and family violence should also be conscious of their evidentiary requirements.

Just briefly, the other major and welcome reform I would like to touch on in this bill relates to misidentification. The misidentification of the victim-survivor as the predominant aggressor is a far too common issue seen in family violence cases, with enormously harmful consequences for victim-survivors. Certain cohorts are at greater risk of being misidentified as perpetrators, in particular women, people of colour, those with a criminal background, Aboriginal and Torres Strait Islanders and LGBTQIA+ people. Although exact statistics are unknown, it is estimated that in as many as 30 per cent of family violence situations women are misidentified as the predominant aggressor.

This bill would require decision-makers to consider certain factors before making or issuing a family violence safety notice or an intervention order. As raised by community legal centres, the list of factors contributing to misidentification should be prescriptive rather than neutral, as it is currently drafted. This would greatly strengthen what the government is trying to do here and hopefully assist police in conducting more accurate, trauma-informed assessments. That being said, the bill's recognition of misidentification in family violence situations is important and it is welcome. Ultimately, legislative reform in this space can only go so far. Systemic and cultural changes are also required, particularly in the way that police are operating.

I want to recognise the stakeholders who have advocated for many of these changes but also supported those impacted by family violence and animal abuse: Lucy's Project, the Federation of Community Legal Centres, the Women's Legal Service Victoria, Pets of the Homeless, Safe Steps and many more. There have been a lot of bad justice laws going through this place recently, but this is a good one. I would like to recognise the government's cooperation with my office to bring about some of these changes and thank them for this bill, which truly does have the power to save lives. I will be proud to vote in its favour, and I commend it to the house.

David LIMBRICK (South-Eastern Metropolitan) (14:42): I also would like to say a few words on the Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025. I will start from the outset by saying that the Libertarian Party, although we have some concerns about the scope of the bill, will not be opposing this bill.

It has been my great privilege to get to know one of Australia's great advocates for stalking victims, Di McDonald, who I would like to acknowledge is in the gallery with us today. If you have seen the double episode of ABC television's *Australian Story* 'To catch a stalker' or read her book *From Roses to Terror*, you will know what a remarkable person she is. Di learned the hard way how hard it was to protect herself, to be taken seriously by police and to find support. She discovered that a lot of support from family violence services does not extend to stalking victims.

Even though one in seven adult Victorians have suffered from stalking, according to the Australian Bureau of Statistics, none of the $269 million allocated to support women's safety and combat family violence is targeted at the problem. This is why, with a little assistance from my office, Di felt it necessary to use her own resources to start Stalking Awareness Day Australia, which is on 24 May. She set up a website which uses all of her practical knowledge and provides all the resources and

contacts you might need if you are being stalked. This is a great resource, and yet she is living proof that stalking is a massive blind spot in services to support women's safety in particular.

This might explain why very little has been done to implement the recommendations of the Victorian Law Reform Commission that were handed down more than three years ago. It probably also explains why the legislation before us today is okay but it falls far short. In the meantime, there is a lot that can be done without requiring legislation. For example, we still hear that it is difficult for a victim of stalking to be taken seriously when they report to a police station. Police are supposed to have implemented a screening assessment for stalking and harassment tool, but there are no reports on the progress of this. I know Di would be more than happy to share her knowledge and experience with police and people in the family violence prevention sector to help address this terrible problem, and it would be great if we saw some real action on this before Stalking Awareness Day Australia on 24 May.

Today's legislation does address a few of the recommendations relating to stalking, and the Libertarian Party, as I stated, will not oppose them. But there are elements of concern that Di and others have raised, and I will raise these in the committee stage.

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (14:45): From the outset I just want to thank all members that have contributed to this important debate on the Justice Legislation Amendment (Family Violence, Stalking and Other Matters) Bill 2025. Family violence happens across all communities and all kinds of relationships. In 2023 alone, Victoria Police responded to 94,170 family violence incidents across our state. Nearly three-quarters of the victims that year were women and girls. Addressing family and gender-based violence is critical to community safety and freedom from harm and fear. That is why our government were steadfast in implementing all 227 recommendations of the Royal Commission into Family Violence, and we remain committed to ending family and sexual violence, recognising that there is more work to do.

This bill builds on previous reforms to better protect Victorians from family violence. We make it clear that victim-survivor safety is the paramount consideration and there is no place for family violence in this state. The bill introduces a default two-year term for family violence intervention orders against adult respondents. This reduces repeated court appearances and provides longer, more certain protection. Where a perpetrator is serving a custodial sentence, courts may extend the family violence intervention order to match the sentence with an additional 12 months after release. This recognises the heightened risk of family violence when perpetrators are released from custody. The bill also strengthens service of these orders, including for respondents in prison, ensuring protection starts sooner and preventing deliberate avoidance of service. As Minister for Corrections I have heard many stories of police attendance to serve these documents but the prison not accepting that service, meaning that these orders are not able to be applied, jeopardising safety. Changes in this bill ensure that children listed on parents' orders remain protected after turning 18, recognising that risk does not end once a young person becomes an adult. It introduces a minimum respondent age of 12, aligning with criminal responsibility and the personal safety intervention order scheme. Police and courts will also be required to consider misidentification risks, including age, race, sex, disability, sexual orientation and gender identity. Courts will also be able to make these orders where some or all offending occurred outside Victoria, protecting people who flee violence across borders.

We know family violence can involve many forms of coercive control. That is why this bill broadens the definition to include stalking, systems abuse and mistreatment of animals. It implements key recommendations of the Victorian Law Reform Commission *Stalking* report by clarifying the stalking offence and improving its practical application. Courts will be able to make interim personal safety intervention orders on their own motion in appropriate high-risk criminal or bail proceedings. Procedural protections that already apply in family violence and sexual offence cases will extend to stalking cases, including protections for children and people with cognitive impairment. The bill also clarifies alternative verdicts in sexual offence trials and strengthens jury directions on consent,

including for non-fatal strangulation and intimate image offences. Much of this reform reflects the advocacy of victim-survivors and families who have pushed for better responses to stalking.

I want to thank you all. There are too many to name in the short time I have. I want to thank the community legal sector, who work tirelessly to advocate for the most vulnerable people in our community also. To Celeste Manno's family, who I know have spoken about on this issue a lot, who people have mentioned in today's debate and who I understand are listening and with us: what happened to your daughter, sister and friend should never have occurred. To Aggie and her family: thank you. In getting to speak on this issue today, I spoke earlier today to our Treasurer, the former Attorney-General, who met with the family in the past. I spoke with many of my colleagues who were really affected by this incident – this criminal, heinous act. There are still many people in our community that are fearful for themselves and their family members. As a father of two daughters, these kinds of issues are never easy to confront, never easy to address, and our justice system is not perfect. But I know that everyone in their own little way is trying to make improvements, including for victims of stalking and coercive control.

Legislation is not the only tool, but it is an essential one. These reforms sit alongside a broader system of improvements and partnerships with people in this sector. This bill strengthens protections for women and children, improves accountability and continues Victoria's nation-leading family violence reforms. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (14:51)

David LIMBRICK: I only have a few questions for the minister, and if it suits the minister, I will just acquit them all on clause 1. First question: where a family violence intervention order (FVIO) or personal safety intervention order restricts an accused's associations with other family, friends, pets and animals, will those family, friends or pets be explicitly named on the order?

Enver ERDOGAN: I can confirm: yes, they will.

David LIMBRICK: I thank the minister for that very clear answer. The second question: regarding clause 19's definition of 'family violence' in proposed subsection (2)(f), is there a burden of proof required to satisfy that behaviour under this definition is or was committed for the purpose of controlling, dominating or coercing the family member?

Enver ERDOGAN: I might just seek some guidance from the box.

Yes, you do, on the balance of probabilities, as it is a civil matter.

David LIMBRICK: Who holds that burden of proof, then? Does it fall upon the alleged victim to present a case that the behaviour was to control, dominate or coerce, or will behaviour be prima facie taken that way and the accused will have to prove that it was not?

Enver ERDOGAN: The burden of proof will be on the applicant, but in most of these cases it will be the police that will be getting up to put the case, not the victim-survivors themselves.

David LIMBRICK: If that burden of proof is on the applicant, what sort of evidence would be required of the applicant to prove that this is a valid application? Or is the minister saying this would be something that would be provided by the police? I am not certain how that would work.

Enver ERDOGAN: From my experience, in many of these cases the applicant would inform police of what has occurred, so their testimony and evidence is significant, but all forms of evidence

would be admissible, especially if it goes to court. That includes text messages and any other evidence that may be applicable and any other matter that the police could rely on.

David LIMBRICK: I thank the minister for clarifying that. Neither the bill nor the act contains a definition of the term 'mistreatment'. Can the government provide any guidance on how this term should be interpreted by the justice system?

Enver ERDOGAN: In terms of 'mistreatment' and its application, I would say look at the ordinary meaning, but in the act more specifically there are some examples that allow it to be broadly interpreted – for example, withholding food. Some of those examples are in the legislation, but it is best to have a broad meaning. There would be an element of discretion for the decision-maker to see what they view as mistreatment in ordinary terms.

David LIMBRICK: I thank the minister for that clarification. Regarding part 2, division 3, subdivision 3, pertaining to a child or cognitively impaired respondent, will a respondent need to provide any evidence or proof which demonstrates that they lack the ability to comply with an order?

Enver ERDOGAN: Yes, they will need to show proof.

David LIMBRICK: In clause 67 the stalking offence has been expanded to include:

> causing or threatening to cause harm to any animal –
>
> while in the presence of B –

which is the victim –

> or any other person …

But no definition of 'harm' is provided, although the definition of 'mental harm' is preserved under section 21A(8) of the Crimes Act 1958. Would that definition of 'mental harm' under this section be intended to apply to harm or threats of harm made or committed against an animal?

Enver ERDOGAN: Yes.

David LIMBRICK: Is 'harm' intended to carry the same meaning throughout section 21A, or is it to be interpreted differently between humans and animals where the word occurs in their respective contexts?

Enver ERDOGAN: Harm is harm, and I think that is the way it should be interpreted.

David LIMBRICK: This relates to an answer given by the minister about the types of decisions that a decision-maker would need to weigh up when talking about mistreatment or harm to animals. When caring for an animal certain routine conduct can appear as harmful but actually be in the animal's best interests, such as certain dog training methods or administering medicine to a cat that is misbehaving. You can imagine there are many examples of this. Would an accused have any legal mechanism for defence against an accusation based on conduct such as this that may appear harmful to some people?

Enver ERDOGAN: Of course they would, because ultimately these decisions will be matters for courts to consider when they are contested, and courts will need to weigh up the circumstances. If the accused has evidence to counter the narrative of harm, then they would obviously have to bring that before a decision-maker, and the decision-maker would make that assessment based on their judgement.

Rachel PAYNE: Data from the Crime Statistics Agency shows that between July 2023 and June 2024, 2010 people alleged to have breached a family violence intervention order had previously been arrested for a breach. Even more alarmingly, of these alleged offenders 873 had breached a family violence intervention order within 30 days. When we compare that data from July 2017 to June 2018, in the last six years there has been a 64 per cent increase in people who are repeatedly breaching family

violence intervention orders. It is one thing to improve the operation of the laws in expanding their use, but these orders need to actually protect victim-survivors. Can the minister please tell us what the government is doing to address repeated breaches of family violence intervention orders?

Enver ERDOGAN: I know your passionate advocacy on these issues. The statistics you refer to are quite glaring and do show that there is a major issue with repeat offenders in this regard. From the outset as well, there is no form of family violence that is ever acceptable, and as a government that is why we are bringing in these changes. I know that the rate of repeat of family violence breaches is a concern also to the Attorney-General and the Minister for Prevention of Family Violence. It is a matter that they have closely considered. It is really important that victim-survivors continue to report and seek help from not just Victoria Police but also support services. They absolutely should not be having to rely on a system that acts when the respondent breaches the family violence intervention order.

Something that is currently in the works that I can share and that is part of the government's women's safety package, a package of 16 initiatives tackling family and gendered violence, is a landmark study looking at perpetrators, so understanding why people continue to repeat this behaviour. We need it to be evidence based, particularly for those repeat and high-harm perpetrators, to make sure that the interventions we have here in Victoria are contemporary, effective and accessible. What I am saying is that we are looking at the perpetrators, and there are studies being done into what is causing this pattern of behaviour and how we can address it.

Katherine COPSEY: Minister, I just want to discuss some of the issues around service of documents on respondents in prison, at clause 26. I want to understand: are there any anticipated risks to victim-survivors if a document is taken to have been served when it is left with the governor of the prison, and if so, how does the government intend these to be mitigated?

Enver ERDOGAN: I thank you for your question and your interest in our corrections system and the way it applies to the safety of people on the outside, in this case victim-survivors. The bill is about prioritising personal service, because we know that there was an issue of people avoiding being served these documents, and therefore they were inoperable in a practical sense. We had to overcome this issue of people not being there when police were there to serve these documents, not attending that appearance.

In terms of the risks to those outside, I think there is always a risk of people within a corrections setting contacting someone on the outside. We know these are real risks. At corrections we monitor phone calls and correspondence between prisoners and people on the outside. Therefore that is when these systems should be coming into play. As Minister for Corrections, I will say there is also a risk to corrections staff to a degree, because as part of running a modern corrections system we do try to build relationships between staff and prisoners. This does put a bit of pressure on that relationship, but we felt it was important to make sure that these documents are received by respondents so that they can take effect in an appropriate way. I think you are very right to point to this issue, but I would say, like in any of these circumstances, if there are people in prison with even the potential for them to hurt someone on the outside, it is important that the intelligence gathering and resources of the corrections system lay there. Obviously they do that not alone but together with Victoria Police.

Katherine COPSEY: Just staying on the same topic, should the court be required to consider a person's disability, neurodivergence, literacy or language barriers when a decision is being made on how documents will be served?

Enver ERDOGAN: This reform is about protecting victim-survivors, but I think you ask a really important question about the ability of people to understand and comprehend what is being ordered on them. I would say broadly the same, in terms of the bill, that the way it is drafted does consider that in terms of the types of vulnerabilities that are proposed expressly to be referenced, and the explanatory memorandum provides for any impairment or vulnerability, including literacy, language barriers and disability, including intellectual disability and cognitive impairment – and we do know that does affect

a lot of people in our correctional and justice systems – and neurodiversity. There needs to be sufficient proof to the court that there is clear guidance as to the intention and consideration, so it needs to be considered in that decision-making or in accepting if services are appropriate. These are challenging considerations, but I think the explanatory memorandum provides some guidance, and I think there is an element of discretion there to consider what is appropriate.

Katherine COPSEY: Will the affected person's views be a mandatory consideration before the court makes a substituted service order?

Enver ERDOGAN: The bill includes some of these considerations. A proposed new section 202C(2B)(g) provides that the court may have regard to views of the protected person or affected family member on the manner of service provided, the likelihood that the proposed manner of service will bring the document to the attention of the respondent and any risk to the protected person or affected family member. There is a risk that referring to any other person would include the respondent. The provisions appropriately prioritise consideration of victim safety for ensuring that respondents can be served via substituted service where appropriate.

Katherine COPSEY: Turning to another topic now, the court needs to specify periods for which orders are in force in respect of a child respondent. Can you define the use of 'default' in the legislation versus the use of 'minimum' in public statements about this bill?

Enver ERDOGAN: This new provision sets out default lengths of a family violence intervention order made against an adult respondent, subject to the discretion of the court. What it means is that the length of the family violence intervention order is not specified. The duration of the family violence intervention order is two years by default, so if the court does not decide to use its discretion to set a period of time, then the two-year default will apply. The court may still have the power to order a different period where it is appropriate to do so. The term 'default' is just to make sure we have a consistent approach with similar provisions in other jurisdictions such as New South Wales.

Katherine COPSEY: Can you also clarify that victim-survivor views are the key consideration when determining the duration of family violence intervention orders and that magistrates retain the ability to make an order under new section 96B(5).

Enver ERDOGAN: The bill does not change the considerations the court must have in regard to determining the length of a family violence intervention order, which include that the safety of the protected person is paramount and consideration of the protected person's views. The court may also make an order of indefinite length if appropriate to do so in all the circumstances. Therefore if there is a view, based on the risk, that a longer order is appropriate, the court will still have those powers.

Georgie PURCELL: Minister, I have some questions in relation to the animal-related provisions. The other animal-related provisions in the bill link contact with the animal to some kind of malicious motive to perpetrate family violence, but this on its own is just about proximity regardless of intent. How will respondents in a family violence matter who have been misidentified and who want to care for an animal be protected from falling victim to this provision?

Enver ERDOGAN: Thank you, Ms Purcell, for that really important question. I just want to clarify that these amendments are about allowing the court to make orders prohibiting access to an animal to prevent a respondent from using an animal to commit family violence. For the avoidance of any doubt, there is no occasion where the court would make an order prohibiting access if the animal is the property of the respondent. But I understand mostly that the question is about misidentification, and I would point to some of the amendments that are in the bill that have been inserted to require police and courts to consider misidentification before they issue family violence intervention orders or other notices or orders. I think the same kind of criteria they need to look at for misidentification, that should protect people in this situation as well. That is the goal.

Rachel PAYNE: Minister, just back on to language. Does the language of the 'respondent' and 'affected family member' terminology predetermine the outcome of the assessment of who, if anyone, needs protection?

Enver ERDOGAN: The terminology here was very much considered during the drafting of the bill. I know that this was something that was raised by the community legal centres during consultation, and the government acknowledges the intent of the suggestion to use 'parties' instead and 'respondent' at the family violence notice stage to avoid labelling a person as a perpetrator of family violence when misidentification might be involved. That is why we are introducing misidentification provisions. These provisions require police to consider factors before making a family violence notice, and that makes a person more likely to be misidentified. The terminology used is consistent with existing provisions in the Family Violence Protection Act 2008. Keeping the language consistent is important to ensure the effective operation of its provisions. The substance of the amendments will still require police to consider whether the parties have been misidentified, so I think that is the key to stop the misidentification in the first place. But we want to keep the language consistent.

Katherine COPSEY: Minister, just on a similar topic around choice of language, why did the government choose not to replace 'family violence' with 'actions' in the factors listed to ensure self-defence or self-protection is not misread as family violence?

Enver ERDOGAN: I know the Attorney-General's office closely considered this issue in the drafting of the bill before us. That is something that was also raised to them by the community legal centres during consultation. The terminology used is consistent with the existing provisions of the Family Violence Protection Act. Keeping the language consistent is important to ensure the effective operation of the provisions. The proposed amendment was considered, but it was not adopted as it would cause the provision to be less clear in purpose and operation.

Katherine COPSEY: On the language used to describe misidentification risk factors, why has the government chosen not to make these more specific – for example, by expressly listing groups that we know are disproportionately misidentified, including Aboriginal people, LGBTIQA+ people, CALD communities, people with disability or mental illness, temporary visa holders and children and young people?

Enver ERDOGAN: We acknowledge and accept that the listed cohorts are subject to an increased risk of misidentification as a perpetrator of family violence, and the explanatory memorandum gives practical recognition of this fact by explicitly stating that people from the Aboriginal or Torres Strait Islander community, CALD communities, people who identify as LGBTIQA+, women, children and people with disabilities are at an increased risk of being misidentified as a respondent. The bill uses broader language that captures the core characteristics that are sought to be protected and is in keeping with the attributes protected by the Equal Opportunity Act 2010.

Katherine COPSEY: In relation to periods for which orders remain in force in relation to child respondents, what is the intended application of the exceptional circumstances referred to in this matter? This is clause 30.

Enver ERDOGAN: The bill reflects the current language in the Family Violence Protection Act that provides an order made against a child cannot be for longer than 12 months unless there are exceptional circumstances. This reflects that different considerations apply to child respondents. What is an exceptional circumstance would depend on the circumstances of each individual case. I think, especially when we are talking about children, someone under 18, 'exceptional circumstances' is quite broad. We know it is interpreted in a number of legislative instruments from bail and other areas of our justice system, but I think the vulnerability of the young person would be a key consideration amongst others. I think that is up to the individual decision-maker to consider.

Katherine COPSEY: To come to changes around the minimum age, why has the government set the minimum age for family violence intervention respondents at 12 instead of at 14? What evidence supports setting this at 12?

Enver ERDOGAN: I think the goal here has been to make sure it is consistent with the minimum age of criminal responsibility, which is set at 12 in Victoria. So the government's policy is that minimum age should also in this instance be 12.

Katherine COPSEY: We have had this discussion a number of times on the Youth Justice Bill 2024, and we have had discussions about the importance of the principle of doli incapax and that presumption. So why, Minister, has the government decided not to include a specific reference to doli incapax in the factors for courts to consider in making an order against a 12- or 13-year-old, or should that be considered?

Enver ERDOGAN: That is right; I know your longstanding view on raising the age of criminal responsibility. But applying doli incapax, which is an important principle that applies to the criminal age of responsibility, to new sections 53AC and 60CB, is not necessary, as the proposed provisions already provide the court with sufficient scope to assess the capacity of the respondent to understand the family violence intervention order. Therefore, when you have such a young person that is vulnerable, the courts will still be able to assess their capacity. And that is what doli incapax is looking at, the capacity of someone to understand their actions and their cognitive ability to understand that, based on evidence, based on the professionals and experts. But family violence intervention orders are also civil in nature, so incorporating the principle of doli incapax when a court is considering whether to impose a family violence intervention order on a respondent risks conflating issues of criminal responsibility at a stage when criminal behaviour may not necessarily have occurred. So further responsibility to form a criminal intent, to understand whether their behaviour is seriously wrong in a moral sense, is not necessarily indicative of the respondent's practical ability to understand and comply with the conditions of a civil order – so also understanding that this is civil, so it is a balance of probabilities and it is a lower threshold.

Georgie PURCELL: Minister, I just have some questions about the conditions about personal property. What kind of evidence does an affected person need to show that an animal is personal property to allow the court to make an order under clause 21 of the bill?

Enver ERDOGAN: Determining whether an animal is the property of the affected family member will be a matter for the court, and the court may consider any evidence put before it by either party. Evidence may include microchip information, council registration, proof of purchase or evidence about care provided to the animal.

Georgie PURCELL: What will occur if it is unclear whether the animal is the sole personal property of the affected family member?

Enver ERDOGAN: The amendments in this bill make it clear that the court can make conditions relating to an animal that is the personal property of the affected family member. If there is evidence that the animal is the property of the respondent, the court may determine it is not appropriate to make any conditions on a family violence intervention order relating to the animal. Where animal ownership issues arise, the parties may seek resolution under the Family Law Act 1975 or seek transfer of ownership under other legislative instruments. I know what you are probably potentially seeking here, but introducing a specific condition in legislation enabling the transfer of ownership could potentially introduce significant complexity into the act in relation to broader property rights and may inadvertently risk victim-survivor safety and involve long and protracted ownership disputes because of the complexity around animal ownership.

Georgie PURCELL: Children cannot legally be the registered owner of an animal. If an animal belongs to a child who is a protected person or listed in an intervention order and the animal is registered in the name of the respondent, would the child be able to have the animal returned?

Enver ERDOGAN: This is a really important question, because you are right: many people initially buy pets for their children, and the children take ownership in the real sense. But the provisions in this bill only apply where the animal is the personal property of the protected person, and I guess for many children that is difficult to prove, and the court may consider it not appropriate to make an order with conditions relating to an animal in those circumstances.

Georgie PURCELL: Do orders under clause 21 include non-domestic animals, and if so, what would the evidence required to prove ownership for them be?

Enver ERDOGAN: The bill enables courts to make conditions in relation to any animal, recognising the different animals that people have and are used to perpetrate family violence, including commonly owned pets such as dogs and cats, assistance animals, licensed wildlife such as snakes, as well as livestock. The court could consider any relevant evidence to determine whether the animal was the personal property of the affected family member, including proof of purchase and evidence of care. I think in most cases people that love their pets have a lot of photos of them – their caring duties or time spent together – to provide if there is no evidence of registration.

Georgie PURCELL: Just a question on the meaning of family violence: when responding to incidents of family violence that include animal abuse, what action will be taken to protect the animal and address the abuse?

Enver ERDOGAN: Police can exercise powers under the Prevention of Cruelty to Animals Act 1986 (POCTA) in relation to animals, including in family violence situations. For example, if there has been alleged cruelty or violence against the animal, the RSPCA may also be notified and take appropriate action under the Prevention of Cruelty to Animals Act or the Domestic Animals Act 1994. The Prevention of Cruelty to Animals Act contains a range of measures to respond to possible animal abuse, including authorising RSPCA inspectors to investigate and prosecute allegations of animal cruelty.

Georgie PURCELL: I understand that response in theory and understand the powers that each authority has under our Prevention of Cruelty to Animals Act, but that is not how it plays out in reality. We find that there is a lot of buck-passing when it comes to animals in family violence cases; the police will not use their powers under the act, and the RSPCA often does not have the ability to intervene or considers it a safety risk. So is that the government confirming that police will not use their powers under the act, or is there going to be an encouragement from the government, given these new laws, to work proactively with authorities? Victoria Police and the RSPCA have an MOU to separate off a number of issues. Passing these laws is one thing, but we need the authorities to work collaboratively to ensure that animals begin to be protected in family violence situations. So my question is: is the government going to bridge this gap that is a really significant one right now that often leaves animals in unsafe homes?

Enver ERDOGAN: Really strong and relevant point, Ms Purcell, because many of the laws we introduce are obviously legislative, but the operationalising of the intent is what is clearly needed. I would say of any law reform, and in particular this law reform, police will need to update their training and operational materials to ensure that officers can effectively enforce the new laws. The changes in the bill recognise that harm and mistreatment of animals can be used to control, dominate or coerce a victim. The bill includes legislative examples such as withholding an animal's food, water, shelter or medication. I know that Victoria Police already recognise that death or serious injury to an animal can be used to coerce, dominate or control a victim, so it is likely that the police already receive training and that that will now be supplemented to support the changes in the bill. So this bill, I think, will complement their work.

Georgie PURCELL: So just to clarify, can we receive a guarantee from the government that they will make it clear to police that they have the power to act under POCTA to enforce these laws?

Enver ERDOGAN: I thought, Ms Purcell, I was quite clear. I think it is our expectation that that is what happens – that the intent of this legislation is implemented operationally.

Katherine COPSEY: Minister, just on the implementation and resourcing of this bill, there are a number of welcome changes. We, all of us in this chamber, want to see them rolled out appropriately and to those who need them. Will we expect to see a concurrent allocation of funding in the budget for the implementation of this?

Enver ERDOGAN: As one of the justice ministers, I always appreciate your advocacy for more resources into our justice system. What I will say, though, is that I think my answer will be similar to what I have said on similar bills that have been debated in this place: we will ensure that our system is appropriately funded to carry out the laws that are legislated in this place. As you have said, there will be a budget upon us in May, only three months away. So I will not be making any announcements before then, but it will be appropriately resourced.

Katherine COPSEY: I think I might receive a similar answer, but I will ask anyway: what additional funding will be provided to community legal centres and to other services, particularly those that assist young people who, on turning 18, may need to access independent legal advice about varying or revoking orders that apply?

Enver ERDOGAN: Similar to my answer to the previous question, we will appropriately resource the relevant agencies. I do not have any announcements to make about variations in our budget at this stage. But yes, they will be appropriately resourced.

Georgie PURCELL: Minister, I just want to briefly go back to the police question. I think you somewhat covered it off, but is there an intention to train police to identify the signs of animal abuse in order to address the amended meaning of 'family violence' in the bill?

Enver ERDOGAN: Just to clarify what I said and my intention, it is expected police will update their training and operational materials to ensure they can effectively enforce the new laws. I do not want to get into police operational matters in detail, but I think broadly it is expected that they apply the laws, so whenever there are legal changes, we know that police do look at their training and operational materials to ensure they reflect the laws as they stand at that time.

Rachel PAYNE: Minister, I mentioned this in my contribution making reference to State Coroner John Cain's report on the tragic murder of Jessica Geddes by her abusive partner and the recommendation that the Victorian government work with Victoria Police to develop a welfare-oriented response to people who beg rather than a criminal one. When I raised this in Parliament last year the Attorney-General advised that there had been some directives to the department to investigate. Are you able to provide an update on this investigation and if it has any interaction with the legislation?

Enver ERDOGAN: Ms Payne, I know your long-term advocacy on working to decriminalise begging in our state. On these matters I cannot confirm that there has been any legislative change, but I know that you have met with the Attorney-General to discuss this issue, and it is something that I am assured by the Attorney-General and her office they would be happy to provide further update on directly to you as reform progresses. So I do not have an update today, but I can try and seek that from the Attorney-General's office in due course.

Georgie PURCELL: Just one final question from me. How will a young person be notified that the FVIO is being extended or that the court is considering the nature of the order after they turn 18?

Enver ERDOGAN: If there is an application to extend or vary an order, a protected person who has turned 18 must be served with a copy of the application, which would notify them of these proceedings and give them the opportunity to be heard.

Clause agreed to; clauses 2 to 108 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) (15:32): 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) (15:33): I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

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

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

Second reading

Debate resumed on motion of Harriet Shing:

That the bill be now read a second time.

David DAVIS (Southern Metropolitan) (15:33): The Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025 is a bill that the opposition will not oppose, but the opposition has some serious reservations about this bill, and I will detail those thoughtfully over the next few minutes. The bill's main purposes are to introduce a trailing liabilities scheme relating to the rehabilitation of declared mine land, to clarify the operation of rehabilitation plans and declared mine rehabilitation plans, to provide additional mechanisms for the variation of rehabilitation plans and declared mine rehabilitation plans and to require notice of any change in control of corporate declared mine licences.

Effectively what the bill introduces is a call-back provision. This nominates a personal entity to whom the minister can give a remedial direction. A remedial direction is a direction to take certain actions or responsibility to rehabilitate or remediate a particular site. A remedial direction means a direction given by the minister, so effectively this enables a minister to direct a set of works to occur, works that may be on a historical site, may be on a site where mining has occurred previously and may relate to a site anywhere in the state. There are a number of matters that the government have said here. They have said this is fundamentally aimed at the brown coal sites in the Latrobe Valley. That is their intention, but that is not what the legislation says. This is an important point to make – that it actually could apply to any site in the state. It could apply to any situation where there has been mining that has occurred historically.

The bill amends the Mineral Resources (Sustainable Development) Act 1990, and this is designed to implement the government's public commitment, announced on 6 May 2022, to introduce such a trailing liabilities scheme in relation to the declared mines, which comprise the three Latrobe Valley coalmines – that is, ENGIE's Hazelwood mine, EnergyAustralia's Yallourn mine and AGL's Loy Yang mine. The provisions aim to ensure the mining industry remains responsible for the rehabilitation and closure of the coalmines as Victoria transitions away from coal-fired energy.

The bill is similar to provisions passed by the Commonwealth for decommissioning offshore infrastructure. But note that there is an important difference with Victoria's situation where the department and the ministers can monitor mines, take rehabilitation bonds up-front and otherwise

intervene earlier if it looks as if there is a need to guarantee a proper rehabilitation effort by a particular mine. The government has said:

> The trailing liabilities scheme is a measure of last resort to provide financial assurance to the State of Victoria where there is no feasible alternative to enforce existing rehabilitation obligations against the current or former declared mine licensee.

The trailing provisions do not change existing rehabilitation obligations. Those obligations remain. The government said:

> The scheme will enable the Minister to –

so-called –

> 'call back' a party, via a remedial direction, to carry out or pay the costs of rehabilitation and post-closure work where the Minister is satisfied it is appropriate to do so.

A person subject to a call back can only be called back if the minister is satisfied that it is reasonably appropriate to do so after considering whether they have or may receive significant financial benefit for work authorised under a declared mine licence and/or they have a degree of influence or have acted jointly with the mining licensee. This has the intention to capture people who may be involved – it is a joint and several liability kind of model, in that sense. The government claims this is modelled on the Commonwealth legislation and the decommissioning of facilities, for example, in the North West Shelf. It excludes employees and contractors.

The second part of the bill also amends the Mineral Resources (Sustainable Development) Act to provide an additional mechanism for rehabilitation plans and clarifies rehabilitation to declared mines. The bill claims to address longstanding inefficiencies in the minister's power for work authorisations. It seeks to provide for more clarity in how a code of compliance applies under the new duty-based regime introduced in the Mineral Resources (Sustainable Development) Amendment Act 2023. The department officials devised the recall power to address a so-called missing link in the powers required to ensure mine rehabilitation is effectively implemented. They have indicated a review will be conducted at 10 years, and there are some requirements around it. Before making a remedial direction, the minister is required to consult with a wide group of people, including persons subject to the call back to whom the minister proposes to give the remedial direction, the Premier, the Treasurer and a list of others. A number of entities are protected from the bill and cannot be subject to call back: the state of Victoria, a minister of the Crown, departments or administrative offices, bodies under the State Owned Enterprises Act 1992 and local government.

It is interesting here that the government is prepared to take a retrospective stick to the private sector but it is not prepared to apply the same requirements to itself. Let us be clear: these three coalmines all have a long history, going back deep into the last century, when they were all publicly owned. For a large period of their time they were owned by the state of Victoria. Ministers and departments and agencies were responsible entirely, 100 per cent, for what happened there. They have been onsold to private groups. However, given the wide gamut of this, it is curious that the government has sought to protect the public sector but is prepared to take a stick to private sector entities and individuals – and note it is individuals and entities. If in a retrospective look a public sector individual or a public sector agency was seen to have done the wrong thing, why should they be exempted? Why should they not contribute when in fact that might be the conclusion? So it is a very curious point that this double standard is applied here, where it does not matter what error or what evil was done by a public entity, they can never be held responsible according to this legislation, yet a private body can be retrospectively held to account. I understand what the government is trying to do here. I understand the objectives of the rehabilitation, I understand that there are entities and individuals who behave wrongly and dishonourably and I understand what the government is seeking to attend to here. However, it is always a concern where there is clear retrospective legislation of this type.

There is no doubt that the bill will inevitably add uncertainty and cost for new mines and established mines, and whilst the government says it intends this to apply only to the three coalmines, that is not what the legislation says. The legislation could apply to any mine or any former mine anywhere in the state of Victoria. That has had the effect of chilling a number of parts of the private sector. They have certainly spoken to me. I have met with a number. A key industry participant is critical of the government's amendments and is opposing the bill. Their concerns are (1) they are looking to redevelop their mine site and in doing so providing a benefit for the local community that has hosted their operations for generations. The pathway to achieving rehabilitation is already complex, and the framework makes it even harder to support new investment in the region. Concern (2) is that retrospectively applying a legal obligation that continues indefinitely is excessive – a last-resort measure that will introduce greater risks for accommodating new investment. This opens the door to a new kind of sovereign risk. Who would want to invest in Victoria, knowing that the government is ready, willing and able to change the rules after the fact? These are legitimate points that have been directly raised with me. Concern (3) is that they are working towards creating a positive legacy – that is, they just consulted on a declared mine rehabilitation plan, but it is inefficient and ill-conceived responses like this that erode the trust about what is needed to make a legacy last.

Cement, Concrete & Aggregates Australia expresses concerns with the bill. These concerns are that the bill should (1) provide practical definitions of reportable events – clause 7; and (2) provide a meaningful consultation process and clarity around the definition of a significant burden when varying work authorities – clauses 16 and 17 specifically. They oppose clause 56 on codes of compliance in that it should include proportional flexibility for lower risk sites, applying a risk-based approach rather than strictly mandatory actions. A number of groups made the point to me that Victoria's regulatory regime has got to remain internationally competitive to attract investment, support productivity growth and contribute to a number of the other key objectives that we all have for the economy and jobs.

The Association of Mining and Exploration Companies is critical of the government's amendments. Their concerns are – and I am going to step through these – about the trailing liabilities scheme in division 8; there is an unclear statute of limitations, and retrospective application could expose companies, directors or individuals to significant financial risks. There is ambiguity about who qualifies as a person subject to call back, and liability for former operators is unclear. They say in relation to declared mine definition and scope that the criteria for declaring a mine are broad and uncertain, creating potential future regulatory or financial exposure. This is my point. Whilst the government says it is only going to apply this to the three coalmines, that is actually not what the legislation allows; the legislation is much broader. For licence variations, removal of the consultation requirement reduces procedural protections and raises concerns about natural justice. Concern 4 is about recognition and settlement agreements: the bill introduces new terminology linked to the Traditional Owner Settlement Act 2010, but the meaning of recognition and its implications for operators is unclear. Concern 5 is about former holder liability: ambiguity exists over who qualifies as a former holder of a lower risk authority. The retrospective period, from 6 May, and any statute of limitations could create ongoing liability from past operators.

So we did consult widely. I thank the department and the minister for the briefing, which was held on 5 November. We did talk to the minerals council, the minerals sector and individuals. We consulted energy producers, small and large businesses and people from the Melbourne Mining Club, the Construction Material Processors Association and Cement, Concrete & Aggregates Australia. Many in the sector have expressed concern about the bill.

As I say, we will not oppose this – we understand why the government wants to introduce this – but we are very uneasy about the application of this bill. It is one of those situations where, even when the minister may give assurances about what is intended and what the minister may do, the minister may not be the minister forever, and a new minister at a future time may look at the plain words of the act and choose to proceed on the basis of those plain words rather than effective undertakings that are being given at this time. There are real questions about the call-back provisions and the trailing

liabilities scheme in relation to the declared mines in the Latrobe Valley. There are legitimate objectives in ensuring those mines are satisfactorily rehabilitated. The bill contains clearly retrospective provisions. There are concerns not just in the Latrobe Valley but from other miners, as I have said. We will certainly ask some questions briefly in committee. As I say, we have some genuine concerns about the bill and how a future minister may choose to apply the bill.

The purview of the bill, as I say, is very wide if it is read in a plain reading, so the concerns are there. Victoria has got to ensure that its energy sector, mineral sector and extractive industry sectors are competitive, that there is investment and that those sectors bring forward not just the minerals, energy and building materials that are required but contribute to the growth of the state. The uncertainty created by this sort of bill is increasingly worrying those who would invest in the state. I put those points on the public record. We will see what the minister has to say, particularly in his summing-up, and we will decide at that point whether we need a committee stage or not.

Sarah MANSFIELD (Western Victoria) (15:51): I rise to speak to the Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025. The Greens will be supporting this bill, which will introduce a trailing liabilities scheme for Victoria's three declared mines in the Latrobe Valley: ENGIE's Hazelwood mine, EnergyAustralia's Yallourn mine and AGL's Loy Yang mine. We absolutely believe that polluters must pay for the damage they are doing, to both our environment and climate. That is why the Greens secured the inquiry into cleaning up oil and gas infrastructure, and it is why we are calling for laws to make the big polluters pay.

Trailing liabilities create a fail-safe against fossil fuel giants shirking their obligations to rehabilitate mine sites by selling them off to some other company. We know private fossil fuel companies will do whatever they can to maximise profits and minimise cost, regardless of what it means for either the environment or the general public. That is why the Commonwealth government had to introduce their trailing liabilities scheme in the first place, because Woodside sold off an ageing, decrepit oil vessel, the *Northern Endeavour*, to a company that could not afford to decommission it. That is bad for the climate, it is bad for the immediate environment, and it was bad for taxpayers; we were left on the hook for hundreds of millions of dollars in clean-up costs.

The Greens support the government's plan for a trailing liabilities scheme for Victoria's three big coal mines, but we cannot let oil and gas companies off the hook. With Labor still approving new oil and gas projects, including a new gas import terminal in a state that is a net exporter, the scheme should at the very least cover all mining projects. That means oil and gas mines, gold mines, antimony mines and future mines for critical minerals. These sorts of mines are proliferating across Victoria, particularly across regional Victoria in electorates like mine. The lack of robust trailing liabilities schemes is amongst the many concerns local communities have about projects like the Donald project in Minyip in the northern part of Western Victoria. I have spoken in this place about the serious concerns that communities have around this particular mine. There is also the gold mine expansion that is happening with the Fosterville Gold Mine near Bendigo.

While there are obviously significant concerns from these communities about the environmental and health impacts during the operation of these mines, there is deep scepticism that they will be held accountable when it comes time for cleaning up their mess. That is why the Greens commonsense amendments expand the scheme to cover all mining projects in Victoria. This includes offshore projects, which we believe should be consistent with the federal scheme. I ask if the clerks could kindly circulate my amendments now. The amendments we are proposing would fill a loophole stakeholders already explained at the Greens-initiated inquiry into offshore oil and gas decommissioning. We know trailing liabilities schemes are only one component of ensuring companies properly rehabilitate their mines. The Greens are also going to have questions during committee stage relating to the ministerial discretion when it comes to the declaration of mines and the quality of the earth resources regulator as well as the strength of the EPA's general environmental duty.

I thank Tracey Anton and the Friends of Latrobe Water for advocating on the actual integrity of mine rehabilitation. When we talk about mine rehabilitation, what many people may not appreciate is that for many mines, especially the designated mines in the Latrobe Valley, it means filling them up with water. That is what mine rehabilitation actually looks like. That water can currently come from groundwater or river water, and the broader environmental impact of this cannot be understated. For anyone who has not seen those mine pits in the Latrobe Valley, it is worth going and taking a look. They are simply enormous. The volumes of water required to fill them are absolutely mind boggling. If this water comes from the Latrobe River or groundwater – and those systems are connected, as groundwater is connected to our river systems – the downstream flows to systems like the Gippsland Lakes and all the ecosystems that depend on those waterways all the way downstream will be existentially threatened. This is not to mention the impact of toxins that are very likely to leach out of the mine pits themselves into our groundwater systems, because with these big pits, the stuff that sits at the bottom of them is absolutely toxic. When it mixes with water and leaches into the groundwater systems, it then ends up in our waterways.

Further, there is current consideration of the creation of data centres in this region. Now, I know that is not immediately relevant to this bill, but when you think about the amount of water that they are going to need for their operations, I think we are going to have a serious problem when it comes to water security in an area that historically has probably been one of the areas in Victoria that has had less stress on some of its waterways. I mean, they are all stressed, but compared to some other parts of Victoria that have been in quite protracted droughts – we have got massive threats to our water security, even in the slightly wetter parts of our state, because of projects like this, because of these mine sites and because of things like data centres. I think what it raises is this idea that we have to start holding industries accountable. Water – our river water and our groundwater – is not just an infinite resource that we can just buy and sell. It is finite in its availability, and it is more than just a resource; it is a life source for all living creatures, including us.

We know that as populations are growing, and as Victoria's population grows, we are going to have to find other sources of water to meet our needs. The current sources we have will not meet our everyday needs just for our everyday consumption, and that is before you add in industry needs. Industries should not be using potable water, river water or groundwater to meet their additional needs above what people and our environment need. If they need water to support their businesses, whether it is to fill a mine pit or whether it is to cool a data centre, they should be responsible for investing in the infrastructure to produce it from other sources, like recycled water. As we move into a hotter, drier future, we are going to need water from diverse sources, and we cannot continue to decimate our river systems to meet this need. The most extractive industries should have to contribute to the cost of these alternative sources, and they should be the ones that have to rely on that, not just assume by-right access to our rivers and our groundwater.

Looking forward, the Greens are also devastated to hear that Labor intends to abolish the independent Mine Land Rehabilitation Authority and transfer those functions to the Department of Energy, Environment and Climate Action. The point of the authority when it was set up in Morwell in 2020 was to be an independent authority working with government, industry and the community. Losing that independence, those staff members and those relationships could be devastating for the Latrobe community and environment. We call on the government to make that transition with care, compassion and a long-term view that ensures the valley does not lose that crucial capacity.

I will speak a bit later in further detail about our amendments, but as I mentioned before, the main purpose of our amendments is to expand the application to all mines across Victoria. We believe this is the responsible thing to do. We think this bill is overall a very positive step forward, but it is the very least that we should be doing in this space. We should be going much further to protect our environment and to protect the local communities that are going to have to live with the consequences of these mining projects for many decades to come.

Jacinta ERMACORA (Western Victoria) (16:00): I am very pleased to speak on this bill. For generations coalmining has played a significant role in powering Victoria and supporting regional communities. Communities have grown around these industries, and workers and their families have contributed enormously to the prosperity of our state. That contribution must be recognised and respected. But when mining comes to an end, that obligation does not end with it. Rehabilitation and reinstatement are essential. It is essential to ensure that land is made safe and stable, that water systems are protected and that environmental damage is minimised.

The Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025 is a bill that provides contemporary environmental rehabilitation requirements in relation to the decommissioning of coalmines. Coalmine closures in Victoria are currently the result of decisions made by privately owned companies responding to market forces, ageing infrastructure and the global energy transition. Any government's responsibility is to manage that transition in an orderly, fair and responsible way, one that protects workers, communities and the environment. The private sector understands the reality of climate change. Governments – federal, state, here and around the world – understand it too. Climate change must be managed, and denial does nothing to protect jobs, communities or regional economies.

In my brief contribution I just want to sum up by saying that this bill amends the Mineral Resources (Sustainable Development) Act 1990 to create a trailing liabilities scheme, specifying whom the minister can call back to rehabilitate or fund rehabilitation if a declared mine licensee cannot meet the rehabilitation obligation. There are a number of parties that can be called to take responsibility for that, and they are specified in the bill. In conclusion, I just want to say that this is a very logical amendment to the bill and a very useful tool to make sure particularly that communities surrounding coalmines are able to experience a more beautiful environment or perhaps even a partial return to the environment that was there before the coalmine existed. I commend the bill to the house.

Renee HEATH (Eastern Victoria) (16:03): I also rise to speak on the Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025. This bill reaches directly into my electorate of Eastern Victoria Region, and it rewrites the rules after the fact for three major sites in the Latrobe Valley: Hazelwood, Yallourn and Loy Yang. These places, with history, labour and sacrifice behind them, were the backbone of a thriving Latrobe Valley. They powered Victoria, they put food on the table for thousands and thousands of families, they powered this state for generations and their employment provided thousands of families with security and a future. In fact it was cheap energy in Victoria that made Victoria the place to be, to come, to get ahead, to start a business, to buy a farm, to invest, to break the cycle of poverty and to have hope for a future. In some way, shape or form every single one of us in Victoria owes a debt of gratitude for that. Respecting that contribution means ensuring these sites are properly rehabilitated. Proper rehabilitation of mines is a legitimate objective. The community expects that these sites will be made safe and restored. It is also reasonable to expect that this will occur without a huge burden on the Victorian taxpayer.

My concern is not the goal, it is the mechanism this Labor government is proposing. This bill introduces a trailing liabilities scheme with call-back powers, meaning liability can follow parties long after they have exited the project. These powers apply retrospectively to May 2022 and extend beyond current operators. Further, they allow the minister to issue directions not only to former owners but to parties the minister deems related as well. This is an absolutely extraordinary step. Retrospective obligations always demand a very strong justification, especially when their targets are broad and undefined.

This government says the powers are intended only for the three Latrobe Valley coalmines – and Mr Davis mentioned this before – yet the drafting allows them to reach much further than that. It extends into broader extractive industries. At the same time, the government claims it does not intend to use these powers more widely. This, to me, is an incredible contradiction. If the powers are not intended to be used, surely their inclusion in this bill is completely redundant. If they are necessary, the government should be honest about how and when they intend to use these powers. Legislating

permanent broad powers while promising not to exercise them is either extremely reckless or deliberately deceptive.

There are also serious risks in retrospective revenue raising. The bill relies on whether a party is deemed to have profited or benefited. That is very vague, and it is a very subjective test. It opens the door to financial liability long after activities and contracts have ended. It allows governments to reach back in time and impose new costs under the banner of rehabilitation. We have seen this logic before. Renters and business owners near the Suburban Rail Loop were left to pay the government's new windfall tax simply for living close enough to the SRL. The concern is that similar reasoning could be applied here, not just to companies but potentially across communities and industries.

There is also a glaring imbalance in this bill. The call-back powers do not apply to the state of Victoria, regardless of the fact that the three sites that we are talking about used to belong to the state of Victoria. They do not apply to ministers. They do not apply to government departments, state-owned enterprises or local councils. Parliament and the public sector are excluded from the very powers this Labor government is desperate to impose on others. I think that is hypocritical.

The people of the Latrobe Valley understand what that means. They have seen how contracts and taxes for their mines and power stations have been changed overnight. They have seen their energy industry completely dismantled. They have seen thousands of livelihoods destroyed through the closure of Victoria's world-leading renewable native timber industry. They have lived through the continual heavy-handedness and the decisions imposed from here in Melbourne with a cold disregard for, and just no ability to understand what it is like to live in, regional communities. These are the lessons learned the hard way.

The Latrobe Valley is trying to rebuild. Our communities are desperate for redevelopment. They are desperate for new industries. The Latrobe Valley wants a future beyond the coal industry and what was stripped away under the Labor government. This situation is already difficult. Adding further uncertainty makes it even harder. Investors will think twice if obligations can be extended indefinitely, even after compliance. This debate speaks to stewardship in the fullest sense: care for land, care for communities and care in the exercise of power. Caring for the environment does not require punishing the same communities again and again. For 10 years – a decade – Latrobe Valley residents have borne the cost of ideologically driven decisions made far from their homes. Rehabilitation must be done properly, but it must also be done fairly, with clear limits, with transparency and with respect for people who carried this state for many generations. For these reasons, the coalition's position is an on-balance one. We recognise the importance of rehabilitation; we absolutely do. We do not seek to undermine it. But this bill does not deserve unequivocal support. It demands scrutiny, restraint and accountability before such extraordinary powers are normalised.

Sheena WATT (Northern Metropolitan) (16:11): Thank you very much for the opportunity to rise and make a contribution on the Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025. This legislation seeks to create a trailing liabilities scheme for declared mines in Victoria, meaning that mine operators that have been running declared mines have the financial responsibility to rehabilitate them. We know that declared mines are some of the most complex and risky to rehabilitate, and they present a truly significant challenge, one that our government takes extraordinarily seriously, particularly when it comes to ensuring that declared mines will be rehabilitated in full and without risk to the Victorian taxpayer. You see, this legislation will further ensure mining is done in a way that protects the environment and cultural and social values and is in line with the expectations of traditional owners.

It is worth saying that this increased level of safety is vitally important, because this government understands that Victoria's critical minerals are one of the keys to our state's renewable energy future. Wind turbines, solar panels and batteries simply cannot be built without them. The communities that supply us with these critical raw materials and will in fact power our state's future deserve protection, safety and new economic opportunities. This bill will, importantly, provide all of those things,

implementing a trailing liabilities scheme that will specify whom the minister can call back to rehabilitate or to fund rehabilitation if a declared mine licensee cannot meet their obligations for rehabilitation. This means the minister will now have the power to make sure that mining operators are held responsible for the rehabilitation of their own declared mines. It will protect Victorian taxpayers from having to foot the bill to rehabilitate these declared mines, and most importantly it will ensure that retired mines are not only safe but are made into assets for the local community.

Non-rehabilitated declared mines represent a genuine risk to local communities – communities that in some cases were built around these mines. They are inherently risky landscapes due to their physical and chemical characteristics, and their interactions with both the natural environment and humans do present those risks. It is imperative that at the end of their lives they must be rehabilitated to be made safe by those that derive the greatest financial benefit from the mining projects themselves, and that is why, importantly, this is before us and we are here getting this legislation right.

But it would be remiss of me to talk about mining without recognising the importance of critical resource mining to our state and letting you all know that this government knows very, very clearly that critical mineral mining is key to building renewable energy projects across the state – projects like the SEC's renewable energy park in Horsham that will utilise more than 200,000 solar panels and will power more than 50,000 homes. There are projects like the renewable energy hub in Plumpton in Melbourne's north-west, which I have had the good fortune of visiting. It is one of the biggest batteries in the world. It will soak up abundant renewable energy during the day, and it will use it to power over 200,000 homes at night when demand is high. There are also projects like the Delburn wind farm, which will sit next to the Hazelwood power station and will ensure that the Latrobe Valley remains the beating heart of the SEC and Victoria's energy generation. None of these renewable energy projects are possible without mining and resources. This bill will make sure Victoria's critical minerals can continue to be a key component of our state's renewable energy future and that the SEC will have adequate steel for wind turbines, copper for solar panels and cobalt for batteries, which will slash household energy bills and cut our state's emissions.

There is so much that we could reflect on, but I just want to tell a little story about Spain. It is a little far from here, I know, but it is worth saying that in Spain there is a Lake Meirama in the province of A Coruña. Now, what I have learned about this place is that it is a former open-cast lignite mine, which has been transformed into a huge man-made lake and protected natural area. This former mine is now home to an abundance of flora and fauna and hundreds of thousands of trees. It is now designated as a carbon dioxide sink and 862 animal and plant species have been identified as calling that former mine home. Maybe, just maybe, we can have some stories like that here, and you know what, they are underway. Part of the Fosterville Gold Mine, which is still operational, has been returned to a box-ironbark forest, and part of the Splitters Creek evaporation facility has been restored to its original wetlands landform, providing a home for native species. The rehabilitation of the Davis Pit near Stawell is well underway, with the site being backfilled and seeded. These are some of the examples just here in our own backyard, but rehabilitation prevents some critical risks to the safety of local communities. That is why doing rehabilitation matters, and if you do it right, it can have enormous environmental benefits.

I am very pleased to have read this bill and provided some commentary on it today. I hope that with the bill we can see some more tacit social benefits that this legislation will provide and opportunities for the beautiful Latrobe Valley, as it continues to be part of our renewable energy future in that most beloved SEC. With that, I commend the bill to the chamber.

Melina BATH (Eastern Victoria) (16:17): I am pleased to rise to make a short contribution on the Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025. It was introduced, I think, last October and it is making its way through the house. As my lead speaker Mr Davis said when he spoke for the Liberals and Nationals, we will not be opposing this bill, but we do want to make some very valid points around some of the concerns that we have in relation to the trailing liabilities scheme, the call-back persons and the fact that this bill is certainly retrospective but

only insofar as the private companies are concerned, not of course going all the way back into government, where –

The ACTING PRESIDENT (Michael Galea): We are going to suspend the sitting.

Sitting suspended 4:18 pm until 4:38 pm.

Melina BATH: I rise again to speak on the Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025, and I want to continue some comments on this very important region of our state, very important to the history of our state, a very important economic powerhouse, literally, of our state, and indeed then on the present and looking to the future. The other day we had a condolence motion on the tragedy in Bondi, and I mentioned a very important figure in Australia's history, very much so in Victoria: Sir John Monash. At the end of the First World War, when our community was re-engaging in what could be seen as normal life, the opportunity, the need for power and for unified electricity, was the perfect spot, perfect placement, for Sir John Monash to come and use all of his engineering and technical skills, so it was formed back around the 1920s. I am not going to go through chapter and verse of all of the decades, but what I will say is that I have a very proud connection to the mines and indeed the SEC and that my grandfather was a regional engineer in the SEC and put power on right throughout the state in the 1950s and 60s. He travelled around the state. His primary love of course was Gippsland and the hills in Gippsland.

The mines have had an evolving history. As our state grew and our needs for power grew, so too did the depth of the mines and the extent of the mines, to the point where they are some of the deepest in the world. I take the point that we could look around the world at other regions, whether it be Germany in Europe or other places, for rehabilitation options and plans, but we are quite a unique space in that our mines are very deep. Of course, part of that rehabilitation plan must be feeding back in and making them, as Hazelwood was when Hazelwood was decommissioned and then removed, 'safe, stable and sustainable' – the slogan is a very real one. That is an important slogan, in effect, or mantra, but it is also very important to implement.

When you look at those three mines, the Hazelwood mine, the Yallourn mine and the Loy Yang mine with their respective companies that have had in the past and now still have jurisdiction over them as the private companies that own them, they have some serious work to do. I know they take that very seriously indeed. When Hazelwood was rapidly closed in 2017, and then subsequently there was deconstruction of the actual power station, as opposed to the mine, great care was taken when the power station was decommissioned and deconstructed to the nth degree. I know I had some of ENGIE's personnel and highly regarded decommissioning staff in my office explaining, degree by degree, the level of scrutiny and safety of unpacking a very old power station with asbestos throughout and making sure that that part of it was done safely, both for those in the decommissioning process and of course for the town's people, a very important aspect. It went down, and the stacks went down, as planned, in April a few years later, but also then there is the decommissioning of that whole environment and area so that it can be rehabilitated. This is the issue that we are looking at today in terms of this bill, and also the depth of the Hazelwood mine.

As people have said, when it first happened there were many ideas about what to do with the mine. One of them I know was a *Jurassic Park*–like landscape and regrowing trees down there, and it sounded like a wonderful idea in concept. But of course, a mine void has to be depressurised consistently in order to remain stable. Once you have stopped doing the mining per se, then the companies, and indeed the state as the important oversight mechanism, have to ensure that the mine is stable. And one of the best ways to do that – unfortunately for people who wanted to have a *Jurassic Park* or parkland and activities down in the mine, that is not going to fly in the long term, because you have got to be able to provide pressure. Contention still reigns about a half pit lake or a full pit lake – these are all things that have to be worked through, not only for Hazelwood but for EnergyAustralia's Yallourn mine, which is coming up – it has had a river divergence through it – and then into the long term, the Loy Yang mine. These are all very important issues that must be addressed. I reject the

overtones of the Greens saying that the companies want to get away with as much as they can in terms of absconding from the correct thing to do in the rehabilitation.

From my experience dealing with ENGIE and Hazelwood – and I have no affiliation with them whatsoever – they took that role very seriously, and I have seen no evidence to say that EnergyAustralia or Loy Yang A would not do the same but would be serious and sincere in what happens. Also, in relation to some of the commentary around being safe, sustainable and stable, water is a very precious resource, and I agree entirely on that. Of course there were mining licences to do with Hazelwood and the other associated factories, and when that has turned, what to do and how to fill that lake mine pit is a very important issue. There are environmental water and downstream water and wetlands that need to be facilitated and supported into healthy states – that is absolute. There is also the Latrobe River and there are irrigators that need to be supported and have their share, we will say, to grow our food and fibre in Gippsland, one of the most productive food bowls of the country. There is also then what to do with the water. I am not going to pretend to be an expert, but all of these competing requirements, competing tensions, need to be balanced.

I note that after the mine fire and then the mine fire inquiry we had the Mine Land Rehabilitation Authority established at some stage. I have great respect, certainly, for the scientists and the commissioner that were set up there and the subsequent members there. In the Silver review, I might say, the government has now deemed that it is going to be phagocyted and absorbed back into the Department of Energy, Environment and Climate Action. Whether that is a good idea or not is to be determined. But certainly that oversight was independent. It was an authority, so it was an independent voice, with scientists. They had, I hope, a level of – without fear or favour – discussion, interrogation and recommendation and commentary back to government. That might have been a reason why they were reabsorbed back in and disassembled. That is happening as we speak, I believe. But there are important issues that the mine rehabilitation authority dealt with, and these issues still exist and will exist into the future. As I say, all companies need to deliver a climate resilient, environmentally safe and fully costed and water feasible rehabilitation plan. That is in legislation, and that is not going anywhere.

For me, I am very passionate about the Latrobe Valley – indeed, my office is there, and I spend a lot of time there. I cherish the people that have made that region, and I cherish the people that live there now, that want direction from government. One entity that the government did instigate – it came and blossomed and produced a wonderful report at the end of it that had lots of recommendations, but they were not recommendations, they were lots of aspirations with no detail – was the Latrobe Valley Authority. I will not go any further than to say it came and went, and I am not actually sure of the net benefit overall, other than the initial transition packages, or what it did. Go and look up the brochure – lots of aspiration but nothing on the ground that I could see. This region certainly deserves our nurturing and care and respect and not any mudslinging on it.

Then of course we had the SEC. I do not think the Liberals or the Nationals – I will speak for myself – would mind if the SEC came and went, because it was not well received back in 2022. It was not universally loved – we would not see Martin Cameron there as a starter point. The Labor candidate was a very nice person, but it certainly did not resonate with the people of that electorate. However, one of the things that is certainly important to note with this trailing liabilities legislation – and I know Mr Davis has prosecuted this quite well – is that it is retrospective only to the private companies. Some would say that is great. Others would say, 'Why are you stopping at government?' because of course, as I have just said, government started this back in the day – decades, a hundred years ago – and then, for the record, Joan Kirner began the privatisation and Jeff Kennett finished it off. So let us not try and manipulate the truth; I like just speaking the facts. What we want to see is that there is a fair system. It defines the persons who may receive a call back and remedial directions from the minister. The minister has quite a lot of power within this bill, and I note that the Liberals and Nationals are quite concerned with some of the aspects.

I will leave my contribution there, but I will say finally that I do not believe I have seen any evidence where mining companies to date are not complying in the Latrobe Valley and are not complying with their requirements under the Mineral Resources (Sustainable Development) Act 1990. I have not seen anything other than the utmost care and consideration about what to do with the mines and the planning that needs to happen there. I guess my one call on government would be that, as this government is rolling out these bills and putting additional requirements or additional sticks into the future, let this government not be tardy in the way it plans and brings about rehabilitation. Let this government not be the dragging-of-the-chain entity that stops the development, the redevelopment and the rehabilitation. Make sure this government is doing the right thing by the environment, by water, by sustainability and by the people of Latrobe Valley and the wider Victorian population.

Tom McINTOSH (Eastern Victoria) (16:52): I stand to support the Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025. It was interesting to listen to the contribution from the Nationals, who of course privatised so much of our energy and mining resources and who have had nationally – I will not talk about Victoria of course – very questionable actions in the space. But anyway, we will leave that there.

This bill will amend the Mineral Resources (Sustainable Development) Act 1990, introduce a trailing liabilities regime for declared mine licensees and make various other technical amendments to the regulatory framework governing mines and quarries in Victoria. Obviously we know that minerals and resources are incredibly important to our state and our nation, so it is important that we are able to access them and use them to better our quality of life and better our economic position. However, that must always be done while balancing the needs of the state and good, sustainable management of the land and outcomes for local communities.

It is good to see this bill in this place and the fact that a trailing liabilities regime will be in place. It will be a measure of last resort, but it is there so the minister has the ability to direct the rehabilitation and the costs that apply to it. I am going to keep my contribution short, but I just want to put on the record my support for it and my support for ensuring that we have adequate legislation in place for what is a critically important sector in our state and one that we have got to make sure strikes the right balance for this generation and for others to come.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (16:54): I thank all members for their contributions this afternoon on the Mineral Resources (Sustainable Development) Amendment (Financial Assurance) Bill 2025. The three Latrobe Valley coalmines at Hazelwood, Yallourn and Loy Yang are all preparing for rehabilitation over the next decade. Hazelwood was decommissioned in March 2017. ENGIE is now progressing through an environment effects statement process for rehab of that mine. The Yallourn power station is scheduled to close in 2028. EnergyAustralia has recently consulted publicly on a draft declared mine rehabilitation plan for Yallourn, and AGL has announced a committed closure date of 30 June 2035 for Loy Yang A. The significant risks associated with the stability and safety of the Latrobe Valley coalmines to the community, the environment and infrastructure led to them being classified as declared mines under the Mineral Resources (Sustainable Development) Act 1990 in September 2010. It is these same risks and the scale of the rehabilitation requirements, so much greater than for a typical mine, that have led the government to seek to establish the trailing liabilities scheme to ensure that those companies who have profited so greatly from these mines also pay the cost of their rehabilitation, not the taxpayer. I think that goes to some of the contributions from members of the opposition around why this only applies to these three mines. That is the key driver here.

The bill provides for the act to be amended to create a trailing liabilities scheme, specifying whom the minister can call back to rehabilitate or fund rehabilitation if a declared mine licensee cannot meet their rehabilitation obligation. The parties that can be called back include former declared mine licence holders who held the licence on or after 6 May 2022; a related body corporate of the current declared mining licence holder or former licensees who held the licence on or after 6 May 2022; and a related

person, as determined by the minister, considering whether that person benefited significantly financially, influenced rehabilitation compliance or acted jointly with the declared mine licensee. The bill includes procedural fairness requirements and information-gathering powers as part of the process for the minister to determine who is a related person, and further, the bill specifically excludes employees and contractors from being able to be determined by the minister to be a person subject to call back, to address public concerns that they could be captured.

The bill introduces a notification requirement for declared mine licensees to report changes in ownership control to the department head. The bill makes clarifying minor technical and consequential amendments to the act and the Mineral Resources (Sustainable Development) Amendment Act 2023, including amendments relating to rehab plans and declared mine rehab plans, the minister's power to vary mineral licences and extraction industry work authorities, and the code of compliance under the new duty-based regime to be introduced by the 2023 amendment act. This is a measure of last resort and fills in a gap in the protections for Victorians when it comes to ensuring that the corporations who have benefited from these mines pay the costs of rehabilitating them, rather than the taxpayer. Trailing liabilities reforms do not add new rehabilitation requirements but help ensure existing ones are delivered.

Mr Davis, you raised a couple of issues in your contribution, and I would like to thank you for that, but I am also just going to respond to a few of those issues, which might be helpful to you. First and foremost, I just want to point out that you are incorrect on a critical matter. The bill applies a trailing liabilities scheme only to a declared mine or quarry. The minister cannot declare just any mine or quarry to be a declared mine or quarry; they must meet those strict requirements around geological or water risks that pose a significant risk to public safety, the environment or infrastructure. There are only three declared mines, and there are no declared quarries. In relation to your concerns regarding the retrospectivity of this bill, this is because the government's intent was announced on 6 May 2022, and it was announced that it would apply to the three declared mines in the Latrobe Valley, thereby providing a really lengthy lead time for these companies to prepare for such a provision. In relation to ambiguity on who may be called back, as noted in the minister's second-reading speech in the other place, it is intended to be rare for an individual to be captured by the bill, and employees and contractors are specifically excluded. The reality is that specific ownership and management arrangements of mining operations can vary greatly. However, the intention clearly remains that this bill will capture parties who have a sufficiently significant relationship with the declared mine licensee through financial benefit, degree of influence or joint action for it to be reasonable for them to contribute to the rehabilitation. In relation to amendments within this bill that clarify how the new duties model will work, they clarify the operation of codes of compliance under the new duty regime so that some elements in the codes can be mandatory and other elements can be optional but if complied with amount to compliance with the duty.

The government does not support the amendments from Dr Mansfield and the Greens in relation to expanding a trailing liabilities scheme to all mines, not just declared mines. The scheme is designed to be a measure of last resort targeted at the highest risk sites, where licensee default would result in significant costs being borne by Victorian taxpayers. The scheme is not appropriate or applicable for the majority of mine licensees, where the rehabilitation requirements are much less complex and onerous. To treat every single mine in the same risk category as a declared mine would represent an unacceptable burden on resources projects in Victoria which carry significantly less risk to the state.

This bill also has a retroactive effect. For the past three years there has been a clear and loud signal that it would cover only the three declared mines in the Latrobe Valley. This has allowed three organisations many years to prepare for the eventuality that such a scheme would come into effect. To retroactively apply this complex legal burden on every current and future operating mine in the state of Victoria would significantly undermine the resources industry just as we are on the cusp of securing hundreds of billions of dollars in critical minerals and rare earths vital for the renewable energy, technology and energy transition. The three declared mines in the Latrobe Valley are simply the

largest, most significant rehabilitation risks to the taxpayer and therefore, unlike other operations, require additional tools to secure their rehabilitation in line with their declared mine rehabilitation plans.

Finally, a solution to this problem already exists. If a mine did present a greater rehabilitation risk, the minister could declare it and it would immediately be subject to the scheme and the other enhanced rehabilitation requirements for declared mines. It is a requirement that every mine must be properly rehabilitated, and the costs of this rehabilitation must be borne by the mine operators. The three declared mines in the Latrobe Valley are different only in the size, scope and cost of this requirement.

This bill adds a crucial tool for the Victorian government to ensure that these mines are rehabilitated in accordance with their rehabilitation plans and at the cost not of the Victorian taxpayer but of those who have profited from them for many, many years. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (17:05)

David DAVIS: I just want to put on record my thanks to the minister for the summing-up contribution, which was helpful. It had, I might say, the effect of confirming to me that the government intends that the scheme apply only to the three declared mines. I had accepted that already and had made the point in the second-reading discussion, but my reading of the legislation was – and the minister, I think, confirmed this in her contribution – that if the minister or perhaps a future minister felt at a future point that a mine met the criteria and needed to be a declared mine, they could make such a declaration about other mines that met reasonable criteria at a future point.

Ingrid STITT: I think in my summing-up I did indicate that there would be a number of prerequisites required in order for a minister to take such a step, and it would need to be of a reasonable nature, having regard to those predetermined requirements.

David DAVIS: I again thank the minister for confirming that there would be thresholds but nonetheless this could occur. I am not going to labour this point, but I simply want to make the point on the record that we see this as a really very negative signal to the whole sector. And it is not just us making that up – they say that, the aggregates groups, the mining groups. Widely people have said to us that they are concerned with this additional power. They understand about the three coalmines; they do not like that. I understand why the government might want to do that. As I said, I understand the desire to ensure that rehabilitation occurs. But I also just want to put on record that we are very concerned about the signal that this sends and we think that it needs to be more tightly scoped – not something easy to do from opposition, but in government we would look to make sure that in this section there is some greater transparency in some way about the thresholds and the requirements. I will just leave it with that and note our serious concerns.

The other point is that the government has exempted itself – ministers, government agencies and so forth – from any responsibility. And yet ministers, for example, might well have significant oversight and impact on a site. Isn't it a little bit hypocritical to, as it were, go after the private sector with a big stick but not hold ministers or government agencies responsible where they may have not carried through with matters that they should have?

Ingrid STITT: The bill explicitly excludes the state of Victoria, including ministers and state departments, from being a person who can be subject to a call back, and that is to ensure that the mining industry remains responsible for the rehabilitation and closure of the coalmines as Victoria transitions away from coal-fired energy. That is a very deliberate aspect of the bill. We do not want taxpayers on the hook for the rehabilitation costs of private operations.

David DAVIS: I understand the intent, but I also do understand that a minister or an agency may make errors, may contribute to a difficulty rehabilitating or may actually worsen a rehabilitation situation, yet such individuals would escape free under this regime. Again, I am not going to labour the point. I am just making the point that there are two standards being applied here.

Ingrid STITT: I would just reiterate the fact that rehabilitation plans are required of the operator, which they must adhere to.

Sarah MANSFIELD: I have a number of questions that, if the minister is okay with it, I will just ask all at clause 1. That makes it easier. In 2020 the Auditor-General released a damning audit of what was then called the Department of Jobs, Precincts and Regions and the Earth Resources Regulator. Systemic regulatory failures encompassed using outdated cost estimates; not periodically reviewing bonds for their sufficiency, including a four-year bond review moratorium for which there is no documentary evidence that it was duly authorised; failure to assure that site rehabilitation had actually occurred before returning bonds; and approving inadequately specified rehabilitation plans with a lack of enforcement activities. The Victorian Auditor-General's Office (VAGO) found that these failures exposed the state to significant financial risk because some sites have been poorly rehabilitated or not treated at all. In response the Earth Resources Regulator acknowledged that it had not effectively discharged its responsibilities and was working to rectify identified issues. Following the recommendations of the 2014 and 2016 inquiries into the Hazelwood mine fire, the Earth Resources Regulator began improving its regulatory performance. However, its early reforms were very broad, and it was not until mid-2018 that the ERR started specifically addressing rehabilitation issues. What assurances can the minister provide to Parliament that the government's regulator is fit for purpose and will fulfil the government's expectations and directions as outlined in this bill?

Ingrid STITT: I will seek a bit of advice from the box, Dr Mansfield, in relation to the regulator, as I believe it is not strictly within the scope of the amendments that are before us today. But what I would also indicate is that there are enforcement and compliance elements of the bill which include an offence for failure by a call-back person to comply with remedial direction, and there are penalties for a corporation failing to comply with a remedial direction. But just let me get a little bit of advice from the box.

I am instructed that we are not seeking to change any of the regulatory architecture with this bill. Your question is a little outside the scope of the bill before us, but what I am advised is that the department is acting on the recommendations that are contained in and the findings of the VAGO report.

Sarah MANSFIELD: With respect to new section 84AZZN, which outlines a range of exceptions, state-owned enterprises are listed as exemptions. What assurances can the government provide that the regulator is resourced to ensure members of the government do not hold a political or financial interest in declared mines?

Ingrid STITT: Again, that is not strictly within the scope, but there are obligations on ministers and senior department officials to declare any potential or actual conflicts of interest. There are codes of conduct in place for both ministerial office holders and senior public servants, so there are already mechanisms in place to avoid any such conflict.

Sarah MANSFIELD: With regard to new section 84AZZO, it provides for the minister to determine whether a person is subject to a call back. However, subsection 2 requires that the minister make several considerations when making that determination, for example, whether a person received significant financial benefit. How would the government investigate and consider financial manipulation of declared mines that did not provide an obvious immediate financial benefit, for example, where a mine might be run at a loss, especially for tax purposes?

Ingrid STITT: The regulator would manage that investigation in accordance with the act, and the discretionary power is really necessary to ensure that there is flexibility to consider which persons are appropriate to be issued a remedial direction. There are large-scale companies, as you know, in this

sector, who adopt a wide range of corporate structures and joint ventures. That is why that discretionary power exists. The regulator would need to manage an investigation, and the purpose of the bill is to allow us to investigate exactly that issue that you are describing.

Sarah MANSFIELD: There are also exceptions listed under subsection 3, which I have indicated. How would the government ensure, say, consultancies engaged by mine licensees do not use these exceptions by including them as disclaimers to get out of requirements for appropriate testing and modelling?

Ingrid STITT: Could you just repeat that scenario for me, Dr Mansfield?

Sarah MANSFIELD: With the exceptions listed under subsection 3 of 84AZZO, how would the government ensure consultancies engaged by mine licensees do not use disclaimers to get out of requirements for appropriate testing and modelling?

Ingrid STITT: It could be tried, but the trailing liability comes back to the licensee.

Sarah MANSFIELD: Just moving on to the new section 84AZZQ, which sets out when a remedial direction can be given, in subsection 1, which is page 10 of the bill, it provides that the minister can make a direction if the minister is satisfied that the minister is not likely to be able to recover rehabilitation costs from the declared mine licensee. Can you explain, generally, how these calculations will be made?

Ingrid STITT: That is quite a detailed scenario or hypothetical there. Just give me one moment.

There is a bond calculation process that happens that is assessing the rehabilitation plan, and that is how that risk is managed and accounted for in the bond scheme.

Sarah MANSFIELD: So with regard to future declared mines, how does the government expect these calculations might need to evolve if and when there are reduced rehabilitation bonds and financial assurance funds?

Ingrid STITT: Do you mean for any of the three existing declared mines now, or do you mean in the future?

Sarah MANSFIELD: In the future.

Ingrid STITT: Right. As I am instructed, they are always changing to reflect the current liability.

Sarah MANSFIELD: Earlier I asked about the potential for financial manipulation for potential financial benefit that was not necessarily obvious. How would the government investigate and consider who profited and when if a remedial direction is necessary?

Ingrid STITT: Through the regulator's investigation powers.

Sarah MANSFIELD: On page 13 proposed new subsection 84AZZQ(2) provides that in deciding whether to give a remedial direction the minister must take into account any prescribed matter, must follow any prescribed process and may take into account any other matter that the minister reasonably considers appropriate. How does the government define the legal term 'reasonably' here, and how does the bill ensure it cannot be manipulated by the licensee or future ministers in ways that make the intended scheme less effective?

Ingrid STITT: It is the common legal meaning of the word 'reasonable'.

Sarah MANSFIELD: I guess it will be one of those ones where we leave it up to courts, potentially, to interpret. New section 84AZZR sets out requirements for the minister to undertake consultation before making a remedial direction. Now, we know that consultations can be open to all kinds of hypothetical manipulation. People with a vested interest can manipulate the timeframes, certain groups can be excluded, there can be assurances behind closed doors which the public may

have no insight into or have any way of investigating. So what kinds of guardrails does this bill have to ensure that consultations are done in good faith with all relevant stakeholders, including core community and environmental groups and within reasonable timeframes?

Ingrid STITT: There are procedural fairness requirements for an individual who might be subject to a call back.

Sarah MANSFIELD: I will take that; I will accept that response. But the core of the question was really around ensuring that consultations are genuine, and many communities I think have experienced consultations that were held over Christmas, for example, for a three-week period, with poor notification, which often very much serves the interests of the corporation or private entity that has an interest in things being found in their favour. But we will leave it at that.

With respect to remedial directions, on page 15 of the bill, proposed subsection (1) sets out options for a person subject to a remedial direction. This includes requirements 'to take out public liability insurance in respect of the rehabilitation of the declared mine land' or 'to make a genuine effort to obtain any approval, permit or licence (however described)', and then it goes on. Shouldn't mine operators already be required to hold public liability insurance?

Ingrid STITT: Their general duties include the need to rehabilitate throughout the life of the mine and beyond, and they are required to have public liability insurance.

If you do not mind, can I just go back and clarify my answer to your previous question, which is that this bill does not deal with consulting widely in the community. It is about informing the persons being called back that they are being called back, because the whole intent of this bill is to hold those corporations and individuals to account so that the taxpayers are not footing the bill for rehabilitation of declared mines.

Sarah MANSFIELD: How will the government ensure insurance companies agree to public liability insurance required, potentially after the fact, when a remedial direction is necessary?

Ingrid STITT: That is outside the scope of this bill.

Sarah MANSFIELD: I would just like to say I think it is within the scope. I referred before to the subsection that includes the requirement to take out public liability insurance in respect to the rehabilitation of the declared mine land. So if for whatever reason they did not have adequate public liability insurance and had to then seek it after remedial direction was given, how do we know that will be able to be obtained by the mine licensee?

Ingrid STITT: I am advised that is something that could be dealt with in the remedial directions.

Sarah MANSFIELD: How does the government currently ensure a company holds appropriate funds for all parts of a mine's life cycle, including future funds for rehabilitation?

Ingrid STITT: I think we touched on this a little earlier in relation to the rehabilitation bond process. The three declared mines of the Latrobe Valley certainly are subject to that process, and that is how we ensure that there are sufficient funds held.

Sarah MANSFIELD: With respect to variations for remedial directions, subsection (2) outlines requirements for the minister to consult certain groups before varying or revoking the remedial direction. Subsection (3) provides that subsection (2) does not apply if the minister considers that the proposed variation or revocation is of a minor or technical nature. How will the government ensure variations and revocations will give proper weight to local communities and the environment above things like the financial interests of the mining company?

Ingrid STITT: Today we are dealing with setting up the trailing liabilities scheme. There are already mechanisms within the existing legislative framework to deal with the scenario that you have just outlined.

Sarah MANSFIELD: The new section 84AZZZA provides for the abrogation of the privilege against self-incrimination in relation to compliance with new section 84AZZV. Doesn't this potentially create a significant loophole for companies who might seek to exploit the legal notion of 'reasonably practicable' during mining operations?

Ingrid STITT: The way in which I would answer that is that this is all about ensuring that there cannot be any artifice in getting around the requirement for declared mines to be liable for the rehabilitation costs that this bill sets up the trailing liability for.

Sarah MANSFIELD: With respect to ministerial variation in clause 16, which amends section 77M of the principal act, there are a whole range of variations that can be made. For example:

> …the Minister may, by instrument served on the holder of the extractive industry work authority –
>
> (a) vary an extractive industry work authority …
>
> (b) vary, suspend or revoke a condition of an extractive industry work authority or add a new condition; or
>
> (c) vary, suspend or revoke a condition of a specified class of extractive industry work authority or add a new condition to a specified class of extractive industry work authority.

A vacuum of regulatory oversight in Victoria currently means that disused quarries are used for dumping dodgy clean fill. What does this new ministerial power do to address that regulatory gap?

Ingrid STITT: The bill before us today, Dr Mansfield, is about setting up the trailing liabilities scheme for the three declared mines. It is not intended that quarries are subject to those provisions.

Sarah MANSFIELD: Clause 18, subclause (7) sets out that, for the purposes of new section 84AZWA:

> ***minor variation***, in relation to a declared mine rehabilitation plan, means a variation to any part of that declared mine rehabilitation plan that –
>
> (a) does not significantly increase the risk that work set out in the declared mine rehabilitation plan poses –
>
> (i) to the environment; or
>
> (ii) to any member of the public; or
>
> (iii) to land, property or infrastructure in the vicinity of that work …

These questions are in relation to that particular section. We know that because of especially poor actors and regulation, rehabilitation for certain mines is either not possible or safe. You know that we have seen, for example, the explosion of arsenic around farmlands at Woodvale Evaporative Ponds. So how does this bill foster genuine mine regulation so it never gets to a point where a rehabilitation plan carries risks to the environment and/or the community so intense that it cannot be done properly or safely?

Ingrid STITT: This is the whole purpose of not just the amendments before the house today but the legislative framework contained in this act. It is all about setting up rehabilitation plans, holding operators to those plans and setting up a bond system for them so that there are sufficient funds to enable the rehabilitation plan to be adhered to.

Sarah MANSFIELD: I certainly appreciate that that is the intention and welcome that aspect of the bill. I think there is just some understandable concern in the community about the ability of our regulators to ensure that that intent is actually properly fulfilled. Which brings me to my last few questions. Moving on to clause 37, which is related to foreseeable risks, there is a new subsection 12BA(2), which provides that:

> Without limiting subsection (1), the duty to eliminate or minimise risk does not apply to a called-back person taking an action required by a remedial direction.

So it recognises that a person issued a remedial direction by the minister under the new trailing liabilities scheme is responsible for meeting rehabilitation obligations in accordance with the remedial direction rather than general obligations of mine licensees. Where are the assurances that the ERR and the EPA are actually capable of assessing foreseeable environmental risks throughout mining operations?

Ingrid STITT: Can I clarify your question? Do you mean for existing mines, or do you mean for future projects that may be subject to approvals through various regulatory mechanisms?

Sarah MANSFIELD: I am talking about the mines that this bill relates to, so the declared mines. At the moment basically there is a new clause that is related to foreseeable risks for those mines. What assurances can you provide that the ERR and the EPA are able to and are capable of assessing those foreseeable environmental risks through the declared mining operations?

Ingrid STITT: I am advised that the regulator has quite significant powers to be able to enforce the legislation and, importantly, to hold operators strictly to delivering what the rehabilitation plan sets out.

Sarah MANSFIELD: I think, again, while this is very welcome legislation, there is some understandable concern in the community about the way they have seen regulation work in this space. How will things like foreseeable environmental or health risks be determined? Will it be, as often happens in these cases, that the owner or licensee hires a consultant who does a desktop analysis and provides a written report about future risks, and then that goes to the EPA or ERR and they tick a few boxes to say, 'Yes, this has been submitted,' or is there going to be a more fulsome independent analysis of foreseeable risks to the environment and human health?

Ingrid STITT: The rehabilitation plans involve quite extensive work, including ground analysis and expert advice from within the public service. The rehab plans are required to be updated as necessary. I think it is fair to say that the whole basis of the trailing liabilities scheme and the way that we have approached it is very squarely around the 'polluter pays' principle. Frankly, it is the job of the regulator to ensure that the work that they do holds these operators to account in relation to all of the issues that you have raised but in particular, for the amendments that are before us today, the necessary financial capacity and the necessary plans to rehabilitate the mine throughout its life and beyond.

Sarah MANSFIELD: Hopefully that is what we will see with these mines as part of this new scheme. Some final questions: clause 56 amends section 14 of the Mineral Resources (Sustainable Development) Amendment Act 2023 (MRSDA) to introduce a new part 1A into the principal act, and it introduces a new duty to eliminate or minimise risk of harm for duty holders under the act. A duty is an excellent and overdue reform, but broadly, what assurance can the government provide that these new duties and standards are fit for purpose and relevant for genuine rehabilitation?

Ingrid STITT: I mean, the general duty is a well-known principle in a number of different legislative arrangements, as I know you are aware, Dr Mansfield. I do not know if I can be prescriptive in answering that question, because it is really about the whole system operating in a way to hold operators to account for their general duties to keep the environment safe and clean and keep the community safe. It is a way of ensuring that those things are delivered upon in a flexible and dynamic environment.

Sarah MANSFIELD: I think one of the concerns about this general duty is that we have heard stories of miners already openly contravening what they can do, even just in the exploratory phase. So how will the ERR ensure that they uphold this new duty throughout all aspects of a mine's life cycle?

Ingrid STITT: In the first instance I would say that members of the community that might be raising these concerns with you should report any operator who they believe is not complying with their requirements, and it is the job of the regulator to investigate those matters. They have compliance and enforcement powers – quite significant powers – and they can also levy penalties on any operator found to be in breach of their obligations.

If I could just add to that answer, there are higher penalties under this general duty provision in the act.

The DEPUTY PRESIDENT: If there are no further questions, I invite Dr Mansfield to move her amendment 1, which tests all her remaining amendments.

Sarah MANSFIELD: I move:

1. Clause 1, lines 7 to 8, omit "declared mine land" and insert "land covered by mining licences".

I will speak to all the amendments in a block here. Our amendments, as I mentioned in my second-reading contribution, essentially expand some of the changes that are made in this bill to all mines, not just the three declared mines in the Latrobe Valley. Our amendments would extend the new call-back powers to all mines basically by replacing all references in the bill from 'declared mine licences' and 'declared mine land' to 'mine licences' and 'mine land'. Specifically, the trailing liabilities scheme set out in the bill is designed to link new liabilities to persons with a licence relating to declared mine land, with those liabilities relating to obligations under a rehabilitation plan. So with these amendments, liabilities could be extended to all mining licences within the meaning of the MRSDA, as an existing scheme for licences and rehabilitation plans is already in place. I think this is quite a natural extension. It fits well within existing schemes.

Our amendment also creates a new part 7D of the MRSDA. This scheme is being inserted into the existing part 7C and, as I said, that only relates currently to the rehabilitation of declared mine land. Our amendments also require definitions to be included for that new part, so that explains our amendment 9.

Finally, there are amendments that change new divisions 9 and 10 which are being inserted into part 7C of the MRSDA, but after the trailing liabilities scheme to new standalone parts 7E and 7F. They are really all just consequential amendments to make that broader change around extending the trailing liabilities scheme to cover all mines, not just the three declared mines.

Ingrid STITT: As I indicated in my summing-up, the government will not be accepting Dr Mansfield's amendments. The scheme is designed to be a measure of last resort targeted at the highest-risk sites, where licensee default would result in significant costs being borne by the Victorian taxpayer. The scheme is not appropriate or applicable for the majority of mine licensees, where the rehabilitation requirements are much less complex and onerous. To treat every single mine in the same risk category as a declared mine would represent an unacceptable burden on resources projects in Victoria, which carry significantly less risk to the state.

The bill also has a retroactive effect. For the past three years there has been a very clear and loud signal that we would cover only the three declared mines in the Latrobe Valley. To retroactively apply this complex set of arrangements on every current and future operating mine in the state of Victoria would be a significant burden for the resources industry, and it is at a time where we want to have confidence in the sector. We are on the cusp of critical minerals and rare earth, which are vital for renewable energy technology and the energy transition. This is really, again, just about the three declared mines in the Latrobe Valley. They are simply the largest, most significant rehabilitation risks to the taxpayer, and therefore, unlike other operations, require those additional tools that the bill sets out to secure their rehabilitation in line with their declared mine rehabilitation plans.

Council divided on amendment:

Ayes (6): Katherine Copsey, Anasina Gray-Barberio, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell

Noes (31): 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, Gayle Tierney, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

Amendment negatived.

Clause agreed to; clauses 2 to 59 agreed to.

Reported to house without amendment.

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (18:00): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs, Minister for Prevention of Family Violence) (18:00): I move:

That the bill be now read a third time.

David DAVIS (Southern Metropolitan) (18:00): I just want to reiterate our concerns about the misuse of these powers in the bill. I am not pointing directly at the minister on this, certainly not this one. But our concerns are that those powers can be broadened and used across a wide variety of mines in the state and that that is a significant –

Ingrid Stitt: On a point of order, Deputy President, Mr Davis had every opportunity to ask me questions in committee and make a contribution in the second-reading debate.

The DEPUTY PRESIDENT: Mr Davis is entitled to make a statement on the third reading.

David DAVIS: I have made my points, Deputy President.

Motion agreed to.

Read third time.

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

Business of the house

Orders of the day

Lee TARLAMIS (South-Eastern Metropolitan) (18:01): I move:

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

Motion agreed to.

Motions

Budget papers 2025–26

Debate resumed on motion of Jaclyn Symes:

That the budget papers 2025–26 be taken into consideration.

Renee HEATH (Eastern Victoria) (18:02): What an amazing opportunity to speak on the Allan Labor government's most recent budget, especially 260 days after it was delivered. Now, thanks to subsequent Public Accounts and Estimates Committee hearings, the work of the Auditor-General and

numerous departmental annual reports, we know how inaccurate, unreliable, unrealistic or dishonest this budget was. This goes to show that hindsight really is 20/20. There are so many areas of failure that it is going to be hard to fit it all into one speech, but I am going to give that my best shot.

I would like to start off with the overall state of the economy in Victoria under the Allan Labor government. Under this government, Victoria has become a poor state with the highest taxes, highest net debt, least competitive business and investment conditions, the highest property taxes and the worst credit rating. Victoria's unemployment rate has been above the national average for almost two years now. You would never know that, hearing the government, because their narrative seems to be so far removed from the facts and from truth it is staggering.

Victoria's net debt grew by more than $17.6 billion between June 2024 and June 2025, a rate of more than $48 million a day – more than $2 million per hour. And that projected amount in this budget is now $194 billion – $194 billion of debt. It can be hard for people to understand just how much debt that really is. But to put it into perspective, it is around $27,000 per person in this state: per man, per woman and per child. Every baby that is born into this state essentially inherits the amount of $27,000 worth of debt. $194 billion of debt is so large that even if Bill Gates were to liquidate every single asset he has and donate it to Victoria, we would still be in debt. Just let that sink in. It is unbelievable. Victoria's gross debt to GSP ratio has reached 30 per cent higher than every other state in Australia. This is amazing. So just get a load of this: debt continues to grow faster than both the economy and revenue. That is staggering. We have gone from having the best credit rating in the country – stable AAA – to the worst credit rating in the country. Because of that, our interest bill has gone up. It used to be $2.2 billion; now it is on track to be $10.6 billion, a near quintupling of the interest burden for Victorian families. It is unbelievable.

This is all because the Labor government is incompetent and cannot manage money. Interest expense is increasing faster than revenue and is expected to reach 9 per cent, or $10.6 billion, of total operating expenditure by 2028–29. This means 9 cents out of every single dollar of revenue will be spent servicing Victoria's debt over the coming years, and if I get time later on I am going to talk about why we care about that and what that means. The debt is so large that the interest bill is $1 million per hour; that is $1 million that is not going to be spent on a school, on a hospital, on a road, on police officers, on keeping our area safe or on ensuring kids can read. No, it is going to service the interest on the debt. Victoria's net debt grew by more than $17.6 billion. It is just unbelievable.

We all know that Victoria is really struggling. We have seen this in the ambulance wait times. We have seen this in the health crisis. We have seen this in the crime crisis. Victorians need better services and facilities than they are receiving from this Labor government. Further, there is no reason we should believe that this level of debt is accurate. As we know, Labor has overspent their budget by an average of $14 billion per year since 2015, demonstrating a complete inability to deliver on its own numbers.

Then we have got the consistent and ongoing mismanagement of major projects, with more than $50 billion of blowouts on major projects alone. When I look at that amount, $50 billion, I keep thinking of the Treasurer, who is here tonight and who keeps saying that because we are going to axe the emergency services levy, because it is the most egregious tax that disproportionately affects our farmers and our volunteers, 'Well, that's your $11 billion black hole.' I just find that staggering, because we did not create this mess and we did not create this tax, but when they look at their own track record there is more than $50 billion of blowouts on major projects alone – almost five times the amount of that so-called $11 billion black hole. Do you know what the consequence of this overspending and mismanagement is? To paraphrase a famous quote, the problem with the Allan Labor government is that when they run out of money, they come after yours.

In this budget we have had the 60th new or increased tax since Labor was elected in 2014. Now, like I said before, this is about the last budget, which was 260 days ago, and do not forget that since then they have added another four. So this is redundant because they have just continued to pile on the tax and pile on the tax. Regardless, I am going to stick to this budget. The emergency services and

volunteer levy – now, wasn't that absolutely a scandal? This tax penalises the very people we rely on when our state is facing bushfires and other emergencies. It is amazing and ironic, the timing of this. This tax is disproportionately affecting the men and women that are literally out there fighting fires as we are here in this chamber. Isn't that unbelievable? Literally, they are out there right now fighting fires in the state of Victoria, and we are talking about a tax that disproportionately, and I think unfairly and immorally, impacts them. While Labor tries to spin the facts, the truth is that even with a new tax funding has been cut to the CFA – facts.

In my region of Eastern Victoria this government continues to let my community down. The West Gippsland Hospital – nothing, despite Labor promising it before the last election. Spoiler alert: we have got an election coming up this year. I am sure they will make the same promise, and I actually do not think that they have got any intention whatsoever of delivering, if you can go by their past record. But a good indicator of future behaviour generally is how people have behaved in the past – broken promises, nothing delivered. What about the Rosebud Hospital – no funds for a hospital that is in desperate need of upgrade. The Lang Lang bypass in Bass – that is something that for a very long time people have been crying out for in the electorate of Bass, which has been unbelievably neglected. I remember earlier last year asking, 'What is the Labor government's problem with the member for Bass?' Because they seem to be really making the most horrific decisions, just completely acting with such contempt towards the people of Bass. There are so many things we can go on about there, but I just do not have time. This government has abandoned its plans to electrify the Stony Point line in Hastings. Despite the clear need and demand from locals, there is no funding for a new SES unit in the electorate of Monbulk – none.

This budget alone saw over $50 million in direct cuts to the Victorian police budget. It is interesting: I know that Labor's narrative is that we love to cut, but let us just forget the narratives for a tick and come back to the truth. Let us just come back to the actual facts. I am going to talk about the cuts from the Allan Labor government: $50 million slashed out of the public police budget during a crime crisis. Fifty million dollars of cuts are there in black and white in the budget papers. We are 2000 police short on the beat today. We now have 367.7 fewer full-time equivalent Victoria Police officers than when Jacinta Allan became Premier. So let us just put aside the spin for a minute, let us put aside what they are going to be telling you; these are the cold, hard facts.

In another stunning example of how the government prioritise spin over substance, they have allocated $2.8 million for police recruitment advertising, but no new funding has been provided to train or support those new recruits. That is Labor in a nutshell. If you want to see the Allan Labor government, if you want an example that sums them up, there it is. On top of that, our most senior police are taking an early retirement package because of an EBA. We have police that are exhausted. We have police that are being diverted from police stations – 43 of them in fact have had reduced hours or have been closed down altogether to babysit some 500 protests that have happened through the streets of Melbourne. These police have been taken away from community places where they are needed, and instead they have had to watch the parade, the runway of antisemitism that has happened every single week now in Melbourne for years. This government have cut funding to VicPol, and when they cut, police stations close. This government has cut funding to crime prevention programs run by 34 groups affiliated with African communities – communities that are really crying out for support. This budget was able to find $13 million, however, for some machete bins, essentially a few op shop bins that were placed at the front of select police stations for a little while under the CCTV cameras across the state. But the number of stabbings, attacks and assaults since then reveals what a failure that has been. It turns out that the people that were on their way to the machete attacks did not actually stop at the police station on the way there.

Family violence services delivery has been cut by more than $24 million. More than $8 million has been slashed from primary prevention. May I remind you, none of this has got anything to do with the coalition. We would not be managing the budget like this. The Allan Labor government has failed to provide Safe Steps with the $3.9 million needed to operate 28 high-security crisis shelters funded by

the federal government. These shelters could accommodate nearly 1000 women and children each year. They could not deliver that, because they had to take the money from that program, which would help 1000 women, to pay the interest for 4 hours on the bill. That is the reality of it. This means family violence services are now working with local motels to organise emergency accommodation. That is so appreciated; I want to thank those local businesses for stepping up. That is a short-term solution, though, and it has got to happen, because this government is failing its people.

Funding for victims of crime financial services will drop from $74.2 million to just $70 million this coming year and will remain at that level for the following two years. This is while the population grows, while crime seems to be exploding, the budget is getting smaller and, again, people have got to do more with it. In this budget Victoria will spend more on interest repayments than it will on Ambulance Victoria, Victoria Police and family violence services combined. I am going to say that again: in this budget Victoria will spend more on interest repayments than it will on Ambulance Victoria, VicPol and family violence services combined.

In the last minute that I have, I want to tell you why we care about this. The reality is that in Victoria one-third of children cannot read properly. When you go out into a local community like mine, for instance – Sale, Stratford, Rosedale, areas that are regional – that is one in two, and there is not the ability to overhaul that system, because the government has absolutely run this state into the ground. The education that could break the cycle of decline in kids, that could help them get a new future – they cannot even have a hope for that. We have got 1100 young kids that do four out of five home invasions, and they are not allowed to get the rehab they need because of this government. In closing, in my last 5 seconds, the sad truth is that Labor cannot manage money.

Business interrupted pursuant to standing orders.

Lizzie BLANDTHORN: I move:

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

Motion agreed to.

Wendy LOVELL (Northern Victoria) (18:17): I rise to speak on the budget, and in doing so I start as I did last year in saying that this is another typical Labor budget. It is a high-taxing, high-spending, wasteful budget that puts all of the state's finances into one project in metropolitan Melbourne and totally ignores the regions of Victoria. The Allan Labor government billed this budget as focusing on what matters most, so it is clear from the budget that the people of Northern Victoria and communities in Northern Victoria do not matter to Labor. Residents in Northern Victoria will miss out on funding for roads and other vital projects as the Allan Labor government raises taxes to spend big on the Suburban Rail Loop. We will see massive increases in taxes that will hit our residents in Northern Victoria, particularly with Labor's new emergency services levy that is set to rip an extra $2.14 billion from the pockets of Victorians over the next three years. Taxation revenue is forecast to be almost $42 billion in this budget, before growing by an average of 5 per cent a year over the forward estimates – an over $2 billion increase per year – but towns and suburbs in Northern Victoria will see very little in return. Financial mismanagement and cost blowouts will see Victoria's debt rise to its highest ever level, reaching $194 billion by 2028–29, blowing out net debt by $6.7 billion from last year's forecasts. And even though all of this additional debt is there, residents will have to pay more due to Treasurer Jaclyn Symes increasing taxes while cutting services and delaying or denying local projects in order to continue to fund Labor's big single infrastructure project in the east of Melbourne, the Suburban Rail Loop.

Because of Labor's mismanagement residents have missed out on vital funding for projects. In the seat of Yan Yean we can talk about Donnybrook Road and the flyover bridge over the Hume Freeway. Mr Mulholland and I talk about Donnybrook Road every week in Parliament because it is such a disgrace, but this budget completely ignores it. There is some reference to a small amount of money that came from the Commonwealth government to redo the intersection at Mitchell Street and

Donnybrook Road, but it fails to complete the project. By the way, that Mitchell Street and Donnybrook Road intersection – only a couple of years ago the state government put a roundabout in there. They are going to rip that up to put traffic lights in there now that the Commonwealth are paying for it.

There is a bridge over Kalkallo Creek, but residents trying to exit off the Hume Freeway will have to go over the single-lane flyover bridge, which is actually the biggest bottleneck of the whole thing. Then they will come to this new intersection, a duplicated bridge over Kalkallo Creek, but then it will come back to a bottleneck of a single-lane bridge over the Merri Creek and a goat track from there on that does not even have footpaths on it for people to walk to the railway station. Donnybrook Road is a disgrace, and this government must get on with funding the full duplication of not only the road but also the flyover bridge over the Hume Freeway.

Yan Yean also missed out on funding for other infrastructure projects that are vitally important to that population, like a new Beveridge train station, the Wollert rail extension and a new police station in Whittlesea and also one in Wollert. The annual report for the police in 2021–22 stated that land had been acquired for this new police station in Wollert, but we have not seen any money for the construction of it. That is despite crime increasing dramatically in the Whittlesea police service area. What we have seen is crime go up and our police stations there actually have their hours reduced. There is only one 24-hour station, at Mill Park. When Mernda was built, it was promised to be a 24-hour, seven-day-a-week station. It is now down to just 8 hours a day, between 10 and 6. Whittlesea is only open on two days a week, and Epping station also has 10 to 6 operational hours. But the police tell us that they are operating at only 30 to 50 per cent of their designated numbers in these police stations, so no wonder the stations are closed. It is because this government are not putting enough police in that area, where crime is absolutely out of control.

Victoria may like to sell itself as being the Education State, but Wandong Primary School in the seat of Yan Yean, although it was funded in 2023, still has not been finished. It did not have a completion date; that has been pushed back in the budget to quarter 2 in 2026–27. So that is the second half of this year – if it is completed by then.

We also saw the city of Bendigo miss out on crucial funding for projects. Things like upgrading the intersection at Howard Street and the Midland Highway, voted by the RACV as being the most dangerous intersection in the state – no funding to increase it. The Calder Highway and Maiden Gully Road, which is the number one priority for the City of Greater Bendigo – no funding for that. White Hills Primary School – the budget papers show that their upgrade that was promised before the 2022 election will now not be complete until the winter of 2027, so again, delayed projects. We are seeing delayed completions on nearly every project.

They failed to fund an Education First Youth Foyer for Bendigo. The TAFE there has a building ready to go – ready to be transformed into a foyer – and yet this government will not work with the TAFE to deliver that service that can actually change young people's lives in Bendigo. The Epsom Primary School also missed out on funding for its drop-off and pick-up points. This is the Premier's own electorate, and they are still missing out on funding for projects.

In the Macedon electorate there were crucial projects that were not funded, including an upgrade of the intersection of Urquhart Street and High Street in Woodend, planning work for the Hanging Rock to Daylesford rail trail and the Daylesford hospital redevelopment. If anyone has been to the Daylesford hospital, they would be in no doubt that this hospital needs money. This is in the Minister for Health's own electorate, and she is not even funding that hospital. That just shows you how bad the finances must be in Victoria. Riddells Creek public pathway upgrades were overlooked, and the Lancefield park redevelopment was overlooked. Again delays on projects were revealed in the budget. The Gisborne Secondary College, which was promised before the 2022 election, still has not been finished. It has been delayed six months, to quarter 1 of 2026–27.

In Shepparton once again we saw that farmers do not matter to Labor, students with disabilities do not matter to Labor, kids playing sport do not matter to Labor and training future medical workers does not matter to Labor, because the projects that were not funded there include the Shepparton sports and events centre, stage 2 of the Banmira Specialist School redevelopment, stage 1 of the Shepparton bypass, a clinical health school at Goulburn Valley Health and a new school crossing for the Kialla West Primary School. None of these projects were funded. But we did see delays in projects – things like Shepparton's early parenting centre, which had been pushed back to the middle of 2026, and now this year's budget delays it by a further six months to early 2027. Planning for early works at the Shepparton bypass that were funded in 2017 have been pushed back to the middle of 2026. The saga of the stage 3 upgrade of the Shepparton rail line continues. They said it was all going to be finished by last December, by 14 December. But no, we have not seen those traffic lights in Wyndham Street turned on that are waiting for the completion of the railway line. And even though they had the big switch – turning on the big switch for all these additional rail services – they did not include any extra rail services for Shepparton. So has that line been completed, or did Labor lie to us last year when they said it would be completed by December? Where are Shepparton's promised nine return daily services to Melbourne? They are on Labor's never-never. They are never, never going to deliver it to the Shepparton electorate, because the Shepparton electorate knows better than to vote for a Labor member.

We will see interest rates go up for this state, and we now know that the state pays over a million dollars in interest rates every single hour, almost $25 million a day, just to service Labor's debts. When are we going to see these projects built if the debt is taking up so much of the budget? There has been gross financial mismanagement under Labor. This is the single greatest threat to Victoria's future: Labor's gross financial mismanagement. For more than a decade Labor's waste and reckless spending, such as their $200,000 on office plants, has driven our state deeper and deeper into the red. Victorians have had enough of this. They know that Labor cannot manage money, they know that Labor will drive us further into debt, they know that Labor will bankrupt this state and they know that they will have to pay to fix Labor's debt. Victorians will tell Labor quite clearly at the at the ballot box this year in November that they have had enough of Labor and they want a new government.

Moira DEEMING (Western Metropolitan) (18:29): I realise that we are at the end of a long sitting week and that time has been extended so we can get this done, so I am happy to keep my speech shorter for the sake of everybody. When it comes to Labor what we are seeing is that, in addition to the weasel words we are treated to every second week, we are now being treated to weasel numbers. We keep getting told by Labor that they are investing – investing in the future, investing in Victoria – but that is not actually what the word 'investment' means. Investments, by definition, should be committing resources with the expectation of a return. We should get something valuable in return for the taxes that we invest. Instead it is very obvious that Victorians are paying more and more and more and getting less and less and less. That is not investment; that is more like exploitation. That is like pillaging the coffers. That is like lining your pockets. That is like the however many hundreds of millions of dollars that have just been exposed as being put into the pockets of Labor mates. It is a rort, isn't it? If Labor was a company, its shares would be a liability.

We know in this state that taxes are up 183 per cent since Labor was elected and that there have been 70 new or increased taxes since 2014. Families are suffering. They cannot get to work. They cannot pay their bills. They are unsafe. Their children are not being educated. Their children are also unsafe because not only is money being wasted and pillaged but the job of regulating this society, of making sure that there is law and order and justice in this society, is being squandered. Maggie Thatcher did say that you cannot have political freedom without economic freedom, and obviously that is the state of affairs here in Victoria.

State debt is growing at $1.7 million per hour. Our credit rating is the worst in the nation. Debt is going to be about $200 billion by 2028–29. We are all worried about going bankrupt, but we know, as my colleague said, how inaccurate every single budget has ever been from this government – it makes me wonder if we have already reached that stage. It is absolutely terrifying. Interest payments alone in

Victoria every single hour could fund 11 police officers, nine nurses and 12 teachers. I mean, that is not just mismanaging money, that is a total moral failure. While Victorians are struggling to pay their bills, government departments are blowing money on social media budgets, renting pot plants, commissioning bronze statues, firing experienced police officers, ignoring firefighters who do not have roll bars in their trucks and have to use *Melway* to get to fires and taxing volunteer firefighters to pay for their own equipment when they put their lives on the line.

This state is absolutely out of control under Labor. The only people doing well, lo and behold, are Labor and their mates. You think of the Eloque disaster. You think of Greater Western Water. You think of the West Gate Tunnel, which we are now being tolled for. You think about the desalination plant. This is intergenerational theft. You think of the absolute catastrophe, the loss of freedoms in the COVID era. The so-called party of workers rights – everyone's rights got trashed under this government. Labor is supposed to be the party of women, but women do not even exist in the law and under this government now. Honestly, Victorians are finally understanding the cost of voting for Labor, the cost of supporting socialism, because it all sounds good but it just does not work, and it is too easy to corrupt.

The one thing Labor does invest in is excuses, and they do get a good return on that investment. You think of Daniel Andrews with his 'I cannot recall'. You think of 'evolving commitment' rather than 'broken election promise' for the Melton rail. You think of the Melton hospital in the forward estimates forever and ever. The list is absolutely endless, and it is a disgrace. But look, so that we can all go home early, I am going to leave it there and just encourage Victorians to vote for what is best for them at the election, which is not going to be Labor, so that we can get this state back on track.

Motion agreed to.

Bills

Health Safeguards for People Born with Variations in Sex Characteristics Bill 2025

Introduction and first reading

The PRESIDENT (18:34): I have received the following message from the Legislative Assembly:

> The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to provide support for the making of decisions about certain medical treatment for persons who have an innate variation in sex characteristics, including provisions about the giving of informed consent to the decisions, panels of persons who may give approvals about the decisions, prohibiting the medical treatment in certain circumstances and other related matters and to amend the **Victorian Civil and Administrative Tribunal Act 1998** to provide for review processes for those decisions and for other purposes.'

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:35): I move:

> That the bill be now read a first time.

Motion agreed to.

Read first time.

Lizzie BLANDTHORN: I move, by leave:

> That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:35): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Health Safeguards for People Born with Variations in Sex Characteristics Bill 2025 (the **Bill**).

In my opinion, the Bill, as introduced to the Legislative Council, is compatible with the human rights protected by the Charter. I have this opinion for the reasons outlined in this statement.

Overview of the Bill

The purpose of this Bill is to establish a new legislative scheme for supported medical treatment decision-making for persons who have an innate variation in sex characteristics.

The primary features of the legislative scheme provided for in this Bill are:

- The introduction of informed consent safeguards, including:
  - a framework for assessing a person's capacity to give informed consent before performing a medical treatment that modifies the sex characteristics of that person;
  - the requirement for a registered medical practitioner to seek and obtain informed consent for a treatment, including by providing adequate information and a reasonable opportunity to make a decision;
- The establishment of an independent specialist oversight panel, called the 'Restricted Medical Treatment Oversight Panel' (**Panel**), whose function is to hear and decide applications for approval of treatment plans which authorise a medical treatment that will modify the sex characteristics of a person who does not have capacity to give informed consent;
- The introduction of a prohibition against knowingly or recklessly providing unapproved medical treatment in certain circumstances;
- The provision of new oversight functions and enforcement powers to the Secretary; and
- The introduction of a requirement for health service providers to report the performance of certain medical treatments.

The provisions of the Bill are to be interpreted having regard to the principles of bodily integrity, children's agency, precaution and medical necessity, so that decisions about restricted medical treatment are deferred, where possible, until a child is able to make their own decision, and finally, independent oversight, given the risks associated with providing this treatment (clause 6).

The importance of the Bill

The Bill serves an overall protective purpose intended to promote human rights in the Charter. The new legislative scheme established by this Bill is designed ensure the rights of persons with innate variation in sex characteristics are protected and that such persons are supported to make decisions about their own bodies, and avoid preventable harm arising as a result of unnecessary treatments.

Persons (particularly infants and children) with an innate variation in sex characteristics can be subjected to deferrable or medically unnecessary treatments that vary their sex characteristics. These treatments have typically been justified on the basis of cultural norms, such as to allow a child to develop in a more 'typical' male or female way, or psychosocial rationales, such as to avoid bullying or discrimination. These treatments can lead to negative impacts, including permanent infertility, scarring, pain, decreased genital sensation, sexual dysfunction, mental health impacts and life-threatening infection.

While many people born with variations and their families receive appropriate healthcare support to meet their needs, it is known that medically unnecessary interventions on people's sex characteristics still occur, particularly on infants and young children. There is a body of research, including reports by the Australian Human Rights Commission, which record the negative impact of unnecessary intervention and advocate for reform to better protect rights of this group. Multiple United Nations bodies, along with local human rights organisations, have recommended the adoption of legislative provisions prohibiting unnecessary medical intervention on people born with variations in sex characterises without their free and informed consent.

In response to these concerns, the proposed legislation is intended to address a gap in healthcare for this cohort by establishing legislative safeguards to better support their rights. This Bill is also a key part of implementing commitments by the Victorian Government made in *(i) Am Equal: Future Directions for Victoria's Intersex*

Community and Pride in our future: Victoria's LGBTIQA+ strategy 2022–23 to establish a scheme to improve the treatment and care of people with innate variation in sex characteristics, particularly infants and children.

Human rights issues

The human rights protected by the Charter that are relevant to the Bill are:

- Right to protection from discrimination (section 8)
- Right to life (section 9)
- Right to protection from medical treatment without consent (section 10(c))
- Right to privacy (section 13)
- Right to protection of families and children (section 17)
- Right to property (section 20)
- Right to fair hearing (section 24)
- Right to presumption of innocence (section 25(1))

Decision-making in relation to treatment where a person does not have capacity to provide informed consent

The legislative scheme provided for by this Bill broadly applies to a person who has an innate variation in sex characteristics (definition of 'applicable person' in clause 3). Clause 10 requires the assessment of a person's capacity to give informed consent to restricted medical treatment, being treatment which changes an applicable person's sex characteristics. Where a person is assessed as not having this capacity (defined as a 'protected person' in clause 4), the Bill allows for a medical treatment decision maker to make decisions in relation to restricted medical treatment on their behalf (clauses 11, 30(4), 38(2)(c) and (6), 46(2) and 52) and provides for independent oversight by the Panel who must provide approval for restricted medical treatments (clause 16(1)(a) and Part 6).

Right to protection from medical treatment without consent (section 10(c)) and right to privacy (section 13(a)).

Section 10(c) of the Charter provides, relevantly, that a person has the right not to be subjected to medical treatment without their full, free and informed consent. In addition, section 13(a) of the Charter protects a person's right not to have their privacy unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought. The right to privacy is broad in scope and extends to privacy in the sense of bodily integrity, which involves the right not to have our physical selves interfered with by others without our consent. The purpose of these rights together is to protect the individual's personal autonomy and integrity. They recognise the freedom of individuals to choose whether or not they receive medical treatment. Additionally, section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child. This includes an obligation to take measures to protect a child's enjoyment of their Charter rights, particularly in light of their vulnerability.

These rights may be engaged by provisions which allow for a medical treatment decision maker and the Panel to make decisions about restricted medical treatment on behalf of a protected person. Section 10(c) may be limited as treatment can occur in situations where a person is not able to give their full, free and informed consent, while a person's bodily integrity pursuant to section 13(a) may also be limited by the performance of such treatments. However, as I will discuss below, I consider that the limit on s 10(c) is justified pursuant to s 7(2) of the Charter and that the interference with s 13(a) will be lawful and non-arbitrary, such that these provisions are compatible with human rights.

As outlined above, there is a body of research documenting the harm that can result from unnecessary medical intervention and highlighting the need for greater protection of the rights of people with innate variation in sex characteristics and oversight of treatment decisions. This Bill is designed to pursue the legitimate purpose of providing greater protection for these rights.

The Bill is confined in its terms and provides a series of safeguards to ensure that treatment can only be provided to protected persons where it is medically necessary and where it is not possible to defer until the person is able to make their own decisions about their body. These safeguards include:

- Part 3 of the Bill provides for a robust and detailed process for assessing and obtaining a person's informed consent. This Part promotes the rights under sections 10(c), 13(a) and 17(2) (where the person is a child) by ensuring applicable people are supported to make an informed decision in relation to treatment where they have capacity to do so. These provisions also provide clear guidance to practitioners on how to assess whether a person is able to provide informed consent,

ensuring decisions are only allowed to be made on behalf of a person by a medical treatment decision maker and the Panel where necessary;

- Restricted medical treatment, apart from urgent treatment necessary to preserve life or prevent serious harm, is not able to be provided to a protected person without the consent of at least one of the person's medical treatment decision makers (clause 11(1)(a)). The offence in clause 7 reinforces this prohibition and provides further protection against treatment being undertaken without the consent of the applicable person or a person authorised to make decisions on behalf of a protected person;
- The Bill requires that the views of a protected person are still taken into account, despite not being able to provide informed consent, and that they are supported to obtain information and provide these views (clauses 11(2)(a)(i), (2)(a)(iii), (3), (5) and 37(1)(b));
- Clause 35 provides that treatment plans can only be approved by the Panel where there is sufficient evidence that the person would suffer significant physical or psychological harm if the treatment proposed in the plan were not provided and that there is no alternative treatment option available which is both as effective as the treatment proposed in preventing significant physical or psychological harm and less restrictive of the person's or persons' ability to make a decision about their sex characteristics in the future. Clause 35 also provides that evidence that a treatment must be provided to reduce a risk of discrimination or stigmatisation is not a relevant consideration to the approval of a treatment plan. This clause works to ensure treatments are medically necessary and are unable to be deferred until the person is able to make their own decisions about their body and not informed by improper considerations, such as to allow a child to develop in a more 'typically' male or female manner, that have historically been used to justify restricted medical treatments;
- Approval decisions in relation to individual or general treatment plans are subject to internal review (Part 8) and external review by VCAT (clause 52) providing for additional oversight of treatment decisions; and
- Clause 6, as outlined above, requires the Bill is to be interpreted having regard to the principles of bodily integrity, children's agency, precaution, medical necessity and independent oversight.

There are also a series of safeguards which apply to and guide the decision making of a medical treatment decision maker.

A medical treatment decision maker is defined to have the same meaning as in the *Medical Treatment Planning and Decisions Act 2016* (**MTPD Act**). Pursuant to section 55 of the MTPD Act, an adult's medical treatment decision maker is a person reasonably available and willing to make a medical treatment decision and, in order of priority, is: their decision maker appointed under the Act (if any), their guardian under the *Guardianship and Administration Act 2019* (if any), provided that the guardian has power to make medical treatment decisions, or a person in a close and continuing relationship with them, being their spouse or domestic partner, primary carer, adult child, parent or adult sibling. The medical treatment decision maker of a child is the child's parent or guardian or other person with parental responsibility for the child who is reasonably available and willing and able to make the medical treatment decision.

These provisions allow for a person to exercise some control over their future treatment by appointing someone they trust to make decisions on their behalf should they lose capacity to provide informed consent. Alternatively, a protected person will have decisions made on their behalf by a person with whom they are in a close and continuing relationship, who can reasonably be expected to act in their best interests and to understand, and therefore make decisions based on, the person's preferences and values.

The MTPD Act also contains further safeguards that apply to all medical treatment decision makers (for example under section 61, the medical treatment decision maker must make the decision that they reasonably believe the person would have made if the person had decision making capacity) and are subject to oversight by the public advocate and VCAT (e.g. see sections 62 and 67).

On the basis of the above, I am satisfied that the limit imposed on the right in section 10(c) by allowing treatment to still occur where a person is unable to provide consent is proportionate and reasonably justified having regard to the importance of the identified purpose and the safeguards in place to ensure any treatment is medically necessary to prevent significant harm and is unable to be deferred until the protected person can make a decision for themselves. For these same reasons, I am also satisfied there will be no limitation of the section 13(a) right as treatment will be authorised under an appropriately circumscribed law, which is subject to sufficient protections to protect against a decision being made arbitrarily or unreasonably.

Accordingly, I am satisfied these provisions are compatible with the rights under sections 10(c) and 13(a) of the Charter.

Right to protection from discrimination (section 8)

Section 8(2) of the Charter provides that every person has the right to enjoy their human rights without discrimination. Section 8(3) of the Charter relevantly provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. The purpose of this component of the right to equality is to ensure that all laws and policies are applied equally, and do not have a discriminatory effect.

'Discrimination' under the Charter is defined by reference to the definition in the *Equal Opportunity Act 2010* on the basis of an attribute in section 6 of that Act, which relevantly includes sex characteristics. Direct discrimination occurs where a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. Indirect discrimination occurs where a person imposes a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with a protected attribute, but only where that requirement, condition or practice is not reasonable.

Section 8(4) of the Charter provides that measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination. Section 8 as a whole is concerned with substantive equality. This means that any measure taken for the purpose of assisting or advancing a group disadvantaged because of discrimination, such as people with innate variation in sex characteristics, will not constitute discrimination where it satisfies the test for establishing a special measure. This includes demonstrating that the disadvantage to be targeted by the measure is caused by discrimination, that the measure is reasonably likely to advance or benefit the disadvantaged group, and that it addresses a need and goes no further than is necessary to address that need.

The application of this scheme to people with innate variations in sex characteristics, including by requiring this group to obtain additional approval from the Panel to undergo certain medical treatments, may be seen to be disadvantaging or treating this group unfavourably. I am of the view, however, the legislative scheme established by the Bill, particularly the informed consent safeguards and the oversight provided by the Panel, does not amount to discrimination as it constitutes a special measure under section 8(4) of the Charter. This is because their purpose is to support substantive equality in the enjoyment of the human rights of people with innate variations in sex characteristics who, as outlined above, continue to face the risk of the performance of medically unnecessary treatments in the absence of their informed consent. They constitute a proportionate and justified measure having regard to the various safeguards in the Bill as outlined above which promote rights or minimise any limitation of the rights of an applicable person.

For these reasons, I am satisfied that the creation of these measures specifically for people born with innate variation in sex characteristics is not discriminatory and therefore does not limit the right to equality under the Charter.

Emergency medical treatment

Clause 8 provides that restricted medical treatment can be provided without consent, or otherwise obtaining authorisation from the Panel, where a medical practitioner believes on reasonable grounds that the treatment is necessary, as a matter of urgency, to save the person's life, to prevent serious damage to the person's health, or to prevent the person from suffering or continuing to suffer significant pain or distress. Pain or distress is defined to not include actual or a perceived risk of discrimination or stigmatisation, or emotional pain arising from such discrimination or stigmatisation.

Right to protection from medical treatment without consent (section 10(c)) and right to privacy (section 13(a)).

As outlined above, section 10(c) and s 13(a) both protect an individual's personal autonomy and recognise the freedom of individuals to choose whether or not they receive medical treatment. Both these rights are engaged as this provision allows for medical treatment without first obtaining a person's consent. However, I consider that the limit on section 10(c) is justified pursuant to section 7(2) of the Charter and the interference with section 13(a) will be lawful and non-arbitrary such that this provision is compatible with human rights.

Clause 8 promotes the right to life under section 9 of the Charter, which includes the right not to be arbitrarily deprived of life. Its purpose is to enable the expedient provision of emergency treatment that is necessary to save someone's life or prevent serious harm and operates to ensure the provision of treatment to a person who is unable to provide informed consent is not delayed by the process of applying to the Panel for the approval of the treatment or compliance with the informed consent processes under Part 3.

Clause 8 is proportionate to its legitimate purpose and strikes an appropriate balance between the right to life and the right not to be subjected to medical treatment without consent or the protection against unlawful or arbitrary interference with privacy. As outlined above, clause 8 only allows emergency treatment in specified and exceptional circumstances, establishing a high threshold for treatment without obtaining consent. Importantly, by excluding the risk of discrimination or stigmatisation from being sufficient to authorise

emergency treatment, clause 8 ensures such reasons are not used to circumvent the operation of the scheme and proper oversight from the Panel.

For these reasons, I consider that emergency medical treatment allowed for by clause 8 is compatible with the rights under sections 10(c) and 13(a) of the Charter.

Powers of the Secretary and assessment committees to obtain and share information

The Bill grants the Secretary with additional functions and powers to monitor and enforce compliance with the requirements under the Bill (clause 12). As part of this oversight function, clause 13 provides that the Secretary may request that a person (other than an applicable person, parent, guardian or carer of an applicable person) provide information or a document that is necessary to determine whether there has been a breach of a provision of the Bill. This provision authorises a person to provide the requested information and expressly provides that any disclosure does not alone amount to a breach of professional ethics or amount to unprofessional conduct (clause 13(2)–(3)). The Secretary is also empowered to disclose information to certain bodies, including Australian Health Practitioner Regulation Agency or the Director of Public Prosecutions, for the purpose of assisting that body to perform functions or exercise powers under any Act (clause 14).

Clause 38 relevantly allows an assessment committee to inform itself in any way that is appropriate, including by speaking to a protected person with the consent of their medical treatment decision maker or seeking advice from an expert relevant person or body. The provision further provides that in consulting with or obtaining advice from an expert relevant person or body, the committee must ensure that information that might identify the protected person is not disclosed to the expert unless required. If such disclosure is required, or the expert is required to assess the protected person, the consent of their medical treatment decision maker must be obtained. Clause 40 allows an assessment committee, in assessing an application or proposal, to request further information about or relating to the relevant treatment plan.

Right to privacy (section 13(a))

As outlined above, this right protects against unlawful or arbitrary interference with a person's privacy. The information gathering and sharing powers discussed above which allow sensitive personal and health information to be shared with the Secretary, the assessment committee and other bodies may constitute an interference with privacy rights under the Charter.

However, I consider that any such interference is lawful and not arbitrary. These provisions further the legitimate purpose of allowing for the effective administration of the Bill including the investigation of possible non-compliance with the Bill and proper consideration of applications or proposals for approval of a treatment plan, ultimately serving to protect persons with variation in sex characteristics against unnecessary medical intervention. The provision of, or sharing of, information under these provisions would be pursuant to legislation which is appropriately confined to achieve this purpose. As outlined above, a request from the Secretary or assessment committee for further information is non-compulsive and can only be made for particular purposes, being compliance or in assessing an application. Information can only be shared by the Secretary with other bodies to assist with the performance of statutory functions or powers. The assessment panel can only speak with the protected person, disclose identifying information or arrange assessment of a protected person with the consent of their medical treatment decision maker. Further, the personal information of applicable or other persons will continue to be subject to the protections afforded under the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*. Accordingly, I consider that any interference with privacy is neither unlawful nor arbitrary.

Reporting requirements

Pursuant to clause 54, applicable providers are required to provide a report to the Panel on certain information in relation to the provision of restricted medical treatments to applicable persons annually. Under clause 55(1)–(2), the Panel is required to submit an annual report to the Secretary including certain information about the volume and nature of restricted medical treatments performed in Victoria.

Right to privacy (section 13(a))

I do not consider these provisions will impose any limitation of the right to privacy, as there will be no disclosure of personal or health information which would allow for the identification of an individual, or that such disclosure will be lawful and not arbitrary.

Clause 55(3) expressly provides this protection, requiring that any annual report of the Panel must not include any identifying information of an applicable person, their medical practitioner or their medical decision maker. It is not intended that clause 54 operate in a way which requires a health service provider to report identifying information to the Panel.

However, in the event that the information required at clause 54(1) could be used to identify a person, I consider that the disclosure of this information will be pursuant to legislation which is sufficiently

circumscribed to meet a legitimate purpose. I consider the reporting of this information is necessary to allow the Panel to monitor and analyse data for various purposes, including to inform and improve the exercise of its functions, such as informing any recommendations to the Secretary about the improvement of care, support and outcomes for applicable persons (clause 16(b)). The collection of this data over time will also assist in the review of the Bill required under clause 56. This information will be held and used by the Panel and Secretary for these particular purposes and will not be publicly disclosed, noting the protection in clause 55(3).

For these reasons, I consider that the degree to which an individual may be identified in the disclosure of this information, such disclosure will be according to law and non-arbitrary and so will not limit the right to privacy under section 13(a) of the Charter.

Criminal prohibition

Clause 7 creates an offence for a person to provide restricted medical treatment to an applicable person who does not have capacity to give informed consent where the provider knows or is reckless as to whether the treatment is 'restricted medical treatment' and knows the applicable person does not have capacity to give informed consent or is reckless as to whether they have this capacity.

Clauses 8 and 9 provide for exceptions to this offence, namely where the treatment is urgently necessary, or where the treatment provided in accordance with an approved treatment plan.

Presumption of innocence (section 25(1))

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. The right is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

As these offences are summary offences, section 72 of the *Criminal Procedure Act 2009* will apply to require an accused who wishes to rely on any exception in clause 8 or 9 to present or point to evidence that suggests a reasonable possibility of the existence of facts that, if they existed, would establish the exception. In other words, the provision imposes an evidential onus on an accused when seeking to rely on the defence. Case law has held that an evidential onus imposed on establishing an excuse or exception does not limit the Charter's right to a presumption of innocence, as such an evidential onus falls short of imposing any burden of persuasion on an accused. Once the accused has pointed to evidence of a reasonable excuse, the burden shifts back to the prosecution who must prove the elements of the offence.

Accordingly, I do not consider that the offence provision and exceptions in clauses 7–9 do not limit the right to be presumed innocent in section 25(1) of the Charter.

Statutory immunities

Clause 27 provides that a Panel or committee member is not personally liable for anything done or omitted to be done in good faith in the exercise of a power or discharge of a duty under the Act as a Panel member, or in the reasonable belief that the act or omission was in exercise of such a power or discharge of a duty. Clause 27(2) provides that any liability which, but for subsection (1), would attach to a Panel or committee member, instead attaches to the State.

Property rights and right to fair hearing (sections 20 and 24(1))

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or the common law, are confined and structured rather than unclear, are accessible to the public, are formulated precisely and do not operate arbitrarily.

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The right may be relevantly limited if a person faces a procedural barrier to bringing their case before a court.

The fair hearing right is relevant where statutory immunities are provided to certain persons as this right has been held to encompass a person's right of access to the courts to have their civil claim submitted to a judge for determination. Similarly, insofar as a cause of action may be considered 'property' within the meaning of section 20 of the Charter, clause 27 may also engage this right.

The exclusion from personal liability does not deprive a person of their property rights nor interfere with the right to a fair hearing, because parties seeking redress are instead able to bring a claim against the State (clause 27(2)). The provision also serves a necessary purpose by ensuring that a Panel or committee member is able to exercise their functions effectively without the threat of personal repercussions and overall interference that responding to court claims has. Additionally, the Panel or committee member will still

remain personally liable for any conduct not performed in good faith or outside their statutory functions. Accordingly, this provision does not limit property rights or the right to a fair hearing under the Charter.

Conclusion

I am therefore of the view that the Bill is compatible with the Charter.

Ingrid Stitt MP
Minister for Mental Health
Minister for Ageing
Minister for Multicultural Affairs
Minister for Prevention of Family Violence

Second reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:36): I move:

That the bill be now read a second time.

Ordered that second-reading speech be incorporated into *Hansard*:

Today I introduce the Health Safeguards for People Born with Variations in Sex Characteristics Bill 2025, a Bill that affirms our government's commitment to the health and wellbeing of people born with variations in sex characteristics, especially infants and young children.

Being born with a variation in sex characteristics, sometimes referred to as 'intersex', means your body does not fit typical definitions or understandings of male or female bodies. This can include physical traits, like reproductive organs; chromosomes; or hormones. This should not be confused or conflated with being trans or gender diverse.

This legislation is the culmination of years of advocacy, consultation, and reflection.

It responds to the lived and living experiences of people born with variations in sex characteristics who have courageously shared their stories of medicalisation, trauma, and resilience. It is also informed by the growing international consensus that unnecessary medical interventions on infants and young children with variations must end.

It empowers parents and guardians to make decisions that are truly in their child's best interests – not just in the moment, but for life. And finally, it supports clinicians who work tirelessly to provide the best possible care to all Victorians by enshrining a best practice, contemporary approach to the care and treatment of people born with variations in sex characteristics.

Importantly, there will be no change regarding urgent treatment required to save a person's life or prevent serious, significant damage to their health. Urgent treatments will be able to proceed without additional oversight or delay. We will rely on the expert advice of dedicated clinicians to determine urgency and proceed appropriately.

This Bill is not about ideology. It is about healthcare. It is about ensuring that our health system does no harm. It is about recognising that diversity in sex characteristics is a natural part of human variation, and that every person deserves the right to make decisions about their own body.

The problem we are addressing

For decades, around the world, infants and young children born with variations in sex characteristics have undergone medical procedures so that their body can appear more typically male or female. These interventions, including surgical or hormonal treatments, were often not medically necessary, irreversible, and performed well before the person was able to consent.

While the intention has often been benign, the consequences can be devastating and lifelong. They can include sterilisation, pain, sexual dysfunction, psychological trauma, and a deep sense of violation.

These practices have been condemned by people with lived and living experience, as well as human rights bodies and medical ethicists around the world.

Victoria wants to do better. And with this Bill, we will.

What the Bill does

The Bill establishes a clear legal framework to protect people with variations in sex characteristics, particularly infants and young children, from harm. It does so through 4 key mechanisms.

The first mechanism is **informed consent safeguards**. These safeguards ensure that all people born with variations in sex characteristics, and the families of infants and young children, get the information and support they need to make healthcare decisions.

This will include providing a person with tailored information about their variation, treatment options, and what would happen if they did not receive treatment. It can also include being able to talk to a peer worker or counsellor about healthcare needs and options.

If the person has capacity, they will be able to consent to approved treatment. If the person does not have capacity to consent to approved treatment, they will be supported to contribute to decision making as appropriate for their age and developmental stage, with additional oversight.

In the case of infants and young children, an oversight panel will need to approve the treatment first. Then the parents or guardians will be able to consent to the treatment going ahead. This Bill will not replace parent and guardian decision making. Parents and guardians must still give consent for treatment to proceed on their child, in line with an approved treatment plan. Families will be supported with accurate, clearly understandable information and a reasonable period of time to consider any decision.

The second mechanism is a new independent, legislated **oversight panel** that will approve general and individual treatment plans. The panel will also develop guidance and report on treatment data.

The panel's role is not to obstruct care but to ensure that irreversible decisions are made with the utmost care and accountability. The panel will ensure that children and their parents and guardians are better supported in their decision making, while also reducing risks of decision making for clinicians and health services.

The third mechanism is **treatment plans**, which provide approval for treatments that vary sex characteristics. This can include pre-approved general treatment plans, which apply to more than one person for common treatments where there is an established evidence base, and individual treatment plans, which apply to one person for less common treatments. Treatment plans will often be developed and proposed by the treating clinician for approval.

General treatment plans in particular are a flexible and responsive way of managing oversight and reducing regulatory burden and duplication.

The fourth mechanism is a **prohibition with consequences for non-compliance**. The criminal prohibition addresses intentional or reckless provision of restricted medical treatment to a protected person – that is, a person born with variations in sex characteristics who does not have capacity to consent to a proposed medical treatment.

Consequences for non-compliance with the Bill will largely be supported through existing regulatory mechanisms. For example, if a clinician does not meet their informed consent obligations, they can be referred to the Australian Health Practitioner Regulation Agency for unprofessional conduct. However, there is one proposed summary offence for breaches of the prohibition.

The maximum penalty for the most serious, intentional, and/or repeated breaches is to be 2 years' imprisonment or 240 penalty units. This is an important deterrent to non-compliance, given how devastating and lifelong the consequences can be for people born with variations in sex characteristics.

Cultural change

This legislation is important. However, legislation alone is not enough. Cultural change is needed – within medicine, within families, and within society. This Bill is a foundation, not a finish line.

Because legislation alone is not enough, the proposed reforms will be supported by complementary system enhancements, including improvements to the model of care; data collection to provide better visibility of variations and procedures; and resources, guidance, and education to support understanding of roles and responsibilities under the scheme.

And we will not rush implementation. We will continue to work with clinicians and people with lived and living experience to ensure that people are at the centre of new processes, including people born with variations in sex characteristics and those who care for them.

Conclusion

This Bill reflects our government's commitment to evidence-based policy, human rights, and inclusive healthcare.

It is the result of deep consultation with people with lived and living experience, clinicians, and legal experts.

I want to thank the brave people who were born with variations in sex characteristics for their leadership, their courage, and their generosity in sharing their stories.

I also want to recognise the clinicians who are already practising in line with the principles of the Bill, who helped shape the proposed reforms and who will be leaders in this next healthcare chapter.

This Bill is not just about healthcare. It is about justice. We cannot undo the harms of the past, but we can ensure that moving forward, every Victorian, regardless of their sex characteristics, has the right to make decisions about their own body, to access compassionate and informed care, and to live free from harm.

I commend the Bill to the House.

Renee HEATH (Eastern Victoria) (18:36): On behalf of Ms Crozier, I move:

That the debate be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Justice Legislation Further Amendment (Miscellaneous) Bill 2025

Introduction and first reading

The PRESIDENT (18:36): I have received the following message from the Legislative Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to make miscellaneous amendments to the **Fines Reform Act 2014**, the **Guardianship and Administration Act 2019**, the **Infringements Act 2006**, the **Marine Safety Act 2010**, the **Open Courts Act 2013**, the **Road Safety Act 1986**, the **Coroners Act 2008**, the **Births, Deaths and Marriages Registration Act 1996**, the **Crimes Act 1958** in relation to certain offences, the **County Court Act 1958** and the **Sentencing Act 1991** in relation to the operation of the Drug Court Division of the County Court, the **Road Safety Act 1986** in relation to procedural matters in the Magistrates' Court, to make related amendments to certain other Acts and for other purposes.'

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:37): I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Lizzie BLANDTHORN: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:38): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this Statement of Compatibility with respect to the Justice Legislation Further Amendment (Miscellaneous) Bill 2025.

In my opinion, the Justice Legislation Further Amendment (Miscellaneous) Bill 2025, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill seeks to improve the operation of the Victorian legal and justice systems by implementing the following reforms:

- allowing the lower courts and VCAT to vary or revoke a 'legacy suppression order' made by that court or tribunal (to give effect to Recommendation 133 of the Victorian Law Reform Commission's 2020 *Contempt of Court Report*)
- supporting the Coroners Court of Victoria to streamline investigation finalisation and reopening procedures

- enabling more doctors to register deaths and clarifying their death reporting obligations
- amend fines and tolling legislation, and make minor fines-related amendments to other Acts
- clarifying the delegation powers and acting arrangements of the Public Advocate in the *Guardianship and Administration Act 2019*
- amending the *Crimes Act 1958* to broaden the definition of 'bestiality' and prohibit the possession, production, distribution and accessing of bestiality or animal abuse material
- extending the operation of provisions supporting the County Court Drug and Alcohol Treatment Court,
- enabling the Magistrates' Court of Victoria to carry out certain administrative functions under the *Road Safety Act 1986* more efficiently, and
- amending the *Crimes Act 1958* in relation to procedural matters pertaining to serious vilification offences.

Human Rights Issues

Some of the Bill's reforms involve technical amendments that do not impact Charter rights. The following rights are relevant to the Bill:

- recognition and equality before the law (section 8)
- the right to life (section 9)
- freedom of movement (section 12)
- privacy and reputation (section 13)
- freedom of expression (section 15)
- freedom of association (section 16(2))
- protection of families and children (section 17)
- property (section 20)
- liberty and security of person (section 21)
- humane treatment when deprived of liberty (section 22)
- the right to a fair hearing (section 24)
- rights in criminal proceedings (section 25)
- retrospective criminal laws (section 27).

For the following reasons, I am satisfied that the Bill is compatible with the Charter and, to the extent that any rights are limited, those limitations are reasonable and justified.

Amendments to the *Open Courts Act 2013* to implement Recommendation 133 of the Victorian Law Reform Commission's 2020 *Contempt of Court Report*

The Bill amends the *Open Courts Act 2013* to improve access to justice for victim-survivors of sexual and family violence offences, and other interested persons. It promotes open justice by allowing persons to apply to the lower courts or the Victorian Civil and Administrative Tribunal (VCAT) to vary or revoke a 'legacy suppression order' made prior to the commencement of the Open Courts Act on 1 December 2013. The Bill refers to these orders as 'pre-existing orders'.

Right to privacy and reputation

Section 13 of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with, and not to have their reputation unlawfully attacked. This right does not encompass lawful and non-arbitrary interference with a person's privacy.

The Bill will empower the lower courts and VCAT to review a pre-existing order. Applications of this type are currently only able to be made to the Supreme Court under its inherent jurisdiction. This is costly for applicants. The Bill will mirror existing Open Courts Act provisions to allow applicants to apply to the lower courts or VCAT to vary or revoke a pre-existing order. This will uphold the principle of open justice, a main purpose of the Open Courts Act and a fundamental aspect of Victoria's legal system.

A decision to revoke a pre-existing order would have the effect of removing the prohibition on the publication of specific information from a proceeding, including, for example, the names of parties or witnesses. This engages but does not limit privacy rights. The reforms also recognise that in certain situations, a person's right to privacy outweighs the open justice principle.

Right to freedom of expression

Section 15 of the Charter provides that all persons have the right to freedom of expression. This includes the right of the media to attend and report on court proceedings. Open justice is a key purpose of the Open Courts Act and helps to maintain the integrity and impartiality of Victorian courts and tribunals, and strengthen public confidence in our justice system.

The making of a suppression order engages the right to freedom of expression, but is recognised as an appropriate limitation of that right. The Bill does not expand powers to make suppression orders under the Open Courts Act, but instead provides clarity on powers to review pre-existing orders. The reforms will enhance the freedom of expression of victim-survivors, their families, the media, and other interested parties, by providing an accessible avenue to apply to vary or revoke pre-existing orders that may otherwise continue indefinitely.

Protection of families and children

Section 17 of the Charter provides that families are entitled to be protected by society and the State, and that every child has the right, without discrimination, to such protection as is in the child's best interests and is needed by the child by reason of being a child. The Charter and Open Courts Act define a 'child' as a person under 18 years of age.

The Bill promotes the rights of children by ensuring that, in circumstances set out in new section 37(4), a pre-existing order is not revoked where the person the subject of that order is a child who was the victim or alleged victim of a sexual offence or family violence offence. This recognises children's special vulnerability and protects them from harm, including the risk of undue distress or embarrassment associated with revealing their identity. The Bill will not affect the operation of important restrictions on publication of proceedings that relate to children, including section 534(1) of the *Children, Youth and Families Act 2005*.

Right to a fair hearing

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to a fair and public hearing.

Pre-existing orders are suppression orders made prior to the commencement of the Open Courts Act on 1 December 2013. These proceedings have likely concluded, yet many pre-existing orders made as part of those proceedings continue to operate. The reforms are limited to the operation of pre-existing orders and do not engage rights associated with the conduct of a substantive criminal or civil hearing. The Bill nevertheless includes a provision akin to section 15(1A) of the Open Courts Act to allow a court hearing an appeal from a proceeding in which a pre-existing order was made and continues to operate, to review that order.

In *Knight v Wise* [2014] VSC 76, the Supreme Court held that the right to a fair hearing includes the common law right of unimpeded access to courts. The Bill promotes access to justice for victim-survivors and other persons by enabling the lower courts and VCAT to hear applications to review pre-existing orders made in those courts or tribunal. Currently, a person must apply to the Supreme Court under its inherent jurisdiction to review these orders. This attracts higher costs and may therefore limit access to justice. The Bill provides that relevant persons (those listed in section 15(2) of the Open Courts Act), are entitled to appear and be heard on a review of a pre-existing order. This ensures that all persons with a sufficient interest in whether a pre-existing order should be confirmed, varied or revoked are afforded procedural fairness.

The Bill does not introduce new powers to prohibit or restrict the publication or other disclosure of information in connection with a proceeding. To the contrary, it promotes the right to a public hearing by empowering persons to apply to the lower courts or VCAT to vary or revoke a pre-existing suppression order that may otherwise operate indefinitely.

Enabling the Coroners Court to streamline investigation finalisation and reopening

The Bill amends the *Coroners Act 2008* to:

- enable Victorian Institute of Forensic Medicine (VIFM) pathologists to register certain natural cause deaths with Births, Deaths and Marriages (BDM) at the direction of a coroner
- limit standing to apply for coronial findings to be set aside to applicants with a connection to the deceased or the investigation
- allow the Coroners Court to set aside coronial findings on its own motion where new facts and circumstances make it appropriate to do so.

Section 9 of the Charter provides that every person has the right to life. The positive duty to protect life carries a 'procedural obligation to undertake effective coronial investigations where required', as found in international jurisprudence and outlined by the Explanatory Memorandum to the Charter. To be effective an

investigation must be prompt, accessible to the deceased's family, and the investigation process should enable a determination about the death to be made.

The Coroners Act amendment to allow VIFM pathologists to register certain natural cause deaths with BDM may promote the right to life by facilitating the finalisation of eligible death investigations as soon as possible by streamlining administrative processes.

The amendment to allow the Coroners Court to set aside findings on its own motion may promote the right to life by ensuring that the Court can further investigate deaths where required, regardless of whether an eligible person applies for findings to be set aside.

I do not consider that these rights are limited, and, if they are, I consider any limitations are reasonable and justified. These amendments will generate efficiencies for the Coroners Court and VIFM, improving outcomes and reducing distress for families within the coronial system. Resulting efficiencies may also enable the Coroners Court and VIFM to direct resources to complex investigations where there may be opportunities to prevent further deaths.

Amendments to the *Infringements Act 2006*, the *Fines Reform Act 2014*, the *Road Safety Act 1986*, the *Marine Safety Act 2010*, the *Public Health and Wellbeing Act 2008* and tolling legislation will strengthen fines enforcement

The Bill will make relatively minor and technical fines-related amendments that do not directly engage any rights protected under the Charter. These include changes to allow more than one infringement notice to be withdrawn using a single notice of withdrawal, removing the requirement for applicants for an extension of time to deal with their traffic or toll fine to produce a statutory declaration or sworn or affirmed statement in support of their application, and clarifying that the first payment under a payment arrangement must be made before a driver and vehicle sanction that has been imposed on a fine defaulter will be removed.

The following amendments made by the Bill might appear to have the potential to engage rights relating to criminal proceedings:

- the changes to facilitate the service of certain fines-related documents through an online portal
- the changes to deem fines-related notices sent electronically to have been served in certain circumstances even if they have been returned undelivered
- the minor amendment to reinforce that infringement notices can be sent electronically
- the changes to clarify that enforcement warrants issued electronically do not need to be issued in the (hard copy) prescribed form, and
- the changes to clarify that the Director, Fines Victoria can apply for an enforcement warrant against a fine defaulter the subject of an existing outstanding warrant even if a notice of final demand has been served but not expired.

In particular, these amendments may appear to engage the right to be informed promptly and in detail of the nature and reason for a criminal charge, and the right to have adequate time and facilities to prepare a defence and communicate with a lawyer or advisor that are protected under section 25(2)(a) and (b) of the Charter, respectively.

These changes do not, in fact, engage the rights in section 25 of the Charter, however, because these rights only apply to persons charged with a criminal offence. Neither an infringement fine, nor a court fine, is a formal criminal charge. For this reason, I consider that these amendments are compatible with the rights contained in section 25(2)(a) and (b) of the Charter.

In any event, I note that the amendments will not result in fine recipients being treated unfairly or adversely impact on their ability to pay or otherwise deal with their fine.

In relation to the amendments to facilitate the service of fines-related notices through an online portal, this portal is only intended for use by enforcement agencies and other third-parties who agree to this form of information exchange – the portal will not be used to send notices to fine recipients themselves.

The amendment relating to the electronic service of infringement notices is minor and technical only. The change inserts a Note in the *Infringements Act 2006* to clearly state that infringement notices may be served electronically under the existing electronic service provisions of that Act. Those provisions support the electronic service of fines-related notices (including infringement notices) where the fine recipient consents to receiving the notice electronically, is of or over the age of 16, and has provided an electronic address for service.

These safeguards apply to any fines-related notices sent electronically, and notices will only be deemed to have been received if returned undelivered in these circumstances. Both the Infringements Act and the *Fines Reform Act 2014* already deem notices sent by post to have been received even if they are returned

undelivered, in certain circumstances. For notices served under the Fines Reform Act, these circumstances include where the notice has been sent to an address supplied by the intended recipient themselves in a fines-related application. The proposed change will apply the same rule to notices sent electronically to an address supplied by the intended recipient themselves. The Department of Justice and Community Safety will continue to develop appropriate policies to guide the use of electronic service.

The amendments relating to electronic enforcement warrants do not impact adversely on a fine defaulter's ability to obtain relevant information about the warrant. Section 14 of the *Sheriff Act 2009* provides for the requirements for executing electronic warrants, including a requirement that the person the subject of the warrant be provided with specified details about the warrant and a copy of the warrant powers summary. The legislative provisions relating to the issue and execution of electronic enforcement warrants are well established, and the changes simply address an anomaly that appears to require even electronic warrants to be issued in the form prescribed under regulation 23 of the Fines Reform Regulations 2017.

The changes to clarify the circumstances in which an enforcement warrant may be issued against a fine defaulter will allow effective and timely enforcement action against individuals who have demonstrated a failure to pay their fines despite having had many opportunities to do so. Where an enforcement warrant has already been issued to the person, they will have already had the benefit of the service and expiry of a notice of final demand to pay or otherwise deal with their fine.

Clarifying delegation powers and acting arrangements in the *Guardianship and Administration Act 2019*

The Bill includes amendments to the *Guardianship and Administration Act 2019*. The Bill inserts an example at the end of section 19(1) of the Guardianship and Administration Act to clarify that a delegation under that section includes the Public Advocate delegating to a specified class of Public Advocate employee all of the Public Advocate's powers and duties under VCAT orders made under Part 3 of the Act. This includes guardianship orders and other related orders. The Bill also enables a person to be appointed as an Acting Public Advocate under the Act during a vacancy in the office of the Public Advocate.

The operation of the Guardianship and Administration Act and the role of the Public Advocate has the effect of restricting the autonomy and limiting the rights of people with disability, including the right to equality (section 8), freedom of movement (section 12), privacy (section 13(a)), freedom of expression (section 15), freedom of association (section 16(2)), liberty (section 21), and to humane treatment when deprived of liberty (section 22). For example, a guardianship order may confer on a guardian a range of powers in relation to a 'personal matter' of a represented person, including powers to determine where the represented person lives and with whom the represented person associates. The exercise of guardianship powers conferred by a VCAT order may involve decisions that restrict the movement and liberty of the represented person for reasons such as health, safety or protection. These limitations are addressed in the Statement of Compatibility to the Guardianship and Administration Act.

The amendments in this Bill are technical and administrative in nature. They do not provide new powers to the Public Advocate that limit a person's rights, but may instead promote these rights by:

- ensuring guardianship powers conferred by VCAT orders can be appropriately delegated and exercised in a timely manner, particularly during an emergency or crises, and
- promoting consistency in the appointment of an Acting Public Advocate through a robust, independent and unambiguous process.

The Bill will improve the Office of the Public Advocate's service delivery and efficiency, improving outcomes for people who have the Public Advocate appointed as a guardian. The amendments will reduce the risk of delays and inaction where urgent guardianship assistance is required, promoting the human rights of people with a disability. All guardians are required to act within the rights-based principles in the Guardianship and Administration Act to ensure the promotion of the will and preferences and wellbeing of the represented person.

The Bill will also ensure that an Acting Public Advocate appointed during a vacancy is made independent of government and subject to the rigorous appointment processes of the Act, including a requirement for the Acting Public Advocate to take an oath or make an affirmation that they will faithfully and impartially perform the duties of office. These amendments will help safeguard the rights of individuals who are unable to make decisions for themselves due to disability by providing the most suitable persons to make those decisions on their behalf.

Amendments to the *Crimes Act 1958* will amend the definition of 'bestiality' and create new indictable offences to prohibit the possession, production, distribution and accessing of bestiality or animal crush material

The Bill amends the *Crimes Act 1958* to expand the offence of bestiality and criminalise the production, distribution, possession and accessing of animal abuse material. The reforms will introduce new offences intended to disrupt and deter the supply of bestiality and animal abuse material (including 'animal crush' material) in, and connected to, Victoria by ensuring that targeted laws apply to those who create, share and consume such content. The new provisions engage the right to freedom of expression (section 15) and the right to property (section 20).

Right to freedom of expression

The Bill defines 'animal abuse material' and contains new animal abuse material offences that criminalise the production, distribution, possession and accessing of animal abuse material, and exceptions and defences applicable to those offences. These amendments engage the right to freedom of expression under section 15 of the Charter as they impose lawful restrictions on the freedom of expression.

Section 15(2) of the Charter provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds. However, section 15(3) provides that special duties and responsibilities attach to this right, which may be subject to lawful restrictions reasonably necessary to respect the rights and reputations of others, or for the protection of national security, public order, public health or public morality.

In criminalising the production, distribution, possession and accessing of animal abuse material, the Bill does limit freedom of expression. However, the construction of the provisions ensures that freedom of expression is only subject to such limits under the new provisions as are lawfully necessary – in particular, for the protection of public morality. The definition of 'animal abuse material' inserted by the Bill incorporates an objective standard of the view of 'reasonable persons' and allows for the surrounding circumstances to be considered in determining the intent of the relevant material.

Additionally, the Bill provides for exceptions and defences that promote freedom of expression within acceptable lawful restrictions. These include an exception for classified material (e.g. film and video games) and a defence of public benefit or fair and accurate report. The latter provides a defence where the material has a genuine artistic, agricultural, educational, legal, medical, scientific or veterinary purpose.

The purpose of the new animal abuse offences, in addition to protecting animals, is to protect the public from being exposed to violent and shocking material by criminalising and punishing such conduct. I consider that this falls within the internal qualification of section 15(3) of the Charter, including the protection of the rights and reputations of others, public order and public morality, such that the right to freedom of expression is not limited.

Right to property

New sections 61D to 61H allow for the court, on application of the Director of Public Prosecutions or a police officer, to make an animal abuse material disposal order in respect of a seized thing, or of electronic material contained in a seized thing. Such an order may provide that the seized thing or electronic material be forfeited and either destroyed or otherwise disposed of in a manner determined by the court. In addition, the Bill amends the *Confiscation Act 1977* in relation to the disposal of animal abuse material if a person is convicted of an offence set out in Schedule 1 to that Act. These reforms engage the right to property under section 20 of the Charter.

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that the powers authorising the deprivation of property are conferred by legislation or common law; formulated precisely; confined, clear and structured; and accessible to the public. To the extent that the provisions in the Bill may result in the deprivation of property, I am of the view that they do not limit the right to property as the deprivation will be in accordance with clear, accessible and precise legislated criteria, and subject to the oversight of a judicial officer.

Extending the operation of the County Court Drug and Alcohol Treatment Court

The Bill amends the *County Court Act 1958* and *Sentencing Act 1991* to extend provisions supporting the operation of the Drug Court which are due to sunset on 26 April 2026. The Bill will promote the right to a fair hearing under section 24 of the Charter.

Section 24 of the Charter provides that a person charged with a criminal offence has the right to have the charge decided by a competent, independent and impartial court after a fair and public hearing.

The Drug Court is a specialised court that targets the complex needs of offenders with a drug or alcohol dependency. To access the Drug Court, participants must plead guilty to drug and alcohol-related offences

and engage in activities aimed to treat drug and alcohol dependence, such as detox and rehabilitation programs.

Some participants may not have pleaded guilty if the program was not available to them. If the Drug Court provisions were to lapse, participants may lose the benefit of a guilty plea made with expectation of access to the Drug Court, if the drug and alcohol treatment order were no longer an available sentencing option following their plea of guilty.

Enabling the Magistrates' Court to carry out administrative functions more efficiently

The Bill amends the *Road Safety Act 1986* to enable the Magistrates' Court to automate certain administrative functions by use of automated systems, such as its Case Management System (CMS). The amendments will allow the Magistrates' Court to receive certain documents via the CMS, without requiring such documents to be received by a registrar. These documents include reports on the execution of search warrants under the Road Safety Act, notices of applications relating to interlock conditions and notices of appeals against immediate licence suspension or disqualification.

Right to recognition and equality before the law

Section 8 of the Charter provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination.

The Bill will promote the right to equality before the law by increasing access to justice for Victorians. Currently, court users may be required to travel significant distances to physically file documents with a registrar, or may have difficulty determining how documents must be provided to a registrar. The amendments will enable the Magistrates' Court to offer less complex and more convenient ways for court users to file documents, which may be particularly beneficial for court users with disabilities or from regional areas.

Right to privacy and reputation

Section 13 of the Charter provides that a person has the right not to have that person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

The amendments relating to search warrants executed under section 84ZO of the Road Safety Act are confined to allowing reports on the execution of such warrants to be submitted to the Magistrates' Court, including via the CMS, without requiring such reports to be submitted to a registrar. The amendments do not alter or extend police powers in relation to the execution of search warrants under the Road Safety Act, and do not allow for arbitrary or unlawful interference of a person's privacy, family, home or correspondence.

Amendments to the *Crimes Act 1958* to change the requirement for Director of Public Prosecutions consent to police prosecutions of serious vilification offences

Right to retrospective criminal laws

Section 27 of the Charter provides that a person must not be found guilty of a criminal offence because of conduct that was not a criminal offence when it was engaged in, and that a penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.

The Bill amends section 195Q of the *Crimes Act 1958* to remove the requirement for the Director of Public Prosecutions' consent to police prosecutions of serious vilification offences, namely sections 195N(1) and 195O(1) of the *Crimes Act*, unless the accused is under the age of 18 years. A transitional provision, section 640C, provides that section 195Q of the *Crimes Act* as substituted by the Bill applies in relation to an offence against section 195N(1) or 195O(1) irrespective of when the offence is alleged to have been committed. These offences commenced operation on 20 September 2025.

While this provision will amend the consent requirement retrospectively, it does not limit or interfere with section 27 of the Charter. Section 195Q of the *Crimes Act* is a procedural provision and does not alter the elements or penalties of the offences in sections 195N or 195O of the *Crimes Act*.

Protection of families and children

Section 17 of the Charter protects the rights of families and children. Section 17(2) recognises the vulnerability of children because of their age, conferring additional rights on them. It is concerned with protecting the 'best interests of the child' (*Certain Children by their Litigation Guardian Sister Marie Brigid Arthur v Minister for Families and Children* [2016] VSC 796 [145]).

While the Bill is removing the requirement for Director of Public Prosecutions' consent to police prosecutions for serious vilification offences alleged to have been perpetrated by adults, section 195Q(b) of the *Crimes Act* requires Victoria Police to obtain the Director of Public Prosecutions' consent to charge an accused who is a child (under 18 years of age) with serious vilification. This safeguard promotes the protection of children by

ensuring that their unique characteristics and vulnerabilities are considered before deciding to proceed with a prosecution.

Enver Erdogan
Minister for Casino, Gaming and Liquor Regulation
Minister for Corrections
Minister for Youth Justice

Second reading

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:38): I move:

That the bill be now read a second time.

Ordered that second-reading speech be incorporated into *Hansard*:

The Justice Legislation Further Amendment (Miscellaneous) Bill 2025 amends various Acts to improve the operation of the courts and justice system. The Bill will:

- implement Recommendation 133 of the Victorian Law Reform Commission's 2020 *Contempt of Court Report*
- amend the *Coroners Act 2008* to streamline investigation finalisation and reopening procedures
- amend the *Births, Deaths and Marriages Registration Act 1996* to enable more doctors to register deaths and clarify their death reporting obligations
- amend fines and tolling legislation, and make minor fines-related amendments to other Acts
- clarify the delegation powers and acting arrangements of the Public Advocate in the *Guardianship and Administration Act 2019*
- amend the *Crimes Act 1958* to broaden the definition of 'bestiality' and prohibit the possession, production, distribution and accessing of bestiality or animal abuse material
- amend the *County Court Act 1958* and *Sentencing Act 1991* to extend provisions supporting the operation of the County Court Drug and Alcohol Treatment Court,
- amend the *Road Safety Act 1986* to enable the Magistrates' Court of Victoria to carry out certain administrative functions under this Act more efficiently, and
- amend the *Crimes Act 1958* in relation to procedural matters pertaining to serious vilification offences.

Implementing Recommendation 133 of the 2020 *Contempt of Court Report* to promote open justice

The Bill will implement Recommendation 133 of the Victorian Law Reform Commission's (VLRC's) 2020 *Contempt of Court Report* (Report) to enable applications to lower courts and the Victorian Civil and Administrative Tribunal (VCAT) to vary or revoke 'legacy suppression orders' made by those courts or tribunal.

Suppression orders are an important function of court proceedings that prohibit or restrict the publication or other disclosure of specific information. The VLRC's Report uses the term 'legacy suppression orders' to describe suppression orders made under the common law or repealed provisions in court Acts, prior to the commencement of the *Open Courts Act 2013* on 1 December 2013. The Open Courts Act consolidated the general powers of the Supreme Court, County Court, Magistrates' Court, VCAT and the Coroners Court to make suppression orders and closed-court orders, however it does not address legacy suppression orders.

Legacy suppression orders generally do not have an end date, unlike suppression orders made under the Open Courts Act, which operate for a maximum of 5 years. This means that legacy suppression orders still in force today will operate indefinitely or 'until further order', contrary to the principle of open justice. Open justice is a fundamental legal and democratic principle. Victim-survivors of sexual or family violence offences, the media, and other interested parties should not be unduly silenced, particularly where an adult victim is able and willing to share their lived experience. Upholding the principle of open justice also promotes personal responsibility by holding perpetrators accountable to the community, whilst simultaneously raising public awareness of these significant issues.

The Supreme Court's 2020 decision of *Chairperson of the Royal Commission into the Management of Police Informants v Director of Public Prosecutions Victoria and Others* (2020) 61 VR 490, handed down after the VLRC's Report was tabled, casts doubt on the power of the lower courts and VCAT to review legacy suppression orders. Therefore, currently, only the Supreme Court can review legacy suppression orders under its inherent jurisdiction in the *Constitution Act 1975*. Applying to the Supreme Court is a costly process that

can restrict access to justice for applicants, including victim-survivors, and unnecessarily strain the resources of the Supreme Court.

The Bill will allow the lower courts and VCAT to review legacy suppression orders made by that court or tribunal. These are referred to as 'pre-existing orders' in the Bill. Further, where there is an appeal of a substantive proceeding, the appellate court will be able to review the pre-existing order made in the lower court or tribunal and make any order that that court or tribunal could have made under the Open Courts Act.

The amendments largely mirror existing suppression order review provisions in the Open Courts Act. This ensures consistent treatment of pre-existing orders and post-commencement suppression orders made under the Act. The Bill will allow a court or VCAT to review a pre-existing order on its own motion or on application by:

- the applicant for the order
- a party to the proceedings concerned, including the victim or alleged victim in a sexual offence or family violence offence criminal proceeding
- the Attorney-General, the Attorney-General of another State or Territory or the Commonwealth
- a news media organisation, or
- any other person who the court or tribunal considers has a sufficient interest in the review of the order.

The Bill empowers victim-survivors of sexual and family violence offences to take control of their story, by requiring the court or VCAT to revoke a pre-existing order if the victim-survivor gives permission for the revocation, is 18 years of age or over, and it is otherwise appropriate in all the circumstances for the pre-existing order to be revoked. The Bill will also allow the court or VCAT to confirm a pre-existing order, where appropriate. Where a pre-existing order is confirmed or varied, from that time it will be treated as a suppression order under the Open Courts Act unless otherwise ordered. This will futureproof these orders.

It is important to acknowledge that open justice is not absolute, and that competing considerations may necessitate the continuation of an order to suppress or restrict the publication of certain information, including, for example, the identity of a party or witness. Where a victim or alleged victim of a sexual or family violence offence applies to revoke a pre-existing order, the Bill would prevent that order being revoked if doing so would result in the disclosure of the identity of another victim or alleged victim in the same proceeding who does not consent to the disclosure, is under the age of 18 years, or where it is not appropriate in all the circumstances for the order to be revoked. The provisions will not interfere with publication prohibitions in other Acts, such as the *Children, Youth and Families Act 2005*, as is the case for suppression orders made under the Open Courts Act.

These important reforms will improve access to justice for victim-survivors, promote freedom of the media, and assist in holding perpetrators publicly accountable.

Enabling the Coroners Court to streamline investigation finalisation and reopening

The Bill amends the *Coroners Act 2008* to establish a new finalisation pathway for certain natural cause death investigations. Where a coroner exercises a discretion to use the pathway, a pathologist or medical practitioner under the supervision of a pathologist will register the cause of death and other prescribed particulars with the Registrar of Births Deaths and Marriages. This will promote administrative efficiencies, enabling eligible investigations to be finalised sooner. This amendment gives effect to Recommendation 4 of the Coronial Council of Victoria's *Review of Reportable Deaths in Victora* report.

The Bill also amends the Coroners Act to limit standing to apply for coronial findings to be set aside to certain classes of applicant with a connection to the investigation, and to allow the Coroners Court to set aside coronial findings on its own motion where new facts and circumstances make it appropriate to do so.

Enabling more doctors to register deaths and clarify their death reporting obligations

The Bill amends the *Births, Deaths and Marriages Registration Act 1996* to clarify that doctors can notify the Registrar of Births, Deaths and Marriages of a person's cause of death, if they are able to form an opinion as to the probable cause of death. The reference to 'probable' reflects the fact that a cause of death cannot always be definitively identified. This amendment aims to clarify doctors' existing cause of death notification obligations, rather than vary them.

The Bill also amends the Births, Deaths and Marriages Registration Act to enable doctors who have reviewed a person's medical history and circumstances of their death and satisfied themselves of the person's probable cause of death to notify the Registrar of the cause of death.

Strengthening fines enforcement in Victoria

The Bill introduces several reforms to the fines system to strengthen fines enforcement, further facilitate the electronic service of fines-related notices, address inconsistencies and streamline administrative processes.

The amendments will enhance existing provisions for the electronic service of fines-related notices under the *Infringements Act 2006* and the *Fines Reform Act 2014* by providing certainty as to when electronic service of a fines-related notice will be deemed to have occurred, including where the communication is returned undelivered. This will place the electronic service of fines-related notices on an equal footing with notices sent by post. The existing requirements for electronic service, such as a requirement for the recipient to be of or above the age of 16, have provided an electronic address for service, and to have consented to receiving the notice electronically, will continue to apply.

It will also make changes to support the giving of certain fines-related notifications and directions to fines system stakeholders via an online portal. Stakeholders, including enforcement agencies that issue infringement fines, and authorised third party representatives who manage fines on behalf of multiple fine recipients, will be able to choose to receive information regarding the status of the fines they manage through an online portal. The changes are intended to ensure that, where this method of communication is used, it is effective and that the time of the dispatch and receipt of any communication is clear.

The Bill makes changes to improve the current rules relating to the service of fines-related notices by post under the Infringements Act and the Fines Reform Act. The changes expand the list of addresses to which a notice may be posted and be deemed to have been received even if it is returned undelivered. For enforcement agencies, being able to rely on the 'deemed served if returned undelivered' provisions is important because it ensures that enforcement of the fine can proceed. Currently, however, if a fine recipient has provided their address in a statement nominating another person as the person driving a vehicle involved in an 'operator onus' offence, notices sent to that address will not receive the benefit of the deemed service provisions. The changes will address this gap, enabling notices sent by post to be sent to the most up-to-date address provided by the intended recipient themselves. These changes will extend to the service of notice provisions in the *Marine Safety Act 2010*, which also contains an infringement notice operator onus scheme.

The reforms will also remove the requirement for traffic or toll fine recipients to meet strict evidential requirements when applying to the Director, Fines Victoria for an 'extension of time' to deal with their fine on the ground that they were unaware that it had been issued. The integrity of the process will be maintained through the retention of the requirement that the Director be satisfied that the person was not in fact aware, more than 14 days before making the application, that the fine had been issued. The changes will enable more flexibility in the sort of evidence that can be accepted in support of an application. The Bill will also make it an offence to provide intentionally false or misleading information in an application.

Lastly, the Bill will make a range of minor, technical, and procedural type changes. These include:

- clarifying that enforcement warrants issued to fine defaulters electronically do not need to be issued in the prescribed form
- ensuring that the Director, Fines Victoria can take effective enforcement action against a fine defaulter who is subject of an existing unsatisfied enforcement warrant and has a history of failing to deal with their fines by clarifying that the Director may apply for an enforcement warrant in respect of their other fines before the expiry of a notice of final demand served on those fines
- clarifying that more than one infringement fine may be withdrawn by the enforcement agency that issued the fine using a single notice of withdrawal
- ensuring the adequacy of the delegation powers of the Director, Fines Victoria
- addressing the inconsistent treatment of court fines and infringement fines when enforcing company fines against a company director by making the date of service of a court fine collection statement as the relevant point from which the Magistrates' Court should assess whether the person took adequate steps to deal with the fine, and
- clarifying that if a fine defaulter on whom a driver and vehicle sanction has been imposed for failing to pay their fine enters into a payment arrangement, the sanction is not lifted until the person has made the first payment under that arrangement.

Clarifying delegation powers and acting arrangements in the *Guardianship and Administration Act 2019*

The Bill amends the *Guardianship and Administration Act 2019* to enable the Public Advocate to delegate their guardianship powers to a class of employees in a general instrument of delegation rather than creating a new instrument every time VCAT makes a guardianship order or related order. This will significantly reduce the administrative burden involved in delegating these powers and improve service delivery and efficiency of

the Office of the Public Advocate. The Public Advocate is generally appointed as a guardian for a person who lacks decision-making capacity to make relevant decisions themselves, as a last resort in circumstances where there is no other person eligible to appoint. The appointment can involve an emergency or crises that requires an urgent decision, such as facilitating housing. The reforms will ensure that these important powers can be delegated and exercised in a timely manner, including during short periods of absence of the Public Advocate. This will reduce risks to people in urgent need of care.

The Bill also amends the Guardianship and Administration Act to clarify the process for appointing an Acting Public Advocate when the office is vacant. The Act, as currently in force, provides for the appointment of an Acting Public Advocate during the temporary absence or suspension of the Public Advocate. This does not include a situation where the Public Advocate role is vacant, such as the period between appointments, where the process for the appointment of an Acting Public Advocate is unclear. One alternative avenue for appointment in these circumstances is appointment by the Minister under provisions of the *Public Administration Act 2004*. This process bypasses the stringent requirements of the Guardianship and Administration Act, including appointment by the Governor-in-Council and the appointee taking an oath or making an affirmation that they will faithfully and impartially perform the duties of office. The amendments will provide consistency for Acting Public Advocate appointments under the Guardianship and Administration Act and promote a comprehensive appointment process that is independent of government. It will also streamline future appointments of an Acting Public Advocate appointed during a vacancy in the office who has previously held that position. The Bill will set a maximum acting appointment period of 12 months to encourage the timely appointment of a new Public Advocate.

Amending the definition of 'bestiality' and creating new indictable offences to prohibit the possession, production, distribution and accessing of bestiality or animal crush material

The Bill will amend the *Crimes Act 1958* to better protect animals from exploitative behaviours.

Currently in Victoria, acts of bestiality and animal abuse are illegal. However, the possession, production, distribution and accessing of content depicting these acts is not prohibited. This gap needs to be addressed. That is why this Bill introduces new offences that are intended to disrupt and deter the supply of bestiality and animal abuse material in, and connected to, Victoria by ensuring that targeted laws apply to those who create such content, as well as those who consume it.

The new offences will apply to material that relates to acts of bestiality, or an animal being crushed, burned, drowned, suffocated, impaled or otherwise killed, tortured or subjected to serious injury. To qualify as animal abuse material, the content must objectively appear to be intended to excite or gratify a sexual interest or sadistic interest in violence or cruelty.

The offences will be indictable offences, with the production and distribution offences attracting a 5-year maximum term of imprisonment, and the possession and access offences attracting a 3-year maximum term. These significant penalties reflect the harm this kind of conduct causes to animals, and send a clear and strong message that making, sharing and consuming material that depicts actual or realistic simulations of animal abuse is not acceptable.

Limited exceptions and defences to the new offences will be available. This includes an exception for material that is, or would be, classified other than 'RC' under the Commonwealth classification regime – such as films and video games – to ensure that Victorians' access to lawful publications are not inadvertently impeded by the reforms. There will also be a defence of fair and accurate report or public benefit. This defence is necessary to ensure that the reforms do not inadvertently criminalise people in the course of legitimate conduct – for example, people producing material with a genuine educational, medical or agricultural purpose.

The Bill will also amend section 54A of the Crimes Act to expand the offence of bestiality to prohibit sexual touching between a human and an animal, in addition to the penetrative acts to which the offence currently applies. This amendment addresses a gap in our legislation to criminalise non-penetrative forms of sexual engagement between humans and animals. The existing exceptions relating to veterinary, agricultural or scientific research purposes will continue to apply to the expanded bestiality offence.

Extending the operation of the County Court Drug and Alcohol Treatment Court

The Bill amends the *County Court Act 1958* and *Sentencing Act 1991* to enable the County Court Drug and Alcohol Treatment Court (Drug Court) to continue operating after 26 April 2026. Provisions which enable the Drug Court to operate are currently scheduled to sunset on 26 April 2026. The amendments ensure that offenders pleading guilty to drug and alcohol related offences in the County Court will have access to the therapeutic pathway provided by the Drug Court.

Enabling the Magistrates' Court to carry out administrative functions more efficiently

The Bill amends the *Road Safety Act 1986* to allow the Magistrates' Court to expand use of its Case Management System to perform certain administrative functions more efficiently. These reforms will

modernise registry services and improve the efficiency of court operations by enabling certain documents to be received electronically.

Amending the *Crimes Act 1958* to change the requirement for Director of Public Prosecutions consent to police prosecutions of serious vilification offences

The Bill will amend the *Crimes Act 1958* to change the Director of Public Prosecutions' (DPP) consent framework regarding the serious vilification offences in section 195N(1) (incitement on ground of protected attribute) and section 195O(1) (threaten physical harm or property damage on ground of protected attribute).

Currently in Victoria, a prosecution for a serious vilification offence may only be commenced with the consent of the DPP and the DPP must consider all the circumstances, including social, cultural and historical factors, before doing so. This additional prosecutorial burden may impact the effectiveness of these offences, preventing police from using them when appropriate to respond to seriously hateful conduct which is of concern to the Victorian community.

The Bill will amend section 195Q of the *Crimes Act 1958* to provide that the DPP's consent is not required for a police officer to commence a prosecution for a serious vilification offence unless the accused person is under the age of 18 years. Consistent with the approach to the Nazi symbol and Nazi salute offences, this safeguard ensures children's unique characteristics and vulnerabilities are considered before deciding to proceed with a prosecution.

The Bill also provides that only Victoria Police and the DPP will be able to commence prosecutions for these offences, meaning that private citizens are not able to do so. This will ensure there is a level of experienced prosecutorial oversight before a matter progresses to court, involving a consideration of whether there is sufficient evidence to support a conviction. It will not prevent any person from making a complaint to police when they think they have experienced or witnessed serious vilification.

These changes will apply to a serious vilification offence irrespective of when it is alleged to have been committed.

I commend the Bill to the house.

Lizzie BLANDTHORN: I advise the house that an amendment to the Justice Legislation Further Amendment (Miscellaneous) Bill 2025 was passed in the Legislative Assembly. The amendment removes the requirement that the Director of Public Prosecutions consent to police prosecutions for criminal vilification, unless the alleged offender is under the age of 18. I commend the amended bill to the house.

Renee HEATH (Eastern Victoria) (18:38): I move:

That debate on this bill be adjourned for one week.

Motion agreed to and debate adjourned for one week.

Adjournment

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:39): I move:

That the house do now adjourn.

Education system

Jacinta ERMACORA (Western Victoria) (18:39): (2281) My adjournment matter is for the Minister for Education Ben Carroll. This year, every prep student is receiving free books through the prep bags program. The action I seek is an update on how this initiative is supporting families with cost-of-living pressures and building early literacy for Victorian children.

Gippsland train services

Renee HEATH (Eastern Victoria) (18:39): (2282) My adjournment matter is directed towards the Minister for Public and Active Transport. This Labor government has just delivered another direct blow to Gippslanders, and if any of Jacinta Allan's 85 publicly funded advisers had actually listened to regional Victorians they would have immediately noticed it. A recent change in the V/Line timetable has pushed back the earliest morning service from Gippsland by 11 minutes. It used to reach Southern

Cross station at 6:45 am, allowing passengers to reach their jobs for a 7 am start. Now it arrives at 6:56 am. This is a small change, but it has a huge consequence: Gippslanders no longer reach their jobs or classes by 7 am. Tradies, apprentices, students and early shift workers are now locked out. This is not a lifestyle inconvenience or a minor detail of just 11 minutes; it is now an economic barrier. Work and study opportunities are being stripped away from regional Victorians. People are being forced to drive long distances, relocate or abandon their jobs altogether. One tradie who contacted my office has already left Garfield as a direct result. This change sits within Labor's so-called big switch, and once again regional Victoria is paying the price for Labor's disinterested neglect. Inner-city votes are being prioritised over regional livelihoods. Public transport should connect regional communities to opportunities. Instead this decision cuts Gippslanders off from work, training and growth. It undermines work participation and regional retention. For communities already facing labour shortages this is damaging, for young people trying to study or start careers this is devastating and for small towns it accelerates decline. The action I seek from the minister is this: to restore the service to what it was before so regional Victorians can reach work and study.

Duck hunting

Katherine COPSEY (Southern Metropolitan) (18:41): (2283) My adjournment is for the Minister for Outdoor Recreation regarding public safety and access to public wetlands during the 2026 duck-shooting season. I have received correspondence from Regional Victorians Opposed to Duck Shooting, RVODS, raising serious concerns about duck shooting at public wetlands sites that are close to homes and popular public recreation areas. RVODS has repeatedly requested the closure of 25 specific sites to duck shooting across Victoria on the basis of community safety, amenity impacts and the practical impossibility of effective monitoring across such a vast area. Shamefully, over half of Victoria's public wetland areas remain open to duck shooting during the season despite duck shooters representing less than half of 1 per cent of the population of the state. As we heard during the select committee inquiry into Victoria's recreational native bird hunting arrangements, the footprint of areas open to shooting is so large that meaningful monitoring and enforcement of gun activity is not realistically achievable. An RVODS survey of more than 800 people in the regions found significant community concern about safety and disturbance, including that a substantial proportion of residents live within a short distance of active duck-shooting areas, with many reporting they live within a few kilometres and some within hundreds of metres. They state that the only two formal risk assessments that have ever been conducted for duck-shooting areas resulted in assessments that led to both wetlands being subsequently closed to hunting.

Some of the 25 sites requested for closure include Ramsar-listed wetlands, and RVODS asks why sites of international environmental significance would continue to be used for recreational shooting when the public should expect that these places are safe for wildlife, safe for families visiting and enjoying the outdoors and safe for all the recreational tourism businesses that rely on them. They have also asked the government to explain the difference between the 25 sites they have identified and the two Mildura wetlands that were closed to duck shooting on public safety grounds in 2019. I ask the minister to close these 25 sites identified to duck shooting in the 2026 season. Minister, if you will not, provide clear reasons, including what land manager consultation, what safety risk assessments and what evidence your decision has relied upon – and will you please outline what enforcement resources are in place to ensure community safety at those locations throughout the season? People like the Regional Victorians Opposed to Duck Shooting are entitled to feel safe in the wetlands near their homes.

Cranbourne Community Hospital

Michael GALEA (South-Eastern Metropolitan) (18:44): (2284) My adjournment is for the Minister for Health. Will the minister update the house on the services available to patients and the broader community at Cranbourne Community Hospital? I note that the Liberal Party has doubled down this week on talking down Cranbourne's new community hospital. They claim it is not a real hospital. We know that the Liberals do not like investments in the healthcare system; they would rather make cuts to it. But I would advise my colleagues across the aisle: if you are going to spread

misinformation saying it is not a hospital, perhaps do not do it while standing at the entrance of that building under the sign saying 'hospital'. I realise that there is some confusion amongst the Liberals about what a hospital actually is. This is the same lot of course who asked one of the doctors who set up Victoria's virtual ED if they had ever heard of a virtual ED being set up in operation anywhere.

Let us see if we can clear this all up, shall we? We are not claiming that Cranbourne Community is a full-scale tertiary hospital by any means. If we are going to talk about that, I would instead be talking about the $1.1 billion investment in the new rebuilt Peninsula University Hospital, formerly Frankston hospital, the largest single investment in a hospital in this state's history outside of inner Melbourne. It is a terrific hospital that has just opened, and incidentally it is just up the road from Cranbourne as well. Cranbourne Community may not be set up as a tertiary hospital or as a trauma centre, but it was never intended to be. The hint is in the name: community hospital. But what it is doing as a further investment in the south-east health infrastructure is already playing a role in providing health services closer to home as well as alleviating pressure on other hospitals very close by, including Casey, including Dandenong and indeed, yes, including the new Peninsula University Hospital, and none of that good work that this centre is doing is undermined by the lack of a helipad on the roof.

Whilst the Liberal Party may have gotten themselves into a semantics-based fluster, it is at least good to see that they are finally acknowledging and highlighting in fact the many healthcare investments in the south-east made by the Allan Labor government, including the urgent care clinic at Narregate in Narre Warren North, initially funded as part of the priority care centres initiative of this government in the face of complete inaction by the federal Liberal Party, a site which to this day is still 50–50 funded by the Allan Labor government and the federal Labor government.

I do not know what has the Liberals in such a flap. Maybe they do not want to acknowledge that Cranbourne Community Hospital is an actual hospital because it is going to form part of their secret list of cuts to fill their $11.1 billion budget black hole. But whatever you choose to call it, this Cranbourne Community Hospital is already delivering for the community and is another example of this government providing our growing outer suburbs with the healthcare infrastructure and services that we need.

Metro Tunnel

David DAVIS (Southern Metropolitan) (18:47): (2285) Tonight I want to raise a matter for the minister for transport. The big switch has not gone well. The switch with the new tunnel and all of the matters around that have not gone well. On Tuesday night I had a barrage of texts come to me about the sagging wire. The state government is blaming a sagging wire for chaos across the whole system. For example, one person texted me the details of their –

John Berger: Who?

David DAVIS: Her name is Sophie. I am not going to give her full name, but there you are. She tried to get home that night, and she had to go back to Melbourne, to Flinders Street, then to Caulfield. There were 2000 people on the station at Caulfield, and the station –

John Berger interjected.

David DAVIS: Well, this is what happened. But you do not really go to your electorate – I know that. You live down in Teesdale, and you would not be worried about what happens in the electorate here. I am worried about the transport going through my electorate. I am worried about the Cranbourne and Pakenham lines, which have now been cut off from the MCG, cut off from South Yarra. People are waking up to what has gone on here. $15.5 billion, up from $9 billion in the first estimate – a huge cost blowout, and actually there are real problems with what is being delivered. What occurred the other night was an absolute mess, an absolute debacle. We saw the people crowded on the stairs, people crowded on the platform at Caulfield. We saw the train stopped – and just let the house record

the member over there laughing at this. This is actually quite serious, and he is laughing at the serious matter that is occurring here with –

Michael Galea: On a point of order, President, Mr Davis is blatantly misrepresenting Mr Berger. He is plainly laughing at Mr Davis himself, not at the issue that Mr Davis is talking about.

The PRESIDENT: I would advise members not to verbalise other members.

David DAVIS: What I am seeking is a full and independent investigation of what occurred on Tuesday night. The sagging wire, the people trying to get onto the elevators, the shocking situation where two trains were stalled outside Caulfield, and they were left there for 2 or 3 hours. People were in really very hot, very uncomfortable circumstances. This is a Third World system that we are seeing here, a system that –

Members interjecting.

David DAVIS: Well, this is what you say. The fact is you have spent $15.5 billion and you cannot get the trains to run properly, you cannot get them to run on time and you have had sagging wires stopping the whole system and thousands of people on platforms trying to get home. There needs to be a full independent public investigation about the debacle that is occurring with this. It is a shocker. The minister who is responsible is the Premier; she is the one who delivered this very – *(Time expired)*

Mordialloc Beach

David LIMBRICK (South-Eastern Metropolitan) (18:51): (2286) My adjournment matter is for the Minister for Police in the other place. I recently spoke with members of the Mordialloc Life Saving Club, a great institution that has kept beachgoers safe for more than 100 years. It is a hub for sport and fitness and is part of the fabric of south-east Melbourne. Members have seen a wave of antisocial and criminal behaviour at the beach. They tell me it is much worse this year than it has ever been, with very large numbers of young people descending predictably on certain areas of the beach on very hot days. Club members commend the efforts of police to manage incidents on these days, but they note that they are greatly outnumbered. My request for the minister is to discuss strategies to manage this problem better on hot days and to encourage police to get a better understanding of where visitors are coming from and the root causes of this issue.

Southern Metropolitan Region schools

John BERGER (Southern Metropolitan) (18:51): (2287) My adjournment matter is for the Minister for Education in the other place. The school year has started for 2026, and that means that 19 brand new schools are filling up their classrooms for the first time. These are schools which have been built by the Allan Labor government to accommodate our state's growing population and the demand for new school places in growth areas. In the Southern Metropolitan Region we have seen Narrarrang Primary School, located in Port Melbourne, open up its doors for the first time. This will enable local kids to go to school close to where they live and help prevent overcrowding in classrooms at nearby schools by meeting the demand for new places. These 19 new schools just opened are neither the beginning nor the end of the Labor government's school-building agenda. In fact with these 19 finished, that brings us up to 100 new schools built under this Labor government, with more underway. Victoria's investment in school infrastructure is an important part of the investment in our children's future, and it is paying off, with Victoria currently leading the nation in NAPLAN results. The action I seek is for the minister to provide me with an update on how much capital investment has been made in public schools in the Southern Metropolitan Region since the government came to office.

Community safety

Bev McARTHUR (Western Victoria) (18:53): (2288) My adjournment matter is for the attention of the Premier, and the action I seek is that the Premier join me in condemning all forms of extremist ideology and loudly and publicly supporting Australia Day. On the National Day of Mourning and not

long before Australia Day, two historic monuments in Flagstaff Gardens were vandalised. One statue honouring Melbourne's earliest settlers stood proudly for 155 years. On the morning of 22 January it was found torn down, smashed and defaced with pro-Hamas symbols. I support free speech, but I vigorously oppose those who foment and execute vandalism, violence and the deliberate desecration of our history. Such individuals should be condemned in the strongest possible terms. Australia is undisputedly the greatest, freest and luckiest country in the world. That is why, along with millions of my fellow citizens, I was proud to celebrate Australia Day with friends and family. While Darebin council in the northern suburbs continues to fly a foreign flag, the flag of Palestine, I am proud to fly the Australian flag. While a Greens Merri-bek councillor chose to wear a keffiyeh during a council meeting, I supported Tuesday's motion extending our sympathies to the victims of the Bondi Beach attack. And while others seek to move the date of Australia Day, I remain immovable on 26 January. The country our courageous ancestors built is increasingly undermined by radical Islamist extremists, aided knowingly or unknowingly by ignorant, cowardly and morally bankrupt political leaders and their far-left agitators marching on our streets. Those individuals who hate our shared values have no place in this city, they have no place in our state and they have no place in our nation. Whether our families have been on this land for thousands of years or hundreds of years, or whether you arrived recently, we must collectively defeat this anti-Australian agenda decisively and without apology. So Premier, please join me in condemning all forms of extremist ideology and loudly and publicly get your act together and support Australia Day.

Skin cancer

Sarah MANSFIELD (Western Victoria) (18:55): (2289) My adjournment matter this evening is for the Minister for Education, and the action I am seeking is for the government to mandate a dedicated sunscreen application time at the start of school lunch breaks. I first want to thank the Australian Medical Association for reaching out to Dr Tim Read, my colleague in the other place, and me for bringing this great idea to our attention.

Skin cancer is the most commonly diagnosed cancer in Australia, with melanoma being the most common cancer in people aged 15 to 29. Statistically, we are all likely to either be diagnosed with or know someone who has been diagnosed with a skin cancer. In fact at least two in three Australians will be diagnosed with skin cancer in their lifetime. My wonderful colleague and dear friend Dr Tim Read last week spoke about his own current experience with metastatic melanoma. His passion around prevention is deeply personal, but his experience is, sadly, not rare. Many of us in this place are likely to know someone who has had melanoma. I have got several family members who have. The International Agency for Research on Cancer estimates that Australia has the highest age-standardised melanoma incidence rate in the world: 36.6 cases per 100,000 people. These are pretty scary numbers, but we can actually change them, because melanoma, or at least most of it, can be prevented with some very simple strategies. We know that childhood sun exposure greatly increases the risk of developing skin cancers later in life. Just one severe sunburn in childhood more than doubles a person's risk of developing melanoma or another skin cancer later in life.

That is why I want to raise the proposal put forward by the Australian Medical Association Victoria to mandate sunscreen time at the start of school lunch breaks. I found it incredible, with my kids going from preschool and long day care settings, where regular reapplication of sunscreen throughout the day was so routine, that my little girl knew when she was four that when the UV was over 3 you had to put your sunscreen on. When they go to school there is no requirement at all. It is pretty simple to make sure kids slip, slop, slap at the start of lunchtime. We would see much less skin cancer in our population. There is really no reason not to do this. Lunchtime is when the UV exposure is at its highest. Sunscreen applied before school – which not all kids will be doing, but hopefully some will be – will usually wear off by the time lunchtime rolls around, meaning many students' only protection is a hat and the clothing that they have got on. Five minutes at the start of lunch to slop on sunscreen could make a real difference.

According to the AMA, this proposal would take a huge strain off the health system, as treating skin cancers currently costs $1.72 billion a year. Prevention is not just the right thing to do for our kids, it will also save us money. Australia has led the world with 'slip, slop, slap' public health campaigns, but it is time that Victoria led the way by mandating sunscreen breaks in school. It is a simple idea, and it will save lives.

Police resources

Evan MULHOLLAND (Northern Metropolitan) (18:58): (2290) My adjournment matter is to the Minister for Police, and the action I seek relates to Reservoir police station in my electorate and not far from his. On 27 December last year, as most Victorians were enjoying their Christmas break, a woman was cut with a knife at Reservoir police station when she sought refuge from an attacker following her in her car. To quote the *Herald Sun*:

> The woman got out of her car at the station, seeking help, and was unable to find any as it was closed and without staff.

What a shocking situation to find yourself in: to seek help from our brave Victoria Police, but instead, thanks to Labor's budget cuts, find a darkened and locked door. In the words of Police Association Victoria secretary Wayne Gatt:

> Police stations are a place of refuge. It's a place where people go in their darkest times …

What makes this situation in Reservoir particularly galling is the sheer waste involved. It was only a few years ago, in 2021, that the government promoted that they had delivered a $15 million, brand new 24-hour police station at Reservoir. It was promised as a major upgrade for the community and even opened at the time in a flashy ceremony attended by then police minister Lisa Neville. Fast-forward just a few years and what do we see? The same $15 million police station has been reduced to an 8-hour shopfront. A facility designed and funded and built to operate 24 hours a day is now open just a fraction of that time. This is classic Labor: fanfare for the opening, but crickets for the closure. My community want more police, not more press releases. The action I seek from the minister is to do what Labor promised, but did not deliver: commit to making Reservoir police station 24 hours so that when my constituents find themselves in danger they are met with a constable, not a closed sign.

Shepparton intersection upgrades

Wendy LOVELL (Northern Victoria) (19:00): (2291) My adjournment matter is for the Minister for Roads and Road Safety. The action that I seek is for the minister to end the constant delays and order construction to begin immediately on three long-overdue intersection upgrades in Shepparton. Along Numurkah Road and the Goulburn Valley Highway in Shepparton there is a series of three intersections which all have funding available for upgrades: the Graham Street intersection, the Hawkins Street intersection and the Ford Road–Wanganui Road intersection. All three have funding available, and yet none of them have even started construction. These junction upgrades are critical to the safety of local traffic and freight vehicles moving through Shepparton, and yet the start of construction has been constantly delayed. The long wait in getting work started shows the total disregard that the Allan Labor government has for the people of Shepparton and rural and regional Victorians in general. My constituents have been let down over and over again as they wait years for simple traffic lights and intersection upgrades, because all Labor's attention is concentrated on big tunnel projects in metropolitan Melbourne.

The worst of these is the Ford Road–Wanganui Road intersection. Almost nine years ago $10.2 million was allocated in the 2017–18 budget towards the Shepparton bypass, with $2.6 million for planning and $7.6 million of capital expenditure for preconstruction works and an upgrade of the intersection at Ford Road and Wanganui Road that was reported to include a roundabout. The $7.6 million is still a line item in the 2025–26 budget papers, with $5.2 million remaining to be spent this financial year and a slated completion date of quarter 1 2026–27. It seems impossible that the

project will actually be finished by then, because construction has not even started and the completion date is only weeks away.

Slightly south along the highway is the next big intersection, where Hawkins Street joins Numurkah Road. In March last year the federal government gave $5 million to upgrade the Hawkins Street intersection with Numurkah Road, and yet there too no work has even started. The third intersection along this stretch of road is the Graham Street intersection, which is the road that ambulances and cars must enter to get to the hospital. Turning in and out of Graham Street is risky, and it is absolutely vital for the safe movement of ambulances and other traffic that this intersection is upgraded and signalised as soon as possible. Funding has been available since the 2022–23 state budget, with an allocation of $3.5 million to upgrade that intersection. After constant questioning, the minister told me in 2024 that construction was expected in 2025, and yet here we are in 2026 and it has still not even started.

Maroondah Hospital

Nick McGOWAN (North-Eastern Metropolitan) (19:04): (2292) Minister, Minister, Minister. Minister for Health, this was going so well. We were starting to get to know each other, and I am afraid we have hit a roadblock. That roadblock came in the form, this week, of an annual report. Eastern Health delivered their annual report, and I devoured it. I confess to you, Minister, I devoured it like a cheeseburger or a hamburger on a day where I have been doorknocking and I have not had much food. As I devoured it, I was not satisfied. True to say, perhaps this was because there were not two all-beef patties and special sauce, nor lettuce, cheese, pickles, onion and certainly not on a sesame seed bun. Nowhere in that report did it mention the words 'Queen Elizabeth II hospital'. To be fair and honest, that pleased me because it is a ridiculous name for the Maroondah Hospital, and for some time I have been advocating that it ought not be the name for that hospital, right along with all my locals and just about every citizen on planet Earth. Small little planet – beautiful – but they do not like the name Queen Elizabeth II for our Maroondah Hospital. It was ill conceived, ill timed and highly inconsiderate, if not downright rude, to Indigenous Australians. But I digress.

I did not find the name of the hospital in the annual report of Eastern Health. I found no mention – not one. Not a single mention did I find of the redevelopment – the much-promised rebuild – of Maroondah Hospital. Perhaps this is some sort of cruel hoax, or an error, so I wait with bated breath. I will not hold my breath literally, because it is another week and I might well need medical attention were that to be the case. However, in the absence of there being a reissued annual report for Eastern Health, what concerns me greatly is that in 2018 the people of my district, the people of my suburbs – from Mitcham, Nunawading, Heatherdale, Heathmont, Ringwood, Ringwood East and Blackburn – were promised an emergency department for children. I quote from the press release of the government at the time:

> An emergency department Maroondah kids and their families can count on.

That did demonstrate you had a sense of humour, and your government, because you never delivered it – a cruel sense of humour; I will give you that. That was in 2018. It never happened. There was no delivery at all on that promise. In 2022 – fast-forward four years – we were promised a new hospital. It surprised me. As I said at the outset of this little tete-a-tete we are having now, it surprised me very much that you have still not delivered. There is not a singular reference or mention of Queen Elizabeth hospital. I am sorry this upsets you too, Mrs McArthur, but nonetheless there is not a single reference to that hospital and not a single acknowledgement or indication that there is a single cent for that hospital. In some months we are headed to the next election. I can only hope that in this budget coming there is a cent more for our hospital.

Artificial intelligence

Richard WELCH (North-Eastern Metropolitan) (19:07): (2293) My adjournment matter is for the minister for manufacturing, and I say the minister for manufacturing because he also has productivity within that remit. Last week I attended the CEO forum and I was pleased to be able to speak and

participate in some of the panel discussions. Four hundred Victorian CEOs were in the one room in the Sofitel on Collins Street. It was an extraordinary opportunity to mix with and hear from the absolute cream of Victorian business about where they see the future going, particularly with AI and the role of AI in productivity. There is a stark contrast between what Victoria is doing and what New South Wales has done. One of the clear lessons you see across every jurisdiction is that no state or nation can go from zero to 100 in terms of engaging with the AI challenge overnight. In fact it is a quite particularly staged exercise where you must go through layers: the ethical layers, the regulatory layers, the investment layers, the guardrail layers and the implementation layer as well.

This takes time and investment by government in that process, and it is a very competitive space, because as much as AI is a technological race, it is also a jurisdictional race. The jurisdictions that have been willing to do that work and invest in that work are the ones who are now reaping the benefits. The contrast between Victoria and New South Wales could not be starker. They have been at this for five years. They set up statutory bodies, they had clear investment structures and they know how things such as power and water are going to be paid for – not socialised into everybody's taxes. They have already conducted their ethical conversations and they have already looked at the frameworks around the world. We have done none of these things – none of them. This will be a compounding problem on AI and our productivity gains, because we cannot turn around tomorrow and expect that we are going to reap the results that other states will who have been at it for five years. We only have 10 months left in this Parliament, so I fear anything we do now in this Parliament, even in this next budget, will be too late. The action I seek from the minister is to please, please show a sense of urgency and have some resources and forward thinking put into Victoria's AI policy.

Disability services

Ann-Marie HERMANS (South-Eastern Metropolitan) (19:10): (2294) My adjournment is for the Minister for Disability, and the action I seek concerns what can only be described as the complete collapse of Victoria's disability group home system, and I ask for the government to take immediate steps to stop further group home closures, prevent the termination of the Disability Services Enterprise Agreement Victoria, protect the wages and safety conditions of more than 7500 disability support workers and ensure that participants in the South Eastern Metropolitan Region are not evicted from their homes or abandoned by a system that is failing around them.

The collapse of this system is something that this government was warned about repeatedly and is now inflicting real harm on participants, families and workers across the South-Eastern Metropolitan Region. Eight years ago the Andrews Labor government promised disability workers, families and participants that nothing would change when services were transferred to the NDIS; that promise, like many Labor government promises, has now been shattered. The government's decision to let the $2.1 billion subsidy expire on 31 December 2025 has detonated a crisis that is tearing through the sector. More than 7500 disability support workers now face losing over a third of their wages. Mandatory training, staffing ratios and safety protection, the very foundations of the Victorian gold standard, are on the brink of being wiped out, and the consequences are already devastating. Seventy-seven group homes have been shut down across Victoria, many without any consultation with families or participants. Vulnerable people – people with profound disabilities, complex needs and lifelong support requirements – are being evicted from their homes. Skilled workers are fleeing the sector because they simply cannot survive on slashed wages and stripped-back conditions. Providers are warning they cannot continue. Now the worst has happened: Aruma has formally applied to the Fair Work Commission to terminate the Disability Services Enterprise Agreement Victoria on funding grounds.

This is not a warning, this is a crisis of a system that is collapsing in real time, hitting the South-Eastern Metropolitan Region particularly hard. Group homes in Dandenong, Noble Park, Cranbourne, Narre Warren, Keysborough and Berwick are already under threat. Families in the south-east are terrified. Participants are being told their homes may close, stressed workers are being told their wages and safety protections will be gutted. And the government – the very government that promised stability –

has allowed this to happen through inaction, delay and a refusal to intervene. The scale of this crisis is staggering: 580 group homes, 2500 participants and thousands of families are now at risk. The government was warned this would happen – providers warned them, workers warned them, families warned them. This government made a promise, it has broken that promise and unless it acts now, the consequences for vulnerable Victorians in the south-east will be catastrophic.

Residential tenancies

Gaelle BROAD (Northern Victoria) (19:13): (2295) My adjournment is to the Minister for Consumer Affairs regarding the options available to rental property providers who experience severe property damage and financial hardship as a result of tenant behaviour. Rachael and her son purchased their first and only investment property in Dunolly. Throughout the tenancy the tenant owed over $10,000 in rent arrears and severely damaged the property before eventually vacating. They could not get the tenant out and were pushed to the brink of financial ruin as they refused to pay rent. They were extremely anxious and could not get them out, despite exhaustive efforts trying to evict her and providing evidence, including the destruction of their home. The tenant was represented free of charge by lawyers provided by ARC Justice, who I understand receive funding from Consumer Affairs Victoria, the department that is supposed to offer aid to both tenants and rental providers. After the tenant eventually left Rachael discovered approximately $60,000 worth of property damage and dumped rubbish – about 50 cubic metres of rubbish. She does not have the financial capacity to undertake repairs and therefore cannot re-let the property, leaving her without any rental income at a time she can least afford it. The tenant has since relocated to another regional town, and following VCAT's decision, which was in the favour of the property owner, local police had intended to pursue charges, including theft from Rachael's property, but ultimately were unable to proceed. The tenant was reportedly assisted in relocating by ARC Justice, who will not disclose her new address. Rachael continues to receive debt collection notices addressed to the former tenant, who has not updated her contact details.

Rachael has limited avenues for recourse. She cannot pursue compensation or initiate legal proceedings without knowing the tenant's current address, nor can she afford the costs associated with court action while her property remains uninhabitable. She is also concerned by the conduct of the real estate agencies involved. While Rachael refused to provide a misleading positive reference, it is apparent that previous agents did so, allowing the tenant to move and effectively transfer the problem to another unsuspecting property owner.

The action I seek is for the minister to assist, address these concerns and advise what specific avenues of recourse or financial assistance are available to rental property providers who suffer severe property damage and financial hardship caused by a tenant, particularly where the tenant cannot be located. Two, what obligations and accountability measures exist for real estate agents to ensure rental references are accurate and not misleading? And three, how does Consumer Affairs Victoria ensure an appropriate balance between the interests of tenants and rental property providers? To make matters worse, Rachael is paying land tax on the property, despite it being unlivable. Rachael is happy for me to provide contact details to your office, and I look forward to your assistance.

ADHD services

Georgie CROZIER (Southern Metropolitan) (19:15): (2296) My adjournment matter is for the Minister for Health, and it regards the government's reckless decision to allow access to prescriptions for ADHD medication through an online consultation via the virtual emergency department, which was announced yesterday. The action I am seeking is for the minister to explain what action she took to ensure proper consultation with medical experts before the government announced this major change to ADHD prescribing through the virtual emergency department, because a particularly concerning aspect of this announcement that occurred yesterday was that the proper consultation with key stakeholders did not occur. The Royal Australian College of General Practitioners, the Royal Australian and New Zealand College of Psychiatrists and the Australian Medical Association were

blindsided by this announcement. The very experts who have been working with the government on reforms to allow GPs to diagnose ADHD and prescribe ADHD medications – the RACGP and college of psychiatrists – were not consulted on this significant policy shift. Stakeholders such as the RACGP, the AMA and the RANZCP have raised serious questions about patient safety, clinical governance, continuity of care and the risk of inappropriate prescribing.

RACGP chair Dr Anita Muñoz said she was extremely disappointed and blindsided by the decision that the government announced 'with no warning and no consultation'. AMA president Simon Judkins said the announcement 'seems like a step too far without adequate consultation'. Simon Straface, the chair of the Royal Australian and New Zealand College of Psychiatrists, said:

> … the government has announced another significant policy change without consulting medical colleges or ADHD experts.

In response to this criticism, the Premier took to social media to defend her decision to provide ADHD medication via the virtual ED and said:

> … even if that means breaking a few conventions.

This announcement that prescriptions can be filled by a call to the virtual ED also creates confusion by sending mixed messages to the public, when the government consistently advises that the VED is for emergencies only. In fact the website states:

> VVED is an emergency care service and does not do routine prescription refills …

Here lies the problem with this government: it is chaotic. It is all over the place, and it has caused immense confusion amongst the medical fraternity. They are quite rightly flabbergasted by this government announcement yesterday. That is why I have asked the action I have of the minister to provide what consultation she actually took with these key stakeholder groups.

West Gate Tunnel

Trung LUU (Western Metropolitan) (19:18): (2297) My adjournment matter is for the Minister for Transport Infrastructure regarding the broken promise to remove temporary overhead powerlines near South Kingsville and Spotswood following the completion of the West Gate Tunnel project. The action I seek is for the minister to urgently intervene to ensure that these powerlines are buried underground, as originally promised and committed to. In 2019, 28 large power poles were installed along Watson Street and The Avenue Reserve as a temporary measure during tunnel construction. At the time residents were assured these poles would be removed and replaced with underground power once the works were done. Yet years later these towering structures remain, and the developer now claims removal is no longer feasible. I think that is rubbish. Every engineering project manager knows you plan ahead; you forecast the cost before you implement any sort of infrastructure project. It is due to space constraints and potential disruptions, they claim. This is unacceptable. Developers are just avoiding the bottom line – their profit.

Many residents have endured long years of relentless construction noise, like bulldozers smashing concrete, along with dumped soil, unpaved roads and neglected green spaces. These conditions have stripped away the amenity and the peace that every Victorian deserves in their neighbourhood. What was promised to be a temporary inconvenience has been a permanent eyesore, leaving residents feeling abandoned by the Allan Labor government.

Unfortunately, in the west broken promises are nothing new. The West Gate Tunnel Project was meant to improve connectivity, not reduce livability. Instead residents are abandoned, left with an eyesore overshadowing their neighbourhood. Hobsons Bay council has expressed disappointment while developers have offered token gestures like landscaping and shared paths to compensate for the broken commitments. Any major project infrastructure like roads and bridges comes with landscaping; everybody knows that.

This government must stand up for residents who have borne the brunt of major infrastructure work. I call on the minister to ensure the original promise is honoured, to ensure that these powerlines are buried and to restore amenity to South Kingsville and Spotswood. Victorians deserve better in the west: infrastructure that enhances communities, not leaving them shafted in every possible way.

Responses

Enver ERDOGAN (Northern Metropolitan – Minister for Casino, Gaming and Liquor Regulation, Minister for Corrections, Minister for Youth Justice) (19:21): There were 17 matters today. I will make sure all those matters are referred to the appropriate ministers for a response.

The PRESIDENT: The house stands adjourned.

House adjourned 7:21 pm.